

# **PUNJAB FIRE AND EMERGENCY SERVICE ACT, 2022**

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# **PUNJAB FIRE AND EMERGENCY SERVICE ACT, 2022**

*PUNJAB BILL NO. XX OF 2022*

A

BILL

to make provisions for planning and managing fire prevention and life safety measures, the constitution and maintenance of a Fire and Emergency Service within the state, and regulating private rights and obligations in the interest of ensuring adequate provisions for fire prevention and life safety in all structures within the State of Punjab, and all other matters connected therewith.

Be it enacted by the Legislature of the State of Punjab in the Seventy Third Year of the Republic of India as follows:-

## **CHAPTER I**

### **PRELIMINARY**

#### **1. Short title, extent and commencement**

1.1. This Act may be called The Punjab Fire and Emergency Service Act, 2022.

1.2. This Act extends to the whole of the State of Punjab.

1.3. This Act shall come into force in any area on such date as the Government may, by notification in the Official Gazette, appoint. The Government may also appoint different dates for this purpose, for different areas within the State.

#### **2. Definitions**

In this Act, unless the context requires otherwise:

2.1. 'Building' shall mean any structure or any part thereof, whether built with or without authorisation, used for any purpose including storing explosives, explosive substances and dangerously inflammable substances, and also includes outhouses, sheds, stables, garage or any other structures that may be built appurtenant to some main structure;

*Explanation:* In this Clause, “explosive”, “explosive substance” and “dangerously inflammable substance” shall have the meaning, respectively assigned to them in the Explosive Act, 1884 (4 of 1884), the Explosive (Substances) Act, 1908 (6 of 1908) and the Inflammable Substances Act, 1952 (20 of 1952);

- 2.2. ‘Building bye-laws’ shall mean rules or regulations made to regulate any aspect of the erection or re-erection of any or all buildings, by whatever name they may be called including Master Plans and Development Control Regulations prescribed therein, under the Punjab Municipal Act, 1911, Punjab Town Improvement Act, 1922, Punjab Municipal Corporation Act, 1976, Punjab Regional and Town Planning and Development Act, 1995 and Punjab Apartment and Property Regulation Act, 1995, and any other law which regulates any aspect of the erection or re-erection of any or all buildings, as amended from time to time;
- 2.3. ‘Director’ shall mean the person appointed by the Government under Section 8 to be the head of Fire and Emergency Service;
- 2.4. ‘Erector’ means:
- 2.4.1. with respect to pandals, any person or association of persons, who causes a pandal to be erected; and
  - 2.4.2. with respect to a building, any person or association of persons directing construction activities with relation to a building;
- 2.5. ‘Emergency’ shall mean any serious occurrence, including fire outbreak, and disaster as defined in National Disaster Management Act, 2005, as amended from time to time;
- 2.6. ‘Fire Brigade’ shall mean the organisation of members of Fire and Emergency Service posted under the Local Authority who, under the direction of the Local Authority, respond to emergencies and perform such other functions as are conferred on them under this Act, and shall also include fire stations and other equipments, appliances and assets;
- 2.7. ‘Fire Station’ shall mean a building erected to house the firefighting equipment, appliances and personnel, and declared generally or specially by the Government to be a Fire Station for the purpose of this Act;

- 2.8. 'Fire prevention and life safety measures' shall mean measures that are specified in the Rules and any other regulations made in accordance with the provisions of this Act, or under the Petroleum Act, 2002 and Explosive Act, 1884, and in the Building Bye-laws (read with the National Building Code, 2016 wherever the Building Bye-laws are silent), Oil Industry Safety Directorate Guidelines, and any regulations made by Government of India (provided no other law prescribes the manner in which the regulation may be enforced and the manner in which violations of the regulations may be punished), that may be necessary for the prevention, containment, control and extinguishing of fire and for ensuring the safety of life and property in the case of fire;
- 2.9. 'Fire Officer' shall mean a member of the Fire and Emergency Service not below the rank of Station Fire Officer;
- 2.10. 'Government' shall mean the Department of Local Government of the State of Punjab;
- 2.11. 'Local Authority' shall mean Municipal Corporations, Municipal Councils, Nagar Panchayats, Improvement Trusts, Gram Panchayats, Zila Parishads,, Cantonment Boards and any other institution of self-government constituted under a law enacted by the Union Government or State Government;
- 2.12. 'Licenced Agency' shall mean a person or an entity licenced by the Government under Section 25, with such assistance from the Director or such other officer, or body, as the Government may empower in this regard, for undertaking such activities in relation with fire prevention and life safety measures in buildings and pandals and in such manner as may be prescribed;
- 2.13. 'Nominated Authority' shall mean a Fire Officer, or a person or an entity with such qualifications and experience as prescribed by the Government, who is recognised by a notification in the Official Gazette by the Government as a Nominated Authority for any or all purposes under this Act;
- 2.14. 'Occupier' shall include -
- 2.14.1. any person who, for the time being, is paying or is liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
- 2.14.2. an owner in occupation of, or otherwise using his land or building;

- 2.14.3. a rent-free tenant of any land or building;
- 2.14.4. a licensee in occupation of any land or building; or
- 2.14.5. any person who is liable to pay to the owner damages for the use and occupation of any land or building.

2.15. 'Owner' shall include a person who, for the time being, is receiving or is entitled to receive, the rent of any land or building or premises, whether on his own account or on account of himself and others or as an agent, trustee, guardian or receiver or any other person, or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;

Provided that in the case of a residential society with an association of owners of individual units, that association of owners shall be the 'owner' for the purposes of this Act.

Provided further that 'owner' shall include includes the Head of a Government Department, General Manager of a Railway, and the Secretary or other principal officer of a local authority, statutory authority or company, in respect of properties under their respective control.

2.16. 'Pandal' shall mean a temporary structure with a roof or walls made of straw, hay, ulu grass, golpatta, hogla, darma, mat, canvas, cloth or other like material which is not adopted for permanent or continuous occupancy.

2.17. 'Prescribed' shall mean prescribed by Rules made under this Act.

2.18. 'Rules' shall mean rules made under this Act.



## CHAPTER II

### INTRA-GOVERNMENTAL ORGANISATION FOR DELIVERY OF SERVICES RELATING TO FIRE AND OTHER EMERGENCIES IN THE STATE

#### *PART - A: CONSTITUTION OF A FIRE AND EMERGENCY SERVICE FOR THE STATE*

#### **3. Fire and Emergency Service for the whole state**

3.1. There shall be constituted a Fire and Emergency Service for the State of Punjab.

3.2. Notwithstanding anything contained in any other law, all officers and employees who are currently employed on any post in any fire brigade or Fire Station currently operational within the State, shall be deemed to have been absorbed in the Punjab Fire and Emergency Service, from such date as the Government may notify.

Provided that the Government may appoint different dates under this provision for different fire brigades and Fire Stations.

Provided further that the power of the Government under Section 3.2 shall not extend to private services maintained for providing fire protection coverage to a specific building or industry by the owner or occupier thereof.

3.3. Upon the declaration under Section 3.2,

3.3.1. The members of Fire and Emergency Service, as they shall be after such absorption, shall be governed by such terms and conditions as is prescribed.

3.3.2. All proceedings pending with any Fire Officer, immediately before the declaration, shall be deemed to be a proceeding pending with the officer who occupies the post that the Fire Officer occupied before the declaration, at such rank as the Government may deem to be equivalent to the rank of Fire Officer before the declaration.

Provided that his terms and conditions of service of any member of the Fire and Emergency Service, in so far as they relate to remuneration, shall not be varied to his disadvantage on his becoming a member of the Fire and Emergency Service.

- 3.4. A member of the Fire and Emergency Service may be posted anywhere within the State, and may at any time be transferred from a post in one Local Authority to a post in any other Local Authority or a post at the office of the Director.

Provided that no member of the Fire and Emergency Service shall be transferred to a post with a lower scale of pay than that which was applicable to him before the transfer.

#### **4. Declaration of Fire and Emergency Service to be an essential service to the community**

Without prejudice to the provisions of any other law on the subject for the time being in force, the Fire and Emergency Service shall be considered as an essential service to the community unless the Government may, by notification, decide otherwise.

#### **5. Superintendence of Fire and Emergency Service to lie with the Government**

- 5.1. The superintendence of, and control over, the Fire and Emergency Service throughout the State shall vest in the Government.
- 5.2. The Fire and Emergency Service shall be administered by the Government in accordance with the provisions of this Act and of any rules made there under, through the office of the Director and such Fire Officers as the Government may, from time to time, appoint on its behalf.

#### **6. Appointment of Director of Fire and Emergency Service**

- 6.1. The Government shall appoint a Director, having such qualifications and experience as shall be prescribed.
- 6.2. The Director shall have jurisdiction over all members of the Fire and Emergency Service and Local Authorities in the State over matters for the purposes of this Act.
- 6.3. The Government may from time to time, either *suo moto* or upon a recommendation made by the Director, constitute by notification as many committees as it deems fit, to perform such functions as may enable the Director to efficiently exercise any or all powers and perform any or all functions conferred on him by or under this Act.

- 6.4. The Government may, from time to time, either *suo moto* or upon a recommendation made by the Director, appoint such other officers and staff, either to a committee created under Section 6.3 or otherwise, as may be necessary.
- 6.5. The committees constituted by a notification under Section 6.3 shall perform such functions and in such manner as is notified.

## **7. Functions of the Director**

- 7.1. Subject to other provisions of this Act, the Director shall perform such functions as are conferred upon him by the Government by notification from time to time.
- 7.2. Without prejudice to the generality of Section 7.1, the Director shall, in such manner as is prescribed:
  - 7.2.1. liaison with the Government of India and Office of the Department of Local Government, Punjab for the development of the Fire and Emergency Service;
  - 7.2.2. represent, or recommend to the Government any other member of the Fire and Emergency Service to represent, the Government on national and international forums relating to any aspect of fire prevention and life safety;
  - 7.2.3. appoint or cause to be appointed, after approval by the Government, such number of people into the Fire and Emergency Service as may be necessary for the effective operation of Fire Brigades under Local Authorities in the State, and also direct all activities in relation to appointments to the Fire and Emergency Service;
  - 7.2.4. conduct periodic review of the performance of members of Fire and Emergency Service, and recommend increment to any member of the Fire and Emergency Service on the basis of said review;
  - 7.2.5. transfer, upon receiving a recommendation for it from the Local Authority and after approval of the Government, any member of the Fire and Emergency Service if deemed appropriate;
  - 7.2.6. make recommendations to the Government for the creation of new posts in any or all Fire Brigades maintained by Local Authorities;

- 7.2.7. conduct inquiries into the conduct of members of Fire and Emergency Service either *suo moto* or after receiving a complaint from the Local Authority, and recommend appropriate action to the Government if necessary;
- 7.2.8. with the prior approval of the Government, grant monetary incentives or otherwise promote officers out of turn to the next higher rank (provided that the vacancies exist), to outstanding members of the Fire and Emergency Service who have shown exceptional gallantry and devotion to duty in saving the life and property;
- 7.2.9. conduct periodic review, or cause a periodic review to be conducted, of fire equipment and other appliances, assets, and clothing and other necessities maintained by each Local Authority in the State, and make recommendations to Local Authorities for the improvement of the same;
- 7.2.10. conduct periodic review, or cause a periodic review to be conducted, of all enforcement activities of members of Fire and Emergency Service, including inspections and imposition of penalties, to ensure that such enforcement activities are conducted in conformity with the provisions of this Act and the Rules made thereunder;
- 7.2.11. upon receiving a request for assistance from a Local Authority, assist Local Authorities in procuring fire equipment and other appliances, assets, and clothing and other necessities for the Fire Brigade maintained by said Local Authority, subject to payment of such fee by the Local Authority for the same;
- 7.2.12. procure, or cause to be procured, on behalf and in the name of the Government, fire equipment and assets that any Local Authority in the State can requisition for use on an as-needed basis, and also cause such fire equipment and assets to be maintained in operational condition;
- 7.2.13. make suitable arrangements for the periodic training of members of Fire and Emergency Service; and
- 7.2.14. assist Local Authorities, if Local Authorities request for such assistance or if the Government so directs, in investigations into the cause of a fire as well as the

efficacy of the response thereto, and make recommendations to the Government for the effective implementation of fire prevention and life safety measures.

