



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LIV] MONDAY, APRIL 1, 2013/CAITRA 11, 1935

Separate paging is given to this Part in order that it may be filed as a Separate
Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 1st April, 2013, is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department

GUJARAT ACT NO. 11 OF 2013.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 1st April, 2013).

AN ACT

to make effective provisions for the fire prevention, safety and protection of life and property, in various types of buildings and temporary structures or shamiyana or tents or mandap likely to cause a risk of fire in different areas in the State of Gujarat and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to make effective provisions for the fire prevention, safety and protection of life and property in various types of buildings and temporary structures or *shamiyana* or tents or *mandap* likely to cause a risk of fire, in different areas in the State of Gujarat, fire service fee, constitution of a special fund and for the purposes connected therewith or incidental thereto;

It is hereby enacted in the Sixty-Fourth Year of the Republic of India as follows:-

**CHAPTER I
PRELIMINARY**

Short title,
extent and
commencement.

1. (1) This Act may be called the Gujarat Fire Prevention and Life Safety Measures Act, 2013.

(2) It extends to whole of the State of Gujarat.

(3) It shall come into force in any area on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different areas and for different provisions of the Act.

Definitions.

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

(a) “**building**” shall have the meaning assigned to it in the GDCR or relevant law or any law for the time being in force in the area in which this Act is in force; and includes places or premises comprising land or building, or part of a land or building, outhouses, if any, appertaining to such building or part thereof and petrol, diesel or gas lines, communication lines, power installations or pumps, whether authorized or otherwise;

(b) “**building bye-laws**” means the building bye-laws, rules or regulations made under any relevant law and includes GDCR or regulations, by whatever name they are called, or any other building rules or regulations made under any other law for the time being in force and are in operation in the area in which this Act is in force;

(c) “**Chief Fire Officer**” means a person as classified under section 10;

(d) “**Commissioner**” shall have the meaning assigned to it in clause (9) of section 2 of the Gujarat Provincial Municipal Corporations Act, 1949;

Bom. LIX of
1949.

(e) “**Director**” means a person appointed under section 6;

(f) “**disaster**” shall have the meaning assigned to it in clause (h) of section 2 of Gujarat State Disaster Management Act, 2003;

Guj. 20 of 2003.

(g) “**emergency services**” means services required to be rendered in case of manmade or natural disaster or any eventuality where the life is at risk;

(h) “**erector**” means a person or an association of persons, whether corporate or otherwise, who erects or makes a *shamiyana* or tents or *mandap* or any structure for occupation of people on a regular or temporary basis;

- (i) "fees" means fees levied under section 30;
- (j) "fire division" means a territory comprising such number of fire sub-divisions as may be prescribed; and declared generally or specially by the State Government to be a fire division for the purpose of this Act;
- (k) "fire prevention and life safety measures" means such measures as are necessary in accordance with the building bye-laws or as required by or under the provisions of any law or the National Building Code of India, for the time being in force, for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;
- (l) "fire region" means territory comprising such number of fire divisions as may be prescribed and declared generally or specially by the State Government to be a fire region for the purpose of this Act;
- (m) "fire safety officer" means a person appointed under section 12 of this Act as the Fire Safety Officer by the owners and occupiers of certain premises and buildings as specified in this behalf to ensure fire prevention and fire safety measures installed in such premises and buildings;
- (n) "Fund" means fund constituted under section 32;
- (o) "GDCR" means the General Development Control Regulations made under clause (m) of sub-section (2) of section 12 of Gujarat Town Planning and Urban Development Act, 1976;
- (p) "Licensed Agency" means a person or an association of persons licensed under sub-section (1) of section 28;
- (q) "Housing Society" includes all registered residential and non-residential or mixed housing societies, association of owners or co-owners of flat occupancy, building premises and associations of owners as defined under the Gujarat Ownership of Flats Act, 1973;
- (r) "local authority" means a municipal corporation, nagar panchayat, municipality, district panchayat, taluka panchayat, gram panchayat, notified area committee or cantonment board constituted under relevant local authority law;

President's Act
No. 27 of 1976.

Guj. 13
of 1973.

