**On fire safety regulations in India**

A deadly fire at a gaming centre in Rajkot, Gujarat on May 25 killed at least 32 people, bringing focus back on the safety of public buildings and venues. The TRP Game Zone carnage unfolded in the evening, as fire spread inside the structure built with a metal frame and sheets, trapping the victims including several children. Two inquiries have been set up to go into the disaster, one a Special Investigation Team (SIT) by the State government and another by the Rajkot police. The Gujarat High Court suo motu took up the incident and made critical observations on the functioning of the State administration, following which the Police Commissioner, Raju Bhargava, Additional Commissioner Vidhi Choudhary, and Municipal Commissioner Anand Patel were transferred. Rajkot municipal officials including town planning officers responsible for the prevention of illegal constructions were suspended, and four people including the operator of the game zone, Dhaval Thakkar, were arrested.

What was the other incident?

On May 25, seven babies died in a fire in a hospital for newborns in Vivek Vihar, Delhi, leading to the arrest of Naveen Khichi, owner of the New Born Baby Care Hospital, along with the doctor on duty. Preliminary reports suggested that a large number of oxygen cylinders stored in the facility aggravated the impact of the blaze. In both incidents, the focus is on fire certification by the authorities, issue of No Objection Certificates (NOC), and the failure of authorities to take cognisance of illegalities that were happening in full public view.

What fire regulations govern safety?

The Union of India’s position on fire safety is that the Model Building Bye-Laws, 2016 and its component Chapter 11 on “Fire Protection and Fire Safety Requirements” provides the necessary framework for State governments, which bear responsibility for fire safety under law. Ensuring adherence to fire safety norms and standards laid down in Part 4 of the National Building Code (NBC) and incorporating mandatory provisions in the process is left to the States.

A structure such as the Rajkot game zone would fall under assembly buildings of the bye-laws, since it is a venue without permanent seating arrangements where 300 or more persons would gather. The definition of assembly buildings is broad under the regulations. They include any building or part of a building where “not less than 50 gather for amusement, recreation, social, religious, patriotic, civil, travel and similar purposes, for example, theatres, motion picture houses, assembly halls, museums, skating, rinks, gymnasiums, restaurants, places of worship, dance halls, club rooms, passenger stations and terminals of air, surface and marine public transportation services, recreation piers and stadia.” Hospitals, custodial and penal or mental health institutions are institutional buildings, while educational, business, industry and specialised uses are covered separately.

During the pandemic, amidst a spate of fires, the Health Ministry circulated guidelines on September 28, 2020, stipulating third party accreditation for fire safety and putting a fire response plan in place. Chapter 11 of the Bye-Laws clearly lays down fire safety and infrastructure requirements for buildings which are 49 feet in height or more, and those with low occupancies in various categories, for issue of NOC.

In addition, Gujarat’s Comprehensive Development Control Regulations 2017 also make it mandatory to get the Chief Fire Officer’s opinion even for a temporary structure. The same regulations stipulate that all structures for whatever use must meet fire prevention and safety provisions specified by the Fire Authority, in terms of the Fire Prevention and Life Safety Measures Act, 2013. In the case of the Rajkot game zone, it was built apparently as a non-standard structure to evade regulatory requirements, and the inquiry would reveal whether it was qualified to be used as an assembly building offering leisure and entertainment services.

How have the courts viewed neglect of fire safety?

Among the most high-profile deadly fire accidents that have led to the loss of life, the Uphaar cinema tragedy of 1997 in Delhi resulted in the conviction of the owners of the venue, Sushil Ansal and Gopal Ansal among others for negligence and tampering of evidence. The death of 59 people who were trapped in the balcony of the hall because of illegally installed seats and a blocked exit resulted in a protracted legal battle, with the families of the victims forming an association to seek justice. The Uphaar case was prosecuted with the charge of causing death by negligence (IPC 304A), hurt or grievous hurt by rash or negligent act (337, 338) by the owners of the cinema, and culpable homicide (304) and other sections in the case of theatre staff and public agency employees, such as the electricity authority. A transformer of the electricity authority that was placed without sanction and allowed without safeguards was thought to have triggered the inferno. The owners had to directly bear responsibility for the wilful structural deviations.

Essentially, the court held the owners of the property, employees and staff from the electricity agency liable for the devastating toll in the Uphaar tragedy for violating the law and later for payment of compensation. On June 13 last year, the anniversary of the blaze, the Association of Victims of Uphaar Tragedy blamed the judiciary for allowing the Ansal brothers to walk out of jail on a reduced sentence.

In the wake of the Rajkot fire, the Gujarat High Court taking suo motu cognisance has led to scrutiny of the enforcement of fire and building laws on the one hand, and the identification of several unauthorised venues in the State hosting leisure and entertainment services. The court was told by the Ahmedabad Municipal Corporation that a recent law, the Gujarat Regularisation of Unauthorised Development Act, 2022 (in force since Jan 2, 2023) was used by an unauthorised game zone to apply for regularisation.

Gujarat has witnessed more than one terrible fire in recent years. The 2019 fire in a tuition centre in Surat’s Takshashila Arcade killed over 20 students and led to calls for tightening of fire safety in public buildings. After Rajkot, the Gujarat High Court took note of the Public Interest Litigation (PIL) before it, and noted that “insult [had been] added to injury” because its earlier orders had not been complied with by the State government.

What can be done to get the law enforced?

The suo motu notice issued by the Gujarat High Court extends its directions on fire safety and calls for a government report on action to comply with the Comprehensive Development Control Regulations, fire NOCs, periodic checks under the Fire Safety Act and issue of licences under various Acts. Earlier, the State government had informed the court that 163 hospitals and 348 schools in municipality jurisdictions did not have a valid fire NOC. It cited practical difficulties and lack of trained manpower and infrastructure to achieve full compliance.

Given that there were 241 fires in commercial buildings and 42 in government buildings in 2022, killing a total of 257 people (NCRB data), tightening the implementation of the provisions of the building code and the Model Building Bye-Laws is imperative. Full accountability by the State and enforcement agencies is vital. Temporary and ramshackle structures allowed to come up in urban and rural areas, attracting unwary leisure seekers, run the risk of setting off deadly fires. They need to be tightly regulated for safety.