

GOVERNMENT OF MAHARASHTRA

No. MFS/51/2021/417
Tel No. 2667 7555
Fax No. 2667 7666

Directorate of Maharashtra Fire Service
Maharashtra Fire Service Academy
Vidyanagri, Hans Bhugra Marg,
Santacruz (East), Mumbai – 400 098
Date: 12 APR 2021

No. MFS/ACT/2021/

OFFICE ORDER

Sub: Implementation of Maharashtra Fire Prevention and Life Safety Measures Act, 2006 and to carryout Fire Safety Audit of Various Vulnerable Occupancies.

Ref: 1. Enactment of Act Notification No. FFS / 1408 / 1491 / CR-221 / 08 / UD-20, Dated 06.12.2008

2. GR for Fire Audit for Public Buildings क्र. अशंस-०६१२ / प्र.क्र.१२९ / नवि-२०, दिनांक २५.०६.२०१२

3. GR for Fire Audit for Government Buildings क्र. अशंस-०६१२ / प्र.क्र.१३० / नवि-२०, दिनांक २५.०६.२०१२

4. Circular issued by this Directorate vide No. MFS/2015/10/1462, dated 16.09.2015

In the wake of recent fire incidents occurred in the State of Maharashtra which has resulted in the loss of precious human lives and loss of property such as

1. Bhandara Hospital fire where 11 innocent newborn children lost their lives.
2. Dreams Mall, Mumbai fire in which 10 patient from Sunrise Hospital lost their lives.
3. Well Treat Hospital, Wadi, Nagpur fire where in 4 patient lost their lives.

Similarly, there has been increase of fire incidence in industrial establishment, business as well as different occupancies in the state.

02. As per Section 3 of the Maharashtra Fire Prevention & Life Safety Measure Act, 2006 (hereinafter referred as "Fire Act"), it is the duty and responsibility of the Owner / Occupier to maintain the fire prevention and life safety measures provided in the building in good repair and efficient condition for use as defined under Clause 3.1 of the National Building Code of India-2016, Part 4 (NBC-2016, Part 4) as recommended



by local fire authority may be Urban Local Body (ULBs) or Special Planning Authority (SPAs) while granting Fire Approval Provisional & Final.

03. It is observed that the enforcement of Fire Act is not done by the respective Municipal Corporations, Municipal Councils (ULBs) and Special Planning Authority (SPAs). There are hardly any cases of prosecution under section 36 of the Fire Act or any action taken under section 8 of the Fire act such as disconnection of water supply or power supply or even seal the building if found to be of imminent danger to person or property to create some type of deterrent to invite some kind of attention of owners / occupiers / tenants who are responsible maintenance of fire protection and life safety systems provided in the building.

04. In the past the Urban Development Department-2, Government of Maharashtra and Directorate of Fire Services has issued Office Orders and Circulars giving suitable directives and operational directives to all regulatory authorities in the state i.e. ULBs and SPAs for ensuring fire and life safety of the buildings falling under their jurisdiction. The copies of these are available on Directorate's website www.mahafireservice.gov.in

05. In light of hospital fire, Hon. Supreme Court of India vide No. 07 of 2020 had taken suo moto cognizance of the fire occurred at Rajkot, Gujarat on 26.11.2020 and has issued the orders which is itself the substantial law and directs that fire audit of each covid hospital shall be carried out once in a month and inform the deficiency to the management of the hospital and report to the Government for taking up of follow up action. As such, on behalf of the State Government, this Directorate directs all the regulators those responsible to ensure the provisions of The Maharashtra Fire Prevention and Life Safety Measure Act, 2006 to immediately act upon and plan action plan to priorities fire safety of vulnerable occupancies. The license agencies appointed by this Directorate as well as the Fire Officers already served in the regular fire service and having the vast experience and desired qualifications to be used as an extended arms and there has to be appropriate check and balance by serving fire officers by way of cross checking of the fire and life safety systems while granting occupancy certificate and renewal of fire approvals to critical occupancies.



06. The Form B issued by license agency certifying that the fire and life systems provided in the building are maintained by them in good working conditions shall be crossed check by the fire officers of respective ULBs and SPAs. Any license agency flouting the effective implementation of the fire and life safety as per provisions of Fire Act, National Building Code Part 4 or relevant Indian Standards or Provisional and Final Fire Approvals issues by the authorities should be sensitized about their statutory responsibility and certification issued by them shall be checked by fire officers by conducting surprise visits and if non conformities observed during such inspections such agencies need to be prosecuted. Unless the regulator determinately invoked the enforcement of Fire Act the citizens life will not be protected and therefore the Director, MFS directs all regulators and authorities for effective implementation of Fire Act provisions.