## **8. Calling of reports and statements**

- 8.1. The Government, the Director or any officer so authorised by the Government or the Director may call for reports and statements from any or all Local Authorities or members of Fire and Emergency Service on any subject connected with the functions conferred on the Government and the Director, as the case may be, by or under this Act including fire prevention and life safety, the maintenance of order and the performance of duties by all members of the Fire and Emergency Service.
- 8.2. Where any reports or statements are called for under this Section, the Local Authority or the members of Fire and Emergency Service, as the case may be, shall furnish them within the time specified by the Government or the Director, as the case may be.

### *PART - B: OPERATION OF FIRE BRIGADES*

## **9. Maintenance of Fire Brigades by Local Authorities**

- 9.1. Each Local Authority may, and if the Government directs shall, maintain a Fire Brigade.
- 9.2. Every Local Authority that maintains a Fire Brigade shall make available to the Fire Brigade such equipment and assets as may be necessary for the members of the Fire and Emergency Service posted in such Fire Brigade to effectively discharge their duties and perform their functions as conferred on them by or under this Act.
- 9.3. The Local Authority may, and if the Government directs shall, create any or all of the following posts within the Fire Brigade maintained by them:
  - 9.3.1. Chief Fire Officer
  - 9.3.2. Deputy Chief Fire Officer;
  - 9.3.3. Divisional Fire Officer;
  - 9.3.4. Assistant Divisional Fire Officer;
  - 9.3.5. Station Fire Officer;

- 9.3.6. Sub-Fire Officer; and
  - 9.3.7. any other post with such designation and with such *inter-se* seniority within the Fire Brigade as the Local Authority or the State Government, as the case may be, decide.
- 9.4. Every Local Authority that maintains a Fire Brigade shall appoint a member of the Fire and Emergency Service posted at the Fire Brigade to:
- 9.4.1. act as the commanding officer, under the general control of such a member of the Local Authority as the Local Authority may appoint for this purpose, for all operations in response to an emergency;
  - 9.4.2. take such measures as are prescribed to ensure discipline amongst, and efficiency of, other members of the Fire and Emergency Service posted at the Fire Brigade; and
  - 9.4.3. give such assistance to the Local Authority as the Local Authority may require to effectively perform its functions.
- 9.5. Every Local Authority that maintains a Fire Brigade shall:
- 9.5.1. make such investments in fire equipment and other appliances, assets, and clothing and other necessities as may be necessary for the members of Fire and Emergency Services posted at the Fire Brigade to effectively perform the functions and exercise the powers conferred on them by or under this Act;
  - 9.5.2. ensure that all records relating to activities conducted by members of the Fire and Emergency Service posted at the Fire Brigade are properly maintained;
  - 9.5.3. get plans prepared for the effective discharge of duties conferred on Fire Officers in and under the Act, relating to implementation of fire prevention and life safety measures and protection of life and property in case of fires, in buildings and pandals;
  - 9.5.4. prepare and submit relevant details of fire equipment and other appliances, assets, clothing and other necessities, and personnel maintained by the Local Authority, for periodic review;

- 9.5.5. prepare and submit relevant details of inspections made, and notices and orders issued, by Fire Officers under the Act, for periodic review;
- 9.5.6. take, or cause to be taken, effective measures in response to fires, building or structural collapse and other emergency services; and
- 9.5.7. cause to be investigated the cause of fire and advise the Government for implementing fire prevention and life safety measures.

## **10. Water Supply**

All Local Authorities shall take all reasonable measures to ensure that an adequate supply of water is available for use in the event of an emergency.

## **11. Employment on other duties**

- 11.1. The Government or any officer authorised by the Government may request the Local Authority to deploy members of Fire and Emergency Service in any rescue, salvage or other works for which they are suitable by reason of its training, or appliances and equipment.
- 11.2. Upon receiving such a request, the Local Authority shall deploy such a number of members of Fire and Emergency Service as requested, except when dispatching such a number of members of Fire and Emergency Service would leave the Fire Brigade maintained by the Local Authority with insufficient arrangements for tackling any emergency within his own jurisdiction.

## **12. Members of Fire and Emergency Service deemed to always be on duty, and deployed for turn-out duty in any part of the State**

- 12.1. Every member of the Fire and Emergency Service shall for all purposes of this Act be deemed to always be on duty.
- 12.2. If a Local Authority so requires, it may make a request to other Local Authorities which maintain Fire Brigades, to deploy certain members of the Fire and Emergency Service posted under them.
- 12.3. Upon receiving a request as per Section 12.2, a Local Authority may deploy such members of the Fire and Emergency Service as it may deem appropriate.

### **13. Deployment of Fire and Emergency Service beyond the limits of the State**

- 13.1. A State Government, local authority or Fire and Emergency Service of any area which lies beyond the limits of any area in which this Act is in force, may make a request for assistance with extinguishing a fire, to any Local Authority within the State.
- 13.2. Upon receiving a request under Section 13.1, the Local Authority may send the members of the Fire and Emergency Service posted in the Fire Brigade maintained by them.
- 13.3. Where a Local Authority sends members of the Fire and Emergency Service posted in the Fire Brigade maintained by them to any such area beyond the limits of an area in which this Act is in force, the authority upon whose request the members were sent shall pay such fees as notified by the Government from time to time.

Provided that the Government may notify the fee under this Section after consultation with the Local Authorities, and different fees may be specified with respect to different Local Authorities.

Provided that a member of the Fire and Emergency Service shall also be considered to be validly deployed under this Section where he participates, without having received either any permission or any directions from any member of the Local Authority which maintains the Fire Brigade at which said member is posted, in an operation to extinguish fire in any area beyond the limit in which this Act is in force, if the commanding officer of that operation has acknowledged and assented to his participation.

- 13.4. The fee referred to in Section 13.3 shall be payable within one month of the service of a notice of demand by the Government on the State Government or local authority or Fire and Emergency Service of the area with respect to which the services under this Section were provided, as the case may be.

#### *PART - C: TERMS OF SERVICE AND OTHER PARTICULARS GOVERNING MEMBERS OF THE FIRE AND EMERGENCY SERVICE*

### **14. Appointment of members of Fire and Emergency Service**

- 14.1. Every member of the Fire and Emergency Service shall, on appointment, receive a certificate of appointment.



- 14.2. The certificate shall be issued under the seal of such Fire Officer and shall be in such form as the Government may, by general or special order, specify.
- 14.3. Every member of the Fire and Emergency shall, upon appointment, be entitled to such clothing and other necessities for the efficient performance of his duties, as prescribed.
- 14.4. A certificate of appointment shall become null and void when the person named therein ceases to belong to the Fire and Emergency Service.

**15. Certain Punjab Rules to apply to members of Fire and Emergency Service**

- 15.1. The provisions of the Punjab Civil Services Rules, and Government Employees (Conduct) Rules, 1966 as amended from time to time shall *mutatis mutandis* apply to employees of the Fire and Emergency Service. Rules as applicable on Punjab Government employees will also be applicable to members of Punjab Fire and Emergency Services.
- 15.2. Without prejudice to any other provision of this Act, the Government may prescribe for members of Fire and Emergency Service benefits and allowances of such nature and to such extent as the Government may deem fit, in light of the risks, hazards and hardship peculiar to the duty of a member of Fire and Emergency.

**16. Conditions of service applicable to existing members of Fire Brigades absorbed into, and newly appointed members of, the Fire and Emergency Service**

- 16.1. Subject to other provisions of this Act, the Government may prescribe the mode of recruitment, grade of post, the qualification and other conditions of service of the members of the Fire and Emergency Service, as well as all matters connected therewith.
- 16.2. Save as otherwise provided by or under this Act, every person holding office in an existing Fire Brigade or Fire and Emergency Service of any authority on the date immediately before the commencement of this Act shall continue to hold office on the same rank, and terms and conditions as were applicable to him immediately before such date.

**17. Grant of incentives and promotions for outstanding service**

- 17.1. To encourage outstanding members of the Fire and Emergency Service who have shown exceptional gallantry and devotion to duty in saving the life and property, the Director may, either *suo moto* or upon a recommendation from the Local Authority, and with the prior approval of the Government, grant monetary incentives or otherwise promote such officers out of turn to the next higher rank provided that the vacancies exist.
- 17.2. Upon such promotion, the member will be subject to the terms and conditions pertaining to the new rank; namely, terms and conditions relating to duties, powers, training, qualification etc. as prescribed by the Government from time to time.
- 17.3. Such promotions shall not exceed ten percent of the sanctioned strength in any rank. For the purposes of seniority, such promotees shall be placed at the bottom of the promotion list drawn up for that year and shall have to undergo training before joining as required for that position.

**18. Restrictions regarding right to form associations**

- 18.1. No member of the Fire and Emergency Service shall without the previous sanction in writing of the Government or of the prescribed authority:
- 18.1.1. be a member of, or be associated in any way with, any union, labour union, political association or with any class of trade union, labour union or political association;
- 18.1.2. be a member of, or be associated in any way with, any social institution, association, or organisation that is not recognised as a part of the Fire and Emergency Service or is not purely of a social, technical, recreational or religious nature; or
- 18.1.3. communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bonafide discharge of his duties or is of a purely literary, artistic or scientific character.

*Explanation:-* If any question arises as to whether any society, institution, association, organisation is of a purely social, technical, recreational or

religious nature under Section 18.1.2, the decision of the Government thereon shall be final.

- 18.2. No member of the Fire and Emergency Service shall participate in, or address, any meeting or take part in any demonstration organised by anybody or persons for any political purposes or for such other purposes as may be prescribed.

**19. Penalty for violation of duty**

Notwithstanding any action which may be taken under the provisions of this Act, any member of the Fire and Emergency Service who-

- 19.1. if is found to be guilty of any violation of duty or willful breach of any provision of this Act or any rule or order made there under,
- 19.2. refuses to comply with a call to duty, or withdraws or abstains from the duties of his office without permission,
- 19.3. being absent on leave fails without reasonable cause to report himself for duty on expiration of such leave, or
- 19.4. Accepts any other employment or office or engages himself in business in contravention of the provision of the Punjab Civil Services Rules, and Government Employees (Conduct) Rules, 1966.

shall in addition to disciplinary action as per Punjab Civil Services Rules, and Government Employees (Conduct) Rules, 1966, be punishable with imprisonment which may extend to three months or with fine which may extend to an amount not exceeding three months' pay of such member, or with both.

Provided that if any member of Fire and Emergency Service who has been convicted of any offence punishable under this Section is again guilty of an offence involving a contravention of the same provisions, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend to five years or with fine which may extend to Rs. 1,00,000, or with both.

**20. Effect of suspension of members of Fire and Emergency Service**

The powers, functions and privileges vested in a member of the Fire and Emergency Service shall remain suspended while such person is under suspension from office.

Provided that notwithstanding such suspension, such person shall not cease to be a member of the Fire and Emergency Service and shall continue to be subject to the control of the same authorities to which he would have been if he had not been under suspension.

*PART - D: POWERS TO PREPARE AND MAKE ARRANGEMENTS FOR EFFECTIVE RESPONSE TO EMERGENCIES*

**21. Power of Director and Local Authority to enter into arrangements for Public-Private Partnership etc**

The Director or any Local Authority may, with the previous sanction of the Government:

- 21.1. plan and enter into agreement with private persons or organisations or companies under any mode of Public-Private-Partnership for improvement of infrastructure or services of the Fire Brigades maintained by Local Authorities; and
- 21.2. plan and enter into agreement with other parties for better operation and maintenance of fire infrastructure.

**22. Powers of Director and Local Authority to enter into arrangements for assistance**

The Director, any Local Authority or the commanding officer in charge of operations in response to emergencies may, with the previous sanction of the Government, enter into arrangements with any person or organisation who employs and maintains personnel or equipment or both, for firefighting purposes, to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the provisions by that person or organisation for assistance for the purpose of dealing with fire occurring in any area in which this Act is in force.

