

PART I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 24th March, 2009

No. Leg. 16/2009.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 12th March, 2009, and is hereby published for general information :—

HARYANA ACT NO. 12 OF 2009

THE HARYANA FIRE SERVICE ACT, 2009

AN

ACT

to provide for the establishment and maintenance of fire service in the State of Haryana and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixtieth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. (1) This Act may be called the Haryana Fire Service Act, 2009.
- (2) It extends to the whole of the State of Haryana.
- (3) It shall come into force on such date, as the Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

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

Definitions.

- (a) “appointed day” means the day appointed under sub-section (3) of section 1;
- (b) “building” means any structure whether of masonry, bricks, wood, mud, metal or any other material and includes a house, outhouse, basement, underground parking, stable, shed, hut or wall (other than a boundary wall);
- (c) “building bye-laws” means the bye-laws made under the Haryana Urban Development Authority Act, 1977 (13 of 1977), the Haryana Municipal Act, 1973 (24 of 1973), the Haryana Development and Regulation of Urban Areas Act, 1975 (8 of 1975), the Haryana Housing Board Act, 1971 (20 of

1971), the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (41 of 1963), the Haryana Municipal Corporation Act, 1994 (16 of 1994) or the Cantonments Act, 2006 (Central Act 41 of 2006) or building bye-laws made under any other law notified in this behalf by the Government;

- (d) "competent authority" means any officer not below the rank of Deputy Director specified by the Government to be the competent authority for the purpose of this Act;
- (e) "Director" means the Director of Service;
- (f) "erector of pandal" means a person or an association of persons, whether corporate or otherwise, who erects or makes a pandal or any structure for occupation of people on a regular or temporary basis;
- (g) "fire fighting property" includes,—
 - (i) lands and buildings used as fire stations and static water tanks;
 - (ii) fire engines, equipments, tools, implements and other things used for fire fighting;
 - (iii) motor vehicle and other means of transport used in connection with fire fighting; and
 - (iv) uniforms of rank;
- (h) "fire prevention and safety measures" mean such measures as are laid down in the National Building Code or as decided by the Government from time to time for the prevention, control and fighting of the fire and for ensuring the safety of life and property in case of fire;
- (i) "Fire Safety Officer" means the person appointed under section 11;
- (j) "fire station" means any place declared generally or specially, by the Government, to be a fire station and includes a sub-fire station;
- (k) "Fire Station Officer" means an officer of the Service appointed under this Act;
- (l) "Government" means the Government of the State of Haryana in the Administrative Department;

- (m) "high-rise-building" means a building, the height of which is 15 meters or more from the surface level of the land;
- (n) "local authority" means the Municipal Corporation, Municipal Council, Municipal Committee, Gram Panchayat or any other authority established, constituted and incorporated in this behalf providing and maintaining fire-services under any law for the time being in force;
- (o) "National Building Code" means the code containing fire prevention and safety measures to be implemented in the buildings as laid down by the Bureau of Indian Standards;
- (p) "notification" means a notification published in the Haryana Government Gazette and the word "notified" shall be construed accordingly;
- (q) "occupier" means—
 - (i) an owner in occupation of, or otherwise using his land or building;
 - (ii) 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;
 - (iii) a rent-free tenant of any land or building;
 - (iv) a licensee in occupation of any land or building;
 - (v) any person who is liable to pay to the owner damages for the use and occupation of any land or building; and
 - (vi) President/Administrator of a group housing society;
- (r) "officer-in-charge" means a fire officer-in-charge of a fire station/sub-fire station and includes, when the officer-in-charge is absent from the station or unable due to illness or other cause, to perform his duties, the fire officer next in rank to such officer and present at the fire station;
- (s) "owner" includes—
 - (i) 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 be entitled to receive if the land or building or part thereof were let out to tenant;
 - (ii) the custodian of evacuee property;
 - (iii) the Director of Estates of the Government of India, the Secretary of the State Development Authority, the

