



## **Chapter – V**

### **Compliance Audits**

- **Setting up and management of Fire Services by Urban Local Bodies**
- **Compliance Audit paragraphs**

## Chapter V: Compliance Audit

### URBAN DEVELOPMENT AND HOUSING DEPARTMENT

#### 5.1 Setting up and management of Fire Services by Urban Local Bodies

##### 5.1.1 Introduction

The Fire Services have been included as a Municipal function under Article 243 (W) in the XII Schedule of the Constitution of India. The key role of fire services are to save life and property from fire, conduct rescue operations, educate and create public awareness for fire prevention. It is the primary responsibility of the municipal bodies themselves and the State Governments to allocate sufficient resources for strengthening and equipping Fire Services with modern gadgets and technologies and to take various steps required for safety of life and property of the citizens in the area of their jurisdiction. Under Madhya Pradesh Municipal Corporations Act 1956 and Madhya Pradesh Municipalities Act 1961, Urban Local Bodies (ULBs) are responsible for establishment and maintenance of fire brigade and arrangement for the prevention and extinction of fire.

The setting up and management of fire services by ULBs in the State covering period from 2011-12 to 2015-16 was examined in audit to assess whether adequate infrastructure for fire services was available and supported by proper planning, adequate funding and monitoring. For the test check of records in audit, Bhopal Municipal Corporation (BMC), Jabalpur Municipal Corporation (JMC), four Municipal Councils<sup>1</sup> (MCs) and four Nagar Parishads<sup>2</sup> (NPs) were selected by using *Simple Random Sampling without Replacement method*. Records of Urban Administrative and Development Directorate (UADD) were also examined.

An entry conference was held with Additional Commissioner, UADD on 17 March 2016 to discuss audit objectives, audit criteria, scope and methodology. Exit conference was held on 6 January 2017 with the Additional Commissioner, UADD to discuss the audit findings. The replies of State Government have been suitably incorporated in the report.

#### Audit Findings

##### 5.1.2 Planning

###### 5.1.2.1 *Comprehensive Plan for management of fire services not prepared*

With a view to upgrade the shortcoming in the fire services, the Government of India (GoI) constituted (1955) a Standing Fire Advisory Committee (SFAC) to advise to GoI for speedy development of fire services all over the country including standardisation of fire fighting equipment. In order to standardise and revamp fire services in the country, the National Disaster Management

<sup>1</sup> Chanderi (Distt. Ashoknagar), Malanjkhanda (Balaghat), Mandideep (Raisen) and Sanavad (Khargone)

<sup>2</sup> Banmore (Morena), Chandla (Chhatarpur), Khirkiya (Harda) and Shahpur (Burhanpur)

Authority (NDMA) issued (April 2012) guidelines on scaling, type of equipment and training of fire services (NDMA guidelines, 2012), which was to be followed by all State Governments and local bodies in a planned and focused manner.

As per Para 3.3 of NDMA guidelines, 2012, the State was to prepare a complete plan and work out the total requirements of manpower and equipment for the entire State on the basis of recommendation of SFAC. The number of fire stations and the number and type of vehicles were to be calculated. After finalising the requirements, it was to be examined as to how much can be procured out of Thirteenth Finance Commission (ThFC) grant to the ULBs and for remaining requirements, proposals were to be prepared and submitted to the Planning Commission for approval in the State Plan for next five years (2012-17).

**State Government did not prepare comprehensive plan for management of fire services**

Audit noticed that State Government did not prepare any comprehensive plan for strengthening and management of fire services as required under NDMA guidelines, 2012. Commissioner, UADD informed (February 2016) that the ThFC grant was released to ULBs with the instruction to procure the water tender on first priority, in cases where water tender was not available. Thus, even the requirement of water tenders at State level were not assessed by UADD before release of ThFC grant to ULBs.

In reply (January 2017), State Government stated that in view of audit observation, orders were issued in December 2016 for procurement of 14 water tenders in 11 ULBs and the remaining requirement would be met according to availability of budget. "Ideal Personnel Structure" had been published for ULBs and instructions would be issued to ULBs for making recruitment as per "Ideal Personnel Structure".

The reply is not acceptable, as State Government could not provide any evidence for preparation of comprehensive plan and projected requirement for funds communicated to the Planning Commission to bridge the resource gap in the State Plan during 2012-17.

#### **5.1.2.2 Regulations for fire service management not made by ULBs**

Section 353 of Municipal Corporation Act 1956 envisages that the Commissioner shall make regulations for: (a) training, discipline and good conduct of the men belonging to the fire brigade, (b) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire, (c) maintenance of the said brigade generally in the state of efficiency, and (d) the submission of reports of fires. Further, Section 358 (3) (k) of Municipalities Act 1961 envisages that the Municipal Councils may make bye-laws for the provision of means of egress in case of fire, fire-escapes and water-lifting devices.

**None of the test checked ULBs made any regulations/bylaws to regulate fire service**

Audit scrutiny revealed that test checked ULBs did not frame regulations/by-laws to regulate fire services as envisaged under respective Acts. In reply (January 2017), Government stated that instructions would be issued to ULBs.

The failure of ULBs to frame regulations/bye-laws for fire services, though mandated under the respective Acts, led to deficient management of fire services, as discussed in succeeding paragraphs.

