

**Maharashtra Fire Prevention And Life Safety Measures Act,  
2006**

**3 of 2007**

**[05 February 2007]**

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## **Maharashtra Fire Prevention And Life Safety Measures Act, 2006**

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### **PREAMBLE**

An Act to make more effective provisions for the fire prevention and life safety measures in various types of buildings in different areas in the State of Maharashtra.

WHEREAS it is expedient to make more effective provisions for the fire prevention and life safety measures in various types of buildings in different areas in the State of Maharashtra, for

imposition of fee, constitution of a special fund and for the purposes connected therewith, or incidental thereto; It is hereby enacted in the Fifty-seventh Year of Republic of India as follows :-

## **CHAPTER 1 PRELIMINARY**

### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Maharashtra Fire Prevention and Life Safety Measures Act, 2006.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force -

(a) in the areas of the local authorities and the planning authorities, on such date as the State Government may, by notification in the Official Gazette, appoint;

(b) in other areas or part of the areas, on such date as the State Government may, by the same or like notification appoint; and different dates may be appointed for different provisions thereof and for different areas or part of the areas; and

(c) any reference in the Act to the commencement of this Act shall, in relation to a provision or an area, be constructed as a reference to the coming into force of this Act or any provision thereof in that area.

### **2. Definitions :-**

In this Act, unless the context otherwise requires,-

(1) the expression "building" shall have the same meaning assigned to it in the relevant municipal law or any law for the time being in force in the area in which this Act is in force; and includes places or premises comprising land or building, or part of a land or building, whether authorized or otherwise, outhouses, if any, appertaining to such building or part thereof and petrol, diesel or gas lines, installations or pumps.

Explanation. - For the purposes of this Act the definition of "building" herein shall extend and apply only to such building in respect of which fee is assessable and leviable as specified in the Schedule-II;

(2) "building bye-laws" means the building bye-laws, rules or regulations made under any relevant municipal law and includes the development control rules or regulations, by whatever name they are called, or any other building rules or regulations made under any other law for the time being in force and are in operation

in the area in which this Act is in force;

(3) "Chief Fire Officer" means the Chief Fire Officer or any other fire officer by whatever designation called, in charge of the fire-brigade maintained by a local authority or a planning authority;

(4) "Director" means the person appointed by the State Government to be the Director, Maharashtra Fire Services, Group A, under section 18;

(5) the expression "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, 2005, 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;

(6) "Licensed Agency" means a person or an association of persons licensed by the Director, or within the area under his jurisdiction, the Chief Fire Officer or the nominated officer, for undertaking or executing fire prevention and life safety measures or performing such other related activities required to be carried out under this Act within the area of the local authority or a planning authority;

(7) "local authority" means a Municipal Corporation or a Municipal Council or a Nagar Panchayat or an Industrial Township constituted under any relevant municipal law for the time being in force in the State;

(8) "National Building Code of India, 2005" means the book containing Fire Prevention and Life Safety Measures to be implemented in the buildings, places, premises, workshops, warehouses and industries, published by the Bureau of Indian Standards, from time to time, with or without amendments;

(9) "nominated officer" means an officer possessing the prescribed qualifications and nominated by the Director or the Chief Fire Officer and includes an officer nominated by a local authority or a planning authority for the purposes of this Act :

Provided that, for the areas not covered by any Municipal Corporation or Municipal Council, the Director shall nominate an officer to be "a nominated officer", and different such officers may be nominated for different areas ;

(10) "Occupier" includes -

(a) any person who for the time being is paying or is liable to pay the owner the rent or any portion of the rent for the land or building or any part thereof in respect of which such rent is paid or is payable;

(b) an owner in occupation of or otherwise using land or building or

part thereof;

(c) a rent-free tenant of any land or building or part thereof;

(d) a licensee in occupation of any land or building or part thereof;

(e) a member of a co-operative housing society or an apartment owner; and

(f) any person who, or an association, corporation (whether incorporated or not) or an organisation which is liable to pay to the owner damages for the use and occupation of any land or building or part thereof;

(11) "owner" includes a person who for the time being is receiving or is entitled to receive, the rent of any land or building or part thereof whether on his account or on account of himself and others or as an agent, a registered co-operative housing society, trustee, guardian or receiver or any other person 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, or a builder, developer or promoter who constructs flats or apartment for sale under the provisions of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963), or, as the case may be, the Maharashtra Apartment Ownership Act, 1970 (Mah. XV of 1971);

(12) "planning authority" includes, -

(a) the Nagpur Improvement Trust constituted under the Nagpur Improvement Trust Act, 1936 (C.P. and Berar XXXVI of 1936);

(b) a Special Planning Authority constituted or appointed or deemed to have been appointed under section 40 or the New Town Development Authority constituted or declared under the provisions of section 113 of the Maharashtra Regional and Town Planning Act, 1966 (Mah. XXXVII of 1966);

(c) in respect of the slum rehabilitation area declared under section 3C of the Maharashtra Slums Areas (Improvement, Clearance and Redevelopment) Act, 1971 (Mah. XXVIII of 1971), the Slums Rehabilitation Authority appointed under section 3A of the said Act;

(13) "prescribed" means prescribed by rules;

(14) "relevant municipal law" means,-

(a) the Mumbai Municipal Corporation Act (Bom. III of 1888);

(b) the Bombay Provincial Municipal Corporation Act, 1949 (Bom. LIX of 1949);

(c) the City of Nagpur Corporation Act, 1948 (C.P. and Berar II of 1950);

(d) the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965;

(15) "rules" means rules made under this Act;

(16) "Schedule" means Schedule appended to this Act.

