

(1)

THE DELHI FIRE PREVENTION & FIRE SAFETY ACT 1986 (56 OF 1986) AS EXTENDED TO THE UNION TERRITORY OF CHANDIGARH (CONTAINING)

An Act to make more effective provision for the fire prevention and fire safety measures in certain buildings and premises in the Union Territory of Chandigarh.

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows :-

1. Short title, extent and commencement :- (1) This Act may be called the Delhi Fire Prevention and Fire Safety Act 1986 as extended to Union Territory of Chandigarh.

(2) It extends to the whole of the Union Territory of Chandigarh.

2. Definitions :- In this Act unless the context otherwise requires :-

(a) Administrator means the Administrator of Chandigarh appointed by the President under article 239 of the Constitution;

(b) Omitted.

(c) "Building" means a house, outhouse stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material;

(d) "Building Rules" means the Punjab Capital (Development and Regulation) Building Rules 1952 or any other rules made in exercise of the powers conferred under section 22 of the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act No 27 of 1952);

(e) Chief Fire Officer means the Chief Fire Officer appointed as such by the Chief Administrator;

(f) Chandigarh means the Union Territory of Chandigarh.

(g) "Fire prevention and fire safety measures" means such measures as are necessary in accordance with the building rules for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;

(h) "Chief Administrator" means an officer appointed as such by the Central Government by notification in the official Gazette, to perform the functions of the Chief Administrator under the Capital of Punjab (Development and Regulation) Act, 1952;

(i) "Nominated authority" means an officer not below the rank of a Station Officer nominated by the Chief Fire Officer for the purposes of this Act;

(j) "Occupier" includes :-

(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; and

(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.

(k) "Owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building whether on his own account or on account of himself and others or as 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 and also includes the Director of Estates of Government of India, the Chairman Housing Board, Chandigarh, Executive Engineer, and Architect, Chandigarh Administration in respect of properties under their respective control and

(l) "Premises" means any land or any building or part of a building appurtenant thereto which is used for storing explosives, explosive substances and dangerously inflammable substances.

Explanation :- In this clause, "explosive" explosive substances and dangerously inflammable substances shall have the meanings, respectively, assigned to them in the Explosives Act, 1884, the Explosive Substances Act, 1908 and the Inflammable Substances Act, 1952.

3. Inspection of buildings, premises etc. (10) The nominated authority may, after giving three hours notice to the occupier or if there be no occupier, to the owner of any building having such height as may be specified by rules framed under the Act, or premises, enter and inspect the said building or premises at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and fire safety measures.

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

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

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

4. Measures for fire prevention and fire safety. (1) The nominated authority shall after the completion of the inspection of the building or premises under section 3 record its views on the deviations from or the contraventions of the building rules with regard to the fire prevention and fire safety measures and the inadequacy of such measures provided therein with reference to the height of the building or the nature of activities carried on in such building or premises and issue a notice to the owner or occupier of such building or premises directing him to undertake such measures as may be specified in the notice.

(2) The nominated authority shall also give a report of any inspection made by it under section 3 to the Chief Fire Officer.

5. POWER TO SEAL BUILDINGS OR PREMISES : (1) WHERE, ON RECEIPT OF A REPORT FROM THE NOMINATED AUTHORITY UNDER SUB-SECTION (2) OF SECTION 4, IT APPEARS TO THE CHIEF FIRE OFFICER THAT THE CONDITION OF ANY BUILDING OR PREMISES IS DANGEROUS TO LIFE OR PROPERTY, HE SHALL, WITHOUT PREJUDICE TO ANY ACTION TAKEN UNDER SECTION 7, BY ORDER, REQUIRE THE PERSONS 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 Chief Fire Officer under sub-section (1) is not complied with, the Chief Fire Officer 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 Chief Fire Officer shall seal the building or premises.

(4) No person shall remove such seal except under an order made by the Chief Fire Officer.

