

Central Regulation

2026

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भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-20022026-270376
CG-DL-E-20022026-270376

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 4] नई दिल्ली, शुक्रवार, फरवरी 20, 2026/फाल्गुन 1, 1947 (शक)

No. 4] NEW DELHI, FRIDAY, FEBRUARY 20, 2026/PHALGUNA 1, 1947 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th February, 2026/Phalguna 1, 1947 (Saka)

THE LAKSHADWEEP MARINE FISHERIES REGULATION, 2026

No. 1 OF 2026

Promulgated by the President in the Seventy-seventh Year of the Republic of India.

A Regulation to provide for the promotion of sustainable development and management of fisheries in the Union territory of Lakshadweep and for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Lakshadweep Marine Fisheries Regulation, 2026.

(2) It extends to the whole of the Union territory of Lakshadweep.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) “adjudicating officer” means an officer authorised by the Administrator, by notification under sub-section (2) of section 13;

(b) “Administration” means the Administration of the Union territory of Lakshadweep;

(c) “Administrator” means the Administrator of the Union territory of Lakshadweep appointed by the President under article 239 of the Constitution;

(d) “Appellate Authority” means an Authority appointed by the Administrator by notification under sub-section (1) of section 16;

(e) “authorised officer” means an officer appointed by the Administrator, by notification under section 3;

(f) “Department” means the Department of Fisheries in the Union territory of Lakshadweep;

(g) “fish” includes all marine flora and fauna, live or dead, excluding the species covered under the Wild Life Protection Act, 1972;

53 of 1972.

(h) “fish aggregating device” means man-made drifting or anchored buoys or raft or boats or any other object with or without light connected to it, so as to attract and aggregate fishes and other organisms;

(i) “fisheries” means fishing and fishing related activities and includes harnessing, conservation, research, recreation and management thereof;

(j) “fishing” means searching for or trailing or pursuing fish, catching or taking or harvesting fish by any method including recreational and sport fishing;

(k) “fishing gear” means any net, cage, trap or other contrivance used for fishing;

(l) “fishing related activities” includes collection, landing, packaging, marketing, processing, preserving, or live transportation of fish, transshipping or transporting of fish that have not been previously landed at port;

(m) “fishing vessel” means a ship or a boat whether or not, fitted with mechanical means of propulsion which is engaged in sea fishing or allied activities and includes wooden or fibre reinforced plastic canoes, dinghies, sailing vessel, catamaran, country craft and the like;

(n) “Master” means any person, by whatever name called, having command or charge of the fishing vessel;

(o) “notification” means a notification published in the Official Gazette and the expressions “notify” or “notified” shall be construed accordingly;

(p) “Official Gazette” means the Official Gazette of the Union territory of Lakshadweep;

(q) “owner” in relation to a fishing vessel, means the person in whose name the fishing vessel is registered under the provisions of the Merchant Shipping Act, 1958.

44 of 1958.

Explanation.—For the purposes of this clause, the expression “person” includes any company or association or body of individuals, whether incorporated or not;

(r) “port” means the place such as port, fishing harbour, wharf, pier, dock, jetty and fish landing centre where landing or berthing facilities have been provided for fishing vessels and their adjoining areas set apart for repair yards, fuel and ice supply installations, auction hall, fish processing plant and within such limits as may be notified by the Administrator from time to time;

(s) “prescribed” means prescribed by the rules made by the Administrator under this Regulation;

(t) “specified area” means such area or areas in the sea, land, lagoon and internal waters around the Union territory of Lakshadweep, but not beyond the territorial waters, as may be notified by the Administrator;

(u) “territorial waters” shall have the same meaning as referred to in section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976;

(v) “Union territory” means the Union territory of Lakshadweep.

3. The Administrator may, by notification, authorise,—

Authorisation of Officers.

(a) any officer of the Administration, not being an officer below the rank of a Gazetted Officer; or

(b) any officer of the Central Government, not being an officer below the rank of a Gazetted Officer, with the consent of that Government,

to exercise the powers conferred on, and discharge the duties imposed upon, as an authorised officer in such area as may be notified.

4. The Administrator may, notify from time to time,—

Power to notify specified area, port, fishing harbour and fish landing centre.

(a) such area or areas in the sea, land, lagoon and internal waters around the Union territory, but not beyond the territorial waters, as specified area;

(b) any area or place or space within the specified area as port, fishing harbour or fish landing centre, as the case may be.

5. (1) Subject to the provisions of sub-section (2), the Administrator may, by notification, regulate, restrict or prohibit the matters relating to—

Power to regulate or prohibit certain matters within specified areas.

(a) fishing in specified area by such class or classes of fishing vessels;

(b) the number of fishing vessels which may be used for fishing in specified area;

(c) fishing in any specified area of such species of fish and for such period;

(d) the use of such fishing gear or engine power or fish aggregating devices in specified area;

(e) fishing and fishing related activities in respect of such size in specified area;

(f) juvenile fishing and fishing related activities in specified area.

Explanation.—For the purposes of this clause, the expression “juvenile fishing” means fishing of a young fish or organism that has not reached sexual maturity and not yet capable of breeding;

(g) the size including the size of the mesh of fishing nets;

(h) the use of dynamites or any other explosive substances, poisons or noxious chemicals, or destructive materials or any destructive methods for fishing; and

(i) the hours in a day during which any person may carry on fishing or fishing related activities in specified area using such class or classes of fishing vessels.

(2) While issuing a notification under sub-section (1), the Administrator shall have due regard to the following, namely:—

(a) protect the interests of different sections of persons engaged in fishing, exempting country crafts and other small vessels and fishers from the purview of regulation for licence;

(b) conserve fish and regulate fishing on a scientific basis;

(c) maintain law and order at the sea; and

(d) any other matter as may be prescribed.

(3) No owner or Master of a fishing vessel shall use, or allow such fishing vessel to be used, for fishing or fishing related activities in any manner, which contravenes the provisions of this section:

Provided that nothing in this section shall be construed as preventing the passage of any fishing vessel from, or to, the shore, through any specified area to, or from, any area other than a specified area for the purpose of fishing or for any other purpose:

Provided further that the passing of such fishing vessel through any specified area shall not, in any manner, cause damage to fishing nets or tackles belonging to any person who engages in fishing in the specified area by using any traditional fishing craft such as catamaran, country craft and canoe, in accordance with the provisions of this Regulation.

CHAPTER II

LICENSING OF FISHING AND FISHING RELATED ACTIVITIES

Prohibition of fishing or fishing related activities without licence.

6. (1) No person shall, after the commencement of this Regulation, undertake fishing or fishing related activities in any specified area without a valid licence issued under this section.

(2) The authorised officer shall have the power to issue licence for using fishing vessel under this section.

(3) The owner of a fishing vessel shall make an application to the authorised officer for the grant of licence under sub-section (1) for using such a fishing vessel for fishing and fishing related activities in any specified area.

(4) No fishing vessel shall be granted a licence under sub-section (3), unless it is registered as a fishing vessel under the Merchant Shipping Act, 1958:

44 of 1958.

Provided that nothing contained in this sub-section shall apply to a fishing vessel which is not required to be registered or exempted from being registered under the Merchant Shipping Act, 1958.