- (s) **“Local Fire service”** means the local fire service as may be notified by the State Government under section 3.
- (t) **“National Building Code of India”** means the book or books containing Fire Prevention and Life Safety Measures to be implemented in the buildings, places, premises, workshops, warehouses and industries, published from time to time by the Bureau of Indian Standards;
- (u) **“nominated officer”** means an officer possessing the prescribed qualifications and nominated by the Director or the Regional Fire Officer or the Chief Fire Officer to perform duties and functions laid down under this Act;
- (v) **“occupancy”** means the principal occupancy for which a building or a part of a building is used or intended to be used including subsidiary occupancies which are contingent upon it;
- (w) **“occupier”** shall have the meaning assigned to it in clause (xvi) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976; President Act No. 27 of 1976.
- (x) **“owner”** shall have the meaning assigned to it in clause (xvii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976 and shall also include the housing society; President Act No. 27 of 1976.
- (y) **“premises”** means any land or any building or part of a building and includes the garden ground and outhouse, if any, appertaining building or part of a building; and any land or any building or part of a building appurtenant thereto which is used for storing explosives explosive substance and dangerously inflammable substance;
- (z) **“prescribed”** means prescribed by rules made under section 57;
- (za) **“Regional Fire Officer”** means a person appointed under section 8;
- (zb) **“regulations”** means regulations made by the Director under section 58;
- (zc) **“shamiyana or tents or mandap”** means a temporary structure with roof or walls made of straw, hay, ulu grass, golpatta, hogla, darma, mat, canvas, cloth or other like material which is not adopted for permanent or continuous occupancy.

President Act
No. 27 of 1976.

Guj. 20 of
2003.

(2) Words and expressions used in this Act but not defined shall have the meaning assigned to them in the Gujarat Town Planning and Urban Development Act, 1976 or the Gujarat State Disaster Management Act, 2003 or any other law relating to local authorities, as the case may be, and the rules made thereunder.

CHAPTER II

ORGANIZATION, SUPERINTENDENCE, CONTROL AND MAINTAINANCE OF FIRE SERVICE

3. (1) There shall be one State fire service for the whole of the State and all officers and subordinate ranks of the fire service shall be liable for the posting to any office of the fire service:

One fire
service for
whole of State.

Provided that, the State Government may, by notification in the *Official Gazette*, declare any Fire Brigade or any other Local Fire Service of any local authority of the State, by whatever name called, that the same shall form or shall not form the part of State Fire Service at any time:

Provided further that, this provision shall not apply to the private fire services maintained for providing fire protection coverage to specific building or industry by the owner or occupier thereof.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force relating to the local authorities, the State Government may, by notification in the *Official Gazette*, declare the services relating to any fire brigade or fire prevention a part of State Fire Service with effect from such date as may be specified in the notification.

(3) Upon such declaration under sub-section (2),-

- (i) the officers and employees responsible for providing the fire services in the areas of such local authority, shall be deemed to have been absorbed in the State Fire Service, subject to such terms and conditions as may be notified;
- (ii) terms and conditions applicable to the employees after such absorption shall be such as may be decided by the State Government,
- (iii) all proceeding pending before any fire officer, immediately before the declaration, be deemed to be proceeding pending before him in his capacity as the holder of the office to which he is deemed to be appointed under sub-clause (2),

- (iv) all assets, rights and liabilities relating to the fire services of such local authorities shall stand transferred to the State Fire Service, subject to such terms and conditions as the State Government may deem fit,
- (v) the State Government may take such necessary actions as it deems fit.

Superintendence
of Fire Service to
vest in State.

4. The superintendence of, and control over, the Fire Service throughout the State shall vest in the State Government and the Fire Service shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder through such fire officers as the State Government may, from time to time, appoint in this behalf.

Constitution and
classification of
Fire Service.

5. (1) Subject to the provisions of this Act, the State fire service shall consist of such number of staff in several ranks and have such organisation and have such powers, functions and duties as the State Government may, by general or special order, determine.

(2) The State Government may prescribe by rules, -

- (a) the different posts of the State Fire Service;
- (b) the mode of recruitment of staff, grade of post, the qualification, pay, allowances and other conditions of service of the officers and other staff engaged therein and matters connected therewith;

(3) The State Government may, by notification in the *Official Gazette*, review the existing pattern of the existing different fire services in the State and if deem fit may modify:

Provided that, for local fire services the rules framed under this subsection may not include mode of recruitment of staff, pay, allowances and matters connected therewith.

(4) Save as otherwise provided by or under this Act, every person holding office either as a Chief Fire Officer or Fire Officer or staff or an employee (by whatever designation called) on an existing Fire Brigade or Fire Service of any authority on the date immediately before the commencement of this Act shall continue to hold office on the same terms and conditions as were applicable to him immediately before such date and shall exercise such powers and perform such duties as before and in addition to those as are conferred on them by or under this Act.

