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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF FIRE SERVICES
WRITERS BUILDINGS, KOLKATA

NOTIFICATION

No.251/DS/FS/O/C-1/F1A-3/96(Part-II) - 17th June,2003.- In exercise of the power conferred by clause (g), clause (f), and clause (i) of sub-section (2) of Section 40, read with clause (gg) of Section 2, Section 4, Section 11C, Section 11E, Section 11F, and Section 11I, of the West Bengal Fire Services Act, 1950 (West Ben. Act XVIII of 1950), and in supersession of all previous rules on this subject, the Governor is pleased hereby to make the following rules: —

Rules

PART I

Preliminary

1. **Short title and commencement.** — (1) These rules may be called the West Bengal Fire Services (Fire Prevention and Fire Safety) Rules, 2003.
(2) They shall come into force at once.
2. **Definitions** — (1) In these rules, unless the context otherwise requires,—
 - (a) “Act” means the West Bengal Fire Services Act, 1950 (West Ben. Act XVIII of 1950);
 - (b) “appeal” means an appeal under section 11I, read with section 38;
 - (c) “appellate authority” means the authority referred to in sub-section (1) of Section 11I and sub-section (2) of Section 38;
 - (d) “Form” means a form appended to these rules;

- (e) 'license' means the license granted to a person or association of persons to act as a licensed agency;
- (f) "section" means a section of the Act.

(2) The words and expressions used and not defined in these rules but defined in the Act shall have the meanings as respectively assigned to them in the Act.

PART II

Licensed Agency

3. **Classification of Licensed agencies.** — The licensed agencies shall be classified in the following three categories specified in column (2) of Table below on the basis of their operational areas specified against them in column (3):—

Table

SL. No.	Category	Operational Area
(1)	(2)	(3)
1.	Class A :	high-risk buildings including, <i>inter alia</i> , buildings above 14.5 metres in height, premises for storing and /or processing of hazardous substances more than 5000 cubic metres in extent, underground structures including underground transit systems, power generation and distribution centres, aircraft hangers, airport terminal buildings and the hotels having five star category, transformer houses, electrical switch gear rooms, major electrical installation, telephone exchanges, oil installation, oil refineries, port, sanatoria, hospitals, fire works and explosive manufacturing units.
2.	Class B :	high-risk buildings having maximum height of 14.5 metres and minimum height of 7 metres, premises for storing and/or processing of hazardous substances having a maximum extent of 5000 cubic metres and a minimum of 2000 cubic metres, any plot of land measuring above 500 square metres, any building used for multipurpose occupancy, all places of entertainment and public assembly, retail outlets of hazardous substance, libraries, museums , archaeological centres, research, centres, laboratories, parlours having sauna bath facilities, hotels having three or four star categories, restaurants and/or club with bar facilities, nursing homes, shopping complexes, markets, <i>Katra</i> and fireworks shops.
3.	Class C	high-risk buildings below 7 metres in height, automobile workshops, decorators, storages, godowns, covered carparking area, hotels below three star categories, restaurant without bar facilities, premises for storing or processing of hazardous substances having an extent below 2000 cubic metres, <i>dharmashalas</i> , guest house and any temporary structure.

4. **Eligibility for granting license** — (1) For class A licensed agencies, no license shall be granted unless such agency shall have —

- (a) a valid trade license;
- (b) at least one from amongst the categories of engineers mentioned below :—
- (i) graduate civil or structural or allied discipline of engineers from a recognised university, or
- (ii) M. I. Fire Engineer, or
- (iii) engineer having diploma in advanced Fire Engineering (NFSC),
- (iv) grade I fire engineer having an experience of at least five years;

(c) at least one officer who has worked either in the Government sector or private sector in a capacity equivalent to that of a Divisional Fire Officer for a minimum of five years with experience in the field of fire prevention and fire fighting;

(d) sufficient number of trained and experienced technicians for execution of fire prevention and firesafety work and testing of different fire safety installations in different types of premises and keeping the said appliances in order with their operational area;

(e) sufficient accessories, equipments for testing various types of fire safety appliances, means of escape installed in the buildings and keeping them in order within their operational area.