44 of 1958.

(5) Nothing contained in this section shall apply to a fishing vessel, which was being used for fishing immediately before the commencement of this Regulation, for such period as may be notified by the Administrator.

(6) No person shall establish or operate any offshore platform without a valid licence.

Explanation.—For the purposes of this sub-section and sub-sections (7), (8), (10), (13) and (14) the expression “Offshore platforms” means platforms established within the territorial waters including internal waters for collection, processing, transshipment of fish or any other fishing related activities including the temporary berthing of fishing vessels.

(7) The authorised officer shall have the power to issue licence for operating an offshore platform under this section.

(8) Any person desirous of establishing or operating an offshore platform shall make an application to the authorised officer for the grant of licence.

(9) Every application under sub-section (3) or sub-section (8) shall be in such form, contain such particulars, and be accompanied by such fee, as may be prescribed.

(10) The authorised officer may, after making such inquiry as he may deem fit and having regard to the matters referred to in sub-section (12) or sub-section (13), as the case may be, either grant or refuse to grant a licence to the owner of a fishing vessel for use of his fishing vessel for fishing or fishing related activities or to the applicant who is desirous of establishing or operating an offshore platform, as the case may be:

Provided that if the authorised officer refuses to grant a licence under this section, he shall record his reasons for such refusal in writing, which shall be communicated to the applicant, in such form, manner and within such time as may be prescribed.

(11) A licence granted to a fishing vessel under sub-section (10) shall provide the specified area within which such fishing vessel may be permitted for fishing or fishing related activities, as the case may be.

(12) In granting or refusing to grant a licence to a fishing vessel for fishing or fishing related activities under sub-section (10), the authorised officer shall have regard to the following, namely:—

- (a) sea safety, communication systems, transponders and insurance for such class or classes of fishing vessel;
- (b) condition of the fishing vessel including the accessories and fishing gear with which it is fitted;
- (c) maintenance of law and order at sea;
- (d) the matters related to public interest and national security;
- (e) compliance of the fishing vessel to any notification issued under section 5; and
- (f) any other matter as may be prescribed.

(13) In granting or refusing to grant a licence for establishing or operating an offshore platform, as the case may be, under sub-section (10), the authorised officer shall have regard to the following, namely:—

- (a) sea safety conditions of the offshore platform;
- (b) suitability of the location;
- (c) communication systems onboard the platform;
- (d) maintenance of law and order at sea;
- (e) matters related to public interest and national security;
- (f) obtaining necessary statutory clearances under the Environment Protection Act, 1986; the Air (Prevention and Control of Pollution) Act, 1981; and the Water (Prevention and Control of Pollution) Act, 1974, as applicable; and
- (g) any other matter as may be prescribed.

(14) The licence granted under this section shall be in such form, manner, time and be subject to such conditions, as may be prescribed:

Provided that different fee and different amounts by way of security may be prescribed in respect of licences for different classes of fishing vessels used for fishing and fishing related activities and for different classes of offshore platforms and installation therein.

(15) The licence granted under this section shall be valid for the period specified therein or for an extended period, not exceeding such intervals of period as may be prescribed.

(16) Every application for extension of the licence period shall be made in such form, contain such particulars, and be accompanied by such fee, as may be prescribed.

(17) Subject to the rules that may be made in this behalf, the authorised officer may, by order, vary or amend a licence or the conditions of a licence granted under this section:

Provided that before varying or amending a licence or its conditions under this section, the authorised officer shall provide the licence holder an opportunity of being heard and shall record the reasons for such variation or amendment in writing.

7. (1) If the authorised officer is satisfied, either on a reference made to him in this behalf or when he has sufficient reasons to believe that—

(a) a licence granted under section 6 has been obtained by misrepresentation as to an essential fact; or

(b) the holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted; or

(c) the holder of a licence has contravened any of the provisions of this Regulation or any order or rule made thereunder,

then, without prejudice to any penalty to which the holder of the licence may be liable under this Regulation, the authorised officer may, after giving the holder of the licence an opportunity of showing cause, and on being heard, suspend or cancel the licence or forfeit the whole or any part of the security, if any, furnished for the due performance of the conditions subject to which the licence has been granted.

(2) Notwithstanding anything contained in this section and without prejudice to any other penalty to which the licence holder may be liable under this Regulation, the Administrator may, for the protection of the public interest or for maintenance of law and order, cancel a licence granted under section 6.

8. Where a licensed fishing vessel moves from the area of one port to the area of another port, for use in the area of such other port, the owner of such fishing vessel shall furnish information in such form and manner as may be prescribed, to the authorised officer who had granted licence and to the port authority having jurisdiction over the area of such other port to which the fishing vessel moves.

9. Every owner of a licensed fishing vessel shall furnish to the authorised officer, voyage reports at such intervals and in such form and manner, as may be prescribed.

10. The authorised officer may, at any time, without giving notice, enter and inspect any fishing vessel to verify the compliance of the provisions of this Regulation, rules, notifications or orders made thereunder.

11. (1) Any person aggrieved by an order of the authorised officer refusing to grant licence to a fishing vessel or offshore platform or cancelling, suspending, varying or amending such licence, or forfeiting of any security furnished, as the case may be, may, within a period of thirty days from the date on which the order is communicated to such person, prefer an appeal to the adjudicating officer, in such form and manner as may be prescribed:

Cancellation and suspension of licence.

Information to authorised officer and port authority.

Voyage report to be furnished by owner of licensed fishing vessel.

Power to enter any fishing vessel.

Appeal to adjudicating officer.

Provided that the adjudicating officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within such time.

(2) On receipt of an appeal under sub-section (1), the adjudicating officer shall, after giving the parties an opportunity of being heard, pass such order, thereon as he deems fit, as expeditiously as possible and in any case before the expiry of three months from the date of presenting the appeal before him.

12. (1) The authorised officer may, if he has sufficient reason to believe that any fishing vessel is being or has been used in contravention of any of the provisions of this Regulation or of any order, notification or rules issued or made thereunder or any of the conditions of the licence granted under this Regulation, enter and search such fishing vessel and seize such fishing vessel and fish found on it and shall submit a report under sub-section (1) of section 13 to the adjudicating officer within such time as may be prescribed.

Power to enter, search and seizure of fishing vessel.

(2) The authorised officer shall detain the seized fishing vessel, at such place and in such manner as may be prescribed.

(3) The authorised officer may seize any fishing gear or fish aggregating devices as are prohibited for use under section 5, if he has found such fishing gear or fish aggregating devices onboard the fishing vessel, or used for the purpose of fishing or fishing related activities and shall submit a report under sub-section (1) of section 13 to the adjudicating officer within seven days from the date of such seizure.

(4) In the absence of suitable facilities for the storage of the fish seized, and where the authorised officer considers the disposal of such fish necessary, dispose of such fish and deposit the proceeds thereof in such manner as may be prescribed.

13. (1) Where the authorised officer has reasonable grounds to believe that a fishing vessel is being or has been used in contravention of any of the provisions of this Regulation or of any order, notification or rules issued or made thereunder or any of the conditions of the licence granted under this Regulation, he shall prepare and submit a report thereof to the adjudicating officer regarding the contravention committed, in such form and manner as may be prescribed.

