

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-01 of 2017

Date	Order with signature of Judge
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- 1.For order on CMA No.10927/2019
- 2.For order on CMA No.8881/2019
- 3.For order on CMA No.27859/2017
- 4.For order on CMA No.27860/2017
- 5.Fro order on CMA No.612/2017
- 6.For hearing of main case.

08.12.2020

M/s. Nadeem A. Shaikh and Saleem Michael advocates/
petitioners in person.

M/s. Iqbal Khurram and Saeed Akhtar advocates for the KMC.

Mr. Dhani Bux Lashari advocate for the SBCA.

Mr. Hussain Bhora, Assistant Attorney General.

Mr. Jawad Dero, Addl. A.G.

Shahid Masroor, Deputy Controller/Focal Person, Civil Defence
Department.

Nadeem Ahmed, Director (Environment & Buildings), SBCA.

Asad Ali Khan, Additional Deputy Commissioner I/Chairman
Task Force, Karachi.

Aijaz Hussain Rind, Assistant Commissioner (General),
Commissioner Office, Karachi.

Mubin Ahmed, Chief Fire Officer, Fire Brigade, KMC.

Farhan Rizwan, Divisional Engineer (Phones), NTC, Karachi.

Syed Muhammad Afzal Zaidi, Municipal Commissioner, KMC,
Karachi.

On last date of hearing, notice was issued to the Municipal Commissioner, KMC to appear in person and apprise this court when 30 Fire Tenders which are out of orders will become functional. Today, Syed Muhammad Afzal Zaidi, Municipal Commissioner, KMC, Karachi is present and submits that he has already sent 30 Fire Tenders for necessary repair and within one month the maintenance work will be completed. He further stated that Federal Government has decided to provide 48 Fire Tenders to KMC by next year. His statement is taken on record. He will submit the progress report on the next date.

On last of hearing, Mubeen Ahmed, Chief Fire Officer, Fire Brigade, KMC also stated that their helpline “16” is out of order after heavy rain in the city and complaint was also lodged to NTC center but no action has been taken. We issued notice to the Divisional Engineer, National Telecommunication Corporation, Karachi to appear and explain the reasons. Today Farhan Rizwan, Divisional Engineer (Phones), NTC, Karachi is present and submits that after passing this order they have already reactivated the helpline and since 01.12.2020 the helpline is properly working.

On last date of hearing we directed the Task Force to submit a mechanism in which how they carry out inspection of different buildings and industries/ factories to ensure that the said establishments are following and observing all fire safety measures in their establishments. In the meeting of the Task Force they have constituted Sub Committees at divisional, districts and sub-divisional level. The para-4 of the compliance with mechanism is reproduced as under:-

“4/- In pursuance of above said order, three tier Task Force has been constituted at Divisional, District and Sub Divisional Levels with the following compositions and mechanism:

DIVISIONAL TASK FORCE		
SR.#	DEPARTMENT	DESIGNATION
01.	Additional Commissioner-I, Karachi Division	Chairman
02.	Additional Deputy Commissioner-I (All), Karachi Division.	Member(s)
03.	Representative of Director General, Sindh Building Control Authority.	Member
04.	Director, Civil Defence Department, Karachi.	Member
05.	Chief Fire Officer, Fire Department, KMC, Karachi.	Member
06.	Technical Member from NED University, Karachi.	Member
07.	Mr. Muhammad Nadeem Shaikh, Advocate Honourable Supreme Court of Pakistan	Member
08.	Any other Co-opt member with the approval of Chairman of. Task Force.	Member

Mechanism

- a. The Divisional Task Force shall meet once in a month to discuss and review the progress of the District and Sub-Divisional Task Forces;
- b. To issue necessary orders to the District and Sub-Divisional Task Forces for random inspection of high rise buildings, factories and industries.
- c. To ascertain the complaints against the high rise buildings, factories and industries and recommend the proposals to the Sindh Building Control Authority for necessary action against the purported violation in accordance with law & rules;
- d. To take decisions on the recommendations of the District Task Force on the inspections of the buildings, factories and industries by the Sub-Divisional Task Force or on the private complaints or from the available data collected by the Sindh Building Control Authority or any other relevant information gathered or accrued from any source;
- e. To review the coordination amongst all relevant departments for the effective enforcement of the decision of the Divisional Task Force;
- f. Finalize the cases of anomalies found in the buildings, factories and industries during inspections and forward the same to the Sindh Building Control Authority for taking necessary legal action against the violators;
- g. To implement the orders of the Courts of Law in letter and spirit and on time.
- h. To sensitize the general public about hazards and consequences of non-compliance of fire safety code of building department through print and electronic media.
- i. To issue time to time directives to the District and Sub-Divisional Task Forces for inspection of high rise buildings, factories and industries in coordination with all stakeholders either on private complaint or on its own motion as and when the Task Force deems fit and or when required to implement the decisions passed by the competent Courts of Law.

