

Government of Odisha
Home Department

NOTIFICATION

No. 10573 /H, Bhubaneswar, Dated the : 06th March, 2019
HOME-FS-MISC-0089-2018.

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 rules to amend the Odisha Fire Prevention and Fire Safety Rules, 2017, namely :—

1. Short title and commencement.— (1) These rules may be called the Odisha Fire Prevention and Fire Safety (Amendment) Rules, 2019.(2) They shall come into force on the date of their publication in the Odisha Gazette.
2. In the said rules, (hereinafter called the Odisha Fire Prevention and Fire Safety Rules, 2017), in rule 4 for sub-rule (2) shall be substituted namely:—
“ The training fees to be charged from the trainees other than personnel of Odisha Fire Service Organisation will be fixed by the Director, from time to time, for undergoing training relating to the prevention and extinguishment of fire”.
3. In the said rules, in rule 9 —
 - (a) for sub-rule following sub-rule shall be substituted namely:—
“(1) for the purpose of sub-section (1) of Section 10 of the Act, the following classes of premises or occupancies are likely to have risk of fire, namely :—”
 - “(a) Aerodromes, airports and airstrips;
 - (b) Cinema Halls and Multiplexes;
 - (c) Explosives or fireworks or hazardous substances (manufacturing, storage, transportation, display and sale etc.);
 - (d) Factories and Industries;
 - (e) Depot of Petroleum and other inflammable substances and refineries (Storing, handling, refining, blending and retail outlets etc);

- (f) All underground or partially underground structures of five hundred square meters or above used for any purpose or occupancy;
- (g) Places of Assembly like Auditoria, convention halls, Assembly halls, recreation halls etc. having a built up area of five hundred square meters and above on any one or more floors where people congregate or gather for amusement, recreation, social, religious or any other similar purposes.
- (h) Business or office buildings—
 - (i) having a height of twelve meters and above; or
 - (ii) having a built up area of five hundred square meters or above;
- (i) Clinical Establishments—
 - (i) clinical establishments having height of twelve meters and above or
 - (ii) functioning in buildings having more than three floors including all underground, basement, stilt and mezzanine floors or,
 - (iii) having more than thirty beds or,
 - (iv) having any Critical Care Unit.
- (j) Educational Buildings—
 - (i) having a height of twelve meters and above or,
 - (ii) having a built up area of one thousand square meters or above;
 - or
 - (iii) having three storied building;
- (k) Hotels, Lodgings and Guest Houses—
 - (i) having a height of twelve meters and above or,
 - (ii) having a built up area of five hundred square meters or above,
 - (iii) of three Star and above categories,
 - (iv) having places of Assembly like Auditoria, Convention Halls, Assembly Halls, Recreation Halls etc of built up area of five hundred square meters and above on any one or more floors where people congregate or gather for amusement, recreation, social, religious and similar other purposes;
- (l) Malls, shopping complexes and mercantile buildings—
 - (i) having a height of nine meters and above or,
 - (ii) having a built up area of five hundred square meters or above,

- (m) Residential Buildings (other than hotels, lodgings and guest houses), having a height of fifteen meters and above;
 - (n) Temporary structures of one thousand square meters and above where the congregation is two thousand or more;
 - (o) Warehouses or Storage area of five hundred square meters built up area or above;
 - (p) Any other classes of buildings or premises notified by the State Government from time to time”.
- (b) For sub-rule(12) the following shall be substituted
“(12) In case of existing buildings constructed or occupied prior to commencement of the Odisha Development Authority Act, 1982 on receipt of an application from the owner of the building, without sacrificing reasonable safety, the Director may grant exemption from the conditions prescribed under these rules.

4. In the said rules, in rule 10 — (a) for sub-rule(1) following sub-rule shall be substituted namely:—

“The person desirous to erect temporary structures over an area of one thousand square meters or more or where the congregation of persons is more than two thousand for the purpose of observance of festivities, for holding commercial shows, melas, jattras, operas, temporary cinemas etc. or premises where highly flammable or explosive materials are proposed to be used shall apply along with the sketch map of proposed site with layout, means of access, entrance, exit to Director, Fire Services or any other officers authorized by him before seven days of construction for issue of Fire Safety Recommendation”

(b) In sub-rule(7) —

- (i) for the figure, words, comma and bracket “Rs 10,000/- (Rupees ten thousand)”, the words “five thousand rupees” shall be substituted; and
- (ii) the phrase “out of which one third of the revenue so collected shall be paid to the Welfare Fund of Odisha Fire Service” shall be omitted.

(c) the following proviso shall be inserted thereafter namely:—

“Provided that in case the function is organized by any State Government Department or State Government Agencies or Central Government Department or Central Government Agencies , no fee shall be payable”.; and

- (d) after sub-rule(10), the following sub-rule shall be inserted, namely:--
“(11) The Director of Fire Service shall have the discretionary power to reduce the extent of the fees or exempt such fees completely in view of larger public interest”.
5. In the said rules, in rule 13—
- (a) for sub-rule 1 the following sub-rule shall be substituted, namely:—
sub-rule (5) of rule 12,
" the owner or developer or promoter or builder or occupier of premises as specified in rule 9, shall apply in Form-III along with fire safety installation plan and documents as prescribed in sub-rule (1) of rule 12 to the Director or an officer authorized by him in this behalf through the appropriate Licencing Authority or Developmental Authority as required or directly along with fees as prescribed in sub-rule (2) of rule 14 for issue of Fire Safety Certificate and such application may be made either by registered post or in person or online”.
- (b) For sub-rule 3 the following sub-rule shall be substituted namely:—
“(3)The Director, Fire Service or an officer authorized by him on his behalf, on being satisfied about the adequacy and operability of Fire Prevention and Fire Safety measures as mentioned in Form-IV may issue Fire Safety Certificate in Form-V within eighteen days of receipt of his application and if not found satisfactory, he may require the owner to rectify deficiencies or shortage or recommend to provide such additional measures as may be necessary within a specified time”.
6. (i) In the said rules in rule 22, after sub-rule (4), the following sub-rule shall be substituted namely:—
“(5) The State Government in Home Department shall have the power to review any decision taken by the Director of Fire Services or any other authority on his behalf and to pass suitable instructions relating to any or all provisions of these rules”.

By order of the Governor


Additional Chief Secretary

Memo No. 10574 /CD,

Dated: 06 -03-2019

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

They are requested to publish this notification in the next extraordinary issue of Odisha Gazette and supply 300 copies to Home Department.

This is statutory and shall bear SOR number and date.

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6/3/19

Special Secretary to Government

Dated: 06 -03-2019

Memo No. 10575 /CD,

Copy forwarded to PS to Hon'ble CM, Odisha, BBSR/ PS to the Chief Secretary, Odisha, PS to DC, Odisha/ PS to ACS, Home/ PS to Special Secretary, Home Department for information and necessary action.

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6/3/19

Special Secretary to Government

Memo No. 10576 /CD,

Dated: 06 -03-2019

Copy forwarded to all Department of Government for information and necessary action.

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6/3/19

Special Secretary to Government

Dated: 06 -03-2019

Memo No. 10577 /CD,

Copy forwarded to the D.G & I.G of Police, Odisha, Cuttack / D.G & I.G of Police, Fire Service, Odisha, Cuttack / D.G of Prisons and D.C.S., Odisha, Bhubaneswar / All Revenue Divisional Commissioners / Commissioner of Police, Bhubaneswar- Cuttack, Bhubaneswar / 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.

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6/3/19

Special Secretary to Government

Dated: 06 -03-2019

Memo No. 10578 /CD,

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

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6/3/19

Special Secretary to Government