

Government of Odisha
Home Department
NOTIFICATION

No. 28550 /CD, Bhubaneswar Dated the
HOME-FS-PERM-0003-2020

28. .08.2020

In exercise of the powers conferred by section 26 of the Odisha Fire Service Act, 1993 (Odisha Act 30 of 1993), the Governor of Odisha hereby makes the following one time relaxation scheme for Odisha Fire Service on requirement of structural Fire Safety parameters envisaged from SI-1 to 17 in Form-IV of Odisha Fire Prevention and Fire Safety Rules, 2017 to dispose of the applications in respect of existing buildings constructed and functioned prior to the implementation of Odisha Fire Prevention and Fire Safety Rules, 2017 namely:-

RELAXATION OF PLANNING AND BUILDING NORMS.

Table - I

Fire Safety measures	Relaxation
1	2
Approved Plan	<p>(i) In case of buildings having no approved plan, the owner or occupier shall submit the building plan as per actual construction being signed by himself and a registered architect. The authorized member of Fire Service shall inspect the building on the basis of said plan. If the building or occupancy fulfills the other requirements of relaxation scheme of Odisha Fire Service or norms of building bye-law of Planning Authority or National Building Code of India applicable in the said area, his case may be considered for issuance of Fire Safety Certificate.</p> <p>(ii) In case of Government buildings, if the plan is prepared by a technical person of Government Departments like Works, CPWD, RD, OPH & WC and others, the same shall be accepted for issuance of Fire Safety Certificate, if the building or occupancy fulfills the other requirements of relaxation scheme of Odisha Fire Service or norms of building bye-law of Planning Authority of jurisdiction or National Building Code of India as applicable to that area.</p>
Means of Access (Abutting Road)	<p>If the abutting road is of minimum 06 mtrs width and there is accessibility to fire tenders, the same shall be considered for issuance of Fire Safety Certificate, if the building or occupancy fulfills the other requirements of relaxation scheme of Odisha Fire Service or norms of building bye-law of Planning Authority of jurisdiction or National Building Code of India as applicable to that area.</p>
Open Space (Set Back)	<p>(i) In case of high-rise buildings if public road of 06 mtrs. width is available in front and 6 mtrs. open space/public road is available at any of the adjoining sides of the building then setback required under the rules shall not be insisted upon. If the building is a low rise one i.e. below 15 mtrs of height, then abutting road of minimum 06 mtrs width and required open space as per concerned building bye-law or National Building Code of India applicable for the said area is available in any of the adjoining sides then setbacks required under the Rules shall not be insisted upon.</p> <p>(ii) If there is no setback available on left and right side of any building but owners of the adjoining plots are agreed upon to remove the common boundary wall or obstruction in between the plots to provide open space as required under the Rules then this may be considered as common setback for both the buildings for issuance of Fire Safety Certificate, if the building or occupancy fulfills the other requirements as per relaxation scheme of Odisha</p>

	<p>Fire Service or building bye-law or National Building Code of India as applicable to that area.</p> <p>(iii) In all such cases the owner or occupier shall provide wall openings or windows in the building and develop the common open space as per recommendation of the Authorized Officer.</p>
Occupancy	<p>Deviation to occupancy of the building shall not be taken into account, if required fire safety measures applicable for the actual occupancy of the building are provided as per National Building Code of India and the said building fulfills the other requirements of relaxation scheme of Fire Service or norms of building bye-laws, issuance of Fire Safety Certificate shall be considered. However, in no case conversion of basement into retail commercial and other uses at the cost of parking space shall be entertained.</p>
Height	<p>Deviation to height of the building shall not be taken into account, if required fire safety measures applicable for the actual height of the building or occupancy are provided as per National Building Code of India and the said building fulfills the other requirements of relaxation scheme of Fire Service or norms of building bye-laws, issuance of Fire Safety Certificate shall be considered.</p>
Built-up Area	<p>Deviation to built-up area of the building shall not be taken into account, if required fire safety measures applicable for the actual built-up area of the building or occupancy are provided as per National Building Code of India and the said building fulfills the other requirements of relaxation scheme of Fire Service or norms of building bye-laws or National Building Code of India applicable by said area, issuance of Fire Safety Certificate shall be considered.</p>
Stair Case	<p>The number and width of the staircase are to be determined basing on the occupant load of the building. In case, if combined width of the staircases available in a building meets the exit requirement, then width of the individual staircases as required under the rules shall not be insisted upon. However, width of main staircase shall not be less than 1.5 mtrs. in case of assembly building as defined under National Building Code of India and 01 mtr. for other buildings. Where the number of staircase (s) in the building does not fulfill the exit requirement and there is no scope for more staircases, the owner may provide horizontal exits to adjoining buildings. The number of horizontal exits required shall be decided by authorized member as specified under rule 2(1)(b) of Odisha Fire Prevention and Fire Safety Rules,2017 basing on occupant load. In all such cases dimension of the tread and riser of the staircase shall not be taken into account. But, the width of staircase (minimum 02 numbers) in high rise buildings shall be minimum 1.5 mtrs. and if the width is less, a refuge area of 10 sqm. has to be made available. If the building or occupancy fulfills the other requirements as per relaxation scheme of Odisha Fire Service or building bye-law or National Building Code of India as applicable to that area issuance of Fire Safety Certificate shall be considered.</p>

