

CHHATTISGARH FIRE AND EMERGENCY SERVICE ACT, 2018

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the State by the Government under Section 3 of this Act; "Fire Districts" means an administrative unit constituted under sub-section (l) of Section 9 of this Act; "Fire Divisions" means an administrative unit constituted under sub-section (l) of Section 9 of this Act; "Fire Fees" means any fee levied, charged, imposed or collected under different provisions of this Act for services rendered by the Fire and Emergency Services; "Fire fighting property" means and includes,- (a) (b) (c) (d) Lands and buildings used as fire stations; Fire engines, equipments, tools, implements and whatsoever used for fire fighting; Motor vehicles and other means of transport used in connection with fire fighting; and Uniforms and badges of rank. "Fire Officer" means any operational member of the Fire and Emergency Services appointed under sub-section (l) of Section 7 of this Act; "Fire Prevention and Life Safety Fund" is a fund constituted under sub-section (l) of Section 28 of this Act and maintained in a separate bank account; "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 or as may be prescribed in the rules made in this behalf; 600 (29) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (35) (36) 2018 "Fire Station" means any place declared generally or specially, by the State Government to be a fire station; "Fire Sub-Divisions" means an administrative unit constituted under Section 9 of this Act; "Fire Tax" is a Tax levied by the Government on such land and buildings as specified in this behalf in Section 26 of this Act; "Form" means a form prescribed under this Act; "Government" means the Government of Chhattisgarh; "Local Authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat or an Industrial Township constituted under any relevant municipal law or a Town & Country Planning Development Authority or Special Area Development Authority Constituted under Chhattisgarh Town & Country Planning Act, 1973 for the time being in force in the State; "Local Fire and Emergency Services" means Local Fire and Emergency Services of any Local Authority of the State; "Member" in relation to the Fire and Emergency Services means a person appointed to the Fire and Emergency Services under this Act; "Member of Service" means any person appointed under Section 7 of this Act; "Multi-storey building" means a building with such minimum height as may be prescribed under the rules in this behalf, and notified by the Local Authority or the Government; "National Building Code of India, 2016" means the book as amended from time to time, containing fire prevention and life safety measures to be implemented in buildings, places, premises, workshops, warehouses and industries, published by the Bureau of Indian Standards from time to time, with or without amendments; "Nominated Authority" means an officer not below the rank Of District Fire Officer nominated by the Director General as a nominated authority for the purposes of this Act; "Nominated Officer" means an officer not bellow the rank of District Fire Officer nominated by the Director General for the purpose of this Act: Provided that, different officers may be nominated for different areas; "Notification" means a notification published in the Official Gazette and the word "notified" shall be construed accordingly; "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; 600 (30) (37) (38) (39) (40) (41) (42) (43) (44) (45) "Occupier" shall mean and include,- (a) (b) (c) (d) (e) 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 payable; an owner in occupation Ofor otherwise using his land or building; a rent-free tenant of any land or building; a licensee in occupation of any land or building; and any person, who is liable to pay to the building owner damages for the use and occupation of any land or building; "Officer-in-charge of Fire Station" includes, when the Officer-in-charge of the fire station is absent from the station or unable from illness or other cause to perform his duties, the Fire Officer next in rank to such officer and present at the station; "Official Gazette" is the Gazette of the Government of Chhattisgarh; "Operational Member" of the Fire and Emergency Services means any member of the Fire and Emergency Services, who is required to drive or operate a fire fighting vehicle, firefighting equipment and appliances at the site of fire and participate in the actual extinction of fire; "Owner" includes a person who, for the time being, is receiving or is entitled to receive, the rent of any land or building, whether on his own account or as an agent, trustee, guardian or receiver or any other person, who should receive the rent or be entitled to receive it if the land or building or part thereof were let out to a tenant; "Pandal" means a temporary' structure with a roof or walls made of straw, hay, ulughass, golpatta, hogla durina, mat, canvas, cloth or other like material which is not adopted for permanent or continuous occupancy; "Planning Authority" means any authority nominated by the State

