

help of the navy as the two sunken dredgers are a potential danger to the safe navigation in the channel of the Port.

(iii) Need for early implementation of the recommendations of the Beach Erosion Board to stop the sea erosion at Paradeep.

(vi) Need for organising voluntary consumer efforts to protect them from unhealthy trade practices

SHRI SATYENDRA NARAYAN SINHA (Aurangabad) : The recent investigations into the so-called sale of consumer goods have revealed how consumers are being misled. In one such sale where consumers were told that rock bottom prices were being offered, MRTP found that mostly rejects from the mills were being sold as genuine material. In another case, the MRTP found that sarees claimed as belonging to a well-known brand were not so. These instances may only be the tip of the iceberg. In most of these cases the consumer gets wiser only after the event. To protect the consumer voluntary efforts could be organised as in some foreign countries where traders organisations have to certify the genuineness of the sale and penalty for misleading consumers is heavy. The Government should consider legislating on these lines to protect the consumer.

(vii) Need to release grants by University Grants Commission to Vidyasagar University, Midnapore in West Bengal

DR. SUDHIR ROY (Burdwan) : Vidyasagar University, Midnapore, West Bengal has been functioning for nearly five years. Post-Graduate teaching has started in this University and nearly 35 colleges are affiliated to it. The University lays emphasis on teaching non-traditional subjects like marine biology, oceanography, cooperative movement, Panchayati Raj, etc. Though the Government of West Bengal released grants of more than Rs. two crores for the University, the U. G. C. so far has not released any grant. The original understanding was that if the State government spends more

than Rs. two crores, the U. G. C. would grant Rs. six crores. Already faculty members have been appointed. But the U. G. C. under one pretext or another is not releasing funds.

I demand that the UGC should release the amount for the said University without any further delay.

(viii) Need to help the State of Tamil Nadu to augment the generation of thermal power

SHRI P. KOLANDAIVELU (Gobichettipalayam) : Electricity power is always a constraint so far as Tamil Nadu is concerned. The Tamil Nadu Government have already exploited almost all sources for power generation. Now Tamil Nadu is depending upon Thermal and Atomic Energy. It is very necessary to have Russian aid for a Thermal Power plant with three units of 210 MW each at Cuddalore in South Arcot District. It is also understood that there was already a discussion between the Prime Minister of India and the President Mr. Gorbachev of USSR in this regard permission also has to be granted to the Southern Energy Development Corporation Limited in Madras to import streaming coal from Australia to implement and operate Third stage expansion of the Tuticorin Thermal Power Plant consisting of two units of 210 MW each in a joint venture with the Tamil Nadu Electricity Board. Industrial growth in Tamil Nadu is very much affected due to lack of power generation and there is more unemployment and under employment. The Government of India has to come forward immediately to the help of Tamil Nadu.

12.50 hrs.

DELHI FIRE PREVENTION AND FIRE SAFETY BILL—Contd.

[English]

MR. DEPUTY SPEAKER : We now take up Item No. 10. Further consideration of the following motion moved by Shri Chintamani Panigrahi on the 11th November, 1986, namely :

“That the Bill to make more effective provision for the fire prevention and fire safety measures in certain buildings and premises in the Union Territory of Delhi, be taken into consideration.”

Shri Somnath Rath.

SHRI SOMNATH RATH (Aska) : Sir, this Fire Prevention and Fire Safety Bill is a very welcome measure. There are massive buildings in Delhi, besides five-star hotels and a few months back there was a big fire havoc in a hotel in Delhi where some persons died and many were injured.

The owners of multi-storey flats do not provide the necessary fire safety measures in high buildings as required. Fire fighting and fire safety measures in the Union Territory of Delhi are the responsibility of the Delhi Municipal Corporation.

While coming to the Bill I see that there is a departure from the normal procedure in this Bill. I will invite the attention of the Hon. Minister through you to clauses 4, 5 and 7 of the Bill. Clause 4 deals with the measures for fire prevention and fire safety. It says that the authority can direct the owner or occupier of such building or premises to undertake such measures as may be specified in the notice. Clause 4(2) says: “The nominated authority shall also give a report of any inspection made by it under section 3 to the Chief Fire Officer. Then comes clause 5 relating to power to seal building or premises. It says that the Chief Fire Officer can even seal the building or premises forthwith. Clause 5(2) says that the Chief Fire Officer may direct any police officer having jurisdiction in the area to remove such persons from the building or premises and such officer shall comply with such directions. Clause 7 says :

“The Chief Fire Officer shall, in the event of non-compliance of any notice issued under section 5 or section 6, take such steps as may be necessary for the compliance of such notice.

(2) All expenses incurred by the Chief Fire Officer in relation to any steps

taken by him under sub-section (1) shall be payable by the owner or occupier on demand and shall, if not paid within ten days after such demand, be recoverable as arrears of land revenue.”

It pre-supposes that the Chief Fire Officer had to spend some money. It may be necessary to dismantle or change the premises and it may come to huge amount. Surprisingly there is no Financial Memorandum in the Bill. So, where from will he get the money? How will he discharge his duties under section 7 under which he has been empowered to do so unless funds are placed at his disposal. The Hon. Minister may reply that it will be provided in the rules. It cannot be. Rules can speak how the funds will be utilised. Rules cannot provide funds. It is the Act that will provide funds. Rules derive their existence from the Act and they cannot over-ride the Act. It is a great lacuna in the Bill. I have also given an amendment. If the Hon. Minister so pleases, he may accept it. I have given an amendment for insertion of a new clause 7A. It says: that the this expenditure should be incurred from the Consolidated Fund of India. Or else clause 7 will be inoperative. When the Hon Minister replies, I hope he will clarify the position.

13.00 hrs.

Another point that I would like to mention is that this Bill is meant to take speedy action. In section 8 it has been stated that against the order of the Chief Fire Officer, there shall lie an appeal to the Appellate Tribunal within thirty days. Then there is also a second appeal. Of course, there is an amendment by some Hon. Members that it may not be appeal, it may be revision because there is lot of difference between appeal and revision. If the appellate authority so wishes, he can condone the time limit. Section 8(2) says, “An appeal shall lie to the Administrator against the order of the Appellate Tribunal.” That is also within thirty days and here also the Administrator is empowered to condone the delays. So, how long will this process go on? When we are thinking of the safety measures, fire fighting measures, are we to

[Shri Somnath Rath]

wait till the appeal is disposed of after one year or more because the first appeal will take some time, then the second appeal will also take some time? Is it in the fitness of things that there should not be two appeals? It must be summarily disposed of. In Section 9, jurisdiction of courts has been barred. Under these circumstances, I submit that these are two important factors which need the attention of the Hon. Minister and I request him to reply to these.

MR. DEPUTY SPEAKER: We now adjourn for lunch and will reassemble at 2 p.m.

13.02 hrs.

The Lok Sabha then adjourned for lunch till Fourteen of the Clock

— — —
The Lok Sabha reassembled after lunch at seven minutes past Fourteen of the Clock

[MR. DEPUTY SPEAKER : *in the Chair*]

DELHI FIRE PREVENTION AND
FIRE SAFETY BILL—*Contd.*

MR. DEPUTY SPEAKER: Shri Raj Kumar Rai.

[*Translation*]

SHRI RAJ KUMAR RAI (Ghosi): Mr. Deputy Speaker, Sir, I am thankful to you for providing me an opportunity to speak on Delhi Fire Prevention and Fire Safety Bill.

Sir, through this Bill, an effort has been made to improve the service of Fire Brigade in Delhi to deal with the fire incidents in multi-storeyed buildings. Therefore, our Government have brought this Bill with good intention and the efforts have been made in it that if it is strictly followed, the number of fire incidents can be reduced considerably. The past experience shows that so many multi-storeyed buildings have come up in Delhi and last year a devastating fire incident took place in Sidhartha hotel. Two

to two and half years back, when our Prime Minister Shri Rajiv Gandhi was General Secretary of the Congress (I), a possible devastating fire incident was averted and the Fire brigade could not reach there in time and the matter is still being enquired. In the absence of some competent authority, various effective actions could not be taken and the penal process is so weak that if someone ignores some rules and does not strictly follow them, very minor punishment is given. Therefore, it is a good thing that Government have brought forward this Bill which provides for more vigorous punishment and more fine. The most important thing in this Bill is that if any one commits this mistake second, third or fourth time his punishment will also be increased accordingly. In Delhi the law is being followed strictly as compared to the other States, but when it is necessary to follow the laws more strictly, at the same time it is also equally important that the general people should be properly educated and when even they intend to construct a multi-storeyed building, they should get the map approved and should themselves follow the provisions of this Bill.

So far as the provisions of the Bill are concerned, they are good. There should be proper arrangement for extinguishing of fire, when it breaks out in any building. There should be no violation of these rules. Generally it has been observed that such laws are violated by the big people and the big officers silently watch such violation. Therefore, when you have introduced this Bill in the House and now when it is being passed, you should ensure that big people may not violate it. It is an open secret that the mistakes are started by the big people only.

Besides, it is also necessary that the morale of the employees of this service should also be kept high. We can keep their morale high by providing them more promotional avenues, housing facility, communication facility and increasing their salary. The most important thing to be looked into is that sometimes old vehicles are given to them which are not workable.

Sir, though it is related to Delhi, but deviating from the subject, I would like to draw your attention towards the villages in far flung areas where a poor farmer collects

his crops after a year long hard work and sometime, he becomes a victim of such fire accidents. I am talking about the area particularly the one I represent. In Uttar Pradesh, this facility is not provided at all in all the cities or is negligible. Therefore, it is also necessary to make fire brigade service in Lucknow, Gorakhpur, Banaras and Allahabad cities in Uttar Pradesh more efficient and effective. Ours is a welfare state, therefore it should also pay attention towards the prevention of fire incidents in fields and threshing places in the rural areas.

I know that in the case of a fire incident, the Police officials were informed. The District Magistrate and S.S.P. had issued orders to the big officers of Fire services, but no action was taken because vehicle was not in order or staff was not ready or water was not available. And as a result, everything was reduced to ashes and nobody could do anything. Had the water been available there, the fire could have been controlled by employing man power.