Appointment of
Director.

6. (1) The State Government shall appoint a person to be the Director and such other officers and staff as may be necessary from time to time to assist the Director while exercising the powers or discharging the duties or functions conferred under this Act or the rules made thereunder.

(2) The jurisdiction of the Director so appointed shall extend to the entire State in matters relating to fire services.

(3) Subject to the control, directions and superintendence of the State Government, the Director shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or the rules made thereunder.

7. (1) Without prejudice to the provisions of sub-section (3) of section 6, the Director shall, -

**Powers, duties
and functions of
Director.**

- (i) function as the Head of Department in the office of the Director;
- (ii) subject to the rules made in this behalf, the Director may appoint subordinate staff only on the recommendations of the Gujarat State Subordinate Services Selection Board on such terms and conditions of salaries and allowances as may be fixed by the State Government;
- (iii) keep liaison with the Central Government and the State Government offices for the development of fire services;
- (iv) frame the policies in relation to the development of fire services in the State and, on approval by the State Government, take steps to implement the same;
- (v) exercise superintendence and control over all authorities in the matters relating to fire prevention and fire safety measures; and subject to the approval of the State Government, issue such directions to any authority in respect of fire services maintained or required to be maintained by them;
- (vi) represent the State Government on National and International forums with a view to updating the standard of fire services in the State;
- (vii) prepare and submit plans and proposals to the State Government with regard to the periodical review of fire equipment, fire property and fire manpower for effective implementation of fire services by the authorities;
- (viii) take or cause to be taken such effective steps and measures in cases of major fires, house collapse and other emergency services;
- (ix) investigate or cause to be investigated the cause of fire and advise the authorities for implementing fire precautionary measures;

- (x) advise the State Government to set up additional Fire Training Centre or Centres for imparting training to the officers and staff of local authorities so as also to cater to the need of the various factories, commercial and mercantile establishments in the private sector and to impart training to officers and the staff or to provide them the trained and qualified fire service personnel;
- (xi) requisite fire-fighting equipment of any authority or any institution or individual, which in his opinion is required for the purpose of extinguishing fire in any area ; and to determine the amount of compensation payable in respect of such equipment of in the area of which authority, such fire operation is required to be carried out;
- (xii) exercise such other powers and perform such other duties and functions as may be conferred, imposed or allotted to him by or under the provisions of this Act.

(2) The Director, with the approval of the State Government, direct and regulate all matters of firefighting equipment, machinery and appliances, training, observation of persons and events mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfillment of duties and maintenance of discipline of fire officers and members of the Fire Service under him.

(3) The Director shall appoint such number of officers and employees as may be necessary to assist any Fire Officer of the State Fire Services, while exercising his powers or discharging his duties or functions under this Act or the rules made there under.

(4) When the Director is informed, on a complaint made or otherwise that default has been made in the performance of any duty imposed on an authority by or under this Act or by or under any enactment in relation to firefighting measures or operations for the time being in force, the Director, if satisfied after due inquiry, that the alleged default has been made, may, by order, fix a period for the performance of that duty and communicate such order to the authority.

(5) If the duty is not performed within the period so fixed, the Director may appoint such other person to perform it, and may direct that the expenses of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the person or the authority, as the case may be.

(6) If the expense and remuneration are not so paid, the Director may make an order directing the bank in which any moneys of the person or the authority are deposited or the person in-charge of the local Government Treasury or of any other place of security in which the moneys of the authority

are deposited, to pay such expenses and remuneration from such moneys as may be standing to the credit of the authority in such bank or may be in the hands of such person or as may, from time to time, be received from or on behalf of the authority by way of deposit by such bank or person, and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the authority in respect of any sum or sums so paid by it or him out of the moneys of the authority so deposited with such bank or person.

(7) The Director or 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 owner or occupier of any building or other property as may be specified to supply information with respect to the character of such building or other property as may be specified, the available water supplies and means of access thereto, any other material particulars, and such owner or occupier shall furnish all the information in his possession.

(8) The Director may, with the previous sanction of the State Government, enter into an agreement with any fire service or the authority which maintains the said fire service, beyond the limits of any area in which this Act is in force for providing personnel or equipment or both, for firefighting purpose on such terms and conditions as may be provided by or under the agreement on reciprocal basis in public interest.

