

MODEL BILL TO PROVIDE FOR THE MAINTENANCE OF A FIRE AND EMERGENCY SERVICES FOR THE STATE

A Bill to provide for the maintenance of fire & Emergency Services and to make more effective provisions for the fire prevention and fire safety measures in certain buildings and premises in the State and the matter connected therewith.

Be it enacted by the Legislative Assembly of the State in the _____ Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement

- (1) This Bill may be called the State Fire and Emergency Service Bill, 2016.
- (2) It extends to the whole of the State of.....
- (3) It shall come into force in any area in such date as the Government may, by notification in the Official gazette, appoint and different dates may be appointed for different areas and for different provisions of this Bill.

2. Definitions

In this Bill, unless the context otherwise requires,-

- (1) “Appellate Authority” means the Lieutenant Governor or an Officer appointed by the Lieutenant Governor;
- (2) “Building” shall have the same meaning assigned to it in the relevant municipal law or any law for the time being in force in the area in which this Bill is in force; and includes places or premises comprising land or building, or part of a land or building, whether authorized or otherwise, outhouses, if any, appertaining to such building or part thereof and petrol, diesel or gas lines, installations or pumps;
- (3) “Building bye-Laws” means the building bye-laws, rules and regulations made under any relevant municipal law and includes the development control rules 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 the area in which this Bill is in force;
- (4) “Bye law” means fire safety regulations or norms or guidelines made under National Building Code of India Part-IV (Fire and Life Safety) Oil Industry Safety Directorate guidelines, Petroleum Act and Rules, Explosive Act and Rules of India relating to fire prevention, or any relevant guidelines by the Government or local Authority.
- (5) “Bureau of Indian Standard (BIS)” means BIS functioning under the control of Ministry of Consumer Affairs, Food and Public Distribution, Government of India.
- (6) “Chief Fire Officer” means the Chief Fire Officer or any other fire officer by whatever designation called, in charge of the fire-brigade maintained by the government or local authority.
- (7) “Director” means the person appointed by the Government to be the Director or head of Fire and Emergency Services.

- (8) “erector of pandal” means a person or association of persons, whether corporate or otherwise, who erects or makes a pandal or any structure for occupation of people on a regular or temporary basis;
- (9) “Fire Divisions” means a territory of State comprising such number of fire divisions as may be prescribed; and declared generally or specially by the Government to be a fire division for the purpose of this Bill;
- (10) “Fire Zone” means territory comprising such number of fire divisions as may be prescribed and declared generally and specially by the Government to be a fire zone for the purpose of this Bill;
- (11) “Fire prevention and Life safety measures” means such measures as are necessary in accordance with the building bye-laws/National Building Code of India for the containment, control, and extinguishing of fire and for ensuring the safety of Life and property in case of fire and as may be prescribed in the rules made in this behalf;
- (12) “Emergency” means any serious situation or occurrence that happens unexpectedly and demands immediate action of the Fire and Emergency Services or Fire and Emergency Services of the Government or local authority.
- (13) “Fire and Emergency Service officers” means the person appointed under Section 16 of this Bill as Fire and Emergency Service officers 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;
- (14) “Fire officer” means any operational member of the Fire and Emergency Service;
- (15) “Fire and Emergency Service” means Fire Stations or Fire and Emergency Service or Fire and Emergency Service established and constructed by the Government or local authority.
- (16) “Fire Station” means a building erected to house the firefighting equipment, appliances and staff declared generally or specially by the Government to be a fire station for the purpose of this Bill;
- (17) “Fire Sub-Division” means the territory within a fire division comprising such number of fire stations as may be prescribed; and declared generally or specially by the Government to be a fire sub-division for the purpose of this Bill;
- (18) “Government” means the Central Government or the Government of State or Union Territory.
- (19) “Local Authority” means a municipal corporation or a municipal council or a Nagar Panchayat or an Industrial Township constituted under any relevant municipal law for the time being in force in the State.
- (20) “Licensed Agency” means a person or an association of persons licensed by the Director or within the area under his jurisdiction, the Chief Fire Officer or the nominated officer, for undertaking or executing fire prevention and life safety measures or performing such other related activities required to be carried out under this Bill within the area of the government or local authority;

- (21) “Planning authority” includes any authority nominated by the State Government for the specified area determined.
- (22) “National Building Code of India, 2005” means the book as amended time to time containing fire prevention and life safety measures to be implemented in the buildings, places, premises, workshops, warehouses and industries, published by the Bureau of Indian Standards from time to time with or without amendments;
- (23) “Nominated officer” means an officer possessing the prescribed qualifications and nominated by the Director or the Chief Fire Officer and includes an officer nominated by the Government or a local authority or a planning authority for the purposes of this Bill, provided that, for the areas not covered by any Municipal Corporation or Municipal Council, the Director shall nominate an officer to be “a nominated officer”, and different such officers may be nominated for different areas;
- (24) “Nominated authority” means an officer not below the rank of a station officer nominated by the Director as a nominated authority for the purposes of this Bill
- (25) “Notification” means a notification published in the Gazette.
- (26) “Member” in relation to the Fire and Emergency Service means a person appointed to the Fire and Emergency Service under this Bill;
- (27) “Multistoried buildings” means a building with such minimum height as may be prescribed under the rules in this behalf, and notified to the Director by the local authority;
- (28) “occupancy” means the principal occupancy for which a building or a part of the building is used or intended to be used including subsidiary occupancies which are contingent upon it;
- (29) “Occupier” includes-
- I. any person who, for the time being, is paying or is liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
 - II. an owner in occupation of, or otherwise using his land or building;
 - III. a rent-free tenant of any land or building;
 - IV. a licensee in occupation of any land or building; and
 - V. any person who is liable to pay to the owner damages for the use and occupation of any land or building;
- (30) “Officer-in-charge” means a fire officer in charge of a fire station;
- (31) “Operational Member” of the Fire and Emergency Service means any member of the Fire and Emergency Service who is required to drive or operate a fire fighting vehicle, firefighting equipment and appliance at the site of fire and participate in the actual extinction of fire;
- (32) “Owner” includes a person who, for the time being, is entitled to receive, the rent of any land or building, 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 and also includes-