Sometimes hundreds of houses are reduced to ashes in a single fire accident and the earnings of the entire village is lost. Therefore, it is necessary to extend fire service facility to villages more speedily and appoint staff for this purpose. You should make provision to provide this facility to rural areas as well.

Sir, you are aware that our Government wants to do a lot for the rural development. Sir, Indiraji had said that if we wanted to see India a safe, developed and prosperous country, then first of all, we would have to pay more attention to our villages, because 70 per cent of the population of our country is living in villages. If we want to pay our attention towards our villages, then we have to bring about upliftment of our farmers and labourers. Therefore I request the Government that when it is doing this good work, it should also bring another legislation to prevent such fire accidents in the villages and small cities and towns throughout the country.

Sir, as you know, when any calamity befalls man, it may not be totally destructive. But floods and fire are two such calamities

which destroy man completely. All his earnings, property, possessions, food, clothing and all other resources and even his self respect is destroyed completely. Hence, it is an aspect on which we should deliberate with calmness so that we can take certain steps against it.

Sir, I want to draw your attention to two or three points. In Delhi, there have been cases of negligence and the Government, in order to check such carelessness, has ordered maximum punishment for the culprits, but the said orders are not being enforced within a time limit. The files containing the above mentioned orders are not being cleared in time and as a consequence such cases of negligence are being repeated. I want that wherever there is any negligence of duty, or fire—fighting provisions are not implemented, then the guilty should be punished within a definite time-frame, so that they can become examples for others, and people could take measures to save themselves from fire hazards.

With these words, I would fully support the Bill, and hope that whatever little suggestions I have offered, would be considered by the Government.

[English]

SHRI V. S. KRISHNA IYER (Bangalore South) : Sir, I welcome this Bill though it is belated and though it has certain loop-holes. The Delhi Fire Brigade is controlled by the Delhi Municipal Corporation. Of course, the present provisions in the Corporation Act are not adequate to enforce preventive measures or safety measures on any body. I welcome the idea that there should be a single agency to control and to take preventive and safety measures.

I would like to draw the attention of the Hon Minister to one or two loop-holes in the present Bill. Of course, I am sure the Minister will give proper clarifications. In Clause 3 it is stated "the nominated authority may, after giving three hours' notice to the occupier, or if there be no occupier, to the owner of any building having such height as may be specified by the rules"...In this connection, I would like to know from the Hon. Minister whether these

[Shri V. S. Krishna Iyer]

provisions of law will apply only to high-rise buildings, or even to the ordinary buildings. It is a contradiction. The building is defined in the definition of the Bill "building" means a house, out-house, stable, latrine, urinal etc. etc. It is quite clear that in the definition you have given the definition of the "building" as has been existing right now. In Clause 3, it is stated that the nominated authority shall inspect only high-rise buildings. Can they not enforce these preventive measures and safety measures on others? I would like to have this clarification from the Hon. Minister. If it is so, then I feel that it is really a mistake. I do not on what basis and on what motive this has been done. I would request the Hon. Minister to clarify this point. If necessary, I suggest that even now it is not too late to bring an amendment. Because, building means every building. The nominated authority shall have powers to inspect any building. I would request you to just go through the whole matter.

Sir, in Clause 6, it has been mentioned that the Chief Fire Officer may enter and inspect any building. It does not say it is only high-rise buildings. It says he can inspect any building. Here, height is not given. Of course those buildings which were constructed before 1983, that you have mentioned. The Chief Fire Officer has authority to inspect any building. The Nominated authority is not supposed to inspect other buildings. I would request you to clarify this.

Another point I would like to bring to the notice of the Hon. Minister is that this House is the Supreme Legislative Body of the country. Any Act passed by this House should be a model to other States. Just now, one Hon. Member has said that the fire services have been inadequate even in metropolitan cities—leave alone rural areas. Of course there is even in big cities, we do not have adequate fire preventive measures. Of course, it is the responsibility of the State Governments. But the legislation we make should be a model for all the States; it should be such that every State should emulate it. We should see that all States take similar preventive measures everywhere.

In Delhi, the fire brigade has jurisdiction over the entire Union Territory of Delhi and at the moment there are four local bodies here in Delhi. It is good that now, so far as fire brigade is concerned, they will come under one single agency and powers are given to punish those who do not take preventive measures. According to the byelaws of the Delhi Municipal Corporation, before any licence is issued by them, a no-objection certificate has to be taken from the Chief Fire Officer. I know what happens. I was a Municipal Corporator, I was a Mayor and I was also Urban Development Minister. The responsibility of the Chief Fire Officer should not stop immediately after he has given the no-objection certificate. He must see to it that the necessary preventive measures are taken. He should inspect the building. Now what happens is, he gives the no-objection certificate and the Municipal Corporation issues the licence; afterwards, the Chief Fire Officer will not have any responsibility; he will stop after issuing the certificate. In many Municipalities there is a provision in the Municipal Act for compounding an offence if there is a deviation. If there is no such provision in the Delhi Municipal Corporation Act, I would suggest that we should have an amendment, in this piece of legislation, a provision that, when there is a deviation or there is something against the recommendation of the Chief Fire Officer, without consulting the Chief Fire Officer, the Corporation authorities shall not compound the offence. I am sure the Hon. Minister will look into this aspect.

More than these provisions, what is important is that our fire services must be alert and very efficient. This legislation is an offshoot of the many fire accidents that took place in New Delhi, the Capital of our country. There were fire accidents in Siddarth Hotel and Gopala Tower. Last week there was a fire accident in Chandni Chowk, and I read in the papers that the fire brigade came one hour after they were informed and by that time the shops and other properties had been gutted. It should not happen like that. We should see that the fire brigade is very alert and smart. The moment they get information, telephonically or otherwise, they should rush to the spot and take the necessary measures. In almost all the localities we have fire brigade stations and they should be able to take immediate action.

Fire brigade is a very specialised one and it is very hazardous also. The fire brigade personnel work not only when there is fire, but their services are also utilised when there is a building collapse or some such thing. It is a specialised service, and you must see that they are given proper training and also all facilities.

So far as Delhi is concerned, I do not know whether they have sufficient equipment. We must see that, wherever there are high-rise buildings, in cities like Bombay, Madras, Delhi and other places, they have proper equipment. That is necessary to fight the fire. I am sure the Hon. Minister will look into this aspect also.

In today's paper I read a report that about 900 huts were gutted in one of the unauthorised colonies of Delhi. They are unauthorised constructions and you cannot ask them to have preventive measures in their places—where the slum-dwellers are residing. It should be the responsibility of the Municipal Corporation to take fire preventive measures in such areas. They may be living in unauthorised colonies, but they are all humanbeings and they are our voters also. I am sure the Hon. Minister will look into this.

One or two years back there was a fire accident in one of the marriage parties conducted in a *shumiana*. Even in such places you must see that pre fire preventive measures are taken. Even if there is a temporary construction, preventive measures must be taken.

I welcome this piece of legislation. I have pointed out certain loopholes in the Bill and I am sure the Hon. Minister will see that those loopholes are plugged and the clarifications that I have sought are given.

[Translation]

SHRI SHANTI DHARIWAL (Kota):
 Mr. Deputy Speaker, Sir, I welcome and support the Delhi Fire Prevention and Fire Safety Bill, 1986. Due to the shortage of enough number of fire brigades and other preventive measures, several buildings and premises are destroyed by fire,

killing thousands of people and destroying property worth crores of rupees. The instruction power which has been provided in this bill, and the power granted to seal buildings and premises in case of fire, and imprisonment of those who are found violating the law, in my opinion, would greatly help in controlling various fire-accidents. The Parliament is the highest law making body of the country. Therefore, such laws should be framed which could be emulated by all the States and fire prevention and fire safety laws could be framed by the respective States on that basis. Therefore, this law should be made after careful consideration of every aspect. In this connection, I would suggest, firstly, that the fire safety equipments are so worn-out at places, that only 1/4 of its original efficiency or usefulness is left, due to which a number of difficulties have to be faced. At times such fire brigades are used, which take half-an-hour merely to start their engines. Hence, it is important to pay attention to the equipment. My second suggestion is in regard to the communication gap which exists between the place where a fire accident has occurred and the fire control offices. Due to the lack of information, the fire brigades do not arrive at the spot of the accident in time and in fact, arrive when all the harm has already been done and everything has been reduced to ashes. This must be given due consideration.

My complaint in regard to the staff is that they begin to work only when fire has actually broken out somewhere, otherwise they keep sitting on their chairs like rusted iron. By this Bill efforts should be made to provide the staff with continuous training so that they may remain alert and may work with necessary agility when needed. Moreover, emphasis has also been placed on the height of the building in this Bill. It has been stipulated that for enforcement of this law, the height of any building should not be less than 15 metres. We should not unduly bother about the height of buildings. If a smaller building catches fire, then also there is harm done, although it may be on a lesser scale. Therefore, safety measures should be adopted and enforced strictly, regardless of the size of the building. Equal attention should be paid to posh colonies and slums in regard to fire prevention and fire safety measures. While passing plans of new buildings it should be seen whether fire fighting

[Shri Shanti Dhariwal]

provisions have been made there or not. Often it is seen that building plans are sanctioned without scrutinizing whether such provisions have been made. They never visit those buildings even after they are constructed and sanction plans of even multistoreyed buildings. There are hundreds of buildings in Delhi where adequate fire fighting provisions have not been made. In spite of the lack of fire-safety provisions, buildings have been constructed and are being used. Action must be taken against such officials who show dereliction of their duty by permitting the construction and use of buildings which lack necessary fire fighting provisions. If in spite of this shortcoming, buildings are allowed to be constructed, then they might prove to be dangerous at any time, and it was because of this reason that some buildings had caught fire recently.

In future, strict action must be taken against those officials who give permission for the construction of buildings, without the provision of proper fire prevention and fire safety system. These officials should be punished and even dismissed from service. Finally, I would request that such provisions may also be included in the Bill.

