

PUNJAB VIDHAN SABHA

BILL NO.9-PLA-2024

THE PUNJAB FIRE AND EMERGENCY SERVICE

BILL, 2024

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 for the whole of the State of Punjab 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 or incidental thereto.

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

CHAPTER I
PRELIMINARY

Short title, extent
and commencement.

1. (1) This Act may be called the Punjab Fire and Emergency Service Act, 2024.

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

(3) This Act shall come into force on and with effect from the date of its publication in the Official Gazette.

Definitions.

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

(a) 'building or building premises' means any structure or any part thereof, whether built with or without authorization of any law applicable in the State of Punjab, used for any purpose including storing explosives, explosive substances and dangerously inflammable substances, and also includes outhouses, sheds, stables, garages or any other structures that may be built appurtenant to some main structure or premises.-

Explanation: In this clause, "explosive", "explosive substance" and "dangerously inflammable substance" shall have the meaning, respectively assigned to them in the Explosives Act, 1884 (Central Act No. 4 of 1884), the Explosive Substances Act, 1908

(Central Act No. 6 of 1908) and the Inflammable Substances Act, 1952 (Central Act No. 20 of 1952);

(b) 'building bye-laws' means 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, under the Punjab Municipal Act, 1911 (Punjab Act No. 3 of 1911), Punjab Town Improvement Act, 1922 (Punjab Act No. 4 of 1922), Punjab Municipal Corporation Act, 1976 (Punjab Act No. 42 of 1976), Punjab Regional and Town Planning and Development Act, 1995 (Punjab Act No. 11 of 1995) and Punjab Apartment and Property Regulation Act, 1995 (Punjab Act No. 14 of 1995), including the Development Control Regulations mentioned in the Master Plans, and any other law which regulates any aspect of the erection or re-erection of any or all buildings;

(c) 'Director' means the Director Fire and Emergency Service, Punjab;

(d) 'erector' means,-

(i) with respect to pandals, any person or association of persons, who causes a pandal to be erected; and

(ii) with respect to a site, premise and building, any person or association of persons directing construction activities with relation to a site, premises or building;

(e) 'emergency' means any serious occurrence, including fire outbreak, and disaster as defined in the National Disaster Management Act, 2005 (Central Act No. 53 of 2005);

(f) 'Fire Brigade' means the organization of members of Punjab Fire and Emergency Service posted under the local authority who respond to emergencies and perform such other functions as are conferred on them under this Act, and shall also include fire stations and other equipment, appliances and assets;

(g) 'fire call' means a request for assistance in the form of supply of equipment, appliances or personnel to effectively deal with the outbreak of a fire;

(h) 'Fire Divisions' means such districts as may be notified by the

Government to be a part of such fire division;

(i) "Fire Officer" means such class of officers appointed in the Punjab Fire and Emergency Service, as may be decided by the Government, for performing such functions, as may be assigned to them;

(j) 'fire prevention and life safety measures' means such measures, as may be prescribed;

(k) 'Fire Station' means 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 purposes of this Act;

(l) 'Government' means the Government of the State of Punjab in the Department of Local Government;

(m) 'local authority' means the Municipal Corporations, Municipal Councils, Nagar Panchayats, Improvement Trusts, Gram Panchayats, Zila Parishads, Cantonment Boards and any other institution of self-government constituted under any law enacted by the Parliament or the Legislature of the State of Punjab;

(n) 'Nominated Authority' means a Fire Officer, with such technical qualifications and experience as may be prescribed, who is recognized as such by a notification in the Official Gazette by the Government as a Nominated Authority for any or all purposes under this Act;

(o) 'occupier' shall include,-

- (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 their land or building;
- (iii) a rent-free tenant of any land or building;
- (iv) a licensee in occupation of any land or building;
or
- (v) any person who is liable to pay to the owner

damages for the use and occupation of any land or building;

(p) '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 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 also include 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;

(q) '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 materials like tin, fibre etc. sheets which is not adopted for permanent or continuous occupancy;

(r) "premises" means any land or building or part of a building and includes,-

- (i) the garden, ground and out-houses or structures, if any, appertaining to a building or part of a building; and
- (ii) any fitting affixed to a building or part of a building;

(s) 'prescribed' means prescribed by rules made under this Act;

(t) 'qualified agency' means a person or an entity licensed by the Government, 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 sites, premises, buildings and pandals and in such manner,

as may be prescribed;

- (u) 'rules' means the rules made under this Act; and
- (v) 'Service' means the Punjab Fire and Emergency Service.

(2) The words and expressions used but not defined in this Act, shall have the meanings respectively assigned to them in the National Building Code of India, 2016.

CHAPTER II
PART A
CONSTITUTION OF A FIRE AND EMERGENCY SERVICE
FOR THE STATE OF PUNJAB

Fire and
Emergency
Service for the
whole State.

3. (1) There shall be one Service for the whole of the State of Punjab, namely the Punjab Fire and Emergency Service which shall be headed by the Director.

(2) The Government may create, modify, amend or omit any post in the Fire and Emergency Service for governance of such Service subject to such conditions, as may be prescribed.

(3) Notwithstanding anything contained in any other law of the State of Punjab, all officers and employees who are currently employed on any post in any fire brigade or Fire Station currently maintained by any institute of local government operational within the State, shall be deemed to have been absorbed in the Punjab Fire and Emergency Service.

(4) The members of the Punjab Fire and Emergency Service, as they shall be after such absorption under sub-section (3), shall be governed by such terms and conditions, as may be prescribed.

(5) All proceedings pending with any Fire Officer, immediately before the absorption, shall be deemed to be a proceeding pending with the officer who occupies the post that the Fire Officer occupied before the absorption.

(6) A member of the Punjab 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 to a post at the office of the Director or fire Divisions.

Declaration of Punjab Fire and Emergency Service to be an essential service to the community.

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

Superintendence of Fire and Emergency Service.

5. (1) The overall superintendence of, and control over, the Punjab Fire and Emergency Service throughout the State shall vest in the Government.

(2) All officers and employees employed on any post in any Fire Brigade or Fire Station shall be controlled by the heads of the respective Urban Local Bodies or as may be prescribed by the Government.

(3) The Punjab Fire and Emergency Service shall be administered by the Government in accordance with the provisions of this Act and of any rules made thereunder, through the office of the Director and such Fire Officers as the Government may, from time to time, appoint in this behalf.