**23. Reciprocal fire fighting arrangements with other Fire and Emergency Services**

The Director may, after consulting with all Local Authorities that maintain Fire Brigades and with the previous sanction of the Government, enter into an agreement with any Fire and Emergency Service or the authority which maintains such Fire and Emergency Services beyond the limits of any area in which this Act is in force, for providing personnel, equipment and/or appliances, for

firefighting purposes, on such terms as may be provided by or under the agreement on reciprocal basis in public interest.

## **CHAPTER III**

### **OBLIGATIONS OF OWNERS AND OCCUPIERS OF BUILDINGS AND ERECTORS OF PANDALS**

#### **24. Duty to comply with fire prevention and life safety measures**

24.1. For the purposes of this Act, buildings and pandals may be classified as posing a low, medium or high risk of fire. The risk-classification shall be specified in a Schedule that shall be notified by the Government.

Provided that the Government may, via notification, amend the Schedule to change the risk classification specified in the Schedule for any building or pandal, and may recognise any class of buildings and pandals not hitherto included in the Schedule as posing a low, medium or high risk of fire.

Provided further that the risk classification, once amended, shall remain in operation for at least 3 years.

Provided further that the fire prevention and life safety measures prescribed in the Rules for any building and pandal shall remain in operation for at least 3 years.

24.2. Buildings and pandals shall be compliant with all fire prevention and life safety measures that are applicable to such buildings and pandals.

#### **25. Duty to procure Fire Safety Certificate, and allied duties**

25.1. The owners and occupiers of any building to which Section 24 applies shall, either individually or jointly, obtain a Provisional Fire Safety Certificate before obtaining a building plan approval, and obtain a Final Fire Safety Certificate before obtaining a completion certificate, from the relevant authorities.

Provided that notwithstanding anything contained in any law for the time being in force, no authority empowered to grant a building plan approval, or a Completion or Occupancy Certificate, shall grant the same unless the relevant

authority is satisfied that that the owners or the occupiers, either individually or jointly, have obtained a valid Provisional or Final Fire Safety Certificate, as may be appropriate, under this Act.

Provided further that the Nominated Authority may, if feasible, carry out joint inspections for the purposes of issuing the Provisional and Final Fire Safety Certificate with the relevant authorities which issue the building plan approval, completion certificate and the occupancy certificate, as the case may be. After such inspections, the Nominated Authority shall share a copy of the Provisional or Final Fire Safety Certificate, as the case may be, with the other relevant authorities who participated in the joint inspection. Upon a request made by such relevant authorities, the Nominated Authority shall also share documents submitted with the application for the Provisional or Final Fire Safety Certificate, as the case may be.

- 25.2. The Nominated Authority shall grant the Provisional and Final Fire Safety Certificates if the owner and/or occupier, as the case may be, has submitted an application that is complete in all respects, has paid the prescribed fees and has complied with prescribed fire prevention and life safety measures.

Provided that if any certificate is procured by misrepresenting facts in the application for the certificate, the persons guilty of such misrepresentation shall be proceeded against in accordance with the provisions of Section 45 of the Act.

- 25.3. The Nominated Authority shall decide on all applications within such time as is notified under the Punjab Transparency and Accountability in Delivery of Public Service Act, 2018, as amended from time to time, failing which the Nominated Authority, if it is a Fire Officer, shall give reasons in writing for the violation of duty.

Provided that the time taken by the nominated authority to decide on an application shall in no case be more than 60 days.

- 25.4. The validity of a Final Fire Safety Certificate shall be prescribed by the Government.

Provided that the validity period of a certificate for a building shall not be less than 3 years.

25.5. After obtaining the Final Fire Safety Certificate, the owners and/or occupiers shall furnish periodic returns to the Government stating that their building is compliant with fire prevention and life safety measures as per the approved building plan and all the fire fighting equipment is in operational condition. The return shall be filed in such form, with such detail, and with such periodicity as prescribed by the Government.

Provided that the Government may not prescribe a period of less than 6 months for the owners or occupiers of any building or pandal to submit returns under this Section.

25.6. The owners and/or occupiers of every building covered under Section 24 of this Act shall:

25.6.1. display the Final Fire Safety Certificate and such other plans as prescribed by the Government for the purposes of this provision, at appropriate places within the building,

25.6.2. ensure, in line with applicable fire prevention and life safety measures and documents submitted to obtain the Provisional and Final Fire Safety Certificate, that:

25.6.2.1. rooms in the building are well lighted and ventilated, the building has adequate number of staircases as per occupancy type and occupant load, electrical works in the building is as per standards to avoid risk of fire from electrical short-circuit and other like reasons, and the building has exit signage and other prescribed details and plans displayed wherever required,

25.6.2.2. the building contains water curtains and compartmentalisation, and fire proof paints, materials and insulation are used,,

25.6.2.3. all the open spaces and compulsory setbacks are kept free of all obstructions for ease of ingress and egress, no obstructions are created by closing stairways, doors or windows and the design of the buildings are not altered temporarily or permanently without obtaining prior permission of the authorities, and

- 25.6.2.4. the building contains fire safe materials and does not contain any dangerous materials, chemicals, explosives unless the intended presence of such materials has been declared in the application for the Provisional and Final Fire Safety Certificate, and that such materials are not handled irresponsibly,
  - 25.6.3. take such steps as may be necessary to ensure that any alterations to the building plan or a constructed building, as the case may be, do not result in violation of any fire prevention and life safety measures;
  - 25.6.4. take all practicable measures to prevent any mishap or explosion in buildings and factories in particular, and shall also ensure that any indoor process does not produce dust, gas, fume or vapour of such character and at such quantities as may cause explosion,
  - 25.6.5. take all precautions including conducting fire drills wherever required, and shall not allow any measure in buildings that aid in fire prevention and life safety to be compromised, and
  - 25.6.6. provide all digital fire safety and building layout and plans for the purposes of firefighting, along with geo-tagging of the hazardous material or places if the requirement of geo-tagging is specified in the Rules.
- 25.7. No person shall tamper with, alter, remove or cause any injury or damage to any fire prevention and life safety equipment installed in any such building or instigate any other person to do so.

## **26. Fire prevention and life safety measures in pandals**

- 26.1. The erectors of pandals shall be deemed to be self-regulators for taking fire prevention and life safety measures.

Provided that such classes of pandals as may be separately specified in the Rules, the erector shall be required to procure a Fire Safety Certificate before using the pandal for its intended purpose. The Nominated Authority may issue Fire Safety Certificate in a manner as prescribed by the Government from time to time, within the prescribed time period, and after levy of prescribed fee and other



charges as prescribed if it is satisfied about the compliance by the owner or occupier with prescribed fire prevention and life safety measures.

- 26.2. Every erector of a pandal who is not required to obtain a Fire Safety Certificate shall display at a prominent place in the pandal a declaration in the prescribed form and under his own signature or signature of the Nominated Authority, to the effect that he has taken all the prescribed fire prevention and life safety measures therein.
- 26.3. All erectors of pandals who are required to obtain a Fire Safety Certificate shall display said Fire Safety Certificate at a prominent place in the pandal.

**27. Appointment of Private Fire Safety Manager**

- 27.1. Owners and occupiers of high-risk buildings and such other classes of buildings as may be prescribed, shall appoint a Private Fire Safety Manager with the competence to ensure the compliance of all fire prevention and fire safety measures, and thereafter inform the Fire Officer at the post with the highest seniority in the Fire Brigade within whose jurisdiction the building is located, of the appointment.
- 27.2. The employers of the Private Fire Safety Manager shall ensure that the Private Fire Safety Manager undergoes periodic training as prescribed at the National Fire and Emergency Service College, Nagpur or at any other equivalent institution recognised by the Government on this behalf, and shall submit a copy of the training certificate to the relevant Fire Officer.
- 27.3. If the owners and occupiers of any building fail to appoint the Private Fire Safety Manager within thirty days of the requirement being applicable to them, each one of them shall be deemed to be in default jointly and severally.

## **CHAPTER IV**

### **LICENCED AGENCIES**

**28. Grant of licence to act as Licenced Agencies**

- 28.1. The Government, with such assistance from the Director or such other officer, or body, as the Government may empower in this regard, may grant any person or entity, on the basis of such qualification criteria and upon receiving such fee as prescribed by the

Government from time to time, a licence to act as a Licenced Agency within the State of Punjab.

- 28.2. Licenced Agencies shall undertake such activities in relation with fire prevention and life safety measures in buildings and pandals, and in such manner, as may be prescribed.
- 28.3. A Licenced Agency's licence can be revoked by the Director if, after considering a recommendation made by an officer involved in assisting the Government under Section 28.1, the Director concludes that:
  - 28.3.1. it fails to provide such forms, documents, and returns as he may be required to submit as provided in or under this Act without just cause, or
  - 28.3.2. it causes such facts to be furnished which misrepresent the facts or mislead the authority.
- 28.4. Notwithstanding any penalty that may be imposed on the Licenced Agency under this Act, no owners or occupiers with whom the Licenced Agency liaised shall incur any penalty including but not limited to cancellation of Fire Safety Certificate, except when warranted under any provision of this Act.
- 28.5. The Director, or such Fire Officers as may be authorised by him, shall keep track of the compliance history of the Licenced Agency in such manner as may be prescribed.

## **CHAPTER V**

### **LEVY OF FIRE TAX**

#### **29. Levy of Fire Tax**

- 29.1. A fire tax may be levied on all owners of land and buildings within the State.
- 29.2. The authorities empowered to assess, collect and enforce payment of taxes on land and buildings under the relevant law authorising the local authority of the area to levy such taxes shall assess, collect and enforce payment of the fire tax in the same manner as other taxes on land and buildings are assessed, paid and collected, and may for this purpose exercise all or any of the powers conferred on them under the relevant law. The provisions of such law empowering the Local Authority to impose the property tax,

including provisions relating to return, appeals, reviews, reference and penalties, shall apply accordingly.

- 29.3. All proceeds from the collection of the fire tax shall be deposited in the funds of the respective Local Authorities.

Provided that the Local Authority shall transfer such a percentage of money as is notified by the Government from time to time to the Consolidated Fund of the State.

Provided further that any Local Authority that does not maintain a Fire Brigade shall transfer the proceeds of the fire tax collected by them, to such other Local Authority that maintains the Fire Brigade which provides services to the area.

### **30. Constitution of the Fire Prevention and Life Safety Fund**

- 30.1. There shall be constituted a 'Fire Prevention and Life Safety Fund,' to be maintained at the level of the Director.
- 30.2. Such portion of the proceeds of the fire tax as is notified by the Government and the fees for the grant of licences to act as Licenced Agencies shall first be credited to the Consolidated Fund of the State, and then under appropriation duly made by law on this behalf, be entered in, and transferred to, the Fire Prevention and Life Safety Fund.
- 30.3. The Government may specify, by a notification on this behalf, any number of other sources for monies for the Fire Prevention and Life Safety Fund.
- 30.4. The amount in the Fire Prevention and Life Safety Fund shall be expended, under the general control of the Government, for the performance of functions conferred on the Director by or under this Act.
- 30.5. The fund shall be reflected into the budget estimate of the respective authority and the accounts in respect thereof shall be maintained and audited in accordance with the procedure prescribed for the purpose of maintenance of accounts in the relevant law or the rules and orders made thereunder as are applicable to the respective authority.

## CHAPTER VI

### POWERS AND FUNCTIONS OF THE DIRECTOR AND FIRE OFFICERS

#### *PART - A: GENERAL POWERS AND FUNCTIONS OF THE DIRECTOR AND FIRE OFFICERS*

#### **31. Officers to be public servants**

The Director and every Fire Officer acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

#### *PART - B: INSPECTION AND ALLIED POWERS AND FUNCTIONS*

#### **32. Power to obtain information**

Any Fire Officer authorised by general or special order on this behalf may, for the purpose of discharging his duties under this Act, require the owners or occupiers of any building to supply information with respect to the character of such building, the available water supplies, means of access thereto and any other material particulars relating to applicable fire prevention and life safety measures for such building, and such owner or occupier shall furnish all the information in his possession.