### 5.1.2.3 Enactment of a Fire Act not done

SFAC finalised a model Fire Force Bill, which was circulated (October 1958) by GoI to all State Governments for enactment by their respective Legislature. Considering the increasing vulnerability to fire all over the country, NDMA guidelines, 2012 envisaged that States, which had not enacted their own Fire Act, should immediately enact a suitable Fire Act within a year.

**The State Government did not enact its own Fire Act**

Audit scrutiny revealed that the State Government did not enact its own Fire Act. The fire services were organised under Municipal Corporations Act 1956 and Municipalities Act 1961. However, the respective municipal acts did not provide for various necessary provisions included in Model Fire Bill, such as,

- penalties and punishments for violation of duty of fire service personnel, failure of person in communicating information on outbreak of fire, false report of the outbreak of a fire; and,
- liability of property owner, whose property catches fire due to deliberate or negligent action, to pay compensation to any other person suffering damage to his property.

In reply (January 2017), State Government stated that the suggestions of States on model draft bill were invited by GoI. The necessary amendments in Acts/Rules would be made after finalisation of Model Fire Safety Act.

Fact remains that State Government did not enact the Fire Act, despite the NDMA guidelines, 2012 required it to be enacted within a year.

### 5.1.2.4 Fire services not transferred to ULBs

According to Constitution (74<sup>th</sup> Amendment Act), 1992, 18 functions including fire services, were to be devolved to Municipalities under Article 243W read with 12<sup>th</sup> schedule of the Constitution of India. State Government devolved all functions listed in the 12<sup>th</sup> schedule to ULBs. Audit scrutiny revealed that fire services in the State was being rendered by Municipalities. However, Police fire services continued to render the fire services in Indore, four buildings of Bhopal (Vallabh Bhawan, Satpura Bhawan, Vindhayachal Bhawan and Vidhan Sabha Bhawan) and Industrial Areas of Pithampur (Dhar district) and Malanpur (Bhind district). As a result, six fire stations, 90 fire vehicles and 253 employees were yet to be transferred from Police to ULBs.

In reply (January 2017), State Government stated that Home Department had been requested for handing over the fire services.

## 5.1.3 Financial outlay

ThFC recommended that a portion of grants provided to ULBs be spent on revamping of fire services within their respective jurisdictions. The State Government received ThFC grants of ₹ 1,325.30 crore during the period of 2010-16 for further allocation to ULBs. Audit noticed that State Government released ThFC grant of ₹ 168.11 crore to test checked ULBs. However, there was no separate allocation of fund for fire services under ThFC grants released to ULBs.

Audit scrutiny revealed that State Government released ₹ 8.50 crore as a State Grant to test checked ULBs for fire services. The details of receipts of ThFC

Grant, State grant and expenditure incurred on fire services by test checked ULBs during 2010-16 were as detailed in **Table 5.1**.

**Table – 5.1: Details of receipts under ThFC Grant and State Grant and expenditure on fire services by test checked ULBs during 2010-16**

(₹ in crore)

Name of ULBs	ThFC grant		State fund	
	Total receipt	Expenditure on fire services ( <i>per cent</i> )	Receipt for fire services	Expenditure on fire services
BMC	91.08	1.24 (1)	6.05	0.55
JMC	65.47	1.31 (2)	0.55	0.55
MC Chanderi	1.8	0.13 (7)	0.33	0
MC Malanjkhanda	1.47	0	0.33	0
MC Mandideep	2.8	0.65 (23)	0.33	0
MC Sanavad	1.76	0.04 (2)	0.33	0
NP Banmore	1.02	0	0.33	0.25 (75)
NP Chandla	0.76	0	0.25	0.12 (48)
NP Khirkiya	1.01	0	0	0
NP Shahpur	0.94	0	0	0
<b>Total</b>	<b>168.11</b>	<b>3.37</b>	<b>8.50</b>	<b>1.47</b>

(Source: Information collected from ULBs)

Utilisation of ThFC grant on fire service was one to seven *per cent*

As evident from **Table 5.1**, five ULBs did not incur any expenditure on fire services against ThFC grant. The expenditure of remaining five ULBs, except MC Mandideep, was only one to seven *per cent*. Thus, ULBs did not comply the ThFC recommendation of incurring a portion of grants on revamping of fire services within their respective jurisdictions. Further, 83 *per cent* of the State grant (₹ 7.03 crore) released for fire services remained blocked with seven test checked ULBs as of August 2016.

Test checked ULBs also collected ₹ 30.29 crore during 2011-16 as general fire tax (as a part of composite tax<sup>3</sup>), which was imposed as per State Gazette notification (April 1997) for conduct and management of fire services in municipal area under the provisions of Madhya Pradesh Municipal Corporation Act 1956 and Municipality Act 1961. The details of funds augmented in the budget of ULBs and expenditure incurred on fire services by test checked ULBs during 2010-16 were as detailed in **Table 5.2**.