6. Provision regarding certain buildings and premises. (1) Notwithstanding any thing contained in any other law for the time being in force, the Chief Fire Officer may enter and inspect any building, the construction of which was completed on or before the extension of the Delhi Fire Prevention and Safety Act 1986 to the Union Territory of Chandigarh or any building which was under construction on such date, if such inspection appears necessary for ascertaining the adequacy of fire prevention and fire safety measures in such building.

(2) The entry and inspection under sub-section (1) shall be done by the Chief Fire Officer in the manner laid down in Section 3.

(3) The Chief Fire Officer shall, after inspection of the building or premises under sub-section (1) and after taking into consideration :-

(i) the provisions of the building rules in accordance with which the plan of the said building or premises was sanctioned;

(ii) the conditions imposed, if any, by the Chief Administrator at the time of the sanction of the plan of the said building or premises; and

(iii) the minimum standards for the prevention and fire safety measures specified for such building or premises as may be specified by rules framed under this Act, issue a notice to the owner or occupier of such building or premises stating therein the inadequacy in regard to the fire prevention and fire safety measures in it and direct the owner or occupier to undertake measures for rectifying the said inadequacy within such period as he may consider just and reasonable.

7. DEFAULT POWERS OF THE CHIEF FIRE OFFICER : (1) THE CHIEF FIRE OFFICER SHALL, IN THE EVENT OF NON-COMPLIANCE OF ANY NOTICE ISSUED UNDER SECTION 4 OR SECTION 6, TAKE SUCH STEPS AS MAY BE NECESSARY FOR THE COMPLIANCE OF SUCH NOTICE.

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

8. Appeals. (1) Any person aggrieved by any notice or order of the nominated authority or the Chief Fire Officer may prefer an appeal against such notice or order to the Home Secretary, Chandigarh within thirty days from the date of the notice or order appealed against;

Provided that the Home Secretary, Chandigarh Administration may entertain an appeal after the expiry of the said period of thirty days if it

is satisfied that there was sufficient cause for not filing it within that period.

(2) An appeal shall lie to the Administrator against the order of the Home Secretary, Chandigarh Administration confirming, modifying or annulling a notice or an order issued or made under this Act within thirty days from the date of the order of the Home Secretary, Chandigarh Administration.

Provided that the Administrator 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.

(3) An appeal to the Home Secretary, Chandigarh Administration shall be made in such form and shall be accompanied by a copy of the notice or order appealed against and by such fees as may be specified by rules framed under this Act.

(4) Omitted.

9. Bar of Jurisdiction of Courts : No Court shall entertain any suit, application or other proceeding in respect of any notice or order under this Act and no such notice or order under this Act shall be called in question otherwise than by preferring an appeal under this Act.

10. PENALTIES. WHOEVER CONTRAVENES ANY PROVISION OF THIS ACT SHALL, WITHOUT PREJUDICE TO ANY OTHER ACTION TAKEN AGAINST HIM UNDER SECTION 7, 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 OFFENCE IS A CONTINUING ONE WITH A FURTHER FINE WHICH MAY EXTEND TO THREE THOUSAND RUPEES FOR EVERY DAY AFTER THE FIRST DURING WHICH SUCH OFFENCE CONTINUES.

11. Offences by Companies : (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, 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 Act 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 :-

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

(b) "Director" in relation to that of a firm, means a partner in the firm.

12. Sanction of Prosecution : No court shall proceed to the trial of an offence under this Act, except on the complaint of or upon information received from the nominated authority.

13. Jurisdiction : No Court inferior to a Magistrate of the first Class shall try an offence punishable under this Act.

14. Protection of action taken in good faith : 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 under this Act or any rules made thereunder.

15. Officer to be public servant : Every officer acting under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. Power to make rules : (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

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

(a) the height of the building under sub-section (1) of section 3.

(b) the minimum standards for fire prevention and fire safety measures for the purposes of clause (iii) of sub-section (3) of section 6;

(c) the form in which an appeal shall be made and the fees that shall accompany such appeal under sub-section (3) of section 8;

(d) any other matter which is required to be, or may be, provided by rules.

