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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 167-L.—28th January, 2003.— The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XXVIII of 2002.**THE WEST BENGAL FIRE SERVICES (AMENDMENT) ACT, 2002**[*Passed by the West Bengal Legislature.*][Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 28th January, 2003.]*An Act to amend the West Bengal Fire Services Act, 1950.*

WHEREAS it is expedient to amend the West Bengal Fire Services Act, 1950, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XVIII of 1950.

It is hereby enacted in the Fifty-third Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the West Bengal Fire Services (Amendment) Act, 2002.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

The West Bengal Fire Services (Amendment)

Act, 2002.

(Sections 2-5.)

Amendment of
section 2 of the
West Ben. Act
XVIII of 1950.

2. In section 2 of the West Bengal Fire Services Act, 1950 (hereinafter referred to as the principal Act),—

(1) clause (c) shall be omitted;

(2) in clause (hc),—

(a) for the word “Director”, in two places wherever it occurs, the word “Director-General” shall be substituted; and

(b) after the words “executing fire prevention and fire safety measure”, the words “through owner or occupier of the high risk building” shall be inserted;

(3) after clause (ld), the following clauses shall be inserted:—

(m) “warehouse” means any building or place used, either temporarily or permanently, for the purpose of storing, pressing or keeping bitumen, celluloid including celluloid furniture, charcoal, coal, cotton hemp, coconut fibre, gunny bags, jute, pitch, tar, tallow, raw cotton canes, resin, straw, hay, *darama*, *hogla*, *golpata*, *ulugrass*, packing boxes, varnish, wood, wastepaper, inflammable chemicals, hazardous substances or any other articles which may likely to increase the risk of fire;

(n) “workshop” means any building or place or premises where the processing of inflammable chemicals or articles, or hazardous substance (in any quantity), is carried on for the purpose of trade or business.

Explanation.— In this clause, the expression “processing” means making, using, altering, repairing, treating or otherwise dealing with any hazardous substance or articles by means of steam, electricity, mechanical power or heat treatment.’

Substitution of
new section for
section 4A.

3. For section 4A of the principal Act, the following section shall be substituted:—

“Fees payable for
extinguishing fire.

4A. (1) Where the fire brigade is sent in order to extinguish fire in a premises, which would have required a ‘Fire Safety Certificate’ under section 11C or a license under section 12, shall be liable to pay such fee as may be prescribed.

(2) The fee referred to in sub-section (1) shall be payable within one month of the service of a notice of demand by the Director-General on the occupier and if it is not paid within such period, it shall be recoverable as a public demand.

(3) Where the premises is covered by an insurance policy, the Director-General or the superior nominated authority shall not furnish any report to any insurance company to facilitate settlement of insurance claim, unless the owner or occupier of such premises agrees to pay such fee as referred to in sub-section (1).”

Amendment of
section 8.

4. In section 8 of the principal Act, for sub-section (2), the following sub-section shall be substituted:—

“(2) The Director-General may, after obtaining the report referred to in sub-section (1) from the District Magistrate, furnish copies of such report to a fire assurance company or other person interested on payment of such fees, and in such manner, as may be prescribed.”

Amendment of
section 10.

5. In section 10 of the principal Act, clause (a) of sub-section (2) shall be omitted.

*The West Bengal Fire Services (Amendment)**Act, 2002.**(Sections 6-15.)*Amendment of
section 11C.

6. In section 11C of the principal Act,—

- (1) in sub-section (2), for the words “shall furnish to the Director”, the words “shall obtain from the Director-General” shall be substituted;
- (2) in the proviso to sub-section (3), after the words “fire safety measures including safety of electrical installations”, the words “, structural means of escape from where owner or occupier can evacuate the buildings or place to a place of safety at the time of fire emergency” shall be inserted.

Amendment of
section 11E.

7. Sub-section (3) of section 11E of the principal Act shall be omitted.

Amendment of
section 11K.

8. In section 11K of the principal Act, after the words “who knowingly furnishes a false ‘Fire Safety Certificate’”, the words “or false recommendation and misleading information in respect of such certificate,” shall be inserted.

Insertion of new
section 11L.

9. After section 11K of the principal Act, the following section shall be inserted:—

“Offences
cognizable and
non-bailable. 11L. All offences punishable under this Chapter shall be cognizable and non-bailable.”

Amendment of
section 15.

10. In section 15 of the principal Act,—

- (1) in the proviso to sub-section (3b), for the word “thirty”, the word “sixty” shall be substituted;
- (2) in sub-section (5), for the words “the Commissioner”, the words “any officer not below the rank of a Joint Secretary” shall be substituted.

Amendment of
section 22.

11. In section 22 of the principal Act, the words “, not below the rank of Sub-Divisional Officer,” shall be omitted.

Substitution of
new section for
section 24.

12. For section 24 of the principal Act, the following section shall be substituted:—

“Penalty for selling
fire-works. 24. Any person who sells fire-works without obtaining a license, or where a license to sell fire-works has been granted breaks any of the conditions specified in the license, shall be punishable on conviction, with fine of one thousand rupees which may extend to five thousand rupees.”

Amendment of
section 25.

13. In section 25 of the principal Act, for the words “with fine not exceeding five thousand rupees.”, the words “with fine of one thousand rupees which may extend to five thousand rupees.” shall be substituted.

Amendment of
section 26.

14. In section 26 of the principal Act,—

- (a) for the words “, with fine not exceeding five hundred rupees”, the words “, with fine of one thousand rupees which may extend to five thousand rupees” shall be substituted; and
- (b) for the words “further fine not exceeding one hundred rupees”, the words “further fine not exceeding five hundred rupees” shall be substituted.

Amendment of
section 27.

15. In section 27 of the principal Act,—

- (a) for the words “, with fine not exceeding five hundred rupees”, the words “, with fine of one thousand rupees which may extend to five thousand rupees” shall be substituted; and
- (b) for the words “further fine not exceeding one hundred rupees”, the words “further fine not exceeding five hundred rupees” shall be substituted.

*The West Bengal Fire Services (Amendment)**Act, 2002.**(Sections 16-21.)*

Amendment of
section 28.

16. In section 28 of the principal Act, for the words “with fine not exceeding one hundred rupees”, the words “with a fine of one thousand rupees” shall be substituted.

Amendment of
section 29.

17. In section 29 of the principal Act, for the words “with fine not exceeding five thousand rupees”, the words “with fine of one thousand rupees which may extend to five thousand rupees” shall be substituted.

Amendment of
section 33A.

18. In section 33A of the principal Act, for the words “with fine not exceeding fifty thousand rupees”, the words “with fine of ten thousand rupees which may extend to fifty thousand rupees” shall be substituted.

Amendment of
section 33B.

19. In section 33B of the principal Act, for the words “with fine not exceeding five thousand rupees.” the words “with fine of one thousand rupees which may extend to five thousand rupees.” shall be substituted.

Amendment of
section 38B.

20. In section 38B of the principal Act, for the words “The District Magistrate within whose jurisdiction a local area lies,” the words “The Director-General” shall be substituted.

Amendment of
section 38C.

21. In section 38C of the principal Act, for the words “or upon the information received from, the Director or any other officer authorised by him in this behalf.”, the following words shall be substituted :—

“or upon the information received from, the Collector, or the Director-General, or the superior nominated authority, or any other officer authorised by the State Government in this behalf.”.

By order of the Governor,

A. K. BHATTACHARYA,
*Principal Secy. to the Govt. of West Bengal
& Secy., Law Department.*