



Government of Kerala

Abstract

Local Self Government Department - Judgment dated 13/7/2016 of the Hon'ble High Court of Kerala in W.P (C) No.22590/2016 filed by Sri.C.B.Sumesh Babu, Managing Director, Chathamkulam Project and Developers Private Limited - Directions Complied with - Orders issued.

LOCAL SELF GOVERNMENT (RD) DEPARTMENT

G.O.(Ms)No. 76/2017/LSGD

Dated, Thiruvananthapuram 31/3/17

- Read:-*
1. Representations dated 15/6/2016 and 20/6/2016 from Sri.C.B.Sumesh Babu, Managing Director, Chathamkulam Project and Developers Private Limited.
 2. Judgment dated 13/7/2016 of the Hon.High Court of Kerala in W.P (C) No.22590/2016 filed by Sri.C.B.Sumesh Babu.
 3. Letter No.E4/4681/2016 dated 10/8/2016 of the Chief Town Planner, Thiruvananthapuram.
 4. Letter No.E1/8741/2016 dated 24/10/2016 of the Chief Town Planner, Thiruvananthapuram.

ORDER

Sri.C.B.Sumesh Babu, Managing Director, Chathamkulam Project and Developers Private Limited has requested Government that clarification under Rule 161 of Kerala Municipality Building Rules, 1999 and Rule 152 of Kerala Panchayat Building Rules as to whether the term "width" of access road includes medians, service roads, flyovers, foot path, electric or telephonic post, drainage, shade trees etc and whether a high rise building under Kerala Municipality Building Rule requires two stairs and one of which should be a fire escape stairway with one side opening, as read as 1st paper above.

2. In this connection, Sri.C.B.Sumesh Babu filed W.P(C) No.22590/2016 before the Hon'ble High Court of Kerala. The Hon.High Court in

the judgment read as 2nd paper above directed Government to consider and pass orders on Ext. P8 and P9 within a period of three months from the date of receipt of a copy of the judgment.

3. Government have examined the matter in detail and are pleased to issue the following clarifications regarding the 'width of road'.

As per Rule 2 (1) (bma) of Kerala Municipality Building Rules, 1999 and Rule 2 (1) (dia) of Kerala Panchayat Building Rules, 2011, the width of a road means 'the width of right of way and include medians, service roads and fly overs.

Medians, service roads and flyovers are often developed as constituent part of right of the way and hence are mentioned in the above definition. The Rule 2(1) (bma) of Kerala Municipality Building Rules, 1999 and Rule 2 (1) (dia) of Kerala Panchayat Building Rules, 2011 do not specify the item like foot path, electric or telephone post, drainage, shade trees etc. However it specifies that the width of road means right of way. In these circumstances, Government hereby specify that 'street/road furniture and services such as street lights, lamp posts, electricity/telecommunication poles/lines, road side drains, foot paths, wayside plants/trees etc which are provided as integral constituent part of the "right of way" will also be considered within the scope of this definition'.

However the intention of fixing the minimum width of road/street/access is not limited to simply leaving the said required space on the ground. It has to serve the purpose for which such access/street/road is envisaged. That is, providing adequate passage way for the people, vehicles (where passage of vehicles are intended) and to facilitate Fire and Rescue service in need. Such integral parts in the "right of way" should not in any way obstruct the required passage for the smooth movement of the vehicles through them, including those destined to and originate from the plot/building.

4. Government are pleased to issue further the following clarifications regarding fire escape stairways, of High rise building in Kerala Municipality Building Rule 1999.

Chapter XVII of Kerala Municipality Building Rules, 1999 stipulates the special safety provisions exclusively for High rise buildings. As per rule 112 of Kerala Municipality Building Rules, 1999 every high rise building should be provided with 2 staircases. In addition to this, as per rule 114, every high rise building should be provided with a fire escape stairway of not less than 75cm width which shall be directly connected with public or common areas on all floors and shall lead directly to ground and at least one side of the stairway shall be an external wall either with large opening or with break open glass to facilitate rescue operations.

