

NATIONAL FIRE SAFETY NORMS IN INDIA - AN ANALYSIS

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Abstract

Fire safety legislation exists in almost every nation. We can find out different codes, ordinances, standards, and legislations relating to Fire Prevention and Fire Safety in different countries. India is one of the most disaster prone countries, vulnerable to almost all natural and man-made disasters. The legislations, standards and codes have a vital role in forcing the occupiers to provide the required fire protection system. The National Building Code, 2005 is a national instrument which is formulated by the Bureau of Indian Standards (BIS) and which provides general standards for structural sufficiency, design, fire hazards and health aspects of buildings. It gives detailed guidelines for Construction Materials, General Requirements for all buildings, Life Safety, Fire Protection and Specific Occupancy wise Requirements. The ‘part 4’ of ‘National Building Code of India – 2005’ on ‘Fire & Life Safety’ covers the requirements for fire prevention & life safety in relation to fire and fire protection of all classes of buildings. Various State Governments and Local Bodies have incorporated many of the provisions of the National Building Code of India, 2005, in their own building regulations.

Keywords: Fire Safety Norms, Building and Fire Laws, Fire Incidents, Bureau of Indian Standards (BIS), National Building Code 2005, National Building Code (Part 4) – Fire Protection, State Laws, Judiciary.

INTRODUCTION

Through the centuries fire has always remained an integral part and parcel of human life. There has been an intimate connection of fire with the cultural growth of humanity. If we go through the historical growth of anthropology, we can easily trace out that this cultural growth of humanity was not that easy. History clearly shows his growth from the times when man had no

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fire, his gradual acquaintance with fire derived from natural sources and finally to his invention of processes for making fire artificially.

Fire has been an important part of human culture since the Stone Age, when man lived in caves for shelter. Thus, with the starting of a social organization, man finally came out of these caves and started living in groups which led to the formation of kabilas, then it took the shape of villages and finally to the present cities.

It is a hard and bitter fact that with the technological developments the modern cities are becoming much advance with the presence of number of multi-storeyed buildings, malls, multiplexes etc. and hence giving rise to fire-problems. Thousands of High Rise buildings have already constructed in metros and major cities in India, and thousands are under construction. Because of its peculiar nature, fire in residential buildings in particular, high rise buildings become more complex and the salvaging operations become more difficult and sometimes even resulting in many deaths and huge property losses.¹

On an average, in India, every year, about 25,000 persons die due to fires and related causes. Female accounts for about 66% of those killed in fire accidents. It is estimated that about 42 females and 21 males die every day in India due to fire. According to the statistics released by the National Crime Records Bureau, fire accounts for about 5.9% (23,281) of the total deaths reported due to natural and un-natural causes during the year 2012. Probably many of these deaths could have been prevented, had we taken enough fire protection measures.²

To combat and providing protection against the disasters like earthquake, cyclone and construction practices many of the countries have adopted comprehensive National Building

¹ R.R. Nair, “Fire Safety in India - An overview”, 8 Industrial Safety Review at 104 (2013).

² *Ibid.* at 102.

Code or National Standards. The Code of Seattle, National Building Code of Canada, UK Building Regulations, and Japanese Codes are mandatory to follow up.

HISTORICAL BACKGROUND AND DEVELOPMENT OF THE BUILDING AND FIRE LAWS³

King Hammurabi, the famous law-making Babylonian ruler who reigned from approximately 1955 to 1913 B.C., is probably best remembered for the Code of Hammurabi, a statute primarily based on retaliation.

The following decree is from the Code of Hammurabi:

“In the case of collapse of a defective building, the architect is to be put to death if the owner is killed by accident; and the architect’s son if the son of the owner loses his life.”

The Code of Hammurabi represents the beginnings of requiring safety in the built environment. In spite of retaliation society seeks, rather, to prevent accidents and loss of life and property. These objectives paved the way to the rules and regulations that represent today’s codes and standards for the built environment.⁴

If we thoroughly peep into history, we can find the traces of earliest recorded building laws which were concerned with the prevention of collapse. During the rapid growth of the Roman Empire under the reigns of Julius and Augustus Caesar, building collapse due to structural failure was frequent, laws were passed that limited the heights of buildings—first to 70 feet (21 m) and then to 60 feet (18 m).

