

# CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

**File No.CIC/SA/A/2014/000083**

**Appellant : Shri Rohit Sabharwal**

**Respondent : Delhi Fire Service  
GNCTD, Delhi**

**Date of hearing : 07-11-2014**

**Date of decision : 26-11-2014**

**Information Commissioner : Prof. M. Sridhar Acharyulu  
(Madabhushi Sridhar)**

**Referred Sections : Sections 3, 19(3) of the RTI  
Act**

**Result : Appeal allowed/  
Disposed of**

The appellant is not present. The Public Authority is represented by Dr. T.S.Sharma, PIO, Delhi Fire Service, GNCTD, Delhi.

## **FACTS:**

2. The appellant has filed RTI application dated 29.8.2013 seeking certified copies of latest Fire Safety Certificates issued by the competent authority to buildings of Parliament of India and Supreme Court and the request letter in response to which certificate was issued. The CPIO vide dt. 4.9.2013 replied that information was related to sensitive buildings and could not be disclosed. Being aggrieved by the CPIO reply, the appellant made first appeal on

5.9.2013. On not receiving any reply within the prescribed time, the appellant made second appeal before the Commission.

**Decision:**

3. The respondent officer made his submissions. The appellant is not present. The respondent officer reiterated his position saying that the information pertained to sensitive buildings like Parliament of India and Supreme Court of India cannot be given. On a query asked by the Commission, the respondent officer replied that Fire Safety Certificate was not issued to the building housing the Supreme Court of India due to certain shortcomings in the building, which were pointed out to them in 2004 by the respondent authority. There was no reply from them since then.

**Direction to produce record before Commission**

4. The Commission asked for the relevant communication written to the Supreme Court, which the respondent has not brought for the hearing. The Commission, therefore, adjourned the matter to 11<sup>th</sup> November, 2014 with the direction to the Respondent to be present along with the correspondence made with Supreme Court of India and Parliament.

5. On 11.11.14, Respondent appeared before the Commission along with relevant files containing the correspondence etc. The Commission observes that the information about the fire safety of the buildings of Parliament of India and the Supreme Court of India cannot be prohibited from disclosure as that would not fall under any of the restrictions provided by

the Right to Information Act, 2005. Both of these buildings are very significant and huge public interest lies in securing these magnificent structures from fire related dangers. Being high seats of legislature and judiciary, it is the duty of the respondent authority to enforce fire safety standards.

6. The Commission agrees with the contention of the respondent authority that it is not advisable to reveal the sensitive information which might cause any security problem to these important buildings. However, what appellant sought is simple and does not demand any sensitive information. Information seeking questions like 'whether fire safety certificate was issued or not, what was the advice of the respondent authority regarding fire safety' are 'safety' related questions and not security threatening. In fact, if these aspects are ignored, as was done for several years, that would raise security concerns. By avoiding sensitive information, if any, the respondent authority shall furnish the safety related information to the appellant in the interest of security of Parliament of India and Supreme Court of India and in general public interest. Safety against fire is more important for these two buildings than that of any other building in this country.

### **Supreme Court of India**

7. Perusal of the files by the Commission revealed astonishing aspects such as no information was available whether any action was taken for over a decade about compliance of fire safety norms which were quite essential. After making survey of existing fire safety arrangements, Delhi Fire Service vide their letter dated 30-9-2004 addressed the Dy. Commissioner of Police, Supreme Court Security, made the following observations/recommendations in relation to the fire safety of the Supreme Court Building:-

1. Access: The width of the main gates was measured to 3.35 mtrs. The width of main gate for easy access of fire service vehicles shall be at least 5 mtrs.
2. Corridors were encroached by almirah, lockers etc. The encroachment shall be removed.
3. Pumps: Diesel pump was found defective. Sprinkler gong bell provided but not functional. No sprinkler actuation alarm was provided in the fire control room.
4. Draw off connection from underground water storage tank was not provided.
5. A.C. plant in basement shall be protected with sprinkler system.
6. Fire extinguishers in Fire control Room were sent for recharging on 26.6.04. Fire extinguishers in basement were not maintained properly.
7. One exit in basement was full of foam seats. Rubbish also accumulated in large quantity in A.C. plant room (basement). Proper house keeping should be maintained.
8. Zone No.22 & 26 at detection panel installed at Fire control room was lying out of order. Zone chart was not visible.
9. M.C.Ps provided in the basement are not functional.
10. Electric transformers of oil type shall be shifted to safe place and dry type transformer shall be installed instead of oil type. Ventilation provided between HT/LT, transfers room and corridor of main building shall be sealed. In case of fire break out, it will spread to upper floors.
11. HT/LT panel room shall be provided with CO2 local flooding system.
12. Additional exit signs shall be provided in the new building.

