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LEGISLATIVE SUPPLEMENT

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PART - I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 8th April, 2022

No. Leg. 14/2022.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 7th April, 2022 and is hereby published for general information:-

HARYANA ACT NO. 14 OF 2022

THE HARYANA FIRE AND EMERGENCY SERVICES ACT, 2022

AN

ACT

to consolidate the law relating to Fire and Emergency Services and to make provisions for prevention of fire and providing of fire safety measures in the buildings in the State of Haryana and for matters connected therewith and incidental thereto.

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

1. This Act may be called the Haryana Fire and Emergency Services Act, 2022. Short title.
2. In this Act, unless the context otherwise requires,- Definitions.
 - (a) “appellate authority” means the Additional Chief Secretary/ Principal Secretary to Government, Haryana in the administrative department;
 - (b) “building” shall have the same meaning as assigned to it in the Haryana Municipal Act, 1973 (24 of 1973) or any law for the time being in force in the area in which this Act is in force and includes places or premises comprising land or building, or part of a land or building, whether authorized or otherwise, outhouses, if any, pertaining to such building or part thereof and petrol, diesel or gas line installations or pumps;
 - (c) “bye-laws” means fire safety regulations as prescribed in Haryana Building Code, 2017, provisions of Part-IV of National Building Code of India 1983 as revised from time to time containing fire prevention and life safety measures to be implemented in the buildings as laid down by the Bureau of Indian Standards, Oil Industry Safety Directorate Guidelines, 1986, the Petroleum Act, 1934 (Central Act 30 of 1934) and rules made

thereunder and the Explosives Act, 1884 (Central Act 4 of 1884) and rules made thereunder;

(d) “Bureau of Indian Standard (BIS)” means National Standard Body of India established under the Bureau of Indian Standards Act, 2016 (Central Act 11 of 2016);

(e) “Fire Officer” includes Assistant Divisional Fire Officer and Fire Station Officer appointed for fire stations and other field formations, as the case may be;

(f)

“Director” means the Director, as the case may be, appointed by the Government under section 4;

(g) “disaster” means disaster as defined in the Disaster Management Act, 2005 (Central Act 53 of 2005);

(h) “erector” means a person or association of persons, whether corporate or otherwise, who erects or makes a pandal or any structure for assembly of people on a regular or temporary basis;

(i) “Fire and Emergency Services” means any serious situation or occurrence that happens unexpectedly and demands immediate action of Fire and Emergency Services of the Government or local authority;

(j) “fire station” means a building erected to house the fire fighting equipment, appliances and staff and declared by the Government to be a fire station and other field formations as constituted under section 6 of this Act;

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- (k) “fire prevention and life safety measures” means such measures as are necessary in accordance with the provisions of Part- IV of the National Building Code of India, 1983 as revised from time to time for containment, control and extinguishment of fire and for ensuring the safety of life and property;
- (l) “Fire Safety Officer” means a person appointed under section 22 by the owner or occupier of certain buildings as specified in this behalf to ensure fire prevention and fire safety measures installed in such buildings;
- (m) “Government” means the Government of the State of Haryana in the administrative department;
- (n) “local authority” means the Municipal Corporation, Municipal Council, Municipal Committee, Gram Panchayat, Cantonment Board or any other authority established, constituted or incorporated for providing and maintaining fire services;
- (o) “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;
- (p) “occupier” means-
- (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 occupant 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;
- (q) “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 shall receive the rent or is entitled to receive the rent if the land or building or part thereof is let out to tenant;
- (r) “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;
- (s) “prescribed” means prescribed by the rules made under this Act;

Emergency
Services.

(t) “State” means the State of Haryana.

3. There shall be Fire and Emergency Services for the State of Haryana consisting of officers and officials of the Fire and Emergency Services who shall be posted anywhere within the State:
Provided that the Government may, by notification in the Official Gazette, declare any other service or disaster to be Fire and Emergency Service.

Appointment of
Director.

4. The Government may appoint any suitable officer of Group ‘A’ services as Director, Haryana Fire and Emergency Services.

