

West Bengal Act XVIII of 1950

THE WEST BENGAL FIRE SERVICES ACT, 1950

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SCHEDULE.

West Bengal Act XVIII of 1950

THE WEST BENGAL FIRE SERVICES ACT, 1950.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*, Extraordinary, of the 30th March, 1950.]

An Act to provide for the maintenance of a fire brigade, for the licensing of warehouses and for certain other matters.

WHEREAS it is expedient to provide for the maintenance of a fire brigade, for the licensing of warehouses and for certain other matters;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the West Bengal Fire Services Act, 1950. Short title, extent and commencement.

(2) It extends to the whole of West Bengal.

(3) It shall come into force in such local areas and on such dates as the State Government may, by notification from time to time in the *Official Gazette*, direct; and the State Government may by like notification withdraw this Act from any such local area.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Calcutta" means Calcutta as defined in clause (11) of section 3 of the Calcutta Municipal Act, 1923;

(b) "the Collector" means, in relation to Calcutta, the Collector of Stamp Revenue and in relation to any other local area, the Collector of the district within which the local area is comprised;

(c) "the Commissioner" in relation to the Collector means the Divisional Commissioner to whom the Collector is subordinate;

(d) "cotton" means loose raw cotton;

(e) "Director" means the Director of Fire Services appointed by the State Government;

(f) "the fire brigade" means the fire brigade maintained by the State Government under section 3;

(g) "fire-fighting appliances" mean fire-engines, fire-escapes, accoutrements, equipments, tools, implements and things whatsoever used for fire-fighting and include motor cars, motor cycles, trailers and other means of transport;

(h) "jute" means raw jute, either loose or in drums, and loose jute cuttings and rejections;

(i) "Magistrate" means a Presidency Magistrate or Magistrate of the First Class;

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(Chapter II.—Fire Brigade.—Sections 3, 4.)

(j) "person" includes an undivided Hindu family, and a firm or company or association of individuals whether incorporated or not;

(k) "prescribed" means prescribed by rules made by the State Government under this Act;

(l) "warehouse" means any building or place used whether temporarily or permanently for the storing or pressing or keeping of jute, gunny bags, cotton, hemp, resin, shellac, varnish, bitumen, pitch, tar, tallow, celluloid, wood (excluding furniture kept in the building or place for ordinary use), charcoal, coal, straw, hay, ulugrass, golpata, hogla, durma, raw rattan canes, coconut fibre, waste paper, packing boxes, inflammable chemicals or any other article which in the opinion of the State Government is inflammable and is specified by the State Government by notification in the *Official Gazette* for the purpose of this clause.

CHAPTER II.

FIRE BRIGADE.

Fire
brigade to
be main-
tained.

3. The State Government shall maintain a fire brigade for services in the local areas in which this Act is in force.

Power of
State
Govern-
ment to
make
orders with
respect to
the fire
brigade.

4. The State Government may from time to time make such general or special orders as it thinks fit—

(1) for furnishing the fire brigade with such fire-fighting appliances as it deems proper;

(2) for building or providing stations, or hiring places, for accommodating the members of the fire brigade and keeping its fire-fighting appliances;

(3) for giving gratuities to persons who have given notice of fires and to those who have rendered effective service to the fire brigade on the occasion of fires;

(4) for the training, discipline and good conduct of the members of the fire brigade;

(5) for the speedy attendance of members of the fire brigade with necessary fire-fighting appliances on the occasion of any alarm of fire;

(6) for sending the members of the fire brigade with necessary fire-fighting appliances, beyond the limits of any local area in which this Act is in force, in order to extinguish fire in the neighbourhood of such limits on such terms and conditions as it deems proper;

(7) for the employment of the members of the fire brigade with necessary fire-fighting appliances, in work other than extinguishing fire, on such terms and conditions as it deems proper;

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(Chapter II.—Fire Brigade.—Sections 5—7.)

for enforcing discipline and imposing punishment on any member of the fire brigade who may infringe orders;

for regulating and controlling the powers, duties and functions of the Director; and

generally, for the maintenance of the fire brigade in a due state of efficiency.

5. (1) On the occasion of a fire, the Director or the officer in charge of the members of the fire brigade on the spot, may—

Powers exercisable on the occasion of a fire.