Adjudication.

(2) The adjudicating officer referred to in sub-section (1) shall be any officer of the Department or Central Government, not below the rank of Deputy Director of Fisheries authorised by the Administrator, by notification, to exercise the powers conferred on, and discharge the duties imposed upon, by this Regulation for such areas as may be specified therein.

(3) The adjudicating officer appointed under sub-section (2) shall be at least one rank above the rank of authorised officer.

(4) Upon receipt of the report from the authorised officer, the adjudicating officer shall hold an inquiry into the matter mentioned in the report in such manner as may be prescribed, and after being satisfied that a contravention has been committed, shall issue a notice to the owner or Master of the fishing vessel requiring him to show cause as to why penalty should not be levied or other action should not be taken against him under this Regulation:

Provided that the adjudicating officer shall along with such notice, provide a copy of the report submitted by the authorised officer under sub-section (1) and all other relevant material to the owner or Master of the fishing vessel, as the case may be:

Provided further that any fishing vessel seized or fishing gear seized under section 12, shall be released if no notice under this sub-section is issued within a period of fourteen days from the date of seizure of such fishing vessel or fishing gear.

(5) The owner or Master of the fishing vessel, as the case may be, may at any time, before or after the issuance of a notice under sub-section (4), may make an application before the adjudicating officer for release of the fishing vessel seized under sub-section (1) of section 12, and the adjudicating officer shall release such seized fishing vessel upon the owner or Master, as the case may be, furnishing a security deposit in the form of bond or such other form, subject to such conditions as may be prescribed:

Provided that any such bond furnished shall automatically stand discharged, if no notice under sub-section (4) is issued within a period of fourteen days from the date of seizure of such fishing vessel:

Provided further that if no application for release is made by the owner or Master, as the case may be, in respect of any seized fishing vessel within a period of six months from the date of receipt of a notice under sub-section (4), the adjudicating officer shall declare the seized fishing vessel as abandoned and upon such declaration, the fishing vessel shall vest with the Administration, free from all encumbrances and such fishing vessel may be disposed of by the Administration in such manner as may be prescribed.

(6) The owner or Master of a fishing vessel, who has received a notice under sub-section (4), shall file his reply before the adjudicating officer within a period of thirty days from the date of receipt of such notice.

(7) The adjudicating officer shall, upon considering the reply of the owner or Master of the fishing vessel who has received a notice under sub-section (4), if any, placed before him and after providing an opportunity of being heard to such owner or Master, either pass an order in accordance with section 17 or dismiss the proceedings, as the case may be:

Provided that any fishing vessel seized and released pursuant to an application made under sub-section (5) shall be liable to be seized by the adjudicating officer under section 15, in such manner as may be prescribed:

Provided further that any fishing gear seized under section 12 shall be liable to be dealt with in such manner as provided in section 15:

Provided also that any fishing vessel seized under section 12, in respect of which any security deposit in the form of bond or such other form is furnished by the owner or Master of the fishing vessel shall automatically be discharged upon dismissal of the proceedings:

Provided also that any fishing gear seized under section 12 shall be released upon dismissal of the proceedings.

CHAPTER III

MONITORING, CONTROL AND SURVEILLANCE SYSTEM

Monitoring,
control,
surveillance
measures and
enforcement.

14. (1) The Administrator shall, in consultation with the Indian Coast Guard, Marine Police and such other authorities, as he may deem fit, notify the monitoring, control and surveillance measures for implementation of the provisions of this Regulation:

Provided that different levels of monitoring, control and surveillance measures may be prescribed for different classes of fishing vessels and different specified areas.

(2) Every owner or Master of a fishing vessel and every fisherman and member of the crew onboard a fishing vessel shall carry such proof of his identity including Aadhaar number or any other alternate and viable means of identification, as may be notified by the Administrator.

18 of 2016.

Explanation.—For the purposes of this sub-section, the expression “Aadhaar number” means the twelve digit unique identification number of an individual generated by the Unique Identification Authority of India, under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

(3) Every owner or Master of the fishing vessel licensed under this Regulation, as the case may be, shall keep and maintain onboard such fishing vessel, communication and positioning systems or devices, and ensure that such systems and devices are in working condition before every voyage at all times when the fishing vessel is at sea:

Provided that any class or classes of fishing vessels may be exempted, from keeping and maintaining onboard, such systems or devices, in such manner as may be prescribed.

CHAPTER IV

CONTRAVENTIONS AND PENALTIES

15. (1) If the adjudicating officer, after following the procedure under section 13, is satisfied that any owner or Master, as the case may be, has used or caused or allowed to be used any fishing vessel in contravention of the provisions of sub-section (1) of section 6, he shall by an order—

Penalties for
contravention by
fishing vessels.

(a) impose a penalty on such owner or Master, as the case may be, of not more than ten thousand rupees in case of a fishing vessel of less than twelve metres in length and seize the fishing vessel along with its catch, fishing gear, equipment, stores or cargo onboard for a period up to six months or till the time a valid licence is presented to the adjudicating officer, by the owner or Master, whichever is earlier;

(b) impose a penalty on such owner or Master, as the case may be, of not more than twenty-five thousand rupees in case of a fishing vessel of equal to or more than twelve metres in length and seize the fishing vessel along with its catch, fishing gear, equipment, stores or cargo onboard for a period of not more than six months or till the time a valid licence is presented to the adjudicating officer, by the owner or Master, whichever is earlier:

Provided that upon presentation of a valid licence by the owner or Master of the fishing vessel before the expiry of six months, the adjudicating officer shall release the vessel, in such manner as may be prescribed:

Provided further that upon the expiry of six months, if no valid licence has been presented before the adjudicating officer, the adjudicating officer shall declare that the seized fishing vessel as abandoned and upon such declaration, the fishing vessel shall vest with the Administration, free from all encumbrances and such fishing vessel may be disposed of by the Administration in such manner as may be prescribed.

(2) If the adjudicating officer, after following the procedure under section 13, is satisfied that any owner or Master, as the case may be, has used or caused or allowed to be used any fishing vessel in contravention of the provisions of this Regulation, other than sub-section (1) of section 6 or of any order, notification or rules issued or made thereunder or any of the conditions of the licence granted under section 6, he shall by an order—

(a) impose a penalty on such owner or Master, as the case may be, of not more than five thousand rupees in case of a fishing vessel of less than twelve metres in length and not more than ten thousand rupees for a fishing vessel equal to or more than twelve metres in length for the first contravention;

(b) impose a penalty on such owner or Master, as the case may be, of not more than ten thousand rupees in case of a fishing vessel of less than twelve metres in length and not more than twenty thousand rupees for a fishing vessel equal to or more than twelve metres in length for the second contravention;

(c) impose a penalty on such owner or Master, as the case may be, of not more than twenty thousand rupees in case of a fishing vessel of less than twelve metres in length and not more than forty thousand rupees for a fishing vessel equal to or more than twelve metres in length for a third contravention;

(d) suspend the licence of the fishing vessel for a period of one month and impose a penalty of not more than forty thousand rupees for a vessel of less than twelve metres in length and not more than eighty thousand rupees for a fishing vessel equal to or more than twelve metres in length for a fourth contravention; or

(e) cancel the licence of the fishing vessel and forfeit any security deposit made by the licence holder for any subsequent contravention:

Provided that no licence shall be suspended or cancelled by the adjudicating officer without providing an opportunity of being heard to the licence holder.