Powers, duties
and functions
of Director.

5. (1) The Director shall subject to the superintendence and control of the Government, direct and regulate all matters of fire safety and prevention, fire fighting equipments, machinery and appliances, training, distribution of duties, study of laws and maintenance of discipline of personnel in the Fire and Emergency Services.

(2) The Director shall,-

- (i) keep liaison with the Government for the development of Fire and Emergency Services;
- (ii) frame and take steps for implementation of the policies relating to the development of Fire and Emergency Services after obtaining approval of Government;

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- (iii) prepare and submit plans and proposals to the Government with regard to the periodical review of fire equipments, properties and manpower for effective implementation of Fire and Emergency Services;
- (iv) ensure that Fire and Emergency Management Plans of the Fire Stations and other field formations are prepared in conformity with the respective State Disaster Management Plans;
- (v) ensure deployment of Fire and Emergency Services, resources, equipments and fire personnel at standby duty for any fire response or any other emergency within the State as well as for adjoining States;
- (vi) take or cause to be taken such effective steps and measures in case of major fire, house collapse and other emergency services;
- (vii) investigate or cause to be investigated the reason of fire and submit the report to the Government with the recommendations including implementation of fire precautionary measures;
- (viii) depute such number of members/personnel as may be necessary to assist any Fire Officer of the Fire and Emergency Services;
- (ix) implement the policies framed by the Government from time to time;
- (x) establish advance training centres for providing training in the field of fire and rescue operations;
- (xi) represent the State of Haryana in National and International forums to update the standard of Fire and Emergency Services;
- (xii) perform any other function or duty as may be necessary for carrying out the provisions of this Act.

6. (1) The Government for the purpose of securing fire prevention and life safety measures within the State shall, by notification in the Official Gazette, constitute as many fire divisions, fire stations and other field formations, as it may deem fit to meet with the need of Fire and Emergency Services, having regard to the population, potential fire hazards in industrial sector, commercial and mercantile establishments and buildings.

Setting up of fire
divisions, fire
stations and other
field formations.

- (2) Every notification issued under sub-section (1) shall define the limits of the fire divisions, fire stations and other field formations for administrative and operational efficiency.

7. (1) The Government or the Director shall appoint a Fire Officer for each fire station,

Appointment,

who shall be the officer-in-charge of the fire station and shall be responsible for the maintenance of communication system, water resources including hydrants, operation of Fire and Emergency Services within his area. powers, duties and functions of Fire Officer.

(2) Subject to the control, direction and superintendence of the Director, the Fire Officer shall exercise such powers and perform such duties, as may be prescribed.

(3) Without prejudice to the provisions of sub-section (2), the concerned Fire Officer shall,-

- (i) in case of Fire and Emergency Services, act as Commanding Officer and in such a situation, the other Fire and Emergency Services not under his control shall work under his command;
- (ii) ensure that Fire and Emergency Management Plan of the Fire Station and other field formations is prepared in conformity with the respective District Disaster Management Plan;
- (iii) ensure the timely turnout of fire units on fire and emergency related calls as per such standard operating procedures, as may be prescribed;
- (iv) ensure deployment of Fire and Emergency Services, resources, equipments and fire personnel at standby duty for any fire response or any other emergency within his jurisdiction.

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Method of recruitment of members of Fire and Emergency Services.

8. The method of recruitment, the pay and allowances and all other conditions of service of the members of the Fire and Emergency Services appointed or engaged, shall be such, as may be prescribed.

Auxiliary Fire and Emergency Service.
Powers of Officer-in-charge.