**Table – 5.2: Details of Fire tax, budget estimates and actual expenditure on fire services during 2011-12 to 2015-16**

(₹ in crore)

Name of ULB	Provisions for expenditure on fire service in BEs	Recovery of General Fire Tax	Actual expenditure against BEs (Percentage of Expenditure)
BMC	15.46	19.82	6.87 (44)
JMC	28.04	9.75	3.30 (11)
MC Chanderi	0	0.17	0.01
MC Malanjkhanda	0.38	0.13	0.13 (34)
MC Mandideep	0.40	0.15	0.11 (27)
MC Sanavad	0.69	0.10	0.64 (92)

<sup>3</sup> Sanitation Tax, light tax and fire tax

Name of ULB	Provisions for expenditure on fire service in BEs	Recovery of General Fire Tax	Actual expenditure against BEs (Percentage of Expenditure)
NP Banmore	0	0.03	0.24
NP Chandla	0.68	0.01	Not available
NP Khirkiya	0.40	0.08	0.01 (2)
NP Shahpur	0.04	0.05	0.02 (50)
<b>Total</b>	<b>46.09</b>	<b>30.29</b>	<b>11.33</b>

(Source: Information provided by UADD)

Thus, the expenditure on fire services by test checked ULBs (except MC Sanavad) was only 2 to 50 *per cent* against the budget estimate. These ULBs could not utilise even the realised fire tax, though these ULBs had severely deficient infrastructure for managing fire services, as discussed in succeeding paragraphs.

In reply, BMC stated (August 2016) that the available resources were adequate for fire services as per the requirement of Municipal area, therefore, the ThFC grant was utilised on other basic services. JMC stated (February 2016) that the requisite improvement could not be made in fire services as ThFC grant was utilised on infrastructure work. The CMO Sanavad (June 2016) replied that State Grant received was kept in Municipal fund. CMO NP Banmore replied (May 2016) that available funds would be utilised on fire services with approval of Municipal Council.

The reply of BMC was not acceptable as the available fire stations, equipment and manpower for fire services in BMC were much less than the requirement as stated in fire mitigation plan discussed in **para 5.1.4.4**.

During exit conference (January 2017), State Government replied that the ULBs were directed to utilise ThFC grant for purchase of water tender (if not available) on priority basis and thereafter remaining grant was to be utilised on water supply, solid waste management, infrastructure in slums, sewerage and drainage and construction of roads and also issued an order (January 2017) to ensure utilisation of fire tax revenue on fire services.

Reply of State Government was not acceptable, as the Government failed to earmark a portion of ThFC grant for utilisation on fire services as recommended by ThFC. The requirements of manpower and equipment for the entire State was also not worked out for requesting fund during next five year in the State Plan. As a result, fire services could not be strengthened in the State and there remained large gaps in basic requirements viz. fire stations, essential equipment and manpower.

## **5.1.4 Infrastructure and Fire Management**

### **5.1.4.1 Inadequate number of Fire Stations**

Operational efficiency of any fire service depends, to a large extent, upon the location of fire station in relation to the entire area which is required to be protected by the fire station. SFAC recommended that fire station should be established in district headquarter towns and all sub divisional headquarter towns. It was also recommended that one fire station should be available for every 10.36 Sq.kms. of area to be covered in the city having population more



than one million. The minimum dimensions for each essential features of a fire station was also recommended by SFAC.

**Fire stations established by BMC and JMC were not as per SFAC norms**

Audit scrutiny revealed that no fire station was established in test checked ULBs, except BMC and JMC. As a result, water tenders were kept in open areas, which were about one to two km away from water hydrants.

BMC had only 10 fire stations against the requirement of 28 fire stations for covering area of 285 Sq.km. Out of 10 fire stations, only four fire stations<sup>4</sup> were established in covered buildings. However, the dimensions of Appliance Room, Watch Room, Store Room etc. in the fire stations were less than the minimum dimensions recommended by SAFC (*Appendix-5.1*). Further, water hydrants were installed only in two fire stations, despite recommendation of SFAC of minimum one hydrant in each fire station. The water hydrants for remaining eight fire stations were installed one to three km away from fire stations.



**Fire station, Kolar, Bhopal**  
(Obstacles in water tender parking area)



**Main fire station Jabalpur**  
(water tenders were kept in open area)

Further, in JMC, there were two fire stations (one main fire station and one fire sub-station) against the requirement of 11 fire stations assessed by the Corporation for covering area of 122.5 Sq.km. The main fire station was covering about 87 per cent service area. Further, land at nine various places was earmarked (July 2007) for establishment of fire stations and provision for establishing fire station was also made in the Budget Estimates for the period 2011-12 to 2014-15.

Audit noticed that there was loss of property of ₹ 2.90 crore in the area in 26 fire outbreaks with distance of five Kms and above from the fire station. However, JMC failed to establish new fire stations as of March 2016.

In reply, test checked ULBs stated (April 2016 to August 2016) that the requisite fire stations could not be established due to lack of funds. During exit conference the State Government replied that instructions were issued (January 2017) to BMC and JMC to ensure the utilisation of fire tax revenue on fire services.

<sup>4</sup> Chhola, Govindpura, Pulbogda and Sant Hirdaram Nagar

#### 5.1.4.2 Essential equipment

SFAC recommended the minimum essential equipment viz. two water tender pumps (carrying minimum 2700 litre water), one extra heavy water tender (carrying minimum 9000 litre water) and one ambulance for scaling of each fire station. The Details of essential equipment available in fire stations of BMC and JMC were as given in **Table-5.3**.