- (33) “Relevant municipal law” means any law framed by a Municipal Corporation or a Municipal Council.
- (34) “rules” means rules made under this Bill;
- (35) “Schedule” means schedule to this Bill.
- (36) “pandal” means a temporary structure with a roof or walls made of straw, hay, ulu grass, golpatta, hogla, darma, mat, canvas, cloth or other like material which is not adopted for permanent or continuous occupancy;
- (37) “premises” means any land or any building or part of a building and includes the garden, ground and outhouse, if any, appurtenant to a 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;
Explanation: In this Clause, “explosive”, “explosive substance” and “dangerously inflammable substance” shall have the meaning, respectively assigned to them in the Explosive Act, 1884 (4 of 1884), the Explosive (Substances) Act, 1908 (6 of 1908) and the Inflammable Substances Act, 1952 (20 of 1952);
- (38) “prescribed” means prescribed by rules made under this Bill;
- (39) “Prescribed Authority” means authority prescribed by rules under this Bill;
- (40) “Sub Divisional Magistrate” means an officer of the Government appointed as Sub Divisional Magistrate under sub-section (4) of section 20 of the Code of Criminal Procedure, 1973 (2 of 1974);
- (41) “Appropriate Judicial Authority” means authority having Jurisdiction to deal with matters related to prosecution.
- (42) “Subordinate Operational Staff” includes every member of the Fire and Emergency Service of the rank of fireman, leading fireman, driver and any other equivalent rank;
- (43) “Station officer” means an officer of the Fire and Emergency Service appointed as station officer by the Government.

CHAPTER II

ORGANIZATION, SUPERINTENDENCE, CONTROL AND MAINTENANCE OF THE FIRE AND EMERGENCY SERVICE

3. One Fire and Emergency Service for whole of State

- (1) There shall be one Fire and Emergency Service for the whole of State and all officers and subordinate ranks of the Fire and Emergency Service shall be liable for posting to any branch of the Fire and Emergency Service:

PROVIDED that, the state government may, by notification in the Official Gazette, declare any Fire Brigade or any other Local Fire and Emergency 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 and Emergency Service at any time.

PROVIDED further that this position shall not apply to the private Fire and Emergency Services maintained for providing fire protection coverage to a specific building or industry by the owner or occupier thereof.

- (2) Notwithstanding anything contained in this Bill or any other law for the time being in force relating to the local authority, the State Government may, by notification in the Official Gazette, declare the services relating to any fire brigade or fire prevention a part of the state Fire and Emergency Service with effect from such dates as may be specified in the notification.
- (3) Upon such declaration under the sub-clause II -
- I. the officers and employees responsible for providing the Fire and Emergency Services in the areas of such local authority, shall be deemed to have been absorbed in the State Fire and Emergency 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 proceedings 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 and Emergency Service of such local authorities shall stand transferred to the State Fire and Emergency 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.

4. Auxiliary Fire and Emergency Service:

Whenever, it appears to the Government that it is necessary to augment the Fire and Emergency Service they may raise an auxiliary service by enrolment of volunteers for such area and on such terms and conditions as they may deem fit as per rules.

5. Creation of Fire Stations:

The Government shall create fire divisions, sub-divisions and fire stations so as to increase reach of Fire and Emergency Service up to rural areas.

6. Superintendence of Fire and Emergency Service to vest in Government

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

7. Constitution and Classification of Fire and Emergency Service:

(1) Subject to the provisions of this Bill, the State Fire and Emergency Service shall consist of such number of staff in several ranks and have such organizations and have such powers, functions and duties as the State Government may, by general or special order, determine.

(2) State government may prescribe by rules -

- I. The different posts of the State Fire and Emergency Service;
- II. 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 and Emergency Services in the State and if deem fit may modify:

PROVIDED that, for local Fire and Emergency Services the rules framed under this sub- section may not include mode of recruitment of staff, pay, allowances and matters connected therewith.

(4) Same as otherwise provided by or under this Bill, 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 and Emergency Service of any authority on the date immediately before the commencement of this Bill 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 Bill.

8. Appointment of Director of Fire and Emergency Service

(1) For the directions and supervisions of the Fire and Emergency Service in the State, the Government shall appoint a Fire Officer to be the Director who shall exercise such powers and perform such duties and other functions as are specified by or under this Bill.

- (2) The State Government shall appoint 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 Bill or the rules made thereunder.
- (3) The jurisdiction of the Director so appointed shall extend to the entire State in matters relating to Fire and Emergency Services.
- (4) 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 Bill or the rules made thereunder.

9. Constitution of Fire Divisions, Sub-Divisions and Fire Stations

The Government may-

- (1) Constitute fire zones and fire divisions within the State;
- (2) Divide such fire zones into fire divisions, and fire divisions into fire sub-divisions, and specify the fire sub divisions, fire sub-divisions and fire stations in each fire zone, fire division and fire sub-division respectively; and
- (3) Define the limits and extent of such fire zones, fire divisions, fire sub-divisions and fire stations as may be necessary for administrative and operational efficiency.
- (4) The State Government shall, for each fire division, appoint a person to be the Regional or Chief Fire Officer.
- (5) Subject to the control, direction and superintendence of the Director, the Regional or Chief Fire Officer shall exercise such powers and perform such duties as are conferred and imposed upon him by this Bill or the rules made thereunder or orders issued in this behalf.
- (6) Without prejudice to the provisions of sub-section (5), the Regional or Chief Fire Officer shall-
 - I. functions as the Head of the Fire and emergency division;
 - II. Prepare the fire and emergency management plan for the division.
- (7) The qualifications for appointment and other conditions of service of the Officer, appointed under sub-section (4). Shall be such as may be prescribed.
- (8) Appointment of Fire Officer:
 - I. For the purpose of this Bill, the State Government may appoint, for each,-
 - fire division , a person as the Divisional Fire Officer,
 - fire station, a person as the Station Fire Officer.
 - II. The qualifications for appointment and other conditions of service of the Officer, appointed under sub-clause I. shall be such as may be prescribed
 - III. For the purpose of this Bill, the State Government for each local Fire and Emergency Services,-

- 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;
 - Prescribe the norms and qualification of each category of Chief Fire Officer;
- IV. Subject to the sub-clause III, the State Government may by an order direct the local authority or the authority, as the case may be, to appoint the person to be the Chief Fire Officer.
- (9) Powers, duties and functions of Fire Officers
- I. Subject to the control, direction and superintendence of the Director, the Regional Fire Officer or the Chief Fire Officer appointed under sub-section (4) and sub-section (8) of section 9 respectively, shall exercise such powers and perform such duties as are conferred and imposed upon him by this Bill or rules or orders made thereunder.
 - II. Without prejudice to the provisions of sub-section (I), 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 and Emergency Services engaged shall work under him.
 - III. Without prejudice to the provisions of sub-sections (I) and (II), Regional Fire officer or the chief fire officer, as the case may be, shall for their jurisdiction, be the head of the office.

