

Extra No. 4



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations
made by the Governor.

URBAN DEVELOPMENT AND URBAN HOUSING DEPARTMENT

Sachivalaya, Gandhinagar, Dated the 22nd January, 2021.

GUJARAT ORDINANCE NO. 3 OF 2021.

AN ORDINANCE

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

WHEREAS the Legislative Assembly of the State of Gujarat is not
in session;

AND WHEREAS the Governor of Gujarat is satisfied that
circumstances exist which render it necessary for him to take immediate
action to amend the Gujarat Fire Prevention and Life Safety Measures Act,
2013;

Guj. 11
of 2013.

NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of article 213 of the Constitution of India, the Governor of Gujarat is hereby pleased to make and promulgate the following Ordinance, namely: -

1. *Short title and commencement.*- (1) This Ordinance may be called the Gujarat Fire Prevention and Life Safety Measures (Amendment) Ordinance, 2021.

(2) It shall come into force at once.

2. *Guj. 11 of 2013 to be temporarily amended.*- During the period of operation of this Ordinance, the Gujarat Fire Prevention and Life Safety Measures Act, 2013 (hereinafter referred to as “the principal Act”) shall have effect subject to the amendments specified in sections 3 to 14.

Guj. 11
of 2013.

3. *Amendment of section 2 of Guj. 11 of 2013.*- In the principal Act, in section 2,-

(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 fire safety certificate renewal and such other related activities required to be carried out under this Act;”;

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

“(k) “GDCR” means the Comprehensive General Development Control Regulations, 2017 made under the provisions of the Gujarat Town Planning and Urban Development Act, 1976 as revised from time to time;”.

President's
Act No. 27
of 1976.

4. Substitution of section 12 of Guj. 11 of 2013.- 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 the 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 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.”.

5. *Amendment of section 13 of Guj. 11 of 2013.*- 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 firefighting equipment or property of any other authority or any institution or individual, he may order requisition of 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.”.

6. *Substitution of section 16 of Guj. 11 of 2013.*- In the principal Act, for section 16, the following section shall be substituted, namely:-

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, for the purpose of dealing with fires occurring in any area.

7. *Amendment of heading of Chapter IV of Guj. 11 of 2013.*- In the principal Act, for the existing heading of Chapter IV, the heading shall be substituted, namely:-

“**TRAINING TO FIRE PERSONNEL AND FIRE SAFETY OFFICERS**”.

8. ***Insertion of new section 17A in Guj. 11 of 2013.***- 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 undergo training as may be prescribed.

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

9. ***Amendment of section 19 of Guj. 11 of 2013.***- 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.”.

10. ***Amendment of section 21 of Guj. 11 of 2013.***- In the principal Act, in section 21,-

(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.

11. Amendment of section 39 of Guj. 11 of 2013.- In the principal Act, in section 39,-

(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.”.

12. Substitution of section 42 of Guj. 11 of 2013.- 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.

13. Substitution of section 46 of Guj. 11 of 2013.- In the principal Act, for section 46, the following section shall be substituted, namely:-

**Officers and
employees to be
public servant**

45 of 1860.

“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.
(2) Fire safety officer shall not be considered as public servant under this Act.”.

14. Amendment of section 57 of Guj. 11 of 2013.- 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;”.

STATEMENT

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 are 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 are 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 is not in session, the Gujarat Fire Prevention and Life Safety Measures (Amendment) Ordinance, 2021 is promulgated to amend the said Act to achieve the aforesaid objects.

Gandhinagar.
Dated the 22nd January, 2021

ACHARYA DEVVRAT,
Governor of Gujarat.

By order and in the name of the Governor of Gujarat,

R. H. VASAVA,
Deputy Secretary to Government.