(3) Without prejudice to any penalty that may be imposed under the preceding sub-sections, if the adjudicating officer, after following the procedure under section 13, has sufficient reason to believe that fishing gear seized under sub-section (3) of section 12 was used in contravention of any provisions of this Regulation, he shall direct the authorised officer to destroy such gear beyond use before two independent witnesses, by adopting such procedure as may be prescribed.

Explanation.—For the purposes of this section, the expression “metres in length” means the overall length of the fishing vessel.

Appeal.

16. (1) The Administrator may, by notification, appoint an Appellate Authority for hearing the appeals against the orders of the adjudicating officer.

(2) The Appellate Authority referred to in sub-section (1) shall be any officer not below the rank of Director of the Administration.

(3) Any person aggrieved by an order of the adjudicating officer may, within a period of thirty days from the date on which the order is communicated to him, prefer an appeal to the Appellate Authority, having jurisdiction to hear such appeal:

Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days of communication of the order, but not after the expiry of sixty days from the date aforesaid, if it is satisfied that the appellant was prevented by sufficient cause from preferring an appeal within such time.

(4) No appeal under this section shall be entertained by the Appellate Authority unless the appellant has, at the time of preferring the appeal, deposited a sum equal to fifty per cent. of the amount of penalty imposed, if any, under the order in respect of which an appeal has been filed:

Provided that on an application made by the appellant in this behalf, the Appellate Authority may, if it is of the opinion that the deposit to be made under this sub-section shall cause undue hardship to the appellant, by order in writing, dispense with such deposit either in part or full, subject to such conditions as it may deem fit.

(5) On receipt of an appeal under sub-section (3), the Appellate Authority may, after making such inquiry as it deems fit and after giving the parties concerned an opportunity of being heard, confirm, modify or set aside the order in respect of which an appeal has been preferred and the decision of the Appellate Authority shall be final and binding on the parties.

(6) If the sum deposited by way of penalty under sub-section (4) exceeds the penalty directed to be paid by the Appellate Authority, the excess amount, or if the Appellate Authority sets aside the order imposing penalty, the whole of the sum deposited by way of penalty, shall be refunded to the appellant.

17. The Appellate Authority may call for and examine the records of any order passed by an adjudicating officer and against which no appeal has been preferred under section 16, for the purpose of satisfying itself as to the legality or propriety of such order or as to the adherence to the procedure and pass such order with respect thereto as it may deem fit:

Power of Appellate Authority to call for and examine record of any order passed by adjudicating officer.

Provided that no such order shall be made without giving the person affected an opportunity of being heard in the matter.

18. The adjudicating officer and the Appellate Authority shall, while holding an inquiry, have all the powers of a civil court under the Code of Civil Procedure, 1908 for the purposes of—

Powers of adjudicating officer and Appellate Authority.

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery, inspection and production of documents;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

19. (1) Where a contravention of any of the provisions of this Regulation or of any order, notification or rules issued or made thereunder or any of the conditions of the licence granted under this Regulation has been committed, by a company, every person who, at the time the contravention 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 contravention and shall be liable to be proceeded against and punished accordingly:

Contraventions by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Regulation, if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention.

(2) Notwithstanding anything contained in sub-section (1), where any such contravention under this Regulation 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, such director, manager, secretary or other officer shall be deemed to be guilty of that contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section, the expressions—

- (a) “company” means any 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.

CHAPTER V

MISCELLANEOUS

20. (1) The Administrator may, by notification, provide for such measures as may be necessary to ensure sustainable fishing and fishing related activities within the Union territory of Lakshadweep.

Measures for sustainable fishing and fishing related activities.

(2) Without prejudice to the generality of the powers conferred under sub-section (1), the Administrator may, by such notification, establish or designate such planning tools, mechanisms, committees, advisory bodies or other institutional frameworks, as may be prescribed, for the purposes of—

(a) regulating, monitoring or managing fishing and fishing related activities;

(b) conserving and protecting marine resources, habitats and ecosystems;

(c) ensuring adherence to scientific, seasonal, species-specific, or area-based sustainability norms;

(d) implementing, enforcing, or operationalising any guidelines, codes of practice, schemes or management plans formulated under this Regulation or under any other law for the time being in force.

(3) The constitution, powers, functions, duties and procedures of the tools, mechanisms or bodies established or designated under sub-section (2), and the norms, criteria, or standards to be followed by them, shall be such as may be prescribed.

(4) All measures notified under this section shall be consistent with the objectives of sustainable utilisation, scientific management, conservation of marine wealth, and long-term ecological security of the Union territory of Lakshadweep.

(5) The Administrator may, by notification, issue a policy for leasing of land, lagoon and sea areas within the territorial waters for the promotion of culture fisheries, including mariculture.

Power to exempt.

21. (1) Nothing contained in this Regulation shall apply to survey vessels belonging to the Central Government, State Government, Public Undertaking or the Administration.

Explanation.—For the purposes of this sub-section, the expression “Public Undertaking” means any company or corporation owned or controlled by the Central Government including a Union territory Administration or by a State Government.

(2) If the Administrator is of the opinion that, it would not be in the public interest to apply all or any of the provisions of this Regulation to any class or classes of fishing vessels or any specified area or areas, he may, by notification, exempt the application of all or any of the provisions of this Regulation, subject to such conditions as he may deem fit to impose:

Provided that no notification issued under this sub-section shall remain in force for more than six months at a time from the date of issuance of such notification.

Protection of action taken in good faith.

22. (1) No suit, prosecution or other legal proceeding shall lie against the Administrator or any officer or authority for anything which is done in good faith or intended to be done in pursuance of this Regulation or any order or rule made thereunder.

(2) No suit or other legal proceeding shall lie against the Administrator or any officer or authority for any damage caused or likely to be caused by anything which is done in good faith or intended to be done in pursuance of this Regulation or any order or rule made thereunder.

Recovery of dues under Regulation.

23. All amounts, penalties and other sums required to be paid under this Regulation or any order, notification or rules issued or made thereunder, may be recovered by the Administration by distress and sale of any property of the person from whom the same are due, or as an arrear of land revenue.

24. (1) The Administrator may, by notification, make rules, not inconsistent with the provisions of this Regulation for carrying out the purposes of this Regulation.

Power to make rules.