Appointment of Director of Fire and Emergency Service.

6. (1) The Director, Department of Local Government, Punjab shall be the *ex-officio* Director of the Punjab Fire and Emergency Service until the Government appoints a Director, having such qualifications and experience, as may be prescribed.

(2) The Director shall have jurisdiction over all members of the Punjab Fire and Emergency Service and local authorities in the State for the purposes of this Act.

(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 upon him by or under this Act.

(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 sub-section (3) or otherwise, as may be necessary to aid the Director in the performance of his duties.

(5) The committees constituted by a notification under sub-section

(3) shall perform such functions and in such manner, as may be notified by the Government.

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 from time to time.

(2) Without prejudice to the generality of sub-section (1), the Director shall perform functions including, but not limited to,-

- (i) liaison with the Government of India for the development of the Service;
- (ii) represent, or recommend to the Government any other member of the Service to represent the Government on national and international forums relating to any aspect of fire prevention and life safety;
- (iii) appoint or cause to be appointed, after approval by the Government, such number of persons into the 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 Service;
- (iv) transfer any member of the Service, with the approval of the Government;
- (v) make recommendations to the Government for the creation of new posts in any or all Fire Brigades maintained by local authorities;
- (vi) conduct inquiries into the conduct of members of the Service either *suo moto* or after receiving a complaint from the local authority, and recommend appropriate action to the Government, if necessary;
- (vii) 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;

- (viii) conduct, or cause to be conducted by auditors, who possess the prescribed qualifications and experience, a periodic review of all enforcement activities of members of the Service, including inspections and imposition of penalties, and also conduct, or cause to be a conducted by auditors, who possess the prescribed qualifications and experience, a periodic review of all enforcement activities of Qualified Agencies to ensure that such enforcement activities are conducted in conformity with the provisions of this Act and the rules made thereunder;
- (ix) upon receiving a request from a local authority, procure fire equipment and other appliances, assets, and clothing and other necessaries for the Fire Brigade maintained by the said local authority, subject to payment of such fee by the local authority, as may be prescribed;
- (x) procure, or cause to be procured, on behalf of the Government, fire equipment and assets that may be requisitioned by any local authority in the State, and also cause such fire equipment and assets to be maintained in operational condition;
- (xi) make suitable arrangements for the periodic training of members of the Service; and
- (xii) assist local authorities *suo moto* or if local authorities request for such assistance, or if the Government so directs, investigate 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. (1) The Government, the Director or any officer so authorized by the Government or the Director may call for reports and statements from

any or all local authorities or members of the 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 Punjab Fire and Emergency Service.

(2) Where any reports or statements are called for under subsection (1), the local authority or the members of the 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

Maintenance of Fire
Brigades by local
authorities.

9. (1) Each local authority may, and if the Government directs shall, maintain a Fire Brigade.

(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 Service posted in such Fire Brigade to effectively discharge their duties and perform their functions as conferred upon them by or under this Act.

(3) The local authority shall maintain such posts in the Fire Brigade as required by the Government after consultation with the Director:

Provided that all posts in Fire Brigades maintained by local authorities shall be occupied by persons who are appointed or caused to be appointed as members of the Service, or are members by virtue of sub-section (3) of section 3 of this Act.

(4) Every local authority that maintains a Fire Brigade shall appoint the senior-most member of the Service posted at that Fire Brigade to,-

- (i) act as the commanding officer, under the general control of such a member of the local authority as decided by the Director, for all operations in response to an emergency;
- (ii) take such measures, as are prescribed to ensure

discipline amongst, and efficiency of, other members of the Service posted at the Fire Brigade; and

- (iii) give such assistance to the local authority as the local authority may require to effectively perform its functions regarding fire prevention and life safety.

(5) Local authorities shall perform such other functions with respect to establishing, maintaining and managing Fire Brigades, as may be prescribed.

Water supply and other infrastructure.

10. All Local authorities, after consulting the officer appointed under sub-section (4) of section 9, shall take all reasonable measures to ensure that an adequate supply of water and other necessary infrastructure is available for use in the event of an emergency.

Employment on other duties.

11. The officer appointed under sub-section (4) of section 9 may, in consultation with the local authority, direct members of the Service to participate in any activity for which they are suitable by reason of their training, or appliances and equipment.

Members of Service deemed to be always on duty.

12. Every member of the Service shall for all purposes of this Act be deemed to be always on duty and be deployed for turn-out duty in any part of the State.

PART - C

TERMS OF SERVICE AND OTHER PARTICULARS GOVERNING MEMBERS OF THE PUNJAB FIRE AND EMERGENCY SERVICE

Appointment of members of Service.

13. (1) Every member of the Service shall, on appointment, receive a certificate of appointment.

(2) The certificate shall be issued under the seal of the Director and shall be in such form, as the Government may, by general or special order, specify.

(3) Every member of the Service shall, upon appointment, be entitled to such clothing and other necessaries for the efficient performance of their duties, as may be prescribed.

Certain Punjab rules to apply to members of the Service.

14. (1) The provisions of the Punjab Civil Service Rules, and the Government Employees (Conduct) Rules, 1966 shall mutatis mutandis apply to the employees of the Service. Rules as applicable to the Punjab

Government employees shall also be applicable to the members of the Service.

(2) Without prejudice to any other provision of this Act, the Government may prescribe for members of the Service, benefits and allowances of such nature and to such extent as the Government may deem fit, in the light of risks, hazards and hardship peculiar to the duty of a member of the Service.

Conditions of service applicable to members of Service.

15. (1) Subject to other provisions of this Act, the Government may prescribe the mode of recruitment, pay scale of post, qualifications and other conditions of service of the members of the Punjab Fire and Emergency Service, as well as all matters connected therewith.

(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 local 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 them immediately before such date.

Grant of incentives for outstanding service.

16. To encourage outstanding members of the 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 such incentives and rewards, as may be prescribed.

Restrictions regarding right to form associations.

17. (1) No member of the Service shall 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.

(2) No member of the Service shall, without the previous sanction in writing of the Government or of the prescribed authority,-

- (i) be a member of, or be associated in any way with, any social institution, association, or organization that is not recognized as a part of the Service, or is not purely of a social, technical, recreational or religious nature; or
- (ii) 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 their duties or is of a purely

literary, artistic or scientific character.