Government for the determined specified area notified under Chhattisgarh Town & Country Planning Act, 1973 (No. 23 of 1973); "Premises" means any land or any building or part of a building and includes garden, ground and outhouse, if any, appertaining 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 substances and dangerously inflammable substances; Explanation- In this sub-section, "explosive", "explosive substance" and "dangerously inflammable substance" shall have the same meaning as 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); "Prescribed" means prescribed by rules made by the State Government under this Act; "Prescribed Authority" is the authority notified by the State Government to act in some matters on its behalf or in its name; "Relevant Municipal Law" means any law framed by a Municipal Corporation or a Municipal Council; "Rules" means rules made under this Act; "Schedule" means a Schedule appended to this Act; "Service" means the Chhattisgarh Fire and Emergency Services established and maintained under this Act; "State" means the State of Chhattisgarh; "State Rules" means rules made under Article 309 of the Constitution of India by the State Government; "Station Fire Officer" is a person appointed under sub-section 4 of Section 9 of this Act; "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); "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

CHAPTER 11 ORGANIZATION, SUPERINTENDENCE, CONTROL AND MAINTENANCE OF THE FIRE AND EMERGENCY SERVICE 600 (31) 3. (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (1) (2) There shall be one Fire and Emergency Service for the whole of the 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 Government may, by notification in the Official Gazette, declare any Fire Brigade or any other local Fire Brigade or any other local Fire and Emergency Services of any local authority of the State, by whatever name called, that the same shall form or shall not form the part of the State Fire and Emergency Services 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. Notwithstanding anything contained in this Act or any other law for the time being in force relating to the Local Authority, the 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 Services with effect from such dates as may be specified in the notification, One Fire and Emergency Service for the whole of the State. 600 (32) Auxiliary Fire and Emergency Service. Creation of Fire Stations. 4. 5. 6. 8. (3) (1) (2) (1) (ii) (iii) Superintendence and Emergency in to vest Government. Constitution of Fire Service the and Classification of Fire and Emergency Service. Appointment Of Director General Of Fire and Emergency Service. Upon such declaration under the sub-section (2), all proceedings pending before any Fire Officer, immediately before the declaration, shall be deemed to be a proceeding pending before him in his capacity as the holder of the office. all assets, rights and liabilities relating to the Local Fire and Emergency Services of such Local Authorities shall stand transferred to the State Fire and Emergency Services, subject to such terms and conditions as the Government may deem The Government may take such other necessary actions as it deems fit. 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 per rules. The Government shall create Fire Divisions, Fire Districts, Fire Sub-Divisions and Fire Stations so as necessary, to increase the reach of the Fire and Emergency Services up to rural areas. The superintendence Of and control over the Fire and Emergency Services throughout the State shall vest in the Government and the Fire and Emergency Services shall be administered by the Government in accordance with the provisions of this Act and rules made thereunder, through such Fire Officers as the Government may, from time to time, appoint in this behalf. Subject to the provisions of this Act, the Fire and Emergency Service shall consist of such number of staff in such ranks, and have such organizations and have such powers, functions and duties as the Government may, by general or special order, determine. The Government may prescribe by rules, — different posts of the Fire and Emergency Service; the mode of recruitment of staff, grade of post, qualifications, pay, allowances and other