## **CHAPTER 2** PROVISIONS RELATING TO FIRE PREVENTION AND LIFE SAFETY MEASURES

### **3. Owners Or Occupiers Liability To Provide For Fire Prevention And Life Safety Measures :-**

(1) Without prejudice to the provisions of any law or the rules, regulations or bye-laws made thereunder or the National Building Code of India, 2005, relating to fire prevention and life safety measures and in operation in the State for the time being in force, the owner or where the owner is not traceable, the occupier, of a building as classified in the Schedule-I or part of any such building shall provide fire prevention and life safety measures in such building or part thereof, minimum fire fighting installations as specified against such building in the said Schedule; and the owner or, as the case may be, the occupier shall maintain the fire prevention and life safety measures in good repair and efficient condition at all times, in accordance with the provisions of this Act or the rules :

Provided that, in the case of such building or part thereof the construction of which has been completed immediately before the date of commencement of this Act, the occupier, and subject to the provisions of sub-section (2), in the case of such building or part thereof which is under construction on such date, the owner, shall undertake and carry out such additional fire prevention and life safety measures, as are specified in the notice served on him under section 6.

Explanation.- The classified of buildings as mentioned in the Schedule-I under this section and that in Schedule-II under section 11, conforms to the classification of buildings made under the provisions of the National Building Code of India, 2005.

(2) Notwithstanding anything contained in any law for the time being in force, no authority empowered to sanction the construction plan of any building or part of a building and to issue certificate of completion thereof, shall issue any certificate of completion or part completion thereof, unless it is satisfied that the owner has complied with the requirements specified in Schedule-I, or as the case may be, in the notice so served on him as aforesaid.

(3) The owner or occupier, as the case may be, shall furnish to the Chief Fire Officer or the nominated officer, a certificate in the

prescribed form issued by a Licensed Agency regarding the compliance of the fire prevention and life safety measures in his such building or part thereof, as required by or under the provisions of this Act, and shall also furnish to the Chief Fire Officer or a nominated 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).

(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.

#### **4. Preventive Measures :-**

(1) The State Government may, by notification in the Official Gazette, require owner or occupier of premises in any area or of any class of premises used, which in its opinion, are likely to cause risk of fire, to take such precautions as may be specified in such notification.

(2) Where such notification has been issued, it shall be lawful for the Director or Chief Fire Officer or local authority or planning authority or any fire officer authorized either by the Director or Chief Fire Officer to direct the removal of objects or goods likely to cause the risk of fire, to a place of safety and on failure by the owner or occupier to do so, the Director or any Chief Fire Officer or fire officer may, after giving the owner or occupier a reasonable opportunity of making the representation, seize, detain or remove such objects or goods.

(3) The Director or the Chief Fire Officer or any other Fire Officer while performing his duties in Fire Fighting Operations or any other duties of seizure, detention or removal of any goods involving risk of fire may require the assistance of a police officer or members of the police force as an aid in performing of such duties and it will be the duty of police officer of all the ranks or such members to aid the Director or such fire officer in the execution of their duties under this Act.

#### **5. Power Of Inspection :-**

(1) The Director or the Chief Fire Officer or the nominated officer may, after giving three hours notice to the occupier, or if there is no occupier, to the owner of any place or building or part 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 :

Provided that, the Director or the Chief Fire Officer or the nominated officer may enter into and inspect any such place or building or part thereof at any time if an industry is working or an entertainment is going on at such place, building or part thereof, or if it appears to him to be expedient and necessary to do so in order to ensure safety of life and property.

(2) The Director or the Chief Fire Officer or the nominated officer shall be provided with all possible assistance by the owner or occupier, as the case may be, of such place of 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 or shall not molest 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 (1) due regard shall be paid to the social and religious sentiments of the occupiers; and before any flat, apartment or a part of such building 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.

(5) Where the inspection is carried out by the nominated officer under the preceding provisions of this section, he shall give a report of any such inspection to the Director and the Chief Fire Officer of the authority concerned.

## **6. Notice Regarding Fire Prevention And Life Safety Measures :-**

The Director or the Chief Fire Officer or the nominated officer shall, after completion of the inspection of the place or building or part thereof under section 5, 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.

## **7. Steps To Be Taken In The Event Of Non-Compliance Of Notice :-**

(1) Without prejudice to the prosecution for offence of non-compliance of the notice issued under section 6, the Director or the Chief Fire Officer may, in the event of noncompliance of any such notice, take such steps including exercising the power to have the place, building or any part thereof sealed under section 8, as may be necessary for the compliance of such notice.

(2) All expenses incurred by the Director or the Chief Fire Officer in relation to any steps taken by him under subsection (1) shall be payable on demand, by the owner or occupier on whom such notice is served, and shall, if not paid within fifteen days after such demand be recoverable, without prejudice to the provisions of subsection (3) of section 20, as if it were the arrears of tax on property and the provisions under the relevant municipal law or any other law for the time being in force and is in operation within the area of jurisdiction of the local authority or planning authority concerned for recovery of arrears of tax on property, shall apply mutatis mutandis for such recovery as they apply to the recovery of arrears of tax on property or where any such law is not so in operation then, as an arrears of land revenue.

## **8. Power To Seal Building :-**

(1) If the Director or the Chief Fire Officer is satisfied that due to inadequacy of fire prevention and life safety measures the condition of any place or building or part thereof is in imminent danger to person or property, then notwithstanding anything contained in this Act, or any other law for the time being in force, he shall, by order in writing, require the persons in possession or in occupation of such place or building or part thereof to remove themselves forthwith from such place or building or part thereof.

(2) If an order made by the Director or the Chief Fire Officer under sub-section (1) is not complied with, the Director or the Chief Fire Officer may direct,-

(a) the authority responsible for supply of electricity or the authority responsible for supply of water to disconnect the supply of electricity or water, as the case may be;

(b) any police officer having jurisdiction in the area to remove such person from such place of building or part thereof;  
and such authority or police officer shall comply with such direction;  
(3) After the removal of the persons under sub-section (1) or sub-section (2), as the case may be, the Director or the Chief Fire Officer shall cause such place or building or part thereof, to be sealed by such police officer forthwith.  
(4) No person shall remove such seal except under a written order made by the Director or the Chief Fire Officer suo motu or an application of the owner or occupier.

