अण्डमान तथा निकोबार राजपत्र
Andaman And Nicobar Gazette

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अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय / SECRETARIAT

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NOTIFICATION

Sri Vijaya Puram, dated the 7th August, 2026.

No. 243/2026/F. No. 6-9/2020-Legal-Vol.II.— The following Regulations published in the Gazette of India, Extraordinary Part-II Section 1 No. 24 dated 28th July, 2026 are hereby reproduced for the information of General Public.

Sd./-
(Rizwanullah)
Deputy Secretary (Law)

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th July, 2026/Sravana 6, 1948 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS TOWN AND COUNTRY PLANNING (AMENDMENT) REGULATION, 2026

No. 9 OF 2026

Promulgated by the President in the Seventy-seventh Year of the Republic of India.

A Regulation to amend the Andaman and Nicobar Islands Town and Country Planning Regulation, 1994.

In exercise of the powers conferred by clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her : -

Short title and commencement.

1. (*1*) This Regulation may be called the Andaman and Nicobar Islands Town and Country Planning (Amendment) Regulation, 2026.

(*2*) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Amendment of Section-2

2. In the Andaman and Nicobar Islands Town and Country Planning Regulation, 1994 (hereinafter referred to as the principal Regulation) in Section 2, - Reg.7 of 1994

(*i*) for clause (*a*), the following clauses shall be substituted, namely : -

'(*a*) "accommodation reservation" means the grant of a permission to the owner of the land required for public amenity specified in any plan prepared under this Regulation and for using the potential of such land in the form of built-up space guided by floor area ratio, in addition to the area required for such amenity, *in lieu* of the payment of compensation for such land and amenity, to be transferred to the Municipal Council or village panchayat, as the case may be;

(*aa*) "Administration" means the Administration of the Union territory of Andaman and Nicobar Islands;';

(*ii*) for clause *(b)*, the following clause shall be substituted, namely : -

'(*b*) "Administrator" means the Administrator of the Union territory of Andaman and Nicobar Islands appointed by the President under article 239 of the Constitution;';

(*iii*) after clause *(c)*, the following clause shall be inserted, namely : -

'(*ca*) "Authority" means the Area Development Authority constituted under section11 A;';

(*iv*) after clause *(h)*, the following clause shall be inserted, namely : -

'(*ha*) "Land Pooling" means pooling of small land parcels from land owners into a large land parcel for providing infrastructure in a planned manner and returning the reconstituted land to the owners after deducting the cost of making provisions for such infrastructure and public spaces, by sale of some land or otherwise where infrastructure is provided;';

(*v*) for clause *(i)*, the following clause shall be substituted, namely : -

'(i) "master plan" means a plan which includes an outline development plan, development plan, redevelopment or improvement plan of a development area and any other plans like Zonal Development Plan, Town Planning Schemes or Local Area Plans prepared for any development area under this Regulation;';

(vi) after clause *(n)*, the following clauses shall be inserted, namely : -

'(*na*) "Town Planning Scheme" means a comprehensive plan for a particular area in the development area within the master plan, for providing detailed proposals for spatial development by specifying the manner in which the use of land and development therein shall be carried out;

(*nb*) "transferable development right" means a development right to transfer the potential of a plot designated for a public purpose in a plan under this Regulation, expressed in terms of total permissible built-up space calculated on the basis of floor area ratio allowable for that plot, for utilisation by the owner himself or by way of transfer to any other person, from the present location to a specified area in the plan as additional built-up space over and above the permissible limit *in lieu* of compensation for the surrender of the concerned plot or area, free from all encumbrances, to the Administration or Authority or Agency authorised by the Administration, as the case may be;';

(vii) for clause *(p)*, the following clause shall be substituted, namely : -

'(*p*) the expression "land" shall have the meaning assigned to it in clause (*p*) of section 3 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.'.

30 of 2013

Amendment of Section- 9

3. In Section 9 of the principal Regulation, for Sub-sections (*1*) and (2), the following sub-sections shall be substituted, namely : -

"(*1*) The Administrator may, from time to time, make any modification in a master plan in consultation with the Town Planner or the Authority, as the case may be.

(2) The Central Government may, at any time, whether on a proposal from the Administrator or otherwise, make such modifications in a master plan as it may deem necessary or expedient and any modification so made shall have effect notwithstanding anything contained in sub-section *(1)* or in any other provisions of this Regulation.".

Insertion of new sections 11A, 11B, 11C, 11D, 11E, 11F, 11G 11H and 11-I.

4. After Section 11 of the principal Regulation, the following sections shall be inserted, namely :—

Constitution and incorporation of Authority.

"11A. *(1)* After the declaration of a development area under sub- section *(1)* of Section 11, the Administrator may, by notification in the Official Gazette, constitute an Authority for such area to be called as the Area Development Authority :

Provided that the Administrator may, instead of constituting an Authority for a development area, designate a Government company as the Authority for any development area.

(2) The Authority constituted under sub-section *(1)* shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and by the said name sue and be sued.

Composition of Authority

11B. The Authority shall consist of a Chairperson and not exceeding fifteen other members to be appointed by the Administrator, who in the opinion of the Administrator are concerned with the development of the area, or public representatives of the area, as the case may be, by notification in the Official Gazette.

Qualifications, salary, allowances and other terms and conditions of service of Chairperson and members.

11C. The qualifications, salary, allowances and the other terms and conditions of service of the Chairperson and members of the Authority shall be such, as may be prescribed.

Tenure of Office of Chairperson and members

11D. *(1)* The Chairperson and every member of the Authority shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment :

Provided that no person shall hold office as the Chairperson or member after he has attained the age of sixty-five years.

(2) Notwithstanding anything contained in sub-section *(1)*, a member may -

(a) relinquish his office by giving in writing to the Administrator a notice of not less than three months; or

(*b*) be removed from his office in accordance with the provisions of section 11 E.

11E. (*1*) The Administrator may, by order, remove from office the Chairperson or any member, who-

(a) is, or at any time has been, adjudged as an insolvent; or

(b)has become physically or mentally incapable of acting as the Chairperson or a member; or

(c) has been convicted of an offence which, in the opinion of the Administrator, involves moral turpitude; or

(*d*) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Chairperson or a member; or

(*e*) has so abused his position as to render his continuation in office detrimental to the public interest.

(2) No member shall be removed under clause *(d)* or clause *(e)* of sub-section *(1)* unless he has been given a reasonable opportunity of being heard in the matter.

Chief Executive Officer of Authority

11 F. (*1*) The Authority shall have a Chief Executive Officer not below the rank of Deputy Collector, to be appointed by the Administrator, who shall be the Member-Secretary of the Authority.