conditions of service of the officers and other staff engaged therein and matters connected therewith. The Fire and Emergency Services shall work under the direction and supervision of the State Government. The State Government shall appoint a Director General, who shall exercise such powers and perform such duties and other functions as are specified by or under this Act and such Director General shall be deemed to be a Fire Officer. 9. 10. (2) (3) (4) (1) (2) (3) (4) (ii) (iii) (5) (ii) (l) 2018 The Government may appoint or cost to appoint such other officers and staff as may be necessary from time to time to assist the Director General while exercising the powers or discharging the duties or functions conferred under this Act or the rules made thereunder. The jurisdiction of the Director General so appointed, shall extend to the entire State in matters relating to the Fire and Emergency Services. Subject to the control, directions and superintendence of the Government, the Director General shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or the rules made thereunder. The Government may constitute Fire Divisions and Fire Districts within the state. The Government may divide such Fire Districts into Fire Sub-Divisions as deemed necessary and specify the Fire Stations in each Fire Division, Fire District and Fire Sub- Division respectively. The Government may modify the limits and extent Of such Fire Divisions, Fire Districts, Fire Sub-Divisions and Fire Stations, as may be necessary for administrative and operational efficiency. The Government may appoint or cost to appoint for each,- Fire Division, a person as the Divisional Fire Officer; (a) Fire District, a person as the District Fire Officer; (b) Fire Station, a person as the Station Fire Officer. (c) The qualifications for appointment and other terms and conditions of service of the Fire Officer, appointed under this sub-section shall be such as may be prescribed. The Government may, by an order, direct a Local Authority or any other authority, as the case may be, to appoint a person to be the Fire Officer. Subject to the control, direction and superintendence of the Director General, Fire Officers appointed under sub-section (4), shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or rules or orders made thereunder. Without prejudice to the provisions of the above clause, in case of fire prevention and disaster, as the case may be, the Fire Officer shall, for their jurisdiction, in case of any fire or emergency. act as Commanding Officer for that event and all other local or private Fire and Emergency Services engaged shall work under him. Every' Fire Officer below the rank of Station Fire Officer shall, on enrolment or appointment receive a certificate issued under the seal of any officer authorized by the Government and shall be in such form as the Government may, by general or special order, prescribe. 600 (33) Constitution of Fire Divisions, Fire Districts, Fire Sub-Divisions and Fire Stations. Issue of Certificate to Fire Officer. 600 (34) Effect of suspension of Fire I I. Officer. General Powers of the Director General

12. Role of Volunteers in the 13. Fire and Emergency Service. (2) (3) (l) (2) (iii) (3) (4) 2018 Thereupon, such person shall have the powers, functions and privileges as entrusted under this Act or rules and orders made thereunder. A certificate 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. 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. The Director General shall, subject to the superintendence and control of the Government, direct and regulate all matters of fire safety, 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 and Emergency Service under him, as per the state rules. The Director General shall function as Head of the Department and in addition to above shall exercise such powers and perform such duties and functions as may be conferred, imposed or allotted to him by or under the provisions of this Act or prescribed rules. In order to encourage public participation in the Fire and Emergency Services, the Director General may enroll volunteers for such areas and on such terms and conditions as may be prescribed by the Government. Every member enrolled under sub-section (I) shall,— receive a certificate in the prescribed form; be vested with all or any Of the powers, functions and privileges Of a member Of the service as are specially mentioned in the certificate; and be subject to the orders of the Director General or an officer nominated by him. Any organization, institutions, Authority, agency or body, as specified by the Government, shall create a group of volunteers, who will operate in an

emergency. The volunteers shall be trained by the Fire and Emergency Training Center: Provided that, the number of volunteers, their training and equipment shall be such as may be prescribed by the Director General, with the approval of Government: Provided further that, volunteers will be equipped by their respective organizations.

600 (35) Preventive Measures. Fire Prevention and Fire Safety measures in pandals to be self-regulatory.

15. 16. (1) (2) (1) (2) (3) (4) (1) CHAPTER III FIRE PREVENTION AND SELF REGULATION

The Government may, by notification in the Official Gazette, declare any class of premises or buildings or occupancy and pandals, which in its opinion, is likely to cause a risk of fire. 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. Notwithstanding anything contained in this Act, 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 14. 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. It shall be lawful for the Director General, nominated Authority or any other Officer authorized by the Government in this behalf, to enter and inspect a 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. 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 50 of this Act. Where a notification has been issued under Section 14, it shall be lawful for the Director General 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 General 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 General or the Authorized 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 encroachment or objects or goods forthwith and report the matter to the Sub-Divisional Magistrate accordingly. Removal of encroachments, objects or goods likely to cause a risk of fire or any obstruction to fire fighting.