In London, during the fourteenth century, an ordinance was issued requiring that chimneys be built of tile, stone, or plaster; the ordinance prohibited the use of wood for this purpose. Among the first building ordinances of New York City was a similar provision, and

³ Arthur E. Cote and Casey C. Grant, “Codes and Standards for the Built Environment” at 1-51. Available at: www.nfpa.org/~media/files/forms-and-premiums/.../codesfph.pdf?la. (Visited on 26.06.2016).

⁴ *Ibid.*

among the first legislative acts of Boston was one requiring that dwellings be constructed of brick or stone and roofed with slate or tile rather than being built of wood and having thatched roofs with wood chimneys covered with mud and clay similar to those to which the early settlers had been accustomed in Europe.

To prevent fires, a fine of 10 shillings was imposed on any householders who had chimney fires. This fine encouraged the citizens to keep its chimneys free from soot and creosote. Hence this was the first established and enforced fire code in America.

In Boston no person was allowed to build a fire within “three rods” (about 49.5 ft or about 15.5 m) of any building or in ships that were docked in Boston Harbor. It was illegal to carry “burning brands” for lighting fires except in covered containers, and arson was punishable by death.⁵

The rapid growth of early North American cities inspired much speculative building, and the structures usually were built close to one another. Many insurance companies suffered great losses when fire spread out of control before the great Chicago fire of 1871.

The National Board of Fire Underwriters (NBFU) which renamed as the American Insurance Association (AIA) and finally become the American Insurance Services Group (AISG) was organized in 1866, began to emphasize safe building construction, control of fire hazards, and improvements in both water supplies and fire departments.⁶

Finally to limit the risk of fire, the new tall buildings which were constructed of concrete and steel, were grouped as ‘Class A’ buildings. In 1905, the National Board of Fire Underwriters published the first edition of its Recommended Building Code which was later called as the National Building Code (NBC).

⁵ *Id.*

⁶ *Ibid.* at 52.

The fire damage caused by the San Francisco disaster in early 1906 and other major fires, the National Board of Fire Underwriters became convinced of the need for more comprehensive standards and codes relating to the design, construction, and maintenance of buildings which became the basis for the early codes and standards.

Later, three code organizations emerged and developed regionally in the United States as Building officials and Code Administrators (BOCA) in the Northeast, International Conference of Building officials (ICBO) in the West, and Southern Building Code Congress International (SBCCI) throughout the Southeast.⁷

In the United States, the American National Standards Institute (ANSI), which coordinates the creation and diffusion of codes and standards related to nearly every activity in the country, including fire safety, created by more than 80 entities in the United States and other countries.

THE INTERNATIONAL CODE COUNCIL

In 1994, the three code organizations began the consolidation process to form the International Codes Council (ICC), with the first edition of the International Codes published in 2000. ICC develops and publishes a comprehensive set of codes used to construct and maintain the built environment. The codes include: International Building Code, International energy Conservation Code, International existing Building Code, and International Fire Code etc.⁸

NATIONAL FIRE PROTECTION ASSOCIATION

The National Fire protection Association (NFPA) is another major code organization, which was founded in the United States in 1896. which publishes and constantly updates the majority of codes that form the basis for national, state, and local legislation. NFPA creates many fire and electrical standards. NFPA 13 is the Standard for the Installation of Sprinkler Systems,

⁷ Wanda Edwards, PE, “The International Building Codes”, 28th RCI International Convention and Trade Show, at 81 (2013).

⁸ *Ibid.*

NFPA 101 is the Life Safety Code, and NFPA 70 is the Electrical Code. In 2003, NFPA released NFPA 5000, a building code entitled Building and Construction Safety Code.⁹

CODE ACTION COMMITTEES¹⁰

International Codes Council (ICC) created Code Action Committees (CACs) to encourage participation and discussion surrounding the code development process. There are four committees that have been created to address all 15 volumes of the codes namely Building Code Action Committee (BCAC), Fire Code Action Committee (FCAC), Plumbing, Mechanical, and Fuel Gas Code Action Committee (PMGCAC), Sustainability, Energy, & High-performance Building Code Action Committee (SEHPCAC).