(3) The Central Government shall cause every rule made under this Act to be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule (2).

CHANDIGARH FIRE PREVENTION AND FIRE SAFETY RULES 1991

1. Short Title Extent and Commencement : (i) These rules may be called the Chandigarh Fire Prevention and Fire Safety Rules 1991.
(ii) They extend to the whole of the Union Territory of Chandigarh.
(iii) They shall come into force at once.

2. Definitions : In these rules the context otherwise requires :

- (i) 'Act' means the Delhi Fire Prevention and Fire Safety Act, 1986 as extended to the Union Territory, Chandigarh.
(ii) 'Forms' means forms appended to these rules.
(iii) The words and expressions used in the Act, and not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Nominated Authority : Appointment of any person as 'nominated authority' shall be made in consultation with Chief Fire Officer who will also prescribe the jurisdiction within which such person shall function.

4. Height of Building : The minimum height of the building for purposes of sub-section (1) of Section 3 of the Act shall be 15 metres.

5. Minimum Standards : The minimum standards for fire prevention and fire safety measures specified for building or premises shall be as are provided in building or premises shall be as are provided in the General Fire Protection requirement under the National Building Code, 1983 and the building Rules as applicable to the Union Territory, Chandigarh at the date of this notification and as amended from time to time thereafter relating to the following matters :

- (1) Means of access.
- (2) Underground/overhead water static tanks.
- (3) Automatic sprinklers system.
- (4) First-aid Hose Reels.
- (5) Fire extinguishers of ISI certification mark
- (6) Compartmentation.
- (7) Automatic fire detection and alarm system/manually operated electrical fire alarm system.
- (8) Public address system.
- (9) Illuminated exit way marking signs.
- (10) Alternate source of electric supply.

- (11) Fire lift with fireman switch.
- (12) Wet riser Down Comer System.

6. Time for Completion of Measures under sub-section (1) of section 4. Nominated Authority shall indicate the time within which fire safety and fire prevention measures should be provided as per requirements of sub-section 1 of section 4 of the Act.

7. Format of Notices. (i) The notice required to be given by the nominated authority under sub-section (1) of section 3 of the Act shall be in Form 'A'.

(ii) The notice required to be given by the nominated authority under sub-section (1) of Section 4 of the Act shall be in Form 'B'.

(iii) The notice required to be given by the Chief Fire Officer under sub-section (2) of section 6 of the Act shall be in Form 'C'.

(iv) The notice required to be given by the Chief Fire Officer under sub-section (3) of section 6 of the Act shall be in Form 'D'.

8. Liability : (1) Where any building or premises is owned or occupied by more than one person, the responsibility for providing the fire safety and fire preventive measures as per the directions of the nominated authority or the Chief Fire Officer in the whole building will be shared in proportion to the area occupied or owned by individual owner or occupier as the case may be.

(2) The expenditure incurred by Chief Fire Officer as referred to in section 7(2) of the Act shall be recoverable from the occupier irrespective of the fact whether he is the owner of the premises or not unless the owner, in those cases where occupier is different from the owner, agrees to pay in full or in part the expenses thus incurred by the Chief Fire Officer.

9. Procedure of Sealing of Building or Premises : The Chief Fire Officer shall follow the following procedure in regard to sealing of any building or premises required to be sealed under sub-section (3) of section 5 of the Act :-

(a) He shall require the persons in possession or occupation of the building or premises to be sealed to remove themselves from there forthwith.

(b) In case of non compliance of the said order he shall direct any Police Officer, having jurisdiction in the area to remove such persons from such building or premises.

(c) After the removal of the persons in occupation from such building or premises he shall seal the building or premises in the manner which he deems fit.

(d) The seal used to seal the premises shall remain in custody of the Chief Fire Officer.