600 (36) Powers of members of the 17. Fire and Emergency Service on occasion of fire and/or rescue. (2) (3) (4) (5) (6) (7) (8) (ii) (iii) 2018 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 or obstruction to firefighting. After giving the owner or occupier or erector, as the case may be, a reasonable opportunity of making a representation under sub-section (2), the Sub-Divisional Magistrate may make an order to seize, detain or remove such encroachments or objects or goods. 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. 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 (4), the Sub-Divisional Magistrate shall sell them by public auction. Any person aggrieved by any notice or order of the Sub-Divisional Magistrate may, within thirty days from the date of receipt of such order, prefer an appeal to the District Magistrate or an Additional District Magistrate nominated by him. An appeal under sub-section (6) shall be made in such form and with such fees as may be prescribed and shall be accompanied by a copy of the notice or order appealed against. An order passed in an appeal under sub-section (7) shall be final. On the occasion of fire rescue in any area in which this Act is in force, any member of the Fire and Emergency Service, who is in charge of firefighting operations on the spot may, remove, or order any other member of the Fire and Emergency Service to remove, any person who by his

presence interferes or impedes with the operation for extinguishing the fire or for saving life or property; close any street or passage in or near which a fire is being fought and/or rescue work is in progress; for the purpose of extinguishing fire and carrying out rescue operations, 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; 18. 19. 20. (iv) (v) (vi) (vii) (l) (2) (3) (l) 2018 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; 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 protections as such officer, in respect of the exercise of such powers; 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 delay along with a brief note giving the time, date and reason of arrest; and 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. Every owner and occupier or an association of such owners and occupiers of occupancies / buildings / premises , as prescribed by the Government, shall appoint Fire Safety Officers, in such numbers as may be prescribed, who shall ensure the compliance of all fire prevention and fire safety measures and effective operation thereof as provided in this Act and the rules made thereunder. If any owner or occupier or an association of such owners and occupiers of a building or premises fails to appoint Fire Safety Officers under Section 18 within thirty days of the receipt of a notice given in this behalf by the . Director General or the Nominated Authority, as the case may be, each one of them shall be deemed to be in default jointly and severally. When the person liable for appointment of such Fire Safety Officers is deemed to be in default, such sum not less than ten rupees per square meter and not exceeding fifty rupees per square meter of area owned/ occupied by him including the common areas in the premises as determined by the Director General, may be recovered from him by way of penalty for each month of default or part thereof. The amount due as penalty under sub-section (2) shall be recovered as an arrears of land revenue, Notwithstanding the provisions of any law or the rules or bye-laws made under the National Building Code, Oil Industry Safety Directorate Guidelines, the Petroleum Act, 1934 (No. 30 of 1934) and Rules, the Explosives Act, 1884 (No. 4 of 1884) 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 prescribed 600 (37) Appointment of Fire Safety Officer. Penalty in case of default or non-appointment of Fire Safety Officers. Owner or Occupiers' liability to provide Fire Prevention Measures. 600 (38) Calling of returns, reports, statements, etc. Fire Officers deemed to be always on duty and liable to employment in any part of the State. (2) (4) (5) (6) 21. 22. 2018 under sub-section (2) of Section 14 in such building; and the owner or occupier shall maintain the fire prevention systems in efficient condition at all times, as per rules. 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 measures prescribed under sub-section (2) of Section 14. The owner or occupier, as the case may be, of premises or buildings notified under sub-section (2) of Section 14, shall furnish to the Director General, or the Nominated Officer, a certificate regarding the compliance of the prescribed measures in such form and procedure as may be notified by the Government. No person shall tamper with, alter, remove or cause any injury or damage to any fire prevention and life safety equipment in any such building or part thereof or instigate any other person to do so. Where a notification has been issued, under sub-section (2) of Section 14, it shall be lawful for the Director General, or Nominated 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 General or Fire Officer may, after giving the owner or occupier a reasonable opportunity of making a representation, seize, detain or remove such objects or goods. The Director General, 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 police or members

of the police force as an aid in performance of such duties then it will be the duty of the police of all ranks or such members to aid the Director General or such fire officer in the execution of their duties under this Act