**Table – 5.3: Details of availability of essential equipment in test checked ULBs**

Name of ULB	No. of fire station	Water tender pump		Heavy water tender		Ambulance	
		Available	Required	Available	Required	Available	Required
BMC	10	20	20	10	Nil	10	Nil
JMC	02	04	08	02	01	02	Nil
<b>Total</b>	<b>12</b>	<b>24</b>	<b>28</b>	<b>12</b>	<b>01</b>	<b>12</b>	<b>Nil</b>

(Source: Information provided by ULBs)

Thus, there were shortage of 11 heavy water tender pumps and 12 ambulances in available fire stations of BMC and JMC. Further, the requirement of essential equipment in remaining test checked ULBs could not be assessed in Audit due to absence of any fire station in these ULBs.

In reply, the test checked ULBs stated (February to August 2016) that equipment could not be procured due to lack of funds. During exit conference (January 2017), State Government replied that the procurement of water tenders was under process.

Replies are not acceptable, as ULBs failed to utilise even the realised fire tax for strengthening fire services in their respective jurisdictions.

#### 5.1.4.3 Personnel Protective equipment

Fire fighters are exposed to highly variable environments including elevated temperatures and convective and radiant thermal flux. Keeping in view, NDMA prescribed 16 types of personal protective equipment as detailed in **Appendix-5.2**. However, scrutiny of records revealed that no personal protective equipment was available in MC Sanavad and NPs Chandla, Khirkiya and Shahpur. Further, only two to eight equipment were available in remaining ULBs.

In reply (January 2017), State Government stated that the action would be taken for procurement of personnel protective equipment as per availability of budget.

The reply is not acceptable, as State Government/ULBs had not prepare any plan for procurement of protective equipment.

#### 5.1.4.4 Fire Mitigation Plan not implemented

According to para 10.161, ThFC recommended that all Municipal Corporations with a population of more than one million (2001 census) must put in place a fire hazard response and mitigation plan for their respective jurisdictions and publish it in the State *Gazette*.

BMC and JMC, which had population of 14.58 lakh and 10.76 lakh (census 2001) respectively, prepared Fire Hazard Response and Mitigation



Plans (Fire Mitigation plan hereinafter) for the period 2010-15 and published (February, 2011) it in two parts (Capital Investment Plan and Human Resource Management) in the State *Gazette*. Following deficiencies in implementation of fire mitigation plan were observed:

- ***Implementation of Fire Mitigation Plan in BMC***

The Capital Investment Plan (CIP) of ₹ 323 crore of BMC was based on requirement of infrastructure and equipment as per NDM guidelines. The CIP comprised establishment of one city level headquarter, four divisional headquarters, one training centre and 28 fire stations and 246 fire equipment. Human Resource Management plan comprised requirement of 491 posts for fire services (44 post for general manpower and 447 posts for operation of equipment).

BMC received ThFC grant of ₹ 91.08 crore during 2010-16, while expenditure incurred on fire services was only ₹ 1.24 crore (one *per cent*) against the proposed CIP. Further, against the additional requirement of 22 fire stations, only five fire stations<sup>5</sup> were established and 14 equipment<sup>6</sup> were procured against the projected requirement of 213 equipment during the period 2011-16. Audit noticed that no initiatives were taken for establishment of city level headquarter, divisional headquarter and training centre.

Audit noticed that the sanctioned strength of fire personnel was 176 against the projected requirement of 417<sup>7</sup> in the human resource management plan and only 156 personnel were actually deployed for fire services. However, BMC did not take any initiatives for recruitment of staff during 2011-16.

- ***Implementation of Fire Mitigation Plan in JMC***

The CIP of ₹ 137.85 crore of JMC was based on requirement of infrastructure and equipment as per NDMA guidelines, 2012, which comprised of establishment of one headquarter, two divisions, 11 fire stations and 39 fire equipment. Human Resource Management comprised requirement of 550 posts for fire services (243 post for general manpower, 89 post for office requirement and 218 posts for operation of equipment).

JMC received ThFC grant of ₹ 65.47 crore during 2011-16 and the expenditure of JMC on fire services was only ₹ 1.31 crore (two *per cent*). However, no fire station was established despite 11 planned fire stations. Further, the sanctioned strength of fire personnel was 187 against the projected requirement of 373<sup>8</sup> in the human resource management plan and only 85 personnel were actually deployed for fire services.

Thus, the mitigation plans of BMC and JMC were not implemented despite availability of ThFC grant of ₹ 91.08 crore in BMC and ₹ 65.47 crore in JMC.

On this being pointed out, the BMC stated (August 2016) that mitigation plan could not be implemented due to unavailability of land and adequate fund. The

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<sup>5</sup> Fire station Gandhi Nagar, Govindpura, Ibrahimpura, ISBT and Mata mandir

<sup>6</sup> One foam tender, One water tender, One Rescue van and 11 fire bullets

<sup>7</sup> Chief Fire Officer (01), Fire Officer (04), Asstt. Fire Officer(10), Leading Fireman (288) and fireman (114)

<sup>8</sup> Chief Fire Officer (04), Fire Officer (02), Asstt. Fire Officer(04), Leading Fireman (97) and fireman (266)

JMC stated (February 2016) that the plan could not be implemented due to not receiving additional grant for this purpose.

The replies of both ULBs are not acceptable as they could not utilise even available funds on fire services. During exit conference State Government replied that instructions were issued (January 2017) to ULBs to ensure the utilisation of fire tax revenue and grants provided for augmentation of fire services.

#### 5.1.4.5 Allotment of Staff quarters to fire personnel

SFAC recommended that the allotment of quarters to all the fire personnel should be within the premises of the fire station to ensure their availability at all times.