(9) The Director may, with the previous sanction of the State Government, enter into arrangements with any person or organisation who employs and maintains personnel or equipment or both, for firefighting purposes, to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the provision by that person or organization for assistance for the purpose of dealing with fire occurring in any area in which this Act is in force.

8. (1) For the purpose of providing adequate number of officers and staff for meeting the needs of fire services, having regard to the population, potential fire hazards in certain industries and large commercial and mercantile establishments and buildings and the number of fire stations required to be provided for and maintained, the State Government may, for the purpose of securing fire prevention and life safety measures within the State, by notification in the *Official Gazette*, constitute as many fire regions as it deems fit.

Constitution of
fire region.

(2) Every notification issued under sub-section (1) shall define the limits of the region to which it relates.

(3) The State Government shall, for each fire region, appoint a person to be the Regional Fire Officer.

(4) Subject to the control, direction and superintendence of the Director, the Regional Fire Officer, shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or the rules made thereunder or orders issued in this behalf.

(5) Without prejudice to the provisions of sub-section (4), the Regional Fire Officer shall, -

- (i) function as the Head of the Fire region;
- (ii) prepare the fire management plan for the region.

(6) The qualifications for appointment and other conditions of service of the Officer, appointed under sub-section (3) shall be such as may be prescribed.

Division of fire
region into fire
divisions.

9. The State Government may, by notification in the *Official Gazette*, divide each fire region into such fire divisions as may be specified in the notification. The fire divisions may comprise of the area of one or more local authority. The fire division may also be further divided into fire stations and define their boundaries as may be necessary for administrative and operational efficiency.

Appointment of
Fire Officers.

10. (1) For the purposes of this Act, the State Government may appoint, for each,-

- (a) fire division, a person as the Divisional Fire Officer,
- (b) fire station, a person as the Station Fire Officer.

(2) The qualifications for appointment and other conditions of service of the Officers, appointed under sub-section (1) shall be such as may be prescribed.

(3) For the purposes of this Act, the State Government may for each Local Fire Services,-

- (a) classify the category of Chief Fire Officer taking into consideration the population and class of local authority or authority or such other factors as may be prescribed;
- (b) prescribe the norms and qualifications of the each category of Chief Fire Officer;

(4) Subject to sub-section (3), the State Government may by an order direct the local authority or the authority, as the case may be, to appoint a person to be the Chief Fire Officer.

Powers, duties
and functions of
Fire Officers.

11. (1) Subject to the control, directions and superintendence of the Director, the Regional Fire Officer or the Chief Fire Officer appointed under sub-section (3) of section 8 and under section 10 respectively, shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or rules or orders made thereunder.

(2) Without prejudice to the provisions of sub-section (1), in case of fire prevention and disaster, the Regional Fire Officer or the Chief Fire Officer, as the case may be, for their jurisdiction shall in case of any fire or emergency act as commanding officer for that event and all other fire services engaged shall work under him.

(3) Without prejudice to the provisions of sub-sections (1) and (2), the Regional Fire Officer or the Chief fire officer, as the case may be, shall for their jurisdiction, be the head of the office.

12. (1) To ensure the effective fire prevention and life safety measures of the buildings or premises as may be specified by an order by the State Government in this behalf, every factory or the owner and occupier or occupiers individually or jointly, as the case may be,-

**Appointment of
Fire Safety
Officer.**

(i) shall appoint a fire safety officer, having such qualifications as may be prescribed;

(ii) send the compliance report to the Regional Fire Officer or the Chief Fire Officer, as the case may be, under section 18.

(2) The fire safety officer so appointed under sub-section (1) shall, be issued by the Regional Fire Officer or the Chief Fire officer, as the case may be, the enrolment certificate under his signature and seal of the office in the prescribed form.

(3) In case of a vacancy of the fire safety officer appointed under sub-section (1), either on resignation or otherwise, the factory or the owner and occupier or occupiers individually or jointly, as the case may be, shall be required to immediately appoint the fire safety officer.

(4) In case of non-appointment of the fire safety officer, as envisaged under Sub section (1), the Regional Fire Officer or the Chief Fire Officer, as the case may be, may take such steps as he deems necessary, which includes report to the Labour Commissioner for the closure of the factory and in other cases to the relevant authority for necessary action under relevant law.