[English]

SHRI ATAUR RAHMAN (Barpeta) : Mr. Deputy Speaker, Sir, I welcome the Bill and I find the Bill is not one day too late. It should have come much earlier. But what I find is that the Bill has come into this august House by virtue of the fact that Delhi is in the Union Territory otherwise there is no scope for a discussion of such an important matter in this House. Various subjects under the Ministry of Home Affairs are raised in the House but fire services are never mentioned and never taken seriously anywhere.

While supporting every provision of the Bill I would not like to go into the niceties of the legal provisions. Certain good points have been raised by my friend Mr. Krishna Iyer. We should not look at this Bill in isolation. It is a matter which affects the country

as a whole and; as such, I would go into its long-term aspect rather than short-term aspect.

Sir, I came in contact with this organisation during the war days when it was called Air Raid Precaution and Civil Defence. Eversince then nothing has been done worthwhile to improve this organisation. It is indeed a State subject and Centre cannot do anything. But, Sir, police is also a State subject and whenever there is a discussion on Police the Centre gives due attention and tries to improve the State police as well. Therefore, fire brigade should not stand on a different footing. It is as much important as is police. The pattern of problem to be dealt with by fire brigade is changing from what it was 40-50 years ago. Certain improvements have been carried out but it is not so in the rural areas. We have nuclear problems of gas leak. We have now problems of electrical short-circuit at unexpected places. We have chemical leakages, we have nuclear leakages too. That is why, it is a question of reorganization of the fire services in the country. I think we should think in a manner which would envisage an overall improvement of the fire services with regard to its specialization and moderanization of the services. It is at present so much neglected that in the 4th Pay Commission Report there was no mention about the pay and allowances of fire service personnel. That would reflect the type of interest the Government at the Centre and Governments in the States are taking. The excuse is that there are no funds, no land for setting up fire services. Most of the accommodation for fire services in various big cities as also in other cities is in dilapidated rent houses. Even the fire service tenders do not have any garages. They are left outside to rot.

Then, it is a non-plan thing. I, therefore, suggest that in future the aspect of specialization and moderanization should go in the Plan budget and the normal fire brigade administration into the non-Plan budget.

We have various aspects under fire fighting. We have fire prevention, fire fighting, first aid and major fires. First aid is very much important in the sense that in foreign countries, first aid is given not by medical institutions, it is given by the fire brigade.

That is why we should also remodel the idea of fire brigade here. Even ambulances in other countries are run by fire brigade. I do not know whether it is run by fire brigade here or not. May be it is done here, but it is not done in the other cities. Therefore, instructions may be issued by the Minister to the different fire brigades in the States to take up ambulance services as well.

As regards equipment, I am told that they do not have ladders of the type they need to fight fire in high rise buildings, they do not have gas masks in different fire brigades. They do not have even hydrants from which they would draw water and use it for fighting fire. Not only that, they do not have static tanks in areas where fire is likely to occur. In other countries, they have special parking places for vehicles, but we do not have there. That is why, a lot of rethinking is necessary. I would suggest that in future we should have a unified fire service for the whole of India. I would insist upon setting up of a fire Service Commission in pursuance of the wishes of the All India Fire Services Association which asked for it in 1980. I am told that there is no system of evaluation of fire services. The Centre has a lot of responsibility to take up this matter. I am told that there is a Fire Service Advisory Council, but their suggestions are just mere suggestions and nobody looks up at them. And no body in the Home Ministry has time to have a look at them. I suggest that a competent body should be set up, whose suggestions should be considered mandatory.

So, with these words I wish you well and I hope that the Government will set up a Commission to go into the various lacunae and disadvantages of the Fire Service.

[*Translation*]

SHRI MOOL CHAND DAGA (Pali) : Mr. Deputy Speaker Sir, first, I did not know as to why the Hon. Minister of State in the Ministry of Home Affairs, has introduced this Bill. He must know that before moving such a Bill it is essential to bring a financial memorandum also. If he has not

done that, then he may say as to how much expenditure will be incurred on it ?

If our Hon. Deputy Speaker has paid attention to this bill, then he may have noticed that it is a mandatory provision and the Hon. Minister should elaborate as to what the annual expenditure would be ? He has not presented any memorandum in this regard. The Hon. Speaker should have returned the Bill, but God knows as to how you have moved it and it is being discussed.

[*English*]

MR. DEPUTY SPEAKER : You just put forth your argument.

SHRI MOOL CHAND DAGA : This is very important. I want to invite the attention of the Hon. Deputy Speaker. It is the duty of the Speaker to take note of the facts. The rule says that there should be two times, one is delegation and the second is financial memorandum. When there is no financial memorandum, this Bill should have been returned.

[*Translation*]

I have not come to know as to how there could have been a fire in Delhi before this Bill was moved. Delhi is a large metropolitan city. If instead of Delhi, the same had happened in Calcutta or Chandigarh, what provision are there for its prevention and control ? What arrangements are there in large cities for fire prevention and fire safety ? I am implying that the scope of a Bill should not be so little. It must have wider jurisdiction.

In this Bill, which deals with fire fighting arrangements in Delhi, it is written and I quote;

[*English*]

“This Act will be called Delhi Fire Prevention and Fire Safety Act and it will extend to the whole of the Union Territory.”

Why cannot it be applied to such other areas that the Central Government may notify ?

[Shri Mool Chand Daga]

[*Translation*]

It might have been added in this Bill that its provisions would apply to other areas also when the Central Government issues the required notification. But this did not strike the Government officers, and they framed a Bill which has very little scope thinking that the new Minister would pilot the Bill without asking many questions. Was it considered before, framing the Bill, that its provisions fall under the Delhi Municipal Corporation Act. I was saying that construction and maintenance of buildings falls under the jurisdiction of the Corporation. Before constructing, building experts should be consulted to find out as to what equipments should be there to check fire. You can consult the engineers also in this connection to determine the heights of buildings and houses to be constructed. Don't you take care of all these points when approving the maps? Section 400 reads :

[*English*]

"The Commissioner may by public notice prohibit in any case where such prohibition appears to him to be necessary for the prevention of danger of life or property, the stacking or collecting of wood, dry grass, straw or other inflammable materials.. etc."

[*Translation*]

I think it would have been better that instead of incorporating all these provisions in this Bill, the Municipal corporation of Delhi would have been entrusted with this task. In this way you have created a separate new Authority. Any new authority was not needed when the Municipal Corporation of Delhi and the Delhi Development Authority are already there.

[*English*]

There is a new authority, Administrator. "Administrator" means, the Administrator of Delhi appointed by the President Under Article 239 of the Constitution.

[*Translation*]

After the implementation of this Bill you will issue orders for the demolition and

repairs of buildings and construction of emergency exits. It will involve heavy expenditure. You should issue all the instructions regarding height of the building, emergency exits and availability of water to extinguish fire before the commencement of construction. After this the Municipal Corporation of Delhi should be entrusted with responsibility for all these things.

[*English*]

They must take all precautions. Before he gets permission for putting up or constructing a building, he should take all precautions.

[*Translation*]

We have heard a new thing that you will make certain facilities obligatory in the buildings already existing. The Members here do not know even how to place the cooking gas apparatus. Sometime they do not even close the regulator of gas. They do not know how to use that gas. You must pay attention to all these basic things..... (*Interruptions*) So I was submitting that you have made these provisions due to certain reasons, but there are no such reasons.

Then you have granted the right to appeal within a period of one month. You must have thought about it while drafting the Act.

[*English*]

It should be from the date of receipt of notice, and not from the date of issue of notice.

[*Translation*]

You have to be careful about the provisions to be made. Then there is clause 8 :—

[*English*]

It says under proviso to sub-clause (2) :

"Provided that the Administrator may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filling it within that period."

[*Translation*]

In the provision for notice.

[*English*]

—You have mentioned : notice of appeal against such an order within thirty days from the date of the notice. It should not be so; it should be from the date of receipt of the notice.

[*Translation*]

So you have made certain lacuna in this law. You do it in every law. He can appeal to the High Court, but this provision is also not there.

[*English*]

Clause 13 says :

“No court inferior to that of a Metropolitan Magistrate shall try an offence punishable under this Act.”

Under this Bill, if there is no procedure, he can try this under the Cr.P.C. But you do not mention it so.

[*Translation*]

You prepare all these Acts in a haste and about which Mr. Deputy Speaker usually says :—

[*English*]

“Within a limited time, get it passed.’ Even our Ministers in charge of Parliamentary Affairs do not apply their mind to the Bills. They say, ‘Go ahead; finish it by 5 p.m.’ This is so, because there is no committee which goes through the Bills, considers them and bring them up here. This is not being done.

[*Translation*]

Then it contains some guidelines about buildings.

[*English*]

But what about cinema halls, and office buildings like Krishi Bhavan ?

Clause 2(c) says :

“building” means a house, outhouse, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material;

Why not include office buildings cinemas etc. ? Everything is a house. Why don't you define it so ? Now the definition is not complete.

[*Translation*]

I wanted to give some amendments in writing but it is not possible as you will not accept them.

(*Interruptions*)

[*English*]

There is a rule that when a Member speaks, he should not be interrupted.

MR. DEPUTY SPEAKER : Mr. Daga can interrupt while others speak.

SHRI MOOL CHAND DAGA : I have found that these are points. It is for the Minister to define ‘house’ fully, because he is piloting the Bill. It is not for me to do so.

[*Translation*]

Now it is a matter of common sense. If someone is shifting house and for all other such things you have written Rules to be framed. The study of the complete Bill suggests that you want to enforce preventive measures. But what preventive measures have you suggested in this Bill ? You have left all this to the discretion of the bureaucrats. Whenever the issue is raised, the same question faces us that we do not know as to how this Bill will be implemented. Today also we do not know as to what rules will be framed under the Bill and the bureaucrats will deal even those matters which should not be covered under this Bill. The time is approaching when we will entrust everything to the bureaucrats. Gradually they will start even framing our policies. The Bill contains provision about an officer to be appointed and punishments for certain violations,

[*English*]

SHRI VAKKOM PURUSHOTHAMAN (Alleppey) : Why do you look at the officers?