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

10. On the occurrence of fire in any area, the officer/official of the fire fighting operations on the spot shall be the officer-in-charge who may,-

- (i) order any other member of the Fire and Emergency Services to remove any person who by his presence interferes with or impedes the operation for extinguishing of fire or for saving life or property;
- (ii) close any street or passage in or near which a fire is being fought and rescue operation is in progress;
- (iii) break into or through or pull down any premises for the passage of hose or appliances or cause them to be broken into or through or pulled down, doing as little damage as possible for the purpose of extinguishing fire and carrying out rescue operations; (iv) require the authority in-charge of water supply in the area to regulate the water mains so as to provide water at a specified pressure at the place where fire has broken out and utilize the water of any stream, cistern, well or tank or of any available source of water, public or private, for the purpose of extinguishing or limiting the spread of such fire and carrying out rescue operations;
- (v) exercise the same powers for dispersing an assembly of persons likely to obstruct the fire fighting operations as if he is/was an officer-in-charge of a police station and shall be entitled to the same immunities and protection as an officer-in-charge of a police station;
- (vi) detain a person who wilfully obstructs and hinders Fire and Emergency Services personnel in fire fighting and rescue operations and hand over him to a police officer or at the nearest police station without delay specifying the time, date and reasons of detention in writing.

Requisition of fire fighting property.

11. Where the Director or Fire Officer or officer-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, requisite such equipment or property for the purpose of extinguishing fire or to meet with any other emergencies in any area and take possession thereof from the authority or any institution or individual, as the case may be.

Power to arrange water supply and other necessary measures.	12. (1) It shall be lawful for the officer-in-charge of the fire fighting operations to draw water from any source in the area which he considers necessary during fire fighting operations, as may be required and on such occasions, the owner or occupier having control over such water source shall supply water for that purpose. (2) The officer-in-charge of the fire fighting operations shall ensure adequate supply of water for use in the incident of fire and shall take all necessary measures for fire fighting operation.	
No compensation for interruption of water supply.	13. No person in-charge of water supply in any area shall have right to claim for any compensation for damages by reason of any interruption of supply of water caused in compliance with sub-section (1) of section 12.	
Charges for water consumption. Preventive measures.	14. No charges shall be claimed by any local authority for water consumed in fire fighting operations or fire drills or for installation and maintenance of hydrants static water tanks or any other arrangement of water supply for fire fighting purposes. 15. The Government shall, by notification, require any owner or occupier of any place or premises in any area which in its opinion is likely to cause risk of fire, to take such preventive measures, as may be specified in such notification.	
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	16. (1) The erector of pandal shall be deemed to be self-regulator for taking fire prevention and life safety measures as per provisions of this Act. (2) The erector of pandal shall display at a prominent place in the pandal, a declaration in the prescribed form under his own signature to the effect that he has taken all prescribed fire prevention and life safety measures. (3) The Director or any officer authorized by him in this behalf shall have the power to enter and inspect the pandal 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 the directions to remove them within a specified time. If such directions are not complied with within the time given, the Director or the officer authorised by him shall seal the pandal. (4) Any erector of a pandal who falsely declares that he has complied with the prescribed fire prevention and life safety measures in the pandal shall be deemed to have committed an offence and shall 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 one thousand rupees for every day during which such offence continues.	Fire prevention and life safety measures in pandal.
	17. (1) Whenever it comes to the notice of the Director or any other officer authorized by him, he may direct the removal of encroachment, objects or goods likely to cause risk of fire or any obstruction to fire fighting 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 any other officer authorized by him in this behalf may, after giving the owner or occupier or erector, as the case may be, a reasonable opportunity of making representation and in case the Director or an officer authorised by him in this behalf is not satisfied with such representation, shall with detailed reasons report the matter to the concerned District Magistrate. (2) On receipt of a report under sub-section (1), the District Magistrate shall, by means of a notice served in such manner, as he may think fit, give a reasonable opportunity to owner, occupier or erector, as the case may be of showing cause against the removal of encroachment or objects or goods likely to cause a risk of fire or obstruction to fire fighting. (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 District Magistrate after considering the representation, may withdraw the notice or make an order to seize, detain or remove such encroachment, 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, in the manner as may be prescribed, to the person in possession thereof at the time of seizure that the said objects or goods shall be sold as if the same are not claimed within the period stipulated in the said notice. (5) 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 District Magistrate shall sell them in public auction.	Removal of encroachment, objects or goods likely to cause a risk of fire or any obstruction to fire fighting.