### **CHAPTER 3 LICENSED AGENCY**

#### **9. Power To Grant Licence To Act As Licensed Agency :-**

(1) The Chief Fire Officer may grant any person or association of persons as he thinks fit, a licence to act as a Licensed Agency for the purposes of this Act.  
(2) Any person intending to have or renew such licence shall apply to the Chief Fire Officer in the prescribed form and in the prescribed manner. Such application shall bear a court-fee stamp of five rupees and shall be accompanied by the prescribed fee.  
(3) On receipt of such application, the Chief Fire Officer may, after holding such inquiry as he deems fit, either grant the licence in the prescribed form for a period of one year or renew the same for a like period or, for reasons to be recorded in writing, by order refuse to grant or renew the licence.  
(4) Where the Chief Fire Officer has reason to believe that any person to whom a licence has been granted has contravened any provisions of this Act or of the rules or failed to comply with the conditions of the licence or is unfit by reason of incompetency, misconduct or any other grave reasons, the Chief Fire Officer may, after giving the person a reasonable opportunity to show cause, for reasons to be recorded in writing, by order suspend or cancel the licence.  
(5) The Director and the nominated officer may also exercise the powers under this section, within their respective jurisdiction.

#### **10. Licensed Agency To Carry Out Work Of Providing Fire Prevention And Life Safety Measures :-**

(1) No person other than a Licensed Agency 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 :

Provided that, if the Chief Fire Officer is satisfied that, for any reason, to be recorded in writing, the owner or occupier is not able to carry out the fire prevention and fire safety measures in any such place or building or part thereof through a Licensed Agency, he may authorise any person or persons he thinks fit to carry out such work, and any work carried out by such authorized person or persons shall be deemed to be carried out by a Licensed Agency.

(2) No Licensed Agency or any other person claiming to be such Licensed Agency shall give a certificate under subsection (2) of section 3 regarding the compliance of the fire prevention and life safety measures or maintenance thereof in good repair and efficient condition, without there being actual such compliance or maintenance.

#### **CHAPTER 4** PROVISIONS RELATING TO LEVY, COLLECTION AND RECOVERY OF FIRE SERVICE FEES

##### **11. Imposition Of Fees; And Enhancement Or Reduction Thereof :-**

(1) With effect from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf and subject to the provisions of this Act, there shall be levied a Fire Service fee at the rates specified by or under the provisions of this Chapter, for the purposes of this Act on all owners of various types of buildings specified in the Schedule-II (hereinafter in this Chapter, referred to as "the said Schedule"), within the area of a local authority or a planning authority (hereinafter, save as otherwise mentioned, throughout in this Act, collectively referred to as ("the Authority"), to which this Act applies; and different such dates may be appointed for different types of buildings and different areas of different Authorities.

(2) The rate of such fee in respect of each type of building situated within the area of any of the Authorities and classified in column 2 of each of the Part-I, Part-II or, as the case may be, Part-III of the said Schedule shall, in the first instance, be at the rate specified in each of the sub-column (1), but subject to the minimum fee specified in each of the sub-column (2), of columns 3, 4, 5, 6 and 7 of Part-I or of columns 3, 4, 5 and 6 of Part-II, or, as the case may be, of columns 3 and 4 of Part-III, as aforesaid.

(3) The Authority may, subject to the other provisions of this

Chapter, enhance from time to time, the rate of fee, including the annual fee, and levy the fee at such enhanced rate :

Provided that, the Authority may, subject to the other provisions of this Chapter, reduce, from time to time, such enhanced rate and levy fee at such reduced rate, so, however, that in no case the rate shall be reduced below the minimum rate specified in the said Schedule.

(4) In determining the rate of fee to be enhanced or reduced under sub-section (3), the Authority shall take into consideration the balance available in the Fire Protection Fund constituted under section 25 and the estimated income and expenditure (including any capital expenditure) of the Fire Services and ensure that the expenditure incurred or to be incurred has reasonable correlation with the carrying out of the purposes of this Act.

(5) The other matter relating to imposition (including guidelines), assessment and collection of such fee shall be such as may be prescribed.

## **12. Authority To Follow Preliminary Procedure Before Enhancing Or Reducing Enhanced Fee :-**

(1) The Authority, before enhancing or reducing the enhanced rate and levying the fee at such rate shall observe the following preliminary procedure, namely :-

(a) the Authority shall, by a resolution passed at a special meeting, approve the rate of fee at which it proposes to levy such fee;

(b) when such a resolution is passed, the Authority shall take further action to obtain the previous sanction of the State Government to the proposal.

(2) The State Government may, by an order published in the Official Gazette, accord sanction to the said proposal of the Authority and specify in such order the date on or after which the proposal shall be brought into force.

(3) (a) The Authority shall display on the notice board of its office the said order, and shall also publish a notice in a local newspaper informing the inhabitants of the area within its jurisdiction, of the subject matter of the order so displayed;

(b) When the rates at which the fee is leviable are enhanced or reduced under sub-section (3) of section 11, it shall not be necessary to give any separate notice thereof to the owners or occupiers of the buildings affected thereby.

## **13. Imposition Of Annual Fee And Enhancement And**

## **Reduction Thereof :-**

(1) There shall also be levied annually a further fee at the rate of one per cent. of the minimum fees specified in the respective columns of the Parts-I, II or, as the case may be, Part-III of the said Schedule against each type of building classified in column 2 of the said Parts of the said Schedule for providing the amount to defray the expenses for the purposes mentioned in sub-section (3) of section 25, and also for regular check and inspection, and other incidental expenses so as to require and cause the owner or occupier thereof to keep the necessary installations in fit condition.