#### **33. Inspection of buildings**

- 33.1. Every Local Authority shall, with the assistance from the Director and other members of Fire and Emergency Service as the Local Authority may deem necessary, prepare a schedule of periodic inspections of operational buildings as well as buildings under construction, depending upon the risk classification of buildings.
- 33.2. The Nominated Authority may enter any building to determine whether the building is compliant with such fire prevention and life safety measures with which the building must comply as per the provisions of this Act. The Nominated Authority shall not enter any building before sunrise and after sunset, and shall give a prior notice of 3 hours before entering any building for inspection.
- 33.3. The Nominated Authority shall be provided with all possible assistance by the owners and occupiers, as the case may be, of such building for carrying out the inspection.

- 33.4. The owners or occupiers or any other person shall not obstruct or cause any obstruction to the entry of any person authorised to enter the building under this section, and no such person shall be molested after such entry.
- 33.5. When any such building is used as a human dwelling, the Nominated Authority shall ensure that due regard is paid to the social and religious sentiments of the occupiers. Further, before entering any part of such a building which is occupied by any woman who, according to any custom, does not appear in public, the Nominated Authority shall make it known to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.
- 33.6. The Nominated Authority shall, after the completion of the inspection of the building, record its views in such proforma as prescribed, on the deviations from or the contravention of, the applicable fire prevention and life safety measures. After recording their observations, the Nominated Authority shall subject to Section 33.7 issue a notice to the owners or occupiers of such building, directing them to undertake such measures as specified in the notice, and within such period of time as specified in the notice.
- Provided that with respect to a building under construction, the notice shall be issued to the owner thereof, and may include an order to cease and desist from further construction until the other directions in the notice are complied with.
- Provided further that no owner or a building under construction shall be given less than 30 days to comply with the notice issued after inspection.
- 33.7. Within 10 business days from the day on which the inspection was carried out, the owner or occupier, as the case may be, of every building inspected shall be provided with a detailed inspection report recording all the observations made by the Nominated Authority with respect to the building. No notice shall be issued to any owner or occupier until the relevant owner or occupier has received the inspection report.
- Provided that where the inspection was conducted by the Nominated Authority, a copy of the inspection report shall also be sent to the Director.
- 33.8. In case the owners or occupiers, as the case may be, fail to comply with the notice issued to them after inspection within the specified time period, they shall be liable to be penalised as per the provisions of Section 48.

**34. Removal of objects or encroachments in buildings that are likely to cause a risk of fire or any obstruction to firefighting**

34.1. In any building to which Section 24 applies, a Fire Officer may direct the removal of any objects or encroachments to a place of safety if, in the opinion of the Fire Officer, is likely to cause risk of fire, obstruction to firefighting or life safety.

Provided that where the Fire Officer considers such objects or encroachments to be an imminent cause of risk of fire, he may direct the owners or the occupiers of such building to remove such objects or encroachments forthwith without causing any damage to the object so removed, and report the matter to the Sub Divisional Magistrate or any person assigned the duty of Duty Magistrate accordingly.

34.2. On the failure of the owners or occupiers to follow the direction of the Fire Officer, the Fire Officer, after giving a reasonable opportunity of making representation to the owners or occupiers, as the case may be, may report the matter to the Sub Divisional Magistrate or any person assigned the duty of Duty Magistrate in whose territorial jurisdiction the building is situated, requesting to adjudicate the matter.

Provided that where the Fire Officer had directed the owners or the occupiers of such building to remove such objects or encroachments forthwith, any person aggrieved by such removal may approach the Sub-Divisional Magistrate or any person assigned the duty of Duty Magistrate with the request to adjudicate the matter.

34.3. On receipt of a request to adjudicate under Section 34.2, the Sub Divisional Magistrate or any person assigned the duty of Duty Magistrate, as the case may be shall:

34.3.1. if the request to adjudicate was received from the Fire Officer, issue a notice to the owners and occupiers, asking them to show cause for the failure to remove the objects or encroachments as directed by the Fire Officer, and

34.3.2. if the request to adjudicate was received from the person aggrieved by the forthwith removal of goods under the direction of the Fire Officer, issue a notice to the Fire Officer as well as the owners and occupiers, asking the Fire Officer to show cause for the directions issued by him and asking the owners and occupiers

to show cause why the objects or encroachments removed should not continue to be so removed.

Provided that any person receiving a notice under this provision shall not be given more than 7 business days to respond to the notice, but shall be given at least 1 day to respond.

- 34.4. After giving the Fire Officer, and the owners and occupiers, a reasonable opportunity of making representation, the Sub Divisional Magistrate or any person assigned the duty of Duty Magistrate, as the case may be, shall make an order:
- 34.4.1. directing the owners and occupiers to follow the directions of the Fire Officer and remove the objects or encroachments to a place of safety,
  - 34.4.2. stating that the Fire Officer erroneously directed the owners and occupiers to remove the objects or encroachments, and direct that the object or encroachment under question need not be removed, or
  - 34.4.3. stating that the Fire Officer was correct in directing the forthwith removal of the objects or encroachments, and directing the owners and occupiers to ensure that the objects or encroachments are not placed back at the place from where they were initially removed.

### **35. Inspection of pandals**

- 35.1. The Nominated Authority may enter the pandal and inspect it to ascertain the state of compliance with fire prevention and life safety measures therein. Where shortcomings are observed, the Nominated Authority shall issue a notice directing the owner to remove such shortcomings within a specified time period.
- 35.2. After ensuring compliance with the directions issued by the Nominated Authority, the erector of the pandal shall report to the Fire Officer who has the power to impose penalties on the erector under this Act that the Nominated Authority had issued a notice with directions to comply with fire prevention and life safety measures and that the erector has complied with said directions.

### **36. Power to seal or demolish dangerous buildings**

- 36.1. Where on receipt of the inspection report from the Nominated Authority or *suo-moto*, it appears to the Director or the Executive Officer or Commissioner of a Local Authority that the condition of any building is dangerous to life or property, he shall, without prejudice to any action taken under this Act, by order, require the owner and occupier of such building to remove themselves from such building forthwith.
- 36.2. If an order made by the Director or the Executive Officer or Commissioner of a Local Authority under Section 36.1 is not complied with, the Fire Officer specified in the order may direct any police officer having jurisdiction in the area to remove such persons from the building and such officer shall comply with such directions.
- 36.3. After the removal of the persons under Section 36.1 or Section 36.2, as the case may be, the Fire Officers shall seal or demolish the building as per the order of the Director or the Executive Officer or Commissioner of a Local Authority under Section 36.1.

Provided that the Executive Officer and the Commissioner may only make the order to seal a building.

Provided further that the Director shall only order a Fire Officer to demolish the building if in his opinion it is impossible for a building to fully comply with fire prevention and life safety measures. In all other situations, the Director shall issue the order to seal the building.

- 36.4. No person shall remove such a seal except under an order made by the Director. Any person who breaks a seal affixed as per the procedure under this Section shall be liable for punishment under Section 51 of this Act.

#### *PART - C: POWERS AND FUNCTIONS DURING EMERGENCIES*

### **37. Powers of members of Fire and Emergency Service on occasion of emergencies**

On the occasion of an emergency, in any area in which this Act is in force, the commanding officer may:

- 37.1. remove, or order any other member of the Fire and Emergency Service to remove, any person or assembly of persons who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;



- 37.2. close, or order any member of the Fire and Emergency Services to close, any street or passage in or near which a fire is being fought and /or rescue work is in progress;
- 37.3. for the purpose of extinguishing fire and carrying out rescue operation, break into or break through or pull down, any building or cause them to be broken into or broken through or pulled down, for the passage of hose or other appliances and equipment, doing as little damage as possible;

Provided that except where the fire is caused by the deliberate or negligent commission or omission of an owner or occupier of the property from where the fire broke out, the owner shall be compensated by the Government in case of any damage to the surrounding properties during an emergency fire operation, upto such amount as the Government may prescribe.

- 37.4. require the authority in charge of water supply in the area to regulate the water mains so as to provide water at a specified pressure at the place where fire has broken out and utilise the water of any stream, cistern, well or tank or of any available source of water, public or private, for the purpose of extinguishing or limiting the spread of such fire and dealing with any other emergency;

Provided that no charges shall be paid by any local authority or Fire and Emergency Service for water consumed in firefighting operations by the Fire and Emergency Service under this provision

Provided further that no authority in charge of water supply in any area shall be liable to pay compensation for any damage caused as a result of the authority complying with the direction of the commanding officer under this provision

Provided finally that the owner of the water source, public or private, shall supply water for that purpose at such rates as may be prescribed.

- 37.5. if police help is delayed, detain a person who willfully obstructs and hinders Fire and Emergency Service personnel in firefighting and rescue operations and hand him over to a police officer or at the nearest police station as soon as may be feasible, but in not more than 24 hours after the person was detained, and
- 37.6. generally take such measures as may appear to be necessary for extinguishing the fire or for the protection of life or property, or both.

### **38. Initiation of, and response to, fire calls**

- 38.1. For the purposes of this Section, a fire call is a request for assistance in the form of supply of additional equipment, appliances or personnel to effectively deal with the outbreak of a fire, made in accordance with the provisions of this Section.
- 38.2. The Fire Officer acting as the commanding officer in response to the outbreak of a fire shall be authorised to initiate a fire call to the Fire Officers in charge of any other Fire Fire Stations within the State.
- 38.3. Upon receiving a fire call as per Section 38.2, the Station Fire Officer shall dispatch the requested equipment, appliances and personnel or any portion thereof if he believes that after dispatching the required fire units outside, sufficient arrangements shall be available for tackling any emergency within his own jurisdiction.

Provided that if the Local Authority in whose Fire Brigade the Station Fire Officer is posted has appointed some other Fire Officer as the commanding officer in response to emergencies, the Station Fire Officer shall forward the details of the fire call to such Fire Officer who shall respond to the fire call after taking into consideration the same factors that the Station Fire Officer is required to consider.

- 38.4. Calls related to all other emergencies, unless otherwise specified by the Government in the Rules or in a notification, shall also elicit response by the Fire and Emergency Service in accordance with this Section.
- 38.5. The Station Fire Officer shall maintain or cause to be maintained data of all such calls and responses to such calls, and submit the same along with the action taken report to the higher authorities or as and when asked by the higher authorities.

### **39. Inquiry into cause of fire**

- 39.1. The Government may notify the categories of fire incidents in respect of which such Fire Officers as may be notified shall conduct an inquiry and send a report to the relevant Local Authority, the Director and the Government within 48 hours of the incident.
- 39.2. Any fire incident involving human death shall compulsorily be inquired by such Fire Officers as may be notified.

- 39.3. During the inquiry, the Fire Officer must ensure that all aspects of the fire incident and the lapses in compliance with fire prevention and life safety measures are recorded.
- 39.4. While conducting the inquiry, the relevant Fire Officer shall have the power to call the witnesses, summon testimony on record and any other documents to conduct such an inquiry and report shall be submitted in a time bound manner.
- 39.5. The relevant Fire Officer may request the Local Authority maintaining the Fire Brigade at which he is posted, to solicit the assistance of any other authority or organisation (within or outside the State) for the purposes of the investigation. The Local Authority may either *suo moto* or with the assistance of the Director, solicit assistance for the investigation.

*PART - D: IMMUNITIES FROM JUDICIAL ACTION*

**40. Bar on jurisdiction of Court**

No court shall entertain any suit, application or other proceedings in respect of any notice or order under this Act until the person aggrieved by such notice or order has exhausted all remedies, including the right to show-cause and the right to appeal, available to him by or under this Act.

**41. Protection of action taken in good faith**

No suit, prosecution or other legal proceeding shall lie against any member of the Fire and Emergency Service for anything which is in good faith done or intended to be done in pursuance of the objectives of this Act or any rules made there under.