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

- (a) any other matters under clause (d) of sub-section (2) of section 5;
- (b) the form, particulars and fee for application for the grant of licence under sub-section (9) of section 6;
- (c) the form, manner and time for communicating the refusal to grant licence under the proviso to sub-section (10) of section 6;
- (d) any other matter under clause (f) of sub-section (12) of section 6;
- (e) any other matter under clause (g) of sub-section (13) of section 6;
- (f) the form, manner, time and conditions for grant of licence under sub-section (14) of section 6;
- (g) the different fee and different amount of security for different classes of fishing vessels and offshore platforms under the proviso to sub-section (14) of section 6;
- (h) the intervals of period for extension of the period of licence under sub-section (15) of section 6;
- (i) the form, particulars and fee for extension of the licence period under sub-section (16) of section 6;
- (j) the form and manner of information to be furnished by the owner of fishing vessel to the authorised officer and port authority under section 8;
- (k) the form, manner and intervals of voyage report to be furnished by the owner of the licensed fishing vessel to the authorised officer under section 9;
- (l) the form and manner of preferring an appeal to the adjudicating officer under sub-section (1) of section 11;
- (m) the time for submission of report by the authorised officer to the adjudicating officer under sub-section (1) of section 12;
- (n) the place and manner of detention of seized fishing vessel by the authorised officer under sub-section (2) of section 12;
- (o) the manner of disposal of fish and deposition of the proceeds thereunder under sub-section (4) of section 12;
- (p) the form and manner of report to be prepared by the authorised officer for submission to the adjudicating officer for contravention of provisions of this Regulation under sub-section (1) of section 13;
- (q) the manner of holding inquiry by the adjudicating officer under sub-section (4) of section 13;
- (r) the conditions for release of seized fishing vessels by adjudicating officer under sub-section (5) of section 13;
- (s) the manner of disposal of the fishing vessel by the Administration under the second proviso to sub-section (5) of section 13;

(t) the manner of seizure by adjudicating officer for contravention of section 15 under the first proviso to sub-section (7) of section 13;

(u) the different levels of monitoring, control and surveillance measures for different classes of fishing vessels and different specified areas under the proviso to sub-section (1) of section 14;

(v) the manner of exemption of the class or classes of fishing vessels from keeping and maintaining onboard communication and positioning systems or devices under the proviso to sub-section (3) of section 14;

(w) the manner of release of the fishing vessel by the adjudicating officer under the first proviso to sub-section (1) of section 15;

(x) the manner of disposing of fishing vessel by the Administration under the second proviso to sub-section (1) of section 15;

(y) the procedure for destruction of fishing gear seized by the adjudicating officer under sub-section (3) of section 15;

(z) any other matter which is to be, or may be provided for by rules under this Regulation.

Laying of rules
before
Parliament.

25. Every rule made under this Regulation shall 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 or in two or more successive sessions, and if, before the expiry of the 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.

Power to remove
difficulties.

26. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Regulation, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Regulation.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and
saving.

27. (1) The Lakshadweep Marine Fishing Regulation, 2000 is hereby repealed.

Reg. 3 of 2000.

(2) Notwithstanding such repeal, this Regulation shall not,—

(a) revive anything not in force or existing at the time at which the repeal takes effect;

(b) affect the previous operation of the Regulation or anything duly done or suffered thereunder;

(c) affect any notification, order, appointment, certificate, notice, receipt, application made, or licence granted, which is not inconsistent with the provisions of this Regulation; and the same shall be deemed to have been done or taken under the corresponding provisions of this Regulation;

(d) affect any penalty, forfeiture or punishment incurred in respect of any contravention committed against the Regulation; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been promulgated.

(3) The mention of particular matters referred to in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeal.

10 of 1897.

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-20022026-270378
CG-DL-E-20022026-270378

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 5] नई दिल्ली, शुक्रवार, फरवरी 20, 2026/फाल्गुन 1, 1947 (शक)

No. 5] NEW DELHI, FRIDAY, FEBRUARY 20, 2026/PHALGUNA 1, 1947 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 20th February, 2026/Phalguna 1, 1947 (Saka)

THE LAKSHADWEEP (REGISTRATION AMENDMENT)
REGULATION, 2026

No. 2 OF 2026

Promulgated by the President in the Seventy-seventh Year of the Republic of India.

A Regulation further to amend the Registration Act, 1908, with a view to modernise and digitise the document registration framework; to enhance the legal certainty and public notice of property rights; to curb fraudulent practices and improve accountability through regulation of document writers; to facilitate the smooth conduct of real estate and civil transactions in line with the economic development goals; and to empower the administration to regulate registration activity, in the Union territory of Lakshadweep.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

1. (1) This Regulation may be called the Lakshadweep (Registration Amendment) Regulation, 2026.

(2) It extends to the whole of the Union territory of Lakshadweep.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Amendment of
section 2.

2. In section 2 of the Registration Act, 1908 (hereinafter referred to as the principal Act),—

16 of 1908.

(i) in clause (1), for the words “his father’s name, or where he is usually described as the son of his mother, then his mother’s name”, the words “his marital status and his father’s name, or where he is usually described as the ward of his mother, then his mother’s name” shall be substituted;

(ii) after clause (1), the following clause shall be inserted, namely:—

‘(1A) “Administration” means the Administration of the Union territory of Lakshadweep headed by the Administrator appointed by the President under article 239 of the Constitution;’;

(iii) for clause (2), the following shall be substituted, namely:—

‘(2) “Book” includes a portion of a Book and also any number of sheets connected together with a view of forming a Book or portion of a Book and also includes a Book in electronic form.

Explanation.—For the purposes of this clause, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000.’;

21 of 2000.

(iv) after clause (9), the following clauses shall be inserted, namely:—

‘(9A) “notification” means a notification published in the Official Gazette of the Union territory of Lakshadweep, and the expression “notified” shall be construed accordingly;

(9B) “prescribed” means prescribed by rules made by the Administration of the Union territory of Lakshadweep;’;

(v) after clause (10), the following clause shall be inserted, namely:—

‘(11) “Union territory” means the Union territory of Lakshadweep.’.

Amendment of
section 17.

3. In section 17 of the principal Act,—

(a) in sub-section (1), after clause (e) and before the proviso, the following clauses shall be inserted, namely:—

“(f) any decree or order or award or a copy thereof, with respect to an immovable property, passed by a civil court, on consent of the defendants or on circumstantial evidence, but not on the basis of any instrument which is admissible in evidence under section 35 of the Indian Stamp Act, 1899 such as registered title deed produced by the plaintiff, where such decree or order or award purports or operate to create, declare, assign, limit, extinguish whether in present or in future, the right, title or interest, whether vested or contingent, of the value of one hundred rupees or more; and

2 of 1899.

(g) sale certificate issued by any competent officer or authority under any Central Act or State Act for the time being in force;”;

(b) in sub-section (2),—

(i) in clause (vi), for the words “any decree or order of a Court”, the words, brackets, letter and figure “any decree or order of a court, not being a decree or order or award falling under clause (f) of sub-section (1),” shall be substituted;

(ii) the *Explanation* shall be omitted.

4. After section 19 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 19A.

“19A. (1) No document shall be accepted for registration, unless it is accompanied by a true copy thereof.

Documents presented for registration are to be accompanied by true copies thereof.

(2) The true copy referred to in sub-section (1) shall be legibly handwritten, printed, typewritten, lithographed or otherwise prepared in accordance with such rules as may be made in this behalf, and such true copy shall be self attested.”.

5. In section 20 of the principal Act, in sub-section (1), after the words “persons executing the document”, the words “and in the case of a document for sale of property, the persons claiming under that document also” shall be inserted.

Amendment of section 20.

6. After section 22 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 22A.

“22A. (1) The registering officer may refuse the registration of a document on the following grounds:—

Grounds for refusal of registration of a document.