18. (1) In compliance of the provisions of Part IV of the National Building Code of India, 1983 as revised from time to time, Haryana Building Code, 2017 and any other State law or bye-laws, as applicable on relevant premises, the owner or the occupier of a building, who is responsible either individually or jointly shall-

Liability of owner or occupiers for approval of fire fighting scheme.

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

(2) Any person proposing to construct a building as mentioned in clauses (a) and (b) hereunder, after approval of building plans from the officer competent to approve the same under the relevant law, shall apply for approval of the fire fighting scheme confirming to the provisions of this Act and Part- IV of the National Building Code of India, 1983 as revised from time to time, to the Director or any officer authorized by him in this behalf, in such form, alongwith such fee, as may be prescribed, namely:-

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- (a) all high rise buildings (except residential buildings upto height of 16.5 mtrs); and
- (b) special buildings including-
 - (i) hotel, educational, institutional, business, mercantile, industrial, storage, hazardous and mixed occupancies, where any of these buildings have floor area more than five hundred square meter (500 square meters) on any one or more floors;
 - (ii) educational buildings having height of nine meters (9 meters) and above;
 - (iii) institutional buildings having height of nine meters (9 meters) and above;
 - (iv) all assembly buildings;
 - (v) buildings, having area more than three hundred square meters (300 square meters) of incidental assembly occupancy on any floor; and
 - (vi) buildings with two basements or more, or with one basement of area more than five hundred square meters (500 square meters) unless otherwise mentioned specifically in the provisions.

(3) Any officer duly authorized by the Director in this behalf may take cognizance of any application and shall scrutinize the application with regard to the requirement of Haryana Building Code, 2017 and Part-IV of National Building Code, 1983 as revised from time to time. The Director or any officer authorised by him in this behalf, after scrutiny may grant the approval of fire fighting scheme which shall be valid for a period of five years for the buildings mentioned in clause (a) of sub-section (2) and for a period of two years for the buildings mentioned in clause (b) of sub-section (2) or reject the said application after recording reasons within such time, as may be prescribed:

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

(4) In case of approach road/ abutting road on which building is to be constructed and set backs or open space around such building to be constructed, the parameters laid down under the Haryana Building Code 2017, shall be applicable.

(5) The maximum height of the storage building shall be permissible up to twenty one meters (21 meters) subject to the condition that no regular/continuous human habitation shall be accessible for general public beyond fifteen meters (15 meters) in height. In case of classes of occupancy or building for which fire prevention and fire safety measures are not mentioned in the provisions of Part- IV of the National Building Code of India, 1983 as revised from time to time and separate guidelines are not issued by the Bureau of Indian Standards or Oil India Safety Directorate, the Director or any officer authorized by him in this behalf may require the owner or occupier of such occupancy or building or premises to provide fire prevention and fire safety measures in accordance with the parameters laid down by the National Fire Protection Association Institution (U.S.A.).

(6) The maximum travel distance of the building shall be such as specified in the Haryana Building Code, 2017 as revised from time to time.

(7) The maximum height of the industrial building shall be permissible up to thirty meters (30 meters) for low and moderate hazard buildings (except high hazard buildings) subject to the condition that no regular/continuous human habitation is permitted beyond eighteen meters (18 meters) in height for low and moderate hazard buildings. In case of classes of occupancies or buildings or premises for which fire prevention and life safety measures are not mentioned in the provisions of Part-IV of the National Building Code of India, 1983 as revised from time and time and separate guidelines are not issued by the Bureau of Indian Standards or Oil India Safety Directorate, in such cases, the Director or any officer authorized by him in this behalf, may require the owner or occupier of such occupancy or building or premises to provide fire prevention and life safety measures in accordance with the parameters laid down by the National Fire Protection Association Institution (U.S.A.).

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19. (1) On completion of the construction of the building mentioned under sub-section (2) of section 18 and installation of the fire protection and preventive measures as per approved Fire Fighting Scheme, the owner of the building shall apply for fire safety certificate to the Director or any officer authorized by him in this behalf, in such form alongwith such fee, as may be prescribed.

Issuance of Fire Safety Certificate.