CHAPTER III REQUISITION, COMPENSATION FOR FIRE EQUIPMENT

13. (1) Where, the Director or the Chief Fire Officer or any other Fire Officer of any authority, who is in-charge of a fire fighting operation requires firefighting equipment or property of any other authority or any institution or individual, he may by order requisite such equipment or property for the purpose of extinguishing fire in any area and take possession thereof from the authority or any institution or individual, as the case may be.

**Requisition of
fire fighting
property.**

(2) As soon as may be, after the firefighting operations are over, such officer shall release the equipment or property, taken possession of by requisition under sub-section (1) and restore the same to the authority, institution or individual from whose possession such property was taken.

(3) Where any firefighting equipment or property is requisitioned under sub-section (1), there shall be paid to the owner of such property, compensation the amount of which shall be determined in accordance with the principles hereinafter set out, that is to say,—

- (a) where the amount of compensation can be fixed by agreement between the Director or, as the case may be, the Chief Fire Officer and the owner of the firefighting property, it shall be paid in accordance with such agreement;
- (b) where no such agreement can be reached, the Director or, as the case may be, the Chief Fire Officer shall refer the matter to the District Magistrate having jurisdiction over the area in which the firefighting equipment or property was kept, used or procured and the Magistrate shall, after hearing the parties and such other persons as he deems necessary, fix the amount of compensation taking into consideration the rent which the firefighting equipment or property would normally fetch if rented out for a similar purpose. The orders of the District Magistrate fixing the amount of compensation shall be final.

Functions in case of fire.

14. (1) In case of any fire in any area, the Director or the Regional Fire Officer or the Chief Fire Officer or any other Fire Officer who is in-charge of firefighting operations on the spot may,—

- (a) remove, or order any other fire officer or fire personnel to remove, any person who by his presence, interferes with or impedes the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which fire has taken place;
- (c) break into or through, or pull down, any premises, for the passage of hose or appliances or cause them to be broken into or through, or pulled down, doing as little damage as possible for the purpose of extinguishing fire :

Provided that, the owner or occupier, as the case may be, of any such premises shall be paid reasonable compensation to the extent of the damage so caused in such manner as may be prescribed;

- (d) 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 the fire has broken out and utilise the water of any stream, cistern, well or tank or of any available source of water, public or private, for the purpose of extinguishing or

- (e) exercise, in the absence of aid from the police, the same powers for dispersing an assembly of persons likely to obstruct the fire-fighting operations as if he were an officer-in-charge of a police station;
- (f) generally take such measures as may appear to be necessary for extinguishing the fire or for the protection of life or property.

(2) Any damage cause to any premises or property, due to fire, by members of the fire service in the discharge of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

15. It shall be lawful for the officer-in-charge of the fire fighting operations to draw water from any source in the area which he considers necessary for such operations and on such occasions as may be required and the authority or owner or occupier having control over such water source shall supply water for that purpose at such rates as may be prescribed.

Power to arrange supply of water.

16. Notwithstanding anything contained in section 14, the Regional Fire Officer or the Chief Fire Officer of any authority or any other officer authorised in this behalf, may enter into agreement with any person who employs and maintains personnel or equipment or both for fire fighting purposes, to secure, on such terms as may be prescribed, the provisions of that person of assistance for the purpose of dealing with fires occurring in any area.

Power to enter into agreement.

CHAPTER IV TRAINING TO FIRE PERSONNELS

17. (1) The State Government may establish and maintain training centres in the State for providing courses of instruction in the prevention and extinguishment of fire for the personnel of any Fire Service and private services of industries, hotels, multi-storied buildings and such other Government and non-Government establishments as which the State Government may specify.

Training.

(2) The State Government may extend the training facilities at such centres to be established under sub-section (1) to the fire service under the control of local bodies and industrial undertakings on payment of fees as may be prescribed.

(3) The State Government may prescribe such fee and such procedure as it may deem fit for providing a course of instruction in the prevention and extinguishment of fire.

CHAPER V
PROVISIONS RELATING TO FIRE PREVENTION AND
LIFE SAFETY MEASURES

**Requirement
for fire prevention
and life safety
measures.**

18. (1) Without prejudice to the provisions of any other law or the rules, GDCR or building bye-laws made thereunder or the National Building Code of India, relating to fire prevention and life safety measures as in operation in the State for the time being in force, housing society or the owner or where the owner is not traceable, the occupier, who are either individually or jointly responsible, of a building as classified by regulations or part thereof, shall provide fire prevention and life safety measures therein :

Provided that the owner or the occupier, as the case may be, shall, -

- (i) provide minimum firefighting and life safety installations as provided in the regulations;
- (ii) maintain the fire prevention and life safety measures in operational condition at all times, in the manner and specifications specified in regulations.