Explanation.- If any question arises as to whether any society, institution, association, organization is of a purely social, technical, recreational or religious nature, the decision of the Government thereon shall be final.

(3) No member of the Service shall participate in, or address, any meeting or take part in any demonstration organized by anybody or persons for any political purposes, or for such other purposes, as may be prescribed.

Penalty for violation of duty.

18. Notwithstanding any action which may be taken under the provisions of this Act, any member of the Service who is found to be guilty of any violation of any provision of this Act or any rule or order made thereunder shall, in addition to disciplinary action as per the Punjab Civil Services Rules and the Government Employees (Conduct) Rules, 1966, be punishable with such fine, as may be prescribed.

Effect of suspension of members of the Service.

19. The powers, functions and privileges vested in a member of the 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 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

Power of Director and local authority to enter into arrangements for Public-Private Partnership.

20. The Director or any local authority may, with the prior sanction of the Government,-

(i) plan and enter into agreement with private persons or organizations or companies under any mode of Public-Private-Partnership for improvement of infrastructure or services of the Fire Brigades maintained by local authorities; and

(ii) plan and enter into agreement with other parties for better operation and maintenance of fire infrastructure.

Powers of Director and local authority to enter into arrangements for assistance.

21. The Director, or any local authority or the officer appointed under sub-section (4) of section 9 may 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.

CHAPTER III

OBLIGATIONS OF OWNERS AND OCCUPIERS OF BUILDINGS AND ERECTORS OF PANDALS

Duty to comply with fire prevention and life safety measures.

22. (1) For the purposes of this Act, sites, premises, buildings and pandals may be classified as posing a low, medium or high risk of fire. The risk-classification shall be notified by the Government.

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

Duty to procure Fire Safety Certificate, and allied duties.

23. (1) The owners and occupiers of any low, medium or high risk building 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:

Provided that notwithstanding anything contained in any other law of the State of Punjab 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 said authority is satisfied that the owners or the occupiers, either individually or jointly, have obtained a Provisional or Final Fire Safety Certificate, as may be appropriate, under this Act.

(2) The owner or occupier, as the case may be, shall procure a Provisional Fire Safety Certificate and a Final Fire Safety Certificate from a Nominated Authority, in such manner and upon payment of such fee, as may be prescribed:

Provided that the certificates shall only be granted after the owner or occupier, as the case may be, has submitted an application that is complete in all respects and has complied with all the fire prevention and

life safety measures:

Provided further that the Government may rationalise the requirements as to information and evidence thereof to be submitted in or with an application for renewal of the Final Fire Safety Certificate:

Provided further 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 Chapter-VII of this Act.

(3) For all applications on which the Nominated Authority makes a decision, the Fire Officer shall decide within such time as is notified under the Punjab Transparency and Accountability in Delivery of Public Service Act, 2018 (Punjab Act No. 16 of 2018), failing which the Nominated Authority shall give reasons in writing:

Provided that the Government shall also specify the manner in which Nominated Authority may conduct various activities in relation to deciding on applications for certificates, including but not limited to raising complaints, in the interest of ensuring that fire prevention and life safety measures in buildings are adequately inspected and the certificates issued within the stipulated time.

(4) The validity of a Final Fire Safety Certificate shall be such, as may be prescribed:

Provided that the validity period of a certificate for a building or premises shall ordinarily be not less than three years, unless, in case of specific risk categories, prescribed otherwise.

(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 firefighting equipment is in operational condition. The return shall be filed in such Form, with such details and with such periodicity, as may be prescribed.

(6) The Government or the Director or the local authorities may conduct, or cause to be conducted by auditors, who possess the prescribed qualifications and experience, an audit of any or all activities in relation to

certification of buildings.

Liability of owner or occupiers for approval of firefighting scheme.

24. (1) In compliance with the provisions of Part III and IV of the National Building Code of India, 2016 and any other law of the State of Punjab for the time being in force or bye-laws, as applicable on relevant premises, the owner or the occupier of a building, who is responsible either individually or jointly shall,-

- (i) provide firefighting installations and life safety measures; and
- (ii) maintain the fire prevention and life safety measures in operational condition at all times.

(2) Any person proposing to construct a building or development of a colony or site, at the time of approval of building plans or completion plan, as the case may be, from the officer competent to approve the same under the relevant law, shall apply for approval of the fire fighting scheme confirming to the provisions of this Act and Part- IV of the National Building Code of India, 2016, to the Director or any officer authorized by him in this behalf, in such Form, along with such fee, as may be prescribed:

Provided that the residential independent floors having height up to 17.5 meter with stilts (stilts to be used exclusively for parking only), permitted under the rules and byelaws, shall be considered as low rise buildings and fire norms shall be applicable accordingly.

Explanation.- The above proviso shall not be applicable if stilt parking has not been provided:

Provided further that the height of the industrial building may be allowed up to twenty-one meters for G-1 and G-2 categories as defined in the National Building Code, 2016, with a condition that no regular or continuous human habitation is permitted beyond eighteen meters height:

Provided further that the Director or any other officer authorized by him in this behalf while approving the fire fighting scheme may impose any additional conditions or fire safety measures, which he deems fit, for the safety of people and safety of the building depending upon the ground situation.

Fire prevention and life safety measures in pandals.

25. (1) The erectors of pandals shall be deemed to be self-regulators for taking fire prevention and life safety measures:

Provided that for such classes of pandals as may be prescribed, the erector shall be required to procure a Fire Safety Certificate before using the pandal for its intended purpose from the Nominated Authority in such manner, within such time period and upon payment of such fee and other charges, as may be prescribed, if the Nominated Authority is satisfied about the compliance, by the owner or occupier, with the applicable fire prevention and life safety measures.

(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 their 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.

(3) All erectors of pandals who are required to obtain a Fire Safety Certificate shall display the said Fire Safety Certificate at a prominent place in the pandal.

Appointment of Private Fire Safety Manager.

26. (1) Owners and occupiers of high-risk buildings shall appoint a Private Fire Safety Manager to ensure the compliance of all fire prevention and fire safety measures, and thereafter inform the Fire Officer, in writing, within whose jurisdiction the building is located, of the appointment.

(2) If the owners and occupiers of any high risk 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.