## **CHAPTER VII**

### **OFFENCES AND PENALTIES, AND OTHER LIABILITIES**

*PART - A: GENERAL*

**42. Fire Officers who may impose penalties under this Chapter**

- 42.1. For all offences specified in Parts B and D of this Chapter, irrespective of whether different penalties are prescribed for buildings and pandals with different risk-classifications, the orders for penalties may only be issued:

- 42.1.1. in the case of low-risk buildings and pandals, by a Fire Officer not below the rank of Station Fire Officer; and
- 42.1.2. in the case of medium and high-risk buildings and pandals, by a Fire Officer not below the rank of Assistant Divisional Fire Officer.
- 42.2. In case of offences specified in Part C, the orders for penalties shall be issued by the Fire Officer so obstructed:

Provided that in case of all offences committed with respect to a response to some emergency, the order for penalties shall be issued by the commanding officer for that response.
- 42.3. Subject to Sections 42.1 and 42.2, where the Rules under this Act specify a higher rank of Fire Officers to issue Fire Safety Certificates, conduct inspections and receive returns for a class of buildings or pandals, that rank of Fire Officers shall be the lowest rank of Fire Officer who may issue penalties with respect to that class of buildings or pandals, as the case may be.
- 42.4. All references to ‘Fire Officer’ henceforth in this Chapter shall be interpreted to mean the appropriate Fire Officer as specified in this Section.

*PART - B: OFFENCES RELATING TO OBLIGATIONS OF OWNERS AND OCCUPIERS OF BUILDINGS*

**43. Penalty for failure by the owners and occupiers of a building to procure Fire Safety Certificate**

- 43.1. If the owners or occupiers of low-risk buildings are discovered to not have a Provisional Fire Safety Certificate, the Final Fire Safety Certificate or the renewal thereof, the Fire Officer shall take the following action against them:
  - 43.1.1. At the first instance, the Fire Officer shall issue a notice to the owners or occupiers, directing the owners or occupiers to obtain the relevant Fire Safety Certificate within 60 days and warning the owners or occupiers that failure to obtain the certificate will lead to:
    - 43.1.1.1. A fine, and,

43.1.1.2. In case of non-compliance even after the fine, sealing the building.

Provided that in case of the failure to obtain a Provisional Fire Safety Certificate, the notice shall also contain the direction that no activity relating to the construction of the building be carried out until a valid Provisional Fire Safety Certificate is obtained.

43.1.2. In case the owners or occupiers fail to obtain the relevant Fire Safety Certificate within 60 days from the date on which the notice under Section 43.1.1 was issued, the Fire Officer shall issue an order levying a fine of up to Rs 15,000, and shall also issue a notice directing the owner or occupier to obtain the relevant Fire Safety Certificate within 45 days. In the notice, the Fire Officer shall specify that the failure to obtain the relevant Fire Safety Certificate will result in the sealing of the building.

43.1.3. In case the owners or occupiers fail to obtain the relevant Fire Safety Certificate within 45 days from the date on which the notice under Section 43.1.2 was issued, the Fire Officer shall issue an order to seal the building after giving a notice of 24 hours. After sealing the building, the Fire Officer shall give a report to the Director, in such a manner as may be prescribed, declaring that the building under question has been sealed.

43.2. If owners or occupiers of medium-risk buildings are discovered to not have a Provisional Fire Safety Certificate, the Final Fire Safety Certificate or the renewal thereof, the Fire Officer who discovered that the building does not have a Provisional or Final Fire Safety Certificate shall take the following actions against the owners or occupiers:

43.2.1. At the first instance, the Fire Officer shall issue an order levying a fine of up to Rs. 15,000, and shall also issue a notice directing the owners or occupiers to obtain the relevant Fire Safety Certificate within 60 days, with the warning that the failure to do so will result in the sealing of the building.

Provided that in case of the failure to obtain a Provisional Fire Safety Certificate, the notice shall also contain the direction that no activity relating to the construction of the building be carried out until a valid Provisional Fire Safety Certificate is obtained.

- 43.2.2. In case the owners or occupiers fail to obtain the Fire Safety Certificate within 60 days of issuance of the notice under Section 43.2.1, the Fire Officer shall issue an order to seal the building after giving a notice of 24 hours .After sealing the building, the Fire Officer shall give a report to the Director, in such a manner as may be prescribed, declaring that the building under question has been sealed.
- 43.3. If owners or occupiers of high-risk buildings are discovered to not have a Provisional Fire Safety Certificate, the Final Fire Safety Certificate or the renewal thereof, the Fire Officer who discovered that the building does not have a Provisional or Final Fire Safety Certificate shall take the following actions against the owners or occupiers:
- 43.3.1. At the first instance, the Fire Officer shall issue an order levying a fine of up to Rs.25,000, and shall also issue a notice directing the owners or occupiers to obtain the relevant Fire Safety Certificate from the relevant Fire Officer within 60 days, with the warning that the failure to do so will result in the sealing of the building.
- Provided that in case of the failure to obtain a Provisional Fire Safety Certificate, the notice shall also direct that no activity relating to the construction of the building be carried out until a valid Provisional Fire Safety Certificate is obtained.
- 43.3.2. In case the owners or occupiers fail to obtain the Fire Safety Certificate within 60 days of issuance of the notice under Section 43.3.1, the Fire Officer shall issue an order to seal the building after giving a notice of 24 hours and an additional fine of Rs. 10 per square metre of covered area on all floors. After sealing the building, the Fire Officer shall give a report to the Director, in such a manner as may be prescribed, declaring that the building under question has been sealed.
- 43.4. To issue show-cause notices before imposing fines under this Section, the Local Authority may issue a general notification identifying all owners and occupiers within an identifiable locality that have not obtained a Fire Safety Certificate.
- Provided that such general notice shall contain all particulars that a show-cause notice is required to contain under this Act.

**44. Penalty for failure to comply with the notice issued after inspection of a building under construction, under Section 33**

44.1. If the owner of a building under construction fails to ensure compliance with the notice issued to him after inspection, the Fire Officer shall issue an order to the owner, notifying the owner that he shall incur a fine of Rs. 10,000 in addition to a fine for each day after the first full day of noncompliance for which the noncompliance continues:

44.1.1. of up to Rs 500, in case of low-risk buildings,

44.1.2. of up to Rs 1,000, in case of medium-risk buildings, and

44.1.3. of up to Rs 2,000, in case of high-risk buildings.

44.2. As soon as the owner ensures compliance with the notice issued to him after inspection, he shall approach the Fire Officer with a request to inspect the building under construction.

Provided that the Fire Officer shall ensure that he inspects the building under construction within 7 working days from receiving the notice from the owner. Where the Fire Officer fails to conduct inspection within 7 working days, he shall give to the Director reasons in writing to justify the violation of duty.

Provided further that the number of days between the date on which the owner approaches the Fire Officer under this Section and the date on which the Fire Officer actually inspects the building after being so approached shall be excluded from the period of delay while calculating the amount of fine leviable under Section 44.1.

44.3. After the Fire Officer has inspected the building, and the Fire Officer is satisfied that the owner has complied with the notice issued after inspection, the Fire Officer shall issue an order specifying the number of full days for which the noncompliance continues, and the resultant fine that shall be levied on the owner.

**45. Penalty for obtaining Final Fire Safety Certificate by misrepresenting the facts or misleading the authority**

45.1. If the owners or occupiers of low-risk buildings are discovered to have misrepresented the facts or misled the authority at any point in the application process for Final Fire

Safety Certificate or the renewal thereof, the Fire Officer shall take the following action against them:

- 45.1.1. At the first instance, the Fire Officer shall issue an order levying a fine of up to Rs. 10,000 and cancelling the Final Fire Safety Certificate. The Fire Officer shall also issue a notice directing the owners or occupiers to apply for a fresh Final Fire Safety Certificate within 45 days. The notice shall specify that the failure to do so will result in the sealing of the building.
- 45.1.2. In case the owners or occupiers fail to obtain a Final Fire Safety Certificate within 45 days from the issuance of notice under Section 45.1.1, the Fire Officer shall issue an order to seal the building after giving a notice of 24 hours. After sealing the building, the Fire Officer shall give a report to the Director, in such a manner as may be prescribed, declaring that the building under question has been sealed.
- 45.2. If the owners or occupiers of medium-risk buildings are discovered to have misrepresented the facts or misled the authority at any point in the application process for Final Fire Safety Certificate or the renewal thereof, the Fire Officer shall take the following action against them:
  - 45.2.1. At the first instance, the Fire Officer shall issue an order levying a fine of up to Rs 15,000 and cancelling the Fire Safety Certificate. The Fire Officer shall also issue a notice directing the owners or occupiers to apply for a fresh Fire Safety Certificate within 45 days. The notice shall specify that the failure to do so will result in the sealing of the building.
  - 45.2.2. In case the owners or occupiers fail to obtain a Final Fire Safety Certificate within 45 days from the issuance of notice under Section 45.2.1, the Fire Officer shall issue an order to seal the building after giving a notice of 24 hours. After sealing the building, the Fire Officer shall give a report to the Director, in such a manner as may be prescribed, declaring that the building under question has been sealed.
- 45.3. If the owners or occupiers of high-risk buildings are discovered to have misrepresented the facts or misled the authority at any point in the application process for Final Fire



Safety Certificate or the renewal thereof, the Fire Officer shall take the following action against them:

- 45.3.1. At the first instance, the Fire Officer shall issue an order levying a fine of up to Rs 25,000 and cancelling the Fire Safety Certificate. The Fire Officer shall also issue a notice directing the owners or occupiers to apply for a fresh Fire Safety Certificate within 45 days. The notice shall specify that the failure to do so will result in the sealing of the building.
  - 45.3.2. In case the owners or occupiers fail to obtain a Final Fire Safety Certificate within 45 days from the issuance of notice under Section 45.3.1, the Fire Officer shall issue an order to seal the building after giving a notice of 24 hours. After sealing the building, the Fire Officer shall give a report to the Director, in such a manner as may be prescribed, declaring that the building under question has been sealed.
  - 45.3.3. In case of tampering with the seal, the owners or occupiers shall be imprisoned for a term which may extend up to 6 months.
- 45.4. Where misrepresentation within the meaning of this Section is made with respect to a building, and the Licenced Agency either caused or participated in the misrepresentation to be made, the Fire Officer shall take the following action against the Licenced Agency:
- 45.4.1. Where the misrepresentation, as well as the Licenced Agency's involvement in causing the misrepresentation, is discovered in any circumstance other than the outbreak of a fire or the investigation made after a fire, the Licenced Agency shall be fined Rs 3,000 for each instance of misrepresentation so discovered.
  - 45.4.2. In case there is an outbreak of fire in the building and the cause of fire is attributable to the misrepresentation, and any property, whether movable or immovable, is damaged to the point of it being rendered unusable as a result of the damage, the Fire Officer shall recommend to the Director that the licence of the Licenced Agency be revoked for a period of 2 years from the date on which the fire first broke out. The Director, after confirming that the fire in the building caused damage that rendered some property unusable as a result, shall revoke the licence.

45.4.3. In case there is an outbreak of fire in the building and the cause of fire is attributable to the misrepresentation, and the fire causes the loss of life or grievous hurt to any person, the Licenced Agency shall, in addition to being liable for revocation of licence in accordance with Section 49.4.2, shall be liable to be imprisoned for a term which may extend to 1 year.

*Explanation:* For the purposes of this Section, the term ‘grievous hurt’ shall have the same meaning as under Section 320 of the Indian Penal Code, 1860.

#### **46. Penalty for failure to submit returns under Section 25.5**

46.1. If the owners or occupiers of a building fail to submit returns in such periodicity as prescribed, a fine of Rs 5,000 shall be levied upon them. In addition, a fine shall be levied on owners and occupiers for each full working day, starting from the second day after the last day on which the return was required to be submitted, for which the failure to submit the returns continues. The daily fine:

46.1.1. In case of low-risk buildings, may extend to Rs. 100;

46.1.2. In case of medium-risk buildings, may extend to Rs. 300; and

46.1.3. In case of high-risk buildings, may extend to Rs. 500.

46.2. Such details regarding details in filing returns as may be prescribed, and the total fine that is leviable as a result, shall be declared by the owners or occupiers at the time of applying for the renewal of the Final Fire Safety Certificate. The total fine leviable shall be collected in addition to the fee for renewal, before the renewed Final Fire Safety Certificate is issued.

