

THE GUJARAT FIRE PREVENTION AND LIFE SAFETY MEASURES (AMENDMENT) BILL, 2021.

GUJARAT BILL NO. 3 OF 2021.

A BILL

further to amend the Gujarat Fire Prevention and Life Safety Measures Act, 2013.

It is hereby enacted in the Seventy-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Fire Prevention and Life Safety Measures (Amendment) Act, 2021.

Short title and commencement.

(2) It shall be deemed have come into force on the 22nd January, 2021.

Amendment
of section 2 of
Guj. 11 of
2013.

2. In the Gujarat Fire Prevention and Life Safety Measures Act, 2013 (hereinafter referred to as "the principal Act"), in section 2, in sub-section (1), -

Guj. 11
of 2013.

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

“(g) “emergency services” means services required to be rendered in case of disaster or any eventuality where the life is at risk;”;

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

“(k) “fire prevention and life safety measures” means such measures as are necessary in accordance with the GDCR or as required by or under the provisions of any law or the National Building Code of India, for the time being in force, with regard to fire prevention, life safety and fire protection for containment, control and extinguishing of fire and for ensuring the safety of life and property in case of fire;”;

(iii) for clause (m), the following clause shall be substituted, namely:-

“(m) “Fire Safety Officer” means a person or an association of persons appointed under section 12 of this Act as the Fire Safety Officer by the owners and occupiers of certain premises and buildings as prescribed in this behalf for renewal of fire safety certificate and such other related activities required to be carried out under this Act;”;

(iv) for clause (o), the following clause shall be substituted, namely:-

“(o) “GDCR” means the Comprehensive General Development Control Regulations, 2017 made under the provisions of the Gujarat Town Planning and Urban Development Act, 1976;”.

President's
Act No. 27
of 1976.

Substitution
of section 12
of Guj. 11 of
2013.

3. In the principal Act, for section 12, the following section shall be substituted, namely:-

Appointment
of Fire
Safety
Officer.

“12. (1) To ensure the effective operation of fire prevention and life safety measures in good repair and efficient condition

in such buildings or premises as may be prescribed, the owner and occupier or occupiers individually or jointly, as the case may be, atleast two months prior to expiry of fire safety certificate issued under section 21, shall appoint a Fire Safety Officer, for renewal of such fire safety certificate, having such qualification and experience and duties to be performed as may be prescribed;

(2) The owner and occupier or occupiers, individually or jointly, as the case may be, shall appoint Fire Safety Officer from the list of fire safety officers enrolled by the Director.

(3) In case of a vacancy of the Fire Safety Officer appointed under sub-section (1), either on resignation or otherwise, the owner and occupier or occupiers individually or jointly, as the case may be, shall be required to immediately appoint the fire safety officer.

(4) In case of non-appointment of the Fire Safety Officer, as envisaged under sub-section (1), the Regional Fire Officer or the Chief Fire Officer, as the case may be, may take such steps as he deems necessary.”.

4. In the principal Act, in section 13, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Where, the Director or the Regional Fire Officer or the Chief Fire Officer or any other Fire Officer of any authority, who is in-charge of a fire fighting operation requires fire-fighting equipment or property of any other authority or any institution or individual, he may by order requisite such equipment or property for the purpose of extinguishing fire in any area and take possession thereof from the authority or any institution or individual, as the case may be.”.

**Amendment
of section 13
of Guj. 11 of
2013.**

5. In the principal Act, for section 16, the following section shall be substituted, namely:-

**Substitution
of section 16
of Guj. 11 of
2013.**

Power to enter into agreement.

“16. Notwithstanding anything contained in section 14, the Regional Fire Officer or the Chief Fire Officer of any authority or any other officer authorised in this behalf, may enter into agreement with any person who employs and maintains personnel or equipment or both for fire-fighting purposes, to secure, on such terms and conditions as may be prescribed, for the purpose of dealing with fires occurring in any area.

Amendment of heading of Chapter IV of Guj. 11 of 2013.

6. In the principal Act, for the existing heading of Chapter IV, the following heading shall be substituted, namely:-

“TRAINING TO FIRE PERSONNEL AND FIRE SAFETY OFFICERS”.