(2) For class B licensed agencies, no license shall be granted unless such agency shall have —

(a) a valid trade license;

(b) at least one engineer from amongst the categories of engineers mentioned below

(i) grade I Fire Engineer,

(ii) Diploma Fire Engineer (NFSC) having an experience of five years; or

(iii) Diploma Civil Engineer from a recognised institution;

(c) at least one officer who has worked either in the Government sector or private sector in a capacity equivalent to that of a Station officer for a minimum of ten years with experience in the field of fire prevention and fire fighting;

(d) sufficient number of trained and experienced technicians for installation and testing of different fire prevention and fire safety appliances and keeping the said appliances in order within their operational area; and

(e) sufficient number of accessories and equipments for carrying out the work of installation or testing of fire prevention and fire safety appliances within their operational area.

(3) For class C licensed agency, no license shall be granted unless such agency shall have—

(a) a valid trade license;

(b) at least one Diploma Civil Engineer or Diploma Fire Engineer (NFSC);

(c) at least an officer who has worked either in the Government sector or private sector in a capacity equivalent to that of a Station Officer for a minimum of seven years with experience in the field of fire prevention and fire fighting.

(d) sufficient number of trained and experienced staff for execution of the work of installation and testing of the fire prevention and fire safety appliances;

(e) sufficient number of accessories and equipments for carrying out the work of installation of testing of fire prevention and fire safety appliances within their operational area.

5. **Non-eligibility for obtaining license** — No person or association of persons shall be eligible to obtain a license if,

(a) in the case of a person, he has been convicted of any offence or lunatic or an undischarged insolvent or whose license has been revoked by the Director-General on an earlier occasion; and

(b) in the case of an association of persons, its license has been revoked by the Director-General in an earlier occasion.

6. **Manner of granting license** — (1) For obtaining a license, a person or association of persons shall apply to the Director-General in Form A.

(2) The Director-General shall upon such enquiry and a scrutiny of the application, as he thinks fit and after being satisfied as to the eligibility of the applicant, send an intimation to the applicant directing him to deposit the fee as specified in rule 7 of these rules through T. R. Form No. 7 under receipts head of the Department of Fire Services within 30 days from the

date of such intimation and the original receipted challan of the payment of fee, shall be deposited to the Director-General.

(3) After deposit of the fee specified in sub-rule (2), the Director-General shall grant the applicant a license in Form B with the prior approval of the State Government.

7. Fee for granting license — A person or association of persons, intending to obtain a license under the Act shall pay the license fee as specified below to the Director-General: —

- (a) in the case of class A licensed agency, Rs. 50,000;
- (b) in the case of class B licensed agency, Rs. 40,000; and
- (c) in the case of class C licensed agency, Rs. 25,000.

8. Maintenance of register of the licensed agencies — The Director-General shall maintain a register of licensed agencies in the manner specified in Form C.

9. Period of validity of license — A license shall be valid for a period of three years with effect from the date of issue of the license, unless the Director - General revokes the same by an order stating therein the reasons for such revocation.

10. Renewal of license — Any licensed agency shall renew his/its license in the month bearing the date of expiry of the term of the license on payment of fee specified in rule 10:

Provided that the Director-General may, by an order, specifying the reasons therein, on the basis of prayer of the licensed agency extend the date of renewal for a period of not exceeding 30 days in the interest of public service.

11. Revocation of license — The Director-General may revoke any license —

- (a) unless the undertaking specified in rule 12 of these rules, is submitted; or
- (b) for violation of any provision of these rules and the Act; or
- (c) for violation of the code of conduct set forth in these rules; or
- (d) for failure to carry out the directions or instructions of the Director-General in accordance with the Act and these rules; or
- (e) for misconduct:

Provided that before issue of the order of revocation of license, the concerned licensed agency shall be given an opportunity of being heard by the Director-General with a notice of not less than fifteen days.

