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[Commentary] Can we ensure Fire safety in Buildings that don't require NOC from the Fire Department?

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Funding: No specific funding was received for this work.

Potential competing interests: No potential competing interests to declare.

Abstract

This commentary highlights the need for fire safety provisions in buildings that do not require a clearance from the Fire Department of Delhi pre construction. The National Human Rights Commission in a petition by the author has directed the Delhi Government and the Delhi Fire Services to look into the matter and provide a reply. This study has highlighted a newspaper article which has reported that ten out of 16 major fire incidents from 2015 have been in residential buildings. All residential buildings below 15 metres and similar rules for business buildings means a major stock of buildings in Delhi do not fall under the Delhi Fire Department's pre construction fire check requirement. The author has suggested that a self certification method will not only put social pressure on the building owners, but will also create a grassroot movement without any compliance burden. The self certification can be manifested as a list of all fire safety installations put up at the entrance of a premises, assuring the visitor of some likelihood of safety against a fire. The intent of the commentary is to bring to light this gap so that awareness for its transformation can take place.

The [Mundka Fire](#) ^[1] incident earlier this year shook the conscience of Delhi. The National Human Rights Commission issued notice for a probe as many people lost their lives. Apart from the angle of rights of people who died and their compensation issue, there is an important issue of fire prevention. The National Building Code of India, 2016 or NBC-2016 has been developed by the Bureau of Indian Standards which is India's top standard-making body under the Government of India. Most local bye-laws and fire acts of the states accept and notify part 4 of the NBC-2016, which deals with Fire and Life Safety.

Part 4 of the National Building Code has a three-pronged classification for dealing with Fire. This included Fire Prevention, Fire Protection and Life Safety. Fire Prevention is different from Fire Protection as it focuses on making provisions in the buildings so that there are no conditions for the fire to occur in the first place. Though the code itself states that absolute fire protection is not possible, there is hope. With the implementation of the fire safety provisions, coupled with a NOC of the same by the Fire department, fire safety is achievable. But this Fire NOC in Delhi is only issued to buildings which fall under the categories of buildings listed in [Section 27](#) of the Delhi Fire Service Rules, 2010^[2]

The problem with this is that it excludes a large chunk of building stock in Delhi. A major exclusion is residential buildings which are under the height of 15 metres.

On plain reading and understanding, it would appear that residential buildings would not require fire NOC and it may

resonate as an additional compliance burden for house owners. But the reality is far from this idealistic thinking. Most residential buildings de facto have some component of mixed-use, legally or illegally. This means that there are offices and godowns running in basements and other non-conforming business activities happening in others. A glaring example of this is all the urban villages or 'lal dora' areas in Delhi. The Master Plan of Delhi confers the status of 'residential' to all development in the urban villages. But, this appears only to be on paper. The urban villages are de facto commercial hubs of the city with all kinds of businesses including godowns and manufacturing units operating from them.

The gravity of this issue is highlighted in an article dated 23rd June 2022 which is entitled 10 of 16 major fires since 2015 in Delhi were in residential buildings ^[3] Here, it was highlighted how fires have occurred in residential buildings leading to loss of life and property.

What is required is that Fire Safety installations, which NBC 2016 suggests for apartment buildings below 15 m and business buildings below 15 m, should be implemented. This means that a fire hose reel and fire extinguisher should be installed in such buildings. But, because of no enforceability of the National Building Code to such buildings due to lack of NOC, it seldom happens. Fire officers may argue that it is up to the building professionals to incorporate these in such buildings on their own. But owners with cost reduction in their minds may seldom put any provisions which are non-mandatory as per law.

This matter was also raised before the National Human Rights Commission, which has directed the 'there is no doubt' that this is required 'for ensuring Right to Life' but has stated that this is up to the government authorities to take action upon. The file has been forwarded to the Director of Delhi Fire Services as well as the Chief Secretary and the Home Secretary. While some action is anticipated, some suggestions in this regard may be useful to consider. The foremost is to have a regime of self-certification. In this, the owners or occupants may list the fire provisions, and this list may be displayed at the entry. This creates visibility for fire compliance and creates social pressure for including fire provisions in the buildings. Out of sight is out of mind, and general repetition of fire safety norms will create unprecedented awareness. Another suggestion to further this is grassroots-level fire training for regular citizens. For those of you who may disagree, try opening a fire extinguisher within 60 seconds!

No one thinks that fire may happen in their building, but fire is unpredictable and prevention is always better than cure.

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