NATIONAL FIRE SAFETY NORMS IN INDIA

Fire tragedies are not new in India. The country has witnessed several devastating fires that have claimed extensive loss of innocent lives and property. Most of them reflect the ignorance and disrespect for safety norms and reaffirm the urgent need to have proper fire safety measures in place.

MAJOR FIRE INCIDENTS IN INDIA¹¹

Bangalore Circus Fire (1981)

The 1981 Bangalore circus fire occurred on 8 February, 1981 at Venus Circus in Bangalore, India. More than 92 lives were lost, the majority of them being children.

⁹ *Ibid.*

¹⁰ *Ibid.* at 86.

¹¹ “Fires in India” Available at: https://en.wikipedia.org/wiki/Category:Fires_in_India (Visited on 14.7.2016).

Dabwali Fire Accident (1995)

The Dabwali fire accident occurred on 23 December 1995 at Mandi Dabwali, a town in Sirsa district, Haryana. The incident occurred at the Rajiv Marriage Palace in Dabwali. Local DAV Public School was holding its annual prize distribution function. A synthetic tent caught alight when an electric generator short-circuited. The fire spread quickly and blocked the main entrance. About 1,500 people tried to escape through the single exit door, which results into stampede. At least 400 people died in the fire, and 160 were injured.

A one-man Commission was set up, headed by Justice TP Garg in January 2003. The Commission was set up to investigate the incident and to calculate the amount of compensation owed to the families of the victims which was set at Rs. 18 crore and later on, in November 2009, increased up to Rs. 34 crore with an extra 6% interest for the delay by the Punjab and Haryana High Court.

Uphaar Cinema Fire (1997)

The Uphaar Cinema fire is calculated as one of the worst fire tragedies in India. The fire incident took place at Uphaar Cinema, in Green Park, Delhi, occurred on Friday, 13 June 1997. The 3-to-6 pm show of the movie ‘Border’ was going on. Almost 59 people died due to suffocation and 103 were seriously injured in the resulting stampede. The final verdict came ten years after the incident on 20 November, 2007.

Erwadi Fire Incident (2001)

Erwadi fire incident occurred on 6 August 2001, where inmates were bound by chains at Moideen Badusha Mental Home in Erwadi Village in Tamil Nadu. In this incident, 28 inmates of a mental asylum died in fire.

A commission headed by N. Ramdas was set up to enquire into these deaths. The commission recommended that care of mentally ill people is to be improved, that anybody wishing to set up a mental home to acquire a license, and that all inmates be unchained. In 2007,

a magistrate Court awarded seven years imprisonment to the owner of the Badsha Home for the Mentally Challenged, his wife and two relatives.

Srirangam Marriage Hall Fire (2004)

The Srirangam marriage hall fire accident was happened on 23 January 2004 during a Hindu marriage function in Padmapriya Marriage Hall in Srirangam, Tamil Nadu. A total of 57 people, including the groom, were killed and 50 others were injured in the fire due to a short circuit in the electric wire connecting a video camera, which lit up the temporary thatched roof set up in the first level of the hall.

Kumbakonam Fire Tragedy (2004)

Nearly a hundred students of the Sri Krishna Saraswathi School in Kumbakonam, Tamilnadu, were burnt to death and several others got injured in a deadly fire accident. 93 children were burnt alive.

On this issue, National Building Code formulated by Bureau of Indian Standards which speaks about the rules and regulations regarding fire safety measures to be adopted in educational institutions, has got several provisions to protect school buildings from such dreadful events.

Meerut Fire Tragedy (2006)

Meerut fire which took place subsequent to the NBC 2005 is also an eye opener. The incident took place at The Consumer Trade Fair, organized by Brand India Consumers Forum and was jointly sponsored by the local Dainik Jagaran, in Victoria Park, Meerut, killing at least 100 people and injuring 150 others due to a short circuit. An estimated 2,000 people were at the fair when the fire broke out.

North-East Delhi Fire Tragedy (2011)

Fire broke out at a community function of the eunuchs, gathered at the community centre in Nandnagari in East Delhi in which 14 eunuchs died and 50 injured. The Delhi Police

registered a case against unknown persons for causing death due to negligence in this fire tragedy.