10. Certificate of Appointment

- (1) Every Fire Officer of the rank of sub-officer and below shall, on enrolment receive a certificate of appointment.
- (2) The certificate shall be issued under the seal of such officer and shall be in such form as the Government may, by general or special order, prescribe.
- (3) A certificate of appointment shall become null and void when the person named therein ceases to belong to the Fire and Emergency Service or shall remain inoperative during the period such person is suspended from the Fire and Emergency Service.
- (4) The members of the Fire and Emergency Service shall be governed by such rules as are applicable to Government servants in relation to the terms and conditions of their service and all other allied matters.

11. Effect of suspension of fire officer

The powers, functions and privileges vested in a fire officer shall remain suspended while such fire officer is under suspension from office:

PROVIDED that notwithstanding such suspension such person shall not cease to be a fire officer and shall continue to be subject to the control of same authorities to which he would have been if he had not been under suspension.

12. General Powers of the Director

The Director shall subject to the superintendence and control of the Government, direct and regulate all matters of firefighting equipment, machinery and appliances, training, observations 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 and Emergency Service under him, as per the state rules. The Director shall function as head of the Department in the office of Director and shall, -

- I. Keep liaison with the Central Government and the State Government offices for the development of Fire and Emergency Services.
- II. Frame the policies in relation to the development of fire and emergency services in the State and, on approval by the Government, take steps to implement the same;
- III. Prepare and submit plans and proposals to the Government with regard to the periodical review of fire equipment, fire property and fire manpower for effective implementation of Fire and Emergency Services by the authorities.
- IV. Take or cause to be taken such effective measures in cases of major fires, house collapse and other emergency services.
- V. Investigate or cause to be investigated the cause of fire and advise the authorities for implementing fire precautionary measures.
- VI. Represent the Government on National and International forums with a view to updating the standard of Fire and Emergency Services in the State/UT.
- VII. The Director shall appoint such number of Officers and employees as may be necessary to assist any Fire Officer of the State Fire and Emergency Services, while exercising his powers or discharging his duties or functions under this Bill or the rules made there under.

CHAPTER III

FIRE PREVENTION AND SELF REGULATION

13. Preventive Measures

- (1) The Government may, by notification in the Official Gazette, declare any class of occupancy and pandals which, in its opinion is likely to cause a risk of fire.
- (2) The Government may, by notification in the official Gazette, require owner or occupiers, or both, of premises or buildings or erectors of pandals notified under sub-section (1), to take such fire prevention and fire safety measures as may be prescribed.

14. Fire Prevention and fire safety measures in the pandals to be self-regulatory

- (1) Notwithstanding anything contained in this Bill, the erectors of pandals shall be deemed to be self-regulators for taking fire prevention and fire safety measures prescribed under sub-section (2) of Section 13.
- (2) The erector of a pandal shall display at a prominent place in the pandal a declaration in the prescribed form and under his own signature to the effect that he has taken all the prescribed fire prevention and fire safety measures therein.
- (3) It shall be lawful for the Director, nominated authority or any other officer authorized by the Government in this behalf to enter and inspect the pandal with a view to verify the correctness of the declaration so made by the erector under sub-section (2) and to point out the shortcomings, if any, with directions to remove them within a specified time. If the directions of the inspecting officer are not complied with within the time so given, the inspecting officer shall seal the pandal.
- (4) Any erector of a pandal who falsely declares that he has complied with the prescribed fire prevention and fire safety measures in the pandal shall be deemed to have committed an offence punishable under Section 63 of this Bill.

15. Removal of encroachments or objects or goods likely to cause a risk of fire or any obstruction to fire fighting

- (1) Where a notification has been issued under Section 13, it shall be lawful for the Director or any officer of the Fire and Emergency Service authorized by the Government in this behalf to direct the removal of encroachments 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, the Director or such officer 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 territorial jurisdiction the premises or building or pandal is situated, requesting to adjudicate the matter

PROVIDED that where the Director 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 encroachment or objects or goods forthwith and report the matter to the Sub-Divisional Magistrate accordingly.

- (2) On receipt of a report under sub-section (1), the Sub-Divisional Magistrate shall give, by means of a notice served in such manner as he may think fit, a reasonable

- opportunity of showing cause against the removal of encroachment or objects or goods likely to cause a risk of fire or obstruction to firefighting.
- (3) After giving the owner or occupier or erector, as the case may be, a reasonable opportunity of making representation under sub-section (2), the Sub-Divisional Magistrate may make an order seize, detain or remove such encroachments or objects or goods.
 - (4) The person charged with the execution of the order as made in sub-section (3) 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 will be sold as therein mentioned if the same are not claimed within the period stipulated in the said notice.
 - (5) On the failure of the person in whose possessions the objects or goods were at the time of seizure to claim the seized goods pursuant to notice given under sub-section (4), the Sub-Divisional Magistrate shall sell them accordingly by public auction.
 - (6) Any person aggrieved by any notice or order of the Sub-Divisional Magistrate may, within thirty days from the date of such order, prefer an appeal to the Appellate Authority:
 - (7) An appeal to the Appellate Authority shall be made in such form and shall be accompanied by a copy of the notice or order appealed against and by such fees as may be prescribed.
 - (8) An order of the Appellate Authority on an appeal under sub-section (7) shall be final.