DISTRICT TASK FORCE		
SR.#	DEPARTMENT	DESIGNATION
01.	Additional Deputy Commissioner-I, concerned District	Chairman
02.	Representative of Director General, Sindh Building Control Authority.	Member
03.	Representative from Civil Defence Department, Karachi.	Member
04.	Representative from Chief Fire	Member

	Officers, Fire Department, KMC, Karachi.	
05.	Any other Co-opt member with the approval of Chairman of Task Force.	Member

Mechanism

- a. The District Task Force shall meet twice in a month to discuss and review the progress of the Sub-Divisional Task Force;
- b. To give time to time directives to the Sub-Divisional Task Force for inspection of high rise buildings, factories and industries in coordination with all stakeholders either on private complaint or on its own motion as and when the Task Force deems fit and or when required to implement the decisions either by competent Court or Divisional Task Force.
- c. To issue necessary orders to the Sub-Divisional Task Force for random inspection of high rise buildings, factories and industries and report of the same shall be furnished to the Divisional Task Force for further decision.
- d. To ascertain the complaints against the high rise buildings, factories and industries and recommend the proposals to the Divisional Task Force for necessary action against the purported violation in accordance with law & rules;
- e. To take decisions on the recommendations of the Sub-Divisional Task Force on the inspection of the buildings, factories and industries by the Sub-Divisional Task Force or on the private complaint or from the available data collected by the Sindh Building Control Authority or any other relevant information gathered or accrued from any source;
- f. To review the coordination amongst all relevant departments at district level for the effective enforcement of the decisions of the Divisional Task Force;
- g. To implement the orders of the Courts of Law in letter and spirit and on time.
- h. In case of any ambiguity on the point of law or any other ancillary or otherwise matter, the reference shall be moved without wasting time to the Divisional Task Force for its clarification;
- i. To remain vigilant of any fire accident and report the same to the Fire Brigade Department, KMC and other concerned departments for its immediate redressal.

SUB-DIVISIONAL TASK FORCE		
SR.#	DEPARTMENT	DESIGNATION
01.	Assistant Commissioner concerned	Chairman
02.	Representative of Director General, Sindh Building Control Authority.	Member
03.	Representative from Civil Defence Department, Karachi.	Member
04.	Representative from Chief Fire Officers, Fire Department, KMC, Karachi.	Member
05.	Any other Co-opt member with the approval of Chairman of Task Force.	Member

Mechanism

- a. The Sub Divisional Task Force shall meet twice in a month to discuss and review the progress of Task Force and implement the decisions of the Divisional and District Task Forces;
- b. To furnish reports of the random visits to the District Task Force for further necessary action.
- c. To visit at least one high rise building or factory or industry in one week in the Sub Division and furnish report to the District Task Force for its scrutiny and further necessary action;
- d. To inspect buildings, factories and industries from the available data collected by the Sindh Building Control Authority or any other relevant department/agency regularly;
- e. To ascertain the private complaints against the high rise buildings, factories and industries and furnish report by visiting the same within 48 hours. The said report shall be submitted to the District Task Force so that appropriate disposal of the complaint may be done on time and as per law;
- f. To implement the orders of the Courts of Law in letter and spirit and on time.
- g. In case of any ambiguity on the point of law or any other ancillary or otherwise matter, the reference shall be moved without wasting time to the District Task Force for its clarification;
- h. To inspect high rise buildings, factories and industries in coordination with all Task Force members either on private complaint or on its own motion as and when the Task Force deems fit and/or when if required to

implement the decisions either passed by the competent Court or by the Divisional and District Task Forces.

- i. To remain vigilant of any fire accident and report the same to the Fire Brigade Department, KMC and other concerned departments for its immediate redressal.”

In pursuance of the earlier order, it is stated in the compliance report that one telephone was installed in the Commissioner Office Karachi now three phone numbers have been dedicated and activated for receiving the complaints of fire incidents at Commissioner Office, Karachi and they have also published the phone numbers in the newspapers for the general public information.

Nadeem Ahmed, Director (Environment & Buildings), SBCA has also filed compliance report along with copy of Karachi Building & Town Planning Regulations, 2002 amended upto date and referred to Regulation 14-8, 14-9 and 3-2.15 and submits that these Regulations are relating to direct access for ground floor and above, fire resistant doors and notice of completion. It is further stated that the Sindh Building Control Authority also adopted Building Code of Pakistan Fire Safety provision. It is further stated that Director General has also written a letter to Director, Civil Defence, Karachi regarding inspection of multistoried buildings. The Director General, SBCA through his focal person has also stated in the report that before issuing approval of public sale project, industrial building, high rise buildings, certain conditions are already provided for Fire Safety Precautions in Karachi Building & Town Planning Regulations, 2002.

Certain compliances have already been made to improvise the system, however, Mr. Nadeem Shaikh petitioner requests for one date so that they may examine all the compliance report.

Shahid Masroo, Deputy Controller/Focal Person, Civil Defence Department, Karachi is present and submits that in

fact the fire safety issues are relating to civil defence department, therefore, some amendment shall be made in the Regulations so that before approval of any building plan a provision may be introduced for the NOC. At this juncture, focal person of SBCA submits though certain Regulations are there but for the purpose of granting NOC there must be some amendment in the Regulations and for which they submit that the Director General, SBCA will hold a meeting with the Focal Person, of Civil Defence Department for discussing the possibility of amendment in the Regulations. The Director General, SBCA will convene a meeting and submit the progress report on the next date of hearing. In the meeting the Chief Fire Officer shall also be invited for his input and feedback.

By consent adjourned to 14.01.2021 at 11:00 a.m.

JUDGE

JUDGE

Aadil Arab

