

THE SIKKIM FIRE AND EMERGENCY SERVICES (AMENDMENT) BILL, 2026
(BILL NO. 10 OF 2026)

A

BILL

to amend the Sikkim Fire and Emergency Services Act, 2023.

Be it enacted by the Legislature of Sikkim in the Seventy-seventh Year of the Republic of India as follows, namely:-

Short title and Commencement	1. (1) This Act may be called the Sikkim Fire and Emergency Services (Amendment) Act, 2026.
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(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Amendment of section 2 2. In the Sikkim Fire and Emergency Services Act, 2023 (herein after referred to as the said Act), in section 2,-

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

“(d) "Bye laws" means fire safety regulations or norms or guidelines, rules made under this Act, Building Bye-Laws, Oil Industry Safety Directorate guidelines, Petroleum Act and Rules, Explosive Act and rules of India relating to fire prevention, or any relevant guidelines by the State Government or local Authority as amended from time to time.”

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

“(m) "Fire Prevention and Life Safety Measures" means such measures as are necessary in accordance with the rules made

under this Act and building bye-laws for the containment, control, and extinguishing of fire and for ensuring the safety of life and property in case of fire and as may be prescribed in the rules made in this behalf;”

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

“(r) “Third Party Auditor” means a person, firm, company, institution, or agency duly licensed by the Director under the provisions of this Act and rules made under this Act and possessing such qualifications, experience, and technical expertise as may be prescribed, to carry out independent inspection, testing, assessment, certification, audit, or verification of fire prevention measures, life-safety measures, fire protection systems, means of escape, and compliance with the provisions of this Act, the rules made thereunder, and applicable standards;”

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

“(x) “Qualified agency” means a person or an association of persons having technical specialization in the field of Fire chemical science from a recognized university and having sufficient domain knowledge and accomplishments in the field of Fire Service;”

**Amendment of 3.
section 24**

In the said act, in section 24,-

(i) For sub-section (1), the following shall be substituted, namely:-

“(1) The owner or 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,-

- a. Provide minimum fire-fighting and life safety installations as provided in the bye-laws, rules made under this Act;
- b. Maintain the fire prevention and life safety measures in operational condition at all times, in the manner and specifications specified in bye-laws, rules made under this Act;”

- (ii) for sub-section (3), the following shall be substituted, namely:-
 “(3) Without prejudice to the existing Building Bye laws applicable, following buildings shall obtain 'Fire Safety Certificate' from Fire and Emergency Service;
 - (i) Multistoried buildings having more than 24 meter height from the plinth;
 - (ii) Special buildings like hotels, educational, institutional, assembly, business, mercantile, industrial, storage and hazardous buildings as defined in the rules made under this Act.
 - (iii) Mixed occupancies with any of the aforesaid occupancies having more than 500 square meters;”
- (iii) for sub-section (5), the following shall be substituted, namely:-
 “(5) The owner or occupier, as the case may be, shall furnish to the Fire Officer, if required, a certificate in the prescribed form issued by a Third Party Auditor 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 Act, and shall also furnish to the Fire Officer a certificate in the prescribed form twice a year in the months of January and July regarding the maintenance of fire prevention and life safety measures in good repair and efficient condition as specified in sub-section (1) of this section;”
- (iv) for sub-section (6), the following shall be substituted, namely:-
 “(6) No person other than the qualified agencies, as specified in the rules made under this Act, shall carry out the work of providing fire prevention and life safety measures or performing such other related activities required to be carried out in any place or building or part thereof;”
- (v) for sub-section (7), the following shall be substituted, namely:-
 “(7) The State Government may by notification in the official Gazette provide the condition for recognition, registration and licensing of Qualified Agency and Third Party Auditor.”

Substitution of section 30 4.

In the said Act, for the existing section, the following shall be substituted, namely:-

“30. Penalties for violation of provisions of Chapter IV (Water Supply)

Whoever contravenes any provisions of Chapter IV shall, without prejudice to any other action taken against him under this Act and rules made hereunder, be punishable with a fine which may extend to Rs. 50,000/- (Fifty thousand rupees only), and where the offence is a continuing one with a further fine which may extend to Rs. 3,000/- (Three thousand rupees only) for every day after the first during which such offence continues.”