16. Powers of members of the Fire and Emergency Service on occasion of fire and/or rescue

On the occasion of fire rescue in any area in which this Bill is in force, any member of the Fire and Emergency Service who is in charge of firefighting operations on the spot may-

- (1) Remove, or order any other member of the Fire and Emergency Service to remove, any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;
- (2) Close any street or passage in or near which a fire is being fought and / or rescue work is in progress;
- (3) For the purpose of extinguishing fire and carrying out rescue operation, 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;
- (4) Require the Authority in charge of water supply in the area to regulate the water mains so as to provide water at a specified pressure at the place where fire has broken out and 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 carrying out rescue operations;
- (5) Exercise the same powers for dispersing an assembly of persons likely to obstruct the firefighting operations as it were an officer-in-charge of a police station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such officer, in respect of the exercise of such powers;

- (6) Arrest a person who willfully obstructs and hinders a Fire and Emergency Service personnel in firefighting and rescue operations and shall hand him over to a police officer or at the nearest police station without avoidable delay along with a brief note giving the time, date and reason of arrest; and
- (7) Generally take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property, or both.

17. Appointment of Fire Officer

Every owner and occupier or an association of such owners and occupiers of the following classes of buildings or premises shall appoint a Fire and Emergency Service officers who shall ensures the compliance of all fire prevention and fire safety measures and effective operation thereof as provided in this Bill and the rules made thereunder, namely:-

- (1) Cinema houses with seating capacity of more than 1000 persons having commercial complex built-up area more than 10000 sq. meter and building having multiple cinema with seating capacity, taken together, of 1000 persons, or more, whether, having commercial complexes or not;
- (2) Hotels with 100 rooms and above;
- (3) Underground shopping complexes, district centers, sub-central business districts, including the basement with built-up area of more than 25000 sq. meter;
- (4) Multistoried non-residential buildings above 50 meters in height;
- (5) Large oil and natural gas installations such as refineries, LPG bottling plants and similar other facilities;
- (6) Open stadia with seating capacity more than 50,000 persons and indoor stadia with seating capacity more than 25,000 persons;
- (7) Hospitals and nursing homes with more than 500 beds;
- (8) Public and semi-public buildings like large surface and sub-surface railway stations, interstate bus terminuses, airports amusement parks and other similar building:

PROVIDED that the Government may, by notification in the Official Gazette, from time to time, include any other premises which, in its opinion, require appointment of Fire and Emergency Service officers.

18. Fire and Emergency Service officers to undergo training

The Fire and Emergency Service officers shall undergo training at the Fire and Emergency Service Training Institute as may be specified by the Government in this behalf:

PROVIDED that a person who has already undergone such training at the National Fire Service College, Nagpur or at any other equivalent institution recognized by the Government, shall not be required to undergo such a training.

19. Penalty in case of default of non-appointment of Fire and Emergency Service officers

- (1) If any owner or occupier or an association of such owners and occupiers of a building or premises fails to appoint under Section 17, Fire and Emergency Service officers within thirty days, of the receipt of a notice given in this behalf by the Director or the nominated authority, as the case may be, each one of them shall be deemed to be in default jointly and severally.

- (2) When the person liable for appointment of such Fire and Emergency Service officers is deemed to be in default, such sum not less than ten rupees per square meter and not exceeding fifty rupees per square meters of area owned occupied by him including in the common areas in the premises as determined by the Director, may be recovered from him by way of penalty for each month of default or part thereof.
- (3) The amount due as penalty under sub-section (2) shall be recovered as an arrears of land revenue.

20. Owner or Occupiers liability to provide Fire Prevention Measures:

- (1) Notwithstanding to the provisions of any law or the rules or bye-laws made under the National Building Code, Oil Industry Safety Directorate guidelines, Petroleum Act and Rules, Explosives Act and Rules of India relating to fire prevention, the owner or occupier, of a building /hazardous installation or part of any such building/installation shall provide fire prevention measures in such building or part thereof, minimum firefighting installations as specified against such building ;and the owner or occupier shall maintain the fire prevention systems in efficient condition at all times, as per rules.
- (2) Notwithstanding anything contained in any law for the time being in force, no authority empowered to sanction the construction plan of any building or part of a building and to issue certificate of completion thereof, shall issue any certificate of completion or part completion thereof, unless it is satisfied that the owner has complied with the requirements specified in the First Schedule, or as the case may be, in the notice so served on him as aforesaid.
- (3) The owner or occupier, as the case may be, shall furnish to the Director or Chief Fire Officer or the nominated officer a certificate in the prescribed form issued by a Licensed Agency regarding the compliance of the fire prevention and life safety measures in his such building or part thereof, as required by or under the provisions of this Bill, and shall also furnish to the Chief Fire Officer or a nominated officer a certificate in the prescribed form twice a year in the months of January and July regarding the maintenance of fire prevention and life safety measures in good repair and efficient condition.
- (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.
- (5) The Government may, by notification, require owner or occupier of premises in any area or of any class of premises used, which in its opinion, are likely to cause risk of fire, to take such precautions as may be specified in such notification.
- (6) Where such notification has been issued, it shall be lawful for the Director or Chief Fire or any Fire Officer authorized either by the Director or such 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 any such 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.
- (7) The Director or Chief Fire Officer or nominated officer while performing his duties in fire-fighting operations or any other duties of seizure, detention or removal of any goods involving risk of fire may require the assistance of a Police Officer or members of the police force as an aid in performance of such duties and it will be

the duty of Police Officer of all the ranks or such members to aid the Director or such fire officer in the execution of their duties under this Bill.

CHAPTER IV

CONTROL AND DISCIPLINE OF FIRE AND EMERGENCY SERVICE

21. Calling of returns, reports, statements, etc.

The Government may call for such returns, reports and statements on any subject connected with fire prevention and fire safety, the maintenance of order and the performance of duties by the Director, fire officers, operational members, members and subordinate operational staff, and the same shall be immediately furnished.

22. Response to Calls

The Director or Chief Fire Officer or nominated officer shall respond to all fire and emergency related calls as per prescribed rules. Calls related to any other emergencies shall also be entertained by the Fire and Emergency Services by order and as per rules.

23. Personnel & scale of equipments

The Director or Chief Fire Officer or nominated officer shall ensure deployment of Fire and Emergency Services, resources, equipments and fire personnel at stand-by duties during any fire response or any other emergency as specified in the rules.