(*2*) The Chief Executive Officer shall exercise such powers and perform such duties as may be delegated to him by the Authority or as may be prescribed.

(*3*) The terms and conditions of service of, and allowances, if any payable to, the Chief Executive Officer shall be such, as may be prescribed.

Officers and employees of Authority

11G. (*1*) The Authority may, with the approval of the Administrator, appoint such other officers and employees as it considers necessary for the efficient performance of its functions under this Regulation.

(*2*) The salary and allowances payable to, and the terms and conditions of service of the other officers and employees of the Authority shall be such, as may be prescribed.

(*3*) The Authority may, with the prior approval of the Administrator, consult experts or such other persons whose assistance or advice it may require for the purposes of performing any of its functions under this Regulation and such experts or other persons may be paid such fee or allowances, as may be prescribed.

Powers and functions of Authority

11 H. (*1*) The Authority shall have the following powers and functions, namely : -

(*a*) to undertake the preparation of master plans and other plans for the development area;

(*b*) to undertake the preparation and execution of Town Planning Schemes or Local Area Plan, if so, directed by the Administrator;

(*c*) to carry out surveys in the development area for the preparation of master plan and other plans or Town Planning Schemes or Local Area Plans;

(*d*) to control the development activities in accordance with the master plan, the development plans and other plans in the development area;

(*e*) to levy and collect such fee for scrutiny of documents submitted to the Authority for grant of permission for development, as may be prescribed;

(*f*) to enter into contracts, agreements or arrangements with any person or organisation as the Authority may deem necessary to exercise its powers;

(*g*) to acquire, hold, manage and dispose of properties, movable and immovable, as it may deem necessary by agreement or other mechanisms such as land pooling, transferable development rights, accommodation reservations or through proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the purposes of this Regulation; 30 of 2013

(*h*) to execute work in connection with the supply of water, disposal of sewerage and provisions of other services and amenities or authorise any agency or any local body as may be notified by the Administrator in the Official Gazette for the said purposes;

(*i*) to levy and collect such fee for the execution of works referred to in clause (*e*) and for provisions of such other services and amenities as may be prescribed or authorise any agency or any local body to collect such fee as may be notified by the Administrator in the Official Gazette;

(*j*) to exercise such other powers and perform such other functions as are supplemental, incidental or consequential to any of the foregoing powers and such other functions, as may be directed by the Administrator.

(*2*) The functions of the Authority may include all the functions of the Town Planner under this Regulation, which may vary in accordance with the specific notification for the respective development area under Sub-section (*1*) of Section 11 A.

Dissolution of Authority

11-I. (*1*) Where the Administrator is satisfied that the purpose for which the Authority was established under this Regulation has been substantially achieved so as to render the continuity of the Authority as unnecessary, the Administrator may, by notification in the Official Gazette, declare that such Authority shall be dissolved with effect from such date as may be specified in the notification :

Provided that in case of a Government company being designated as an Authority, the Administrator may, by notification, remove such company from being the Authority.

(*2*) On and from the date specified in the notification under Sub-section (*1*)-

(*a*) all properties, funds and dues that are vested in or realisable by the Authority shall vest in, or be realisable by the Administrator;

(*b*) all liabilities which are enforceable against the Authority shall be enforceable against the Administrator; and

(*c*) for the purposes of carrying out any development in any area which has not been fully carried out by the Authority before its dissolution and for the purposes of releasing properties, funds and dues referred to in clause (*a*), the functions of such Authority shall be discharged by the Administrator.".

Amendment of Section-12

5. In Section 12 of the principal Regulation, -

(*a*) in sub-section (*1*), for the words "such from", the words "such form" shall be substituted;

(*b*) in sub-section (*3*), for the portion beginning with the words "such inquiry as he considers" and ending with the words "such permission", the words "the necessary inquiry in such manner as may be prescribed, shall, within a period of six months and having regard to the nature, size and purpose of the proposed development, by order in writing, either grant the permission, subject to such conditions, if any, or refuse to grant the permission" shall be substituted;

(*c*) sub-section (*5*) shall be omitted.

Substitution of new section for section-16 Penalties.

6. For Section 16 of the principal Regulation, the following section shall be substituted, namely : -

"16. (*1*) Any person who uses any land or building in contravention of the provisions of section 10 or in contravention of any terms and conditions referred to in the proviso to that section shall be liable to a penalty which may extend to fifty thousand rupees and in the case of a continuing contravention, with further penalty which may extend to two thousand and five hundred rupees for each day during which such contravention continues after the first penalty.

(*2*) Any person who, whether on his own or at the instance of any other person or anybody including a Department of Government or the Administration, undertakes or carries out development of any land in contravention of the master plan or without the grant of permission referred to in sub-section (*2*) of section 11 or in contravention of any condition subject to which such permission has been granted, shall be liable –

(a) to a penalty which may extend to two lakh rupees, if such development relates to utilising, selling or otherwise dealing with any land for the purposes of establishing a colony within a development area;

(*b*) to a penalty which may extend to one lakh rupees in any case other than that referred to in clause (a).

(*3*) Any person who obstructs the entry of a person authorised under section 15 to enter into or upon any land or building, such person shall be liable to a penalty which may extend to twenty-five thousand rupees.".

Amendment of Section-17

7. In section 17 of the principal Regulation, in sub-section (*1*), for the words "any prosecution that may be instituted", the words "imposition of any penalty" shall be substituted.

Amendment of Section-18

8. In section 18 of the principal Regulation, for sub-section (*6*), the following sub-section shall be substituted, namely: -

"(*6*) Any person failing to comply with an order under sub-section (*1*) shall be liable to a penalty which may extend to three thousand rupees for each day during which the non-compliance continues after the service of the order.".

Insertion of new Section 18A

9. After Section 18 of the principal Regulation, the following section shall be inserted, namely : -

Adjudication of Penalties

"18A. (*1*) The Administrator may, for the purposes of determining the penalties under this Regulation, appoint an officer not below the rank of Deputy Collector to the Administration or any officer of equivalent rank, to be an adjudicating officer to hold an inquiry and impose penalty in such manner, as may be prescribed.

(*2*) The adjudicating officer may, by an order, after giving the parties a reasonable opportunity of being heard, impose penalty for contravention or violation of any provision of this Regulation.

(*3*) The adjudicating officer, for the purposes of holding the inquiry, shall have the power to summon and enforce attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of such officer, may be useful for or relevant to the subject matter of the inquiry.".