(2) On receipt of application under sub-section (1), the concerned officer shall scrutinize the application and inspect the building for compliance of fire fighting scheme.

(3) After inspection of fire safety installation and means of escape as per approved fire fighting scheme, the concerned officer shall submit his report to the Director or any other officer authorised by him within such time, as may be prescribed. After examination, the Director or any officer authorised by him may grant approval and issue fire safety certificate or reject the said application after recording the reasons, within such time as may be prescribed.

(4) The fire safety certificate issued for the buildings specified in clause (a) of sub-section (2) of section 18 shall be valid for three years, for residential buildings above sixteen and half meters (16.5 meters) shall be valid for five years and for special buildings as specified in clause (b) of sub-section (2) of section 18 shall be valid for three years.

(5) Notwithstanding anything contained in any other State law for the time being in force, no authority empowered to issue the occupation Certificate of such building shall issue the occupation certificate unless the provisions of this section are complied with:

Provided that the authority competent to approve the fire safety certificate may impose any additional conditions with regard to fire safety and life safety measures as he may deem fit, for the safety of people and building depending upon the ground situation.

(6) The owner or occupier of the building shall give a self-declaration certificate annually to the effect that the fire fighting system installed in his building is working in good condition and there is no addition/alteration in the building. The Fire Officer may randomly check such building. In case there is any addition/alteration beyond permissible limits under the Haryana Building Code, 2017, the fire safety certificate shall cease to exist and the owner shall apply for approval of revised Fire Fighting Scheme as per the provisions of section 18.

20. (1) The owner or occupier of building shall apply for renewal of fire safety certificate within such period in such form, alongwith such fee, as may be prescribed.

Renewal of fire safety certificate.

(2) The Fire Officer shall scrutinize the application and carry out the inspection of fire safety installations, means of escape etc. and if the building fulfils the prescribed norms, the Fire Officer or any officer authorized by the Director in this behalf, shall issue the renewal of fire safety certificate or reject the same after recording reasons in this regard within such time as may be prescribed:

Provided that the Fire Officer or any officer authorised by the Director competent to approve the renewal of fire safety certificate may impose any additional conditions with regard to fire safety and life safety measures which he may deem fit, for the safety of people and building depending upon the ground situation.

(3) The validity of renewal of fire safety certificate shall be three years for buildings as mentioned under clauses (a) and (b) of sub-section (2) of section 18.

(4) The owner or occupier of the building shall give a self-declaration certificate annually to the effect that the fire fighting system installed in his building is working in good condition and there is no addition/alteration in the building. The Fire Officer may randomly check such building. In case there is any addition/alteration beyond permissible limits under the Haryana

Building Code, 2017, the renewal of said fire safety certificate shall cease to exist and the owner shall apply for approval of revised Fire Fighting Scheme as per the provisions of section 18.

21. (1) If the owner or occupier, as the case may be, fails to comply with the directions issued by the Director or any officer authorised by him in this behalf, the fire safety certificate or renewal of fire safety certificate issued under sections 19 and 20, may be cancelled by the issuing authority after giving an opportunity of hearing to the owner or occupier.

Cancellation of
fire safety
certificate.

(2) The owner or occupier of the building, whose fire safety certificate has been cancelled, shall not be entitled to occupy the building or premises on the ground of non-compliance of fire prevention and life safety measures.

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Appointment
and functions
of Fire Safety
Officer by
owner or
occupier.

22. (1) To ensure effective fire prevention and life safety measures in all buildings as per provisions of Part-IV of the National Building Code of India, 1983 as revised from time to time, every owner or occupier, individually or jointly, as the case may be, shall appoint a Fire Safety Officer, having such qualifications, as may be prescribed.

(2) In case of a vacancy of the Fire Safety Officer appointed under sub-section (1), either on resignation or otherwise, the owner or occupier individually or jointly, as the case may be, shall appoint the Fire Safety Officer immediately.

(3) In case of the non-appointment of the Fire Safety Officer under sub-section (1) and (2), the Fire Officer may take such steps as he deems necessary as per the provisions of this Act.