24. Operation Management

The Director or Chief Fire Officer or nominated officer shall provide details of planning, organizing and staff deployment of the staff & ensure regular monitoring of the site as per rules.

25. Certain Central Rules to apply to employees of Fire and Emergency Service

The provisions of the Central Civil Services (Conduct) Rules, 1964 and of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and the Central Civil Services (Pension) Rules, 1972 as amended by the Central Government, from time to time, shall be extended *mutatis mutandis* all employees of the Delhi Fire and Emergency Service including fire officers, operational members, members and subordinate operational staff.

26. Fire Officers deemed to be always on duty and liable to employment in any part of the State

Every fire officer shall for all purposes of this Bill be deemed to be always on duty and any fire officer or any member or crew of fire officers allocated for duty in any part of the State may, if Director so directs, at any time, be employed on turn out duty in any other part of the State for so long as the services of the fire officer or any member or crew of fire officers may be required in such other part of Delhi.

27. Extension of Fundamental Rules and Supplementary Rules to employees of Fire and Emergency Service

The provisions of the Fundamental Rules and Supplementary Rules as amended by the Central Government from time to time, shall be extended *mutatis mutandis* to all employees of the State Fire and Emergency Service, including fire officers, operational members, members and subordinate operational staff.

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

- (1) Without Prejudice to the provisions of any other law on the subject for the time being in force, the Government may, by notification in the Official Gazette, declare the Fire and Emergency Service to be an essential service to the community.
- (2) A declaration made under sub-section (1) shall remain in force for six months in the first instance, but may be extended from time to time by a like notification
- (3) Upon a declaration being made under sub-section (1) and so long as it remains in force, it shall be the duty of every fire officer to obey an order given by any superior officer in relation to any employment in connection with the service specified in the declaration.

29. Penalty for violation of Duty

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

- (1) is found to be guilty of any violation of duty or willful breach of any provision of this Bill or any rule or order made thereunder; or
- (2) is found to be guilty of cowardice; or
- (3) withdraws or abstains from the duties of his office without permission or without having given previous notice for fifteen days or more; or
- (4) being absent on leave fails without reasonable cause to report himself for duty on expiration of such leave; or
- (5) Accepts any other employment or office or engages himself in business in contravention of the provision of the Central Civil Services (Conduct) Rules, 1964; shall be punishable with imprisonment which may extend to three months or with fine which may extend to an amount not exceeding three months' pay of such member, or with both.

30. Restrictions respecting right to form association

- (1) No member of the Fire and Emergency 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 union, labor union, political association or with any class of trade union, labor union or political association;
 - II. 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 Fire and Emergency Service or is not purely of a social, technical, recreational or religious nature; or
 - III. communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bonafide discharge of his duties or is of a purely literary, artistic or scientific character.

Explanation:

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

- (2) No member of the Fire and Emergency 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.

CHAPTER V
LEVY OF FIRE TAX, FEE AND IOTHER CHARGES

31. Levy of fire tax

- (1) The Government may levy a fire tax on lands and buildings which are situated in any area in which this Bill is in force and on which property tax by whatever name called is levied by any local authority in that area.
- (2) The fire tax shall be levied in the form of a surcharge on the property tax at such rate in terms of percentage of such property tax as the Government may, by notification in the Official Gazette, determine from time to time.

32. Mode of assessment, collection, etc. of fire tax

- (1) The authorities empowered to assess, collect and enforce payment of property tax under the law authorizing the local authority of the area to levy such tax shall, on behalf of the Government and subject to any rules made under this Bill, assess, collect and enforce payment of the fire tax in the same manner as the property tax is assessed, paid and collected; and for this purpose, they may exercise all or any of the powers they have under the law aforesaid and the provisions of such law including provisions relating to returns, appeals, reviews, references and penalties shall apply accordingly.
- (2) Such portion of the total proceeds of the fire tax as the Government may determine shall be deducted to meet the cost of collection of the fire tax.
- (3) The proceeds of the fire tax collected under this Bill reduced by the cost of collection shall be paid to the Government in such manner and at such intervals as may be prescribed.

33. Constitution of fund:

- (1) There shall be constituted a fund to be known as “Fire Prevention and Life safety fund”.
- (2) The proceeds of fire fees and penalties (other than fines) recovered under this Bill, shall first be credited to the Consolidated Fund of the State and after deduction of the expenses of collection and recovery therefrom, under appropriation duly made by law in this behalf, be entered in, and transferred to, fund constituted under sub-section a. .
- (3) Any amount transferred to the fund under sub-section (2) shall be charged on the Consolidated Fund of the State.
- (4) The amount of the fund shall be expended in such manner and under such conditions as may be prescribed, for the purposes of this Bill.
- (5) The fund shall be reflected into the budget estimate of the respective authority and the accounts in respect thereof shall be maintained and audited in accordance with the procedure prescribed for this purpose of maintenance of accounts on the relevant law or the rules and orders made thereunder as are applicable to the respective authority.

34. Fee on deployment of Fire and Emergency Service beyond the limits of the State

- (1) Where members of the Fire and Emergency Service are sent beyond the limits of any area in which this Bill is in force, in order to extinguish a fire in the neighborhood of such limits on the request of any State Government or local body

or Fire and Emergency Service authority shall be liable to pay such fee as may be prescribed by the Government from time to time in this behalf.

- (2) The fee referred to in sub-section (1) shall be payable within one month of the service of a notice of demand by the Director on the State Government or local body or Fire and Emergency Service authority, as the case maybe, and if it is not paid within that period, it shall be recoverable as an arrear of land revenue.

35. Reciprocal fire-fighting arrangements with other Fire and Emergency Service

The Director may, with the previous sanction of the Government, enter into an agreement with any Fire and Emergency Service or the authority which maintains the said Fire and Emergency Service, beyond the limits of any area in which this Bill is in force for providing personnel or equipment or both, for firefighting purposes, on such terms as may be provided by or under the agreement on reciprocal basis in public interest.

36. Powers of the Director to enter into arrangements for assistance

The Director may, with the previous sanction of the Government, enter into arrangements with any person or organization 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 organization for assistance for the purpose of dealing with fire occurring in any area in which this Bill is in force.