- I. In all such cases of relaxation, after obtaining the Fire Safety Certificate, the owner or occupier is required to regularize the deviation by the Plan Approving Authority of jurisdiction as per guide line issued by Urban Development Department from time to time.
- II. In all cases the period for compliance to submit wanting documents will be two weeks and compliance for safety requirements will be 03 months. However, on request of the

applicant the authorized member may consider to allow more time to the applicant to comply to shortcomings relating to safety requirements with reasons to be recorded in writing. Whereas, in no case maximum time allowed to the applicant to meet the compliance relating to safety requirements shall exceed 06 months. If the applicant fails to meet the compliance within the specified time his application shall be rejected and in such cases the applicant needs to apply afresh for issuance of Fire Safety Certificate.

- III. After issuance of Fire Safety Certificate under relaxation scheme of Odisha Fire Service the Planning Authority of the jurisdiction shall be intimated for appropriate action.
- IV. In case of existing buildings, relaxation if given on passive fire protection, like deviations in staircase, the additional fire safety measures shall be in accordance with the guidelines as issued by H & UD Department under regularisation scheme, from time to time.
- V. The relaxation shall be applicable to all type of buildings that comes under Odisha Fire Prevention and Fire Safety Rules, 2017 read with Odisha Fire Prevention and Fire Safety (Amendment) Rules, 2019 & constructed prior to commencement of Odisha Fire Prevention and Fire Safety Rules, 2017.
- VI. The deviated buildings constructed prior to commencement of Odisha Fire Prevention and Fire Safety Rules, 2017, once allowed relaxation shall not be considered for any relaxation in future.
- VII. The authorized members of Odisha Fire Service reserve the right to initiate prosecution procedure against owners or occupiers who fail to avail the relaxation scheme within 06 months.
- VIII. The summary of buildings or premises issued with Fire Safety Certificate under this scheme shall be intimated officially to the concerned Development Authority.
- IX. The relaxation granted and Fire Safety Certificate issued under this scheme shall not exempt the applicant from complying with the provisions under ODA Act, 1982 and OTP&IT Act, 1956 and rules and regulations framed there under.
- X. The buildings not approved by any Planning Authorities, though issued with Fire Safety Certificate shall be considered as unauthorized construction and attract penal action under provisions of relevant act, rules and regulations.
- XI. In case any dispute in interpretation of this scheme, the decision of Director, Fire Services shall be final.

By order of the Governor



28.08.2020

Principal Secretary to Government

Memo No. 28551 /CD,

Dated : 28-08-2020

Copy forwarded to the Gazette Cell of Commerce & Transport Department, Government of Odisha, Bhubaneswar for information and necessary action.

They are requested to publish this Notification in the extra Ordinary issue of the Odisha Gazette and supply 500 copies to this Department.

Mzi
28.8.2020

Additional Secretary to Government

Dated : 28-08-2020

Memo No. 28552 /CD,

Copy forwarded to All Departments of Government for information and necessary action.

Mzi
28.8.2020

Additional Secretary to Government

Memo No. 28553 /CD,

Dated : 28-08-2020

Copy forwarded to All Heads of Department/ D.G. Police, Odisha, Cuttack/Director, Fire Services, Odisha, Cuttack /D.G of Prisons and D.C.S, Odisha, Bhubaneswar/All Revenue Divisional Commissioners/ Commissioner of Police, Bhubaneswar-Cuttack/ All Range D.I.Gs of Police/ All Collectors and District Magistrate / All Superintendents of Police for information and necessary action.

They are requested to circulate this Notification among Sub-ordinate Offices under their control.

Mzi
28.8.2020

Additional Secretary to Government

Dated : 28-08-2020

Memò No. 28554 /CD,

Copy forwarded to NIC Co-ordinator, Home Department for information and necessary action.

He is requested to upload the Notification in the Department Website for information of all concern.

Mzi
28.8.2020

Additional Secretary to Government