

PART - I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB
NOTIFICATION

The 31st January, 2013

No. 8-Leg./2013.- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 16th January, 2013, is hereby published for general information:-

THE PUNJAB SAFETY MEASURES FOR PREVENTION
AND CONTROL OF FIRE ACT, 2012
(Punjab Act No. 8 of 2013)

AN

ACT

to make more effective provision for the safety measures for prevention and control of fire in buildings and premises and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-third Year of the Republic of India as follows:-

1. (1) This act may be called the Punjab Safety Measures for Prevention and Control of Fire Act, 2012.

Short title,
extent and
commencement.

(2) It shall extend to the whole of the State of Punjab.

(3) It shall be deemed to have come into force on and with effect from the 2nd day of November, 2012.

2. In this Act, unless the context otherwise requires,-

Definitions.

(a) "building" means any shop, house, hut, outhouse, stable, a factory, an industrial shed and a temporary structure erected by means of tents and structures raised for entertainment purposes whether roofed or not and whether used for the purposes of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever and includes,-

(i) the garden, ground and out-houses appertaining to a building or part of building;

(ii) any fittings affixed to a building or part of a building for the more beneficial enjoyment thereof; and

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- (iii) any wall or well;
- (b) "Director" means the Director, Local Government, Punjab;
- (c) "Fire Officer" means the Fire Officer, Punjab, appointed as such by the Government ;
- (d) "Government" means the Government of the State of Punjab in the Department of Local Government;
- (e) "Nominated authority" means an officer incharge of a fire brigade as nominated by the Fire Officer;
- (f) "occupier" includes,—
 - (i) 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;
 - (ii) an owner in occupation of, or otherwise using his land or building;
 - (iii) a rent-free tenant of any land or building;
 - (iv) a licensee in occupation of any land or building; and
 - (v) any person who is liable to pay to the owner damages for the use and occupation of any land or building;
- (g) "owner" includes 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 for any other person who should so receive the rent or be entitled to receive it if the land or building or premises or part thereof were let to a tenant and also includes the Director of Estates, Government of India, and any authority undertaking the work of development of buildings in Governmental, Co-operative, private or otherwise in any other sectors ;
- (h) "premises" means any land or any building or part of a building apartment thereto which is used for storing explosives, explosive substances and dangerously inflammable substances.

Explanation.—In this clause, 'explosive', 'explosive substances' and 'dangerously inflammable substances' shall have the same meanings, the assigned to them in the Explosive Act, 1884, the Explosive Substances Act, 1908 and the Inflammable Substance Act, 1952, respectively;

- (i) "prescribed" means prescribed by rules made under this Act; and
- (j) "safety measures" means such measures as are necessary for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire as specified in the National Building Code of India, 2005, as amended from time to time.

3. Notwithstanding anything contained in any other law for the time being in force, the Nominated authority may enter and inspect any building or premises or building or premises under construction, if such inspection appears necessary for ascertaining the contravention or the inadequacy of the safety measures in such building or premises, as the case may be.

Powers to inspect buildings and premises.

4. (1) The Nominated authority may, after giving three days notice to occupier, or if there is no occupier, to the owner of any building or premises, enter and inspect the said building or premises at any time between sunrise and sunset, where such inspection appears necessary for ascertaining the inadequacy or contravention of safety measures;

Procedure of inspection.

Provided that the Nominated authority may enter into and inspect any building or premises at any time if it appears to it to be expedient and necessary to do so in order to ensure safety of life and property.

(2) The Nominated authority shall be provided with all possible assistance by the occupier or the owner, as the case may be, for carrying out the inspection under sub-section (1).

(3) When any building or premises used as a human habitation is entered under sub-section (1), due regard shall be paid to the social and religious sentiments of the occupiers and before any apartment in the actual occupancy of any women, who, according to the custom does not appear in public, is entered upon under sub-section (1), notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

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Consequences of the inspection.

5. (1) The Nominated authority shall, after the completion of the inspection of the building or premises, record its views on the deviation from or the contraventions of the safety measures and the inadequacy of such measures provided therein with reference to the height of the building or the nature of activity carried on in such building or premises, and issue a notice to the occupier or the owner of such building or premises directing him to undertake such measures, as may be specified in the notice within such period as it may consider just reasonable.

(2) Upon the inspection, if the Nominated authority is satisfied that the building or premises, as the case may be, meets all the requirements of the safety measures or where the inadequacies specified in the notice under sub-section (1) are removed and the Nominated authority is satisfied to that extent, it shall issue a certificate in the prescribed Form, which shall be valid for a period not more than one year from date of completion of the inspection.

(3) (i) The Nominated authority shall also send to the Fire Officer—

- (a) a copy of the inspection report ;
- (b) a copy of each notice issued to the occupier or the owner, as the case may be, under sub-section (i); and

(ii) a copy of certificate issued under sub-section (2).

Power to seal buildings or premises.