37. Tax Exemptions for Government Buildings

No fee shall be levied on any building vested in or under the control or possession of the Government or any Authority.

38. Formation of fire protection fund /special fund

The Government may, by notification, constitute a fund to be called the State Fire Protection Fund for meeting any extraordinary expenditure related to for fire-fighting and emergency management. The procedure for collection, assessment and purpose of fund may be detailed out separately in the rules.

39. Powers of Government to enhance or reduce Tax or Fees

Where it appears to the Director or nominated authority that the balance of the Fire Protection Fund of any authority is insufficient for meeting any expenditure required to be incurred for maintaining Fire and Emergency Services or that such balance is more than the requirements for the purposes aforesaid, the Government may, by notification.

CHAPTER VI

SPECIAL PROVISION FOR THE FIRE PROTECTION AND FIRE SAFETY MEASURES IN CERTAIN BUILDINGS AND PREMISES IN THE STATE

40. Special provision for multistoried building

Notwithstanding anything to the contrary contained in this Bill, the multistoried buildings shall be governed by the provisions for the fire prevention and fire safety measures hereinafter stipulated.

41. Grant of License

The Director or Chief Fire Officer or nominated Officer may grant any person or association of persons as he thinks fit, a license to act as a Licensed Agency or Fire Risk Auditor within their jurisdiction. Only licensed agency shall carry out the work of providing fire prevention measures or performing such other related activities required to be carried out in any place or building or part thereof as per rules.

42. Power of entry for inspection and recommendations for cancellation of Licenses:

- (1) The Director or the Chief Fire Officer or nominated Officer shall conduct inspection of any building viz. business center, Corporate house, private Hospitals, Nursing Home and Clinics on receipt of information from any source including newspaper reports regarding inadequacies of fire prevention and life safety measures apprehending danger to the inmates, the members of public and workers. During such inspection if it is found that there are inadequacies of fire safety or life safety measures, the Director or Chief Fire Officer or nominated officer may recommend to the appropriate authority for cancellation of their business/trade licenses/registration with immediate effect.
- (2) The Director 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 I.
- (3) The owner or occupier or any other person shall not obstruct or cause any obstruction to the entry of a person empowered or authorized 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 III 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- III, 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 any such inspection to the Director and the Chief Fire Officer of the authority concerned.
- (6) The Director or the Chief Fire Officer or the nominated officer shall, after completion of the inspection of the place or building or part thereof under section V, record his views on the deviations from or the contraventions of, the requirements with regard to the fire prevention and life safety measures or the

inadequacy or non-compliance of such measures provided or to be provided therein with reference to the height of the building or the nature of activities carried on in such place or building or part thereof and issue a notice to the owner or occupier of such building or part thereof directing him to undertake such measures within such time as may be specified in the notice.

- (7) The nominated authority shall also give a report of any inspection made by it under Section 42 to the Director.

43. Appeals

- (1) Any person aggrieved by any notice or order of the nominated authority or the Director issued or made under this Chapter may prefer an appeal against such notice or order to the Appellate Authority within thirty days from the date of the notice or order appealed against:

PROVIDED that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filing it within that period.

- (2) An appeal to the Appellate Authority shall be made in such form and shall be accompanied by a copy of the notice or order appealed against and by such fees as may be specified by rule framed under this Bill.
- (3) An order of the Appellate Authority on an appeal under sub-section (1) shall be final.

44. Penalties for violation of provisions of Chapter VI

Whoever contravenes any provisions of this Chapter shall, without prejudice to any other action taken against him under this Bill and rules made thereunder, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to fifty thousand rupees, or with both and where the offence is a continuing one with a further fine which may extend to three thousand rupee for every day after the first during which such offence continues.

45. Community Preparedness

The Director or Nominated Fire Officer shall conduct awareness and training programmes on preventive measures on fire & other emergencies. The Fire and Emergency Services shall render assistance and consultations to the communities in matters related to fire prevention as per rules.

CHAPTER VII
MISCELLANEOUS

46. Establishment of Fire and Emergency Training Institute

- (1) The Government may establish and maintain a fire and Emergency training institute in the state for providing courses of instruction in the prevention and extinguishment of fire for the Fire and Emergency Service personnel and private candidates from industries, hotels, multistoried buildings and similar other government and non-government establishments as specified in Section 17.
- (2) The Government may extend the training facilities at the academy to be established under sub-section (1) to the Fire and Emergency Services under the control of local bodies and industrial undertakings as well as to the State Fire and Emergency Services of other States on payment of charges 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 Fire and Emergency Service may be given training in the field of scientific and modern techniques of fire protection and fire safety measures, and allied matters in any institute, within or out of India at the cost and expense of the Government for the administration of the provisions of this Bill.
- (4) A Fire and Emergency Service officer who undergoes training as provided in sub-section shall indemnify the Government to reimburse all such expenses and costs, including the pay and allowances as may be paid to him during the course of training, if he does not serve the Fire and Emergency Service for a stipulated tenure binding on him in this behalf.

47. Transfer to other area

The Director or any fire officer authorized by the Government in this behalf may, on the occasion of a fire or other emergency in any neighboring area in which this Bill is not in force, order the dispatch of the members of the Fire and Emergency Service with necessary appliances and equipment to carry out fire fighting operations in such neighboring area and thereupon all the provisions of this Bill and the rules made there under shall apply to such areas, during the period of fire emergency or during such period as the Director may specify on such charges as may be prescribed from time to time.

48. Employment on other duties

It shall be lawful for the Government or any officer authorized by it in this behalf, to employ the Fire and Emergency Service in any rescue, salvage or other works for which it is suitable by reason of its training, appliances and equipment.

49. Liability of property owner to pay compensation

- (1) Any person whose property catches fire on account of an action of his own or of his agent done deliberately or negligently shall be liable to pay compensation to any other person suffering damage to his property on account of any action taken under Section 28 of this Bill by an officer mentioned therein or any person acting under the authority of such officer.
- (2) All claims under sub-section (1) shall be preferred to the Appellate Authority, within thirty days from the date when the damage was caused.

- (3) The Appellate Authority, 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. Power to obtain information

The Director or any fire officer, authorized by general or special order in this behalf may, for the purpose of discharging his duties under this Bill, 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.