12. Undertaking by licensed agency. — Every licensed agency shall submit to the Director-General an undertaking in the form of affidavit sworn before a Notary or a Judicial /Executive Magistrate in the format specified in Form D, binding himself to abide by the code of conduct laid down in rule 13 of these rules, within 30 days from the date of issue of the license.

13. Code of conduct for licensed agencies — The following shall be the code of conduct for licensed agencies: —

- (a) A licensed agency must abide by the ethics and etiquette of the profession;
- (b) he/it shall never attempt to mislead the concerned authority or his/its client through falsehood or misrepresentation;
- (c) he/it shall, in all his representations, oral or written, before the concerned authority, never state anything which he does not believe to be true;
- (d) he/it shall look after his clients' interest and shall not disclose anything which may cause substantial loss or injury to the local authority or the State;

(e) he/it shall assist the Fire Brigade or local authority or the State, as far as practicable, in arriving at a correct decision and supply any information relating to any case as may be required by such authorities for the purpose of any enquiry.

14. **Duties and responsibilities of licensed agency** — (1) The following shall be the duties of a licensed agency: —

(a) to install adequate fire prevention and fire safety appliances in a high-risk building in terms of provisions of the Act and the rules made thereunder;

(b) to test the working performance of the fire prevention and fire safety appliances in a high-risk building periodically and to keep these appliances perfectly in working conditions at all the times;

(c) to recommend issue of a Fire Safety Certificate to the owners or occupiers of a high-risk building in terms of provisions of the Act and rules made thereunder;

(d) to issue Requisition of Fire Safety to the owners or occupiers of a high-risk building, intending to apply for a Fire License in terms of provisions of the Act and the rules made thereunder;

(e) to authenticate the building plans, layout drawings and other enclosures, if any, in respect of which they shall recommend issue of a Fire Safety Certificate under these rules or a Requisition of Fire Safety under the West Bengal Fire Services (Fire License) Rules;

(f) to issue certificates of mock fire drill, in terms of rule 20 of these rules, to the owners or occupiers of such buildings for which the licensed agency has been engaged;

(g) to issue quarterly statement of fire fighting appliances and fire personnel under the West Bengal Fire Services (Fire License) Rules:-

(h) to carry out inspection of premises on the order of the Director General or the superior nominated authority.

(2) The following shall be the responsibilities of licensed agency :—

(a) to examine the building plans and layout designs to ascertain that fire protection systems have been properly designed with respect to such building plans and lay out designs before installation or testing and maintenance of the fire prevention and fire safety;

(b) to abide by the code of conduct as specified in these rules and the orders issued by the Director-General or the superior nominated authority from time to time;

(c) to take responsibility for renewal of Fire Safety Certificates in respect of such high-risk buildings and in case of failure to renew the Fire Safety Certificate, to bring such non-compliance to the notice of the Director-General with the reasons;

(d) to take responsibility of all works carried out by the licensed agency.

PART III

Fire Safety Certificate

15. **Application for Fire Safety Certificate** — (1) Every owner or occupier of any high-risk building shall submit an application in Form E through a licensed agency for Fire Safety Certificate to the Director-General/or superior nominated authority every calendar year together with the documents mentioned therein and a requisition for fire safety of the licensed agency duly recommending the application.

(2) A licensed agency shall receive and process applications in Form E for issue of Fire Safety certificate to the owners or occupiers of a high-risk building, subject to the fulfilment of the conditions laid down in the Act and these rules.

(3) The licensed agency, on being satisfied, shall recommend the application to the Director-General or superior nominated authority with a requisition for fire safety listing the fire safety and fire prevention measures adopted by the applicant.