Amendment of Section-19

10. In Section 19 of the principal Regulation, -

(*a*) for sub-section (*1*), the following sub-section shall be substituted, namely : -

"(*1*) Any person aggrieved by an order-

(*i*) of the Town Planner under this Regulation may prefer an appeal to the Administrator;

(*ii*) of the adjudicating officer appointed under section 18A may prefer an appeal to such appellate officer as may be appointed by the Administrator, who shall be two ranks above the adjudicating officer,

within a period of thirty days from the date of the order appealed against :

Provided that the Administrator or the appellate officer, as the case may be, 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 preferring appeal within that period.";

(*b*) for sub-section (*3*), the following sub-section shall be substituted, namely : -

"(*3*) The Administrator or the appellate officer, as the case may be, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as he thinks fit, confirming, modifying or annulling the order appealed against :

Provided that every appeal preferred under sub-section (*1*) shall be disposed of as expeditiously as possible and endeavor shall be made to dispose of the appeal within a period of sixty days from the date of its filing.";

(*c*) for sub-section (*4*), the following sub-section shall be substituted, namely : -

"(*4*) The Administrator or the appellate officer, as the case may be, shall send a copy of every order passed by him to the parties to the appeal." .

Omission of Section 20.

11. Section 20 of the principal Regulation shall be omitted.

Omission of Sections 27, 28 and 29.

12. Sections 27, 28 and 29 of the principal Regulation shall be omitted

Amendment of Section-34.

13. In Section 34 of the principal Regulation, in sub-section (*2*), -

(*a*) after clause (*e*), the following clauses shall be inserted, namely : -

"(*ea*) the qualifications, salary, allowances and other terms and conditions of service of the Chairperson and members of the Authority under section 11 C;

(*eb*) the powers and duties of Chief Executive Officer under sub-section (*2*) of section 11F;

(ec) the terms and conditions of service of, and allowances, if any payable to, the Chief Executive Officer under sub-section (*3*) of section 11 F;

(ed) the salary and allowances payable to, and the other terms and conditions of service of the officers and other employees of the Authority under sub- section (2) of section 11 G;

(*ee*) the fee or allowances payable under sub-section (*3*) of section 11G;

(*ef*) the fee for scrutiny of documents under clause (*e*) of sub-section (*1*) of section 11 H;

(*eg*) the fee for the execution of works and other services and amenities under clause (*i*) of sub-section (*1*) of section 11 H;";

(b) after clause (*g*), the following clause shall be inserted, namely: -

"(*ga*) the manner of inquiry under sub-section (*3*) of section 12;";

(*c*) after clause (*j*), the following clause shall be inserted, namely: -

"(*ja*) the manner of holding an inquiry and imposing penalty under sub-section (*1*) of section 18A;".

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.

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सं. 228, श्री विजयपुरम, गुरूवार, 25 जून, 2026
No. 228, Sri Vijaya Puram, Thursday, June 25, 2026

अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय / SECRETARIAT

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NOTIFICATION

Sri Vijaya Puram, dated the 25th June, 2026.

No. 227/2026/F. No. M/101/2022-Home-Section-Sectt.— In exercise of the powers conferred by **Sub-section (3) of Section 1** of the "**Andaman and Nicobar Islands Fire and Emergency Service Regulation, 2026**", the Lieutenant Governor(Administrator), Andaman and Nicobar Islands is pleased to appoint the **1st day of July, 2026** to be the date from which the said Regulation shall come into force. The following Regulation, published in the Gazette of India Extraordinary Part II, and Section 1 is hereby re-published for information of General public.

Admiral D. K. Joshi,
PVSM, AVSM, YSM, NM, VSM (Retd.)
Lieutenant Governor,
Andaman and Nicobar Islands.

By Order and in the name of the Lieutenant Governor,

Sd./-
Secretary (Home)
A & N Administration

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 25th May, 2026 / Jyaishtha 4, 1948 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS FIRE AND EMERGENCY SERVICE REGULATION, 2026

No. 5 of 2026

Promulgated by the President in the Seventy-seventh Year of the Republic of India.

A Regulation to provide for the maintenance of a Fire and Emergency Service and to make more effective provisions for the fire prevention and fire safety measures in various types of buildings and premises in the Union Territory of Andaman and Nicobar Islands and for the matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her :—

CHAPTER I
PRELIMINARY

Short title, extent and commencement.

1. *(1)* This Regulation may be called the Andaman and Nicobar Islands Fire and Emergency Service Regulation, 2026.

(2) It extends to the whole of the Union territory of Andaman and Nicobar Islands.

(3) It shall come into force on such date as the Administrator may, by notification, in the Official Gazette, appoint.

2. In this Regulation, unless the context otherwise requires,-

(a) "Additional Director" means the Additional Director of Fire and Emergency Service referred to in clause (*ii*) of Section 6;

(b) "Appellate Authority" means the Appellate Authority referred to in Sub-section (*1*) of Section 31;

Reg. 5 of 1994. Reg. 1 of 1994. Reg. 7 of 1994.

(c) "Building" shall have the same meaning as assigned to it in the Andaman and Nicobar Islands (Municipal) Regulation, 1994 or the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 or the Andaman and Nicobar Islands Town and Country Planning Regulation, 1994 or any other law for the time being in force in the Union territory in the area in which this Regulation is in force and includes places or premises comprising land or building, or part of a land or building, whether authorised or otherwise, outhouses, if any, pertaining to such building or part thereof and petrol, diesel or gas lines, installations or pumps connection therewith;

Reg. 5 of 1994. Reg. 1 of 1994.

(d) "Building bye-laws" means the bye-laws made under the Andaman and Nicobar Islands (Municipal) Regulation, 1994 or the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 or Town and Country Planning Rules and Regulations or any other bye-law for the time being in force in the area in which this regulation is in force;

(e) "bye-law" means fire safety norms or guidelines made by the Government under this Regulation;

(f) "Deputy Director" means the Deputy Director of Fire and Emergency Service referred to in clause (*iv*) of Section 6;

(g) "Director" means the Director of the Fire and Emergency Service referred to in clause (*i*) of Section 6;

(h) "disaster" means disaster as defined in clause (*d*) of Section 2 of the Disaster Management Act, 2005; 53 of 2005.