(e) If the building or premises required to be sealed on receipt of the report of the nominated authority is found to be locked or inaccessible he may break open the lock, enter the premises and after taking all necessary steps required to be taken under the act, relock and seal the premises, provided that if any building or premises is forced open under this rule an inventory of the material found in the premises shall be prepared in the presence of two independent witnesses and a copy thereof shall be delivered to owner or occupier, if present at the site.

(f) He shall inform about sealing in writing to the Police Station of the area in which such building or premises are situated.

(g) He shall report in writing to the Police Station concerned if the seal fixed under the rules on any building or premises is found to be broken or tampered with.

10. Appeal. (a) An appeal to the Home Secretary, Chandigarh Administration under sub-section (1) of Section 8 of the Act shall be preferred in Form 'E' and shall be accompanied by a fee of Rs. 500 (Rs. Five hundred only).

(b) An appeal to the Administrator, Union Territory, Chandigarh, under sub-section (2) or section 8 of the Act shall be preferred in form 'F' and shall be accompanied by a fee of Rs. 1,000 (Rs. one thousand only).

FORM A
SECTION 3 (i)
[See Rule 7 (i)]

Form of Notice to be served for Entry and Inspection

NOTICE

I _____ the Nominated Authority, appointed under the Delhi Fire Prevention and Fire Safety Act, 1986 as extended to the Union Territory, Chandigarh, do hereby give you notice that on expiry of three hours from the time of service of this notice upon you, I shall enter and inspect your building/premises bearing No. _____ located at: _____ for the purpose of ascertaining the adequacy or contravention of Fire Prevention and Fire Safety measures as required to be provided under the aforesaid Act.

NOMINATED AUTHORITY

To

_____ Owner/Occupier

FORM B
SECTION 4 (I)
[See Rule 7 (ii)]

Form of Notice to be served for carrying out the directions of the Nominated Authority

NOTICE

I _____ the Nominated Authority appointed under The Delhi Fire Prevention and Fire Safety Act, 1986, as extended to the Union Territory, Chandigarh, on the basis of inspection conducted by me on _____ do hereby call upon you to _____ undertake the following Fire Prevention and Fire Safety Measures in Building/Premises No. _____

Above action should be completed latest
by _____ (Date)

NOMINATED AUTHORITY

To

_____ Owner/Occupier

FORM C

SECTION 6 (2)

[See Rule 7 (iii)]

Form of Notice to be served for carrying out Entry and Inspection

NOTICE

I _____ Chief Fire Officer empowered under The Delhi Fire Prevention and Fire Safety Act, 1986 as extended to the Union Territory, Chandigarh, do hereby give you the notice that on expiry of three hours from the time of service of this notice upon you, I shall enter and inspect your building/premises bearing No. _____ located at _____ for the purpose of ascertaining the adequacy or contravention of Fire Prevention and Fire Safety Measures as required to be provided under the aforesaid Act.

CHIEF FIRE OFFICER

To

_____ Owner/Occupier

FORM D

SECTION 6 (3)

[See Rule 7 (iv)]

Form of Notice to be served for undertaking measures for rectification of the inadequacy in relation to Fire Prevention and Fire Safety Measures

NOTICE

I _____ Chief Fire Officer empowered under the Delhi Fire Prevention and Fire Safety Act, 1986, as extended to Union Territory, Chandigarh _____ on the basis of inspection conducted by me on _____ do hereby call upon you to undertake the following Fire Prevention and Fire Safety Measures in Building/Premises No. _____

Action should be completed latest by _____ (Date)

CHIEF FIRE OFFICER

To

FORM E

[See Rule 10 (a)]

Form of appeal to the Home Secretary, Chandigarh Administration, under section 8(1) of the Delhi Fire Prevention and Fire Safety Act, 1986, as extended to the Union Territory, Chandigarh.

Before Shri _____
Home Secretary, Chandigarh Administration.