(2) The Authority may, subject to the other provisions of this Chapter, enhance or reduce, from time to time, the rate of annual fee and levy such enhanced or reduced fee.

(3) In determining the rate of annual fee to be enhanced or reduced and the procedure to be followed in that regard, the provisions of sub-section (4) of section 11, sections 12 and 16 shall mutatis mutandis apply as they apply in respect of rate of initial fee and levy thereof.

## **14. Assessment And Collection Of Fees :-**

(1) Any person who, after the commencement of this Act, intends to construct a building for which permission of the Authority is required, whether he has applied for such permission or not, or who has commenced construction of a building, shall apply to the Authority within such time and in such manner as may be prescribed, for the assessment of fees payable in respect thereof.

(2) The Authority shall, on such application being made or if no such application is made, by a person constructing a building, then after serving a notice in writing on the person liable to such payment and after calling for a report in this behalf from the concerned officer of the Authority and after taking into consideration the report aforesaid, determine whether or not and, if so, what fee is leviable in respect of that construction, and after giving the person concerned an opportunity to be heard, shall then assess the amount of fee payable by such person and give to such person a notice in writing of such assessment :

Provided that,-

(a) where permission has not been granted for constructing a building, the Authority may postpone the assessment of the fee;

(b) where the application relates to the construction of a building,

the Authority may refuse to assess the amount of fee payable by such person concerned unless it is satisfied that the applicant has an interest in the land or building sufficient to enable him to carry out the construction or that the applicant is able to acquire such interest and that the applicant shall carry out the construction within such period as the Authority may determine.

(3) (a) In case of every building the construction of which has been completed immediately before the date of coming into force of this Act, no fees shall be levied under this Chapter.

(b) In the case of every building the construction of which has been completed on or after the date of coming into force of this Act, such fee, unless it has already been paid in accordance with the provisions of any law or building bye-laws or regulations in force immediately before the date appointed under sub-section (1) of section 11, shall be payable, by the owner and if the owner is not traceable by the occupier.

(4) The annual fee leviable under this Act shall be payable by the owner or occupier, in the case of the existing such building, from the date appointed under sub-section (1) of section 11, and in the case of such building the construction of which is completed after such date, from the date of occupancy certificate granted in respect of such building by the Authority, and in advance in half yearly installment or in the same manner in which property taxes are payable under the relevant municipal law, or as the case may be, any other law for the time being in force, within the area of jurisdiction of the Authority :

Provided that, the liability of the occupier to pay the fee under this sub-section shall be only to the extent of the fee payable in respect of built-up area under his occupation including his share in the area comprising common facilities in such building or part thereof.

Explanation.- For the purposes of assessment of fee under this Act, the built-up area shall be gross built-up area, which includes area of easements, stilts, stair-cases, lifts, lobbies, passages, balconies, cantilever portions and refuge areas as shown in the building plan certified by the Architect and submitted to the Authority alongwith the application for permission for construction of a building. The built-up area to be calculated for this purpose will have no relation with the floor space index or the built-up area calculated in any other manner.

(5) The amount of fee as shown in the notice of assessment shall be paid within thirty days of the date of receipt thereof by such person as aforesaid and where the amount has not been so paid or

has been partly paid, an interest at the rate of eighteen per cent. per annum upon any amount outstanding shall be payable from the date immediately following the date on which the period of thirty days as aforesaid expires till the date of payment of such amount.

(6) The Authority shall, in regard to the area lying within its jurisdiction, collect all fees due under this Act in respect of construction of any building in that area.

Explanation.- For the removal of doubt, it is clarified that where the area of jurisdiction of any two or more Authorities overlaps, the Authority which is empowered by or under the provisions of the law under which it functions, to grant permission for construction of a building shall be the Authority for the purposes of this section.

(7) (a) The fee, together with interest, if any, payable in respect of any building shall, subject to the provisions of subsection (8), be the first charge on such building and the land appurtenant thereto, subject to the prior payment of land revenue, if any, due to the Government thereon.

(b) The fee payable in respect of any building by any person shall, together with interest due upto the date of realization, be recoverable from the owner, or as the case may be, occupier or his successor in interest in such building, in the same manner in which property taxes are payable under the relevant municipal law, or as the case may be, any other law for the time being in force within the area of jurisdiction of the Authority :

Provided that, the liability of the occupier to pay the fee shall be only to the extent of the fee payable in respect of the built-up area under his occupation including his share in the area comprising common facilities in such building or part thereof.

(8) Notwithstanding anything contained in clause (11) of section 2 or sub-section (7) of this section, where a promoter as defined in clause (c) of section 2 of the Maharashtra Ownership Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963 (Mah. XLV of 1963) (hereinafter, in this sub-section, referred to as "the said Act of 1963") has constructed or intends to construct any building consisting of flats or apartments, the liability to pay the fee (including annual fee) in respect of any such building and interest, if any, shall be that of such promoter; and any amount of such fee and interest remaining outstanding shall, without prejudice to any other mode of recovery thereof available against such promoter, be the first charge on any other property which he owns or in which he has a right, title or interest (in which case such charge shall be limited to the extent of

his such right, title or interest), subject to the prior payment of land revenue, if any, due to Government thereon:

Provided that, the liability of the Promoter to pay such fee and interest, if any, shall extend to and be limited to the date of execution of the conveyance by the promoter under section 11 of the said Act of 1963.

#### **15. Exemption :-**

No fee shall be levied on any building vested in or under the control or possession of the Central or State Government or any Authority.