Insertion of new section 17A in Guj. 11 of 2013.

7. In the principal Act, after section 17, the following section shall be inserted, namely:-

Fire Safety officers to undergo training.

“17A. (1) The Fire Safety Officers shall have to undergo such training as may be prescribed.

(2) The State Government may prescribe such fees and such procedure as it may deem fit for providing the training mentioned in sub-section (1).”.

Amendment of section 19 in Guj. 11 of 2013.

8. In the principal Act, in section 19,-

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

“(a) no authority empowered to issue the Building Use Certificate, shall issue the same, unless it is satisfied that the owner or the occupier, either individually or jointly, has complied with the provisions of section 18 and has obtained a fire safety certificate;”;

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

“(3) The owners or occupiers, as the case may be, who are liable individually or jointly, for the building or part thereof, shall furnish to the Regional Fire Officer or the Chief Fire Officer or the nominated officer, a certificate regarding the compliance of the fire prevention and life safety measures as required under the provisions of section 18 issued by a Licensed Agency.”.

9. In the principal Act, in section 21,-

**Amendment
of section 21
of Guj. 11
of 2013.**

(i) after sub-section (4), the following sub-section shall be added, namely:-

“(5) The Fire Safety Officer, with regard to the requirement of section 18, shall check the maintenance and operational condition of fire prevention and life safety measures as specified in the regulations and on satisfaction that these are in good repair and efficient operational condition, may issue the fire safety certificate renewal.”;

(ii) in the marginal note, for the words “Suspension, termination and punishment”, the words “Issuance and cancellation of fire safety certificate” shall be substituted.

10. In the principal Act, in section 39,-

**Amendment
of section 39
of Guj. 11
of 2013.**

(i) in sub-section (1), after clause (c), the following clause shall be inserted, namely:-

“(ca) under sub-section (5) of section 21 giving a fire safety certificate renewal without there being actual compliance or maintenance of fire prevention and life safety measures and equipment;”;

(ii) to clause (h), the following proviso shall be inserted, namely:-

“Provided that enrolment of fire safety officer may also be kept in abeyance, suspended or revoked by the Director, in case of dereliction of any duty by the Fire Safety Officer.”

Substitution
of section 42
of Guj. 11 of
2013.

11. In the principal Act, for section 42, the following section shall be substituted, namely:-

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 176 of the Indian Penal Code, 1860.

45 of 1860.

Substitution
of section 46
of Guj. 11 of
2013.

12. In the principal Act, for section 46, the following section shall be substituted, namely:-

Officers and
employees to be
public servant

“46. (1) Every officer or employee shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860.

(2) The Fire Safety Officer shall not be considered as public servant under this Act.”

Amendment
of section 57
of Guj. 11 of
2013.

13. In the principal Act, in section 57, in sub-section (2),-

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

“(h) prescribing the norms, qualification, experience and duties of the each category of Fire Safety Officer under sub-section (1) of section 12;”;

(ii) after clause (n), the following clause shall be inserted, namely:-

“(na) prescribing the fee and the procedure for providing training under section 17A;”.

Guj. Ord. 3
of 2021.

14. (1) The Gujarat Fire Prevention and Life Safety Measures
(Amendment) Ordinance, 2021 is hereby repealed.

Repeal and
saving.

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

NITIN PATEL

MEMORANDUM REGARDING DELEGATED
LEGISLATION

This Bill provides for delegation of legislative powers in the
following respects:-
Clause 3 - Sub-section (1) of section 12 proposed to be
substituted by this clause empowers the State Government to prescribe
by rules, the buildings and premises in which the owner and occupier
of a premises individually or jointly, as the case may be, atleast two
months prior to expiry of fire safety certificate, shall appoint a fire
safety officer, for renewal of such fire safety certificate; it also
empowers the State Government to prescribe by rules, the qualification
and experience possessed by the fire safety officer and duties to be
performed by such fire safety officer.