(i) "emergency" means any serious situation or occurrence, including disasters, that happens unexpectedly and demands immediate action or response of the emergency service;

(j) "employee" means a person appointed to the Fire and Emergency Service under this Regulation;

(k) "erector" 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;

(l) "Fire and Emergency Service" means the Andaman and Nicobar Fire and Emergency Service;

(m) "Fire Officer" means a person appointed as Fire Officer under Section 9;

(n) "fire prevention and life safety measures" means such measures as are necessary for the containment, control and extinguishing of fire and for ensuring the safety of life and property as may be prescribed;

(o) "fire property" means land and building used as fire stations, firefighting appliances, equipment, tools implements and things whatsoever used for firefighting and other means of transport used in connection with the firefighting, uniforms and badges of rank;

(p) "Fire Safety Officer" means the person appointed as the Fire Safety Officer by the owners and occupiers of certain premises and buildings under Section 28;

(q) "Fire Station" means a building erected to house the fire fighting equipment, appliances and staff declared generally or specially by the Government to be a fire station for the purpose of this Regulation;

(r) "Government" means the Union territory Administration of Andaman and Nicobar Islands headed by the Administrator;

(s) "Joint Director" means the Joint Director of Fire and Emergency Service referred to in clause (*iii*) of Section 6;

(t) "local authority" means the authorities constituted under the Andaman and Nicobar Islands (Municipal) Regulation, 1994 or the Panchayati Raj Institutions created under the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 or a body or authority created under any other law, which may be notified in this behalf by the Central Government or the Administration of Andaman and Nicobar Islands, as the case may be; Reg. 5 of 1994. Reg. 1 of 1994.

(u) "Nominated Authority" means -

(i) Fire Officer not below the rank of a station officer nominated by the Deputy Director by an order; or

(ii) any other Municipal Officer, not below the rank of a station officer of fire service, nominated by the Government, as a Nominated Authority for the purposes of this Regulation;

(v) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;

(w) "occupancy" means the principal occupancy for which a building or a part of a building is used or intended to be used including subsidiary occupancies which are contingent upon it;

(x) "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 tenant of any land or building;

(iv) a licensee in occupation of any land or building; and

(v) any person who is liable to pay to the owner, damages for the use and occupation of any land or building.

(y) "Official Gazette" means the Union territory of Andaman and Nicobar Islands Gazette;

(z) "owner" means a person who, for the time being, is entitled to receive the rent of any land or building, whether on his own account or on account of himself and others and includes an agent, trustee, guardian or receiver or any other person, or who should so receive the rent or be entitled to receive it if the land or building or part thereof were let to a tenant;

(za) "pandal" means a temporary structure with roof or walls made of straw, hay, ulu grass, golpatta, hogla, darma, mat, canvas, cloth or other like material which is not adopted for permanent or continuous occupancy;

(zb) "prescribed" means prescribed by rules made by the Government under this Regulation and the expression "prescribe" shall be construed accordingly;

(zc) "Qualified Agency" means a person or an association of persons having technical specialisation in the field of Fire or Civil or Mechanical Engineering or Technology or Industrial Safety or Disaster Management or Chemical Science from a recognised university and has sufficient domain knowledge and accomplishments in the field of fire services;

(zd) "Second Appellate Authority" means the Director of the Fire and Emergency Service;

(ze) "specified" means as specified by an order under this Regulation and the expression "specify" shall be construed accordingly;

(zf) "Standing Fire Advisory Council" means the advisory body constituted by the Ministry of Home Affairs, Central Government to examine the technical problems relating to the Fire and Emergency Service;

(zg) "Union territory" means the Union territory of Andaman and Nicobar Islands.

CHAPTER II

THE FIRE AND EMERGENCY SERVICE

Function of Fire and Emergency Service.

3. *(1)* On and from the date of commencement of this Regulation, the existing Andaman and Nicobar Fire Service shall be called as the Andaman and Nicobar Islands Fire and Emergency Service.

(2) All officers and subordinate ranks of the Fire and Emergency Service shall be liable for posting to any fire station or field formations in the Union territory.

(3) In case where the emergency service is not related only to fire, the decisions and directions of the authority in-charge of the emergency service shall prevail.

Superintendence of Fire and Emergency Service to vest in Government.

4. On and from the date of commencement of this Regulation, the superintendence of, and control over, the Fire and Emergency Service shall vest in the Government and the Fire and Emergency Service shall be administered by the Government in accordance with the provisions of this Regulation and the rules made thereunder.

Composition and classification of Fire and Emergency Service.

5. *(1)* The Fire and Emergency Service shall consist of the following, namely :-

(a) Director General of Police, *ex- officio*-Director;

(b) Additional Director General of Police or Inspector General of Police or Deputy Inspector General of Police, *ex-officio*- Additional Director;

(c) Senior Superintendent of Police, *ex- officio*-Joint Director;

(*d*) Deputy Director;

(*e*) Chief Fire Officer;

(*f*) Assistant Divisional Officer;

(*g*) Station Officer;

(*h*) Sub-Officer;

(*i*) Leading Fireman;

(*j*) Fireman.

(2) The existing workshop, Control Room and other field formations shall function as per the rules made under this Regulation in accordance with the instructions issued by the Standing Fire Advisory Council.

(3) The number of employees, method of their appointment, grade of post, qualification, pay, allowances and other conditions of their service and the matters connected therewith shall be such as may be prescribed.

(4) The uniform and badges of employees shall be such as may be prescribed and they shall be in conformity with instruction issued by the Standing Fire Advisory Council.

(5) The employees of the Fire and Emergency Service shall be governed by the Central Civil Service Rules as are applicable to the other employees of the Government in relation to the terms and conditions of their service and all other allied matters.

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

Director, Additional Director, Joint Director and Deputy Director of Fire and Emergency Service.

6. On and from the date of commencement of this Regulation,-

(i) the Director General of Police, Andaman and Nicobar Islands shall be the Director of Fire and Emergency Service, who shall exercise such powers and perform such duties and other functions as are specified by or under this Regulation;

(ii) the Additional Director General of Police or Inspector General of Police or Deputy Inspector General of Police, Andaman and Nicobar Islands shall be the Additional Director of Fire and Emergency Service;

(iii) the Senior Superintendent of Police, Andaman and Nicobar Islands shall be the Joint Director of Fire and Emergency Service;

(iv) the Deputy Director of Fire and Emergency Service shall be appointed as per notified Recruitment Rules made in this behalf and shall function as Head of Office.

Power, duties and functions of Director, Additional Director, Joint Director and Deputy Director

7. *(1)* Subject to the control, directions and superintendence of the Government, the Director shall direct and regulate all matters of fire safety and prevention, firefighting equipment, machinery and appliances, training, observation of persons, events of mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of duties and maintenance of discipline of fire officers and employees of the Fire and Emergency Service under him, as per the relevant Government rules.