#### **16. Power Of State Government To Require Authority To Enhance Or Reduce Enhanced Fee :-**

(1) Where it appears to the State Government that the balance of the Fire Protection Fund of any Authority is insufficient for meeting any expenditure required to be incurred for purchasing and maintaining fire fighting equipment and property and for maintenance thereof or for creating posts of officers, staff and servants for meeting the requirements to provide fire services or generally for performance of fire fighting operations; or that such balance is more than the requirements for the purposes aforesaid, the State Government may, by notification in the Official Gazette, require the Authority to enhance the rate of fee or reduce the enhanced fee, if any, at such rate as may be specified in the said notification, so, however that any reduction in rate shall not affect the minimum rates as specified in the relevant sub-columns in the said Schedule.

(2) After receipt of such requisition as aforesaid the Authority shall forthwith proceed to enhance or, as the case may be, reduce the enhanced fee in accordance with the requisition and the resolution of the Authority passed in that behalf and the rate of fee specified therein shall take effect from the date of resolution; and the provisions of sub-section (3) of section 12 shall mutatis mutandis apply for the publication of such resolution.

#### **17. Assessment Of Fee Not Invalid For Defect Or Error :-**

No assessment or no charge or demand of any fee including interest, if any, made under the authority of this Act shall be invalid by reason of any clerical error or other defect of form, and when any property is described for the purpose of assessing any



such fee, it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier thereof.

## **CHAPTER 5 DIRECTOR OF FIRE SERVICES**

### **18. Appointment Of Director, Other Officers And Staff To Assist Director :-**

(1) The State Government shall appoint a person to be the Director of Fire Services and such other officers and staff as may be necessary from time to time to assist the Director while exercising his powers or discharging his duties or functions under this Act or the rules made thereunder.

(2) The jurisdiction of the Director so appointed shall extend to the entire State in the matters relating to fire services.

(3) Subject to the control, direction and supervision of the State Government, the Director shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or rules or orders made thereunder.

### **19. Powers And Duties Or Functions Of Director :-**

Without prejudice to the provisions of sub-section (3) of section 18, the Director shall,-

- (i) function as Head of Department in the office of the Director;
- (ii) keep liaison with the Central Government and State Government offices for the development of fire services ;
- (iii) frame the policies in relation to the development of fire services in the State and, on approval by the State Government, take steps to implement the same;
- (iv) exercise, supervision and control, over all Authorities in matters of fire prevention and fire safety measures; and subject to the approval of the State Government, issue such direction to any Authority in respect of fire services maintained or required to be maintained by them;
- (v) represent the State Government on National and International forums with a view to updating the standard of fire services in the State of Maharashtra;
- (vi) prepare and submit plans and proposals to the State Government with regard to the periodical review of fire equipment, fire property and fire manpower for effective implementation of fire services by the Authorities;

- (vii) take or cause to be taken such effective steps and measures in cases of major fires, house collapse and other emergencies or calamities;
- (viii) investigate or cause to be investigated the cause of fire and advise the Authorities for implementing fire precautionary measures;
- (ix) advise the State Government to set up additional Fire Training Center or Centers for imparting training to the officers and staff already employed in the Fire Brigades maintained by the Authorities as also to cater to the need of the various industries, commercial and mercantile establishments in the private sector and to train their officers or staff or to provide them the trained and qualified fire service personnel;
- (x) requisition fire-fighting property of any Authority or any institution or individual, which in his opinion is required for the purpose of extinguishing fire in any area; and to determine the amount of compensation payable in respect of such property by an authority in the area of which authority, such fire operation is required to be carried out;
- (xi) exercise such other powers and perform such other duties and functions as may be conferred, imposed or allotted to him by or under the provisions of this Act.

## **20. Power Of Director To Enforce Performance Of Duties :-**

- (1) When the Director is informed, on a complaint made or otherwise that default has been made in the performance of any duty imposed on an Authority by or under this Act or by or under any enactment in relation to fire fighting measures or operations for the time being in force, the Director, if satisfied after due inquiry, that the alleged default has been made, may, by order, fix a period for the performance of that duty and communicate such order to the Authority.
- (2) If the duty is not performed within the period so fixed, the Director may appoint some person to perform it, and may direct that the expenses of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Authority.
- (3) If the expense and remuneration are not so paid, the Director may make an order directing the bank in which any moneys of the Authority are deposited or the person in charge of the local Government Treasury or of any other place of security in which the

moneys of the Authority are deposited, to pay such expenses and remuneration from such moneys as may be standing to the credit of the Authority in such bank or may be in the hands of such person or as may, from time to time, be received from or on behalf of the Authority by way of deposit by such bank or person, and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the Authority in respect of any sum or sums so paid by it or him out of the moneys of the Authority so deposited with such bank or person.

## **CHAPTER 6** PROVISIONS REGARDING FIRE OFFICERS AND FIRE PERSONNEL

### **21. Classification Of Authorities And Creation Of Posts In Fire Services :-**

(1) For the purpose of providing adequate number of officers and staff for meeting the needs of fire services within the jurisdiction of the local authorities and planning authorities having regard to the potential fire hazards in certain industries and large commercial and mercantile establishments and buildings and the number of fire stations required to be provided for and maintained within the respective areas of the local authorities and the planning authorities, such Authorities shall be classified as under :-

- (a) the Municipal Corporation of Brihan Mumbai;
- (b) Municipal Corporations having minimum population above fifteen lakhs to be classified as A Class Municipal Corporations;
- (c) Municipal Corporations having population of five lakhs and above upto fifteen lakhs, to be classified as B Class Municipal Corporations;
- (d) all other Municipal Corporations not covered by clauses (a), (b) or (c) to be classified as C Class Municipal Corporations; and
- (e) Municipal Councils, Nagar Panchayats, Industrial Townships and planning authorities to be classified as D Class Municipal Councils, Nagar Panchayats, Industrial Townships and planning authorities.