46.3. If owners or occupiers obtain a renewed Final Fire Safety Certificate by misreporting, under Section 46.2, the total fine leviable, they shall be liable for penalty for obtaining Final Fire Safety Certificate by misrepresenting the facts, as prescribed under Section 45.

#### **47. Penalty for misrepresenting facts in returns filed under Section 22.5**

47.1. If the owners or occupiers of a building misrepresent any facts relating to the nature or condition of fire prevention and life safety measures in the building, a fine shall be levied on the owners which:

- 47.1.1. for low-risk buildings, may extend to Rs. 10,000;
- 47.1.2. for medium-risk buildings, may extend to Rs 20,000; and
- 47.1.3. for high-risk buildings, may extend to Rs. 30,000.

*Explanation:* Submission of incomplete returns shall not constitute misrepresentation.

**48. Penalty for failure by owners and occupiers of a building to comply with a notice issued after inspection under Section 33**

- 48.1. Nothing in this Section shall affect the power of a Fire Officer to remove objects or encroachments that are likely to cause a risk of fire or any obstruction to firefighting.
- 48.2. If any owners or occupiers of low-risk buildings fails to comply with a notice issued after inspection under Section 33, they shall be penalised in the following manner:
  - 48.2.1. At the first instance, the Fire Officer shall issue an order levying a fine of up to Rs. 10,000, and as well as a warning that continued non-compliance will result in the cancellation of the relevant Fire Safety Certificate,
  - 48.2.2. In case the owners and occupiers fail to obtain the Fire Safety Certificate in the next 60 days, the Fire Officer shall issue an order cancelling the Fire Safety Certificate.

Provided that in case the cancelled certificate is the Provisional Fire Safety Certificate, the notice shall also direct that no activity relating to the construction of the building be carried out until a valid Fire Safety Certificate is obtained, and

- 48.2.3. In case the owners or occupiers fail to obtain a fresh Fire Safety Certificate within 40 days of cancellation of fire safety certificate, the Fire Officer shall issue an order to seal the building. After sealing the building, the Fire Officer shall give a report to the Director, in such a manner as may be prescribed, declaring that the building under question has been sealed.

48.3. If any owners or occupiers of medium-risk buildings fail to comply with a notice issued after inspection under Section 33, the Fire Officer shall take the following action against them:

48.3.1. At the first instance, the Fire Officer shall issue an order levying a fine of up to Rs. 15,000, as well as a warning that continued non-compliance will result in the cancellation of the relevant Fire Safety Certificate,

48.3.2. In case the owners and occupiers fail to obtain the Fire Safety Certificate in the next 60 days, the Fire Officer shall issue an order cancelling the Fire Safety Certificate.

Provided that in case the cancelled certificate is the Provisional Fire Safety Certificate, the notice shall also direct that no activity relating to the construction of the building be carried out until a valid Fire Safety Certificate is obtained, and

48.3.3. In case the owners or occupiers fail to obtain a fresh Fire Safety Certificate within 40 days of cancellation of fire safety certificate, the Fire Officer shall issue an order to seal the building. After sealing the building, the Fire Officer shall give a report to the Director, in such a manner as may be prescribed, declaring that the building under question has been sealed.

48.4. If any owners or occupiers of high-risk buildings fail to comply with a notice issued after inspection under Section 33, the Fire Officer shall take the following action against them:

48.4.1. At the first instance, the Fire Officer shall issue an order levying a fine of up to Rs. 25,000, as well as a warning that continued non-compliance will result in the cancellation of the relevant Fire Safety Certificate,

48.4.2. In case the owners and occupiers fail to obtain the Fire Safety Certificate in the next 60 days, the Fire Officer shall issue an order cancelling the Fire Safety Certificate.

Provided that in case the cancelled certificate is the Provisional Fire Safety Certificate, the notice shall also direct that no activity relating to the construction of the building be carried out until a valid Fire Safety Certificate is obtained, and

48.4.3. In case the owners or occupiers fail to obtain a fresh Fire Safety Certificate within 40 days of cancellation of fire safety certificate, the Fire Officer shall issue an order to seal the building. After sealing the building, the Fire Officer shall give a report to the Director, in such a manner as may be prescribed, declaring that the building under question has been sealed.

**49. Penalty for violating an order of Sub-Divisional Magistrate etc. for removal of objects or encroachments under Section 34**

49.1. If the owners or occupiers act in contravention of any order made by the Sub-Divisional Magistrate or any person assigned the duty of Duty Magistrate, the Fire Officer who discovers the contravention shall immediately seize the object involved in the contravention.

49.2. At the time of seizure the object, the Fire Officer shall forthwith make an inventory of the objects so seized, and shall, at the same time, give a written notice as may be prescribed on this behalf, to the owner of the objects or to anyone else with the legal authority to deal with the objects seized, that the said objects will be sold if they are not claimed within the period stipulated in said notice.

49.3. On the failure of the owner of the objects or the person with the legal authority to deal with the objects seized, as the case may be, to claim the seized objects pursuant to notice issued under Section 49.2, the Fire Officer shall arrange to have the objects sold as per the procedure prescribed or notified on this behalf.

**50. Liability of owner and occupier to pay compensation in certain circumstances**

50.1. If the owner or occupier does anything deliberately or negligently or omits to do anything with respect to fire prevention and life safety measures within their premises, and such commission or omission leads to any other person suffering damage to his property by fire, the owner or occupier shall be liable to pay compensation to such person suffering the damage. The quantum of compensation shall be determined in a manner prescribed by the Government.

*Explanation:* For the purposes of this Section, ‘damage’ shall include damage caused as a result of firefighting operation by the firefighting staff while trying to extinguish a fire.

- 50.2. All claims under Section 50.1 shall be preferred to the Sub Divisional Magistrate, within thirty days from the date when the damage was caused.
- 50.3. The Sub Divisional Magistrate, shall, after giving the party an opportunity of being heard, determine the amount of compensation due and pass an order stating such amount and the person liable for the same, and the order so passed shall have the force of a decree of a civil court.

**51. Penalty for breaking the seal affixed by order under Section 36**

If any person breaks a seal affixed to a building under Section 36, he shall be liable to be imprisoned for a term which may extend to 6 months, and may also be liable for a fine which may extend to Rs. 50,000.

**52. Penalty for failure of erector of a building to take fire prevention and life safety measures**

- 52.1. If there is an outbreak of fire in a low-risk building which results either in the loss of life or grievous hurt, and the fire is attributable to the failure of the erector of a building to comply with fire prevention and life safety measures in that building, then the erector shall be imprisoned for a period which may extend to 1 year.
- 52.2. If there is an outbreak of fire in a medium or high-risk building which results either in the loss of life or grievous hurt, and the fire is attributable to the failure of the erector of a building to comply with fire prevention and life safety measures in that building, then the erector shall be imprisoned for a period which may extend to 2 years.

*Explanation:* For the purposes of this Section, the term ‘grievous hurt’ shall have the same meaning as the term ‘grievous hurt’ as defined in Section 320 of the Indian Penal Code, 1860.

*PART - C: OFFENCES RELATING TO OBLIGATIONS OF ERECTORS OF PANDALS*

**53. Penalty for failure by the erector of certain pandals to obtain a Fire Safety Certificate**

If a pandal for which a Fire Safety Certificate is required is discovered to be operating without a Fire Safety Certificate, the Fire Officer shall take the following action against the erector of the pandal:

- 53.1. The Fire Officer shall issue an order directing the erector to shut down the pandal forthwith and ensure that no member of the general public enters the pandal. In the order, the Fire Officer shall also direct the erector of the pandal to apply for a Fire Safety Certificate, and specify that operations within the pandal shall not be resumed until a Fire Safety Certificate is obtained.
- 53.2. After ensuring compliance in the pandal, the erector of the pandal shall notify the Fire Officer under whose jurisdiction the pandal is situated. The Fire Officer shall inspect the pandal within 12 hours of receiving such notice and shall, if satisfied with the state of compliance with prescribed fire prevention and life safety measures, permit the erector to resume operations of the pandal. While giving such permission, the Fire Officer shall issue a fresh Fire Safety Certificate.
- 53.3. In case of any violations of an order issued under Section 53.1, the pandal shall be dismantled forthwith under the supervision of the Fire Officer or any other member of the Fire and Emergency Service as appointed by the Fire Officer on this behalf.

**54. Penalty for failure by the erector of a pandal to comply with a notice issued after inspection under Section 35**

- 54.1. If, either upon inspection after receiving a report from the erector under Section 35.2 or after the expiry of the time, as specified in the notice, within which the erector was supposed to ensure compliance with fire prevention and life safety measures, the Fire Officer discovers that the erector has failed to comply with the notice issued to him under Section 35.1, the following procedure shall be followed:
  - 54.1.1. The Fire Officer shall issue an order temporarily suspending the Fire Safety Certificate of the pandal. If the erector of the pandal was only required to make a declaration, the order shall state that the declaration is invalid and should be removed from public display.
  - 54.1.2. The Fire Officer shall, in the order issued under Section 54.1.1, also direct the erector to shut down the pandal forthwith and ensure that no member of the general public enters the pandal. However, the Fire Officer shall allow the erector of the pandal to enter the pandal, individually as well as with such other persons as the erector deems fit, only to make arrangements for compliance with prescribed fire prevention and life safety measures.

- 54.1.3. After ensuring compliance in the pandal, the erector of the pandal shall notify the Fire Officer under whose jurisdiction the pandal is situated. The Fire Officer shall inspect the pandal within 12 hours of receiving such notice and shall, if satisfied with the state of compliance with prescribed fire prevention and life safety measures, permit the erector to resume operations of the pandal. While giving such permission, the Fire Officer shall issue a fresh Fire Safety Certificate.
- 54.2. In case of any violations of an order issued under Section 54.1.1, the pandal shall be dismantled forthwith under the supervision of the Fire Officer or any other member of the Fire and Emergency Service as appointed by the Fire Officer on this behalf.

*PART - D: OFFENCES RELATING TO EXERCISE OF POWERS AND PERFORMANCE OF DUTIES  
AND FUNCTIONS BY FIRE OFFICERS*

**55. Obstructing a Fire Officer from entering a building or pandal for inspection, or molesting such person**

- 55.1. If a person obstructs a Fire Officer or causes anyone else to obstruct such Fire Officer from entering a building or pandal for inspection, he shall be punishable under Section 186 of the Indian Penal Code.
- 55.2. To initiate the process of punishment under this Section, the Fire Officer who was obstructed, or some officer superior in rank to that officer, shall make a formal complaint in writing in accordance with Section 195 of the Code of Criminal Procedure, 1973.

**56. Penalty for willfully obstructing a member of the Fire and Emergency Service participating in a response to some emergency**

Any person who, in any way, willfully obstructs or interferes with any member of the Fire and Emergency Service who is participating in a response to some emergency, shall be punishable with imprisonment for a term which may extend to 3 months, or with fine which may extend to Rs. 25,000, or with both.

**57. Penalty for making false report**

Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorised to receive such report by means of a statement, message or otherwise shall



be punishable with imprisonment which may extend to 3 months or with fine which may extend to Rs. 25,000, or with both.

*PART - E: PLENARY PROVISION FOR PENALTY*

**58. Penalty in case of loss of life or grievous hurt**

- 58.1. Where the owners or occupiers of a building, or the erector of a pandal, have made any commission or omission which constitutes an offence under Parts A, B or C of this Chapter, the owner, occupier or erector shall be liable to be imprisoned if there is an outbreak of fire in the building or pandal, as the case may be, which leads to loss of life or grievous hurt to any person.
- 58.2. The owners, occupiers or the erector, as the case may be, shall be liable to be imprisoned unless they demonstrate that they had corrected the commission or omission before the day on which the fire incident took place.
- 58.3. Where owners, occupiers or erectors, as the case may be, are liable to be imprisoned under this Section, they shall be liable for imprisonment for a term which:
- 58.3.1. in the case of low-risk buildings and pandals, may extend to 1 year, and
- 58.3.2. in the case of medium and high-risk buildings and pandals, may extend to 2 years.