(2) Without prejudice to the provisions of this Regulation, the Director shall-

(i) function as the Head of the Department of Fire and Emergency Services;

(ii) keep liaison with the Government for the development of the Fire and Emergency Service;

(iii) frame the policies in relation to the development of the Fire and Emergency Service and, on approval by the Government, take steps to implement the same;

(iv) prepare and submit plans and proposals to the Government with regard to the periodical review of fire equipment, fire property and fire manpower for effective implementation of the Fire and Emergency Service;

(v) take or cause to be taken such effective steps and measures in cases of major fires, house collapse and other emergency services;

(vi) investigate or cause to be investigated the reason of fire and advise the concerned authorities for implementing fire precautionary measures;

(vii) enter into agreement, in consultation with the Government with any person or agency who employs and maintains personnel or equipment or both for firefighting purposes, for the purpose of dealing with fires occurring in any area;

(viii) implement the effective Human Resource Development policies of the Government in accordance with the prescribed tasks at each level of fire service personnel and for that purpose, he may establish advance training centres;

(ix) represent the Government on National and International forums with a view to updating the standards of Fire and Emergency Service in the Union territory; and

(x) perform any other function or duty as may be necessary for carrying out the provisions of this Regulation.

(3) The Additional Director, the Joint Director and the Deputy Director shall exercise such powers and perform such duties as are conferred and imposed upon them, by this Regulation or by the rules made thereunder, subject to the control, directions and superintendence of the Director.

Setting up of Fire Station.

8. *(1)* For the purpose of providing adequate number of officers and staff for meeting the needs of Fire and Emergency Service, the Government may, for the purpose of securing fire prevention and life safety measures within the Union territory, by notification; set up as many Fire Stations and other field formations as it deems fit in conformity with the recommendations of Standing Fire Advisory Council and Urban and Regional Development Plans Formulation and Implementation Guidelines.

(2) Every notification issued under Sub-section (*1*) shall define the limits of each Fire Station and other field formations as may be necessary for administrative and operational efficiency.

Appointment of Fire Officer.

9. *(1)* For the purposes of this Regulation, the Director may appoint Fire Officer not below the rank of Leading Fireman, who shall be officer-in-charge of a Fire Station or other field formations as per the size of the Fire and Emergency Service as prescribed by the Government.

(2) The Director may appoint such number of staff to assist the Fire Officer as may be prescribed.

(3) The qualifications for appointment and other conditions of service of the officers designated under this Regulation shall be such as may be prescribed.

Powers, duties and functions of Fire Officers.

10. *(1)* Subject to the control, direction and superintendence of the Director, the Fire Officers shall exercise such powers and perform such duties as are conferred and imposed upon him by this Regulation or rules or orders made thereunder.

(2) Without prejudice to the provisions of sub-section (1), the concerned Fire Officer shall be—

(a) responsible for maintenance of communication system, water resources including hydrants within his station areas, and shall be in-charge of operations of the Fire and Emergency Service within his area; and

(b) the Commanding Officer in the case of fighting a fire and preventing the fire spread, and the emergency service engaged, shall work under his command.

Issue of certificate to employees of Fire and Emergency Service.

11. (*1*) Every employee, appointed to the Fire and Emergency Service shall receive a certificate under the seal and signature of the Director and thereupon such person shall have the powers, functions and privileges of an employee of the Fire and Emergency Service under this Regulation.

(2) The certificate received under sub-section (*1*) shall cease to have effect when the person named therein ceased for any reason to be an employee of the Fire and Emergency Service and on his ceasing to be such employee, he shall forthwith surrender the certificate to any fire officer empowered by the Director to receive the same.

(3) A certificate referred to in sub-section (*1*) shall become *null* and *void* or remain inoperative during the period such person is suspended from the Fire and Emergency Service.

Auxiliary Fire and Emergency Service.

12. Whenever, it appears to the Government that it is necessary or expedient to augment the Fire and Emergency Service, it may raise an auxiliary service by enrolment of volunteers for such area on such terms and conditions as may be prescribed.

Effect of suspension of Fire Officer.

13. The powers, functions and privileges vested in a Fire Officer shall remain suspended while such Fire Officer is under suspension from office :

Provided that notwithstanding such suspension, such person shall continue to be subject to the control of same authorities to which he would have been if he had not been under suspension

CHAPTER III

FIRE AND EMERGENCYRESPONSE

Response to calls.

14. The Fire Officer shall ensure the timely turnouts of fire units to respond to fire and emergency related calls in accordance with such Standard Operating Procedures as may be determined by the Government.

Personnel and scale of equipment

15. The Fire Officer shall ensure deployment of the Fire and Emergency Service resources, equipment and fire personnel at stand-by duties during any fire response or any other emergency as may be prescribed.

Operation management.

16. The Fire Officer shall ensure planning, organising and staff deployment of the staff and ensure regular monitoring of the fire or emergency site.

Powers of employees of Fire and Emergency Service on occasion of fire or rescue

17. *(1)* On the occasion of fire or rescue operation, in any area in which this Regulation is in force, the employee may,-

(i) order any other member of the Fire and Emergency Service to remove any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;

(ii) close any street or passage in or near which a fire is being fought or rescue operation is in progress;

(iii) 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 utilise the water of any stream, cistern, well or tank or of any available source of water, public or private, for the purpose of extinguishing or limiting the spread of such fire and carrying out rescue operations;

(iv) exercise the same powers for dispersing an assembly of persons likely to obstruct the firefighting operations, as if he is an officer of a Police Station and shall be entitled to the same immunities and protection as an officer of a Police Station;

(v) detain a person who wilfully obstructs and hinders Fire and Emergency Service personnel in firefighting and rescue operations and handover him over to a police officer or at the nearest Police Station without delay along with a brief note giving the time, date and reason of detention; and

(vi) take such other measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property, or for both.

(2) The employee shall 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 operation.

CHAPTER IV
WATER SUPPLY

Power to arrange for water during emergency.

18. It shall be lawful for the Fire Officer to draw water from any source in the area which he considers necessary during firefighting operations and on such occasions as may be required and the authority or owner or occupier having control over such water source shall supply water for that purpose at such rates as may be prescribed.

Duty to arrange water supply

19. *(1)* The Fire Officer shall take all reasonable measures for securing that an adequate supply of water shall be available for the use in the event of fire.

(2) The Fire Officer shall ensure that the water demand for firefighting in the area is in accordance with Central Public Health and Environmental Engineering Organization (CPHEEO) Manual.

(3) The Local Authority and Andaman Public Works Department shall provide all assistance in meeting the water demand for firefighting as per Sub-sections (*1*) and (*2*).