CHAPTER IV CONTROL AND DISCIPLINE OF FIRE AND EMERGENCY SERVICE The Government may call for such returns, reports or statements on any subject connected with fire prevention and fire safety, the maintenance of order and the performance of duties from the Director General, Fire Officers, operational members, members and subordinate operational staff, and the same shall be immediately furnished, Every Fire Officer shall, for all purposes of this Act, 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 the Director General 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 the state 23, 24. 25. (iii) (iv) (1) (i) (ii) (iii) 2018 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 for such' period as may be notification. Notwithstanding any action which may be taken under the provisions of this Act, any member of the Fire and Emergency Service, who- is found to be guilty of any violation of duty or willful breach of any provision of this Act or any rule or order made thereunder; or is found to be guilty of cowardice; or withdraws or abstains from the duties of his office without permission or without having given previous notice for fifteen days or more; or being absent on leave, fails without reasonable cause to report himself for duty on expiration of such leave; or accepts any other employment or office engages himself in business in contravention of the provision of the rules, 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, in addition to any departmental administrative action he may be subject to. No Member of the Fire and Emergency Service shall, without the previous sanction in writing of the Government or of the Prescribed Authority,- be a member of, or be associated in any way with, any union, labour union, political association or with any class of trade union, labour union or political association; 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 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, or organization is of purely social, technical, recreational or religious nature under clause 11 of this sub-section, the decision of the Government thereon shall be final. 600 (39) Declaration of Fire and Emergency Service to be an essential service to the community. Penalty for violation of Duty. Restrictions respecting right to form association. 600 (40) Levy of Fire Tax. Mode of assessment, collection, etc. of Fire Tax. Constitution of fund. Fee on deployment of Fire and Emergency Service beyond the limits of the State. 26. 27. 28. 29. (2) (1) (2) (2) (3) (4) (I) (2) 2018 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 OTHER CHARGES The Government may levy a Fire Tax (not more than 10% of the annual property tax) on lands and buildings which are situated in any area in which this Act is in force and on which property tax by whatever name called is levied by any Local Authority in that area and this shall be levied and collected as prescribed. 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 Act, 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, reference and penalties shall apply accordingly. The proceeds of the Fire Tax collected under this Act, shall be paid to the Government in such manner and at such intervals as may be prescribed. There shall be constituted a fund to be known as the "Fire Prevention and Life Safety Fund". The proceeds of fire fees, charges and penalties, other than fines, recovered under this Act, shall be credited to this fund. The

Government will formulate rules for the operation Of this Fund. Fees for services render by the Fire and Emergency Service for issuino a no objection certificate, conducting a fire audit and any other fire service shall be charged as a fee in the manner as may be prescribed by Government and credited to this fund. Where members of the Fire and Emergency Service are sent beyond the limits of any area in which this Act 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, they shall be liable to pay such fee as may be prescribed by the Government from time to time in this behalf. The fee referred to in sub-section (I) shall be payable within one month of the service of a notice of demand by the Director General or the State Government or local body or Fire and Emergency Service Authority, as the case may be, and if it is not paid within that period, shall be recoverable as an arrear Of land revenue. 30. 31. 32. 33. 2018 The Director General may, with the previous sanction of the Government, enter into an agreement with any Fire and Emergency Service or Authority which maintains the said Fire and Emergency 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 as may be provided by or under the agreement on reciprocal basis in public interest. The Director General may, with the previous sanction of the Government, enter into arrangements with any person or organization, -who employees 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 arrangement, the provision by that person or organization for assistance for the pumose Of dealing with fire occurring in any area in which this Act is in force No fee shall be levied on any building vested in or under the control or possession of the Government or any authority owned by the Government

