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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6952/2022 & CM APPL. 21258/2022, CM APPL.
45525/2022, CM APPL. 36377/2024

DELHI MEDICAL ASSOCIATION & ANR.Petitioners

Through: Mr. Puneet Jain and Mr. Mann Arora,
Advocates.

versus

GOVT NCT OF DELHI & ORS.Respondents

Through: Mr. Avishkar Singhvi, ASC with Mr.
Naved Ahmed, Mr. Vivek Kr. Singh
and Mr. Shubham Kr., Advocates for
GNCTD.

Ms. Manika Tripathi, Standing
Counsel with Mr. Animesh Kumar
Gaba, Mr. Naveen K. Sarawat, Ms.
Shiva Khandelwal and Mr. Jatin
Sharma, Advocates for DDA.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
03.07.2024

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1. Through the present writ petition, the Petitioners, representing the interests of private nursing homes in Delhi, raise a challenge to communication dated 02nd August, 2019 issued by Respondent No. 2, Directorate General of Health Services, Government of NCT of Delhi, requesting Respondent No. 3, Delhi Fire Service, to undertake audit of fire safety measures employed by all private hospitals and nursing homes in Delhi. The petition also seeks setting aside of the show-cause notice dated



06th June, 2019 issued to a nursing home in respect of their failure to comply with the extant fire and life safety requirements, specifically, the National Building Code of India, 2016.¹

2. Mr. Puneet Jain, counsel for Petitioner, submits that the mandate to obtain a fire safety certificate from Respondent No. 3 does not extend to the nursing homes that are being run on ‘mixed use’ lands in residential areas. He argues that Respondents No. 2 and 3 are erroneously considering such nursing homes as ‘institutional buildings’ and insisting on the requirement of a fire safety clearance before renewal of registration. In support, reliance is placed upon the provisions of Chapters 13 and 15 of the Master Plan for Delhi, 2021 and the Delhi Fire Safety Act, 2007 and rules framed thereunder.

3. Mr. Avishkar Singhvi, counsel for Respondent No. 1, controverts the Petitioners’ submissions and contends that nursing homes and hospitals are ‘institutional occupancy buildings.’ He submits that under Rule 27(5) of the Delhi Fire Service Rules, 2010 read with Clause 1.4.75 of the Unified Building Bye Laws, 2016, institutional buildings with a height of more than 9 metres or comprising of a ground floor and two upper stories, including mezzanine floor are likely to cause a risk of fire. Mr. Singhvi states that since these nursing homes fall under the category of “institutional buildings below the height of 15 metres,” they must obtain a fire safety certificate.

4. Pursuant to court directions, Respondent No. 3 filed a note on the minimum statutory prerequisites for institutional buildings with less than 15 metres of height on 18th January, 2023, which are as follows:

a. Accessibility for Vehicles

¹ “NBC.”



i. Minimum 9.0 meter (Clause 15.3.3 (ii) of MPD – 2021)

“The minimum ROW for identification of a street or stretch of road as mixed use street would be follows:

In A & B Colonies: 18m ROW in regular plotted development on the specific request of RWAs.

In C & D Colonies: 18 m ROW in regular residential plotted development, 9 m ROW in rehabilitation colonies and any road in regularized-unauthorized colonies, resettlement colonies, Walled City, Special area and urban villages; in consultation with RWA concerned.

In E, F & G Colonies: 13.5m ROW in regular plotted development, 9m ROW in rehabilitation colonies and any road in Walled City, regularized-unauthorized colonies, resettlement colonies, Special Areas, and urban villages.”

ii. Minimum 7.5 meter (Clause 8.2 (a) of UBBL – 2016)

8.2 (a) “A building shall abut on a street or upon spaces directly connected from the street by a hard surface approach road; width of the approach road is 18.0 m ROW (7.5 m ROW for the Redevelopment Areas/ Rehabilitation Colonies/Special Area/ Village [Lal Dora/ Firdi/ Extended Lal Dora).”

However, 6.0 meter wide access road is acceptable for fire vehicles.

b. Number of Staircases Minimum 2, but it can be increased to meet the requirement of travel distance. [Clause 7.10.1 of UBBL – 2016]

7.10.1 “The number of staircases in the buildings shall be determined based on the occupant load, travel distance, dead end restriction subject to minimum two staircases in respect of buildings identified under bye-law No. 9.3; provided that where the travel distance and other requirements are complied with one staircase and the second shall be a Fire Escape.”

c. Width of Staircases – 2.0 meter. [Clause 7.11.1 of UBBL – 2016]

7.11.1 “Minimum Width Provisions for Stairways

The following minimum width provisions shall be made for each stairway:

a. Other residential building e.g. flats, hostels, group housing, guest houses etc. minimum 1.5 m. For details refer chapter 11.

b. Assembly buildings and Institutional building -2.0 m.

c. All other buildings including hotels and Educational building 1.5 m.

d. For high rise buildings refer table no. 8.1”

If the requirement of travel distance is met with one main staircase, then the width of alternate staircase may be 1.5 meter [Clause 9.3.1 (j) of UBBL – 2016].