Power to enter into agreement for water supply.

20. The Fire Officer may enter into an agreement with an agency for meeting the demand of water supply and emergent need of water as per such procedures and terms and conditions for the payment as may be prescribed.

No compensation for interruption of water supply.

21. No authority or in-charge of water supply in any area shall be entitled to any claim for compensation for damage by reason of any interruption of supply of water caused in compliance with clause (*iii*) of sub-section (*1*) of Section 17.

22. No charge shall be made by any local authority for water consumed in firefighting operations by the Fire and Emergency Service. Exemption of charges for water consumed

CHAPTER V
GENERAL MEASURES FOR FIRE PREVENTION AND EMERGENCY LIFE SAFETY MEASURES

23. *(1)* The Government may, by notification, require owner or occupier of premises or goods in any area, which in its opinion, are likely to cause risk of fire, to take such precautions as may be provided therein. Preventive measures.

(2) The Deputy Director shall ensure that provision for Fire Services Management, Prevention and Preparedness including preparation of Fire Hazard Response Mitigation Plan is as per the guidelines issued by the National Disaster Management Authority.

24. *(1)* The erectors of pandals shall be deemed to be self-regulatory for taking fire prevention and life safety measures under this Regulation.

(2) The erector of a pandal shall display a declaration regarding compliance of fire prevention and life safety measures in such form as may be prescribed. Fire prevention and life safety measures in pandals to be self-regulatory

(3) It shall be lawful for the Nominated Authority to enter and inspect the pandal with a view to verify the correctness of the declaration so made by the erector under Sub-section (2) and to point out the shortcomings, if any, with directions to rectify them within a specified time and if the directions of the Nominated Authority are not complied with within the time so given, the Nominated Authority shall remove the pandal in such manner as may be prescribed.

25. *(1)* Where a notification has been issued under sub-section (*1*) of section 23, it shall be lawful for the Nominated Authority to direct the removal of encroachments or objects or goods likely to cause a risk of fire or any obstruction to firefighting, to a place of safety, by means of a notice served in such manner as he may think fit, and on failure of the owner, occupier or erector, as the case may be, to do so, the Nominated Authority may, report the matter to the Sub-Divisional Magistrate, in whose territorial jurisdiction the premises or building or pandal is situated, requesting to decide the matter: Removal of encroachments or objects or goods likely to cause risk of fire or any obstruction to firefighting.

Provided that where the Nominated Authority considers such encroachments or objects or goods to be an imminent cause of risk of fire or obstruction to firefighting, he may direct Station House Officer having jurisdiction in the area to seize or remove the encroachments or objects or goods forthwith and report the matter to the Sub-Divisional Magistrate accordingly.

(2) On receipt of a report under sub-section (*1*), the Sub-Divisional Magistrate shall give, by means of a notice served in such manner as he may think fit, an opportunity of showing cause against the removal of encroachments or objects or goods likely to cause a risk of fire or obstruction to firefighting.

(3) After giving the owner or occupier or erector, as the case may be, an opportunity of making representation under sub-section (2), the Sub-Divisional Magistrate after considering the representation, may withdraw the notice or make an order to seize, detain or remove such encroachments or objects or goods.

(4) The person charged with the execution of the order as made in Sub-section (*3*) shall forthwith make an inventory of the objects and goods which he seizes under such order, and shall give a notice in writing as may be prescribed in this behalf, to the person in whose possession the objects or goods were at the time of seizure, that the said objects or goods shall be sold as mentioned therein, if the same are not claimed within the period stipulated in the said notice.

(5) On the failure of the person in whose possessions the objects or goods were at the time of seizure to claim the seized objects and goods pursuant to notice given under sub-section (*4*), the Sub-Divisional Magistrate shall sell such objects or goods through public auction.

Owner or occupiers liability to provide fire prevention and life safety measures.

26. *(1)* Without prejudice to the provisions of the bye-law and any other law for the time being in force in the Union territory, the owner or the occupier, who are either individually or jointly responsible, of a building or part thereof as specified in this Regulation, shall ensure and provide fire prevention and life safety measures therein :

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

(i) provide firefighting 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*) of this sub-section or pursuant to the rules made in this behalf, shall apply for approval of the fire and life safety measure along with the building plan to the Nominated Authority in this behalf, in such form along with such fee as may be prescribed, in case of-

(a) multi-storied buildings having more than fifteen-metre height;

(b) special buildings including -

(i) hotel or resort or eating houses, apartment exceeding 500 square metres of floor area on adding area of all floors, educational, assembly, institutional, business, mercantile, hazardous industry or factory, storage;

(*ii*) mixed occupancies, where any of above buildings have floor area more than 500 square metres on adding area of all floors.

(3) Notwithstanding anything contained in any law for the time being in force in the Union territory, no authority shall issue the occupancy certificate, unless it is satisfied that the owner or occupier, either individually or jointly, has complied with the provisions as provided in Sub-section (*2*).

(4) Without prejudice to the existing Building bye-laws applicable and enforcement of bye-laws by the local authority, the owner or occupier, as the case may be, shall obtain "fire safety certificate" from the Fire and Emergency Service for the buildings mentioned in Sub-section (*2*), which shall be valid for five years from the date of issue of such certificate.

(5) The owner or occupier, as the case may be, shall furnish to the Qualified Agency or Nominated Authority, a self-certified certificate in such form as may be prescribed, regarding the compliance of the fire prevention and life safety measures in his building or part thereof, as required by or under the provisions of this Regulation while applying for fire safety certificate.

(6) The owner or occupier, after receipt of fire safety certificate, shall furnish a certificate in such form as may be prescribed, once a year in the month of July regarding the maintenance of fire protection system in good and efficient condition as provided in Sub-section (*1*).

Fire safety certificate.

27. *(1)* The Qualified Agency or the Nominated Authority, as the case may be, shall scrutinise the compliances with regard to the requirement of section 26 made by owners or occupiers or applicant, as the case may be, either independently or jointly and after making necessary enquiry, if any, issue fire safety certificate within a period of one month from the date of receipt of the application subject to the condition that all necessary required documents, designs, drawing, and the like shall be submitted by the owner or occupier or applicant.

(2) If the owner or occupier, as the case may be, fails to comply with the directions issued by the Qualified Agency or the Nominated Authority, the fire safety certificate, issued under sub-section (*1*), shall be cancelled after giving the owner or occupier or applicant, an opportunity of hearing to show cause.

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

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

(5) For the purposes of section 26 and this section, the manner of selecting the Qualified Agency, and the responsibilities of such Qualified Agency, shall be such as may be prescribed..