**59. General Penalty**

- 59.1. Whoever contravenes any provision of this Act shall, if no specific penalty is prescribed for the contravention of that provision, be punished with a fine which,:
- 59.1.1. for low-risk buildings and pandals, may start from Rs. 20,000 and may extend to Rs. 30,000;
- 59.1.2. for medium-risk buildings and pandals, may start from Rs. 20,000 and may extend to Rs. 40,000; and
- 59.1.3. for high-risk buildings and pandals, may start from Rs. 50,000 and may extend to Rs. 50,000.

59.2. In case the offence is a continuing one, a further fine in addition to the abovementioned fine may be imposed which may extend to Rs. 3,000 for every day calculated after the date of imposition of first fine till continuity of such offence.

59.3. For habitual offenders, above penalties may be doubled. A person who is liable for punishment under this Section shall be treated as a habitual offender when the general penalty is being imposed upon him for some contravention of a provision for which he has already been punished twice under this Section.

59.4. Nothing in this section shall apply to Sections 24 and 25 of the Act.

*PART - F: OTHER PROVISIONS RELATING TO PENALTIES UNDER THIS CHAPTER*

**60. Recovery of Dues as Arrears of Land Revenue**

Any amount due as penalty under this Chapter may be recovered as arrears of Land Revenue.

**61. Compounding of Offences**

61.1. Any offence not being one involving loss of life or grievous hurt, committed after the commencement of this Act, may either before or after the institution of prosecution, be compounded by such Fire Officers and upon payment by the accused person of such amount as the Government may, by notification in the Official Gazette, specify on this behalf:

Provided that in case of offences involving the failure of the accused person to comply with either any order, or any directions issued to them after inspection (whether in the form of a notice or otherwise), no offence shall be compounded until the accused person complies with the order or direction to the extent possible.

**62. Offences by companies or professionals or firms**

62.1. Where an offence under this Act has been committed by a company or professionals or a firm, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company or concerned professionals or firms as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this Section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

- 62.2. Notwithstanding anything contained in Section 61.1, where any offence under this Act has been committed by a company or professionals or firms and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of any director, manager, secretary, professional or other officer of the company or professionals or firms, such director, manager, secretary, professional or other officer shall also be deemed be guilty of that offence and shall be liable to be proceeded against and punished accordingly and as per the punishments mentioned in this chapter.

*Explanation:* For the purposes of this section:

- 62.2.1. 'Company' means a body corporate and includes a firm or other association of individuals; and
- 62.2.2. 'Director', in relation to a firm, means a partner in the firm.

## **CHAPTER VIII**

### **PROCESS TO LEVY PENALTIES**

#### **63. Process to issue orders against owners, occupiers and erectors under the Act**

- 63.1. No officer shall impose any fine, cancel any Provisional or Final Fire Safety Certificate, shut down, seal or demolish any building, or seize or remove any goods under any provision of this Act without a written order to that effect. An order purported to be made under this Act shall only be considered valid if it is made after following the procedure outlined in this Section.

Provided that a Fire Officer shall not be required to issue a written order before removing goods in accordance with the proviso to Section 34.1.

63.2. The procedure highlighted in this Chapter shall be applicable in addition to, but not in derogation of, the procedure specified in any other provision of this Act for the imposition of a particular order.

63.3. Before making an order, the Government, Director or Fire Officer, as the case may be, must:

63.3.1. Issue a show-cause notice which contains the following particulars:

63.3.1.1. A description of the nature of the order that the Government, Director or the Fire Officer seeks to impose on the recipient of the notice;

63.3.1.2. The provision of the Act or the Rules that empower the Government, Director or the Fire Officer to impose the order;

63.3.1.3. A clear description of facts and circumstances on the basis of which the Government, Director or the Fire Officer have reached the *prima facie* opinion that the intended order is warranted under this Act; and

63.3.1.4. An invitation to the recipient of the notice to show cause within such time as may be prescribed in the show-cause notice.

Provided that every notice shall specify sufficient time for the recipient of the notice to prepare their representations. In the interest of the time being sufficient, the time to show cause as prescribed shall in no case be less than 2 working days.

63.3.2. Give an opportunity to the recipient of the show-cause notice to make representations, either orally or in writing:

Provided that the Government, Director or Fire Officer may either choose to receive representations orally or in writing.

Provided further that no order for sealing or demolition of buildings or the revocation of a Licenced Agency's licence shall be made without an oral hearing.

Provided further that the recipient of the show-cause notice shall have the right to be represented by a legal counsel in oral hearings;

Provided further that the right of the recipient of the notice to be represented by a legal counsel in oral hearing shall not be construed to impose any duties on the Government to provide access to legal counsel to a person.

- 63.4. While issuing an order, the Government, Director or Fire Officer shall record their reasons in writing in such order:

Provided that a mere reproduction of the provision of the Act or Rule that empowers the Government, Director or Fire Officer to impose the order shall not be considered to be adequate reason for the purposes of this Chapter.

- 63.5. Any person aggrieved by an order under this Act shall have the right to prefer an appeal against such an order. The appellate authority to which the appeal is preferred, the form and time in which the aggrieved person must prefer an appeal, and the time in which the appellate authority shall decide on an appeal shall be prescribed by the Government from time to time, and different details may be prescribed with respect to appeals against different orders. An aggrieved person may also have the right to appeal the decision of an appellate authority wherever prescribed by the Government.

Provided that no person aggrieved by an order shall be given less than 10 days to prefer an appeal against the order.

Provided further that each appellate authority shall have the power to condone delay of up to 30 days to prefer an appeal, if the appellate authority considers the delay to be caused by legitimate reasons. Whenever the appellate authority condones delay, it shall record the reasons for it in writing.

#### **64. Cognizance of prosecution**

No court shall proceed to the trial of an offence under this Act, except on a complaint or upon information received from, the Director or the Fire Officer authorised by him on this behalf.

#### **65. Jurisdiction**

No court inferior to that of a Chief Judicial Magistrate shall try an offence punishable under this Act.

## CHAPTER IX

### MISCELLANEOUS

#### **66. Establishment of a fire training institute and provision of training to members of the Fire and Emergency Service**

- 66.1. The Government may nominate National Fire and Emergency Service College, Nagpur, Police Academy or any other Government training institute, or establish and maintain a fire training institute in the State, for providing courses of instruction in the prevention and extinguishment of fire for all members of the Fire and Emergency Service as well as other private candidates, subject to payment of such fees as may be prescribed.
- 66.2. The Government may extend the training facilities at any institute established under Section 66.1 to members of the Fire and Emergency Services of other States on payment of Fee as may be prescribed.
- 66.3. Subject to the observance of the general rules applicable to other employees of the Government in relation to training, the members of the Fire and Emergency Service may be given training in the field of scientific and modern techniques of fire protection and fire safety measures, and allied matters in any institute, within or out of India.
- 66.4. A member of the Fire and Emergency Service who undergoes training as provided in Section 66.3 shall indemnify the Government to for all such expenses and costs, including the pay and allowances as may be paid to him during the course of training, in the event that he does not serve the Fire and Emergency Service for such a period of time as may be notified by the Government.

#### **67. Police officers and others to aid**

Any Fire Officer, while exercising any powers available to them with respect to firefighting operations, or any power relating to seizure of objects, or sealing or demolition of buildings, may request the assistance of any officer or member of the police force or members of any other government agency including the Public Works Department, the Electricity Board or Department and the Water Board or Department, and it shall be the duty of such persons to provide such assistance as the Fire Officer may require.

**68. Power to make rules**

- 68.1. The Government may, by notification in the Official Gazette, make rules to achieve the objectives and for carrying out the provisions of this Act.
- 68.2. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –
- 68.2.1. powers, duties and functions of the Director under Section 6.1;
  - 68.2.2. form of certificate of appointment of members of Fire and Emergency Service, and Fire Officer under whose seal such certificate of appointment shall be issued under Section 14.2;
  - 68.2.3. conditions of service of different members of Fire and Emergency Service under Section 16.1;
  - 68.2.4. purposes for which meetings or demonstrations may be permitted under Section 18.2;
  - 68.2.5. the minimum fire prevention and life safety measures in buildings and pandals for the purposes of Section 24; the manner in which Fire Safety Certificate is to be applied for and granted, and the roles and responsibilities of a Licenced Agency and Private Fire Safety Manager,
  - 68.2.6. form of declaration under Section 26.2;
  - 68.2.7. form of notice under Sections 33.6 and 34.1;
  - 68.2.8. the rate payable to the owner of the water source under final proviso to Section 37.2.4;
  - 68.2.9. Fire Officers authorised, and the amount subject to which such Fire Officers may, compound offences under Section 62;
  - 68.2.10. appellate authorities, the time in which the appeal shall be filed and decided and form of appeal under Section 63;
  - 68.2.11. charges for extending training facilities at the fire training institute established by the Government, to others under Section 66;

- 68.2.12. subject to constraints relating to appropriations, making such equipment, appliances, clothing and other necessities available to the Fire and Emergency Service as may be necessary for timely and effective response to emergencies;
  - 68.2.13. speedy attendance of members of the Fire and Emergency Service with necessary appliances and equipment on the occasion of any alarm of fire;
  - 68.2.14. determining the description and quantity of fire fighting and rescue equipment including appliances, clothing and other necessities to be furnished to the Fire and Emergency Service;
  - 68.2.15. management and regulation of any Fire Prevention and Life Safety Fund for any purpose connected with policy administration;
  - 68.2.16. generally, for the purposes of rendering the Fire and Emergency Service efficient and preventing abuse or neglect of their powers and functions.
- 68.3. Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of State while it is in session.

Provided that the Rules first made after the enactment of this Act shall be placed within 9 months from the enactment of this Act, before the House of the Legislative Assembly of State while it is in session.

## **69. Delegation of powers**

- 69.1. The Government may by notification in the Official Gazette direct that any power exercisable by it under this Act, subject to such conditions as may be specified in the notification delegating the power, shall also be exercised by any of the officers of the Government.
- 69.2. The Director may, by notification, direct that any power conferred upon him except the power to revoke licences to act as a Licenced Agency or any duty imposed on him by or under this Act, in such circumstances and subject to such conditions as may be specified in the notification delegating the power, shall also be exercised and performed by any person appointed under Section 6 or any committee formed under Section 6 or member thereof,, specified in the notification.



**70. Power to remove difficulties**

70.1. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty.

70.2. Every order made under this Section shall be laid, as soon as may be after it is issued, before the Legislative Assembly of State.

**71. Act to have overriding effect, but shall be in addition to other laws**

The provisions of this Act and the rules shall have effect notwithstanding anything inconsistent therewith regarding fire prevention and life safety measures contained in any other law for the time being in force, or in any instrument having effect by virtue of any other law.

**72. Effect of other laws**

Notwithstanding anything contained in any other law for the time being in force, when anything in relation to the fire prevention and life safety measures is required to be done or approved under this Act, that thing shall not be deemed to have been lawfully done or approved by reason only of the fact that permission, approval or sanction required under such other law therefore has been obtained.

**73. Repeals**

The Punjab Safety Measures for Prevention and Control of Fire Act, 2012 (Punjab Act 8 of 2013) and rules made thereunder are hereby repealed.