9.3.1 (j) “Fire escape staircases shall have straight flight not less than 1.5 m wide with 30 cm treads and risers not more than 15 cm. The number of risers shall be limited to 12 per flight.”

d. Width of Corridors - 2.4 meter [Clause 7.11.2 (e) of UBBL – 2016] “7.11.2. Minimum Width Provisions for Passageway/Corridors (clear width excluding handrail and balustrade

e. Hospital, Nursing Homes, etc. 2.4 m for both single and double loaded)”

5. In addition to the above, Mr. Singhvi refers to Table 7 of Part 4 of the NBC that entails the following minimum requirements for fire fighting installations, arguing that these stipulations extend to nursing homes as well:

Sl No.	Type of Building Occupancy	Type of Installation								Water Supply (litre)		Pump Capacity (litre/min)	
		Fire Extinguisher	First Aid Hose Reel	Wet Riser	Down Comer	Yard Hydrant	Automatic Sprinkler System	Manually Operated Electronic Fire Alarm Systems (see Note 1)	Automatic Detection and Alarm System (see Note 2)	Under-ground Static Water Storage Tank Combined Capacity for Wet Riser, Yard Hydrant and Sprinklers per Set of Pumps	Terrace Tank over Respective Tower Terrace	Pump Near Underground Static Water Storage Tank (Fire Pump) with Minimum Pressure of 3.5 kg/cm ² at Remotest Location	At the Terrace Tank Level with Minimum Pressure of 3.5 kg/cm ²
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
INSTITUTIONAL BUILDINGS (C) (see Note 16)													
a)	Hospitals, Sanatoria and Nursing Homes (C-1)												
1)	Less than 15 m in height with plot area up to 1 000 m ²												
	i) Up to ground plus one storey, with no beds	R	NR	NR	NR	NR	R (see Note 4)	R	NR	NR	(5 000) (see Note 6)	NR	(450) (see Note 6)
	ii) Up to ground plus one storey with beds	R	R	NR	NR	NR	R (see Note 4)	R	NR	NR	5 000 (5 000) (see Note 6)	NR	450 (450) (see Note 6)
	iii) Ground plus two or more storeys, with no beds	R	R	NR	R	NR	R (see Note 4)	R	R	NR	10 000 (5 000) (see Note 6)	NR	900 (450) (see Note 6)
	iv) Ground plus two or more storeys, with beds	R	R	R	NR	NR	R (see Note 1)	R	R	75 000	10 000	(see Note 14)	NR
2)	Less than 15 m in height with plot area more than 1 000 m ²	R	R	R	NR	R	R (see Note 1)	R	R	1 00 000	10 000	(see Note 14)	NR
3)	15 m and above but not exceeding 24 m in height	R	R	R	NR	R	R	R	R	150 000	20 000	(see Note 10)	NR
4)	Above 24 m and not exceeding 45 m in height	R	R	R	NR	R	R	R	R	200 000	20 000	(see Note 11)	NR

6. As per the NBC, the premises of hospitals and nursing homes with less than 15 metres height, must be equipped with fire extinguisher, first aid



hose reel, wet rise, yard hydrant, automatic sprinkler system, manually operated electronic fire alarm, automatic detection and alarm system, underground static water tank and terrace tanks. Without prejudice to his afore-noted contentions, Mr. Jain assures that in compliance with legal obligations, the nursing homes forming a part of Petitioner No. 1-association have provided for these amenities at their premises. However, their grievance pertains to the infrastructural prescriptions, such as the underground water tanks, broadening of the stairways and corridors. He cites the inability of the nursing homes to demolish their existing structures to accommodate the statutory stipulations. He further points out that the Government of NCT of Delhi constituted a sub-committee on 27th November, 2019 to review the status of nursing homes in Delhi in respect of various laws, including fire prevention. Various stakeholders partook in the committee's consultations, expressing their concerns regarding the requirements concerning the already built structures.

7. The Court has carefully considered the submissions advanced by both counsel. The recent incidents of fire breakouts in nursing homes as highlighted by Mr. Singhvi, have brought to the fore significant lapses in fire safety compliance. The safety of the public, particularly the staff and patients enrolled at the nursing homes, is of paramount importance. Consequently, the Court's immediate priority is to safeguard public safety and ensure that the basic fire safety equipment, as mandated by law, are installed at the premises of private nursing homes. Thus, notwithstanding the Petitioners' contentions concerning the challenges in implementing infrastructural alterations, in order to assess the prevailing provisions for fire safety, the Court deems it apposite to order an inspection of the nursing



homes that form part of Petitioner No. 1-association.

8. Accordingly, the following directions are issued:

8.1. Respondents No. 2 and 3 along with Respondent No. 4 – Delhi Development Authority, are directed to constitute a Joint Committee for the inspection of all the nursing homes that are members of Petitioner No. 1, within a period of two weeks from today.

8.2. For the above purpose, the Petitioners shall provide a list of all member-nursing homes to Respondent No. 2, within one week from today.

8.3. Upon inspection, the Committee shall formulate a comprehensive report delineating all non-compliances, except for structural defects, with fire safety norms by the nursing homes. The report shall be filed with the Court within four weeks from the date of inspection.

8.4. The Joint Committee shall, if required, issue notices to the defiant nursing homes, enlisting the defaults and suggesting alternative remedial measures that can be adopted by them. A reasonable time period must be afforded to the nursing homes to ensure compliance.

9. It is pointed out that the sub-committee established in 2019 for reviewing the fire safety measures installed in nursing homes, has not rendered their final report/ recommendations. Given the significance of the issue, especially the ramifications of improper compliance with fire safety regulations, the Court requests the sub-committee to promptly conclude their deliberations and submit a final report to the Court. The report must contain alternative corrective measures for infrastructural deficiencies of the nursing homes so that an effective mechanism can be established, while safeguarding public interest.

10. Mr. Singhvi is directed to apprise the status of the sub-committee's



consultations on the next date of hearing.

11. Re-notify on 14th October, 2024.

JULY 3, 2024

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SANJEEV NARULA, J