Appointment and functions of Fire Safety Officer

28. (*1*) To ensure effective fire prevention and life safety measures of the factory or building or premises as may be specified by an order by the Government in this behalf, every owner and occupier or occupiers individually or jointly, as the case may be, shall -

(*i*) appoint a Fire Safety Officer, having such qualifications and experience as may be prescribed;

(*ii*) send the compliance report to the Nominated Authority.

(2) The Fire Safety Officer appointed under sub-section (*1*) shall be issued the enrolment certificate by the Nominated Authority under his signature and seal of the office, in such form as may be prescribed

(3) In case of any vacancy of the Fire Safety Officer appointed under Sub-section (*1*), either on resignation or otherwise, the owner and occupier or occupiers, as the case may be, shall be required to immediately appoint another person as the Fire Safety Officer.

(4) In case of the non-appointment of the Fire Safety Officer, as provided under Sub-section (*1*), the Nominated Authority may take such steps as he deems necessary, which includes report to the Labour Commissioner for the closure of the factory and in other cases to the relevant authority for necessary action under relevant law.

(5) The Fire Safety Officers shall undergo training at Fire and Emergency Service Training Institute as may be identified by the Government in this behalf :

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

Power of inspection.

29. *(1)* The Nominated Authority may, after giving three hours' notice to the Power of occupier, or if there is no occupier, to the owner of any place or building or part inspection. 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.

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

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

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

(5) Where the inspection is carried out by the Nominated Authority under the preceding provisions of this section, he shall give a report of any such inspection to the Nominated Authority.

(6) The Nominated Authority shall, after completion of the inspection of the place or building or part thereof under this section, record his views on the deviations from or the contraventions of, the requirements with regard to the fire prevention and life safety measures or the inadequacy or non-compliance of such measures provided or to be provided therein with reference to the height of the building or the nature of activities carried on in such place or building or part thereof and issue a notice to the owner or occupier of such building or part thereof directing him to undertake such measures within such time as may be specified in the notice.

Information on outbreak of fire.

30. Any person who possesses any information regarding an outbreak of fire Information on shall communicate the same without delay to the nearest Fire Station.

CHAPTER VI

APPEALS

Appeals

31. *(1)* Any person aggrieved by any notice or order of the Nominated Authority issued or made under this Regulation may prefer an appeal to the Appellate Authority, who is an officer not below the rank of Deputy Director, within a period of thirty days from the date of receipt of the notice or order:

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

(2) An appeal to the Appellate Authority shall be made in such form and manner and shall be accompanied by a copy of the notice or order appealed against and by such fees as may be prescribed.

(3) Any person aggrieved by the order of the Appellate Authority may file an appeal within a period of thirty days from the date of receipt of such order, to the Second Appellate Authority and the decision of the Second Appellate Authority shall be final and binding on the parties.

CHAPTER VII

FIRE AND EMERGENCY SERVICE TRAINING

Functioning of Fire and Emergency Service Training Centre.

32. *(1)* The existing Fire and Emergency Service Training Centre shall provide courses of instruction in the prevention and extinguishment of fire for the fire service personnel, private candidates and other Government and Non-Government establishments and may close down or re-establish any such training centre in accordance with recommendations of Standing Fire Advisory Council.

(2) The training centre referred to in Sub-section (*1*) shall also provide training of specialised courses to private candidates or organisations as well as the Fire and Emergency Service of other States

(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 the general rules applicable to other employees of the Government in relation to training, employees of the Fire and Emergency Service may be given training in the field of scientific and modern techniques of fire protection and fire safety measures, and allied matters in any institute, within or out of India at the cost and expense of the Government.

Community preparedness.

33. *(1)* The Fire and Emergency Service shall render assistance and consultations to the communities in matters related to fire prevention, in such manner as may be prescribed.

(2) The Fire Officer as authorised by the Deputy Director shall conduct awareness programmes on preventive measures on fire and other emergencies.

CHAPTER VIII

LEVYOF FIRE TAX, FEE AND OTHER CHARGES

Levy of fire Tax.

34. *(1)* There shall be levied a fire tax on lands and buildings which are situated in any area in which this Regulation is applicable and on which property tax, by whatever name called, is levied by any local authority in that area.

(2) The fire tax shall be levied over and above the property tax at such rates as may be specified.

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

35. *(1)* The authority empowered to assess, collect and enforce payment of property tax under the law authorising 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, collected and enforced.

(2) The Government may determine and earmark such portion of the total proceeds of fire tax to meet the cost of collection of fire tax.

(3) The net amount of fire tax collected under this Regulation reduced by the cost of collection of the fire tax, shall be deposited as mentioned in section 37, in such manner and at such intervals, as may be prescribed.

Fee on deployment of Fire and Emergency Service

36. *(1)* Where employees of the Fire and Emergency Service are sent beyond the limits of any area in which this Regulation is in force, in order to extinguish a fire in the neighbourhood of such limits on the request of any local body or Fire and Emergency Service authority, they shall be paid such fee as may be prescribed.

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

(3) No fee shall be levied for extinguishing the fire and rescue operations within the Union territory.

(4) The Government shall, by notification, specify the fee for deployment of members of the Fire and Emergency Service along with equipment and appliances for stand-by-duty for a specific duration.

Deposit of fees, charges, fire tax and penalties, etc.

37. The proceeds of fees, fire tax and penalties recovered under this Regulation, shall be credited to the Government account under the head "Fire Protection and Control".

CHAPTER IX
OFFENCES, PENALTIES AND COMPENSATION

Penalty for contravention of Regulation, other than Chapter IV

38. Whoever contravenes any provisions of this Regulation or any rule or notification made or issued thereunder except as provided specifically in this Regulation, shall without prejudice to any other action taken against him under this Regulation and the rules made thereunder, be liable to a penalty which may extend to ten thousand rupees and where the contravention is a continuing one with a further penalty which may extend to one thousand rupees for every day after the first during which such contravention continues.

Penalty for contravention of Regulation, other than Chapter IV

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

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

(i) is found to be guilty of any violation of duty or wilful breach of any provision of this Regulation or any rule or order made thereunder; or

(ii) is found to be abdication of responsibility; or

(iii) withdraws or abstains from the duties of his office without permission or without having given previous notice for fifteen days or more; or

(*iv*) being on leave fails without reasonable cause to report himself for duty on expiration of such leave; or

(*v*) accepts any other employments or office or engages himself in business in contravention of the provisions of the Central Civil Services (Conduct) Rules 1964,

shall be liable under the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

Penalty in case of non-appointment of Fire Safety Officers under Section 28.