AMRI Hospital Kolkata Fire Tragedy (2011)

AMRI hospital fire tragedy took place in Kolkata, killing 73 people, majority of them patients. The blaze erupted in the building's basement, and heavy smoke quickly engulfed the hospital. The cause of the fire was not immediately known.

Sivakasi Factory Explosion (2012)

The 2012 Sivakasi factory explosion was an explosion at the Om Sakthi Fireworks Industries fireworks factory in Sivakasi, India on 5 September 2012. 40 people were killed and more than 70 injured. The tragedy occurred in a fireworks factory which did not have a valid licence.

Kolkata Market Fire (2013)

This fire accident occurred in a five-storeyed marketplace in Kolkata, the capital city of West Bengal, India, on 27 February 2013 by a short circuit in the first floor of the market. An estimated 19 people, who were mostly labourers working in the market were killed in the accident.

Kerala Temple Fire Accident (2016)¹²

Worst-ever Fire tragedy happened in the crowded precincts of the Puttingal Devi Temple at Paravur, south of Kollam, in the state of Kerala, around 3.30 a.m. on 11th April 2016. An entire dump of fire crackers exploded which meant to be burst, to mark the conclusion of the Meena-Bharani festival. Nearly 110 persons were killed and 400 grievously injured in this pyrotechnics display.

¹² Ignatius Pereira “Fireworks show in Kerala goes awry, kills 107” The Hindu, April 10, 2016 *Available at:* <http://www.thehindu.com/news/national/kerala/live-kerala-kollam-temple-fire-several-dead/article8457603.ece> (visited on 11.4.2016)

A case was registered against the temple authorities, the fireworks contractor and the licensee, Surendran, who had stored about 150 kgs of crackers and fireworks material (ten times more than the permit) at the storehouse, without valid permission.

BUREAU OF INDIAN STANDARDS

Bureau of Indian Standards (BIS) has rendered invaluable service by producing large number of national standards, which are of direct relevance to the construction industry and some of them particular to the mitigation of disasters.¹³

Fire Fighting Sectional Committee, CED 22 of Bureau of Indian Standards is engaged in formulation of Indian Standards on Fire Fighting equipments/extinguishers using water, carbon dioxide, foam, dry powder and halon as extinguishing agents. Bureau of Indian Standards has formulated more than 100 standards on firefighting including standards on various types of fire tenders, fire engines, trailer pumps and high capacity portable pump sets etc.¹⁴

Fire Safety Sectional Committee, CED 36 of Bureau of Indian Standards has formulated a series of Indian Standards pertaining to General requirements and specific to various buildings & industries. Some of the important standards formulated by this Committee are as follows:¹⁵

IS 1641:1988	Code of practice for fire safety of buildings (general) : General principles office grading and classification (first revision)
IS 1642:1989	Code of practice for fire safety of buildings (general) : Details of construction (first revision)

¹³ Bureau of Indian Standards, Status Report on Standardization Efforts in the Area of Mitigation of Natural Hazards, (Government of India Ministry of Home Affairs, National Disaster Management Division) at 1.

¹⁴ *Id.* at 8.

¹⁵ *Ibid.* at 9.

IS 1643:1988	Code of practice for fire safety of buildings (general) : Exposure hazard (first revision)
IS 1644:1988	Code of practice for fire safety of buildings (general) : Exit requirements and personal hazard (first revision)
IS 1646:1997	Code of practice for fire safety of buildings (general) : Electrical installations (second revision)
IS 3034:1993	Code of practice for fire safety of industrial buildings : Electrical generating and distributing stations (second revision)
IS 3079:1990	Code of practice for fire safety of industrial buildings : Cotton textile mills (first revision)
IS 8758:1993	Recommendations for fire precautionary measures in the construction of temporary structures and pandals (first revision)
IS 11457(Part 1):1985	Code of practice for fire safety of chemical industries : Part 1 Rubber and plastic
IS 11460:1985	Code of practice for fire safety of libraries and archives buildings

IS 12456:1988	Code of practice for fire protection of electronic data processing installation
IS 13694:1993	Code of practice for fire safety in iron and steel industries
IS 13716:1993	Code of practice for fire safety of hotels
IS 14435:1997	Code of practice for fire safety in educational institutions

Source: Bureau of Indian Standards, Status Report on Standardization Efforts in the Area of Mitigation of Natural Hazards, (Government of India Ministry of Home Affairs, National Disaster Management Division).