Out of 85 staff quarters only 24 staff quarters were allotted to fire personnel

Audit scrutiny revealed that only four fire stations<sup>9</sup> out of 12 fire stations in BMC and JMC had staff quarters. Thus, staff quarters was not available within the premise of eight fire stations, whereas 81 fire personnel were posted in these fire stations. Further, 85 staff quarters were available in the premises of four fire stations, whereas 160 fire personnel were deputed in these fire stations. However, only 24 staff quarters (28 per cent) were allotted to fire personnel and remaining 61 quarters were allotted to staff deployed in other department of MCs. The details of availability of staff quarters within the premises of four fire stations and allotment to fire personnel are given in Table-5.4.

**Table – 5.4: Details of availability and allotment of staff quarters**

Name of ULB	No. fire station	No fire personnel deployed	No, of staff quarters in the premises of fire stations	Staff quarters allotted to fire personnel	Staff quarters allotted to others
BMC	03	77	32	15	17
JMC	01	83	53	09	44
<b>Total</b>	<b>04</b>	<b>160</b>	<b>85</b>	<b>24</b>	<b>61</b>

(Source: Information collected from ULBs)

In reply, the BMC stated (August 2016) that the staff quarters were allotted to other employees since long and the matter would be considered in future. The JMC replied (February 2016) that the staff quarters were allotted to fire personnel on priority basis subject to their demand. During exit conference, State Government replied that the instructions were issued (January 2017) for allotment of staff quarters to fire personnel on priority basis.

The reply was not acceptable, as BMC and JMC failed to provide staff quarters to all the fire personnel within the premises of the fire station so as to ensure their availability at all times.

#### 5.1.4.6 Fire calls and Response time

As per para 2.5 of NDMA guidelines, 2012 the locations of the fire station should be such that the men and equipment would be able to reach any part of the area covered by the respective fire stations within three to five minutes in urban area and 20 minutes in the rural areas.

<sup>9</sup> Bhopal (Fatehgarh, Pulbugda, Sant Hirdaram Nagar), Jabalpur (Nigam compound)

Response time to attend fire calls was not recorded in any test checked ULBs

Audit noticed that BMC and JMC attended 10948 (9220 and 1728 respectively) fire calls and other test checked ULBs attended 919 (MCs 485, NPs 434) fire calls during 2011-12 to 2015-16. However, response time was not recorded by any of the test checked ULBs. Thus, in absence of records showing response time the efficiency of fire services could not be ascertained in audit.

In reply (January 2017), State Government stated that instructions were issued (January 2017) to all ULBs for recording the response time as required by SFAC recommendations.

***5.1.4.7 National Building Code requirements in respect of fire prevention not complied***

SFAC recommended that 'No Objection Certificate' (NOC) must be obtained from the fire service for each place of public assembly and provisions for fire safety requirement in such occupancies as contained in National Building Code (NBC) of India may be strictly enforced. State Government made a provision in Land Development Act 2012 that fire fighting system as prescribed in NBC should be installed in buildings having height of more than 12.5 meter. The Commissioner, UADD was designated as State Fire Authority (SFA) for ensuring the installation of fire equipment in the buildings as per the norms of NBC.

Audit scrutiny revealed that SFA issued provisional fire NOCs for buildings on the basis of fire plan, lay out plan and building permissions issued by ULBs or Gram Panchayats etc. with the condition that the applicant would invariably inform after installation of fire fighting equipment in the building so that the temporary NOC and licence for occupation after due verification could be issued. During 2011-12 to 2015-16, SFA issued 517 provisional NOCs without mentioning validity period for these NOCs. Of these provisional cases of permission, temporary NOCs were issued later on only in 130 cases (25 per cent). The information of installation of fire fighting system was not available (August 2016) with SFA in remaining 387 cases.

Scrutiny of records in test checked ULBs revealed that BMC issued 153 building permissions and JMC issued 41 building permissions during 2011-16 with the condition that the owner of the building had to obtain fire NOC from SFA. However, out of 194 cases of building permission, the owners of buildings applied for NOC only in 19 cases (10 per cent). The provisional NOC was issued in 17 cases and the status of installation of fire fighting system was not verified by respective ULBs or SFA in remaining 177 cases.

In reply, BMC and JMC stated (June 2016 and February 2016) that while issuing building permissions, the owners were directed to obtain NOC from SFA.

During exit conference, State Government replied that the information regarding building permission issued by ULBs were not made available to SFA. Hence, the fire NOCs were issued only in those cases in which the proposal received from owners of the building. However, the instructions in this regard would be issued.

Thus, due to lackadaisical approach on the part of Municipal authorities and SFA, compliance of NBC norms in respect of installation of fire equipment in buildings was not ensured.

#### 5.1.4.8 Public awareness programme

The public awareness for prevention of fire is important and therefore, SFAC recommended that the public awareness programme should be organised, which may include propaganda in schools and colleges, exhibition of slides and films in cinema houses, competition of slogan writing and observance of fire week or fire day.