51. Power of entry

- (1) The nominated authority may enter any of the places specified in any notification issued under sub-section (1) of Section 13 for the purpose of determining whether preventive and safety measures against fire required to be taken on such place have been so taken.
- (2) The nominated authority shall, after the completion of the inspection of the building or premises under sub-section (1) record its views on the deviations from or the contravention of, the notification issued under sub-section (2) of Section 25 with regard to the fire prevention and fire safety measures and the inadequacy of such measures provided therein with reference to the occupancy of the building or the nature of activities carried on in such building or premises and issue a notice to the owner or occupier of such building or premises directing him to undertake such measures as may be specified in the notice.
- (3) The nominated authority shall also give a report of any inspection made by it under sub-section (1) to the Director.
- (4) Save as otherwise expressly provided in this Bill, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1).

52. Power to seal buildings or premises

- (1) Where, on receipt of a report from the nominated authority under sub-section (7) of Section 42 or sub-section (3) of Section 51, or *suo-moto*, it appears to the Director that the condition of any building or premises is dangerous to life or property, he shall, without prejudice to any action taken under this Bill, by order, require the person in possession or occupation of such building or premises to remove themselves from such building or premises forthwith.
- (2) If an order made by the Director under sub-section (1) is not complied with, the Director may direct any police officer having jurisdiction in the area to remove such persons from the building or premises and such officer shall comply with such directions.
- (3) After the removal of the persons under sub-section (1) or sub-section (2), as the case may be, the Director shall seal the building or premises.
- (4) No person shall remove such seal except under an order made by the Director.
- (5) Any person who removes such seal except under an order made by the Director, shall be punishable with imprisonment for a term which may extend to three

months, or with fine which may extend to twenty five thousand rupees, or with both.

53. Compensation of water

No charge shall be made by any local authority for water consumed in fire fighting operations by the Fire and Emergency Service.

54. No compensation for interruption of water supply

No authority in charge of water supply in any area shall be liable to any claim for compensation for damage by reason of any interruption of supply of water occasioned only by compliance of such authority with the requirement specified in clause (4) of Section 16.

55. Water Supply

- (1) **Duty to secure water supply:** The Director or Chief Fire Officer or Assistant Divisional Fire Officer shall take all reasonable measures for securing that an adequate supply of water will be available for the use in the event of fire as per the rules.
- (2) **Supply of water during emergency:** It shall be lawful for the Director or Chief Fire Officer or Assistant Divisional Fire Officer to draw water from any source in the area which he considers necessary during fire-fighting 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.
- (3) **Agreement for supply of water:** The Director or Chief Fire Officer or Assistant Divisional Fire Officer may enter into an agreement with an agency for meeting demand of water supply and emergent need of water. Procedures and terms and conditions for the payment to the third party may be as prescribed under the rules.

56. Police officers and others to aid

Every police officer, government and private agency or person is bound to assist the members of the Fire and Emergency Service reasonably demanding his or its aid in the execution of their duties under this Bill.

57. Failure to give information

Any person who without just cause fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under the first part of Section 176 of the Indian Penal Code, 1860 (45 of 1860).

58. Failure to take precautions

Whoever fails without reasonable cause to comply with any of the requirements specified in a notification issued under sub-section (1) of Section 13 or of a direction issued under sub-section (2) of that section shall be punishable with fine which may extend to one thousand rupees or with imprisonment for a term which may extend to three months, or with both and where the offence is a continuing one with a further fine which may extend to five hundred rupees for every day after the first during which such offence continues.

59. Penalty for willfully obstructing the fire fighting, rescue operations

Any person who willfully obstructs or interferes with any member of the Fire and Emergency Service who is engaged in fire fighting operations, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both.

60. False report

Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorized to receive such report by means of a statement, message or otherwise shall be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees, or with both.

61. General provision for punishment for offence

Whoever contravenes any provision of this Bill or of any rule or notification made thereunder shall, without prejudice to any other action taken against him under this Bill and the rules made thereunder, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees or with both and where the offence is a continuing one with a further fine which may extend to five hundred rupees for every day after the first during which such offence continues.

62. Fire and Emergency Service functioning in the State immediately before the commencement of this Bill to be deemed to be Fire and Emergency Service constituted under this Bill

Without prejudice to the provisions contained in any other law for the time being in force -

- (1) the Fire and Emergency Service functioning in State before the commencement of this Bill (hereafter in this section referred to as 'the existing State Fire and Emergency Service') shall, on such commencement, be deemed to be the Fire and Emergency Service constituted under this Bill and every member of the existing State Fire and Emergency Service holding the office, shall be deemed to be appointed and to hold the office, under this Bill;
- (2) all proceedings pending before any fire officer of the existing State Fire and Emergency Service, immediately before the commencement of this Bill be deemed to be proceedings pending before him in his capacity as the holder of the office to which he is deemed to be appointed under clause (1) and shall be dealt with accordingly.

63. Compounding of offences

- (1) Any offence whether committed before or after the commencement of this Bill punishable under Sections 26, 27, 31, 37, 44, 48, 49, 50, 51 and 52 or any rule made under this Bill, may either before or after the institution of prosecution, be compounded by such officers of the Fire and Emergency Service and for such amount as the Government may, by notification in the Official Gazette, specify in this behalf:

PROVIDED that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Government or of any of the officers authorized under this Bill and until the same has been complied with so far as the compliance is possible.

- (2) Where an offence has been compounded under sub-section (1), the offender if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

64. Bar of jurisdiction of Court

No court shall entertain any suit, application or other proceedings in respect of any notice or order under this Bill and no such notice or order shall be called in question otherwise than by preferring an appeal under this Bill.

65. Cognizance of prosecution

No court shall proceed to the trial of an offence under this Bill, except on the complaint of, or upon information received from, the Director or the officer authorized by him in this behalf.

66. Jurisdiction

No court inferior to that of a Metropolitan Magistrate shall try an offence punishable under this Bill.

67. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done pursuant of this Bill or any rules made thereunder.

