

Office of the
Director General
Telangana State Disaster Response &
Fire Services Hyderabad.

Rc.No.1426/LC/2014

Dated: 5-03-2016.

CIRCULAR MEMORANDUM

Sub:- Telangana State Disaster Response and Fire Services Department –Legal
Cell– Fire Service Act, 1999 – Violation of No Objection Certificate – Certain
instructions –~~Issued~~ Reg.

Ref:- Fire Service Act, 1999 and Telangana Fire & Emergency Operations and
Levy of Fee Rules, 2006.

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All the Prosecuting Officers are hereby informed to follow the following instructions while conducting the random inspections for the Buildings for which NOC for Occupancy/Renewal NOC has been issued by the Department under Section 13 of Telangana Fire Service Act, 1999 and while filing the cases in the Hon'ble Courts.

2. It is informed that, "According to the Section-13 of Fire Service Act, 1999 "Any person violating the conditions of a No Objection Certificate shall be liable to be proceeded against under the provisions of this Act."

3. (a) Further it is informed that, according to the Section-20 "The authorised officer or any other member of the service empowered by him in this behalf, may enter any place, which, in his opinion, for reason to be recorded, constitutes a fire risk, and after service or affixture of a notices in this behalf in the manner prescribed, make an inspection of such place between sun-rise and sun-set in the discharge of his duties under this Act:

(b) Provided that such inspection may be made at any time if an industry is working or an entertainment is going on at such place or if the officer or member of the service considers it absolutely necessary, for reasons to be recorded in writing, to make an immediate inspection of such place.

4. It is further informed that, if the inspecting Officer notices any Violation of the conditions of No Objection Certificate, a report shall be submitted to Director General, State Disaster Response & Fire Services Department and after obtaining orders for prosecution shall launch the prosecution for violation of NOC conditions under the provisions of Section 31 of Fire Service Act, 1999 and Rule 29(6) and (7) and Rule 31 of Telangana Fire & Emergency Operations and Levy of Fee Rules, 2006.

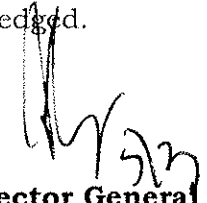
5. Further it is instructed that, all prosecuting officers are hereby instructed to include the para 1&2 of Section 31 of Fire Service Act, 1999 in the charge sheet while filing the case before the Hon'ble Courts, and also bring it to the notice of the Hon'ble Magistrate.

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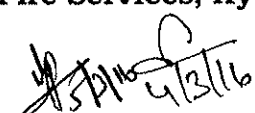
6. In view of the above, all the Inspecting/Prosecuting Officers are instructed to follow the above orders with immediate effect. It is also informed that the normal procedure of issuing Form-12 and Form-14 Notices is not required for launching the prosecutions for violation of NOC conditions.

5. The receipt of the Memorandum should be acknowledged.


Director General

**Telangana State Disaster Response and
Fire Services, Hyderabad**


Date:  5/3/16

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Copy to the Home Secretary to Government, Home Department, Telangana, Hyderabad.

Copy to website of Telangana State Fire Department.

To

Regional Fire Officer, Central Region, Hyderabad

All the District Fire Officers

Copy to the Asst. District Fire Officers

Copy to the Station Fire Officers.

Copy to the Administrative Officer in this office

Copy to the Junior Administrative Officers

Copy to the CC to DGFS, Telangana, Hyderabad.

Rc.No. 4039-2/EODB/2015

CIRCULAR MEMORANDUM

Sub:- Telangana State Disaster Response and Fire Services Department –
MSB Central Region – Issuance of Renewal of No Objection
Certificate- Revision of Period of Renewal of NOC for various
occupancies and issuance of instructions for conducting periodical
random inspection as per the Risk category – Instructions issued -
Reg.

- Ref:-
1. Fire Service Act, 1999 and Telangana Fire & Emergency Operations and Levy of Fee Rules, 2006.
 2. Hon'ble Supreme Court Judgment in W.P. No.483 of 2004, dt.13/04/2009.
 3. G.O.Ms.No.71, Home (Prisons A) Department, dt. 01/04/2010.
 4. Supreme Court suggestions on Uphaar Tragedy on Fire Safety in Cinema Theatres issued in Criminal Appeals No.597 of 2010 with Nos. 598-602 and 604-27 of 2010 delivered on March,2014.

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It is to inform that, according to the Fire Service Act, 1999 Section-13.

(a) "Any person proposing to construct a building of more than 15 meters height for commercial/business purpose, 18 meters and above height for residential purpose, and buildings of public congregation like schools, cinema halls, function halls, religious places, which are more than 500 sq. meters in plot area or 6 meters and above in height shall apply to the Director General or any member of the service duly authorized by him in this behalf, before submission of such building plans to the authority or officer competent to approve the same under the relevant law, for the time being in force, for a no objection certificate along with such fee as may be prescribed".

(b) The Director General or any member of the service duly authorized by him in this behalf, shall within sixty days of receipt of such application, on being satisfied about the provisions of fire prevention and safety measures at stipulated in the National Building Code of India, as amended from time to time or any other law for the time being in force regulating such purpose or activity, shall issue a no objection certificate with such conditions as may be considered necessary and if not so satisfied, reject the same for reasons to be recorded in writing.

(c) The authority or officer competent to approve the building plans before construction under the relevant law for the time being in force, shall not accord such approval except on production of a no objection certificate issued under sub-section (2) wherever required.

d) Any person violating the conditions of a no objection certificate shall be liable to be proceeded against under the provisions of this Act.