(4) The Fire Safety Officer shall have to undergo training at the Fire and Emergency Services Training Institute established by the Government:

Provided that a person who has already undergone such training at the National Fire Service College, Nagpur run by the Ministry of Home Affairs or at any other equivalent institution recognized by the Government, shall not be required to take such training.

Power of
inspection.

23. (1) The Fire Officer authorized by the Director in this behalf may, after giving three hours notice to the occupier, or if there is no occupier, to the owner of any place or building or part thereof, enter and inspect such place or building or part thereof at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and life safety measures:

Provided that the Fire Officer authorized by the Director in this behalf, may enter into and inspect any place or building or part thereof at any time if it appears to be expedient and necessary to do so in order to ensure safety of life and property.

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

(3) The owner or occupier or any other person shall not obstruct or cause any obstruction to the entry into or upon any place or building or part thereof of a Fire Officer and shall not manhandle with the Fire Officer during such inspection.

(4) On entry to any such place or building or part thereof used as a human dwelling, due regard shall be paid by the Fire Officer to the social and religious sentiments of the occupiers:

Provided that if any place, building or part thereof in the actual occupancy of any woman, who, according to the custom does not appear in public, then a notice is required to be given to such woman with liberty to withdraw herself from such place and every reasonable facility is required to be afforded to her for such purpose.

(5) After carrying out the inspection under this section, the Fire Officer shall give a report of such inspection to the Director or any other officer authorized by him in this behalf.

(6) The Director or any other officer authorized by him in this behalf shall, after receipt of the report, 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 shall issue a notice to the owner or occupier of such place, building or part thereof directing him to undertake such measures within such time as may be specified in the notice.

(7) The Director or any other officer authorized by him in this behalf in the event of non-compliance of notice issued shall take such steps as he deems fit under the provisions of this Act.

Provisions regarding certain buildings.

24. (1) The Fire Officer or any other officer authorized by the Director in this behalf may enter and inspect any building, the construction of which was completed on or before the commencement of this Act or any building which was under construction on such date in which such inspection appears to be necessary for ascertaining the adequacy of fire prevention and life safety measures.

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(2) The Fire Officer or any other officer authorised by the Director shall after inspection of the building under sub-section (1) and after taking into consideration-

- (i) the provision under which the plan of said building was sanctioned;
- (ii) the conditions imposed, if any, by the local authority at the time of sanction of the plan of said building; and
- (iii) the minimum standards for fire prevention and fire safety measures specified for such building as per provisions of Part-IV of the National Building Code, 1983 as revised from time to time,

shall submit a report of inspection made by him to the Director or any other officer authorized by him in this behalf.

25. Whoever contravenes the provisions of sub-section (1) of section 12, without prejudice to any other action taken against him under this Act shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to fifty thousand rupees, or with both.

Penalties for violation of section 12.

26. (1) If any owner or occupier of a building fails to appoint Fire Safety Officer under section 22 within thirty days of the receipt of a notice given in this behalf by the Director or the Fire Officer, as the case may be, shall be deemed to be in default jointly and severally and shall be liable to pay such sum not less than ten rupees per square meter and not exceeding fifty rupees per square meter of the area owned or occupied including the common areas in the building as determined by the Director or any officer authorized by him for each month of default or part thereof.

Penalty in case of non-appointment of Fire Safety Officer.

(2) The amount due as penalty under sub-section (1) shall be recovered as an arrear of land revenue.

27. (1) Any person whose building catches fire on account of an action of his own or of his agent, deliberately or negligently, shall be liable to pay compensation to any other person suffering any damage from such fire.

Liability of owner to pay compensation.

(2) All claims under sub-section (1) shall be referred to the Director within thirty days from the date when the damage was caused.

(3) The Director shall, after giving an opportunity of being heard to the concerned persons, may determine the amount of compensation and pass an order in this regard while fixing the liability of the persons for paying such compensation. The order passed under this sub-section shall have the force of decree of a civil court and shall be implemented within thirty days from the date of receipt of the order.