(2) Subject to the directions, if any, as the Director may, within the approval of the State Government, by notification in the Official Gazette, issue from time to time, in this behalf, the existing pattern of the Fire Brigade including the qualification, pay, allowances and other conditions of service and method of recruitment of the officers and other staff engaged therein, in the Municipal Corporation of Brihan Mumbai shall continue.

(3) The Municipal Corporations and the Municipal Councils, Nagar Panchayats, Industrial Townships and the planning authorities may, and, if so required by the State Government, shall create all or any of the following posts, namely :-

(a) for Municipal Corporations of A, B and C Classes,-

(i) Chief Fire Officer,

(ii) Deputy Chief Fire Officer,

(iii) Divisional Fire Officer,

(iv) Assistant Divisional Fire Officer,

(v) Station Officer,

(vi) Assistant Station Officer,

(vii) Sub-Officer,

(viii) any other Fire Officer and Fire Personnel with such designation as the State Government may, by order, direct from time to time.

(b) for D Class Municipal Councils, Nagar Panchayats, Industrial Townships and planning authorities,-

(i) Chief Fire Superintendent or Fire Superintendent,

(ii) Assistant Chief Fire Superintendent or Assistant Fire Superintendent,

(iii) Station Officer,

(iv) Assistant Station Officer,

(v) Sub-Officer,

(vi) any other Fire Officer and Fire Personnel with such designations as the State Government may, by order, direct from time to time.

(4) Without prejudice to the provisions of sub-section (2) but, subject to the provisions of section 22, the qualification, pay, allowances and other conditions of service and method of recruitment of the officers specified in sub-sections (2) and (3) shall be regulated by orders issued by the State Government in this behalf.

(5) Subject to the provisions of section 22 or any order issued by the Director or the State Government in this behalf, the power of making appointment to the posts specified in sub-sections (2) and (3) shall vest in the Municipal Corporation, Municipal Council, Nagar Panchayats, Industrial Townships or planning authority, as the case may be.

## **22. Constitution Of Maharashtra Fire Services And Provision Relating Thereto :-**

(1) If the State Government considers it necessary or expedient for the purpose of bringing about a more efficient Fire Service of

Officers of Municipal Corporations, Municipal Councils, Nagar Panchayats, Industrial Townships and planning authorities with uniform terms and conditions of service to carry out the functions and duties by or under this Act, the State Government may, notwithstanding anything contained in this Act or any other law for the time being in force, by notification in the Official Gazette,-

(a) constitute, in respect of all or any class or classes of Municipal Corporations, Municipal Councils, Nagar Panchayats, Industrial Townships or planning authorities as specified in sub-sections (2) and (3) of section 21, a fire service or services (to be called such designations as may be specified in the notification) of,-

(i) Chief Fire Officers of such Authorities or any of them, and

(ii) all or any of the other officers, specified in subsections (2) and (3) of section 21;

(iii) all or any of the other officers, specified in subsections (2) and (3) of section 21;

(b) direct from time to time that each such fire service shall consist of such classes, cadres and posts (including grades of posts) and the initial strength of officers in each such classes or cadres shall be such, as may be specified in the notification, and

(c) further direct that the officers included in any such classes or cadres shall belong to such service of the State Government as may be specified in the notification.

(2) The State Government may make rules for regulating the mode of recruitment by holding examinations or otherwise; including provisions for the absorption of person or persons already working under any of the Authorities in fire service or services constituted under this section or otherwise and providing for terminal benefits as compensation, pension or gratuity or the like, to persons who elect not to be absorbed or cannot be absorbed, or who elect to retire, and the conditions of service of persons appointed or absorbed, to such fire services and in respect of persons appointed or absorbed in such services constituted under this section, the provisions with regard to punishment of officers and servants applicable to them by virtue of the provisions made by or under any law for the time being in force and in operation within the area of jurisdiction of such Authority under which such persons are serving on the date of such appointment or absorption, shall cease to apply :

Provided that, such cessor shall not, in relation to absorbed officers, affect the previous operation of such provisions in respect of anything done or omitted to be done before such absorption :

Provided further that, the terms and conditions of service applicable immediately before the appointed day to any officer shall not be varied to his disadvantage, except with the previous approval of the State Government.

(3) Except as otherwise provided in any rules made under sub-section (2), all rules, regulations or orders as amended from time to time and for the time being in force in the State and applicable to officers in the relevant class of service of the State Government shall continue to apply to officers appointed to, or absorbed in, any such service and shall be deemed to be rules, regulations or orders made under this Act, until other rules, regulations or orders, if any, are made in this behalf or subject to such modifications, as the State Government may, from time to time, by notification in the Official Gazette, and in any other prescribed manner make.

(4) Notwithstanding anything contained in sub-section (5) of section 21, the power of making appointments of officers to any such fire service under this section including promotions, transfers and all matters relating to any conditions of service shall vest in the State Government or the Director when duly authorized by the State Government for that purpose.

(5) The officers included in any fire service constituted under this section shall be the servants of the State Government; but they shall draw their salaries and allowances directly from the municipal fund or the fund of the planning authority.

(6) There shall be paid every year out of the municipal or planning authority fund to the State Government such cost as the State Government may determine on account of pension, leave and allowances, other than those drawn from the municipal fund or the fund of the planning authority under sub-section (5), of the officers belonging to any of the fire services constituted under this section and all the expenses incurred by the State Government for administering the fire service or services constituted under this section. If any such Municipal or planning authority fails to pay such cost and expenses (or the salaries and allowances of such officers) within the period prescribed in this behalf, then the provisions of sub-section (3) of section 20 shall apply to the payment of such cost and expenses (or the salaries and allowances of such officers) as they apply in relation to the payment of the expense and remuneration not paid under that section.

### **23. Appointment Of Other Staff And Servant :-**

The Authority may create posts of other clerical staff and servants and appoints persons thereto for carrying out day to day activities and maintenance of records in the office of the Fire Brigade, in the same manner as they are created and appointed by or under the provisions of the law for the time being in force and applicable to such Authority.