Manager/Divisional Manager of the Railways and the head of a Government department, in respect of properties under their respective control;

(t) "pandal" means a temporary structure with roof or walls made of straw, hay, grass, mat, canvas, cloth or any other similar material which is not adopted for permanent or continuous occupancy;

(u) "premises" means any land or building or part of a building and includes the garden, ground and outhouse, if any, appurtenant to such building or part of such building or land which is used for storing explosives, explosive substance and dangerously inflammable substance;

Explanation.—In this clause, "explosive", "explosive substance" and "dangerous inflammable substance" shall have the meanings respectively assigned to them in the Explosives Act, 1884 (4 of 1884), the Explosive Substances Act, 1908 (6 of 1908) and the Inflammable Substances Act, 1952 (20 of 1952);

(v) "prescribed" means prescribed by the rules made under this Act;

(w) "Service" means the Haryana Fire Service established and maintained under this Act;

(x) "State" means the State of Haryana.

Establishment and
constitution of
Service and fire
divisions.

3. (1) The Government shall establish and maintain a Service to be called the Haryana Fire Service.

(2) The Service shall consist of a Director, Joint Director and Deputy Director and such other officers and officials as may be necessary.

(3) The Government may by notification—

(i) constitute fire divisions within the State;

(ii) divide such fire divisions into fire sub-divisions and specify the fire stations and sub-fire stations in each fire division; and

(iii) define the limits and extent of such fire divisions, sub-fire divisions, fire stations and sub-fire stations as may be necessary for the administrative and operational efficiency of the Service.

(4) The expenditure in connection with the Service shall be met out of the Consolidated Fund of the State.

(5) Where members of the Service are sent beyond the limits of the State in order to extinguish a fire in the neighbourhood of such limits, the owner

or the occupier where the fire has occurred or spread shall be liable to pay such fee as may be prescribed.

(6) The Government may recover from any person, organization or industry in any area such contribution towards the cost of the portion of the services maintained in that area, as the Government may, from time to time direct.

4. The method of recruitment, the pay and allowances and all other conditions of service of the officers and officials engaged in the Service shall be such as may be prescribed.

Conditions of Service.

5. The superintendence and control of the Service shall vest with the Director and shall be carried on by him in accordance with the provisions of this Act and the rules made thereunder.

Superintendence and control of Service.

6. (1) Whenever it appears to the Government that it is necessary to augment the Service, it may raise an auxiliary service by enrolment of volunteers for such areas and on such terms and conditions as it may deem fit.

Auxiliary fire services.

(2) Every member of the auxiliary service enrolled under sub-section (1) shall —

(a) be vested with all or any of the powers, functions and privileges of a member of the Service as may be prescribed; and

(b) be subject to the orders of the Director.

CHAPTER II

Power of the Government, Director and Members of the Service

7. The Government may make regulations for—

Power to make regulations.

(a) providing the Service with such appliances and equipment as it may deem proper;

(b) providing adequate supply of water and for ensuring that it shall be available for use;

(c) construction or providing places for fire stations or sub-fire stations or accommodating the members of the Service or fire fighting appliances;

(d) giving reward to persons who have given information regarding the occurrence of fire and to those who have effectively assisted the Service on occurrence of fire;

(e) the training, discipline and conduct of the members of the Service;

(f) the speedy attendance of members of the Service with necessary appliances and equipment on the occasions of any alarm of fire;

Powers of
members of
Service on
occurrence of
fire.

- (g) sending members of the Service with appliances and equipment beyond the limits of any area in which this Act is in force;
- (h) the employment of the members of the Service in any rescue, salvage, or other similar work;
- (i) regulating and controlling the powers, duties and functions of the Director;
- (j) the maintenance of the Service in a due state of efficiency;
- (k) the powers and duties of the members of the Service.