(2) The regulations so made shall be notified in the *Official Gazette*.

**Manner of
compliance for
prevention and life
safety measures.**

19. (1) Notwithstanding anything contained in any other law for the time being in force, -

- (a) no authority empowered to issue the occupancy certificate, shall issue the same, unless it is satisfied that the owner or the occupier, either individually or jointly, has complied with the provisions of section 18;
- (b) in case of building or part thereof, on the date of commencement of this Act, where development permission is issued and construction is not commenced or the construction is commenced but not completed or the construction is completed but occupancy certificate is not issued, and where the housing society or the owner or the occupier, individually or jointly liable, as the case may be, is required to comply the provisions of section 18, the Regional Fire Officer or the Chief Fire Officer, as the case may be, shall either *suo moto* or otherwise serve on the owner or occupier, as the case may be, a notice in the manner as may be prescribed and direct him to undertake and carryout fire prevention and life safety measures, as deemed necessary, within two months from the commencement of this Act, or within such

period or periods as may be extended by the State Government by order in writing:

Provided that any owner or the occupier, as the case may be, who has been served with the notice under clause (b) or not, may undertake and carryout fire prevention and life safety measures, as required to be complied under the provisions of section 18 or as mentioned in the notice issued by the Regional Fire Officer or the Chief Fire Officer or the nominated officer, as the case may be, for getting fire safety certificate.

(2) The owner or the occupier, individually or jointly, as the case may be, shall inform to the Regional Fire Officer or the Chief Fire Officer or the nominated officer, about the compliance with respect to sub-section (1).

(3) The owners or occupiers, as the case may be, who are liable individually or jointly, for the building or part thereof, shall furnish to the Regional Fire Officer or the Chief Fire Officer or the nominated officer, certificate regarding the maintenance and operational condition of fire prevention and life safety measures, as specified by the regulations, issued by a Licensed Agency regarding the compliance of the fire prevention and life safety measures as required under the provisions of section 18.

20. The owners or occupiers, as the case may be, individually or jointly, who are liable to provide fire protection and life safety measures in building or part of building or premises, who, at any time, fail to comply with regard to sub-section (1) of section 19, shall be deemed to be in default. In case, where a fire safety certificate is issued earlier shall remain suspended for a period from the date of the notice for non-compliance issued by the Regional Fire Officer or the Chief Fire Officer or nominated officer and till the date compliance is made to the satisfaction of the Regional Fire Officer or the Chief Fire officer or nominated officer, as the case may be, and the same shall be duly recorded on the fire safety certificate.

Consequences
for
non-compliance
of section 19.

21. (1) The Regional Fire Officer or the Chief Fire Officer or the nominated officer, as the case may be, may scrutinise the compliances, with regard to the requirement of section 18, made by the owners or the occupiers, as the case may be, either independently or jointly, may after making necessary inquiry, if any, issue fire safety certificate.

Suspension,
termination and
punishment.

(2) If the owner or occupier, as the case may be, fails to comply with the directions issued by the Regional Fire Officer or the Chief Fire Officer or the nominated officer, the fire safety certificate, issued under sub-section (1) shall be cancelled after giving owner or occupier an opportunity of hearing to show-cause.

(3) The owner or occupier of the building or premises whose fire safety certificate has been cancelled due to default on his part, shall not be entitled to occupy the building or premises on the ground of non-compliance of fire prevention and life safety measures under section 18.

(4) No person shall tamper with, alter, remove or cause any injury or damage to any fire prevention and life safety equipment installed in any such building or part thereof or instigate any other person to do so.

**Safety Measures for
fire hazardous
materials.**

22. (1) The State Government may, by notification in the *Official Gazette*, frame the regulations in respect of categorization of fire hazardous materials, trade and premises used for such purposes.

(2) Upon issuances of notification under sub-section (1) it shall be lawful for the Director or the Regional Fire Officer or the Chief Fire Officer or the nominated officer or any fire officer authorised either by the Director or the Regional Fire Officer or the Chief Fire Officer to direct the removal of objects or goods likely to cause the risk of fire, to a place of safety and on failure by the owner or occupier to do so, the Director or the Regional Fire Officer or the Chief Fire Officer or fire officer may, after giving the owner or occupier a reasonable opportunity of making the representation, seize, detain or remove such objects or goods. The opportunity of representation as aforesaid may be dispensed with to avoid an imminent or alarming foreseeable risk of fire.