CHAPTER VI Reciprocal arrangement Fire and Services. 600 (41) fire-fighting with other Emergency Power of the Director General to enter into arrangement assistance. Tax Exemptions Government Buildings. for for SPECIAL PROVISION FOR THE FIRE PROTECTION AND FIRE SAFETY MEASURES IN CERTAIN BUILDINGS AND PREMISES IN THE STATE (2) (3) (4) (5) The Director General, or Nominated Officer, shall conduct inspection of any building on receipt of information from any source including newspaper reports, regarding inadequacies of fire prevention and live 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 prescribed fire safety or life safety measures, the Director General, or Nominated Officer, may recommend to the Appropriate Authority for cancellation of their business/trade licenses/registration with immediate effect. The Director General, 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 The owner or occupier or any other person empowered 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. Where the inspection is carried or part by the Nominated Officer under the preceding provision of this section, he shallæive a report of any such inspection to his superior Fire Officer. The Nominated Officer shall, after completion of the inspection of the place or building or part thereof under sub- section (4), record his views on the deviations from or the contraventions of, the requirements with regard to 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 Power of entry for inspection recommendations and for cancellation of Licenses. 600 (42) Appeals. Penalties for violation of provisions of Section 33. Deployment to other area. 34. 35. 36. (2) (3) Employment duties. on 37. other 38. Liability of property owner to pay compensation. 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. Any person aggrieved by any notice or order of the Nominated Authority, 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 receipt 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 tiling it within that period. 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 by the Government. An order of the Appellate Authority on an appeal under sub- section (I) shall be final. Whoever contravenes any provisions of this Chapter shall, without prejudice to any other action taken against him under this Act 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 thousand rupees for every day after the first during which such offence continues

CHAPTER VII MISCELLANEOUS The Director General 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 Act 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 Act and the rules made thereunder, shall apply to such areas during the period of fire emergency or during such period as the Director General may specify on such charges as may be prescribed from time to time. 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. 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. 39. 40. 41. (1) (2) (3) (4) (1) (2) 2018 The Director General, or any Nominated Authority 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 there-to any other material particulars, and such owner or occupier shall furnish all the information in his possession. The Nominated Authority or any Fire Officer authorized by general or special order in this behalf may enter any of the places specified in any notification issued under sub-section (2) of Section 14 for the purpose of determining whether prevention and safety measures against fire required to be taken on such place have been so taken. The Nominated Authority, or the authorized Fire Officer, 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 14 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. The Nominated Authority shall also give a report of any inspection made by it under sub-section (1) to the Divisional Fire Officer. Save as otherwise expressly provided in this Act, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1). Where, on receipt of a report from the Nominated Authority under sub-section (4) of Section 33 or sub-section (3) of section 40, or suo-moto, it appears to the Director General, that the condition of any building or premises is dangerous to life or property, the Director General shall, without prejudice to any action taken under this Act, by order, require the person in possession or occupation of such building or premises to remove themselves from such building or premises forthwith. If an order made by the Director General under sub-section (1) is not complied with, the Director General 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. 600 (43) Power to obtain information. Power of entry. Power to seal buildings or premises. 600 (44) Water Supply During an Emergency. for No compensation interruption of water supply. Compensation for water. Requisition Of Fire fighting property. Police officers and others to aid. Failure precautions. to take (3) (4) (5) (6) 42. 43. 44. 45. 46. 47

48. Penalty for willfully obstructing fire-fighting and rescue operations. 2018 After the removal of the persons under sub-section (1) or sub-section (2), if the case may be, the Director General shall seal the building or premises. NO person shall remove such seal except under an order made by the Director General. Any person, who removes such seal, except under an order made by the Director General shall be punishable with imprisonment for a term which may extend to three months, or with fine which extend to twenty five thousand rupees, or with both. The powers of the Director General under this Section may be exercised by any Fire Officer authorized by the Government. It shall be lawful for the 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. 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 (iv) of Section 17, No charge shall be made by any Local Authority for water consumed in fire fighting operation by the Fire and Emergency Service, Where the Director General 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. 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 Act. Whoever fails without reasonable cause to comply with any of the requirements specified in a notification issued under sub-section (2) of Section 14, 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. 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 49, 50. 51. 52, 53. 54. 55. (1) 2018 imprisonment for a term which may extend to three months, or with fine which may extend to five thousand rupees, or with both. 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. Whoever contravenes any provision of this Act or of any rule or notification made thereunder, shall without prejudice to any other action taken against him under this Act 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. Any offence committed after the commencement of this Act punishable under Sections 15, 20, 24, 35, 38, 41, 47, 48, 49 and 50 or any rule made under this Act, 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 Act 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. Notwithstanding anything contained in any other law or act, no court inferior to the District Court, shall entertain any suit, application or other proceedings in respect of any notice or order issued under this Act and no such notice or order shall be called in question otherwise than by preferring an appeal under this Act. No court shall take cognizance of an offence under this Act, except on the complaint of, or upon information received from, the Director General or the Officer authorized by him in this behalf. No court inferior to that of a Judicial Magistrate First Class, shall try an offence punishable under this Act. 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 in pursuance of this Act or any rules made thereunder. 600 (45) False report. General provision for punishment for offence. Compounding of offences. Bar of jurisdiction of Court. Cognizance Of Offence. Jurisdiction. Protection Of action taken in good faith. 600 (46) Officers to be public servants. Offences and Penalties. Offence by companies. Power to make rules. 56. 57. 58. 59. (1) (2) (1) (2) 2018 Every officer acting under the provisions of this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal code (45 of 1860). Whoever contravenes any provision of this Act is liable for penalties prescribed under this Act and rules made thereunder. Where an offence under this Act 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. Notwithstanding anything contained in sub-section (I), where any offence under this Act 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 11. 'Company' means a body corporate and includes a firm or other association of individuals; and Director in relation to a partnership, means a partner in the firm.

The Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Act. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,-

11. IV. recruitment, pay, allowances and all other conditions of service of the members of the State Fire and Emergency Service; constitution of Fire Divisions comprising such numbers of Fire Districts under of Section 9; constitution of Fire Districts, comprising such numbers of Fire Stations under Section 9; form of certificate to Fire Officers under sub-section (I) of Section IO: purpose of meetings or demonstrations under sub- section (2) of Section 25; 182FR72018 mode of assessment, collection and enforcement of VI. payment of Fire Tax levied under Section 27; manner in which Fire Tax collected under Section 27 Vil. shall be paid to Government; Viji. fee on deployment of Fire and Emergency Service beyond the limits of the State under sub-section (I) of Section 29 and/or to other areas under Section 36; fee for the services of rendered by the Fire and IX. Emergency Service under sub-section (4) of Section 28; X. terms for reciprocal fire-fighting arrangements with other Fire and Emergency Services under Section 30; the minimum standards for fire prevention and fire XL safety measures for the purpose of sub-section (2) of Section 14; XIL form of declaration under sub-section (2) of Section XIII. form of notice under sub-section (4) of Section 16; XIV. form of appeal and fees under sub-section (7) of section 16 and sub-section (2) of Section 34; officers of the Fire and Emergency Services, and the amount for compounding of offences under sub- section (I) of Section 51; XVI. rules for the operation of the fire prevention and life safety fund under sub-section (3) of Section 28; XVII.. constructing or providing fire stations or hiring places for accommodating the members of the Fire and Emergency Service and its firefighting appliances; XVIII . giving rewards to persons, who have given notice of fire and to those who have rendered effective service to the Fire and Emergency Service on the occasion of fire; XIX. the training, discipline and good conduct of the members of the Fire and Emergency service; regulating and controlling the powers, duties and XX. functions of the Director General; XXL generally, for the maintenance of the Fire and Emergency Service in a due states of efficiency; XXII. regulating installation of pandals and shamianas; 600 (47) 600 (48) Delegation of powers. Power to remove Difficulties. 60. 61. (3) (I) (2) (I) (2) 2018 XXIII. determining the description and quantity of fire fighting and rescue equipment including appliances, clothing and other necessities to be furnished to the Fire and Emergency Service; XXIV. institution, management and regulation of any Fire and Emergency Service fund for any purpose connected with policy administration; XX V. 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; XX VI. any other matter which is required to be, or may be, provided by rules. Every rule made by the Government under this Act shall be laid as soon as may be, before the House of the Legislative Assembly 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. The Government or the Director General or any Fire Officer may, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable by any of the officers of the Government or by the. Director General or by any Fire Officer. The Director General may, by order, direct that any power conferred or any duty imposed on him by or under this Act 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. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Official Gazette, make such provisions not inconsistent with the

provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty. Every order made under this Section shall be laid, as soon as may be after it is issued, before the Legislative Assembly of State. - 2018.