68. Special promotion to the subordinate operational staff

To encourage outstanding sportsmen, marks men, officers who have shown exceptional gallantry and devotion to duty in saving the life and property, the Director may, with the prior approval of the Government, promote such officers out of turn to the next higher rank provided vacancies exists. Such promotions shall not exceed ten percent of the sanctioned strength in such ranks. For purposes of seniority such promotees shall be placed at the bottom of the promotion list drawn up for that year.

69. Death of member of Fire and Emergency Service

In the event of a member of the Fire and Emergency Service (other than a Gazetted officer), dying while on active duty, the Government shall pay, subject to the maximum limit of five thousand rupees to the next of kin as funeral expenses or such amount as the State Government may by an order determine.

70. Officers to be public servants

Every officer acting under the provisions of this Bill shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).

71. Offences and Penalties

Whoever contravenes any provision made under the sub-sections of this Bill are liable for penalties as prescribed in rules.

72. Offences by companies

- (1) Where an offence under this Bill has been committed by a company, 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 as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

- (2) Notwithstanding anything contained in sub-section (1) where any offence under this Bill has been committed by a company 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 or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the 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.

73. Power to make rules

- (1) The Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Bill.

- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for -

- I. recruitment to, and the pay, allowances and all other conditions of service of the members of the State Fire and Emergency Service
- II. constitution of fire division comprising such numbers of fire sub-divisions under clause (1) of Section 9;
- III. constitution of fire sub-divisions comprising such numbers of fire stations under clause (2) of Section 9;
- IV. form of certificate of appointment and fire officer under whose seal such certificate of appointment shall be issued under sub-section (2) of Section 10;
- V. purposes of meetings or demonstrations under sub-section (2) of Section 30;
- VI. mode of assessment, collection and enforcement of payment of fire tax levied under Section 32;
- VII. manner in which fire tax collected under Section 32, shall be paid to Government;
- VIII. fee on deployment of Fire and Emergency Service beyond the limits of State under sub-section (1) of Section 34 and under Section 47;
- IX. terms for reciprocal fire-fighting arrangements with other Fire and Emergency Services under Section 35;
- X. the minimum standards for fire prevention and fire safety measures for the purposes of sub-section (2) of Section 13 and Section 40;
- XI. form of declaration under sub-section (2) of Section 14;
- XII. form of notice under sub-section (4) of Section 15;

- XIII. form of appeal and fees under sub-section (7) of Section 15 and sub-section (2) of Section 43;
 - XIV. charges for extending training facilities at Fire & Emergency Service Academy to others under sub-section (2) of Section 46;
 - XV. officers of the Fire and Emergency Service, and the amount for compounding of offences under sub-section (1) of Section 63;
 - XVI. making available to the Fire and Emergency Service with such appliances and equipment as it deems proper;
 - XVII. the adequate supply of water to securing that it shall be available for use;
 - XXVIII. constructing or providing fire stations or hiring places for accommodating the members of the Fire and Emergency Service and its firefighting appliances;
 - XIX. giving rewards to persons who have given notice of fires and to those who have rendered effective service to the Fire and Emergency Service on the occasion of fires;
 - XX. the training, discipline and good conduct of the members of the Fire and Emergency Service;
 - XXI. speedy attendance of members of the Fire and Emergency Service with necessary appliances and equipment on the occasion of any alarm of fire;
 - XXII. regulating and controlling the powers, duties and functions of the Director;
 - XXIII. generally, for the maintenance of the Fire and Emergency Service in a due state of efficiency;
 - XXIV. regulating installation of pandals and shamianas;
 - XXV. writing of confidential reports of fire officers;
 - XXVI. determining the description and quantity of fire fighting and rescue equipment including appliances, clothing and other necessaries to be furnished to the Fire and Emergency Service;
 - XXVII. institution, management and regulation of any Fire and Emergency Service fund for any purpose connected with policy administration;
 - XXVIII. assigning duties to fire officers of all ranks and grades, and prescribing the manner in which and the conditions subject to which, they shall exercise and perform their respective powers and duties;
 - XXIX. generally, for the purposes of rendering the Fire and Emergency Service efficient and preventing abuse or neglect of their duties; and
 - XXX. Any other matter which is required to be, or may be, provided by rules.
- (3) Every rule made by the Government under this Bill shall be laid as soon as may be after it is made before the House of the Legislative Assembly of State while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House of the Legislative Assembly agrees in making any modifications in the rule or the House of the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

74. Delegation of powers

- (1) The Government may by notification in the Official Gazette direct that any power exercisable by it under this Bill shall, subject to such conditions, if any, as may be specified in the notification be exercisable by any of the officers of the Government.
- (2) The Director may, by order, direct that any power conferred or any duty imposed on him by or under this Bill shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and, performed also by any officer of the Fire and Emergency Service specified in the order.

75. Repeal and Savings

Every member of the fire and emergency service shall perform functions imposed by or under this Bill in addition to and not in derogation of functions performed by the State Government or any of its officers in pursuance of the provisions of any law for the time being in force or in exercise of the executive powers of the State for the prevention of fire and life safety in the State or in relation thereto.

76. Power to remove Difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Bill, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Bill as may appear to it to be necessary or expedient for removing the difficulty:
PROVIDED that no such order shall be made after the expiry of two years from the commencement of this Bill.
- (2) Every order made under this Section shall be laid, as soon as may be after it is issued, before the Legislative Assembly of State.

77. Act to have overriding effect, but shall be in addition to existing laws :

The provisions of this Bill and the rules shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any other law.

78. Effect of other laws :

Notwithstanding anything contained in any other law for the time being in force, when anything in relation to the fire prevention and life safety measures is required to be done or approved under this Bill, any such 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.

79. Compounding or withdrawal of proceedings:

The Director or Chief Fire Officer or Assistant Divisional Fire Officer or any person authorized in this behalf by any of them by general or special order may either before or after the institution of the proceedings, compound any offence made punishable under this Bill or the rules.

80. Requisition of Firefighting property:

Where the Director or the Chief Fire Officer or nominated Officer , who is in-charge of a fire-fighting or any emergency operation requires fire-fighting equipment and appliance or property of any other Authority or any institution or individual, he may by order requisition such equipment or property for the purpose of extinguishing fire or any other emergencies in any area and take possession thereof from the Authority or any institution or individual, as the case may be.