(a) the document is submitted without a true translation in a language commonly understood in the district of the registering officer;

(b) any interlineation, blank, erasure or alteration appears in the document, unless attested with the signature or initial of such person executing the document;

(c) non-testamentary document, as specified, is presented without sufficient description to identify the property that is the subject of registration as specified under section 21;

(d) document, not being a will, is presented for registration later than four months after the date of execution, under section 23, subject to sections 24, 25 and 26;

(e) the person by whom the document is purported to be executed—

(i) denies the execution of the document;

(ii) is a minor;

(iii) appears to the registering officer to be a person with mental incapacity; or

(iv) is dead and such person’s representative or assign denies execution;

(f) the document relates to transfer of property by way of agreement to sale, sale, gift, exchange or lease or otherwise in respect of any immovable property owned by the Central Government or Union territory or any authority or undertaking of the Central Government or Union territory or any authority or undertaking constituted or established under any Central Act or any other Regulation for the time being in force, unless such document is accompanied by a no-objection certificate issued by the competent authority;

(g) the document relates to transfer of property by way of agreement to sale, sale, gift, exchange or permanent alienation or lease or otherwise pertaining to any immovable property which is attached permanently or provisionally by any competent authority under any Central Act or any other Regulation for the time being in force or any court or tribunal or authority, upon the production of order of such attachment;

(h) the document relates to the transfer of property in respect of which the approval of the Central Government or Union territory or any authority or undertaking of the Central Government or Union territory or any authority or undertaking constituted or established under any Central Act or any other Regulation is required under any law for the time being in force, before entering into any transactions in connection with such immovable property, unless such document is accompanied by an approval (by whatever name called) issued by the competent authority;

(i) the appropriate registration fee under this Act has not been paid;

(j) the registering officer finds that the document has not been executed by the person by whom it is purported to have been executed based on information accessed and examined;

(k) the registering officer finds that he is not satisfied about the identity of the persons appearing before him and alleging to have executed the document; or

(l) any other ground on which registration may be refused by the registering officer under this Act.

(2) The power under this section must not be construed as empowering the registering officer to adjudicate upon questions of title or ownership of property, which are within the jurisdiction of any competent court or other authority under any other law for the time being in force:

Provided that such a decision of refusal shall apply to documents executed from the date of promulgation of this Regulation.

(3) Reasons for refusal to register to be recorded as specified under section 71.”.

Amendment of section 28.

7. In section 28 of the principal Act, for the words, brackets and letters “clauses (a), (b), (c), (d) and (e),” the words, brackets and letters “clauses (a), (b), (c), (d), (e), (f) and (g),” shall be substituted.

Amendment of section 34.

8. In section 34 of the principal Act,—

(i) in sub-section (1), after the words “persons executing such document,” the words “and in the case of document for sale of property, the persons claiming under that document” shall be inserted;

(ii) in sub-section (3), in clause (b), after the words “executed the document,” the words “or they are claiming under the document” shall be inserted.

Insertion of new section 34A.

9. After section 34 of the principal Act, the following section shall be inserted, namely:—

“34A. Subject to the provisions of this Regulation, no document for sale of property shall be registered under this Regulation, unless the person claiming under the document has also signed such document.”.

Person claiming under document for sale of property also to sign document.

Amendment of section 45.

10. In section 45 of the principal Act,—

(a) in sub-section (1), for the words “cause the contents thereof”, the words “cause a true copy of the contents thereof” shall be substituted;

(b) in sub-section (2), for the words “copy has been made”, the words “true copy has been filed” shall be substituted.

11. In section 46 of the principal Act, in sub-section (2),—

Amendment of
section 46.

(a) for the words “unless the will has been already copied”, the words “unless a true copy of the will has already been filed” shall be substituted;

(b) for the words and figure “cause the will to be copied into his Book No. 3”, the words and figure “cause a true copy of the will to be made and filed in his Book No. 3” shall be substituted.

12. In section 50 of the principal Act, for the words, brackets, letters and figures “clauses (a), (b), (c) and (d) of section 17, sub-section (1)”, the words, brackets, letters and figures “clauses (a), (b), (c), (d), (e), (f) and (g) of sub-section (1) of section 17” shall be substituted.

Amendment of
section 50.

13. In section 51 of the principal Act,—

Amendment of
section 51.

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In Book 1 shall be filed—

(i) true copies of all documents; and

(ii) the Memoranda,

registered under sections 17, 18 and 89 which relates to immovable property, other than wills.”;

(b) in sub-section (3), for the words “entered all documents”, the words “filed the true copies of all documents” shall be substituted;

(c) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) If, any of the Books mentioned in sub-section (1) is destroyed or in the opinion of the Registrar, is in danger of being destroyed, or becoming illegible wholly or partially, the Registrar may, by a written order, direct such Book or such portion thereof as he thinks fit, to be reconstructed or recopied, as the case may be, and authenticated in such manner as may be prescribed, and the copy prepared and authenticated under such direction shall, for the purposes of this Regulation, be deemed to have taken the place of and to be the original Book or portion thereof and all references in this Regulation, to the original Book or portion thereof, shall be deemed to be references to the Book or portion so prepared and authenticated.”.

14. In section 52 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:—

Amendment of
section 52.

“(c) subject to the provisions contained in section 62, where a document is admitted to registration, a true copy thereof shall, without unnecessary delay, be filed in the appropriate Book according to the order of its admission.”.

15. In section 53 of the principal Act, the following proviso shall be inserted, namely:—

Amendment of
section 53.

“Provided that where the Book is in electronic form, all entries and numbers in that Book and the Book maintained manually shall be identical.”.

16. In section 54 of the principal Act, for the words “copied, or filed a memorandum of”, the words “filed a true copy or a memorandum of” shall be substituted.

Amendment of
section 54.

Amendment of
section 55.

17. In section 55 of the principal Act,—

(a) in sub-section (2), for the words “document entered or memorandum filed”, the words “document of which a true copy or a memorandum, is filed” shall be substituted;

(b) in sub-section (4), for the words “authority entered”, the words “authority of which a true copy is filed” shall be substituted;

(c) in sub-section (5), for the words “document entered”, the words “document of which a true copy is filed” shall be substituted.

Amendment of
section 58.

18. In section 58 of the principal Act,—

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

“(aa) in the case of a document for sale of property, the signature and addition of every person admitting the claim under such document, and, if such claim has been admitted by the representative, assignee or agent of any person, the signature and addition of such representative, assignee or agent;”;

(ii) in sub-section (2), after the words “execution of a document”, the words “and in the case a document for sale of property, any person admitting the execution of such document, or any person admitting the claim under that document” shall be inserted.

Amendment of
section 60.

19. In section 60 of the principal Act, in sub-section (1), for the words “the document has been copied”, the words “the true copy of the document has been filed” shall be substituted.

Amendment of
section 62.

20. In section 62 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) When a document is presented for registration under section 19, the translation together with the true copy of the document, shall be filed in the appropriate Book.”.

Insertion of new
sections 68A and
68B.

21. After section 68 of the principal Act, the following sections shall be inserted, namely:—

Prohibition of
unlicensed
person.