8. (1) On the occurrence of fire in any area, the officer who is in-charge of fire fighting operations on the spot may,—

- (a) remove, or order any other member of the Service to remove any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which fire has broken out;
- (c) break into or through or pull down, any premises for the passage of hose or appliances or cause them to be broken into or through or pulled down, doing as little damage as possible for the purpose of extinguishing fire;
- (d) require the authority in charge of water supply in the area to regulate the water mains so as to provide water at a specified pressure at the place where the fire has broken out and 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 intensity of such fire;
- (e) exercise the same powers for dispersing an assembly of persons likely to obstruct the fire-fighting operations as if he were an office-in-charge of a police station and as if such an assembly was an unlawful assembly and shall be entitled to the same protection as such an officer, in respect of the exercise of such powers;
- (f) generally take such measures as may appear to him to be necessary for extinguishing the fire or the protection of life or property.

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

Power to make
arrangements for
supply of water.

9. It shall be lawful for the officer-in-charge of the fire fighting operations to draw water from any source in the area which he considers necessary

for such operations and on such occasions as may be required and the authority or owner or the occupier having control over such water resources shall supply water for that purpose at such rates as may be prescribed.

10. The Director may enter into arrangements with any person who employs and maintains personnel or equipment or both for fire-fighting purposes, to secure, on such terms as may be prescribed, the provision by that person or assistance for the purpose of dealing with fires occurring in any area in which this Act is in force.

Power of Director to enter into arrangements for assistance.

11. (1) Every owner and occupier or an association of such owners and occupiers of the following classes of buildings or premises shall appoint a Fire Safety Officer 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, namely :—

Appointment of Fire Safety Officer.

- (a) cinema houses with seating capacity of more than 400 persons and having commercial complex with built-up area more than 10,000 square meters and above;
- (b) five star hotels;
- (c) large commercial complexes including underground shopping complexes with built-up area more than 25,000 square meters;
- (d) multistoreyed non-residential buildings above 30 meters in height;
- (e) large oil and natural gas installations such as refineries, Liquid Petroleum Gas (LPG) bottling plants and similar other facilities;
- (f) open stadia with seating capacity of more than 25,000 persons and indoor stadia with seating capacity of more than 15,000 persons; and
- (g) hospitals with more than 500 beds :

Provided that the Government may, by notification in the Official Gazette, include any other premises which, in its opinion, require appointment of Fire Safety Officers.

(2) The Fire Safety Officer shall hold annual full dress rehearsal of Fire Fighting Staff and system.

12. The Fire Safety Officers shall undergo training at the Fire Safety Management Academy or at any other academy, as may be specified by the Government in this behalf:

Training of Fire Safety Officers.

Provided that a person who has already undergone such training at the National Fire Service College, Nagpur or at any other equivalent institution,

recognized by the Government, shall not be required to undergo such a training.

Preventive
measures.

13. (1) The Government may, by notification, require the owners or occupiers of the premises used for purposes, which in its opinion, are likely to cause risk of fire, to take such precautions as may be specified in such notification.

(2) Where a notification has been issued under sub-section (1), it shall be lawful for the Director or any other officer of the Service, authorized by the Government in this behalf, to order the removal of object or goods likely to cause a risk of fire, to a place of safety; and on failure of the owner or the occupier to do so, the Director or such other officer may, after giving the owner or the occupier a reasonable opportunity of making a representation, seize, detain or remove such objects or goods or order the closure of the premises.

Fire prevention
and fire safety
measures in
pandals to be self
regulatory.

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

(2) The erector of a pandal shall display at 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 specified fire prevention and fire safety measures therein.

(3) It shall be lawful for the competent authority or any other officer, authorized by the Government in this behalf, to enter and inspect the pandal with a view to verify the correctness of the declaration so made by the erector of pandal 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 officer inspecting the pandal are not complied within the time so given, such officer shall seal the pandal.

(4) Any erector of pandal, who falsely declares that the specified fire prevention and fire safety measures in the pandal have been complied with, shall be deemed to have committed an offence punishable under section 31 of this Act.