SHRI MOOL CHAND DAGA : No; I do not look at them; why should I? We have other forums where I can see them. I need not do it here. After all, Ministers depend on them. Why should I look at the officials?

MR. DEPUTY SPEAKER : When you give suggestions, they will look into them.

[*Translation*]

SHRI MOOL CHAND DAGA : My point is that you should incorporate some rules in the basic rules framed by you. You have envisaged this law only for the territory of Delhi, but what arrangements have you made for the fires which break out in small houses and granaries in villages. You have overlooked the poor man who loses everything in case his harvest is destroyed by fire. I suggest that there should be some provision for him also. I understand that soon you will bring an amendment, but I do not scorn your Bill, rather I support it.

[*English*]

SHRI INDRAJIT GUPTA (Bashirhat) : It gives me great pleasure to address my old friend Shri Chintamani Panigrahi who is here for the first time as a Minister.

SHRI PIYUS TIRAKY (Alipurduars) : For the first time, he is playing with fire.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : I am extinguishing the fire.

SHRI INDRAJIT GUPTA : Just a week ago, on the 6th of November, all the leading dailies of the capital carried summarized reports of the findings of the one-man judicial enquiry commission set up by Government to go into the causes of the fire that took place early this year at the Siddharth Inter-continental Hotel. I hope the Minister has had time to study that report. In that fire, 37 people lost their lives, out of whom

some—I do not know the exact number—were not Indian citizens, but foreigners staying in that hotel.

Before I come to some of the main points which have been emphasized in the judicial enquiry report, I want to say one thing : these people, or rather the relatives or kith and kin of people who were killed in that fire, or may be who suffered from a severe type of burn injuries, or lost all their private belongings, but mainly the kith and kin of those who lost their lives, are waiting to know how they are going to be given any compensation. Up till now, there has been no arrangement for payment of compensation. The normal practice, I believe, is that the Government has to appoint a Claims Commission.

15.00 hrs.

[SHRI VAKKOM PURUSHOTHAMAN
in the Chair]

And before that Claims Commissioner, all people who considered themselves eligible had to file their claims for compensation; that is an expeditious way of settling these claims. But, as far as I know, the government has not announced up till now any appointment of a Claims Commissioner and therefore these people are expected to go to file private suits in courts, civil courts and file cases which will take years and years to dispose of. I think this is not the way that victims of a major accident like this should be treated. I am well aware of the fact that people who were victims were obviously well-to-do people. Otherwise, how could they be living in a Five-Star Hotel. But that is not the point.

When people were killed in a railway accident or in some other accident, they are considered to be victims, but nobody bothers to find out how well-to-do they are. Here foreigners are involved. The good name of our country is involved. So, I would urge upon the government especially when the report is out, which I will refer to briefly, that they should lose no further time in appointing a Claims Commissioner before whom the victims of this fire can file their claims so that early, speedy, settlement of their application can be made. This is essential. Otherwise, there will be endless trouble for these people.

If one looks at some of the main points of this enquiry report as published in the press from that point of view, of course, the Bill before us seems to be rather inadequate; of course, we support the Bill; I support the intention of the government behind this Bill, but the provisions seem to be inadequate. What does this enquiry report say? First of all, it says,

“The hotel did not possess a permanent occupancy certificate.”

At least such a certificate is required and some authority has to issue it. They did not have a permanent occupancy certificate. This is what the judge had found and they had only for three months no objection certificate issued by the Delhi Fire Service during the days of the 1982 Asian Games. So, the fire service itself has given them a no objection certificate which was valid for only three months at the time of Asian Games. That means it had expired long ago and nobody had ever bothered about applying for a new certificate or issuing a new certificate; and this is done by the Fire Service itself. Then the report further says as follows :

“In clear-cut violation of building laws, the hotel management converted its car parking area in the basement into a banquet hall and built an extra floor at the top. The fire broke out in the basement due to leakage of cooking gas.

The Report says the hotel's basement did not have mechanical ventilation and signs of escape routes were inadequate. The hotel itself was constructed in such a way that it was not accessible by the tenders from all directions.

The emergency lighting system and auxiliary supply also failed to work, the report has pointed out.

The report has also criticised the Delhi Fire Service, the Delhi Development Authority, the Delhi Police and the Delhi Administration for a wide variety of reasons.”

I know that the fire service, after it arrived on the spot, the personnel of that fire service, did a very good job as best as they could under the circumstances and exposing themselves to considerable risk; nevertheless Justice Khanna says that though the fire service did not allow the fire to spread, it was hampered by shortage of vital equipment, making the rescue operations unsystematic. It further says :

“The fire service lacked jumping nets, cushions, immediate medical aid and oxygen.

The DDA has been blamed for permitting violations in the hotel building and for providing additional land to its management.”

These are a few of the points, apart from the criticism that has been made of the totally irresponsible way that the management behaved. The fire detection system was faulty. Not only faulty, it failed. And the staff of the hotel behaved in a completely panick-stricken way. Nobody was warned. People were sleeping at night, it was 1.30 in the morning, in winter time. Nobody bothered even to knock on the doors of the guests to wake them up or to use the public address system, or the internal telephone system to warn them that a fire has broken out, everybody was left to themselves, and those people had to remain within their rooms as the corridors were smoke-filled by the time they tried to escape.

Of the thirty-seven casualties 34 were suffocated to death, two died by jumping, only one person was actually burnt to death. It is not only the question of burning, it is a question of suffocation also, when fire breaks out.

So, what I would like to say is, and to point out, I am sure the Minister will consider this in rather depth because this Bill is really inadequate to meet all these contingencies. I think this is rather some sort of a hang over from the past and does not take into account the actual experience that we have had in the course of these fires.

SHRI ATAUR RAHMAN : Half-clad.

SHRI INDRAJIT GUPTA : Half-baked Bill, half-baked in Sir, I should say, baked in the fire.

We had this experience here in Gopala Towers and then the devastating fire in this hotel, and this has shown that all the arrangements that are required to meet an emergency like this are totally lacking. The construction of the building itself is one very important thing. Certain norms are laid down for that, certain specifications, and certain regulations which more often than not are also violated and some times violated by the DDA itself. Some times the inspection is done by people who are not very reliable persons or who are bound to being bribed and they give the inspection reports which do not reflect the seriousness of the situation and that is one thing that has to do with construction, whether the construction has been as per the regulations and norms laid down and the other is even if a building has been properly constructed, if the internal arrangements, in the case of an emergency, are not adequate, then it is not possible to avoid a large number of casualties taking place. There should be fire escape systems. In these high rise buildings you have the lifts; the shaft of the lift by which the lift goes up and down. That is one favourite passage by which flames go up if the fire breaks down below. Is there any way of sealing this off? We do not know what the arrangements are.

Some times, I think if a fire breaks out in Parliament House, it is not a multi-storeyed building, thank goodness, but if a fire breaks out in Parliament House, actually, what are the arrangements here? We do not know anything about it. Members are coming here every day and spending hours and going out, and what are the arrangements here? The internal arrangements, when a fire breaks out, what are they? There are these small portable fire extinguishers hanging here and there which most of us I think do not know how to handle also, and if called upon, we might find that many of them, those extinguishers are no longer in a working condition because they are never tested. So then, we will also have to

wait for some fire brigade to come from outside. So, these things should not be treated now in this kind of a light hearted fashion and therefore I would suggest to the Minister—I do not know whether he is prepared to improve this Bill now by introducing some additional provisions, probably not because our time-honoured methods are, once a Bill has been drafted and it has been introduced in the House, Heavens may fall, that Bill has to go through, nothing can be done about it. Of course, some other Bill can be brought up, or some rules may be framed. At least what are the arrangements? They must be tightened considerably and the owners of these buildings or in the case of the hotels or cinema houses or the like the managements the owners, of course the managements also must be held primarily responsible if this kind of fire breaks out. The fire may break out due to causes beyond their control. But that has to be found out what the fire was due to—negligence or carelessness or what it was. And then if there were not adequate arrangements to protect the people who happened to be in that building, whose responsibility is it going to be? This is not a joke. So many people lose their lives. There must really be some deterrent punishment for this kind of a thing.

I do not want to take more time. But this is really a very serious matter. Unfortunately, I have to leave. I will not be here to hear Mr. Panigrahi's reply. But I hope, he, being an old friend of mine, will not take advantage of my absence and not to reply to the point about the Claims Commissioner going into the compensation claims of the victims of the Siddartha Hotel fire.

SHRI VIJAY N. PATIL (Erandol) : I rise to support this Bill. The earlier practice was to build two, three or four storeyed buildings. Even the Britishers constructed buildings and bungalows in isolated areas. Delhi is not like Calcutta or Bombay where there are sky scrappers. But as time went on, a need was felt very acutely and specially in the market areas to construct high rise buildings. Subsequently, multi-storeyed buildings were allowed for residential purposes. Afterwards because of Asian Games, so many multi-storeyed hotels had also

come up. But at the same time, fire tender or fire brigade system has not been strengthened. These high rise buildings require hydraulic pressure ladders and other modern equipment with which the fire brigade people can cope up with the fire. That is why, we have seen in Gopala Towers and even in Siddhartha Hotel that many lives were lost before the fire could be brought under control. As we see, the committee which studied about 200 buildings regarding their susceptibility to fire, has suggested that there are 26 buildings comparatively safe from the point of view of accidental fire. In these 26 buildings Siddhartha Hotel was one of them. Even then, that Hotel has shown us that fire can occur in safer buildings also. That means, whatever remedy has been suggested, that still falls short of complete fire proof system in these buildings. And it is not the point that fire occurs only in high rise buildings. In the market areas also fire takes place. In Sadar Bazar, one year before, there was a big fire. One of the causes was unauthorised construction. The Delhi Municipal Corporation had conducted a study about the main causes of fire. It had been found that in 59 per cent of cases fire took place due to short circuit and in 19 per cent cases due to negligence. That means, due to faulty electric connections fire takes place. The contractors who instal electric fittings in such buildings, may be using very inferior material. After the passage of time, this phenomenon of short circuit occurs and the fire breaks out. Out of 100 cases, 59 cases, are due to short circuit. So, there should be a provision in the Bill to punish not only the owner of the building, not only the company which is having the possession of that building, but also the person who is indirectly responsible for the cause of that fire because of the faulty installation.

