

DUTY VS DIFFUSION

When Everyone Is Responsible and No One Is Liable

In law, duty is supposed to be precise. It attaches to a person, an office, a licence, a signature. In practice, duty often dissolves the moment responsibility is shared. Public spaces rarely fail because no rules exist. They fail because too many actors are involved, each certain that compliance belongs to someone else. The owner relies on approvals. The authority relies on paperwork. The system relies on time passing without incident.

This edition of Law Crumbs looks at how legal duties fragment across private operators and public regulators, and how that diffusion quietly converts mandatory safety obligations into optional formalities.

When everyone has a duty, the law must ask an uncomfortable question.
Who actually carries it?



LAW CRUMBS

THE CASE STUDY: A FIRE THAT FOLLOWED PREDICTABLE LEGAL FAILURES

The fire at a popular nightclub in Goa resulted in multiple fatalities, most caused not by burns but by suffocation. Investigations revealed a familiar pattern: absence of a valid Fire No Objection Certificate, lack of automatic fire detection and sprinkler systems, inadequate emergency exits, missing illuminated exit signage, overcrowding, and the use of indoor fireworks.

Individually, these are violations. Collectively, they represent a complete collapse of the statutory standard of care.

Under the Goa, Daman and Diu Fire Force Act, 1986, entertainment venues are classified as premises likely to cause risk of fire. This classification is not symbolic. It triggers mandatory compliance with fire safety measures prescribed under the Act and reinforced by the National Building Code Part 4 on Fire and Life Safety.

A venue operating without a valid Fire NOC is, in law, unfit for occupation. Yet the club functioned openly, regularly, and visibly. This visibility created a dangerous assumption of legality that the law does not adequately address.

The Goa nightclub fire is not an isolated failure.

It is a consequence of a legal culture that treats safety as event driven rather than risk driven. Visibility is mistaken for legality. Paper compliance substitutes actual protection. Responsibility fragments until no single actor feels compelled to act.

 BBC

[India: Goa nightclub fire kills 25 staff and tourists](#)

Nightclub fire in India's Goa kills 25 staff and tourists ... A fire at a popular nightclub in India's coastal region of Goa has killed 25 people,...

3 weeks ago

 Times of India

['Safety norms not followed': 25 dead, 50 injured in Goa's Arpora nightclub fire; top developments](#)

Twenty-five people were killed, including three women and 22 men after a fire ripped through Birch By Romeo Lane nightclub in Arpora, Goa,...

3 weeks ago

 The Hindu

[Goa nightclub fire: The party that took a tragic turn](#)

Goa nightclub fire: A fire claimed 25 lives during a party at Birch by Romeo Lane, an establishment in Arpora in Goa.

2 weeks ago

 NDTV

[Goa Club Fire: Cops Seek Blue Corner Notice Against Co-Owner Who Fled To UK](#)

Until safety law is enforced as a continuous obligation rather than a one time approval, duty will continue to dissolve into diffusion.

FIRE IS THE TRIGGER. FAILURE IS THE CAUSE.

When mandated systems are missing, mass harm is foreseeable. Treating fire as an isolated act ignores cumulative design failure.

What Happens in Fires	What the Law Already Knows
Smoke inhalation	NBC mandates smoke control
Panic and stampede	Exit width and lighting rules
Suffocation	Compartmentation norms



EMPLOYEES AS STRUCTURAL VICTIMS

Most victims were not patrons. They were staff.

Employees face continuous exposure, limited choice, and economic compulsion. Their risk is not assumed. It is imposed.

Hospitality and nightlife venues often fall between labour enforcement and municipal regulation. In that gap, worker safety becomes operational collateral.

The law rarely asks why some industries are allowed to price employee risk into business models.

COMPLIANCE IS NOT SAFETY

Lens	What Actually Happens
What the law intends	Prevention through licences, Fire NOCs, and periodic inspections
What happens in practice	A venue operates long enough to acquire the appearance of legitimacy
The legal gap	Indian law penalises non-compliance after harm, but offers no clear response to prolonged illegal operation without incident
The result	Safety is assumed rather than actively enforced

NEGLIGENCE THAT TRAVELS

Negligence did not sit in one place.

- **Owner:** No sprinklers, no alarms, overcrowding, indoor ignition.
- **Management:** Operational decisions that amplified risk.
- **Fire Authorities:** Statutory duty to inspect and shut down unsafe premises not exercised.

Allowing operation without a valid Fire NOC is operational negligence, not policy discretion. Courts have consistently held that sovereign immunity does not protect failure in execution.

Duty existed everywhere. Enforcement existed nowhere.

THE LAW'S UNEASE WITH INACTION

Perhaps the most troubling element of this case study is prolonged nonfeasance.

Indian tort law remains cautious in addressing public authority negligence based on omission. Yet the statutory

framework here leaves little ambiguity. The Fire Force Act empowers authorities to deny suspend, or cancel operations where fire risk is excessive.

Failure to act in the face of observable, ongoing violations is not neutrality. It is dereliction.

When duty is defined but unenforced, liability does not disappear. It diffuses until tragedy forces it back into focus.