**Assistance of
police in fire
prevention and
firefighting
operation.**

23. In firefighting operations or any other duties relating to seizure, detention or removal of any goods involving risk of fire, it shall be the duty of a police officer or members of the police force to assist and aid to the Director or such fire officer in performance of such duties under this Act.

**Power to entry
and inspect.**

24. (1) The Director or the Regional Fire Officer or the Chief Fire Officer or the Nominated Officer may, after giving three hours' notice to the housing society or occupier or if there is no occupier, to the owner of any place or building or part thereof, as the case may be, enter and inspect such place or building or part thereof at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and life safety measures:

Provided that, the Director or the Regional Fire Officer or the Chief Fire Officer or the Nominated Officer may enter into and inspect any such place or building or part thereof at any time if an industry is working or an entertainment or function is going on at such place, building or part thereof, or if it appears to him to be expedient and necessary to do so in order to ensure safety of life and property.

(2) The Director or the Regional Fire Officer or the Chief Fire Officer or the Nominated Officer shall be provided with all possible assistance by the owner or occupier, as the case may be, of such place or building or part thereof for carrying out the inspection under sub-section (1).

(3) The owner or occupier or any other person shall not obstruct or cause any obstruction to the entry of a person empowered or authorised under this section into or upon any land or building or shall not molest such person after such entry for inspection.

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

(5) Where the inspection is carried out by the Nominated Officer under the preceding provisions of this section, he shall give a report of such inspection to the Director or the Regional Fire Officer or the Chief Fire Officer of the authority concerned.

25. (1) Without prejudice to the prosecution for an offence of non-compliance of the notice issued under clause (b) of sub-section (1) of section 19, the Director or the Regional Fire Officer or the Chief Fire Officer may, in the event of non-compliance of any such notice, take such steps including exercising the power to have the place, building or any part thereof sealed and / or disconnected facilities of water, power and drainage under section 26, as may be necessary for the compliance of such notice.

Steps to be taken for non-compliance of notice.

(2) All expenses incurred by the Director or the Regional Fire Officer or the Chief Fire Officer in relation to any steps taken by him under sub-section (1) shall be payable on demand, by the owner or occupier on whom such notice is served, and shall, if not paid within fifteen days after such demand be recoverable, as if it were the arrears of tax on property and the provisions under the relevant law or any other law for the time being in force and is in operation within the area of jurisdiction of the local authority concerned for recovery of arrears of tax on property, shall apply *mutatis mutandis* for such recovery as they apply to the recovery of arrears of tax on property or where any such law is not in operation then, as an arrears of land revenue.

26. (1) If the Director or the Regional Fire Officer or the Chief Fire Officer is satisfied that due to inadequacy of fire prevention and life safety measures the condition of any place or building or part thereof is in imminent danger to person or property, then notwithstanding anything contained in this Act, or any other law for the time being in force, he shall, by order in writing, require

Evacuation and power to seal.

the persons in possession or in occupation of such place or building or part thereof to remove themselves forthwith from such place or building or part thereof.

(2) If an order made by the Director or the Regional Fire Officer or the Chief Fire Officer under sub-section (1) is not complied with, he may direct, -

- (a) the authority responsible for supply of electricity or supply of water, to disconnect the supply of electricity or water, as the case may be;
- (b) any police officer having jurisdiction in the area, to remove such persons from such place or building or part thereof and such authority or police officer shall comply with such directions.

(3) After the removal of the persons under sub-section (1) or sub-section (2), as the case may be, the Director or the Regional Fire Officer or the Chief Fire Officer shall cause such place or building or part thereof, to be sealed by such police officer forthwith.

(4) No person shall remove such seal except under a written order made by the Director or the Regional Fire Officer or the Chief Fire Officer *suo motu* or on an application of the owner or occupier.

CHAPTER VI PROVISIONS FOR TEMPORARY STRUCTURES

Provisions for temporary structures. 27. (1) The State Government may by notification in the *Official Gazette*, declare any class of temporary occupancy such as a *mandap*, *shamiyana* or tents or such other temporary structures for hosting any event, which, in its opinion, is likely to cause a risk of fire.

(2) The measures for fire prevention and life safety to be taken by the promoter, organiser, owner or occupier of such premises where such temporary structures are likely to take place or the erectors of temporary structures or *shamiyana* or tents or *mandap*, as the case may be, shall be such as may be prescribed.