(a) remove or may order any member of the fire brigade to remove, any persons who by their presence interfere with the due operations of the fire brigade;

(b) by himself or by members of the fire brigade, break into or through, or pull down, any premises for the purpose of putting an end to the fire, doing as little damage as possible;

(c) cause the mains and pipes of any area to be shut off so as to give greater pressure of water in the place where the fire has occurred;

(d) exercise the same powers for dispersing any assembly of persons likely to obstruct the operation of the fire brigade, as if he were an officer in charge of a police-station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers; and

(e) generally take such measures as may appear necessary for the preservation of life and property.

(2) The Director or the officer in charge of the members of the fire brigade on the spot, may verbally nominate and depute one or more member or members of the fire brigade to act at a distance; and such member or members shall have for the time being the like powers as the Director or such officer himself possesses under this section.

6. Police-officers of all grades shall be authorised and bound to aid the fire brigade in the execution of its duties. They may close any street in or near which a fire is burning; and they may, on their own motion or on the request of the Director or any member of the fire brigade, remove any persons who interfere by their presence with the operations of the fire brigade.

Police-officers to aid the fire brigade in execution of its duties.

7. No officer of the police and no member of the fire brigade shall be held liable to damages on account of any act done by him in the *bona fide* belief that such act was required for the proper execution of his duties.

Non-liability of police-officer, etc., to damages.

[West Ben. Act

(Chapter II.—Fire Brigade.—Chapter III.—Fire-works, etc.—Chapter IV.—Licensed Warehouses.—Sections 8—12.)

Enquiry
into
origin of
fire and
report to
Magis-
trate.

8. (1) In the case of any fire occurring within any local area in which this Act is in force, the seniormost officer in rank among the members of the fire brigade in that local area, shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire shall have occurred; and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

(2) Copies of all reports and of all evidence recorded under this section shall be furnished on application to any Fire Assurance Company or other person interested, on payment of the fees payable for the copies of judicial proceedings.

CHAPTER III.

FIRE-WORKS, ETC.

License
for letting
off rockets,
etc.

9. No person shall let off rockets or send up fire-balloons, or sell fire-works within any local area in which this Act is in force, without a license. A license for letting off rockets or sending up fire-balloons shall indicate the place from where the rockets are to be let off or the fire-balloons sent up.

Who may
grant
license;
fee for
license.

10. (1) The power of granting a license under section 9 shall be exercised in respect of Calcutta by the Director and in respect of any other local area, by the Magistrate of the district within which the local area is comprised or any other Magistrate to whom such Magistrate may delegate the power.

(2) The Director may, subject to the approval of the State Government, delegate his power under sub-section (1) to any officer subordinate to him.

(3) (a) The fee for a license to let off rockets or to send up fire-balloons for any particular occasion shall be one rupee.

(b) The annual fee for a license to sell fire-works shall be ten rupees payable in advance.

Power to
withdraw
or suspend
license.

11. A license granted under section 9 may be withdrawn or suspended by the authority who granted it, at his discretion:

Provided that a license to sell fire-works shall not be withdrawn or suspended except after thirty days' notice.

CHAPTER IV.

LICENSED WAREHOUSES.

License
for ware-
house.

12. No building or place shall be used as a warehouse unless the owner or occupier thereof shall have previously obtained under this Act, a license for such use from the Collector.

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(Chapter IV.—Licensed Warehouses.—Sections 13—15.)

13. No license to use any building or place as a warehouse shall be granted unless such building or place conforms to such conditions as may be prescribed.

Conditions to which a building or place is to conform before issue of license.

14. The owner or occupier of any building or place which was being used as a warehouse immediately before the date on which this Act comes into force in the local area within which such building or place is situated shall, upon application to the Collector, made in writing within one month from such date, be entitled to obtain a license to use such building or place as a warehouse under this Act, subject to the payment of the annual fee referred to in section 18:

License of building or place already used as warehouse.

Provided that if the owner or occupier of such building or place already holds a license for use thereof as a warehouse under the Licensed Warehouse and Fire-Brigade Act, 1893, he shall be entitled to deduct the proportionate amount already paid by him for the unexpired period of that license from such annual fee:

Ben. Act
I of 1893.

Provided further that if such building or place does not conform to the conditions prescribed under section 13, the owner or occupier shall within three months of obtaining the license for use thereof as a warehouse under this Act, effect necessary changes to conform to such conditions and in the event of his failure to do so, the license shall be liable to be cancelled by the Collector.