07. Urban Developments Department, Government of Maharashtra had issued Circular in this regard vide reference to Sr. No. 02 and 03 above to carry out the fire audit for public and semi-public building and building of private building having large foot falls respectively. The said orders directed the "Fire Audit" to be carried out by the Fire Officer possessing the qualification as mentioned in the Fire Rule or through license agencies in lieu of limited manpower available with local fire service. These stop gap arrangements was done keeping in mind that there are no enabling provisions of "Fire Auditor" in the Fire Act. But the system so installed by such license agencies and then audited by themselves itself is contradictory in nature. Similarly, this office had also issued circular in this regard vide No. MFS/2015/10/1462, dated 16.09.2015 emphasizing on importance of fire audit and also defining some more qualification for person's who can carry out requisite fire audits Qualifications of Persons that can be entrusted with the work of Fire Risk Audit is enclosed as Annexure – I



08. If any regulator or authority requires any support from this Directorate it will be our endeavor to extend full support in the interest of saving precious human life and national property. The above orders shall be scrupulously followed and report shall be submitted to this directorate so that the combine report can be submitted to the Government for measures taken by the respective authorities.



(**Santosh S. Warick**)

Director

Maharashtra Fire Services

Copy submitted to The Principal Secretary – II, Urban Development Department, Mantralaya, Mumbai – 400 032 for favour of information, please.

Copy forwarded with compliments for information to:

1. All Municipal Commissioners.
2. All Chief Fire Officers of Municipal Corporations.
3. All Chief Officers of Municipal Councils.
4. All Chief Fire Officers of Special Planning Authorities.

4. For all Municipal Councils, the Officer possessing the following qualifications.

a. Sub officers Course from National Fire Services College, Nagpur, Ministry of Home Affairs, Government of India or has passed the Sub Officer and Fire Prevention Course from Maharashtra Fire Service Academy, Government of Maharashtra, Mumbai and has at least five years experience of regular fire service for inspection and testing of fire prevention and protection work; or

beside this, any person possessing the given below qualifications can also carry out the necessary Fire Risk Audit

- a. Any Fire Officer who has worked for not less than 10 yrs in regular fire service of any Municipal Corporation / Council or Special Planning Authority or any Government bodies and undertaking and having qualification not less than Diploma in Fire Engineering from National Fire Services College, Nagpur or has passed the Graduateship Examination of the Institute of Fire Engineering, India (Grade-I, FireE -India) or the Institute of Fire Engineering of United Kingdom (Grade-I FireE-UK).
- b. Senior Fire Safety Manager in Major Industrial Sector possessing the minimum qualification as mentioned in a) above
- c. License Agencies having Class A license issued by Directorate of Maharashtra Fire Service for Hydrant & Sprinkler, Detection and Alarm and Passive Firefighting Systems.
- d. Chartered Engineer from respective field such as Civil, Mechanical, Electrical, Electronic and Graduate in Computer Science or Chemical in conducting Fire and Safety Audit of various types of occupancies.
- e. A consultant in the field of Fire and Safety Audit as Insurance Risk Assessor.
- f. Civil or Electrical Engineers, having worked on establishment of statutory companies.
- g. Loss Prevention Advisor having functioned for at least 10 years may be considered to carry out such Fire and Life Safety Audit.



ANNEXURE – I

Qualifications of Persons that can be entrusted with the work of Fire Risk Audit

1. For Municipal Corporation of Greater Mumbai (MCGM) and Special Planning Authority (SPA), the Officer possessing the following qualifications.

a. Bachelor of Fire Engineering (BE Fire) or Advance Diploma in Fire Engineering from National Fire Services College, Nagpur, Ministry of Home Affairs, Government of India and has at least two years experience of regular fire service for inspection and testing of fire prevention and protection work; or

b. has passed the Membership Examination of the Institute of Fire Engineering, India (M.I. FireE -India) or the Institute of Fire Engineering of United Kingdom (M.I. FireE-UK) and has at least two years experience of regular fire service for inspection and testing of fire prevention and protection work.

2. For “A” and “B” Class Municipal Corporation, the Officer possessing the following qualifications.

a. Advance Diploma in Fire Engineering from National Fire Services College, Nagpur, Ministry of Home Affairs, Government of India and has at least two years experience of regular fire service for inspection and testing of fire prevention and protection work; or

b. has passed the Graduateship Examination of the Institute of Fire Engineering, India (Grade-I, FireE -India) or the Institute of Fire Engineering of United Kingdom (Grade-I FireE-UK) and has at least two years experience of regular fire service for inspection and testing of fire prevention and protection work.

3. For “C” and “D” Class Municipal Corporation, the Officer possessing the following qualifications.

a. Diploma in Fire Engineering from National Fire Services College ,Nagpur , Ministry of Home affairs , Government of India and has at least three years experience of regular fire service for inspection and testing of fire prevention and protection work ;or

b. has passed the Graduateship Examination of the Institute of Fire Engineering, India (Grade-I, FireE -India) or the Institute of Fire Engineering of United Kingdom (Grade-I FireE-UK) and has at least three years experience of regular fire service for inspection and testing of fire prevention and protection work.