(3) The employers of the Private Fire Safety Manager may take steps to facilitate periodic training for the Private Fire Safety Manager at the National Fire and Emergency Service College, Nagpur or the fire training institute established under this Act or at any other equivalent institution recognised by the Government in this behalf or as may be prescribed.

CHAPTER IV
QUALIFIED AGENCIES

Grant of license to
act as Qualified
Agency.

27. (1) The Government, with such assistance from the Director or such other officers 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 may be prescribed, a license to act as a Qualified Agency within the State of Punjab.

(2) Qualified Agencies shall undertake such activities in relation to fire prevention and life safety measures, in such buildings or classes of buildings, and in such manner, as may be prescribed:

Provided that the power to issue Fire Safety Certificate shall not be delegated to the Qualified Agency.

(3) A Qualified Agency may be revoked by the Director if, after considering a recommendation made by an officer involved in assisting the Government under sub-section (1), the Director concludes that,-

- (i) it failed to provide such forms, documents, and returns as it may be required to submit as provided in or under this Act without just cause; or
- (ii) it caused such facts to be furnished which misrepresent the facts or mislead the authority.

(4) Notwithstanding any penalty that may be imposed on the Qualified Agency under this Act, no owner or occupier with whom the Qualified 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.

(5) The Director, or such Fire Officers as may be authorised by him, shall keep track of the compliance history of the Qualified Agency in such manner, as may be prescribed.

CHAPTER V
LEVY OF FIRE TAX, CESS, USER FEE AND CHARGES

Levy of fire tax, cess, user charges and fees.

28. (1) A fire tax may be levied on all owners of land and buildings within the State. A fire cess may also be levied on the said fire tax or on property tax or other taxes.

(2) The authorities empowered to assess, collect and enforce payment of taxes on land and buildings and cesses under the relevant law authorising the local authority of the area to levy such taxes and cesses shall assess, collect and enforce payment of the fire tax and cess in the same manner as other taxes and cesses on land and buildings are assessed, paid and collected. The authorities 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.

(3) User charges may also be levied where a person or entity requests for, and avails of, any service to ensure effective response to any fires that may break out.

(4) The owners and occupiers of all buildings shall also pay a fee for; including but not limited to the following, namely:-

- (i) the grant of certificates;
- (ii) the grant of license to act as Qualified Agency;
and
- (iii) fee for the training or instruction in the prevention and extinguishment of fire.

(5) All proceeds from the collection of the tax, cess, user charges and fees shall be deposited in the funds of the respective local authorities or the fund constituted under section 29 of this Act or as may be notified by the Government from time to time:

Provided that the local authority shall transfer such a percentage of the collections of tax, cess, user charge and fee to such an account of the Directorate of Fire Service as may be notified by the Government from time to time.

(6) The fund shall be reflected into the budget estimate of the respective authority or local authority, as the case may be, 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.

Constitution of Fund.

29. (1) There shall be constituted a Fund to be called the Fire Prevention and Life Safety Fund, to be maintained at the level of the Director or as may be prescribed.

(2) Such portions as may be notified, of the cess and/or fees for the grant of certificates for buildings and pandals, fees for licenses to act as Qualified Agencies and user charges, shall be transferred by the local authorities to the Fire Prevention and Life Safety Fund.

(3) The Government may specify, by a notification in this behalf, any number of other sources for monies for the Fire Prevention and Life Safety Fund.

(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 specified under this Act relating to the prevention and containment of fire and prevention of harm to life and property.

CHAPTER VI

POWERS AND FUNCTIONS OF THE FIRE OFFICERS

PART - A

GENERAL POWERS AND FUNCTIONS OF THE FIRE OFFICERS

Officers to be public servants.

30. All the officers and employees of the Service shall be deemed to be public servants within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023, (Central Act 45 of 2023).

PART - B

INSPECTION AND ALLIED POWERS AND FUNCTIONS

Power to obtain information.

31. Any Fire Officer authorised by general or special order in 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 fire prevention and life safety measures for such building, and such owner or occupier shall furnish all the information in their possession.

Inspection of sites,
premises and
buildings.

32. (1) Every local authority shall, with such directions from the Director and other members of Service as the local authority may deem necessary, prepare a schedule of periodic inspections of buildings depending upon the risk classification of buildings.

(2) The Nominated Authority may enter any sites, premises and buildings 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, during an inspection as per the schedule of periodic inspection, shall not enter any building before sunrise and after sunset, and shall give a prior notice before entering any building for inspection.

(3) The Nominated Authority shall be provided with all possible assistance by the owners and occupiers, as the case may be, of such sites, premises and buildings for carrying out the inspection.

(4) The owners or occupiers or any other person shall not obstruct or cause any obstruction to the entry of any person authorized to enter the building under this section, and no such person shall be molested after such entry.

(5) The Nominated Authority shall, after the completion of the inspection of the building, record its views in such proforma, as may be prescribed, on the deviations from or the contravention of, the applicable fire prevention and life safety measures, 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 may be specified in the notice.

(6) Within ten business days or within such time period as may be prescribed, 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.

(7) 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 penalized as per the provisions of Chapter- VII of this Act.

(8) The Government may commission any other person or entity, with such qualifications as may be notified, to perform the functions of the Nominated Authority under this section, in such manner, as may be prescribed.

(9) The Government or the Director or the local authority may conduct or cause to be conducted by the auditors who possess such qualifications and experience, as may be prescribed, a periodic audit of any or all activities in relation to inspection of buildings.

33. (1) A Fire Officer may direct the removal of any object to a place of safety if, in the opinion of the Fire Officer, it is likely to cause risk of fire, obstruction to firefighting or life safety, at the cost of the owner or occupier:

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.

(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.

Removal of objects or encroachments in premises or building that are likely to cause a risk of fire or any obstruction to firefighting.

(3) On receipt of a request to adjudicate under sub-section (2), the Sub-Divisional Magistrate or any person assigned the duty of Duty Magistrate, as the case may be shall,-

- (i) 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
- (ii) 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 seven business days to respond to the notice, but shall be given at least one day to respond.

(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 pass appropriate orders to seal or demolish the building.

Inspection of
pandals.

34. A 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 Fire Officer shall issue a notice directing the owner to remove such shortcomings within a specified time period.

Power to seal or
demolish
dangerous
buildings.

35. (1) Where it appears that the condition of any building is dangerous to life or property, the local authority may, by order, require the owner and occupier of such building to remove themselves from such building forthwith.