15. (1) Save as provided in the last preceding section, every person proposing to use as a warehouse any building or place situated within any local area in which this Act is in force, shall apply to the Collector and shall submit with his application a plan in duplicate of such building or place prepared on a scale of eight feet to an inch, showing—

License of new warehouse.

- (a) the boundaries of such building or place;
- (b) the position of the engines and furnaces used or proposed to be used in the warehouse; and
- (c) the space which has been reserved for the loading and unloading of carts and other vehicles or conveyance thereat.

(2) Upon such application as aforesaid being made, the Collector may in his discretion either grant or refuse a license.

(3) Every license granted under section 14 or under subsection (2) shall be required to be renewed annually; applications for renewal shall be made to the Collector, who may in his discretion grant or refuse renewal.

(4) Where a license or renewal of a license is refused, the Collector shall record in writing the reasons for such refusal.

(5) An appeal shall lie to the Commissioner from an order refusing a license or the renewal of a license.

[West Ben. Act

(Chapter IV.—Licensed Warehouses.—Sections 16—18.)

Period for disposal of application for license.

16. Every application for a license under section 14 or under section 15 shall be disposed of within thirty days from the date of its receipt by the Collector and if it is not disposed of within that period, the applicant shall not be liable to any penalties under this Act, for the use as a warehouse of the building or place in respect of which the application was made, after the said period of thirty days, so long as such application is not refused by the Collector.

Conditions to which a license shall be subject.

17. Licenses for a warehouse shall be subject to the following conditions, namely:—

- (a) that the warehouse shall at all times be open to the inspection by such officer or officers, being member or members of a fire brigade as may be appointed by the Director;
- (b) that the warehouse shall conform to the conditions prescribed under section 13;
- (c) that no article referred to in clause (l) of section 2, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse; and
- (d) that no part of a warehouse used for pressing or screwing jute or cotton shall be used as a residence and that no person shall be allowed to bring into such warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within such warehouse, while jute or cotton is stored therein.

Annual fee.

18. (1) The annual fee in respect of a license for the use of any building or place as a warehouse or for the renewal of such a license shall be payable in advance.

(2) The annual fee shall be calculated at such rate not being less than ten *per cent.* nor more than twenty-five *per cent.* of the annual value of the building or place used as a warehouse as may be prescribed and different rates may be prescribed for different classes of warehouses according to the nature and quantity of the article stored, pressed or kept therein:

Provided that the State Government may prescribe by rules a maximum for the annual fee in respect of any class of warehouses.

(3) For purposes of sub-section (2) the annual value of building or place used as a warehouse shall be deemed—

- (a) if it is situated within a municipality, to be the annual value at which it is assessed for the payment of municipal taxes; and
- (b) if it is situated outside a municipality, to be seven and half *per cent.* of the current market value of the building (which expression shall in this section and elsewhere in this Act include any land appurtenant to the building) or place as determined by the Collector, subject to revision by the Commissioner, such revision being final.

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(Chapter IV.—Licensed Warehouses.—Sections 19—23.)

19. Whenever and so often as a change in the occupation of any warehouse occurs, the person entering into occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Collector of such change of occupation, and shall thereupon pay a fee of ten rupees; and his name shall accordingly be substituted in the license in respect of the warehouse for the name of the last occupier.

Change in occupation of warehouse to be notified.

20. (1) Whenever the Collector receives credible information that any condition to which the license of any warehouse is subject, has been broken by the holder thereof, the Collector shall communicate in writing the substance of such information to a Magistrate and the Magistrate may issue a summons upon the holder of the license to show cause why the license should not be cancelled or suspended and may suspend such license pending hearing of the case.

Collector may apply to Magistrate for cancellation of license.

(2) The Magistrate shall not make the order suspending such license unless he is satisfied that it is necessary to prevent or obviate immediate danger or injury of a serious kind.

(3) The summons issued under this section shall be served upon the said holder of the license named therein in the manner provided in the Code of Criminal Procedure, 1898, for the service of summons.

21. The Magistrate, before whom the case instituted under the last preceding section is brought on for disposal, may, if he be satisfied after taking the evidence that there exists reasonable and proper grounds for cancelling or suspending the license, cancel such license or may suspend the same, for such time as he may think fit and may impose such conditions as to the reversal of such order of cancellation or suspension as may be consistent with the provisions under this Act for the grant of a license for a warehouse.

Magistrate may cancel or suspend license.

22. The Collector may delegate any of his powers, duties and functions under this Chapter to any officer or officers subordinate to him.

Delegation of powers by Collector.