In commercial buildings we find the misuse of basements and staircases. There is lot of crowding there and because of that crowding, there are chances of fire breaking out. The measures which are adopted inside the building for fire protection are not useful if the fire takes place in the basement or in the staircase which are used unauthorisedly. In many buildings we find that such places are being used unauthorisedly. So, punishment should also be awarded to the person

who keeps inflammable materials in places where they are not allowed to be kept. This unauthorised storage of such material must be punished and provision should be made in the Bill in this regard.

We also require awareness to be created in the minds of people because our people are very much accustomed to throwing burning cigarettes carelessly. We find fires taking place in offices also. It is not the short circuit that is always the cause, it may be a burning cigarette or it may be a burning match-stick also. So, proper awareness should be created among the public regarding the fire hazards. Small fires occur but the losses are greater. Sometimes even precious records are destroyed. We find that during the last two years, a fire broke out in Yojana Bhavan. Similarly, after few days a fire broke out in the P and T Building adjoining the Yojana Bhavan. So, in such places where there are offices, where people are sitting and smoking during day time, awareness should be created among the people about the fire hazards. 19 per cent of the fires are caused due to such type of negligence which can be avoided if consciousness is created among the people.

Delhi is not the only city where fires take place. In many other cities also such types of calamities occur. But in Delhi if there is a fire, even the lifts may not be working because we find that the supply of power in Delhi is very erratic as compared to other metropolitan cities like Bombay. So, there should be a provision for persons working in the multistoreyed buildings to come out from the alternative staircase, which is not provided in many of the buildings. This may be provided in these buildings or hotels. After the fire took place in Siddhartha Hotel, they have started providing such types of staircases. It is a belated wisdom.

The clauses of this Bill are comprehensive but their implementation should be strict and punishment should be stringent. Then only human life and a lot of precious records will be saved. At the same time, strengthening of the Fire Brigade Stations, strengthening of the fire fighting personnel and their proper training should also be looked into.

[*Translation*]

***SHRI MATILAL HANSDA (Jhargram) :**
 Mr. Chairman, Sir, I rise to support this Delhi Fire Prevention and Fire Safety Bill. This Bill should have been brought forth much earlier. The Central Government wakes up after the event. The devastating fire in the Continental Hotel opened the eyes of the Government and this Bill has come as a result of that. In that fire many people lost their lives which included some foreigners also. A Committee was constituted to enquire into that fire incident and it conducted some enquiries also. But its report has not been placed before this House. We are totally in the dark about the findings of that enquiry Committee. All those who were killed in that incident or were seriously injured they or their families have not been paid any compensation also. I do not know what the Government is doing in the matter but I will request the Hon. Minister to take necessary steps in this respect. What was the cause of that fire, were there no fire fighting or fire extinguishing arrangements in that Hotel? This is our question. Devastating fires of similar magnitude has occurred in other big cities also. I do not think that such incidents can be prevented or checked just by passing a Bill like this. What is required is that when a city is planned at that time such fire safety measures should be made obligatory and should be enforced stringently.

Sir, it has been stated in Section 3 of the Bill that an empowered authority will be able to inspect any building at 3 hour's notice. Our question is that this nominated authority will consist of how many persons, who will nominate them and what would be their minimum qualifications? All these things have not been mentioned in the Bill. I will request the Hon. Minister to clarify all these things in his reply. Now, the nominated authority will be empowered to inspect any building or premises in Delhi after giving 3 hours' notice. But I want to know whether they would inspect the buildings on their own or after something is reported to them?

Sir, in Section 10 of the Bill it has been provided that :

***The speech was originally delivered in Bengali.**

“Whoever contravenes any provision of this Act shall, without prejudice to any other action taken against him under section 7, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to fifty thousand rupees, or with both and where the offence is a continuing one, with a further fine which may extend to three thousand rupees for every day after the first during which such offence continues”.

So, whoever contravenes the provisions of this Act shall be punishable with imprisonment upto six months or a fine of Rs. 50,000 or both. I feel that the punishment should have been more stringent. The punishment does not appear to be adequate. But who will decide the quantum of punishment? The Bill is silent about that. I hope the Hon. Minister will clarify this point in his reply.

In the end I would like to say that such devastating fires cannot be prevented just by bringing forth a Bill like this. We must have some comprehensive plans for this, and the fire fighting equipment should be available and used extensively. On top of all, we must chalk out comprehensive plans to prevent fires, only then we would be able to combat this menace effectively and this Bill will be really fruitful.

With that Sir, I conclude.

SHRI DHARAM PAL SINGH MALIK (Sonepat) : Mr. Chairman Sir, I rise to support the Delhi Fire Prevention and Fire Safety Bill, 1986. Keeping in view all the problems faced during the fire accidents in Delhi some days back, this Bill has come before the Parliament after it has been passed by the Metropolitan council of Delhi. Not only in Delhi, but at some outside places also devastating fire accidents have taken place. The Gopala Tower fire accident, Siddhartha Hotel fire accident and the devastating fire accident of Indian Oil depot in Shakurbasti are some of the major fire accidents which had occurred in the recent past. We had suffered heavy losses of life and property in all these fire accidents. The Bharatpur Bird Sanctuary fire accident is the

most devastating of the fire incidents that took place outside Delhi. I mean to say that in the absence of proper safety measures, losses have been occurring since long. The Government has taken a praiseworthy step by introducing this Bill before the Parliament and it provides many measures for the safety of life and property. Here I want to bring certain points to the notice of the Hon. Minister.

The present Bill applies to Union Territory of Delhi only and it includes the rural areas also, but the way provisions have been made, it seems that no attention has been paid to the rural Delhi, crops and buildings in the rural areas of Delhi. It seems that our Government has paid less attention to this aspect. Though today you have made this Bill applicable only to the Union Territory of Delhi, but our Government have demarcated certain areas under National Capital Region. The Government want to develop this area in different phases and so buildings and offices will also be constructed there. I request that this Bill should be made applicable to the whole area falling under the jurisdiction of the National Capital Region Act.

Otherwise, after formation of the National Capital Region, such areas would be left there on which this Bill will not be applicable and in order to make it applicable on them also. You will have to bring a new Bill in the House which will be a wastage of time any money again.

I would like to make one more submission that there are many villages in Delhi where a number of unauthorised factories are functioning. The Government should also look into it whether sufficient measures have been taken in these factories against the fire hazards or not and whether before issuing a licence it should be ascertained if such measures have been taken in these factories or not and should also add the necessary provisions in this Bill for safety from fire in these factories.

Apart from this, there were some lacunae in our previous rules and the punishment was very minor and the officers were not empowered to inspect a building on the spot and if there was any hinderance, then they

could do nothing and they could not take any action against the owners of that building. An effort has been made to include all such provisions in the present Bill. But I would like to say one thing that the rural area of Delhi, the area under Municipal Corporation of Delhi and the area under the New Delhi Municipal Committee have in total only 17 fire stations, which are totally inadequate. Therefore, I want that there should be a provision in the Act that fire station would be established according to the population and there must be at least one fire station for a population of 50,000, because these days a lot of fire accidents are taking place due to safety lapses, lack of proper equipments, electrical short circuit and carelessness. Therefore, I want to say that a provision should be made for fire stations on the basis of population.

Mr. Chairman, Sir, the employees who work in fire protection service should be supplied latest and sophisticated equipments as they save the life and property of other people, risking their own lives, which poses a great danger for them. There are certain diseases which generally attack the persons, who work in fire protection service. These employees are prone to heart troubles as they have to go very close to the fire. High blood pressure and tuberculosis is also prevalent among them. If you make an enquiry about the employees of the fire protection service as to how long these employees survive after their retirement, you will find that in comparison to other retired employees, they die much earlier. These people suffer from these diseases due to Carbon Mono-Oxide and heat. Therefore, they must be provided with the latest equipments.

Mr. Chairman, Sir, with this I also want to say that the persons who work in the fire protection service should be insured for an adequate amount. The Government should also take care of their dependents, because they save other people at the risk of their own life. They may also even lose their life, so their dependents should not face any difficulty in case of their death. The Government should, therefore, get them insured for a heavy amount.

Sir, I would also like to submit that fire fighting equipments have not been installed

[Shri Dbaram Pal Singh Malik]

in sufficient quantity in five star hotels, Cinema houses, big industries and even the offices of the Government, the same should, therefore, be installed in sufficient quantity. If there are equipments, but nobody knows how to operate them, then it is also of no use. Therefore, I want that the general public should be given training about fire fighting and also about the operation of the equipments.

Mr. Chairman, Sir, I also want to submit two or three more points. You have made a provision of punishment of six months' imprisonment and a fine of Rs. 50,000 in case of fire safety lapses, but in my view, it should be enhanced even more. I also want to speak about two or three shortcomings in this Act. I want to speak about the Section 3, 5, 7, 8 and 11 of the Bill which, has been moved in the House.

I has been mentioned in Section 3 that an officer can inspect any building and the owner or the occupant thereof cannot deny him this right. But it is not mentioned in this Bill if the owner or the occupant of that building does not allow that officer to inspect the building, then what punishment will be given to that owner or occupant of the building. There should be a provision in this regard also. It says :—

[English]

We shall allow proper authority to inspect his house but they have not mentioned what punishment they will give in case the occupier or the owner does not allow him to inspect.

[Translation]

It is mentioned in section 5 that if that officer does not find any building safe or the safety equipments have not been properly installed in it, then he can seal that building. If the owner or occupier of that building does not allow the officer to seal it, then there is no provision about the punishment in this regard? If the officer has sealed a building then there is no provision about the punishment to be given to the owner or the occupier of the building in case he or she breaks the seal.