Approval of Fire
Fighting Scheme
and issue of no
objection
certificate.

15. (1) Any person proposing to construct a building to be used for any purpose other than residential purpose or a building proposed to be used for residential purpose of more than 15 meters in height, such as group housing, multi-storeyed flats, walk-up apartments, etc., before the commencement of the construction, shall apply for the approval of Fire Fighting Scheme conforming to National Building Code of India, the Disaster Management Act, 2005 (53 of 2005), the Factories Act, 1948 (Act 63 of 1948) and the Punjab Factory Rules, 1952, and issue of no objection certificate on such form, alongwith such fee, as may be prescribed.

(2) The Director or any officer duly authorized by him in this behalf, may take cognizance of any application and issue such instructions and

orders regarding the building plan and for construction by issuing a provisional no objection certificate before the construction is taken up.

Explanation.—In case any person proposes to increase the number of floors on any building already constructed in such a manner that it shall qualify for being termed as a high rise building, shall before construction, apply for no objection certificate.

(3) The provisional no objection certificate shall be issued within 60 days of submission of application along with such fee, as may be prescribed, giving all the details of the construction being undertaken as well as the rescue, fire prevention and fire safety details required to be incorporated during the period of construction.

(4) During the process of construction, the inspection of the construction may be conducted and the advice about any additions, deviations, modifications that are required to be carried out from the precaution and prevention point of view, may be tendered. Such advice shall be made on a prescribed performa and handed over to the party concerned.

(5) On completion of the construction of the high-rise building, a no objection certificate shall be obtained. In the absence of such certificate, the owner shall not occupy, lease or sell the building.

16. The Government may, by notification, declare that no place within the area, as may be specified, shall be used for any one or more of the purposes, which in its opinion constitute a fire risk except in accordance with the terms and conditions of a licence to be issued in this behalf.

Purposes for which places may not be used without licence.

17. The owner or the occupier of any place used for one or more of the purposes mentioned in the notification issued under section 16, shall, within thirty days from the date of such notification, make an application together with such fee, as may be prescribed, for the use of such place for such purpose.

Application for grant of licence.

18. (1) The competent authority shall, after due verification, grant the licence on such terms and conditions, as it may think fit and necessary, or for reasons to be recorded in writing, reject the application for the licence being not in conformity with the provisions of this Act.

Grant of licence.

(2) Against every order of the competent authority refusing to grant a licence, an appeal shall lie to the Director within a period of 30 days from the date of the receipt of the order.

19. Every licence granted under section 18 shall be valid for a period of one year or for such lesser period as may be specified in the licence and may be cancelled for reasons to be recorded in writing.

Duration of licence.

20. (1) The competent authority may, after giving three hours notice to the occupier, or, if there be no occupier, to the owner, enter and inspect any

Inspection of building, premises etc.

building or premises at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and fire safety measures :

Provided that the competent authority may enter into and inspect any building or premises at any time if it appears to it to be expedient and necessary to do so in order to ensure safety of life and property.

(2) The competent authority shall be provided with all possible assistance by the owner or occupier, as the case may be, for carrying out the inspection under sub-section (1).

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

(4) The competent authority shall, after inspection of the building or premises under sub-section (1), and after taking into consideration—

- (i) the provisions of the building bye-laws in accordance with which the plan of the said building or premises was sanctioned;
- (ii) the conditions imposed, if any, by the local authority at the time of the sanction of the plan of the said building or premises; and
- (iii) the minimum standards for fire prevention and fire safety measures specified for such building or premises as may be specified by rules framed under this Act,

issue a notice in such manner, as may be prescribed, to the owner or occupier for the inadequacy in regard to the fire prevention and fire safety measures in it and direct the owner or occupier to undertake measures for rectifying the said inadequacy within such period, as he may consider just and reasonable.

Measures for fire
prevention and
fire safety.