16. **Issue of Fire Safety Certificate** — On receiving the application in Form E and the related documents, the Director-General or the superior nominated authority, being satisfied with the adequacy of fire prevention and fire safety measures in respect of the high-risk building, shall issue a Fire Safety Certificate in Form F on payment of fee at the rate of 10% of the annual value of such building.

17. **Rates of special fee for obtaining no objection certificate in respect of high-risk building** — (1) The person or association of persons intending to construct a high-risk building shall pay an additional percentage of the building fee imposed by the local civic authority as a special fee at the rates as specified in the schedule to these rules.

(2) The special fee is to be deposited through T. R. Form No. 7 under the receipt heads of the Fire Services within fifteen days of intimation from the Director-General or the superior nominated authority regarding the amount to be paid. No objection certificate shall be issued on depositing the original receipted challan with the concerned officer.

(3) The issue of no objection certificate shall be governed by the relevant conditions laid down for issuing of Fire Safety Certificate in rule 19

18. **Period of validity of a Fire Safety Certificate** — Any Fire Safety Certificate shall remain valid for a period of one year with effect from the date of issue of the Fire Safety Certificate.

19. **Conditions for issue of Fire Safety Certificate** — Any high-risk building shall conform to any or all of the following conditions, and/or the conditions laid down in Part IV of the National Building Code, Indian Standard specification and relevant building rules, as the licensed agency may deem expedient with special reference to the degree of hazard involved for obtaining a Fire Safety Certificate: —

(a) in the case of a building for storage of petroleum or petroleum product including kerosene, it shall comply with the provisions of the Petroleum Act, 1934 (30 of 1934);

(b) the building shall not be situated in a densely populated area where it would be a nuisance to the inhabitants of the neighbourhood;

(c) the building shall have the clear open space subject to provisions of the relevant building rules, of the relevant local authority, in force;

(d) the engines, furnaces and ovens shall be at a safe distance from the places where inflammable articles are stored or processed or proposed to be stored or processed;

(e) no article referred to in clause (h) of section 2 of the Act shall be stored or processed on the top or on the roof of any such building;

(f) the building shall maintain any or all of the following minimum standards for fire prevention and fire safety as the licensed agency may deem expedient :—

(i) ways of access,

(ii) underground or overhead water static tank exclusively for fire fighting with replenishment arrangements,

(iii) adequate number of portable fire extinguishers,

(iv) pressure fed hydrant within the perimeter of the building,

(v) fire engine trailer pump of 500 G. Per minute capacity,

(vi) first aid hose reels,

(vii) proper compartmentation,

(viii) automatic fire detection and alarm system, or manually operated electrical fire alarm system, or both,

(ix) proper public address system,

- (x) illuminated exit way marking system,
- (xi) alternate source of electric supply,
- (xii) fire lift with fireman switch,
- (xiii) rising main with landing valve,
- (xiv) proper safety measures for electrical installations,
- (xv) adequate means of escape,
- (xvi) floor number signs,
- (xvii) dampers and other safety measures in air-conditioning system,
- (xviii) fire notice, and
- (xix) other general recommendation of National Building Code Part IV.

20. **Manner of mock fire drill and issue of certificate** — (1) The occupiers of all high-risk buildings shall, in the presence of a licensed agency carry out a mock fire drill, in every year, involving all occupants of the building and the watch and ward staff of the building under prior intimation to the Director-General or the superior nominated authority.

(2) The fire drill shall be conducted following the guidelines as laid down in Appendix D in Part IV of the National Building Code.

(3) The licensed agency shall issue a certificate of performance of the mock fire drill in the form specified in Form G and the occupier of the concerned high-risk building shall furnish such certificate to the Director-General or the nominated authority and maintain a register in this behalf.

21. **Inspection of buildings or premises** — (1) The Director-General or the superior nominated authority or licensed agency authorised in this behalf, as the case may be may enter and inspect any building or part thereof or any premises at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention, if any, of fire prevention and fire safety measures referred to in the Act or these rules.