23. (1) The State Government may, by general or special order, published in the *Official Gazette*, order that such of the powers, duties and functions of the Collector under this Act, as the State Government may specify in this behalf, shall be exercised and performed by the Corporation of Calcutta through its Executive Officer or the Commissioners of the municipality concerned through their Chairman and the Corporation of Calcutta and the Commissioners of the municipality concerned, as the case may be, shall comply with such order.

Power of State Government to direct delegation of powers.

(2) Where, in pursuance of such order, the Corporation of Calcutta or the Commissioners of a municipality realise any fees under this Act, such fees shall be paid to the State Government at such times and after making such deductions for the cost of collection and other incidental expenses therefrom as may be prescribed.

Act V of 1898.

CHAPTER V.

PENALTIES.

Penalty
for letting
off rockets,
etc.

24. Any person who, within any local area in which this Act is in force, lets off rockets or sends up fire-balloons or sells fire-works without obtaining a license, shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees for every such offence.

Penalty
on house-
holders for
allowing
rockets,
etc., to let
off with-
out license.

25. If any rockets are let off or fire-balloons sent up from within the precincts of any private premises or compound without a license, the owner or occupier or person under whose immediate control the premises or compound is, shall, unless he can prove that the offence was committed without his knowledge, be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees.

Penalty for
not taking
out a
license for
a ware-
house.

26. Any person who without a license uses any building or place as a warehouse shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees for each day during which he may so use or continue to use such warehouse.

Penalty for
using ware-
house after
refusal,
etc., of
license.

27. Any person who uses any warehouse in respect of which a license has been refused, or after the license in respect thereof has been cancelled or during the time for which such license has been suspended, shall be punishable, on conviction before a Magistrate, with fine not exceeding four hundred rupees and to further fine not exceeding one hundred rupees for every day during which any such warehouse may be so used as aforesaid.

Penalty for
breach of
condi-
tions.

28. Any holder of a license who breaks any of the conditions under which a license is held in respect of any warehouse shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees for any one such offence.

Penalty
for failing
to notify
change
in occu-
pation of
ware-
house.

29. If and so often as there be a change in the occupation of any warehouse, the person entering into occupation fails to give a notice and to pay the fees required by section 19 such person shall be punishable, on conviction before a Magistrate, with fine not exceeding twenty rupees for each day during which he may so use or continue to use such warehouse.

Penalty
for giving
false
infor-
mation
to Col-
lector
respecting
license.

30. Any person who gives false information to the Collector or to any person performing or exercising powers, duties and functions of the Collector under this Act, with the object of inducing him to take action under section 20 shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred rupees.

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(Chapter V.—Penalties.—Chapter VI.—Miscellaneous.—Sections 31—35.)

31. Any person who uses as a residence any portion of a warehouse used for pressing or screwing of jute or cotton if jute or cotton be then stored therein shall be punishable with fine not exceeding twenty rupees for each day during which he may reside therein.

Penalty for using as residence of warehouse used for pressing jute or cotton.

32. Any person who brings into a warehouse used for the pressing or screwing of jute or cotton if jute or cotton be then stored or used therein, any match-boxes, match-sticks or any artificial light not duly and thoroughly protected, shall be punishable, on conviction before a Magistrate, with fine not exceeding twenty rupees for any such offence.

Penalty for using match-boxes, etc., in warehouse.

33. Any person who smokes within a warehouse used for the pressing or screwing of jute or cotton if jute or cotton be then stored therein shall be punishable, on conviction before a Magistrate, with fine not exceeding twenty rupees for any one such offence.

Penalty for smoking within warehouse.

CHAPTER VI.

MISCELLANEOUS.

34. (1) If the Corporation of Calcutta or the Commissioners of a municipality fail to make any payment as required under sub-section (2) of section 23, the State Government may attach the Municipal Fund of the Corporation of Calcutta or any portion thereof or the Municipal Fund of the Commissioners of the municipality or any portion thereof, as the case may be.

Failure of Corporation or municipality to pay annual fees collected.

(2) After such attachment, no person except an officer appointed in this behalf by the State Government shall in any way deal with the attached fund or portion thereof; but such officer may do all acts in respect thereof which the Corporation of Calcutta or the Commissioners of the municipality or any municipal officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrear and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the arrear due to the State Government.