**74. Saving**

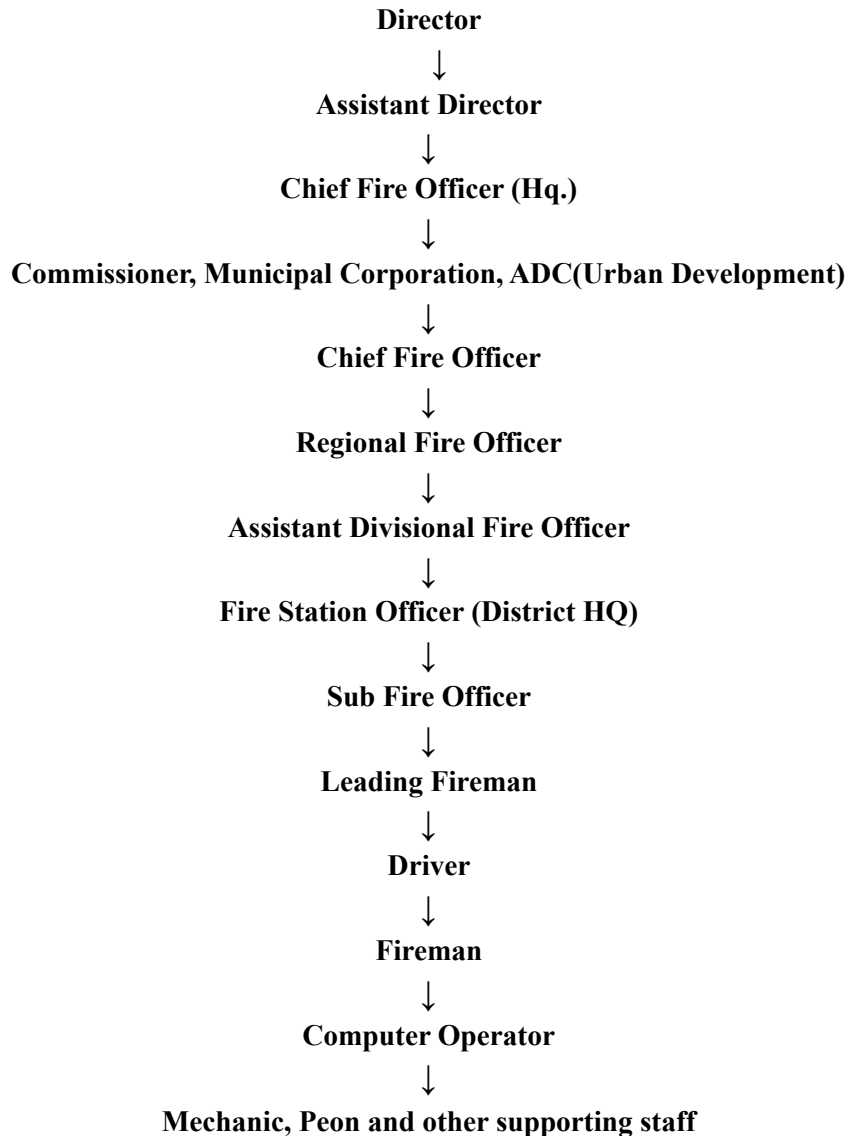
Notwithstanding such repeal, anything done or any action taken under the Acts so repealed (including any notification, order, notice issued, application made, or permission granted) which is not inconsistent with the provisions of this Act, shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act was in force at the time such thing was done, or action was taken, and shall continue to be in force, unless and until superseded by anything done or any action taken under this Act.

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# ANNEXURES

## ANNEXURE - I

### ORGANISATION OF THE FIRE AND EMERGENCY SERVICE AND THE FIRE BRIGADES WITHIN THE STATE OF PUNJAB



## ANNEXURE - II

### QUALIFICATIONS FOR RECRUITMENT TO DIFFERENT POSTS AND MANNER OF RECRUITMENT

<b>Position/Designation</b>	<b>Manner of Recruitment</b>	<b>Minimum Qualifications and Experience</b>
<b>Director</b>	By Promotion or Nomination by the Government	<p>Government may nominate any IAS officer not below the rank of Additional Secretary as Director or</p> <p>Graduate with Divisional Officer Course (Advanced Diploma in Fire Engineering) or B.E from N.F.S.C. Nagpur or Bachelor of Fire Engineering (B.E. Fire) or its equivalent from a Govt. recognized University/affiliated Institute. Minimum 2 Refresher Courses attended in the last 4 years.</p> <p>Experience: Minimum 2 years of experience as Assistant Director in the Directorate of Punjab Fire Service.</p>
<b>Assistant Director</b>	By Promotion only	<p>Graduate with Divisional Officer Course (Advanced Diploma in Fire Engineering) from N.F.S.C Nagpur or B.E from N.F.S.C. Nagpur or Bachelor of Fire Engineering (B.E. Fire) or its equivalent from a Govt. recognized University/affiliated Institute. Minimum 2 Refresher Courses attended in the last 4 years.</p> <p>Experience: Minimum 2 years of experience as Chief Fire Officer.</p>
<b>Chief Fire Officer</b>	By Promotion only	<p>Graduate with Divisional Officer Course (Advanced Diploma in Fire Engineering) from N.F.S.C Nagpur or B.E from N.F.S.C. Nagpur or Bachelor of Fire Engineering (B.E. Fire) or its equivalent from a Govt. recognized University/affiliated Institute. Minimum 2 Refresher Courses attended in the last 4 years.</p> <p>Experience: Minimum 1 year of experience as</p>

		Regional Fire Officer or Minimum 2 years of experience as Assistant Divisional Fire Officer at District HQ. and Minimum 1 year of experience as Assistant Divisional Fire Officer at State HQ.
<b>Regional Fire Officer</b>	By Promotion only	<p>Graduate with Divisional Officer Course (Advanced Diploma in Fire Engineering) from N.F.S.C Nagpur or B.E from N.F.S.C. Nagpur or Bachelor of Fire Engineering (B.E. Fire) or its equivalent from a Govt. recognized University/affiliated Institute. Minimum 2 Refresher Courses attended in the last 4 years.</p> <p>Experience: Minimum 2 years of experience as Assistant Divisional Fire Officer.</p>
<b>Assistant Divisional Fire Officer</b>	By Promotion only	<p>Graduate with Divisional Officer Course (Advanced Diploma in Fire Engineering) from N.F.S.C Nagpur or B.E from N.F.S.C. Nagpur or Bachelor of Fire Engineering (B.E. Fire) or its equivalent from a Govt. recognized University/affiliated Institute. Minimum 2 Refresher Courses attended in the last 4 years.</p> <p>Experience: Minimum 2 years of experience as Fire Station Officer.</p>
<b>Fire Station Officer (District HQ)</b>	By Promotion or Direct Recruitment	<p>Through Promotion channel:-</p> <ol style="list-style-type: none"> <li>1. Graduate with Station Officer Course (Diploma in Fire Engineering) from N.F.S.C Nagpur</li> <li>2. Experience: Minimum 2 years of experience as Sub Fire Officer;</li> <li>3. Must have undergone and passed one refresher course as per the programme and syllabus prescribed by the Director, Fire Service, from time to time.</li> </ol> <p>Through Direct Recruitment:-</p> <ol style="list-style-type: none"> <li>1. Bachelor in Fire Engineering from N.F.S.C</li> </ol>

		<p>Nagpur.</p> <ol style="list-style-type: none"> <li>2. Experience: Minimum 1 year of professional experience in the field of Fire Prevention and Life Safety;</li> <li>3. Must fulfil the physical standards prescribed for the post of an Assistant Sub-Inspector in Punjab Police.</li> <li>4. Must have a valid Valid Light Vehicle Driving Licence, preferably a Heavy Vehicle Driving Licence.</li> <li>5. Must have undergone and passed one course as per the programme and syllabus prescribed by the Director, Punjab Fire Service.</li> </ol>
<b>Sub Fire Officer</b>	By Promotion or Direct Recruitment	<p>By Promotion:</p> <ol style="list-style-type: none"> <li>1. Sub-Officer's Course from N.F.S.C Nagpur.</li> <li>2. Experience: Minimum 5 years of experience as Leading Fireman or 7 years experience as Fireman;</li> <li>3. Must have undergone and passed 2 refresher courses as per the programme and syllabus prescribed by the Director, Punjab Fire Service, from time to time.</li> </ol> <p>Through Direct Recruitment:-</p> <ol style="list-style-type: none"> <li>1. Sub-Fire Officer's Course from N.F.S.C. Nagpur and must have professional experience of minimum 3 years in the field of Fire Prevention and Life Safety and must have undergone and passed one course as per the programme and syllabus prescribed by the Director, Punjab Fire Service.</li> <li>2. Must fulfil the physical standards prescribed for the post of an Assistant Sub-Inspector in Punjab Police.</li> <li>3. Preferably having a valid Heavy Vehicle Driving Licence or Valid Light Vehicle Driving Licence.</li> </ol>
<b>Leading Fireman</b>	By Promotion or Direct	By Promotion Channel:

	Recruitment	<ol style="list-style-type: none"> <li>1. Experience of five years as fireman or seven years of Driver or Mechanic in Fire Division;</li> <li>2. Must have undergone and passed the Training Course for Leading Fireman from Punjab Fire Service State Training Institute or its equivalent and passed one refresher course as per the programme and syllabus prescribed by the Director, Fire Service, from time to time.</li> </ol> <p>Through Direct Recruitment:</p> <ol style="list-style-type: none"> <li>1. Qualification: 10+2</li> <li>2. Must fulfil the physical standards prescribed for the post of a Constable in Punjab Police.</li> <li>3. Preferably having a valid Heavy Vehicle Driving Licence or Valid Light Vehicle Driving Licence.</li> <li>4. Professional Experience of 3 years as a fireman in any establishment.</li> <li>5. Must have undergone and passed one course as per the programme and syllabus prescribed by the Director, Punjab Fire Service,</li> </ol>
<b>Driver</b>	Direct Recruitment	<ol style="list-style-type: none"> <li>1. Qualification: 10th</li> <li>2. Must fulfil the physical standards prescribed for the post of a Constable in Punjab Police.</li> <li>3. Must have 3 Years professional experience of driving heavy vehicles.</li> <li>4. Must have experience of carrying out running repairs to vehicles.</li> <li>5. Preferably having 2 Years professional Experience in any Fire Service.</li> </ol>
<b>Fireman</b>	Direct Recruitment	<ol style="list-style-type: none"> <li>1. Qualification: 10+2</li> <li>2. Preferably having a valid Heavy Vehicle Driving Licence or Valid Light Vehicle Driving Licence.</li> <li>3. Preferably having 2 Years professional Experience in any Fire Service.</li> <li>4. Must fulfil the physical standards prescribed</li> </ol>

		for the post of a Constable in Punjab Police.
<b>Computer Operator</b>	Direct Recruitment	<ol style="list-style-type: none"> <li>1. Basic Qualification: 10+2</li> <li>2. PGDCA</li> <li>3. Experience of 1 year as Computer Operator</li> <li>4. Practical professional experience and Knowledge of handling computers and peripheral electronic devices, internet/email, MIS, Word, Power and Excel and e-portals.</li> </ol>
<b>Mechanic</b>	Direct Recruitment	<ol style="list-style-type: none"> <li>1. 2 years Diploma in Mechanical Engineering from a Govt. recognized and affiliated institute.</li> <li>2. Professional Experience of 3 years of repair of Heavy Vehicles or Fire Equipments.</li> </ol>
<b>Peon and other supporting staff</b>	Direct Recruitment	<ol style="list-style-type: none"> <li>1. Qualification: 10th.</li> <li>2. Physically fit having a physical fitness certificate from Chief Medical Officer or Senior Medical Officer.</li> <li>3. Eyes 6'6'</li> </ol>
<p><b>Notes:</b> 1. Punjabi language is compulsory for all posts. Must have a certificate of 10th Pass with Punjabi as a subject or additional paper of Punjabi passed from a government recognized and affiliated institute is mandatory.</p> <p>2. Must have completed the age of 18 years and must not have completed the age of 35 years.</p> <p>3. Successful candidates recruited for the post of Mechanic, Driver, Fireman, Leading Fireman, Sub-Fire Officer and Station Fire Officer or other officers shall have to undertake the training programs prescribed by the Director, Fire Services Punjab, from time to time.</p> <p>4. All other criteria shall be as per the norms prescribed by the Ministry of Home Affairs, Government of India from time to time.</p> <p>5. In case suitable candidates are not available, the Govt. may amend the above requirements for a particular time period by way of notification.</p>		