

OPINION

Relevant for: Environment | Topic: Disaster and disaster management

The cancellation of fire safety certificates of a large number of hotels and guest houses by the Delhi government in the aftermath of the Arpit hotel fire is a welcome step, but how did these hotels get the certificate in the first place? This raises serious questions about the entire enforcement process and underscores the need for transparency and accountability in the working of enforcement agencies.

Another issue that comes to the fore following the hotel fire, is the owners' wilful violation of the laws. After obtaining a fire safety certificate, many of them routinely destroy all fire safety measures put in place. Fire exits are treated as storage spaces and blocked with unwanted goods or locked up. Buildings are modified, fire fighting equipment, smoke detectors and smoke alarms are not serviced and kept in proper working order. So much so that consumers who patronise these hotels trusting the fire safety certificate issued to them, are at risk. Given these circumstances, it would be wise to reduce the validity of the fire safety certificates given to the hotels from three years to one year. Or the punishment for violation should become exemplary, thus forcing compliance.

In fact so long as there is no deterrent punishment for such wrong doing, fire safety will not improve. The Delhi Fire Service Act, 2007 provides for a maximum imprisonment of three to six months under various provisions (Sections 37, 49 and 52) and/or fine varying from Rs 1,000 (Section 49- failure to take precautions) to Rs 50,000 (penalties for violations of provisions of Chapter VI) for non-compliance. In sharp contrast, the Uttar Pradesh Fire Prevention and Fire Safety Act, 2005, provides for imprisonment for contraventions for a term which may extend to ten years and/or with fine which may extend to one lakh rupees.

Such deterrent provisions are absolutely necessary to bring about behavioural change vis-avis fire safety. In fact there should be huge penalties for each violation such as misusing the basement or blocking or locking the exits or switching off the fire alarm or for a dysfunctional smoke detector or a public address system..

It is also important to amend Section 304 A of the Indian Penal code to ensure that in case of fire tragedies, punishment to those found guilty of flagrant violation of fire safety laws is proportionate to the magnitude of the crime. As of now, Section 304A (Causing death by negligence) prescribes only a maximum punishment of two years of imprisonment or fine or both. It's hardly a deterrent punishment.

It should also become mandatory for all hotels to declare, in their advertisements and on their websites, whether the hotel is fully compliant with fire safety norms. At the time of booking too, whether done through a travel agency or an online portal, consumers should be first informed of the fire safety status of the hotel. This information should also be prominently displayed at hotel reception area. Any breach of fire safety laws should automatically give consumers the right to cancel the booking for a full refund and demand alternate accommodation in a safe hotel or a hefty compensation.

It is equally important to introduce transparency and accountability in the enforcement process, so as to eliminate corrupt practices as well as apathy and sloth. Today, enforcement agencies get away with shoddy work, perfunctory inspections, because of lack of awareness among citizens, of the work that they are supposed to do. So it should become mandatory for every website of the fire service department as well as the civic authorities to provide on an excel

sheet, the various provisions of the law that they are supposed to enforce and the actual enforcement work done by them. And this should be updated every month.

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