Section 8 has a provision for appeal. It says that the owner should appeal to the proper Authority within a month, but it does not speak about the time in which the appeal will be disposed of. I would like to say that the disposal of appeals under all the laws take a lot of time. This Bill should also indicate about the period of time for the decision of that appeal.

Section 11 mentions about the punishment for the offences. If the offence is related to any company, then it would get the punishment. A proviso is given further that if the owner or the director of the company proves his innocence about the safety measures, then he would not be punished. To my mind, the responsibility should lie on the owners, otherwise they would escape the punishment and they would implicate their own employees. Therefore, the responsibility should be fixed on the owners of the companies.

SHRI MOHD. MAHFOOZ ALI KHAN (Etah) : Mr. Chairman, Sir, I want to say two or three main points regarding this Bill. A number of Members have discussed this Bill and there is no doubt that this Bill is very important and essential.

These days, skyscrapers are being constructed in our country. Be it a hotel, a cinema or a Government office, people have a right to construct tall multi-storeyed buildings. But the question is that if fire breaks out, then what will happen? Thought must be given to it.

We pass the Bills, but they are not being implemented. It is very easy to pass a Bill, but it is difficult to implement its provisions I request that whatever is passed in the House must be implemented.

As some Members told just now, I had also heard about the fire in Gopala Tower and a hotel in the recent past. A number of people had lost their lives, but to date they have not been paid any compensation. This is a very bad thing on our part. Some of the victims were foreigners; at least they should have been paid the compensation.

Secondly, when a contractor is given a contract for a building, then he is made responsible for installing certain equipments. A certificate is issued for this purpose. It is issued by the officers. There is no doubt that bribe is taken for issuing this certificate. After paying a bribe, one can get it without any delay. You should pay attention to it. If anybody is caught redhanded while accepting bribe, then severe punishment should be given to him.

I would also suggest that sometimes there should be a surprise check. Just now, as one of the Hon. Member wanted to know as to what were the modes of extinguishing a fire if it breaks out somewhere? The equipments, which are hung on the walls of the Cinema Houses and Government offices are not effective enough to extinguish fire instantly because these are hung on the walls for years together and there is nobody to check them. You should also pay your attention towards them.

These days these sky-scrapers are being built everywhere in the country, therefore you should also see to it at other places other than Delhi. This is a question of life and death. I request you that you should instal modern and latest equipments and should also impart training to those persons who deal with these equipments. It will be better to instal the imported equipments.

With these words, I conclude.

[English]

SHRI K. S. RAO (Machhlipatnam):
 Mr. Chairman, Sir, I am happy that the Hon. Minister has come forward with the Bill, though it is a delayed one. In fact in view of the paucity of land, particularly in urban areas—probably in most of the cities and particularly in Delhi—the need for this Bill is very much. Also, on many an occasion, it is found that even the existing guidelines were not being followed by many of the builders of sky-scrapers in various cities causing a lot of havoc, loss of property and loss of life in certain times. So, a comprehensive Bill like this is the need of the hour. When I went through the Bill, I found that no mention had been made about

the availability of funds for the purpose, though they have said that in the delegation of powers, rules will be made by the authority concerned. I am of the opinion that this Bill or the purpose of this legislation can be achieved only when adequate guidelines are given by this legislation itself to the concerned authority as to how funds can be raised for the purchase of latest equipment for fighting the fire. I suggest that the Minister may make a provision in regard to the buildings which are already in existence. There are about 300 complexes in Delhi. The total areas would be about 3 lakh sq. ft. In case, if they are going to make it statutory to collect atleast one rupee per sq. ft., per annum, they will get Rs. 3 crores every year which will be neither a burden on the builders nor on the tenants. This Rs. 3 crores income every year as a recurring income is sufficient as per the estimates made by the Advisory Committee which went into the findings in 1983. They said that the minimum requirement to purchase equipment is about Rs. 8.68 crores in the years to come and this amount can easily be collected from the complexes which are coming up now by making an initial cess on sq. ft. of construction. The penalty for non-observance of the provisions is very much less; it is said that it is Rs. 50,000 or six months' imprisonment and in case they continue to violate the provision in spite of the warning, the penalty will be around Rs. 3000/- per day. There must be a discrimination between a small complex and a big complex. This penalty of Rs. 3000/-per day should have relation to the size of the complex. Again, the penalty of Rs. 50,000 for major complexes may not be much and there may be a chance for those people to continue to violate the provisions since the penalty does not exceed Rs. 50,000. Therefore, the punishment should be very stringent keeping in view the fact that these people are hoodwinking these provisions and may continue to do so even after the passage of this Bill. If it is not found possible to incorporate it in the Bill, let it be ensured that these points are placed in the rules that are to be made by the concerned authorities as delegated legislation.

Another aspect which I have observed many times is this. I was a member of the Committee on Subordinate Legislation. The

[Shri K. S. Rao]

concerned authorities are making a lot of delays inframing the rules and in placing them before Parliament. I request the Hon. Minister to ensure that the concerned authorities make the right type of rules to take care of the funds and also ensure that the builders and tenants do not violate the provisions of the Act. Particular emphasis must be given only at the time of construction rather than at the time of tenanting.

While going through the Clauses, I have found that it is stated in Clause 9 :

“No court shall entertain any suit, application or other proceeding in respect of any notice or order under this Act....”

That is all right. But in Clause 13 it is stated :

“No court inferior to that of Metropolitan Magistrate shall try an offence punishable under this Act.”

These two Clauses are possibly contradictory to each other. In case it is made open to regular courts, the purpose sought to be achieved by this Bill, will be defeated. I hope the Hon. Minister will think about Clause 13 again and incorporate the necessary amendment before the Bill is passed or at least it should be brought in the rules.

It has also been said in the Committee's report that the tenants must be given training, at least elementary training, to meet the situation when there is a minor fire. Now that is not being done and as a result, even if there are minor fires, till such time that the fire tender comes, a lot of damage is done—because they are ignorant.

Secondly, frequent checks of the worthiness of fire-fighting equipment have to be carried out by the concerned authorities without which only the equipment will be there and they may be defunct or may need repairs; and when fire accident takes place, time is of the essence and it is not possible to wait for repairs to be done at that time. This also must be ensured in the rules. These guidelines can be given to the concerned authorities.

As regards the rules to be made, a Technical Committee may be formed in order to make the rules in a way which are practicable and in a way that they are not taken advantage of by the concerned authorities to harass the builders or the tenants. Let it be ensured that they will be practicable and they will achieve the purpose without harassing anybody or without giving any opportunity to anybody to take undue advantage.

With these words, I support the Bill. I hope the Hon. Minister will ensure that the rules are placed before Parliament without any delay.

SHRI PIYUS TIRAKY (Alipurduars) :
Sir, I support this Bill. It is very nice.

Article 2 (f) says that Delhi means the Union Territory of Delhi. Our Minister is thinking about the multi-storeyed buildings where sometimes a fire may break. Most of the thinking of the Ministry also goes to the higher ups. But Delhi means the entire Union Territory of Delhi. So, I draw the attention of the Minister that in Chandni Chowk area of Delhi there are thickly populated lanes where open kitchens feed many people. There is every possibility of fire taking place in Chandni Chowk area. Besides, there are a number of Jhuggis where fire can take place in Delhi. Fire does not mind whether it is a high multi-storeyed building or a Jhuggi, whether it is a thickly populated area or a sparsely populated area. The possibility of fire catching is there everywhere. It is more so in slum areas where it can spread all over quickly. So, every care should be taken about open kitchens, road-side kitchens and the lane kitchens which are basically in the thickly populated areas.

Your officers and the municipality people should go there to see for themselves. These open kitchens are unhygienic also. There is all the time a fear of fire. I don't understand why can't you check this.

Most of the people in Delhi are poor people. They do not go to hotels. They are fed by the lane hotels and the hotels which are on the road side. 5 per cent of the Delhi people are fed by such hotels. You must look into all these things also. It should

cover the Union Territory as a whole. You must have a very careful watch on these hotels. You must go there and see that no such things happen.

You can enquire about the VIP areas. Full-time water supply is not there. You go to the North Avenue and South Avenue. You will see that water is available only for two hours in the morning and two hours in the evening. If fire breaks any time, it will not wait for water to come. You must see that proper water supply is there all the time. When fire breaks up, you have to give sufficient water to the concerned personnel. You cannot ask them to go to Jamuna and fetch water at that time. Fire will not wait and everything will be destroyed. The Union Territory administration should see that sufficient water is made available for any eventuality. Water supply should be ensured everywhere where there is a possibility of fire taking place. You must see that every corner is reached with sufficient water supply. It should be arranged immediately. This is my suggestion.

I hope the new minister will not play with fire and take it seriously. I wish him all the success in this mission.

SHRI SHANTARAM NAIK (Panaji) :
Sir, the efforts of the Hon. Minister for Home Affairs to extinguish fire are certainly welcome. Nobody says that fire should not be extinguished. I would suggest that we should all welcome this.

When this Bill has been framed for the Union Territory of Delhi, I think it is because Delhi does not have an Assembly. So, also other Union Territories like Lakshadweep and Andaman and Nicobar Islands which do not have Assemblies automatically this Act should be extended to them also. When the Parliament is enacting a law for the Union Territories my submission is that it should be extended to other Union Territories also.

Secondly, on a subject like this, why should there be a legislation only for Delhi? This has been pointed out by our elder colleague Shri Daga also. There should have been one legislation and if the subject falls

within the jurisdiction of States, then the Central Government should enact a model legislation on this subject and circulate it to all the States, so that they can also enact similar legislations. On the contrary I would suggest there should be a national fire-service which provides for extinguishment of fire and allied matters. Whether fire takes place in a house, industry, factory, etc. extinguishment of fire should be provided under one legislation. Therefore, I say national fire service is a must.

Secondly in many places the fire service is attached to a police station. I would submit that this aspect should be gone into and wherever fire service stations are attached to a police station they should be detached and put under an independent authority. Today we do not have fire stations at every nook and corner. A time should come when we should be able to provide in each village a fire service station.