21. (1) The competent authority shall, after the completion of the inspection of the building or premises under section 20 record its views on the deviations from or the contraventions of the building bye-laws with regard to the fire prevention and fire safety measures and the inadequacy of such measures provided therein with reference to 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.

(2) The competent authority shall also give a report of any inspection made by it under section 20 to the Director.

22. (1) Where, on receipt of a report from the competent authority under sub-section (2) of section 21, it appears to the Director that the condition of any building or premises is dangerous to life or property, he shall, without prejudice to any action taken under section 23, by order, require the owner or the occupier of such building or premises to remove themselves from such building or premises forthwith.

Power to seal building or premises.

(2) If an order made by the Director under sub-section (1) is not complied with, he may direct any police officer having jurisdiction in the area to remove such person from the building or premises and such officer shall comply with such directions.

(3) After the removal of the person under sub-section (1) or sub-section (2), as the case may be, the competent authority shall seal the building or premises.

(4) No person shall remove the seal except under an order made in writing in this behalf by the competent authority.

23. (1) The competent authority shall, in the event of non-compliance of any notice issued under section 20 or section 21, take such steps, as may be necessary for the compliance of such notice.

Powers of competent authority.

(2) All expenses incurred by the competent authority in relation to any steps taken by it under sub-section (1) shall be payable by the owner or occupier on demand and shall, if not paid within ten days after such demand, be recoverable as arrears of land revenue.

24. (1) Any person aggrieved by any notice or order of the competent authority may prefer an appeal against such notice or order to the Director within a period of thirty days from the date of the receipt of such notice or order :

Appeal and revision.

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

(2) An application for revision shall lie to the Government against the order of the Director confirming, modifying or annulling a notice or an order issued or made under this Act within a period of thirty days from the date of such order :

Provided that the Government may entertain a revision after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

CHAPTER III

Penalties

Penalty for
violation of duty.

25. Any member of the Service who—

- (a) is found guilty of any violation of duty or willful breach of any provision of this Act or any rule or order made thereunder; or
- (b) is found to be guilty of cowardice; or
- (c) withdraws from duty of his office without permission; or
- (d) being absent on leave fails without reasonable cause, to report himself for duty on the expiration of such leave; or
- (e) accepts any other employment or office in contravention of the provisions of section 36; or
- (f) intentionally or knowingly causes or attempts to cause or induces or attempts to induce any member of the Service to withhold his services or commit a breach of discipline,

shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five thousands rupees, or with both.

Penalty for
failure to take
precautions.

26. Whoever fails without reasonable cause to comply with any of the requirements specified in a notification issued under sub-section (1) of section 13 or of order issued under sub-section (2) of that section, shall be punishable as per the provision under section 31.

Penalty for
willfully
obstructing fire-
fighting
operations.

27. Any person who willfully and without any reasonable cause obstructs or interferes in fire-fighting operations, shall be punishable with imprisonment for a term which may extend to three months or with fine of five thousands rupees or with both.

Penalty for false
report.

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

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

29. (1) If any owner or occupier fails to appoint, under section 11, Fire Safety Officer within sixty days of his liability to do so, he shall be deemed to be in default.

(2) When the owner or occupier liable for appointment of such Fire Safety Officer 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 or

occupied by him including the common areas in the premises, as determined by the competent authority, may be recovered from him by way of penalty for each month of default or part thereof.

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

30. (1) Whoever fails to obtain a licence or fails to comply with any of the conditions specified in the licence, shall be served a show cause notice requiring him to obtain a licence or comply with any of the conditions specified in the licence, as the case may be, within such period, as may be prescribed.

Penalty for failure to take licence.

(2) If he does not comply with the show cause notice, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both.

31. Whoever contravenes any of the provisions 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 five 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 after the first day during which such offence continues.

General provision of punishment for offences.

32. (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 to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Offence by company.

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 consent or connivance of, or 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 purpose of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “Director” in relation to a firm, means a partner in the firm.

CHAPTER IV

Miscellaneous

Training centres.