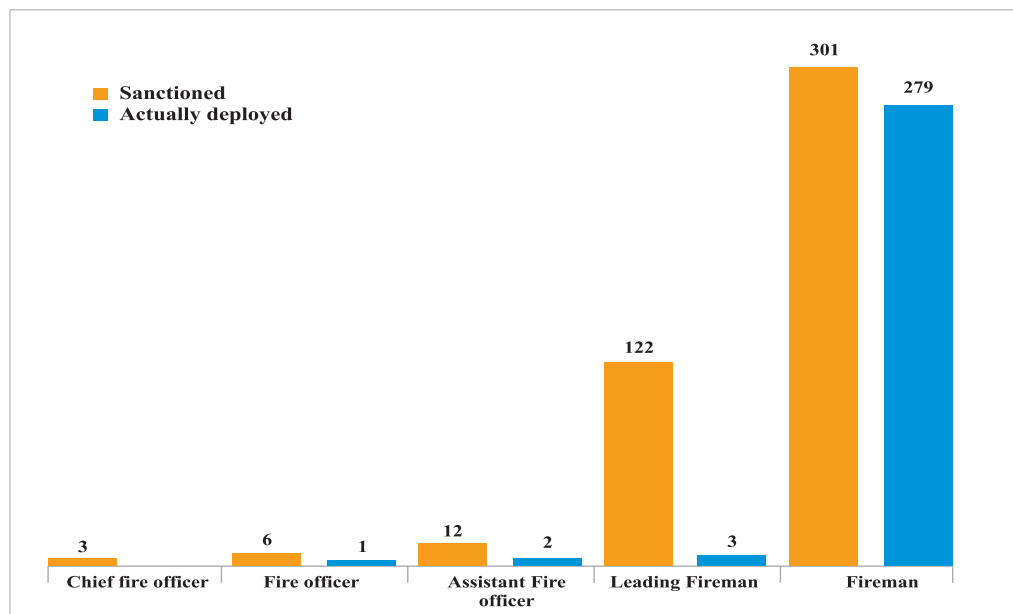
Audit observed that no programme of public awareness for prevention of fire was organised by any test checked ULBs, except JMC which observed fire day (14 April) and organised propaganda in schools and colleges through distribution of 'Agni Suraksha Fun book'.

In reply (January 2017), State Government stated that the instructions were issued (January 2017) for running a campaign for public awareness for prevention of fire.

### 5.1.5 Man power management and capacity building

#### 5.1.5.1 Shortage of fire staff

State government issued (February 2014) ideal personnel structure for ULBs and approved sanctioned strength of 443 fire personnel for test checked ULBs. Audit scrutiny revealed that none of the test checked ULBs, except BMC and JMC, had sanctioned post of Chief Fire Officer/Fire Officer/Assistant Fire Officer. Further, there was acute shortage of fire personnel and only 285 fire personnel (64 per cent) were actually deployed, as depicted in **Chart 5.1** and **Appendix-5.3**.



Further, out of 285 fire personnel deployed in the test checked ULBs, only 94 personnel (33 per cent) were on regular basis and remaining 191 personnel were either on daily wages or contract basis. Audit scrutiny revealed that recruitment against the sanctioned posts of fireman was not done during

2011-16, except confirmation of three daily wages employees on the post of fireman in NP Chandla.

As per Municipal Corporation recruitment and service rules 2000, the post of fireman was to be filled only by direct recruitment method and “diploma in fire services” was essential qualification for fire man. Also, SFAC recommended physical standard for physical fitness of fire personnel, such as running a distance of 100 yards with a weight of 10 stones in one minute, lifting the hook ladder to a vertical position by third and sixth round, climbing a rope or a vertical position to a height of eight to ten feet from the ground, etc. However, the physical fitness of fire personnel was never ensured by any test checked ULBs.

In reply (January 2017), State Government stated that the recruitment of staff was to be done by ULBs. However, the instructions were issued (January 2017) to ULBs to ensure necessary qualification and physical fitness of fire personnel.

#### **5.1.5.2 Capacity building of fire staff was not ensured**

The aim of training was to ensure that all fire service personnel are given the necessary exposure to develop the knowledge, skills, attitude, physical fitness, vision and mental alertness. Further, a Fire Training Centre should be established in every State for new entrants and for organising service/promotional courses. ThFC also identified the capacity building as a critical area for disaster management and allocated funds of ₹ 25 crore for this purpose to each state during 2010-15, which was to be utilised on training of fire personnel.

No training programs were organised for capacity building of fire personnel

Audit scrutiny revealed that State Government did not establish fire training centre in the State. Further, no training programmes/courses for fire personnel was organised by State Government or by the test checked ULBs during 2011-12 to 2015-16.

In reply (January 2017), State Government stated that the instructions were issued (January 2017) to ULBs to organise training programme for fire personnel for necessary qualification and physical fitness of fire personnel.

#### **5.1.6 Monitoring and upkeeping of fire records**

There was no system in place for monitoring and up keeping of records

Audit scrutiny revealed that there was no monitoring mechanism for periodic inspection of fire stations/ equipment and its reporting at State level as well as at test-checked ULBs level. Fire call register was not maintained in test checked ULBs except in BMC and JMC. However, information required to assess the efficiency of fire service such as response time was not recorded in fire call register of BMC and JMC. The details of loss were recorded in only some cases in fire call register.

During exit conference (January 2017), State Government replied that in view of audit observations, the instructions were issued to all ULBs for keeping records of response time and loss properties.

#### **5.1.7 Summary of conclusions and recommendations**

- State Government did not prepare comprehensive plan for strengthening and management of fire services. Fire Act was not

enacted in the State, despite NDMA guidelines 2012 required it be enacted within a year. The Commissioner/CMOs of the test checked ULBs did not frame regulations/bylaws to regulate fire services as envisaged under the respective Municipal Acts. Compliance of norms of NBC in respect of installation of fire fighting system in the buildings was not ensured by ULBs and SFA.