(2) A notice, if the Director-General or the superior nominated authority considers necessary, may be served to the owner or occupier of the premises, where the Director-General, or the nominated authority intends to enter and inspect, in Form H at least 3 hours before such entry.

(3) If the Director-General or the superior nominated authority is satisfied that owing to inadequacy of fire prevention and fire safety measures the condition of any high risk building or part thereof is in imminent danger to person or property, then, he or it may, before proceeding in accordance with section 37, issue a notice and display the same in writing in the manner as he thinks fit.

22. **Revocation of Fire Safety Certificate** — The Director-General or the superior nominated authority may revoke any Fire Safety Certificate without prejudice to any action that may be taken against him under section 11C of the Act in the event of—

(a) non-compliance with any notice served under section 35 of the Act without prejudice to any action taken under section 36 of the Act ; or

(b) non-compliance with mock fire drill, specified in rule 20 of these rules in any year.

23. **Manner of carrying out work of providing fire prevention in a high-risk building** — (1) No person, other than a licensed agency, shall carry out and perform the work of fire prevention and fire safety measures or such other related activities as required to be carried out in any high-risk building.

(2) While carrying out the work specified in sub-rule (1), the licensed agency shall maintain a register for each high-risk building, in duplicate, in the manner specified in Form I and one copy of such register shall be kept with the owner or occupier of the building which shall be shown to the Director-General or the superior nominated authority, as and when required.

PART IV

Disposal of Appeals

24. **Appointment of appellate authority** — The State Government may, by order, appoint an officer, not below the rank of Deputy Secretary to the Government of West Bengal having judicial or revenue court experience or experience in fire service matters, to be the appellate authority on such terms and conditions as may be specified in the said order.

25. **Manner of filing appeal** — The appeals shall be made in Form J.

26. **Notice for hearing appeal** — (1) The appellate authority shall hear the appeal before disposal of the appeals.

(2) A notice in Form K shall be served to the appellant at least 3 days before taking such hearing.

(3) If the appellant absents himself from such hearing, without showing any reason therefor in writing within 24 hours next to the time of hearing, the appellate authority may reject the appeal.

27. **Notice of entry for inspection** — (1) The appellate authority or any other officer nominated by him may take entry into the land or building of any appellant, before disposal of the appeal, for the purpose of ascertaining the adequacy or contravention of fire prevention and fire safety measures as required to be provided under the Act.

(2) A notice shall be served to the concerned appellant in Form L at least 3 hours before such entry.

(3) If the appellant refuses such entry, without showing any reason therefor in writing, the appellate authority may reject the appeal.

28. **Disposal of appeals** — The appellate authority, after taking hearing and or inspecting the building or premises of the appellant, as per rule 26 or rule 27, shall dispose of the appeal by serving a notice to the appellant in Form M, for carrying out his directions within a date stipulated in the said form.

29. **Fine for contravention of direction in Form D** — The Director-General or the superior nominated authority may impose a daily fine of rupees five for each day without prejudice to any other action that may be taken against him under section 11J of the Act with effect from the date next to the date, stipulated in Form M for taking action, on the appellant in case of continuation of contravention of the directions of the appellate authority in the said form.

PART V

Fire Report

30. **Rates of reward for fire reports** — The West Bengal Fire Services shall give the person, who has given notice of fires and to those who have rendered effective service to the fire brigade on the occasion of fire, a reward of Rs. 100 for each case.

SCHEDULE

(See rule 17)

The rates of additional percentage of building fee to be paid by the persons or group of persons or association intending to construct a high-risk building as a special fee mentioned in column II in the Table below against the floor area of the high-risk building mentioned in column I in the Table below.

TABLE

Category of building and height (in metre) (I)	Percentage of building fee to be paid as a special fee (II)				Remarks
	FLOOR AREA				
	Up to 83.64 sq.m	above 83.64 sq.m to 102.23 sq.m	above 102.23 sq.m to 139.40 sq.m	above 139.40sq.m	