33. The Government may establish and maintain one or more training centres in the State for providing courses of instruction in the prevention and extinguishment of fire and may close down or re-establish any such centres. Regular training programmes of the staff shall be conducted in these training centres.

Levy of training fee.

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

Levy of fire tax.

35. (1) There may be levied a fire tax on lands and buildings which are situated in any area in which this Act is in force.

(2) The fire tax shall be levied by notification at such rate, as may be specified by the Government.

Bar of other employment.

36. (1) No member of the Service shall engage himself in any employment or other office other than his duties under this Act.

(2) Every member of the Service shall be considered to be always on duty and is bound at any time to attend at any place and to any duty relevant to the Service within or outside the State.

Transfer to other areas.

37. The Director or any officer authorized by the Government in this behalf may, on occurrence of fire or other emergency in any neighbouring area in which this Act is not in force, order the dispatch of members of the Service with necessary appliances and equipment to carry out fire-fighting operation in such area and thereupon, all the rules made thereunder shall apply to such area, during the period of fire or during such period as the Director may specify.

Employment on other duties.

38. It shall be lawful for the Government or any officer authorized by it in this behalf, to employ the member of the Service in any rescue, salvage or other work for which he is suitable by reason of his experience, training, appliances and equipment.

Power to obtain information.

39. Any officer not below the rank of officer-in-charge of a fire station may, for the purpose of discharging his duties under this Act, require the owner or occupier to furnish information with respect to the character of such building or other property, the available water supplies and the means of access thereto and other material particulars, and the owner or occupier shall furnish all the information in his possession.

Consumption of water.

40. No charge shall be made by any local authority or other person for water consumed in fire-fighting operations or exercise by the Service or for installation and maintenance of hydrants, static water tanks or any other arrangement of water supply for fire-fighting purposes.

No compensation for interruption of water supply.

41. No authority in-charge of water supply in an area shall be liable to any claim for compensation for damage by reason of any interruption of supply

of water occasioned only by compliance by such authority with the requirement specified in section 9.

42. It shall be the duty of police officers of all ranks to aid and assist the members of the Service in the execution of their duties under this Act.

Police officers to aid.

43. All officers and other employees of the Service shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act 45 of 1860).

Officers and employees to be public servants.

44. (1) The Director may, either before or after the institution of the proceedings, and for reasons to be recorded in writing compound any offence made punishable by or under this Act or the rules made thereunder or withdraw the proceedings after payment of such compounding fee, as may be prescribed.

Compounding or withdrawal of proceedings.

(2) When an offence has been compounded, the offender, if in custody, shall be discharged, and no further proceedings shall be taken against him in respect of the offence compounded.

45. (1) The Government may, by notification, 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.

Delegation of powers.

(2) The Director 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 by any officer specified in the order.

46. No court shall entertain any suit, application or other proceeding in respect of any notice or order under this Act and no such notice or order shall be called in question.

Bar of jurisdiction of courts.

47. Save in the case of cognizable offences, no court shall take cognizance of any offence made punishable under this Act or the rules framed thereunder, except on a report in writing of the facts constituting such offence received from the Director or any other officer authorized by him in this behalf.

Cognizance of offences.

48. The standard for the fire safety measure in the buildings which are not defined in the National Building Code shall be approved by the Government.

Sanction of fire safety measure beyond National Building Code.

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

Power to make rules.

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

- (a) recruitment, the pay and allowances and all other conditions of Service;
- (b) constitution of fire division, fire sub-divisions, fire stations and fire sub-stations under sub-section (3) of section 3;
- (c) procedure for appeal and revision under section 24;

- (d) mode of assessment, collection and enforcement of payment of fire tax levied under section 35;
- (e) fee for deployment of fire service beyond the limits under sub-section (5) of section 3;
- (f) minimum standards for fire prevention and fire safety measures;
- (g) form of notice under sub-section (4) of section 20;
- (h) the height of the building under sub-section (1) of section 15;
- (i) regulating installation of pandals and shamianas;
- (j) determine the description and quantity of fire-fighting and rescue equipment including appliances, clothing and other necessities to be furnished to the Service;
- (k) assigning duties to officers of all ranks and grades, and the manner in which and the conditions subject to which such powers and duties shall be performed;
- (l) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act and notification issued under the provisions of 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.