(2) If an order made under sub-section (1) is not complied with, the concerned Fire Officer 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.

(3) After the removal of the persons under sub-section (1), the Fire Officer shall seal or demolish the building with the assistance of the local authority, as per the order of the Administrative Head of the concerned local authority.

(4) No person shall remove such a seal, except under an order made by the person authorized by the Government. Any person who breaks a seal affixed under this section, shall be liable for punishment under Chapter-VII of this Act.

PART - C

POWERS AND FUNCTIONS DURING EMERGENCIES

Powers of members of Fire and Emergency Service on occasion of emergencies.

36. On the occasion of an emergency, the fire officer in charge may,-

(i) remove, or order any other member of the Service to remove, any person or assembly of persons who by their presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;

(ii) close, or order any member of the Service to close, any street or passage in or near which a fire is being fought and /or rescue work is in progress;

(iii) for the purpose of extinguishing fire and carrying out rescue operation, break into or break through or pull down, any part of a 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 destruction to property as possible;

(iv) 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 utilize 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 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 officer in charge;

(v) require the authority in charge of electric supply or any other such infrastructure in the area to regulate the supply so as to aid extinguishing or limiting the spread of such fire or dealing with any other emergency;

(vi) if police help is delayed, detain a person who willfully obstructs or 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 twenty four hours after the person was detained; and

(vii) generally, take such measures as may appear to be necessary for extinguishing the fire or for the protection of life or property, or both.

Initiation of, and response to, fire calls.

37. Fire calls shall be initiated and responded to in such manner, as may be prescribed. Members of the Service shall also perform such related functions with respect to initiation of and response to fire calls, as may be prescribed.

Inquiry into cause of fire.

38. (1) The Government may notify the categories of fire incidents in respect of which such Officers, as may be notified, shall conduct an inquiry and send a report to the relevant local authority, the Director and the Government.

(2) Any fire incident involving human death shall compulsorily be inquired by such Officers, as may be notified.

(3) During the inquiry, the inquiry Officer must ensure that all aspects of the fire incident and the lapses in compliance with fire prevention and life safety measures are recorded.

(4) While conducting the inquiry, the relevant Officer shall have the power to call the witnesses, summon testimony on record and any other documents to conduct such an inquiry and the report shall be submitted in a time bound manner.

(5) The relevant Fire Officer may request the local authority maintaining the Fire Brigade at which they are posted, to solicit the assistance of any other authority or organization for the purposes of the

investigation.

PART - D
IMMUNITIES FROM JUDICIAL ACTION

Bar on jurisdiction of Court.

39. 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.

Protection of action taken in good faith.

40. No suit, prosecution or other legal proceeding shall lie against any member of the 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 thereunder.

CHAPTER VII
OFFENCES AND PENALTIES, AND OTHER LIABILITIES
PART - A
GENERAL

Fire Officers who may impose penalties under this Chapter.

41. (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 be issued, unless otherwise prescribed by the Government from time to time,-

- (i) in the case of low-risk buildings and pandals, by a Fire Officer not below the rank of Station Fire Officer; and
- (ii) in the case of medium and high-risk buildings and pandals, by a Fire Officer at the rank higher than the Station Fire Officer.

(2) In case of offences specified in Part C of this chapter, the orders for penalties shall be issued by the concerned Fire Officer:

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.

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

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

42. (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 actions against them, namely:-

- (i) at the first instance, the Fire Officer shall issue a notice to the owners or occupiers, directing the owners or occupiers to apply within fifteen days of receiving such notice and obtain the relevant Fire Safety Certificate within next forty-five days and warning the owners or occupiers that failure to obtain the certificate shall lead to a fine and/or 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. The notice may also contain the details of the irregularities with respect to fire safety in the building.

- (ii) In case the owners or occupiers fail to obtain the relevant Fire Safety Certificate within sixty days from the date on which the notice was issued, the Fire Officer shall issue an order levying a fine of up to fifteen thousand rupees and shall also issue a notice directing the owner or occupier to obtain the relevant Fire Safety Certificate within forty-five days. In the notice, the Fire Officer shall specify that the failure to obtain the relevant Fire Safety Certificate shall result in the sealing of the building.
- (iii) In case the owners or occupiers fail to obtain the relevant Fire Safety Certificate within forty-five days from the date on which the notice was issued under clause (ii), the Fire Officer shall issue an order to seal the building after giving a notice of twenty-four hours. After sealing the building, the Fire Officer shall give a

report to the Director or the Head of the local authority, in such manner, as may be prescribed, declaring that the building under question has been sealed.

(2) If the 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 shall take the following actions against them, namely:-

- (i) At the first instance, the Fire Officer shall issue an order levying a fine of up to fifteen thousand rupees, and shall also issue a notice directing the owners or occupiers to apply within fifteen days and obtain the relevant Fire Safety Certificate from the relevant Fire Officer within next forty-five days, with the warning that the failure to do so shall 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.

- (ii) In case the owners or occupiers fail to obtain the Fire Safety Certificate within sixty days of issuance of the notice, the Fire Officer shall issue an order to seal the building after giving a notice of twenty-four hours. After sealing the building, the Fire Officer shall give a report to the Director or the Head of the local authority, in such manner, as may be prescribed, declaring that the building under question has been sealed.

(3) If the 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 or the renewal thereof shall take the following actions against them, namely:-

- (i) At the first instance, the Fire Officer shall issue an order levying a fine of up to twenty-five thousand rupees, and

shall also issue a notice directing the owners or occupiers to apply within fifteen days and obtain the relevant Fire Safety Certificate from the relevant Fire Officer within next forty-five days, with the warning that the failure to do so shall result in the sealing of the building:

Provided that in case of the failure to obtain a n 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.

- (ii) In case the owners or occupiers fail to obtain the Fire Safety Certificate within sixty days of issuance of the notice under clause (i), the Fire Officer shall issue an order to seal the building after giving a notice of twenty-four hours and an additional fine of ten rupees per square meter of covered area on all floors. After sealing the building, the Fire Officer shall give a report to the Director or Head of the local authority, in such manner, as may be prescribed, declaring that the building under question has been sealed.

(4) In case of any notice issued with respect to the failure to procure the Final Fire Safety Certificate, the notice may also contain such directions as are necessary to minimise the risk of loss of life by outbreak of fire in the building, to be complied with till the Final Fire Safety Certificate is procured.