28. Any person who wilfully obstructs or interferes with any member of the Fire and Emergency Services, 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 ten thousand rupees, or with both.

Penalty for wilfully obstructing fire fighting, rescue operations.

29. 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 ten thousand rupees, or with both.

False report.

30. Whoever contravenes any provisions of this Act or any rule or notification made thereunder except as provided specifically in this Act, 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 one thousand rupees for everyday during which such offence continues.

General provision for punishment.

31. (1) 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 for the

Offence by companies.

conduct of the affairs of the Company shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees, or with both:

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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 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 liable for punishment as per sub-section (1).

Explanation.- (i) 'company' means a body corporate and includes a firm or other association of individuals; and

(ii) 'director' means a director or a partner of the firm.

Compounding of offences.

32. (1) Any offence committed under this Act may either before or after the institution of the prosecution, be compounded by such officer and for such amount, as the Government may, by notification, specify in this behalf:

Provided that no offence shall be compounded unless the notices or orders issued under this Act are complied with.

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

Protection of action taken in good faith.
Cognizance of prosecution.

33. 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.

34. No court shall take cognizance of an offence under this Act, except on the complaint of or upon information received from the Director or concerned Fire Officer of the Fire and Emergency Services.

Jurisdiction.

35. The Court of Sub-Divisional Magistrate shall try an offence punishable under this Act.

Appeal.

36. (1) Any person aggrieved by any notice or order of the Director or any other officer authorised by him in this behalf may prefer an appeal against such notice or order to the appellate authority within a period of sixty days:

Provided that the appellate authority may entertain an appeal after the expiry of the such period if it is satisfied that there was sufficient cause for not filing it within that period.

(2) An order passed by the appellate authority in the appeal shall be final.

Establishment of fire and emergency training institute.

37. (1) The Government may establish and maintain one or more training institutes in the State of Haryana for providing courses of instructions in the prevention and extinguishment of fire for the fire service personnel and private candidates from industries, high rise buildings and other Government and Non-Government establishments.

(2) The Government may extend the training facilities to the local bodies and industrial undertakings as well as to the fire and emergency service of other States on payment of such fee and charges, as may be prescribed.

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

(4) Subject to the observance of general rules applicable to other employees of the Government in relation to training, the employees of the Fire and Emergency Services may be sent to 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 Act.

Community awareness and training programme.

38. The Fire Officer shall preventive measures on fire and other emergencies. The Fire Officer may render assistance and consultation to the

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39. (1) A fire tax shall be levied on buildings on which property tax is levied by any local authority. Levy of fire tax.

(2) The fire tax shall be levied at such rate in terms of percentage of property tax as the Government may, by notification in the Official Gazette, determine from time to time.

40. (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, assess, collect and enforce payment of the fire tax in the same manner, as the property tax is assessed, paid and collected.

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

(2) Such portion of the total amount of the fire tax as the Government may determine, shall be deducted by the local authority to meet the cost of collection of the fire tax.

(3) The net amount of the fire tax collected under this Act reduced by the cost of collection of fire tax shall be paid to the Government, in such manner and at such intervals, as may be prescribed.

41. (1) Where members of the Fire and Emergency Services are deployed alongwith equipment and appliances beyond the limits of State in order to extinguish a fire in the neighbourhood on the request of any Government or local body or Fire and Emergency Services, such Government or local body or Fire and Emergency Services, as the case may be, shall be liable to pay such charges as may be prescribed.

Charges on deployment of Fire and Emergency Services beyond limits of State.

(2) No members of Fire and Emergency Services shall be deployed for the purpose as mentioned under sub-section (1) without prior permission of the Director or any other officer authorized by him in this behalf who shall not be below the rank of Deputy Director (Technical).

(3) 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 or any other officer authorized by the Director in this behalf, as the case may be, and if it is not paid within that period, it shall be recoverable as an arrear of land revenue.

42. (1) No charges shall be levied for extinguishing the fire and rescue operations within the State.

Charges on deployment of Fire and Emergency Services for Stand by duty within State.