‘68A. (1) No person who is not licensed as provided under section 68B, shall engage in the profession of document-writer and any document drawn-up and signed by a person who does not hold a licence, shall not be accepted for registration by the registering officers:

Provided that no advocate or pleader shall be required to have a licence under section 68B.

(2) Nothing in this section shall prohibit an executant of a document from preparing a document to be presented for registration or from performing any other act on his own behalf for which a licensed document-writer could have been otherwise engaged.

(3) Nothing in this section shall apply to a document executed outside of India or outside of the Union territory or a will or a document scribed by a licensed document-writer authorised for one sub-district or district, as the case may be, or a document executed by or on behalf of the Union territory or local authorities or other corporate bodies.

68B. (1) The Registrar of district or any other officer authorised by him in this behalf may, grant a licence in the prescribed form, to a document-writer or his apprentice, on such terms and conditions as may be prescribed:

Grant of licence to document-writers.

Provided that such licence shall be—

(i) valid for one sub-district or one district; and

(ii) granted after conducting a written test in such manner as may be determined by the Administrator.

(2) A licence may be granted to any person who has been in the profession of the document-writer for at least ten years prior to date of commencement of this Regulation, without requiring him to appear in the written test referred to in sub-section (1), if the Registrar of a district or any other officer authorised by him in this behalf is satisfied that he is otherwise fit to take the profession of a document-writer.

(3) A licence granted under sub-section (1) shall remain valid for three years from the date of grant of licence and shall be subject to renewal before the expiry of its period of validity, on such terms and conditions as may be prescribed.

(4) The licence granted under sub-section (1) may, at any time, be suspended or cancelled for breach of such conditions as may be prescribed or for any other reason to be recorded in writing by the Registrar of the district or an officer authorised by him, after giving the document-writer an opportunity to show cause against the proposed suspension or cancellation of the licence and after the same has been duly considered.

(5) Any person aggrieved by an order of the Registrar of the district or an officer authorised by him, may file an appeal to the Inspector-General of Registration within a period of thirty days from the date of receipt of such order passed under this section:

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by a sufficient cause from preferring the appeal within the given time.

Explanation.—For the purposes of sections 68A and this section, the expressions,—

(i) “Apprentice” means a person who assists a document-writer in the preparation of document and transcribing them (including copies, if any) to be presented for registration; and

(ii) “Document-writer” means and includes a person engaged in the profession of preparing documents, namely, doing the work of conveyancing, investigation of titles, preparation of draft deeds and engrossing and transcribing the deed, including copies, if any, for registration, as well as conducting searches and inspection under the Regulation.’.

22. In section 69 of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—

Amendment of section 69.

“(bb) providing for the grant of licences to document-writers and apprentices to document-writer, the suspension and cancellation of such licences, the terms and conditions under which licences may be granted and generally for all other purposes connected with the writing of documents to be presented for registration;”.

Insertion of new
Part XIA.

23. After section 70 of the principal Act, the following Part shall be inserted, namely:—

‘PART XIA

REGISTRATION OF DOCUMENTS BY MEANS OF ELECTRONIC DEVICES

Application of
this Part.

70A. This Part shall apply to the areas only in respect of which a notification is issued by the Administration under section 70B.

Documents
scanned by
electronic
devices in areas
notified by
Administration.

70B. (1) The Administration may, by notification, direct that in any office as may be specified therein, the process of registration of any category or categories of documents may be completed and copying done with the help of the electronic devices like computers, scanners and the compact disks and copies preserved on such devices and retrieved when required.

(2) Notwithstanding anything contained in this Regulation or any other law for the time being in force in the Union territory, a copy of any documents registered and scanned using the electronic devices and certified or attested by the registering officer in-charge of the office shall be admissible as evidence of any transaction as is described in the said document.

(3) The registration and authentication of electronic records shall be carried out using secure authentication mechanisms, including but not limited to—

(a) “electronic signatures” as defined in clause (ta) of sub-section (1) of section 2 of the Information Technology Act, 2000;

21 of 2000.

(b) Aadhaar based e-authentication under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016;

18 of 2016.

(c) any other form of digital verification as may be prescribed.

(4) All data storage, processing and retrieval under this provision shall comply with the provisions of the Digital Personal Data Protection Act, 2023, including appropriate data protection, encryption, access control, audit trails and cyber security protocols to ensure confidentiality, integrity and availability of personal and sensitive data.

22 of 2023.

(5) The Administration shall ensure periodic review and updating of the technological infrastructure and protocols used for electronic registration and document management, in alignment with prevailing national cyber security standards and data protection laws.

Saving.

70C. Nothing contained in this Part shall apply—

(i) to any document, which in the opinion of registering officer, is not in a fit condition to be processed by means of electronic devices;

(ii) in the case of unforeseen eventuality like break down of the computerised system of registration:

Provided that the registering officer shall record the reason in writing therefor:

Provided further that the registering officer shall ensure that the data and images of the documents registered during the period of non-application of this Part, due to a breakdown of the computerised system, are duly incorporated into the computer system, after the same is restored, in such manner as may be prescribed.’.

24. After section 78 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 78A.

“78A. If the Administration is satisfied that it is necessary or expedient in the public interest so to do, it may, by notification, reduce or remit, whether prospectively or retrospectively, in the whole or any part of the Union territory, any fee or fees payable in respect of any of the matters specified in clauses (a) to (i) of section 78, either generally or for any particular class or classes of cases and in respect of persons generally or any particular class or classes of persons.”.

Power to reduce or remit fees.

25. After section 80 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 80A.

“80A. (1) If on inspection or otherwise, it is found that any fee payable under this Regulation has not been paid or has been paid insufficiently, such fee may (after failure to pay the same on demand within the period specified therein), on a certificate of the Inspector-General of Registration, be recovered as an arrear of land revenue from the person from whom such demand is made, the certificate issued by the Inspector-General shall be binding on the parties:

Recovery of fees and provision for refund.

Provided that no such certificate shall be granted unless due inquiry is made and such person is given an opportunity of being heard.

(2) Where the Inspector-General of Registration finds the amount of fee in excess of that which is legally chargeable has been charged and paid under the provisions of this Regulation, he may, upon an application in writing or otherwise, refund the excess fee so charged and paid.”.

26. For section 81 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 81.

“81. Every registering officer appointed under this Regulation and every person employed in his office for the purposes of this Regulation, who, being charged with the endorsing, copying, translating, registering or filing a true copy of any document presented or deposited under its provisions, endorses, copies, translates, registers or files a true copy of such document in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause, injury, as defined in clause (14) of section 2 of the Bharatiya Nyaya Sanhita, 2023, to any person, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.”.

Penalty for incorrectly endorsing, copying, translating, registering or filing documents with intent to injure.

27. In section 82 of the principal Act, in clause (b), for the words and figures “section 19 or section 21”, the words “this Regulation or the rules made thereunder” shall be substituted.

Amendment of section 82.

28. After section 82 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 82A.

“82A. (1) On and from such date as the Administration may, by notification, appoint in this behalf, no person shall write a document for another person for presentation to a registering officer, except under a licence granted in accordance with the rules made under this Regulation:

Penalty for writing documents without licence.