(5) 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.

Penalty for failure to comply with the notice issued after inspection of a building under construction.

43. (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 they shall incur a

fine of ten thousand rupees in addition to a fine for each day after the first full day of non-compliance for which the non-compliance continues,-

- (i) of up to five hundred rupees, in case of low-risk buildings;
- (ii) of up to one thousand rupees, in case of medium-risk buildings; and
- (iii) of up to two thousand rupees, in case of high-risk buildings.

(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 seven working days from receiving such request from the owner. Where the Fire Officer fails to conduct inspection within seven working days, he shall give to the Director or local authority 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 sub-section (1).

(3) After the Fire Officer has inspected the building, and the Fire Officer is satisfied that the owner or occupier has complied with the notice issued after inspection, the Fire Officer shall issue an order specifying the number of full days for which the non-compliance continues, and the resultant fine that shall be levied on the owner or occupier.

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

44. (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 actions against them, namely:-

- (i) At the first instance, the Fire Officer shall issue an order levying a fine of up to ten thousand rupees and cancelling the Final Fire Safety Certificate. The Fire

Officer shall also issue a notice directing the owners or occupiers to apply and obtain a fresh Final Fire Safety Certificate within forty-five days. The notice shall specify that the failure to do so shall result in the sealing of the building.

- (ii) In case the owners or occupiers fail to obtain a Final Fire Safety Certificate within forty-five days from the issuance of notice under clause (i), the Fire Officer shall issue an order to seal the building after giving a notice of twenty-four hours. After sealing the building, the Fire Officer shall give a report to the Director or Head of the local authority, in such manner, as may be prescribed, declaring that the building under question has been sealed.

(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 actions against them, namely:-

- (i) At the first instance, the Fire Officer shall issue an order levying a fine of up to fifteen thousand rupees and cancelling the Fire Safety Certificate. The Fire Officer shall also issue a notice directing the owners or occupiers to apply and obtain a fresh Fire Safety Certificate within forty-five days. The notice shall specify that the failure to do so shall result in the sealing of the building.
- (ii) In case the owners or occupiers fail to obtain a Final Fire Safety Certificate within forty-five days from the issuance of notice under clause (i), the Fire Officer shall issue an order to seal the building after giving a notice of twenty-four hours. After sealing the building, the Fire Officer shall give a report to the Director, in such manner, as may be prescribed, declaring that the building under question has been sealed.

(3) If the owners or occupiers of high-risk buildings, except buildings dealing with explosives, dangerous or poisonous substances 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 actions against them, namely:-

- (i) At the first instance, the Fire Officer shall issue an order levying a fine of up to twenty-five thousand rupees and cancelling the Fire Safety Certificate. The Fire Officer shall also issue a notice directing the owners or occupiers to apply and obtain a fresh Fire Safety Certificate within forty-five days. The notice shall specify that the failure to do so shall result in the sealing of the building.
- (ii) In case the owners or occupiers fail to obtain a Final Fire Safety Certificate within forty-five days from the issuance of notice under clause (i), the Fire Officer shall issue an order to seal the building after giving a notice of twenty-four hours. After sealing the building, the Fire Officer shall give a report to the Director or the local authority, in such manner, as may be prescribed, declaring that the building under question has been sealed.
- (iii) In case of tampering with the seal, the owners or occupiers shall be imprisoned for a term which may extend up to six months.

(4) In case of buildings dealing with explosives, dangerous or poisonous substances, the Fire Officer shall issue an order levying a fine of up to twenty-five thousand rupees and cancelling the Fire Safety Certificate and if required sealing of the operations till the time safety compliances are ensured to be provided by the owner or occupier to the satisfaction of the Fire Officer.

(5) Where misrepresentation within the meaning of this section is made with respect to a building, and the Qualified Agency either caused or

participated in the misrepresentation to be made, the Fire Officer shall take the following action against the Qualified Agency, namely:-

- (i) Where the misrepresentation, as well as the Qualified 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 Qualified Agency shall be fined three thousand rupees for each instance of misrepresentation so discovered.
- (ii) 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 license of the Qualified Agency be revoked for a period of two 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 license.
- (iii) 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 Qualified Agency shall, in addition to being liable for revocation of license in accordance with clause (ii), be also liable to be imprisoned for a term which may extend to one year.

Explanation: For the purposes of this section, the term 'grievous hurt' shall have the same meaning as under section 116 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023).

45. (1) If the owners or occupiers of a building fail to submit returns in such periodicity, as may be prescribed, a fine of five thousand rupees 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,-

- (i) in case of low-risk buildings, may extend to one hundred rupees;
- (ii) in case of medium-risk buildings, may extend to three hundred rupees; and
- (iii) in case of high-risk buildings, may extend to five hundred rupees.

(2) Such details regarding delays in filing returns and the total fine that is leviable as a result thereof, 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.

Penalty for misrepresenting facts in return filed under sub-section (5) of section 23.

46. If the owners or occupiers of a building misrepresent any facts in return filed under sub-section (5) of section 23 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,-

- (i) for low-risk buildings, may extend upto ten thousand rupees;
- (ii) for medium-risk buildings, may extend upto twenty thousand rupees; and
- (iii) for high-risk buildings, may extend upto thirty thousand rupees.

Explanation: Submission of incomplete returns shall not constitute misrepresentation.

Penalty for failure by owners and occupiers of a building to comply with a notice issued after inspection under section 32.

47. (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.

(2) If any owners or occupiers of low-risk buildings fails to comply with a notice issued after inspection under section 32, they shall be penalised in the following manner, namely:-

- (i) At the first instance, the Fire Officer shall issue an order levying a fine of up to ten thousand rupees, and warning

that continued non-compliance shall result in the cancellation of the relevant Fire Safety Certificate;

- (ii) In case the owners and occupiers fail to obtain the relevant Fire Safety Certificate within the next sixty 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

- (iii) In case the owners or occupiers fail to obtain a fresh Fire Safety Certificate within forty-five 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 manner, as may be prescribed, declaring that the building under question has been sealed.