Rules 39 and 42 of Kerala Municipality Building Rule, 1999 are applicable to any building in general. In the case of buildings with more than four floors, 2 staircases should be provided one of which is an external stairway (as defined in rule 39) and if the external stairway satisfies the provisions of a fire escape stairway, a separate fire escape stairway need not be provided. However, in the case of high rise buildings, as per rule 112, at least two staircases need to be provided but the number of staircases is not limited to two. Also, it is not mentioned that a separate fire escape stairway need to be provided in addition to the two staircases.

If one of the stairway in a high rise building satisfy the provisions of a fire escape stairway as in rule 114 (ie., at least one side of the stairway is an external wall with large openings or break open glass to facilitate rescue operations), it is not mandatory to provide a separate fire escape stairway. Hence, it is understood that minimum 2 staircases should

be provided in the case of high rise buildings one of which should be a fire escape staircase which satisfies the provisions in rule 114. Number of staircases in a high rise building depend on criteria such as the total area of the building, height of the building, total number of exits and travel distance to emergency exits.

5. As per Section 4.6.2 of National Building Code, all buildings, which are 15m in height or above and all buildings used as educational, assembly, institutional, industrial, storage and hazardous occupancies and mixed occupancies with any of the aforesaid occupancies, having area more than 500m² on each floor shall have a minimum of two staircases. They shall be of enclosed type; at least one of them shall be on external walls of buildings and shall open directly to the exterior, interior open space or to an open place of safety. Further, the provision or otherwise of alternative staircases shall be subject to the requirements of travel distance being complied with.

6. Hence, the total number of staircases in a building should be dependent on criteria such as the total area of the building, height of the building, total number of exit widths and travel distance to emergency exits. For all buildings based on their occupancy category Fire NOC has to be obtained from the Fire Department. Since the Fire and rescue department carries out the rescue operations in case of emergencies and fire, they are the competent authority for recommending safety provisions. Based on the above mentioned criteria of the buildings, the Fire Department can suggest the changes required in the number of staircases

or type of staircases (whether the stairway should abut one or more external wall) in individual cases, at the time of issuing Fire NOC.

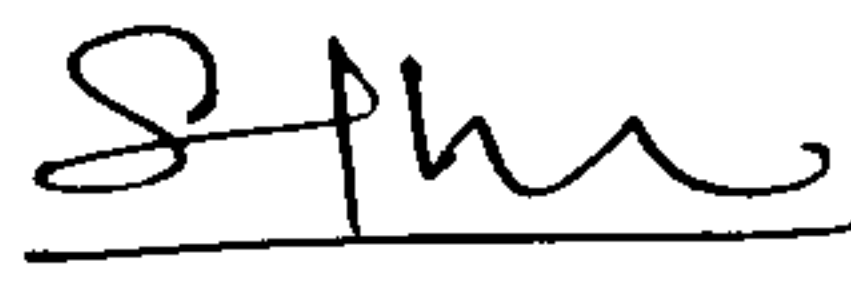
7. In the above circumstances, the order of the Hon'ble High Court of Kerala read as 2nd paper , is complied with.

(By order of the Governor)
T.P.Vijayakumar
Special Secretary to Government.

To

1. The Advocate General (with covering letter)
2. The Chief Town Planner, Thiruvananthapuram.
3. The Director General of Fire and Rescue Services, Thiruvananthapuram.
4. The Chief Town Planner(Vigilance), Thiruvananthapuram.
5. The Director of Panchayats, Thiruvananthapuram.
6. All Deputy Director of Panchayats (through Director of Panchayaths)
7. The Director of Urban Affairs, Thiruvananthapuram.
8. The Secretaries of all Corporations/Municipalities (Through Director of Urban Affairs)
9. All Regional/Town Planners (through Chief Town Planner)
10. The Secretaries of all Grama Panchayats (through Director of Panchayaths)
11. Sri.C.B.Sumesh Babu, Chathankulam House, Kongad P.O., Palakkad District.
12. The Executive Director, IKM, Swaraj Bhavan, Thiruvananthapuram
✓ (to publish in all Government website and Local Self Government Department website).
13. Director of Information & Public Relations Department
14. Stock File/Office Copy.

Forwarded/By Order


Section Officer

Copy to:

- The PS to Hon'ble Minister (LSGD)
- The PA to Principal Secretary (LSGD)

The PA to Special Secretary I (LSGD)
The CA to Special Secretary II (LSGD)
Local Self Government Department (All Sections)