Appeal No. _____ of _____ 19____

Shri _____

Son of Shri _____

Resident of _____ APPELLANT

versus

NOMINATED AUTHORITY/CHIEF FIRE OFFICER-RESPONDENT

Appeal under section 8(1) of the Delhi Fire Prevention and Fire Safety Act, 1986 as extended to Union Territory, Chandigarh against the notice/order of Shri _____

Nominated Authority/Chief Fire Officer.

Dated _____

Sir,

The appellant respectfully sheweth as under :-

1. Statement of facts.
2. Ground of appeal.
3. Fee of Rs. 500 has been paid, vide receipt No. _____ dated _____
4. Appeal is within time.
5. No other appeal or any matter relating to the subject matter of this appeal is pending in any court of law.
6. Relief Claimed.

Signature of Authorised
Representative, if any.

Signature of Appellant.

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VERIFICATION

I, _____ the appellant
do hereby declare that what is stated above is true to the best of my
personal knowledge and belief and that I have not suppressed any
material facts :-

Verified today the _____ day of _____ 19____

Place _____

Date _____

Signature of Authorised
Representative, if any.

Signature of Appellant.

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FORM F

Section 8 (2)

[See Rule 10 (b)]

Form of appeal to the Administrator against the order of the Home Secretary, Chandigarh Administration under section 8(2) of the Delhi Fire Prevention and Fire Safety Act, 1986, as extended to the Union Territory, Chandigarh.

Appeal No. _____ of _____ 19____

Shri _____ S/o Shri _____

Resident of _____ APPELLANT

versus

NOMINATED AUTHORITY/CHIEF FIRE OFFICER

Appeal under section 8(2) of the Delhi Fire-Prevention and Fire Safety Act, 1986 as extended to Union Territory, Chandigarh against the order of Shri _____
Home Secretary, Chandigarh Administration.

Sir,

The Appellant respectfully sheweth as under :-

1. Statement of facts.
2. Ground of appeal.
3. Fee of Rs. 1,000 paid, *vide* receipt No. _____ dated _____
4. Appeal is within time.
5. No other appeal or any matter relating to the subject-matter of this appeal is pending in any court of law.
6. Relief claimed.

Signature of Authorised Representative, if any. Signature of Appellant.

VERIFICATION

I, _____ the appellant
do hereby declare that what is stated above is true to the best of my
personal knowledge and belief and that I have not suppressed any
material facts :-

Verified today, the _____ day of _____ 19____

Place _____

Date _____

Signature of Authorised
Representative, if any.

Signature of Appellant.

22. No stove or combustion heater shall be located directly under or immediately at the foot of stairs or otherwise so located as to block escape in case of malfunctioning of the stove or heater.

23. All kitchen exhaust fans, where provided, shall be fixed to an outside wall or to a duct of non-combustible material which leads directly to the outside. The ducts must not pass through combustible materials.

24. All wiring shall be done in accordance with Part VIII Building Services, Section 2 Electrical Installations.

25. Where television is installed, all outdoor antennae shall be properly grounded and protected from lightning (see Part VIII Building services, Section 2 Electrical installations).

26. Doors leading into rooms in which flammable liquids are stored or used shall be as in Rule 6 of the Part IV of the Code. Such assembly shall be self-closing and shall be posted with sign on each side of the door in 25 mm high block letters stating FIRE DOOR - KEEP CLOSED.

27. Where a boiler room is provided or a central heating plant is installed, which uses solid or liquid fuel, it shall be separated from rest of the building by a separation wall with all openings protected.

28. Room containing high pressure boilers, refrigerating machinery, transformers or other service equipment subject to possible explosion shall not be located directly under or adjacent to exits. All such rooms shall be effectively cut off from other parts of the building and shall be provided with adequate vents to the outer air.

29. All rooms or areas of hazardous occupancy, in addition to those herein before mentioned, shall be segregated or shall be protected as may be directed by the enforcing authority, fire explosion or smoke therefrom is likely to interfere with safe egress from the building.

30. Separate additional requirements have been specified for educational buildings, institution buildings, assembly buildings, business buildings, mercantile buildings, industrial buildings & storage buildings.