(3) If any owners or occupiers of medium-risk buildings fail to comply with a notice issued after inspection, the Fire Officer shall take the following action against them, namely:-

- (i) At the first instance, the Fire Officer shall issue an order levying a fine of up to fifteen thousand rupees, and a warning that continued non-compliance shall result in the cancellation of the relevant Fire Safety Certificate;
- (ii) In case the owners and occupiers fail to obtain the relevant Fire Safety Certificate within the next sixty 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

(iii) In case the owners or occupiers fail to obtain a fresh Fire Safety Certificate within forty-five 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 manner, as may be prescribed, declaring that the building under question has been sealed.

(4) If any owners or occupiers of high-risk buildings fail to comply with a notice issued after inspection, the Fire Officer shall take the following action against them, namely:-

- (i) At the first instance, the Fire Officer shall issue an order levying a fine of up to twenty-five thousand rupees, and a warning that continued non-compliance shall result in the cancellation of the relevant Fire Safety Certificate;
- (ii) In case the owners and occupiers fail to obtain the Fire Safety Certificate within the next sixty 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

(iii) In case the owners or occupiers fail to obtain a fresh Fire Safety Certificate within forty-five 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 manner, as may be prescribed, declaring that the building under question has been sealed.

48. (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 under section 33, the Fire Officer who discovers the

contravention shall immediately seize the object involved in the contravention.

(2) At the time of seizure, 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 in this behalf, to the owner of the objects or to anyone else duly authorized by him to deal with the objects seized, that the said objects shall be sold if they are not claimed within the period stipulated in said notice.

(3) On the failure of the owner of the objects or the authorized person, as the case may be, to claim the seized objects pursuant to notice issued under sub-section (2), the Fire Officer shall arrange to have the objects sold as per the procedure prescribed in this behalf.

49. (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 his 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 such manner, as may be prescribed.

(2) Aggrieved persons may make claims under sub-section (1) to the Sub-Divisional Magistrate within thirty days from the date when the damage was caused, or to the Civil Court.

(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.

50. If any person breaks a seal affixed to a building under section 35, he shall be liable to be imprisoned for a term which may extend upto six months, and may also be liable for a fine which may extend upto fifty thousand rupees.

51. (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

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

Penalty for breaking the seal affixed by order under section 35.

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

for a period which may extend upto one year.

(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 upto two 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 116 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023).

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

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

52. 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 actions against the erector of the pandal, namely:-

(i) 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.

(ii) After ensuring compliance in the pandal, the erector of the pandal shall inform, in writing, the Fire Officer under whose jurisdiction the pandal is situated. The Fire Officer shall inspect the pandal within twelve hours of receiving such information and shall, if satisfied with the state of compliance with the 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 Fire Safety Certificate.

(iii) In case of any violations of an order issued clause (i), the pandal shall be dismantled forthwith under the supervision of the Fire Officer or any other member of the Service as may be appointed by the Fire Officer in this behalf.

Penalty for failure by erector of a pandal to comply with a notice issued after inspection.

53. (1) If, either upon inspection after receiving a report from the erector of a pandal or after the expiry of the time, as specified in the notice, within which the erector was supposed to ensure compliance with the fire prevention and life safety measures, the Fire Officer discovers that the erector has failed to comply with the notice issued to him, the following procedure shall be followed, namely:-

- (i) 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.
- (ii) The Fire Officer shall, in the order issued under clause (i), 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 the fire prevention and life safety measures.
- (iii) After ensuring compliance in the pandal, the erector of the pandal shall inform, in writing, the Fire Officer under whose jurisdiction the pandal is situated. The Fire Officer shall inspect the pandal within twelve hours of receiving such notice and shall, if satisfied with the state of compliance with the 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.

(2) In case of any violations of an order issued under clause (i) of sub-section (1), the pandal shall be dismantled forthwith under the supervision of the Fire Officer or any other member of the Service as may be appointed by the Fire Officer in this behalf.

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

Obstructing a Fire Officer from entering a building or pandal for inspection.

54. (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 221 of the Bharatiya Nyaya Sanhita, 2023 (Central Act No. 45 of 2023).

(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 215 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (Central Act 46 of 2023).

Penalty for willfully obstructing a member of the Service participating in a response to some emergency.

55. Any person who, in any way, willfully obstructs or interferes with any member of the Service who is participating in a response to some emergency, shall be punishable with imprisonment for a term which may extend upto three months, or with fine which may extend upto twenty-five thousand rupees, or with both.

Penalty for making false report.

56. 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 upto three months or with fine which may extend upto twenty-five thousand rupees, or with both.

PART - E
OTHER PROVISIONS FOR PENALTY

Penalty in case of loss of life or grievous hurt.

57. (1) Where the owner or occupier 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.

(2) The owner, occupier 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.

(3) Where owner, occupier or erector, as the case may be, is/are liable to be imprisoned under this section, they shall be liable for imprisonment for a term which,-

- (i) in the case of low-risk building and pandals, may extend upto one year; and
- (ii) in the case of medium and high-risk building and pandals, may extend upto two years.

General penalty.

58. (1) Whoever contravenes any provision of this Act shall, if no specific penalty is specified for the contravention of that provision, be punished with a fine which,-

- (i) for low-risk buildings and pandals, may start from twenty thousand rupees and may extend upto thirty thousand rupees;
- (ii) for medium-risk buildings and pandals, may start from twenty thousand rupees and may extend upto forty thousand rupees; and
- (iii) for high-risk buildings and pandals, may start from thirty thousand rupees and may extend upto fifty thousand rupees.

(2) In case the offence is a continuing one, a further fine in addition to the abovementioned fine may be imposed which may extend upto three thousand rupees for every day calculated after the date of imposition of first fine till continuity of such offence.

(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 they have already been punished twice under this section.

PART - F
OTHER PROVISIONS RELATING TO PENALTIES
UNDER THIS CHAPTER

Recovery of dues as arrears of land revenue.

59. Any amount due as penalty under this Chapter may be recovered as arrears of land revenue.

Compounding of offences.

60. 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 in 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 him after inspection (whether in the form of a notice or otherwise), such offences shall not be compounded until the accused person complies with the order or direction to the extent possible.

Offences by companies or professionals or firms.

61. (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.

(2) Notwithstanding anything contained in sub-section (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 to 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,-

- (i) 'company' means a body corporate and includes a firm or other association of individuals; and
- (ii) 'Director', in relation to a firm, means a partner in the firm.

Penalty for violation of duty.