STATEMENT OF OBJECTS AND REASONS

The existing provisions of sections 2, 12, 13, 16, 17, 19, 21, 39, 42, 46 and 57 of the Gujarat Fire Prevention and Life Safety Measures Act, 2013 have been proposed to be amended to ensure that the said Act is implemented effectively in a simplified, appropriate and transparent manner and procedure related to fire safety approval plans of buildings, fire safety approval and its renewal on periodic basis, registration and appointment of Fire Safety Officer, renewal of fire safety certificate is carried out in a simplified and transparent manner and the fire services can be made available to the people of the State and thereby the fire related accidents are reduced significantly.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Gujarat Fire Prevention and Life Safety Measures (Amendment) Ordinance, 2021 was promulgated to achieve the aforesaid objects. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 3.- Sub-section (1) of section 12 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the buildings and premises in which the owner and occupier or occupiers individually or jointly, as the case may be, atleast two months prior to expiry of fire safety certificate, shall appoint a Fire Safety Officer, for renewal of such fire safety certificate; it also empowers the State Government to prescribe by rules, the qualification and experience possessed by the Fire Safety Officer and duties to be performed by such Fire Safety Officer;

Clause 5.- Section 16 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the terms and conditions subject to which the Regional Fire Officer or the Chief Fire Officer of any authority or any other officer authorised in this behalf, may enter into agreement with any person who employs and maintains personnel or equipment or both for fire-fighting purposes dealing with fires occurring in any area;

Clause 7.- (i) Sub-section (1) of new section 17A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the training to be undergone by the Fire Safety Officer;

(ii) sub-section (2) of new section 17A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the fees and the procedure for providing the training to the Fire Safety Officer.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 27th February, 2021.

NITIN PATEL.

ANNEXURE

EXTRACT FROM THE GUJARAT FIRE PREVENTION AND
LIFE SAFETY MEASURES ACT, 2013.

(Guj. 11 of 2013)

Definitions. 2. (1) In this Act, unless the context otherwise requires, —

clauses (a) to (f) XXX XXX XXX

(g) “**emergency services**” means services required to be rendered in case of manmade or natural disaster or any eventuality where the life is at risk;

clauses (h) to (j) XXX XXX XXX

(k) “**fire prevention and life safety measures**” means such measures as are necessary in accordance with the building bye-laws or as required by or under the provisions of any law or the National Building Code of India, for the time being in force, for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;

clause (l) XXX XXX XXX

(m) “**fire safety officer**” means a person appointed under section 12 of this Act as the Fire Safety Officer by the owners and occupiers of certain premises and buildings as specified in this behalf to ensure fire prevention and fire safety measures installed in such premises and buildings;

clause (n) XXX XXX XXX

(o) “**GDCR**” means the General Development Control Regulations made under clause (m) of sub-section (2) of section 12 of Gujarat Town Planning and Urban Development Act, 1976;

President's
Act No. 27 of
1976.

Appointment
of Fire Safety
Officer.

12. (1) To ensure the effective fire prevention and life safety measures of the buildings or premises as may be specified by an order

by the State Government in this behalf, every factory or the owner and occupier or occupiers individually or jointly, as the case may be,-

- (i) shall appoint a fire safety officer, having such qualifications as may be prescribed;
- (ii) send the compliance report to the Regional Fire Officer or the Chief Fire Officer, as the case may be, under section 18.

(2) The fire safety officer so appointed under sub-section (1) shall, be issued by the Regional Fire Officer or the Chief Fire officer, as the case may be, the enrolment certificate under his signature and seal of the office in the prescribed form.

(3) In case of a vacancy of the fire safety officer appointed under sub-section (1), either on resignation or otherwise, the factory or the owner and occupier or occupiers individually or jointly, as the case may be, shall be required to immediately appoint the fire safety officer.

(4) In case of non-appointment of the fire safety officer, as envisaged under this section (1), the Regional Fire Officer or the Chief Fire Officer, as the case may be, 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.

13. (1) Where, the Director or the Chief Fire Officer or any other Fire Officer of any authority, who is in-charge of a fire fighting operation requires firefighting equipment or property of any other authority or any institution or individual, he may by order requisite such equipment or property for the purpose of extinguishing fire in any area and take possession thereof from the authority or any institution or individual, as the case may be.