35. (1) Any person committing an offence under section 24 may, if his name and address be unknown, be arrested by any officer of police and forthwith conveyed before a Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police-station within the said jurisdiction, in order that such person may be detained until he can be brought before a Magistrate or until he shall enter into a recognizance with or without sureties for his appearance before a Magistrate.

Police-officer may arrest offenders under section 24.

[West Ben. Act

(Chapter VI.—Miscellaneous.—Sections 36—40.)

(2) Whenever such person shall be taken to a police-station, the officer in charge of such station shall, as soon as possible, but in every case within twenty-four hours, cause him to be conveyed before a Magistrate having jurisdiction in the matter.

Form of
license
under
Chapter
IV.

36. Every license granted under Chapter IV of this Act shall, as far as possible, be in the form in the Schedule to this Act.

Act not
to apply
where
small
quantities
of in-
flammable
articles
are
deposited.

37. (1) Nothing in this Act shall be deemed to apply to buildings or places where small quantities of any of the articles referred to in clause (1) of section 2 are deposited.

(2) The State Government may from time to time declare by notification in the *Official Gazette* what quantities of the articles referred to in clause (1) of section 2 shall be deemed to be small quantities within the meaning of this section.

Certain
provisions
of Bengal
Act III
of 1923
and
Bengal
Act XV
of 1932
not to
apply.

38. On the application of this Act to Calcutta or any other municipality, section 386 of the Calcutta Municipal Act, 1923, or section 370 of the Bengal Municipal Act, 1932, as the case may be, shall be deemed to be repealed in so far as they entitle the Corporation of Calcutta or the Commissioners of the municipality to levy fees in respect of premises licensed for storing any article referred to in clause (1) of section 2.

Ben. Act
III of
1923.
Ben. Act
XV of
1932.

Repeal of
Bengal
Act I of
1893.

39. The Licensed Warehouse and Fire-Brigade Act, 1893, shall be deemed to be repealed on and from the date on which this Act comes into force in Calcutta; and on and from such date—

Ben. Act
I of 1893.

(a) without prejudice to the application of section 8 of the Bengal General Clauses Act, 1899, all rules, orders, declarations, financial arrangements and appointments made under the Licensed Warehouse and Fire-Brigade Act, 1893, shall continue in force in so far as they are not inconsistent with the provisions of this Act, until varied or rescinded;

Ben. Act
I of 1899.

(b) all assets held by the Commissioner of Police, Calcutta, for the use of and on behalf of the Fire Brigade, under the Licensed Warehouse and Fire-Brigade Act, 1893, shall pass to and be vested in the State.

Power to
make
rules.

40. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the conditions referred to in section 13 to which a building or place shall conform before a license can be granted;

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(Schedule.)

- (b) the rate *per cent.* of the annual value of a building or place, at which the annual fee for using such building or place as a warehouse is to be calculated under sub-section (2) of section 18;
- (c) the maximum for the annual fee under the proviso to sub-section (2) of section 18;
- (d) the times at which payments shall be made and deductions which may be made under sub-section (2) of section 23.

SCHEDULE.

(See section 36.)

License under the West Bengal Fire Services Act, 1950.

No. of 19 .

License is hereby granted to.....
under the West Bengal Fire Services Act, 1950, to store or
press or keep (a).....in the building or place being
No. (b)....., subject to the conditions
noted on the back. It is hereby acknowledged that a sum of
Rupees....., being the license fee due by the
said.....for the period from.....
.....to.....in respect of the afore-
said license at the rate of Rs.per annum has
been received.

.....
Name of owner.

.....
Name of occupier.

.....
*Collector of Stamp Revenue,
Calcutta.*

.....
Collector of the district of

.....
*Executive Officer of the
Corporation of Calcutta.*

.....
*Chairman of the Commissioners
of Municipality of.....*

The.....day of.....

(a) Here insert the name of the article.

(b) Here insert the location.

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*(Schedule.)**(On the back of the license.)***Conditions.**

(1) The warehouse shall at all times be open to inspection by such officer or officers, being member or members of the fire brigade, as may be appointed by the Director of Fire Services.

(2) The warehouse shall conform to the conditions prescribed under section 13 of the West Bengal Fire Services Act, 1950.

(3) No article referred to in clause (1) of section 2 of the West Bengal Fire Services Act, 1950, shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse.

(4) (In case the warehouse is used for the pressing or screwing of jute or cotton.) No person shall be allowed to use as residence any part of the warehouse or to bring into the warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within the warehouse, while jute or cotton is stored therein.