CHAPTER V

Transfer of Assets and Liabilities of Fire Service from Local Authority

Transfer of assets and liabilities of fire service of local authority.

50. (1) On the appointed day, all the assets and liabilities appertaining to the Service, maintained by all local authorities shall stand transferred to and vest in the Government.

(2) The assets pertaining to the Service shall be deemed to include all rights and powers, and all property whether movable or immovable pertaining to the Service including in particular all fire fighting property and all interests and rights in or arising out of such property, as may be in possession of the local authority and all books of account or documents relating to the Service of the local authority; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind then existing and pertaining to the Service of the local authority.

Provident fund and superannuation.

51. (1) Where a local authority referred to in sub-section (1) of section 50, has established a provident fund or superannuation fund or any other like fund for the benefit of the employees of such local authority, the money standing to the credit of any such fund on the appointed day together with any other assets belonging to such fund shall, in so far as they relate to employees of the local authority who become employees of the Government under section 53, shall stand transferred to and vest in the Government on the appointed day.

(2) The apportionment under sub-section (1) shall be made by the Government, and its decision in this behalf shall be final and binding on the local authority.

52. (1) All contracts, agreements and other instruments of whatever nature, subsisting or having effect immediately before the appointed day and to which a local authority referred to in sub-section (1) of section 50 is a party or which are in favour of such local authority shall, in so far as they relate to the fire service of the local authority, be as of full force and effect against or in favour of the Government, as the case may be, and may be enforced or acted upon as fully and effectually as if, instead of the local authority, the Government had been a party thereto or as if they had been entered into or issued in favour of the Government.

General effect of transfer of assets and liabilities.

(2) If on the appointed day, any suit, appeal or other legal proceeding of whatever nature is pending by or against a local authority referred to in sub-section (1) of section 50, then, in so far as it relates to the service of such local authority, it shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer of the assets and liabilities of the local authority in so far as they relate to such service, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Government.

53. (1) Every wholetime employee of a local authority who was employed by such local authority wholly or mainly in connection with the fire service of such local authority immediately before the appointed day, shall, on and from the appointed day, become an employee of the Government, and shall hold his office under the Government on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held the same under the local authority as if its assets and liabilities relating to the fire service had not been transferred to the Government, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the Government.

Transfer of service of employees of local authority.

(2) If any question arises whether any person was a whole-time employee of a local authority or as to whether any employee was employed wholly or mainly in connection with the fire service of a local authority immediately before the appointed day, the question shall be decided by the Government and its decision shall be final.

54. (1) Where any property has been transferred to and vested in the Government under section 50, every person in whose possession or custody or under whose control the property may be, shall deliver the property to the Government forthwith, and until it is so delivered, such person shall from the appointed day, be deemed to be in possession, custody or control of the property on behalf of the Government.

Duty to deliver possession of property and documents.

(2) Any person who, on the appointed day, has in his possession or custody or under his control any books, documents or other papers which

have been transferred to and vested in the Government under section 50, shall be liable to account for the said books, documents and the papers to the Government and shall deliver to the Government or to such person as the Government may direct.

(3) Without prejudice to the other provisions contained in this section, it shall be lawful for the Government to take all necessary steps for securing possession of all properties which have been transferred to and vested in the Government under this Chapter.

Repeal and
saving.

55. (1) The Haryana Fire Service Ordinance, 2009 (Haryana Ordinance No. 2 of 2009), is hereby repealed.

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

M. S. SULLAR,
Secretary to Government, Haryana,
Law and Legislative Department.