Sir, as far as this legislation is concerned you may go through Section 3 (1) which says :

“The nominated authority may, after giving three hours’ notice to the occupier, or, if there is no occupier, to the owner of any building having such height....”

It appears somehow the height referred to here is the height of the owner. It should be : “owner, of any building having such height.” Further when we are leaving this aspect of height to the rule making authority it appears that we do not know as to the height of the building we want to extend this legislation because we say the height will be decided by the rules. If it had been decided under the present Bill it would have been proper. The other aspects could have been left to the rules but height should not have been left unspecified.

Another vital aspect is in Section 3 (3) and I quote :

“When any building or premises used as a human dwelling is entered under sub-section (1), due regard shall be paid to the social and religious sentiments of the occupiers....”

[Shri Shantaram Naik]

May I ask where a fire takes place how does the question of religious and other sentiments come in? Fire is an emergency. If there is a Gita in my room where fire has taken place and the firemen remove the same I would not say it is hurting my sentiments.

Further, Sir, it appears that this whole legislation is based upon not rules framed under the Act. Normally we frame the rules under our own Act but the present legislation is based upon the bye-laws not framed under the Act but on bye-laws already existing. How can we issue show-cause notices on the bye-laws which are existing and not framed under this Act? We do not know what these bye-laws are. On the basis of the bye-laws the nominated officer will give his report and issue show-cause notices and take other action. So relying on other bye-laws is not proper. Then we have said Delhi Municipal Corporation Act, 1977 is not sufficient, and, as such, we are enacting this Act. What is the position of that Act? If there is a contrary provision in the Delhi Municipal Corporation Act and the present provisions then what will happen. We have not repealed the Delhi Municipal Corporation Act also.

16.00 hrs.

Further, there is a provision for issuing of show cause notices. An officer can issue a show cause notice calling upon the owner or the occupier of the building to do this or that. When the owner or the occupier is being asked to do that, we are not giving him even eight days time to show cause why a particular thing should not be done. On the contrary, the law provides straightway for an appeal. The moment a notice is issued, an appeal can be filed. We are not giving even eight days time. In every law there is such a provision.

Lastly, our fire service should be strengthened on a national basis. If good work is done by the firemen they should be rewarded. We are already doing that, but we should do more. It is a risky job.

Then, those employees who do not report for duty in time or reach in time should be punished. May be that there is already such a provision in the service rules governing them, but there is no such provision in the Bill. Persons who neglect their duties or do not reach in time should be punished suitably.

SHRI V. SOBHANADREESWARA RAO (Vijayawada): Mr. Chairman, Sir, I rise to welcome the Delhi Fire Prevention and Fire Safety Bill. In fact this was long overdue. The tragic incidents pertaining to Gopala Towers as well as Siddhartha Hotel have clearly proved the deficiency in the present legislation and brought out the need to bring the present Bill by the Government.

As far as the legislation is concerned, there are several provisions in this Bill to compel the owners of the multi-storeyed buildings to carry out necessary measures to prevent fire and the penal provisions may bring certain discipline among the owners or the occupiers of the high rise buildings.

According to a newspaper report in August 1985 only 26 out of 220 high rise buildings in the capital implemented fire safety regulations. This only indicates the sorry state of affairs in the city. The administration is not very serious in implementing the fire prevention regulations. In fact, the Siddhartha Hotel management where ghastly incident took place in the beginning of the year, succeeded in obtaining a licence from the NDMC authorities giving an assurance that they would undertake such measures, but subsequently they did not implement them.

16.02 hrs.

[SHRI SHARAD DIGHE : *in the Chair*]

There are many such instances. A study committee was appointed some time ago and it has clearly stated that the alternative staircase, wet risers, fire alarm etc. were not there or were not functioning in many of these high rise buildings. The Government should not feel satisfied only with this legislation. I request the Hon. Minister to continue their efforts and see that all these buildings which were found lacking in fire prevention measures and fire safety measures

should be properly equipped. In spite of the present penal provisions if the owners or the occupiers do not cooperate with them, the chief fire officer should undertake and implement the fire prevention measures and charge from the owners.

Further, unless the Delhi Fire Service is equipped with all the modern and latest equipment, it cannot help the unfortunate persons. Sometimes; owners and occupants of the multi-storeyed buildings do follow all the preventive measures that are to be taken. In spite of that, if the Delhi Fire Service is not fully equipped, then it will not really be able to help those people who face a fire accident. While there is need for nearly 60 fire stations in Delhi, at present there are only 19. And there are only two snorkels, the hydraulic platforms and only three 150 feet tall ladders. There are good number of colonies in Delhi where there are many multi-storeyed, high rise buildings. Hence the Delhi Fire Service should certainly be equipped with more of these tall ladders.

Many a time, these fire service people sacrifice their lives in an effort to save others. Is it not our duty to equip them with all the necessary breathing apparatus, masks and other material, which will help them in really fighting the situation very effectively?

The building rules should be implemented strictly so that when such calamities occur, the Fire Department is in a position to carry on the rescue operations from all the sides to extinguish the fire as well as to save people. It so happens sometimes in the multi-storeyed buildings, they are covered on some sides leaving only one or two sides open for the fire service people to take up the fire-fighting operations.

The occupants of these high-rise buildings should be given some basic training as to how to use the equipment provided in the buildings for fire-fighting. In spite of providing the fire-fighting equipment in the buildings, many a time this equipment is not put to use because the occupants do not know how to use it in case of emergencies. So, some effort should be made to educate and train the occupants to use this equipment.

Lastly, I would like to make a small suggestion to the Hon. Minister through you. Let the Central Government examine the present legislative provisions in respect of other cities also. Let them not be satisfied with only Delhi. There are several other cities like Bombay, Hyderabad, etc. If the Central Government feel that the present legislative provisions are inadequate in the concerned States, I request the Hon. Minister to use his good offices to bring pressure on those State Governments also to bring some legislation on these lines, so as to help the unfortunate people at the time of fire accidents.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : Sir, I am extremely grateful to all my Hon. friends who participated in this debate. They have extended their full and hearty cooperation and they have also put forward many good suggestions for improving the fire service and also for improving various measures in which they find certain lacunae in certain aspects.

Altogether about 16 Hon. Members have participated in this debate and they have evinced a keen interest in the Bill, though I thought that perhaps there would not be many speakers on this. I am very happy and I am grateful to all the Hon. friends for participating and giving very very good suggestions. I am grateful to all the Hon. Members who participated in the debate, viz. Shri Sambu, Shri Somnath Rath, Shri Raj Kumar Rai, Shri Krishna Iyer, Shri Dhariwal, Shri Daga, (as you all know, Shri Daga is original in his approach, but some times it is not within the purview of this Bill), Shri Rahman, Shri Indrajit Gupta, Shri Hansda, Shri Malik, Shri Patil, Shri K. S. Rao from our side and Shri V. S. Rao from Opposition, Shri Mahfooz Ali Khan, Shri Piyus Tiraky and Shri Shantaram Naik.

Perhaps it was Mr. Acharia or Shri Tiraky who said that in the very first day I am playing with fire. But, as I could find, with the abundant goodwill that the Hon. Members have shown, I hope, Sir, with their strength, we will be able to not only control but, I hope will extinguish the fire. I hope, we will receive the cooperation from them.

[Shri Chintamani Panigrahi]

Here, some points were raised by the Hon. Members, I will just, as far as possible try to explain all of them. Mr. Rath and also other friends have suggested, that when there is no fund separately earmarked for all these expenses to be incurred by the Chief Fire Officer, in that case, naturally, there may arise some difficulties in getting finance. So, it is better to have it from the Consolidated Fund of India. But, Sir, as you know, there are rules, as to how to draw the money from the Consolidate Fund of India. So, once, we include this Consolidated Fund concept in this Bill, then what will happen is, we have to go again to the President to get this consent. Sir, I enquired that all the four Municipal bodies in Delhi, have sufficient funds at their command, and whatever funds are required by the Chief Fire Officer, these will be placed at their disposal and they do not draw this fund from the Consolidated Fund of India. Therefore, they can draw it at any moment as and when they require.

Sir, I am happy that this Bill carries such a good amount of goodwill from the Members and perhaps every Member wanted that such a Bill should be extended to other cities or Union Territories and also, it should be extended to the rural areas. I should have been very happy, if the Hon. Members decide, all right, let us have a very comprehensive Bill so that the whole country can be covered and the Central Government can have the liberty to give guidelines to all the States and Union Territories. I shall be most happy, but Sir, it is for the Hon. Members, if they want such a Bill, they themselves can do so and then we can consider this Bill here. But for the present, it is only confined to the Union Territory of Delhi because such accidents happened in Delhi itself and the Hon. Members themselves wanted immediately that some kind of a Bill should come so that we can help them in respect of accidents which are taking place.

Sir, another thing which has been mentioned is about the delay. There might be delay in the process of two appeals. These things require summary disposals. Sir, as you know, we have inherited a system where you

can neither say 'yes' nor 'no' to anything at once. One Hon. Member suggested, don't harass the people—the owners. That is one aspect of it. There, not to harass means, there should be a chance of appeal.

Then, some Hon. Members have suggested that once if you go in for an appeal, there will be first appeal, there will be second appeal, and in that process there might be delay also. But Sir, we have to compromise with this system that we have inherited. In this system, neither we can harass now nor on any other occasion. We can't stipulate that the appeals should be disposed of within a definite time limit though we desire that appeals should be disposed of speedily. So, I hope you will consider best that no time limit is prescribed for disposing of cases by quasi judicial bodies. Supposing, we say, all right, you dispose it of within three or four days, and if somebody comes and says that you are interfering in the judicial machinery of the State, then what will you do? Therefore the Administrative Tribunals, I hope, will be conscious of the time period in such cases. Therefore, this will be taken care of and I hope this kind of delay which has been apprehended during the actual working of this Act, that we will learn by experience and let us see what we can do. But for the present, I consider that this is adequate.

Then, there is another thing which Mr. Krishna Iyer also had suggested and that is about heights. Sir, we have enlarged the definition of building. In fact, if you look to the Clause 2(c), it says :

“buildings” means a house, outhouse, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material.”