6. (1) Where, on receipt of the inspection report from the Nominated authority under sub-section (3) of section 5, it appears to the Fire Officer that the condition of any building or premises, as the case may be, is dangerous to life of property, he shall, without prejudice to any action taken under section 7, by order, require the persons in possession or occupation of such building or premises to remove themselves from such building or premises forthwith.

(2) If an order made by the Fire Officer under sub-section (1) is not complied with, the Nominated authority may direct any police officer having jurisdiction in the area to remove such persons from the building or premises and such officer shall comply with such directions.

(3) After the removal of the persons under sub-section (1) or sub-section (2), as the case may be, the Nominated authority shall seal the said building or premises, as the case may be.

(4) No person shall remove such seal, except under an order made by the Fire Officer.

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7. (1) The Fire Officer shall, in the event of non-compliance of any notice issued under sub-section (1) of section 5, take such steps, as may be necessary, for the compliance of such notice.

Powers of the Fire Officer in default of non-compliance to notice.

(2) All expenses incurred by the Fire Officer in relation to any steps taken under sub-section (1), shall be payable by the occupier or the owner on demand and shall, if not paid within a period of ten days after such demand, the expenses shall be recoverable as arrears of land revenue.

8. (1) Any person, aggrieved by any notice or order of the Nominated authority or the Fire Officer under the provisions of this Act, may prefer an appeal against such notice or order, in writing, through an application made to the Director within a period of thirty days from the date of the notice or the order, as case may be ;

Appeal.

Provided that the Director may entertain an appeal after the expiry of the said period of thirty days, if he is satisfied that there was sufficient cause for not filing it within the period specified in sub-section (1).

(2) The applicant shall attach a copy of the notice or the order appealed against along with the application.

(3) On receipt of an appeal under sub-section (1), the Director shall consider the matter and if, in its opinion, the grievance of the applicant appears to be genuine, it may direct the Nominated authority or the Fire Officer to re-consider the case.

(4) After affording an opportunity of being heard to the Nominated authority or the Fire Officer, as the case may be, and the applicant, the Director may pass an order, in writing, either accepting the appeal or rejecting the same and in the case of rejection, the reasons for rejection shall be specified by him in such order and shall communicate the same to the applicant.

(5) An appeal made under sub-section (1), shall be finally disposed of by the Director, as far as possible, within a period of thirty days of its receipt.

9. (1) Any person whose appeal has been rejected by the Director under section 8 may file second appeal to the Government within a period of thirty days from the receipt of the order rejecting his appeal :

Second appeal.

Provided that the Government may entertain second appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing it within the period so specified.

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(2) The appellant shall attach a copy of the order appealed against with the application made for second appeal.

(3) On receipt of second appeal under sub-section (1), the Government shall consider the same and if, in its opinion, the grievance of the applicant appears to be genuine, it may direct the Director to consider the case.

(4) After affording an opportunity of being heard to the parties concerned, the Government may pass an order, in writing, either accepting the second appeal or rejecting the same and in the case of rejection, the reasons for rejection shall be specified and communicated to the appellant.

10. No notice issued or order passed under this Act or the rules made thereunder shall be called in question in any Civil Court.

11. No suit, prosecution or other legal proceedings shall lie against any public servant for anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

12. Whosoever contravenes any provision of this Act or the rules made thereunder or fails to remove the inadequacies pointed out in the notice issued under section 5 in the given time, without prejudice to any other action taken against him under the provisions of this Act, shall be punishable with imprisonment for a term, which may extend to six months, or with fine, which may extend to fifty thousand rupees, or with both, and where the offence is a continuing one with a further fine which may extend to three thousand rupees for every day.

13. (1) Where an offence under this Act has been committed by a company, every person who, at the time, the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company 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 sub-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.

(2) Notwithstanding anything contained in sub-section (1), where any offence made under this Act has been committed by a company and it is

Bar on certain proceedings.

Protection of action taken in good faith.

Penalties.

Offences by companies.

proved that the offence has been committed with the consent or connivance or, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section.—

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to that of a firm, means a partner in the firm.

14. No. court shall try any offence under this Act, except on the complaint made by the Fire Officer.

Sanction of prosecution.

15. (1) The Government may, by notification in the Official Gazettee, make rules for carrying out the purposes of this Act.

Power to make rules.

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

(a) form of certificate given under sub-section (2) of section 5 and

(b) any other matter, which is required to be or may be provided by rules.

(3) Every rule made under this section, shall be laid as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid the House agrees in making any modification in the rules or the House agrees that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment, shall be without prejudice to the validity of anything previously done.

16. (1) The Punjab Safety Measures for Prevention and Control of Fire Ordinance, 2012 (Punjab Ordinance No. 9 of 2012), is hereby repealed.

Repeal and savings.

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(2) Notwithstanding such repeal anything done or any action taken under the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under this Act.

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

0145/1-2013/Pb. Govt. Press, S.A.S. Nagar