41. *(1)* If any owner or occupier or an association of such owners and occupiers of a building or premises fails to appoint Fire Safety Officers under Section 28 within a period of thirty days of the receipt of a notice given in this behalf by the Nominated Authority each one of them shall be deemed to be in default jointly and severally.

(2) When the person liable for appointment of such Fire Safety Officers is deemed to be in default, such sum not less than ten rupees per square metre and not exceeding fifty rupees per square metre of area owned or occupied by him including in the common areas in the premises as determined by the Government under this Regulation, may be recovered from him by way of penalty for each month of default or part thereof.

Penalty for failure to give information.

42. Any person who without adequate justification, fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under Section 211 of the Bharatiya Nyaya Sanhita, 2023. 45 of 2023

Penalty for failure to take precautions.

43. Whoever fails without reasonable cause to comply with any of the requirements specified in section 23 or section 26 or makes any false declaration towards compliance of fire prevention and life safety measure or of a direction issued in this behalf shall be punishable with fine which may extend to ten thousand rupees or with imprisonment for a term which may extend to three months, or with both and where the offence is a continuing one with a further fine which may extend to one thousand rupees for every day after the first during which such offence continues.

Penalty for wilfully obstructing firefighting, rescue operation.

44. Any person who wilfully obstructs or interferes with any member of the Fire and Emergency Service, who is engaged in firefighting 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 false report.

45. Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorised to receive such report by means of a statement, message or otherwise shall be liable to a penalty which may extend to twenty-five thousand rupees.

Penalty for contravention of Section 56.

46. Any person who removes the seal referred to in Section 56, except under an order made by the Chief Fire Officer, 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.

Offences by companies.

47. *(1)* Where an offence under this Regulation has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in Sub-section (*1*) where any offence under this Regulation has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section, the expressions-

(*i*) "Company" means a body corporate and includes a firm or other association of individuals; and

(*ii*) "Director", in relation to a firm, means a partner in the firm.

Compounding of offences.

48. *(1)* Any offence committed under this Regulation, may either before or after the institution of prosecution, be compounded by the Nominated Authority and for such amount as may be prescribed :

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Government or of any of the officers authorised under this Regulation and until the same has been complied with.

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

Cognizance of offences.

49. *(1)* No court shall take cognizance of an offence punishable under this Regulation, except on a complaint in writing received from the Nominated Authority in this behalf.

(2) No court inferior to that of a Judicial Magistrate of second class shall try an offence punishable under this Regulation.

Liability of property owner to pay compensation

50. *(1)* Any person whose property catches fire on account of an action of his own or of his agent, done deliberately or negligently shall be liable to pay compensation to any other person suffering damage to his property on account of fire or any action taken under section 17 of this Regulation by an officer mentioned therein or any person acting under the authority of such officer.

(2) All claims under sub-section (*1*) shall be preferred to the Appellate Authority, within a period of thirty days from the date when the damage was caused.

(3) The Appellate Authority 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.

(*4*) The order passed under sub-section (*3*) 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.

CHAPTER X
MISCELLANEOUS

Reciprocal firefighting arrangements with other Fire and Emergency Service

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

Declaration of Fire and Emergency Service as technical service.

52. Without prejudice to the provisions of any other law on the subject, the Government may, by notification, declare the Fire and Emergency Service as technical service.

Deployment to other area.

53. The Joint Director or any officer authorised by the Government in this behalf may, on the occasion of a fire or other emergency in any neighbouring area in which this Regulation is not in force, order the deployment of the employees of the Fire and Emergency Service with necessary appliances and equipment to carry out firefighting operations in such neighbouring area and thereupon all the provisions of this Regulation and the rules made thereunder shall apply to such areas, during such period of fire emergency or during such period as the Joint Director may specify in this behalf.

Employment on other duties.

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

Power to obtain information.

55. The Fire Officer authorised by general or special order in this behalf may, for the purpose of discharging his duties under this Regulation, require the owner or occupier of any building or other property as may be specified in such order, to supply information with respect to the features of such building or other property as may be specified therein, the available water supplies and means of access thereto and any other material particulars, and such owner or occupier shall furnish all the information in his possession.

Power to seal building or premises.

56. (*1*) Where an inspection under section 29 is conducted and it appears to the Nominated Authority that the condition of any building or premises is dangerous to life or property, he shall, without prejudice to any action taken under this Regulation, by order, require the person in possession or occupation of such building or premises to remove themselves from such building or premises forthwith.

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

(3) After the removal of the persons under sub-section (*1*) or Sub-section (*2*), as the case may be, the Nominated Authority shall report to the Chief Fire Officer and Chief Fire Officer shall seal the building or premises with approval of the Director and no person shall remove such seal except under an order made by the Chief Fire Officer with the approval of the Director.

Police Officers and others to aid.

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

Death of member of Fire and Emergency Service.

58. In the event of death of a member of the Fire and Emergency Service (other than a Gazetted Officer), while discharging his duties, the Government shall pay adequate amount to the legal heir as funeral expenses or such amount as the Government may, by an order, determine.

Officers to be public Servants.

59. Every employee of the Fire and Emergency Service, acting under the provisions of this Regulation, shall be deemed to be a public servant within the meaning of clause (*28*) of Section 2 of the Bharatiya Nyaya Sanhita, 2023

45 of 2023.

Protection of action taken in good faith.

60. 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 Regulation or any rules made thereunder.

Calling of returns, reports, statements, etc.,

61. The Government may call for such returns, reports and statements on any subject connected with fire prevention and fire safety, the maintenance of order and the performance of duties by the employees of the Fire and Emergency Service and the same shall be furnished immediately

Application of other laws not barred.

62. The provisions of this Regulation shall be in addition to and not in derogation of any other law for the time being in force in the Union territory:

Provided that notwithstanding anything contained in any other law, when anything in relation to the fire prevention and life safety measures is required to be done or approved under this Regulation, shall not be deemed to have been unlawfully done or approved by reason only of the fact that permission, approval or sanction required under such other law therefor has not been obtained.

Delegation of powers.

63. The Government may, by notification, direct that any power exercisable by it under this Regulation shall, subject to such conditions, if any, be exercisable by any of the officers of the Government.

Recovery of dues.

64. Any amount payable under this Regulation shall be recovered as arrears of land revenue

Requisitions of firefighting property.

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

Power to make rules.

66. The Government may, by notification and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Regulation for carrying out the purposes of this Regulation.

Laying of rules.

67. Every rule made under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to remove difficulties.

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

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

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.

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