62. Notwithstanding any action which may be taken under the provisions of this Act, any member of the Service who,-

(i) 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 thereunder;

(ii) refuses to comply with a call to duty, or withdraws or abstains from the duties of his office without permission, being absent on leave fails without reasonable cause to report himself for duty on expiration of such leave; or

(iii) accepts any other employment or office or engages himself in business in contravention of the provisions of the Punjab Civil Service Rules, and Government Employees (Conduct) Rules, 1966,

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

CHAPTER VIII

PROCESS TO LEVY PENALTIES

Process to issue orders against owners, occupiers, and erectors, except in case of pandals.

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 in accordance with the proviso to sub-section (1) of section 33, and section 36.

(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.

(3) Before making an order, the Government, Director or Fire Officer, as the case may be, must,-

- (i) issue a show-cause notice which contains the following particulars, namely:-
 - (a) 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;
 - (b) the provision of the Act or the rules that empower the Government, Director or the Fire Officer to impose the order;
 - (c) 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
 - (d) 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 shall in no case be less than two working days;

- (ii) give an opportunity to the recipient of the show-cause notice to make representations, in writing:

Provided that no order for sealing or demolition of buildings or the revocation of a Qualified Agency's license shall be made without giving a hearing:

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

Provided further that the right of the recipient of the notice to

be represented by a legal counsel in the hearing shall not be construed to impose any duties on the Government to provide access to legal counsel to a person.

(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 Local Authority or Fire Officer to impose the order shall not be considered to be adequate reason for the purposes of this Chapter.

(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 an appeal shall be such, as may be prescribed 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:

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

Provided further that each appellate authority shall have the power to condone delay of up to thirty 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.

(6) The Government may make such rules to modify the above process to issue orders against owners, occupiers, and erectors, as it may deem fit.

Increase in penalties.

64. The penalties mentioned in the monetary terms in Chapter- VII of this Act, shall increase by five percent at the beginning of every year. Notwithstanding anything contained in this Chapter, the Government shall have the right to change the percentage.

Process under section 63 not to apply.

65. The process prescribed under section 63 of this Act shall not be applicable during execution of a fire fighting and rescue operations provided that the Government shall make rules for execution of fire fighting and

rescue operations.

Cognizance of
prosecution.

66. 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 Officer authorised by him in this behalf.

Jurisdiction.

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

CHAPTER IX MISCELLANEOUS

Establishment of a
fire training institute
and provision of
training to members
of the Service.

68. (1) The Government may nominate the 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.

(2) The Government may extend the training facilities at any institute established under sub-section (1) to members of the Fire and Emergency Services of other States on payment of such fee, as may be prescribed.

(3) Subject to the observance of the general rules applicable to other employees of the Government in relation to training, the members of the 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.

(4) A member of the Service who undergoes training as provided in sub-section (3) shall indemnify the Government 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 Service for such a period of time, as may be notified by the Government.

Police officers and
others to aid.

69. Any Fire Officer, while exercising any powers available to him 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 Department of Public Works, Punjab State Power Corporation Limited, Department of Power, and/or the Department of Water Supply and Sanitation, and it shall be the duty of such persons to provide such assistance as the Fire Officer may require.

Installation of firehydrant.

70. (1) The local authority, with the prior permission of the Director, may order to install a firehydrant or any other firefighting infrastructure on a public street or private premises, only if it is necessary and unavoidable, in order to protect the building or surrounding area from a fire hazard.

(2) Any person trying to create obstruction shall be punishable with a fine as specified in section 58.

Power to make rules.

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

(2) 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 rule 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, however any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Insurance of buildings and pandals.

72. The Government may take measures to encourage owners and occupiers of buildings and erectors of pandals to insure their buildings and pandals against risks from fire.

Fire and Life Safety Norms.

73. The Government after obtaining approval of the Council of Ministers may adopt Fire and Life Safety Norms different from those contained in the National Building Code of India, 2016, recording the reasons, in writing, for making such changes.

Delegation of powers.

74. (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.

(2) The Director may, by notification, direct that any power

conferred upon him, except the power to revoke licenses to act as a Qualified 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.

General powers of the Government over officers.

75. (1) Notwithstanding anything contained in this Act, the Government shall have the power of reversing or modifying or recalling any order of any officer of the Government or any officer of the Service passed or purporting to have been passed under this Act, if it considers it to be not in accordance with the provisions of this Act or the rules made thereunder or instructions or to be for any reason inexpedient.

(2) The Government shall exercise over its officers all powers of superintendence, direction and control.

(3) The power of the Government to issue any order, direction or instruction under this Act shall include the power of the Government to modify, withdraw or amend such order, direction or instruction.

Power to remove difficulties.

76. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may within three years from the commencement of this Act, 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.

(2) Every order made under this section shall be laid, as soon as may be after it is issued, before the Legislative Assembly of the State.

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

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

Effect of the other laws.

78. Notwithstanding anything contained in any other law of the State of Punjab 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.

Repeals and
savings.

(1) The Punjab Safety Measures for Prevention and Control of Fire Act, 2012 (Punjab Act No. 8 of 2013) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Punjab Fire and Emergency Service Bill, 2024

Fire service is one of the most important emergency response services. The risk of fire in urban areas has increased over the years and the rising cost of fire losses would seem to indicate that they are increasing at a greater rate than the measures devised to control them. Cities are growing in size and complexity day by day; therefore, they need to be managed more efficiently. To meet with the fire safety, fire fighting and Ease of Business requirements of the present times, the Government of Punjab has decided to introduce a new legislation with new amendments and additions. The Punjab Fire and Emergency Service Bill, 2024 aims to ensure that all structures in Punjab have adequate fire prevention and life safety measures, streamlining compliance and increasing ease of doing business in the state, establishing clear duties for owners of buildings, greater sources for revenue for the Government, a cost-effective approach towards enforcement and so on.

2. It is deemed, therefore, expedient to provide for enactment of "**The Punjab Fire and Emergency Service Bill, 2024**".

Balkar Singh
Local Government Minister, Punjab.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 71 of "The Punjab Fire and Emergency Service Bill, 2024" empowers the State Government to make rules to carry out the purposes of this Act. The Powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

**CHANDIGARH:
THE 2ND SEPTEMBER, 2024**

**RAM LOK KHATANA,
SECRETARY.**

N.B. – The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 3rd September, 2024 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).