Requisition of fire fighting property.

sub-sections (2) and (3) XXX XXX XXX

Power to enter into agreement.

16. Notwithstanding anything contained in section 14, the Regional Fire Officer or the Chief Fire Officer of any authority or any other officer authorised in this behalf, may enter into agreement 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 provisions of that person of assistance for the purpose of dealing with fires occurring in any area.

Heading of Chapter IV.

TRAINING TO FIRE PERSONNELS

Requirement for fire prevention and life safety measures.

18. (1) Without prejudice to the provisions of any other law or the rules, GDCR or building bye-laws made thereunder or the National Building Code of India, relating to fire prevention and life safety measures as in operation in the State for the time being in force, housing society or the owner or where the owner is not traceable, the occupier, who are either individually or jointly responsible, of a building as classified by regulations or part thereof, shall provide fire prevention and life safety measures therein :

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

- (i) provide minimum firefighting and life safety installations as provided in the regulations;
- (ii) maintain the fire prevention and life safety measures in operational condition at all times, in the manner and specifications specified in regulations.

(2) The regulations so made shall be notified in the *Official Gazette*.

Manner of compliance for prevention and life safety measures.

19. (1) Notwithstanding anything contained in any other law for the time being in force, -

- (a) no authority empowered to issue the occupancy certificate, shall issue the same, unless it is satisfied that the owner or the occupier, either individually or jointly, has complied with the provisions of section 18;

(b) XXX XXX XXX XXX

(2) XXX XXX XXX XXX

(3) The owners or occupiers, as the case may be, who are liable individually or jointly liable, for the building or part thereof, shall furnish to the Regional Fire Officer or the Chief Fire Officer or the nominated officer, certificate regarding the maintenance and operational condition of fire prevention and life safety measures, as specified by the regulations, issued by a Licensed Agency regarding the compliance of the fire prevention and life safety measures as required under the provisions of section 18.

21. XXX XXX XXX

Suspension,
termination
and
punishment.

Offences and penalties.

39. (1) Whoever contravenes any of the following provisions,-
clauses (a) to (g) XXX XXX XXX

(h) under sub-section (2) of section 29 giving a certificate under sub-section (3) of section 19 without there being actual compliance or maintenance of fire prevention and life safety measures and equipment;

(2) and (3) XXX XXX XXX

Failure to give information.

42. Any person who without Just cause fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under section 176 of the Indian Penal Code, 1860.

45 of 1860.

Officers and employees to be public servant.

46. Every officer or employee shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

57. (1) XXX XXX XXX

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

clauses (a) to (g) XXX XXX XXX

(h) prescribing the norms and qualification of the each category of Fire Safety Officer under sub-section (1) of section 12;

clauses (i) to (w) XXX XXX XXX

(3) and (4) XXX XXX XXX

Suppression
transmission
and
equipment

XXX XXX XXX

39. (1) Whoever contravenes any of the following provisions -

clauses (a) to (g) XXX XXX XXX

(b) under sub-section (2) of section 29 giving a certificate under sub-section (3) of section 19 without there being actual compliance or maintenance of the prevention and fire safety measures and equipment;

(c) and (3) XXX XXX XXX

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

42 of 1968

46. Every officer or employee shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

46 of 1968

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 3 OF 2021

A BILL

to amend the Gujarat Fire Prevention and Life Safety Measures Act, 2013

SHRI NITIN KATIL

DEPUTY CHIEF MINISTER

(As published in the Gujarat Government Gazette of 17th February, 2021)

B.M. PATEL

Secretary

Gujarat Legislative Assembly

Government of Gujarat

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 3 OF 2021.

A BILL

*further to amend the Gujarat Fire Prevention and
Life Safety Measures Act, 2013.*

[SHRI NITIN PATEL,

DEPUTY CHIEF MINISTER]

**(As published in the Gujarat Government Gazette
of 27th February, 2021)**

**D.M.PATEL,
Secretary,
Gujarat Legislative Assembly.**