#### **24. Continuation Of Existing Fire Officer And Staff :-**

Save as otherwise provided by or under this Act, every person holding office either as a Chief Fire Officer or Fire Officer or Staff or employee or servant (by whatever designation called) on an existing Fire Brigade or fire service of any Authority on the date immediately before the commencement of this Act 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 Act.

### **CHAPTER 7 CONSTITUTION OF SPECIAL FUND**

#### **25. Constitution Of Special Fund :-**

(1) There shall be constituted a special fund called the "Fire Protection Fund" to which shall be credited the fees imposed and collected under this Act.

(2) The special fund shall be reflected into the budget estimate of the respective Authority and the Accounts in respect thereof shall be maintained and audited in accordance with the procedure prescribed for the purpose of maintenance of accounts in the relevant law or the rules and orders made thereunder and are applicable to the respective authority.

(3) The amounts in the fund shall subject to the provisions of this Act and subject to the general or special order of the State Government, be applied for the purpose of maintaining Fire Brigade in general (which shall also include the expenditure on salaries, allowances and other incidental expenses on the Fire Officers and Staff) and for providing sophisticated equipments and appliances, in particular, for the purpose of preventing and extinguishing fire on any land or in any building within or without the limits of the Authority and to no purpose other than the purposes mentioned in this Act.

### **CHAPTER 8 SUPPLEMENTAL AND MISCELLANEOUS**

## **26. Requisitioning Of Fire Fighting Property :-**

(1) Where the Director or the Chief Fire Officer or any other Fire Officer of any Authority, who is incharge of a fire fighting operation requires fire fighting equipment 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 in any area and take possession thereof from the Authority or any institution or individual, as the case may be.

(2) As soon as may be, after the fire fighting operations are over, such officer shall release the equipment or property, taken possession of under sub-section (1) from requisition and restore the same to the Authority, institution or individual from whose possession such property was taken.

(3) Where any fire fighting equipment or property is requisitioned under sub-section (1), there shall be paid to the owner of such property, compensation the amount of which shall be determined in accordance with the principles hereinafter set out, that is to say,-

(a) where the amount of compensation can be fixed by agreement between the Director or, as the case may be, the Chief Fire Officer and the owner of the fire fighting property, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the Director or, as the case may be, the Chief Fire Officer shall refer the matter to the Magistrate having jurisdiction over the area in which the fire fighting equipment or property was kept and the Magistrate shall, after hearing the parties and such other person as he deems necessary, fix the amount of compensation taking into consideration the rent which the fire fighting equipment or property would normally fetch if rented out of a similar purpose. The orders of the Magistrate fixing the amount of compensation shall be final.

## **27. Powers Of Director Or Fire Officer On Occasion Of Fire :-**

(1) On the occasion of fire in any area, the Director or the Chief Fire Officer or any other Fire Officer who is incharge of fire fighting operations on the spot may,-

(a) remove, or order any other fire officer or fire personnel to remove, any person who by his presence, interferes with or impedes the operations for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which fire is burning;



(c) 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 :

Provided that, the owner or occupier, as the case may be, of any such premises shall be granted reasonable compensation to the extent of the damage so caused in such manner as may be prescribed;

(d) require the authority incharge of water supply in the area, to regulate the water mains so as to provide water at a specified pressure at the place where the fire has broken out and utilize 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;

(e) exercise, in the absence of aid from the police, the same powers for dispersing an assembly of persons likely to obstruct the fire-fighting operations as if he were an officer-in-charge of a police station and as if such an assembly were an unlawful assembly and be entitled to the same immunities and protection as such officer, in respect of the exercise of such powers;

(f) generally take such measures as may appear necessary for extinguishing the fire or for the protection of life or property.

(2) Any damage done to any premises or property, on the occasion of fire, by members of the service in the due discharge of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

## **28. Power Of The Officer-In-Charge Of Fire Fighting Arrangements For Supply Of Water :-**

It shall be lawful for the officer-in-charge of the fire-fighting operations to draw water from any source in the area which he considers necessary for such 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.

## **29. Power Of Director Or Chief Fire Officer Or Fire Officer To Enter Into Agreements For Assistance :-**

Notwithstanding anything contained in section 26, the Director or the Chief Fire Officer of any Authority or any other Fire Officer authorize by the Authority, may enter into agreements with any

persons who employs and maintains personnel or equipment or both for fire-fighting purposes, to secure, on such terms as may be prescribed, the provisions by that persons of assistance for the purpose of dealing with fires occurring in any area in which this Act is in force.

### **30. Training Centres :-**

The State Government may establish and maintain one or more training centres in the State for providing courses of instruction in the prevention and extinguishment of fire and may close down or re-establish any such centre.

### **31. Levy Of Training Fee :-**

The State Government may prescribe such fee and such procedure as it may deem fit for providing a course of instruction in the prevention and extinguishment of fire.

### **32. Appeals :-**

(1) Any person aggrieved by -

- (a) the notice issued under section 6, or
- (b) the refusal of the Director or Chief Fire Officer to pass an order under sub-section (4) of section 8, or
- (c) the notice of assessment under sub-section (2) or (4) of section 14, may, prefer an appeal to such an officer as the State Government may by notification in the Official Gazette, designate in this behalf, being an officer not below the rank of Director, and may, by the same notification or by a like notification designate one or more such officers and assign to them the areas or part of the areas of the local authorities or planning authorities over which each of such officers shall exercise his jurisdiction.

(2) Such appeal shall be made in such manner and accompanied by such fee, as may be prescribed.

(3) (a) The officer so designated may, after giving a reasonable opportunity to the appellant and the Authority, of being heard, by an order confirm, reduce, enhance or annul the assessment of fee.