(3) The Regional Fire Officer or the Chief Fire Officer or the Nominated Officer may grant permission for the use of the temporary structures or *shamiyana* or tents or *mandap*, as the case may be, ensuring an undertaking in the prescribed form is given by the promoter, organiser, owner or occupier.

- (4) The Director or the Regional Fire Officer or the Chief Fire Officer or the Nominated Officer may enter and inspect any temporary structure about the correctness of the declaration and may point out the inadequacy, if any, with a direction to comply within a specified time.
- (5) If the directions of the inspecting officer are not complied with within the time so given, the inspecting officer may seal the temporary structure or *shamiyana* or tents or *mandap* or dismantle such structure and the costs incurred therefore shall be recovered from such defaulter.
- (6) The Regional Fire Officer or the Chief Fire Officer or any officer authorised by him in this behalf shall direct the removal of encroachments or objects or goods likely to cause a risk of fire or any obstruction to firefighting, to a place of safety, and on failure of the owner, occupier or erector, as the case may be, to do so, he may, after giving the owner or occupier or erector, as the case may be, a reasonable opportunity of making representation, report the matter to the Sub-Divisional Magistrate, in whose jurisdiction the premises or temporary structure or *shamiyana* or tents or *mandap* is situated, requesting to adjudicate the matter:
- Provided that where the Regional Fire Officer or the Chief Fire Officer considers such encroachments or objects or goods to be an imminent cause of risk of fire or obstruction to firefighting, he may direct the owner or the occupier or erector of such premises or building to remove the encroachments or objects or goods forthwith and report the matter to the Sub-Divisional Magistrate accordingly.
- (7) On receipt of a report under sub-section (6), the Sub-Divisional Magistrate may make an order to seize, detain or remove such encroachment; or objects or goods likely to cause a risk of fire or obstruction to firefighting.
- (8) The person charged with the execution of the order made under sub-section (7), shall forthwith make an inventory of the objects and goods which he seizes under such order, and shall, at the same time, give a written notice as may be prescribed in this behalf, to the person in possession thereof at the time of seizure, that the said objects or goods shall be sold as mentioned in the order as if the same are not claimed within the stipulated time specified in the notice.
- (9) On the failure of the person in whose possession the objects or goods were at the time of seizure to claim the seized goods pursuant to notice given under sub-section (8), the Sub-Divisional Magistrate shall sell them by public auction.

(10) Any person aggrieved by a notice or order of the Sub-Divisional Magistrate under sub-section (8) may, within thirty days from the date of such order, prefer an appeal to the Director:

Provided that the Director may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filing the appeal within prescribed period.

(11) An appeal to the Director shall be made in such form and shall be accompanied with a copy of the notice or the order appealed against and with such fees as may be prescribed and the order passed by him shall be final.

CHAPTER VII LICENSED AGENCY

28. (1) The Director may grant a license to a person or association of persons as he thinks fit, to act as a Licensed Agency for the purposes of this Act. Licensed Agency.

(2) Any person intending to have or renew such license shall apply to the Director in the prescribed form and in the prescribed manner along with such fee as may be prescribed.

(3) On receipt of an application made under sub-section (2), the Director may, after holding such inquiry as he deems fit, either grant the license in the prescribed form for a period of two years or renew the same for a like period or, for reasons to be recorded in writing, by order refuse to grant or renew the license.

(4) Where the Director has reason to believe that any person to whom a license has been granted has contravened any of the provisions of this Act or of the rules or has failed to comply with the conditions of the license or is unfit by reason of incompetency, misconduct or any other grave reasons, the Director may, after giving to the person a reasonable opportunity to show cause, for reasons to be recorded in writing, by order suspend or cancel the license.

Work to be carried out by the Licensed Agency.

29. (1) No person other than a Licensed Agency shall carry out the work of providing fire prevention and life safety measures or performing such other related activities required to be carried out in any place or building or part thereof:

Provided that, if the Regional Fire Officer or the Chief Fire Officer is satisfied that, for any reason, to be recorded in writing, the owner or occupier is not able to carry out the fire prevention and fire safety measures in any such place or building or part thereof through a Licensed Agency, the Regional Fire Officer or the Chief Fire Officer may, with the approval of the Director, authorise any other licensed agency to carry out such work. The cost for the work carried out shall be recovered from the owner or the occupier, as the case may be.