**Amendment of
sub-section (5)
of section 31**

5.

In the said Act, for sub-section (5) of section 31, the following shall be substituted, namely:-

“(5) accepts any other employment or office or engages himself in business in contravention of the provision of the relevant service rules shall be punishable with fine which may extend to an amount not exceeding three months' pay of such member.”

**Substitution of
section 35**

6.

In the said Act, for existing section 35, the following shall be substituted, namely:-

“35. Failure to take Precautions

Whoever fails without reasonable cause to comply with any of the requirements specified in a notification issued under sub-section (1) of section 21 or of a direction issued under the section shall be punishable with fine which may extend to Rs. 10,000/- [Ten thousand rupees only] and where the offence is a continuing one with a further fine which may extend to Rs. 1,000/- [One thousand rupees only] for every day after the first during which such offence continues.”

**Substitution of
section 36**

7.

In the said Act, for existing section 36, the following shall be substituted, namely:-

“36. Penalty for wilfully obstructing the fire fighting, rescue operations

Any person who wilfully obstructs or interferes with any member of the Fire and Emergency Service, who is engaged

in fire-fighting operations, shall be punishable with fine which may extend to Rs. 10,000/- [Ten thousand rupees only].”

Substitution of section 37 8.

In the said Act, for existing section 37, the following shall be substituted, namely:-

“37. False report

Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorized to receive such report by means of a statement, message or otherwise shall be punishable with fine which may extend to Rs. 10,000/- [Ten thousand rupees only].”

Substitution of section 38 9.

In the said Act, for existing section 38, the following shall be substituted, namely:-

“38. General provision for punishment for offence

Whoever contravenes any provision of this Act or of any rule or notification made hereunder shall, without prejudice to any other action taken against him under this Act and the rules made hereunder, be punishable with fine which may extend to Rs. 10,000/- [Ten thousand rupees only]; and where the offence is a continuing one with a further fine which may extend to Rs. 1,000/- [One thousand rupees only] for every day after the first during which such offence continues.”

Amendment of sub-section (5) of section 57 10.

In the said Act, for sub-section (5) of section 57, the following shall be substituted, namely:-

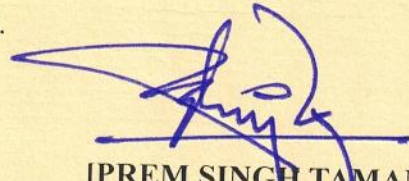
“(5) Any person, who removes such seal except under an order made by the Sub Divisional Magistrate, shall be punishable with fine which may extend to Rs. 25,000/- [Twenty five thousand rupees only].”

STATEMENT OF OBJECTS AND REASONS

The Sikkim Fire and Emergency Services Act, 2023 is proposed to be amended in pursuance of the Government of India's policy on Ease of Doing Business and decriminalization of minor regulatory offences, with a view to rationalize the regulatory framework.

The proposed amendments seeks to remove provisions relating to imprisonment, simplify compliance requirements, omit references to the National Building Code, and provide clearer definitions of certain terms, thereby facilitating ease of compliance while ensuring effective enforcement of fire safety standards.

With this object in view, the Bill has been framed.



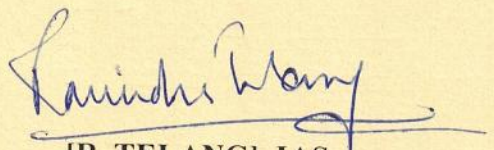
[PREM SINGH TAMANG]
MINISTER-IN-CHARGE
HOME DEPARTMENT
Chief Minister
Sikkim

FINANCIAL MEMORANDUM

-NIL-

MEMORANDUM REGARDING DELEGATED LEGISLATION

-NIL-



[R. TELANG], IAS
CHIEF SECRETARY
GOVERNMENT OF SIKKIM

Chief Secretary
Government of Sikkim