

Ref. No. MCHI/SEC/13-14/003

June 12, 2013

To,  
All Members of MCHI-CREDAI & MCHI-CREDAI Units

Sub: MoEF

Ref: Office Memorandum issued by Ministry of Environment and Forest, Government of India dated 06<sup>th</sup> June, 2013

Dear Member,

Ministry of Environment and Forest, Government of India has issued the above referred Office Memorandum. The said Ministry has earlier issued Office Memorandum dated 07<sup>th</sup> February 2012 and issued guidelines linking the height of the building to the width of the road on which the proposed building is to be located and also the distance of fire station from the building, so that in case of emergency, the fire tender may reach the building in shortest possible time.

Aggrieved by this Office Memorandum dated 7<sup>th</sup> February 2012, MCHI has filed Writ Petition in High Court, Bombay under No. 1180 of 2012. On 10<sup>th</sup> April, the division bench has passed Interim order stating that the Office Memorandum is merely advisory in nature. The Members of MCHI can resubmit their proposals if earlier rejected by the committee for re-consideration. In spite of the direction of the Hon'ble High Court, the committee rejected the proposal on the same grounds. MCHI represented to the State Government and the committee and with the efforts of all the Ministry of Environment and Forest have issued the abovereferred guidelines, wherein it has been decided to modify the Office Memorandum dated 07<sup>th</sup> February 2012 as follows;

- (a) The linking of the minimum width of the road with the height of the building shall be appropriately bulletin to the rules / regulations by the State Governments / Local Bodies under appropriate acts / legislations taking into account local requirements and circumstances.
- (b) On the issue of location of fire station, primarily, it shall be the responsibility of the owner / occupier of the building to provide for adequate fire protection measures as envisaged under the National Building Code of India or the relevant State Act. This may be strictly enforced by the State Governments while issuing NOC in respect of fire safety. The State Governments need to provide for required fire service infrastructure to ensure that, in case of fire in a building, the fire tenders are able to reach the site in time, say within 10 minutes of the incident in urban areas. The State/Governments should formulate action plans to ensure development of such infrastructure in a time bound manner.

In view of this Office Memorandum (Copy attached) there will be no hurdles to the proposals submitted to the Committee of High Rise buildings on the grounds of the width of the road. The Writ Petition is fixed for final hearing on 24<sup>th</sup> June, 2013. This is for your information and necessary action.

Thanking you,

Yours truly,  
For MCHI-CREDAI

Sd/-  
Nainesh Shah  
Hon. Secretary

**F. NO.21-270/2008-IA.III**  
Ministry of Environment & Forests  
Government of India  
(IA.III Division)

Paryavaran Bhavan,  
CGO Complex, Lodhi Road,  
New Delhi - 110003  
Dated: June 6, 2013

**OFFICE MEMORANDUM**

**Sub: Guidelines for High Rise Buildings – Modification reg.**

This Ministry, vide OM of even number dated 7.2.2012 had issued guidelines linking the height of a building to the width of the road on which the proposed building is to be located and also the distance of fire station from the building so that in case of emergency, the fire tender may reach the building in the shortest possible time. This Ministry has received representations from some State Governments and other stakeholders requesting for review of these guidelines stating inter alia, that the matter lies in the functional domain of the State Governments / Local Bodies and should be appropriately handled by them. This matter was also referred by MoEF to the Committee constituted on 11.12.2012 under the Chairmanship of Dr. K. Kasturirangan, Member, Planning Commission.

2. MoEF has examined the representations and the recommendation of the Committee. The issues relating to fire fighting preparedness of high-rise buildings including width of road on which such buildings would be permitted are extremely important and need to be paid the required attention by all concerned. At the same time, it is recognized that it may not be practically feasible for all States to follow uniform norms and a flexible approach is called for given the variations across States and, within a given State, across local bodies in terms of population, density, pressure on land, etc. Thus, some flexibility needs to be provided to the State Governments.

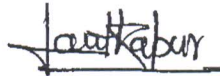
3. In the above backdrop, it has been decided to modify the aforesaid OM dated 7.2.2012 as follows:

- (a) The linking of the minimum width of the road with the height of the building shall be appropriately built in to the rules / regulations by the State Governments / Local Bodies under appropriate acts / legislations taking into account local requirements and circumstances.
- (b) On the issue of location of fire station, primarily, it shall be the responsibility of the owner / occupier of the building to provide for adequate fire protection measures as envisaged under the National Building Code of India or the relevant State Act. This may be strictly enforced by the State Governments while issuing NOC in respect of fire safety. The State Governments need to provide for required fire service infrastructure to ensure that, in case of fire in a building, the fire tenders are able to reach the site in time, say within 10 minutes of the incident in urban areas. The State

Governments should formulate action plans to ensure development of such infrastructure in a time bound manner.

4. The State Governments shall inform MoEF after taking requisite action as stated at paragraph 3(a) above and confirm the position with regard to the stipulation at paragraph 3(b) above.

This issues with the approval of the competent authority.

  
(Lalit Kapur)  
Director (IA.III)

To

- 1) Chairpersons/Member Secretaries of all the SEIAAs/SEACs
- 2) Chairman, CPCB
- 3) Chairpersons / Member Secretaries of all SPCBs / UTPCCs
- 4) All the Officers of IA Division

Copy to:

- 1) PStoMEF
- 2) PPS to Secretary (E&F)