**Recommendation:** ULBs should make regulations/bylaws to regulate fire services.

*State Government stated that ULBs would be directed accordingly.*

- Test checked ULBs did not utilise even the realised fire tax for strengthening of fire services. The requirements of manpower and equipment for the entire State was not worked out for requesting fund in the State Plan. As a result, fire services could not be strengthened in the State and there remained large gaps in basic requirements viz. fire stations, essential equipment and manpower.

**Recommendation:** ULBs should ensure the utilisation of grant-in aid as well as their own revenue for strengthening of fire services.

*State Government stated that in view of audit recommendation, all ULBs have been directed to ensure utilisation of fire tax revenue on strengthening of fire services.*

- No fire station was established in test checked ULBs, except in BMC and JMC which also lacked sufficient number of fire stations. Due to lack of fund, BMC and JMC did not implement fire mitigation plan published by State Government in compliance of ThFC recommendations. Fire stations of BMC and JMC were not equipped as per SFAC norms. There was inadequacy of essential equipment and personal protective equipment.

**Recommendation:** For improving efficiency in fire services, Fire stations and essential equipment as recommended by SFAC should be provided.

*State Government stated that in view of audit recommendation, BMC and JMC have been directed to ensure utilisation of fire tax revenue for upgradation of fire station and fire equipment.*

- ULBs lacked firefighting manpower significantly and there are large number of vacancies. No recruitment against the sanctioned posts of fireman was done during 2011-16. Out of 285 personnel engaged in fire service, only 94 personnel (33 per cent) were on regular basis and remaining 191 personnel were either on daily wages or contract basis. No initiatives were taken for capacity building as neither any fire training centre was established by State Government nor any training programs/ courses for fire personnel was organised by ULBs.

**Recommendation:** ULBs should deploy adequate number of staff for fire services. Also the required qualifications and physical fitness of fire personnel should be ensured. Capacity building of fire personnel should be ensured.



*State Government stated that ULBs have been directed to organise training programmes from time to time for essential qualification and physical fitness of fire personnel.*

- Response time to attend fire calls was not recorded by any test checked ULB. Public awareness program for fire prevention was not organised.

**Recommendation:** Response time as recommended by SFAC should be observed by ULBs to watch the efficiency of fire service. Public awareness programs should be organised time to time.

*State Government accepted the audit recommendations.*

- No monitoring mechanism was in place at State level as well as at test-checked ULBs level in respect of periodic inspection of fire stations/equipment and its reporting. Fire call register was not maintained properly due to which efficiency of fire services could not be assessed in audit.

**Recommendation:** Essential records such fire call register should be maintained properly.

*State Government accepted the audit recommendations.*

## **5.2 Compliance Audit Paragraphs**

### **URBAN DEVELOPMENT AND HOUSING DEPARTMENT**

#### **5.2.1 Short realisation of supervision fee**

#### **Supervision fee amounting to ₹ 78.82 lakh was short realised from six colonizers by Municipal Council, Badnawar, district Dhar.**

According to Rule 12 of Madhya Pradesh Nagar Palika (Registration of Colonizer, Terms and Conditions) Rules, 1998 (Rules), the colonizer would have to deposit an amount equal to two *per cent* of the estimated cost to be incurred on the internal development of the colony. Vide amendment (April 2013) in the Rules, the cost of internal development in a colony would be calculated on the basis of prevailing rates under the Integrated Standard Schedule of Rates published by the Department.

Scrutiny of records of Chief Municipal Officer (CMO), Municipal Council (MC), Badnawar, District Dhar (May 2015) revealed that supervision fee amounting to ₹ 5.65 lakh was collected by the MC from six colonizers between April 2011 and March 2015. The cost of internal development was not calculated by the MC on the basis of Integrated Standard Schedule of Rates or prevailing rates in nearby MCs. The estimated cost submitted by the respective colonizers were accepted for collection of supervision fee. However, in view of the prevailing cost of internal development fixed in the nearby Municipality (MC Indore<sup>10</sup>), the supervision fee in these six cases worked out to ₹ 84.47 lakh (**Appendix 5.4**). Thus, supervision fee amounting to ₹ 78.82 lakh was short realised from colonizers.

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<sup>10</sup> MC, Indore fixed the cost of internal development of colony at the rate of ₹ 200 per square feet vide MC's resolution dated 06.01.2011.

In the exit conference (January 2017), the Government stated that necessary instructions would be issued to Municipal Council, Badnawar to recover supervision fees as per rule. In reply MC, Badnawar further informed (February 2017) that notices for recovery of ₹ 78.82 lakh were issued (September 2016) to colonizers.

Fact remains that MC Badnawar failed to collect the supervision fee as per codal provisions, which resulted in short realisation of supervision fee amounting to ₹ 78.82 lakh.