FIRE SAFETY AND REGULATIONS IN INDIA

The primary goal of fire safety efforts is to protect building occupants from injury and to prevent loss of life and prevent property damage. According to Indian law, minimal fire safety equipment is mandatory for any developed property. These laws are given by the National Building Code, which is a document containing standardized requirement for the design & construction of most types of building in the country.

NATIONAL BUILDING CODE, 2005¹⁶

The Planning Commission after its third plan decided to conduct a study in depth, regarding construction, in administrative, organizational, financial and technical aspects. A Panel

¹⁶ The National Building Code of India (NBC), Bureau of Indian Standards, (2005) at (v).

of Experts was appointed in 1965 by the Planning Commission and its recommendations are found in the ‘Report on Economies in Construction Costs’ published in 1968. The study revealed that building byelaws and regulations of municipal bodies which largely regulate the building activity in the country, wherever they exist, were outdated and lacked uniformity.

These studies resulted in a recommendation that a National Building Code be prepared to unify the building regulations throughout the country for use by government departments, municipal bodies and other construction agencies. Indian Standards Institution (now Bureau of Indian Standards) was entrusted by the Planning Commission with the preparation of the National Building Code.

The first version of the Code was published in 1970. The Code contains regulations which can be immediately adopted or enacted for use by various departments, municipal administrations and public bodies. The National Building Code of India (NBC), 2005 is a national instrument that guides the regulations for construction activity. It contains all the important aspects relevant for safe and orderly building development.

It is a set of minimum provisions designed to protect the safety of the public with regard to structural sufficiency, fire hazards and health aspects of buildings. The NBC gives detailed guidelines for Construction Materials, General Requirements for all buildings, Life Safety, Fire Protection, Specific Occupancy wise Requirements. The violation of the provisions of National Building Code results into penalty, cancellation of sanction or demolition of the building.

NATIONAL BUILDING CODE (PART 4) – FIRE PROTECTION

Three amendments were brought out to the 1983 version of the National Building Code in order to update the fire protection requirements. Fire safety aspects have been distinctly categorized into fire prevention, life safety and fire protection giving detailed treatment to each based on current international developments and latest practices followed in the country.

The significant modifications incorporated include:

Fire Prevention — covers aspects of fire prevention pertaining to design and construction of buildings on passive fire protection measures, various types of building materials and their fire rating.

Life Safety — covers provisions in the event of fire and similar emergencies, construction and occupancy features necessary to minimize danger to life from fire, smoke, fumes or panic.

Fire Protection — covers guidelines for selecting the correct type of equipment and installation meant for fire protection of the building, depending upon the classification and type of the building.¹⁷

As a major development, Bureau of Indian Standards (BIS) has published NBC (Part 4) Fire Protection which includes comprehensive recommendation of minimum standards of fire protection and specifies the demarcation of fire zones, restrictions on construction of buildings in each fire zone, classification of buildings based on occupancy, types of building construction according to fire resistance of the structural and nonstructural components.

The Code recognizes that safety of life is more than a matter of means of exits and accordingly deals with various matters which are considered essential to the safety of life. The Code specifies construction, occupancy and protection features that are necessary to minimize danger to life and property from fire.¹⁸

STATE RECOGNITION

Fire prevention and firefighting services which comes under the 12th schedule of the Constitution, are organized by the concerned States and Union Territories (UTs), and Urban Local Bodies (ULBs). Directorate of National Disaster Response Force and Civil Defence (NDRF & CD, Fire Cell), Ministry of Home Affairs (MHA) renders technical advice to the States, UTs, and central ministries on fire protection, prevention, and legislation. Fire services in

¹⁷ The National Building Code of India (NBC), Part 4 Fire and Life Safety, Bureau of Indian Standards, at 4 & 5 (2005).

¹⁸ *Supra* note 13 at 10.

Maharashtra, Haryana, Gujarat, Chhattisgarh, Madhya Pradesh (excluding Indore), and Punjab are under the respective Municipal Corporations. In the remaining States, it is under the respective Home Department.¹⁹

Various State Governments and Local Bodies have incorporated many of the provisions of the National Building Code of India, 2005, in their own building regulations. Following are few examples.