13. Exit gate of Plaza canteen at ground floor was obstructed by A.C. duct. Door should be openable to the outside direction. No fire protection arrangement is provided.
14. Open nozzle spray system shall be provided in LPG bank.
15. Travel distance in C.A. and criminal wing is not meeting the requirement. Lock of emergency gate shall be kept open or key shall be provided near the gate for evacuation purpose in case of any emergency/fire. P.A. system shall also be extended on that wing.
16. Hose Box was lying empty. Two delivery hoses & one short branch shall be provided at each hose box.
17. Awareness programme should be arranged for staff members.

### **Parliament of India**

8. With regard to the Building of Parliament of India, the Delhi Fire Service carried out a joint inspection on 3-8-2013 and suggested the following corrective measures in a letter No.F6/DFS/MS/HQ/2013 dated Nil, addressed to Shri D.S.Malha, Director, Lok Sabha Secretariat, Parliament House Annexe, New Delhi:-
  1. Most of the staircase (main staircase No.1, 6 and small staircase No.7,8,9,10,11,12) were found locked/inaccessible due to cabin/office/storage of almirahs/storage of unwanted materials etc. These should be removed/cleared for easy evacuation in case of any emergency.

2. Electrical room/services in the basement floor have not been provided with requisite fire protection except detection system. All the electrical panels shall be provided with local CO2 application system.
3. All exposed cables should be painted with fire retardant paints.
4. Temporary offices/cabins erected in the common corridor/escape routes shall be removed.
5. In PMO basement, rear side corridor found locked by photocopier machines, etc., emergency light were also not functioning.
6. In 36(A) basement (near Hon'ble Minister AK Antony) single staircase in basement is available and emergency light were also not functioning.

#### **Directions**

9. The Commission, therefore, directs the PIO to furnish the following letters to the appellant and a copy of which is also to be submitted to the Commission **within two weeks** of receipt of this order.

- i) Letter dt.30.9.04 written by Dy. Chief Fire Officer to Dy. Commissioner of Police, Supreme Court Security.
- ii) Letter No.F6/DFS/MS/HQ/2013 dt.nil written by Shri A.K.Sharma, Director, DFS to Shri D.S.Malha, Director, Lok Sabha Secretariat.
- iii) Letter dt.26.6.14 from Shri D.S.Malha, Director, Lok Sabha Secretariat to Chief Fire Officer, HQ-DFS
- iv) Letter dt.26.6.14 from Shri D.S.Malha, Director, Lok Sabha Secretariat to Shri S.K.Chawla,, CPWD, Shri Satish Tandon, MTNL and Shri Kumar Rishikesh, NDMC.
- v) Letter dt.11.7.14 from Shri Rajesh Panwar, Dy. Chief Fire Officer to Shri D.S.Malha, Director, Lok Sabha Secretariat.

10. The Commission observes that this is a grave matter of life of hundreds of Constitutional office holders, hence the information sought is matter relating to life which should have been answered within 48 hours. The Commission feels that the respondent authority should have taken sufficient initiative to enforce all safety guidelines in Parliament and Supreme Court buildings by appraising the authorities in Legislature and Judiciary about the need of immediate action, instead of waiting nearly for a decade, perhaps with the hesitation not to cause embarrassment to higher authorities.

11. Section 27 of Delhi Fire Services Act 2007 gives power to Director or any officer to remove encroachments or objects or goods likely to cause a risk of fire or any obstruction to fire fighting. Where a director considers such encroachments or objects or goods to be an imminent cause of risk of fire or obstruction to fire fighting, he may direct the owner or the occupier or erector of such premises or building to remove the encroachments or objects or goods forthwith and report the matter to the Sub-Divisional Magistrate accordingly. This section (3) gives power to SDM to seize, detain or remove the encroachments. He can even sell them in public auction.