(2) The Government shall, by notification specify the charges for deployment of members of Fire and Emergency Services alongwith equipment and appliances for the private purpose and for standby duty for a specific duration.

43. Any amount payable under this Act shall be recovered as arrears of land revenue.

Recovery of dues. Reciprocal fire fighting arrangements with other Fire and Emergency Services.

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

45. Without prejudice to the provisions of any other state law on the subject for the time being in force, the Government may, by notification in the Official Gazette, declare any class or category of Fire and Emergency Services as technical service.

Declaration of Fire and Emergency Services as technical service.

46. The Director or any other officer authorized by him in this behalf may, for the purpose of discharging his duties under this Act, require the owner or occupier of any building to supply information with respect to the character of such building, the available water supplies and means of access thereto and any other material particulars as he may deem necessary and such owner or occupier shall be liable to furnish all information under his possession.

General power to obtain information.

47. (1) Where on receipt of a report from Fire Officer under sections 23 and 24, or suo-moto, it appears to the Director or any officer authorized by him that the condition of any building or premises is dangerous to life or property, he shall, without prejudice to any action taken under this Act, by order, require the person in possession or occupation of such building to remove them from such building forthwith.

Power to seal buildings or premises.

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(2) If an order made by the Director or any officer authorized by him under sub-section (1) is not complied with, the Director or any officer authorized by him may direct-

- (i) to disconnect the supply of electricity of the building to concerned authority and such authority shall comply with said directions;
- (ii) to disconnect the water and sewer of the building or premises to the concerned authority and such authority shall comply with such directions;

- (iii) any police officer having jurisdiction in the area to remove such persons from the building and such officer shall comply with such directions.

(3) After the removal of the persons under clause (iii) of sub-section (2), the Director or any other officer authorized by him in this behalf shall seal the building.

(4) No person shall remove such seal except under an order made by the Director or any officer authorized by him.

(5) Any person who removes such seal except under an order made by the Director or any officer authorized by him, 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.

Police officers and others to aid.

48. In fire fighting operations or any other duties related to seizure, detention or removal of any goods involving risk of fire on the request of the officer-in-charge of the fire fighting operation, it shall be the duty of a police officer or employees of the police force to assist and aid the officer-in-charge of the fire fighting operation in performance of such duties.

Compensation to member of Fire and Emergency Services.

49. If the member of the Fire and Emergency Services become permanently disabled or dies during discharging the fire fighting and rescue operation duties, the Government shall pay adequate compensation to such member or to the next of kin of deceased, as the case may be as specified by the Government, by notification in the Official Gazette.

Officers to be public servants. Restriction to form association or part of association etc.

50. Every member of Fire and Emergency Services shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

51. (1) No member of the Fire and Emergency Services shall without the previous sanction of the Government:

- (i) be a member of, or be associated in any way with, any union, labour union and political association;
- (ii) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bonafide discharge of his duties or is of a purely literary, artistic or scientific character.

Power to make rules.

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

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session.

Delegation of powers.

53. The Director may, by order direct, that any power conferred or any duty imposed upon him, by or under this Act, shall in such circumstances and under such conditions, as may be specified in the order, be exercised and performed by such officer as specified in the order.

Power to remove difficulties.

54. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the commencement of this Act.

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

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55. Notwithstanding anything inconsistent therewith contained in any other State law for the time being in force, the provisions of this Act shall have overriding effect.

Act to have overriding effect.

56. (1) The Haryana Fire Service Act, 2009 (12 of 2009) is hereby repealed.

Repeal and savings.

(2) Nothing in this Act shall affect-

- (i) any right, interest or liability already acquired, accrued or incurred before the commencement of this Act; or
- (ii) any legal proceedings or remedy in respect of such right, interest or liability; or
- (iii) anything done or suffered before the commencement of this Act; or (iv) any rule framed under the repealed Act which is not inconsistent with this Act.

BIMLESH TANWAR,
ADMINISTRATIVE SECRETARY TO GOVERNMENT,
HARYANA, LAW AND LEGISLATIVE DEPARTMENT.

9556—L.R.—H.G.P., Pkl.