THE MAHARASHTRA FIRE PREVENTION AND LIFE SAFETY MEASURES RULES, 2009

Maharashtra state is an excellent example which has not only adopted the provisions of National Building Code but also made it mandatory in its Fire Prevention & Life Safety Measures Rules. The Maharashtra Fire Prevention and Life Safety Measures Rules 2009, framed under the Maharashtra Fire Prevention and Life Safety Measures Act 2006.

Section 3 requires that the developer, owner, occupier etc. shall comply with all the fire and safety measures adhering to the National Building Code of India, 2005 failing which it shall be treated as a violation of the Act.

Section 3(3) requires a licensed agency to issue a Certificate to the owner or the occupier for compliance of the Fire Prevention & Life Safety Measures duly installed by them in the buildings or premises are maintained in good repair and efficient condition at the time of issuing certificate or occupier.²⁰

Following laws are dealt with the Building laws, Bye-Laws, Fire Prevention and Fire Safety in the state of Punjab.

THE PUNJAB MUNICIPAL ACT, 1911²¹

Chapter VII of this act deals with “Extinction and Prevention of Fire”. Section 93 deals with the establishment and maintenance of the Fire Brigade by the Municipal Committee. It also

¹⁹ Fire Hazard and Risk Analysis in the Country for Revamping the Fire Services in the Country, Directorate General NDRF & Civil Defence (Fire), Ministry of Home Affairs New Delhi December at 9 (2011).

²⁰ *Supra* note 1at 106.

²¹ (Punjab Act No.3 of 1911), ss. 93, 94.

deals with providing of the implements, machinery or means of communicating intelligence for the efficient discharge of the duties by the brigade.

Section 94 of the act deals with the powers of fire Brigade and other persons for the suppression of the fire in the municipality to remove any person who by his presence interfere and impede the operations of fire and saving life and property.

PUNJAB BUILDING BYE – LAWS, 2004

The Building bye-laws also called as the Municipal Council, (Erection and Re-erection of Building Bye Laws 2004). Chapter – III of these bye laws deals with Procedure for Submission and Approval of Building Applications and Occupation regarding requirements of Licensing of Architect, Building Designers and Supervisor, their qualifications and Competency.

Chapter – V deals with Fire Protection, Electrical Installations, and Material Land Structural Controls. All requirements of fire protection through classification of buildings based on occupancy, type of construction and other requirements shall be in accordance with the IS-1642-1960 Code of Practice for safety of Buildings (General) and material and details of construction and other relevant provisions of the National Building Code with latest amendments.

THE PUNJAB FIRE PREVENTION AND FIRE SAFETY ACT, 2004

According to the Act, “Fire prevention and fire safety measures” means such measures as are necessary in accordance with the building rules for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire as per the National Building Code of India part IV amended from time to time.²²

The Act further provides for the inspection of the building or premises by the nominated authority and to record its views on the deviation from or the contraventions of the building rules

²² Sec. 2 (e) of the Punjab Fire Prevention and Fire Safety Act, 2004.

with regard to the fire prevention and fire safety measures and issue a notice to the owner or occupier of such building or premises directing him to undertake such measures.²³

Any person aggrieved by any notice or order of the nominated authority or the Assistant Fire Officer Punjab may prefer an appeal against such notice or order to the Director Local Government Punjab Chandigarh within thirty days from the date of the notice or order appealed against.²⁴

DELHI FIRE SERVICE RULES, 2010 UNDER DELHI FIRE SERVICE ACT, 2007²⁵

Chapter-V of the act deals with General Measures for Fire Prevention. Sec 26 of the act deals with the constitution of a 'Fire Prevention Wing' in the Fire Service to examine and direct the building plans from fire prevention and fire safety point of in the National Capital Territory of Delhi. Sec. 29 deals with minimum standards for fire prevention and fire safety for pandals. Sec. 33 provides minimum standards for fire prevention and fire safety for buildings. Sec. 38 deals with the Liability of the occupier of the building or premises to maintain the fire prevention and fire safety measures. Sec. 40 deals with Cancellation of Fire Safety Certificate in case the owner or occupier fails to comply with the direction given to him.