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2). It is further informed that, as per Fire and Emergency Operation and Levy of Fee Rules 2006 of Rule-15 final NOC will be obtained from Fire Service Department for High Rise Buildings. And the Rule-21 contains provisions of Renewal of Licence.

3). Vide reference 3rd cited (Copy Enclosed), Government have issued G.O. for collection of user charges for various inspections undertaken by the Fire Department.

Sl. No.	Item of inspection	User charges proposed
1	Second and subsequent inspections requested by the applicant on revised drawings/modifications/Amendments (on each occasion).	5% of Statutory Fee subject to a maximum of Rs. 25,000/-
2	Inspection for Revised No Objection Certificate	10% of Statutory Fee subject to a maximum of Rs. 50,000/-
3	Inspection for issuance of Occupancy certificate	of Statutory Fee subject to a maximum of Rs. 50,000/-
4	Inspection for renewal of No objection certificate	Rs. 10,000/-
5	Inspections regarding Fire Safety Measures	Rs. 10,000/-
6	Inspections against complaints	Rs. 2,500/-
7	Conducting Mock-drills in Multi Storied Buildings/Hazardous premises other than Government Buildings.	Rs. 5,000/-

4). Further it is informed that, according to the Hon'ble Supreme Court Judgment, vide reference 4th cited (copy enclosed) it was suggested for mandatory half-yearly inspections of Cinema Theatres by a senior officer from the Fire Service and to conduct mock drills in each cinema theatre at least once in a year.

5). Further vide reference 2nd cited, Hon'ble Supreme Court (copy enclosed) has opined that, it has become imperative to direct that safety measures as prescribed by the National Building Code of India, 2005 be implemented by all Government and private schools functioning in our country.

- Every school shall have a mandatory fire safety inspection by the Fire and Rescue Services Department followed by issuance of a "No Objection Certificate" to the School as a mandatory requirement for granting permission for establishing or continuation of a school.

6). Further it is informed that, in the Ease of Doing Business instructions were issued to conduct inspections basing on the Risk and random Inspection system should be followed for inspecting the High Rise Buildings, Schools, Hospitals. The names of inspection officers for inspection will be generated by the Computer. One officer from the local jurisdiction and one officer can randomly be selected by the computer.

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7). It is also informed that, many builders have represented to increase the period of renewal from existing 01 year to 05 years, as it will ease the financial burden of taking annual renewal to the Multi Storeyed Buildings.

8). In view of the above the 5years time period is fixed for issuing of renewals of NOC by the Department all types of occupancies covered under Section-13 of Fire Act for which NOC for Occupancy has been issued.

9) **Risk Categorization**

For the purpose of identifying the risk for each of the type of buildings, the buildings have been divided under NBC Classification. The risk levels are arrived based on detailed discussions with the concerned authorities and it is shown in below table.

S.N o	Type of Building	Height	Area	Specificati ons	Probabilit y	Cost	Cate gory
1	Residential	Above 18 m		Lodging and Rooming Houses, Apartment	Low	Medium	R4
2	Educational	Above 6 m	Above 500 sq m		Medium	High	R1
3	Institutional	Above 15 m		Hospitals, Sanatoria and Nursing Homes	Medium	High	R2
4	Assembly	Above 6 m	Above 500 sq m	Buildings (D-1 to D- 5)	High	High	R1
5	Business	Above 15 m			Low	Medium	R3
6	Mercantile	Above 15 m		Undergrou nd shopping complex	Low	Medium	R2
7	Industries	Above 15 m		Low Hazard	Medium	Low	R3
8	Storage	Above 15 m			Medium	Low	R3
9	Hazardous	Above 15 m			High	Medium	R3

Based on the identified risks, the following table summarizes the periodicity of number of random inspections to be conducted.

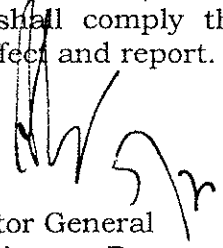
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Category	Types of Constructions (above the prescribed height)	Inspections
R1- Higher Risk	Schools, Multiplex and Theatres	Bi -Annual
R2 - High Risk	Institutional, Mercantile	Annual
R3- Medium Risk	Residential(Hotel), Business, Hazardous Storages / Industries	Twice in 5 Years
R4- Low Risk	Residential -- Apartments, Lodges and Houses,	Once in 5 Years

Note: Buildings under GO MS no 154 will be considered under R1 Category only. These buildings are the ones that were constructed before the constitution of AP Fire Service Act 1999 and buildings constructed without applying NOC from fire Department even after the Act was in Place.

9). It is further informed that the Department will Generate random lists of MSBs from among the buildings for which Occupancy /Renewal of occupancy NOCs have been issued as per Risk category and comply the directions of Hon'ble Supreme Court issued vide reference 2nd & 4th cited to ensure compliance of Fire Safety Measures.

10). All Regional Fire officer, Central Region, Hyderabad /District Fire Officers/Asst. District Fire Officers/Station Fire Officers shall comply the above instruction of para NO. 8 & 9 scrupulously with immediate effect and report.


Director General
Telangana State Disaster Response and
Fire Services, Hyderabad

Copy to the Home Secretary to Government, Home Department, Telangana, Hyderabad.
Copy to website of Telangana State Fire Department

To

The Regional Fire officer, Central Region, Hyderabad

All the District Fire Officers in Telangana State.

All the Asst. District Fire Officers in Telangana State.

All the Station Fire Officers in Telangana State through concerned DFOs.