This will cover various types of structures. I hope the question of height does not arise now. Whenever we frame rules, the question of high-rise and other things will come up. Let us see what happens then. For the present, we have taken into consideration even the garden, *shamlana* and others, upto high-rise buildings.

SHRI V. S. KRISHNA IYER : It is contrary to the definition of 'building' given. It is mentioned in Clause 3(1) of the Bill—

"The nominated authority may, after giving three hours' notice to the occupier or, if there be no occupier, to the owner of any building..."

SHRI CHINTAMANI PANIGRAHI : I agree with you. Therefore, while framing the rules under the proposed Act, these things will be kept in mind.

SHRI SOMNATH RATH : Does that mean that a particular building will not be of more than a particular height ?

SHRI CHINTAMANI PANIGRAHI : Proviso to Clause 3 also takes care of what Mr. Krishna Iyer said; and also takes care of the rule-making powers, mentioned by Mr. Rath.

There is another thing which Hon. Members have pointed out, concerning bye-laws etc.

About the Siddharth Hotel, I listened to Mr. Indrajit Gupta's speech. He is not here now. His suggestions are always given serious consideration. They are worth nothing. We have taken note of his suggestions regarding that hotel. The Commission had been set up by the Delhi Administration under Justice Khanna, to enquire into the incident. The Commission has submitted its report to the Lt. Governor, and it is under the consideration of the Delhi Administration. The report will be laid on the Table of the House soon and it will be open for discussion. We can discuss it.

So far as compensation etc. are concerned, it is a private liability because it is a private hotel.

Regarding the suggestion for Claims Commission, it can be looked into. We can set up a Claims Commission, and things can be considered in depth, as Mr. Indrajit Gupta suggested.

Hon. Members also asked whether all the villages in Delhi are covered. I think all villages in Delhi are covered. Fire cover is already being provided in case of fire accidents. It is already there. So, there is no difficulty as far as Delhi villages are concerned.

Another important point is about the fire safety in Parliament House. When I was the Chairman of the Estimates Committee, we went into the question of maintenance of Parliament House. Hon'ble Members of the Committee found some deficiencies. C.P.W.D. has rectified same and they are vigilant. As far as fire protection is concerned, there is a fire station nearby, in the North Block. There is a fire hydrant in the Parliament House. There is first aid available. There are fire-fighting appliances, and extinguishers have also been provided in the building. A test exercise was conducted in the building about a month ago, just to check whether the arrangements were adequate.

Hon. Members were apprehensive about these things. We are taking all precautions.

Another question was raised by Hon. Members, viz. why, when there are four local bodies for Delhi, this Bill was brought in here. We considered this point. As Mr. Rao pointed out just now, there are so many high-rise buildings, which do not have fire-fighting apparatus. So, it was felt necessary by members of the public, and by the Members of the House, that there should be a unified authority for enforcing stringent measures to prevent such accidents.

In the Statement of Objects and Reasons in the Bill, it has been clearly stated :

"The existing provisions in the Delhi Municipal Corporation Act, 1957, to enforce the fire safety measures, particularly in multi-storey buildings, had been found to be most inadequate in the absence of the necessary statutory authority for the fire prevention enforcement agencies to compel the owners of buildings to carry out the necessary measures for prevention of fires."

[Shri Chintamani Panigrahi]

Therefore, it was felt necessary to have a unified authority, and the Lt. Governor should become the Administrator for this unified authority so that in a coordinated way all these local bodies under the unified authority can really look into these fire accidents, because more high rise buildings have come up in Delhi.

Regarding equipping Delhi Fire Service with modern equipment, I hope they are doing a very commendable work. Therefore, sometimes, if we think that they are not doing a very good work, then it will not be charitable on our part to say that. But still deficiencies are there. As the Hon. Members have suggested, we shall try our best to see that Delhi Fire Service becomes one of the best fire services because it is in the Capital of India. Whatever lacunae are there, we shall try to plug them. Whatever suggestions the Hon. Members have made, because they have their own experience—we shall try to see that it should be made one of the most modern fire services in the Capital and all other Capital Cities in the country should follow them. I hope we shall take note of them. Besides all this, whatever more suggestions the Hon. Members have made, all those will be considered and whatever deficiencies have been pointed out we can bring them in the rules and try to make it a very comprehensive Act so that it can help us for the time being in improving the fire menace in Delhi. I appeal to the Hon. Members—as they have given their unanimous support to the Bill—to help us in passing this Bill. I shall be grateful to them for their helpful attitude which they have shown towards me.

MR. CHAIRMAN : The question is :

“That the Bill to make move effective provision for the fire prevention and fire safety measures in certain buildings and premises in the Union Territory of Delhi, be taken into consideration.”

The motion was adopted

MR. CHAIRMAN : The House now shall take up clause-by-clause consideration of the Bill.

There are no amendments to Clauses 2 to 6. The question is :

“That Clauses 2 to 6 stand part of the Bill.”

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 7—(Default Powers of the Chief Fire Officer)

SHRI SHANTARAM NAIK (Panaji) :
I beg to move :

Page 4, lines 34 and 35,

for “take such steps as may be necessary for compliance of such notice.”

substitute—

“get the safety measures specified in the notices, taken through local authority, and that all the expenses incurred by the local authority in taking such measures shall be recovered from the occupier as arrears of land revenue.” (1)

If you go through Sections 4 and 6 you will find that we issue a notice for an occupier to do certain repairs in the interest of the building as an occupier. Fine. If he does not do those repairs, what does the law say? Here Section 7(1) says as follows :

“Take such steps as may be necessary for the compliance of such notice.”

What I am saying is this. Steps may not be specified. My amendment 1 reads as follows :

“Get the safety measures specified in the notices, taken through local authority, and that all the expenses incurred by the local authority in taking such measures shall be recovered from the occupier as arrears of land revenue.”

This sentence takes such steps as become very big. It does not mean anything.

SHRI CHINTAMANI PANIGRAHI :
It is already there.

Therefore, there is no question of giving it.

MR. CHAIRMAN : Do you want to withdraw your amendment ?

SHRI SHANTARAM NAIK : Yes.

MR. CHAIRMAN : Has the Hon. Member leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No. 1, was, by leave,
withdrawn.*

MR. CHAIRMAN : The question is :

"That Clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

New Clause 7A

SHRI SOMNATH RATH (Aska) : I beg to move :

Page 4,—

after line 39, insert—

"7A. In order to enable the Chief Fire Officer to meet all expenses referred to in sub-section (2) of section (7) a fund out of the Consolidated Fund of India shall be placed at the disposal of the Chief Fire Officer who will incur the expenditure as per the rules to be prescribed." (4)

I have given an amendment to provide fund so that the expenditure incurred by the officials in the discharge of their duties like demolition of houses or repairs of house, etc. is to be met out of that fund. The Hon. Minister says that there is sufficient fund with other agencies which can meet the expenditure. But it would have been better if the financial memorandum would have been there mentioning what fund they have got. And what are the funds neces-

sary ? In the Act. There is no Financial Memorandum as to what are the funds needed and what funds are available. If the Hon. Minister is satisfied, it can I want to withdraw the amendment.

SHRI CHINTAMANI PANIGRAHI : Expenses cannot be foreseen today. The funds are there. I hope I have already explained. But the expenses, what expenses will be incurred cannot be said now.

MR. CHAIRMAN : Do you want to withdraw your amendment ?

SHRI SOMNATH RATH : Yes.

MR. CHAIRMAN : Is it the pleasure of the House that Shri Somnath Rath be allowed leave to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No. 4 was, by leave,
withdrawn.*

Clause 8 — (Appeals)

MR. CHAIRMAN : Clause 8, there are two amendments by Shri Shantaram Naik. Do you move them ?

SHRI SHANTARAM NAIK (Panaji) : I beg to move :

Page 4, line 47,—

for "An appeal" substitute, "A revision." (2)

Page 4,—

after line 50, insert—

"Provided that no order of the Appellate Tribunal shall be revised unless there is a grave error of law or that there are other exceptional circumstances for doing so." (3)

When a notice is issued first appeal is provided, but after that appeal then again another appeal is provided. Sir, we are now doing away with the second appeal and we are providing only one. Here we are providing for two appeals. It is not fair. The second appeal may be converted into revision.

SHRI CHINTAMANI PANIGRAHI : I have already explained all these things, about the appeals and other things. Nothing new has been added.

MR. CHAIRMAN : Do you want to withdraw your amendment ?

SHRI SHANTARAM NAIK : Yes.

16.28 hrs.

MR. CHAIRMAN : Has the Hon. Member leave of the House to withdraw his amendments ?

SUPPLEMENTARY DEMANDS FOR GRANTS—(RAILWAYS), 1986 87*

SEVERAL HON. MEMBERS : Yes.

[English]

Amendment Nos. 2 and 3 were, by leave, withdrawn.

MR. CHAIRMAN : We now take up Discussion and Voting on the Supplementary Demands for Grants in respect of the Budget (Railways) for 1986-87.

MR. CHAIRMAN : The question is : "That Clause 8 stand part of the Bill."

Motion moved :

The motion was adopted.

"That the respective supplementary sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President of India out of the Consolidated Fund of India to defray the charges that will come in course of payment during the year ending the 31st day of March, 1987, in respect of the heads of Demands entered in the second column thereof—Demand Nos. 1, 3 to 12, 14 and 16."

Clause 8 was added to the Bill.

Clause 9 to 16 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI CHINTAMANI PANIGRAHI : I beg to move :

"That the Bill be passed."

Supplementary Demands for Grants (Railways) for 1986-87 to be submitted to the Vote of Lok Sabha

No. of Demand	Name of Demand	Amount of Demand for Grants submitted to the Vote of the House
1	2	3
		Rs.
1.	Railway Board	70,00,000
3.	General Superintendence and Services on Railways	55,85,34,000
4.	Repairs and Maintenance of Permanent Way and Works	80,93,33,000

*Moved with the recommendations of the President.