FIRE LAWS: JUDICIAL APPROACH

Supreme Court of India has decided following cases, time to time, after the fire incidents took place in India. But despite of providing so many guidelines regarding the safety of different buildings there is not an end to such tragic incidents.

In *Lok Adhikar Sangh vs. State Of Gujarat And Ors*²⁶, the petition was filed as a Public Interest Litigation as fire safety system was not provided to prevent accidents in cinema halls, factories and high-rise buildings.

²³ *Ibid.* Sec. 4.

²⁴ *Ibid.* Sec. 8.

²⁵ Delhi Act 2 of 2009.

A Division Bench in 1997, directed to take appropriate steps to get fire safety and fire protection measures including installation of such equipments in high-rise buildings which was not complied with by the concerned Commissioner, Chairman of A.U.D.A. and Municipal Commissioner. Court issued a notice against these officers and were held liable for the loss suffered by the Corporation for permitting the builder/ developer/organizer/occupier for use of municipal drains without making payment.

Sushil Ansal vs. State through CBI²⁷ popularly known as “Uphaar Cinema Tradeegy Case. This case was filed under Section 14 of Cinematograph Act, 1952, Sections 36, 304A, 337 and 338 of Indian Penal Code (IPC).

Twelve people, including the two Ansal brothers, were found guilty and were convicted for various charges, including, causing death by negligent act. They were awarded the maximum punishment of two years’ rigorous imprisonment. They were also fined Rs.1,000 each for violating Section 14 of the Cinematography Act.

On 19 August 2015, Supreme Court of India in its final verdict imposed a fine on Ansal brothers for 30 crores each and held that their jail terms will be reduced to the term already undergone by them if they pay the fine, considering their old age.

In ***Avinash Mehrotra vs Union of India & Ors***²⁸ Public Interest Litigation was filed relating to a fire incident that took place in the Lord Krishna Middle School in District Kumbakonam in Tamil Nadu in which, 93 children were burnt alive. In this case supreme court held that right to Education also includes right to receive education in a safe school.

Supreme Court held that each school must follow the bare minimum safety standards, in addition to the compliance of the National Building Code of India, 2005, in particular Part IV –

²⁶ AIR 2002 Guj 59.

²⁷ Criminal Appeal No. 597 of 2010.

²⁸ 2009 (6) SCC 398.

Fire & Life Safety and the Code of Practice of Fire Safety in Educational Institutions (IS 14435:1997) of the Bureau of Indian Standards.”²⁹

CONCLUSION AND SUGGESTIONS

Fire accident in buildings is becoming a threat now a day which leads to the loss of human beings and property at large. For mitigating a fire in any occupancy, whether it is a business house or in a factory or in a residential building, require a deep understanding about the problem. Fire Safety norms are very rarely included in Building Rules and are required to be incorporated in the local building regulatory documents.

The existing building regulatory system is silent / deficient to many of National Building Code provisions, in general, and disaster resistant mitigation features, in particular. The worst part is that authorities concerned with the enforcement of such standards, often keep their eyes shut to such violations and hence, endangered the lives of people. The Contractors seldom follow provisions contained in National Building Code, 2005 while constructing their buildings. A one step ahead of it is the occupiers and the societies who do not bother to conduct regular maintenance of the fire prevention systems installed in their buildings.

The provisions contained in the Code regarding the Fire Prevention, Life Safety and Fire Protection should be made compulsory to be adopted and followed by State Government, local bodies, Public works department, other government construction departments and construction agencies.

Stringent laws should be made and further be followed to overcome the menace of fire incidents. Heavy fines and penalties should be imposed on the defaulters.

A research work should be conducted to identify those issues which are responsible for the different fire tragedies that happened in India during past years and to suggest adequate measures for plugging the loopholes.

²⁹ 4 Court News, 10-11 (April-June, 2009).

A further research is to be conducted to find out the existing guidelines established by the International and National Building Codes relating to fire safety and protection so as to make a comparison that whether Indian Laws on this particular subject are at par with these guidelines.

Finally, to avoid and mitigate the unwanted consequences of fire tragedies, professionals should properly follow and implement legal principles and legal provisions while erecting buildings, so as to avoid such kind of accidents in future, in order to protect and safeguard lives and property of the people.