(b) Where the assessment is annulled or set aside in an appeal, such officer deciding the appeal may direct the Authority to make a fresh assessment after such further enquiry as may be directed.

(4) Every order passed in appeal under this section shall be final and conclusive.

### **33. Procedure For Filing Appeal :-**

No appeal under section 32 shall be entertained unless,-

(a) the appeal -

(i) under clause (a) or (b) of sub-section (1) of section 32 is brought within fifteen days from the date of service of notice or the date on which the refusal is communicated to the applicant;

(ii) under clause (c) of sub-section (1) of section 32 is brought within forty-five days after the receipt of notice of the assessment :

Provided that, the Officer so designated may admit an appeal preferred after the expiration of the fifteen days or, as the case may be, forty-five days as aforesaid if, such officer is satisfied that the appellant had sufficient cause for not preferring the appeal within the said period,

(b) the full amount claimed in the notice of assessment from the appellant together with the amount of interest, if any, due thereon till the date of preferring an appeal, has been deposited by him in the office of the Authority.

### **34. Interest On Amount Of Enhanced Assessment Or Refund :-**

If as a result of an order passed in appeal under section 32, the assessment is enhanced and any amount of difference is required to be recovered from the appellant or any amount from out of the amount paid under clause (b) of section 33 is required to be refunded to the appellant, an interest at the rate of eighteen per cent. per annum shall be payable,-

(a) in the case of amount to be so recovered, from the date of receipt of notice of original assessment till the date of recovery thereof;

(b) in the case of amount to be so refunded, from the date on which the amount was paid under clause (b) of section 33 till the date of refund thereof.

### **35. Bar Of Jurisdiction Of Courts :-**

No court shall entertain any suit, application or other proceeding in respect of any notice under section 6 or any action taken under section 8 or order of refusal to permit removal of seal passed under subsection (4) of section 8 of this Act or notice of assessment under sub-section (2) or (4) of section 14; and no such notice or action or order shall be called in question otherwise than by preferring an

appeal as provided by this Act.

### **36. Offences And Penalties :-**

(1) Whoever contravenes any provision of any of the following sections, namely :-

(a) under section 3,-

(i) sub-section (1), failure of the owner or, as the case may be, the occupier to provide and maintain the fire prevention and life safety equipment in good repair and efficient condition;

(ii) sub-section (4), tampering with, altering, removing or causing any injury or damage to any fire prevention and life safety equipment installed in a building or instigating any other person to do so;

(b) under section 4, sub-section (2), failure to remove objects or goods likely to cause the risk of fire;

(c) under section 5, sub-section (3), obstructing the entry by a person or molesting such person after such entry for inspection;

(d) under section 6, failure to comply with the notice, directing the owner or occupier to undertake measures regarding fire prevention and life safety;

(e) under section 8,-

(i) sub-section (2), failure to comply with the direction issued by the Director or the Chief Fire Officer, as the case may be,

(ii) sub section (4), removing the seal of the building without written order made by the Director or the Chief Fire Officer;

(f) under section 10, sub-section (1),-

(i) carrying out the work of providing fire prevention and life safety measures, or performing such other related activities by a person other than the Licensed Agency;

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

(g) under section 14, sub-sections (1) and (2), construction of a building without applying for permission of the Authority or without such permission and thereby avoiding to apply for assessment of fee payable under this Act;

shall without prejudice to any other action taken or which may be taken under any of the provisions of this Act, be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than rupees 20,000 but which may extend to

rupees 50,000; and where the offence is continuing one with a further fine which may extend to rupees 3000 for every day during which such offence continues after the conviction for the first such offence :

Provided that, in the absence of any special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than three months and such fine shall not be less than ten thousand rupees or such daily fine shall not be less than one thousand rupees per day for a continuing offence.

Explanation.-The expressions used in clauses (a) to (g) are not intended as the definitions of offences described in the sections mentioned in each of these clauses or even as abstracts of those sections but are mentioned merely as references to the subject matter of the offences under those sections.

(2) Whoever -

(a) willingly attempts, in any manner whatsoever, to evade any fee leviable under this Act, or

(b) willingly attempts, in any manner whatsoever, any payment of any fee or interest or both under this Act, or

(c) contravenes any of the provisions of this Act or the rules for which no specific penalty has been provided by this Act, or

(d) fails to comply with the requirements of any order or any notice or any directions issued under any of the provisions of this Act or the rules by the Director or any Authority or the Chief Fire Officer of such Authority or any other officer authorised by any of them, for which no specific penalty has been provided by this Act, shall, on conviction, be punished,-

(i) in case where the amount of fees or interest or both involved exceeds rupees 50,000 during the period of a year, with rigorous imprisonment for a term which shall not be less than six months but which may extend to three years and with fine;

(ii) in case where such amount is less than rupees 50,000 during a year, with rigorous imprisonment for a term which shall not be less than three months but which may extend to one year and with fine;

(iii) in case of contravention of any provision of this Act or the rules made thereunder or failure to comply with the requirements of any order or notice as aforesaid, with rigorous imprisonment for a term which shall not be less than six months but which may extend to three years and with fine :

Provided that, in the absence of any special and adequate reasons to the contrary to be mentioned in the judgment of the court,

punishment under any of these paragraphs shall not be less than one month and such fine shall not be less than two thousand rupees.

(3) Whoever aids or abets any person in commission of any offence specified in sub-section (1) or (2) shall, if the act is committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be punished with the punishment provided for the offence.

Explanation.- An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

### **37. Cognizable And Non-Bailable Offences :-**

Offences under sub-section (4) of section 3 and of removal of seal without an order under sub-section (4) of section 8 shall be cognizable and non-bailable.

### **38. 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 or, 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 a firm, means a partner in the firm, and in relation to any association of persons or body of individuals, means any member controlling the affairs thereof.