12. Under Section 29 owners of certain classes of building should appoint fire safety officer who shall ensure the compliance of all fire prevention and fire safety measures and effective operation thereof as provided in this Act. For example a cinema house where seating capacity of more than 1000 persons, a building with built-up area more than 10000 sq mts etc should have a fire safety officer. Section 31 empowers the Director to impose penalty in default of non-appointment of fire Safety Officer with a sum not less than ten rupees per square meter of area owned or occupied. Section 41 imposes liability of property owner to

pay compensation to any other person suffering damage. Section 49 provides for imposing penalty for failure to take precautions which include three months imprisonment and fine.

13. This commission has ordered recently: "Information regarding fire safety norms is life-related information. DFS has committed a grave breach of RTI by exhibiting an adamant attitude and denying information about inspection records of fire safety norms in Delhi. Their attitude fortifies apprehensions of corruption in selectively applying the fire norms and issuance of no objection certificate and using or not using the powers of disconnecting water and power to the buildings which did not comply with the norms". ([http://rti.india.gov.in/cic\\_decisions/CIC\\_DS\\_A\\_2013\\_001268-SA\\_M\\_138864.pdf](http://rti.india.gov.in/cic_decisions/CIC_DS_A_2013_001268-SA_M_138864.pdf))

14. It may be recalled that there was a major fire accident in Andhra Pradesh High Court building on 31<sup>st</sup> August 2009 in Hyderabad. The Hindu reported: Fire broke out in the Andhra Pradesh High Court building, a heritage structure, destroying the chambers of five judges, a library housing valuable books and a mini-conference hall in the early hours of Monday. More than 100 firemen had to sweat it out for over three hours using 15 fire tenders to douse the flames that began around 4.30 a.m. Though the blaze was put out by 7 a.m., smoke continued to billow out till evening prompting Fire Service officials to continue fire-fighting operations and deploy teams of firemen at the spot to face any eventuality. (<http://www.thehindu.com/todays-paper/fire-in-high-court-destroys-judges-chambers-library/article173249.ece>) The Hindu commented: "Waiting to happen: Firemen spraying water to put out the fire in the High Court building". Having a fire fighting vehicle ready for all 24 hours is fine, but they can come to rescue only after fire accident happened. The Commission is concerned with the public interest in the information request of appellant regarding preventive measures and implementation fire-safety norms in Supreme Court and Parliament Buildings. Why not the public authorities learn from AP High Court fire accident?

15. The Commission directs the respondent public authority, especially the head of the department, to take a serious note of fire-safety lapses in the buildings housing Supreme Court and Parliament and direct to appraise the authorities in Legislature and Judiciary about necessity and importance of taking the measures recommended by them. The Commission also directs the Respondent Authority to inform the appellant and the Commission why they have not performed their duties as prescribed under The Delhi Fire Services Act, 2007. The Commission also recommends Respondent Authority, the CPIO of Supreme Court of India and Parliament of India to inform the appellant and the Commission as to what measures they have initiated to comply with the safety standards/ safety recommendations against fire, within one month from the date of receipt of this order. The Commission also directs the CPIO of Supreme Court of India and Parliament of India to inform the appellant and the Commission whether they have Fire Safety Officer appointed in their respective buildings or not, if not why not and when they would appoint within 21 days from the date of receipt of this order.

16. The Commission, under Section 25(5), recommends the respondent authority to periodically review the compliance of safety norms of such public buildings and upload the compliance related information on their official website.

17. The Commission disposes off this appeal with above directions.

Sd/-

(M. Sridhar Acharyulu)  
Information Commissioner

Authenticated true copy

(Babu Lal)  
Deputy Registrar

Address of the parties:

1. The CPIO under RTI, Govt. of NCT of Delhi  
Delhi Fire Service, Connaught Place  
New Delhi-110001
  
2. Shri Rohit Sabharwal  
Kundan Bhawan, 126-Model Gram,  
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