### **5.2.2 Avoidable payment of penalty and interest**

#### **MC, Ujjain failed to deposit statutory dues in respect of Employees Provident Funds and Miscellaneous Provisions Act 1952, which resulted in avoidable payment of penalty and interest of ₹ 65.55 lakh.**

The Employees Provident Funds and Miscellaneous Provisions Act 1952 (EPF Act), which was enacted by Parliament, provides for the institution of provident fund for employees in factories and other establishments. Under the provisions of the Employee's Provident Fund Scheme, 1952, which was framed by the Central Government under the EPF Act, the employer shall deduct the employee's contribution from his wages which together with his own contribution shall be deposited to the fund within fifteen days of the close of every month. In case of default in payment of contribution, the employer may be liable to pay penalty and interest at the rate specified under EPF Act. Central Government notified (January 2011) that Municipal Corporations and Municipal Councils would be covered under EPF Act.

Scrutiny of records (February 2015) of MC, Ujjain revealed that the MC did not deduct employee's contribution from January 2011 to November 2011 in respect of its contractual employees. Employees Provident Fund Organisation (EPFO) assessed (December 2013) payable EPF contribution of ₹ 59.81 lakh for the period January 2011 to November 2011 and recovered (January 2014) it directly from the bank account of MC.

Further, for the period from December 2011 to July 2013, though the employee's contribution was deducted by the MC, but the contribution to EPFO was deposited with delays ranging between one and 35 months. Due to the failure of the MC to deposit of employees and employers contributions during January 2011 to November 2011 and delayed deposits of contributions during December 2011 to July 2013, EPFO levied penalty and interest amounting to ₹ 65.55 lakh (Penalty ₹ 44.20 lakh + interest ₹ 21.35 lakh), which was paid by the MC in June 2014.

In the exit conference (January 2017), the Government stated that necessary instructions would be issued to deposit EPF on time for avoiding penalty and interest.

Thus, the failure of MC Ujjain to comply with the provision of the EPF Act resulted in avoidable payment of penalty and interest of ₹ 65.55 lakh and accountability for default in payment of statutory dues was, therefore, required to be fixed.

**5.2.3 Short realisation of shelter fee**

**Shelter fees amounting to ₹ 36.37 lakh was not realised/short realised from colonizers in Municipal Corporation, Rewa.**

According to Rule 10 of Madhya Pradesh Nagar Palika (Registration of Colonizer, Terms and Conditions) Rules, 1998, in every residential plotted colony to be developed in the municipal area, the colonizer shall develop plots/offer constructed dwelling units (DUs) for persons belonging to economically weaker sections and lower income groups in such number that would be equivalent to 15 *per cent* of the total number of plots/DUs developed for other income groups. However, any colonizer, who seeks exemption from providing plots or dwelling units for the persons belonging to economically weaker sections and lower income groups shall have to pay shelter fees under Rule 10(9) prescribed at the rate of five *per cent* of the product of total area of residential plots or total built up area in square meter (sqm), as the case may be and the prevailing guideline rate determined by the Collector of Stamps.

In addition to reserving the plot/DUs for economically weaker section and lower income groups and the shelter fee paid under Rule 10(9), every colonizer shall have to deposit shelter fee as the product of the total permissible built up area in sqm and ₹ 100 in case of group housing colony as per Rule 10(10).

Scrutiny of records (April 2015) of Municipal Corporation (MC), Rewa revealed that in four cases for permission for construction of DUs, shelter fee amounting to ₹ 28.68 lakh was not realised/short realised under Rule 10(10) of Madhya Pradesh Nagar Palika (Registration of Colonizer, Terms and Conditions) Rules, 1998. Out of these permissions, one colonizer had opted for exemption from providing DUs to the persons belonging to economically weaker sections and lower income groups. However, shelter fee amounting to ₹ 7.69 lakh in view of prevailing guideline rate of ₹ 13,000 per sqm was not collected under Rule 10(9). Thus, failure of MC to collect shelter fee as prescribed under codal provisions resulted in short realisation of shelter fee amounting to ₹ 36.37 lakh, as computed in **Table 5.5**.

**Table – 5.5: Short realisation of shelter fee**

(₹ in lakh)

Details of permission to colonizer	Permissible built up area in sqm	Shelter fee payable under Rule 10 (10)	Shelter fee payable under Rule 10 (9)	Shelter fee realised	Short realised shelter fee
No.378/MC/2014, dated 06.02.2014	4175.12	4.18	Nil	2.52	1.66
No.501/MC/2013, dated 07.10.2013	11036	11.04	Nil	Nil	11.04
No.718/MC/2013, dated 09.01.2013	14801	14.80	Nil	Nil	14.80
No.450/MC/2013, dated 18.09.2013	1182.96	1.18	7.69	Nil	8.87
<b>Total</b>		<b>31.20</b>	<b>7.69</b>	<b>2.52</b>	<b>36.37</b>

In reply (November 2016), MC Rewa accepted the short realisation of shelter fee and informed that the recovery process of ₹ 36.37 lakh was initiated. In the exit conference (January 2017), the Government stated that flats/plots were reserved for economically weaker section as per notification and remaining amount of shelter fees as per rule would be recovered from concerned colonizers.

The fact remains that MC Rewa failed to comply with the provisions of Madhya Pradesh Nagar Palika (Registration of Colonizer, Terms and Conditions) Rules, 1998, which resulted in short realisation of shelter fee amounting to ₹ 36.37 lakh.



**(PARAG PRAKASH)**  
**Principal Accountant General**  
**(General and Social Sector Audit)**  
**Madhya Pradesh**

**Gwalior**  
**The 15 April 2017**

**Countersigned**



**(SHASHI KANT SHARMA)**  
**Comptroller and Auditor General of India**

**New Delhi**  
**The 18 April 2017**