Provided that nothing in this sub-section shall apply where the writer of such document is an authorised agent of the executants or a pleader engaged by the executants for drawing up the document or the registered clerk of such pleader.

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with fine which may extend to two thousand rupees.”.

Amendment of
section 83.

29. In section 83 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) No prosecution for any offence under this Regulation shall be commenced save by or with the permission of the Inspector-General or any officer empowered in this behalf by the Administration.”.

Amendment of
section 84.

30. In section 84 of the principal Act,—

(i) in sub-section (1), for the words “Indian Penal Code”, the words and figures “Bharatiya Nyaya Sanhita, 2023” shall be substituted;

45 of 1860.
45 of 2023.

(ii) in sub-section (3), for the words and figures “In section 228 of the Indian Penal Code”, the words and figures “In section 267 of the Bharatiya Nyaya Sanhita, 2023” shall be substituted.

45 of 1860.
45 of 2023.

Insertion of new
section 87A.

31. After section 87 of the principal Act, the following section shall be inserted, namely:—

Delegation of
powers.

“87A. The Administration may, by order published in the Official Gazette of the Union territory, delegate all or any of the powers conferred on them under this Regulation to the Inspector-General of Registration, who shall exercise the same subject to such restrictions and conditions as the Administration may impose.”.

Insertion of new
section 89A.

32. After section 89 of the principal Act, the following section shall be inserted, namely:—

Power to make
rules.

“89A. (1) The Administrator, by notification and subject to conditions of previous publication, may, make rules for carrying out the purposes of this Regulation.

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

(a) the manner of preparation of true copies accompanied to documents for registration under sub-section (2) of section 19A;

(b) the manner of reconstruction or recopying and authentication of Book or portion of such Book by the Registrar under sub-section (5) of section 51;

(c) the form, terms and conditions and the method of conducting a written test for granting of a licence by the Registrar under sub-section (1) of section 68B;

(d) terms and conditions for renewal of licence by the Registrar under sub-section (3) of section 68B;

(e) the conditions for suspension or cancellation of licence under sub-section (4) of section 68B;

(f) any other form of digital verification under clause (c) of sub-section (3) of section 70B;

(g) the manner of restoration of documents through electronic devices mentioned under the second proviso to section 70C; and

(h) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

(3) Every rules made under this section shall be notified in the Official Gazette of the Union territory and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so notified.

(4) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”.

33. In section 90 of the principal Act, in sub-section (1), in clause (d), for the words “grants or assignments by Government of land or of any interest in land”, the words “grants, assignments or leases by Government of immovable property or of any interest in immovable property” shall be substituted.

Amendment of section 90.

34. After section 93 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 94.

“94. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order published in the Official Gazette of Union territory, make such provisions not inconsistent with the provisions of this Regulation as may appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Regulation.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.”.

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-18052026-272606
CG-DL-E-18052026-272606

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 16] नई दिल्ली, शुक्रवार, मई 15, 2026/वैशाख 25, 1948 (शक)

No. 16] NEW DELHI, FRIDAY, MAY 15, 2026/VAISAKHA 25, 1948 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 15th May, 2026/Vaisakha 25, 1948 (Saka)

THE LAKSHADWEEP FIRE AND EMERGENCY SERVICE REGULATION, 2026

No. 3 OF 2026

Promulgated by the President in the Seventy-seventh Year of the Republic of India.

A Regulation to provide for the maintenance of Fire and Emergency Service and to make more effective provisions for fire prevention and fire safety measures in various categories of buildings and premises in the Union territory of the Lakshadweep and the matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Lakshadweep Fire and Emergency Service Regulation, 2026.

(2) It extends to the Union territory of the Lakshadweep.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) “administrator” means the administrator of the Union territory of the Lakshadweep appointed by the President under article 239 of the Constitution;

(b) “appellate authority” means an officer above the rank of Fire Officer appointed by the Government, by notification;

(c) “building” shall have the same meaning as assigned to it in any law for the time being in force in the area in which this Regulation is in force and includes places or premises comprising of land or building, or part of a land or building, whether authorised or otherwise, out houses, if any, pertaining to such building or part thereof and installations of petrol, diesel or gas lines or pumps;

(d) “building bye-laws” means the bye-laws or rules or regulations made under any municipal law or any other law for the time being in force in the area in which this Regulation is in force and includes the development and control rules or regulations, by whatever name called;

(e) “bye-law” means the fire safety regulations, norms or guidelines made by the Government under this Regulation;

(f) “Director or Chief Fire Officer” means the Director or Chief Fire Officer of the fire and emergency service appointed under sub-section (1) of section 7;

(g) “disaster” means the disasters as defined in clause (d) of section 2 of the Disaster Management Act, 2005;

53 of 2005.

(h) “emergency” means any serious situation or occurrence, including disasters, occurring unexpectedly and demanding immediate action or response of the fire and emergency service;

(i) “employee” means a person appointed to the fire and emergency service;

(j) “erector” means a person or association of persons, whether incorporated or otherwise, who erects or makes a pandal or any structure for the occupation of people on a regular or temporary basis;

(k) “fire and emergency service” means the Lakshadweep fire and emergency service constituted under section 3;

(l) “Fire Officer or Station Fire Officer or Station Officer” means an officer appointed as such under sub-section (1) of section 10;

(m) “fire prevention and life safety measures” means such measures as may be necessary for the containment, control, and extinguishing of fire and for ensuring the safety of life and property, including such other measures as may be prescribed;

(n) “firefighting property” means land and building used as fire stations, firefighting appliances, equipment, tools, implements and other articles whatsoever used for firefighting and other means of transport used in connection with the firefighting, uniforms and badges of rank;

(o) “Fire Safety Officer” means the officer appointed as Fire Safety Officer under sub-section (1) of section 15;

(p) “fire station” means a fire station established under sub-section (1) of section 9;

(q) “fund” means the Fire Prevention and Life Safety Fund constituted under section 39;

(r) “Government” means the Union territory administration of Lakshadweep;

(s) “local authority” means a district panchayat or gram panchayat constituted under any law for the time being in force;

(t) “nominated authority” means any officer of the rank of a Station Fire Officer or Station Officer of fire and emergency service nominated by the Government for the purposes of this Regulation;

(u) “notification” means a notification published in the Official Gazette, and the expression “notify” or “notified” shall be construed accordingly;

(v) “occupancy” means the principal occupancy for which a building or part thereof is used or intended to be used, including subsidiary occupancies which are contingent upon it;

(w) “occupier” means—

(i) an owner in occupation of, or otherwise using, his land or building;

(ii) 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;

(iii) a licensee in occupation of any land or building;

(iv) any person who is liable to pay damages to the owner for the use and occupation of any land or building; and

(v) a rent-free tenant of any land or building;

(x) “Official Gazette” means the Gazette of the Union territory of Lakshadweep;

(y) “owner” means a person who, for the time being, is entitled to receive the rent of any land or building,—

(i) whether on his own account or on account of himself and others; or

(ii) as an agent, trustee, guardian or receiver; or

(iii) any other person, who may receive the rent or be entitled to receive it, if the land or building or part thereof is let out to a tenant;

(z) “pandal” means a temporary structure with a roof or walls made of straw, hay, ulu grass, golpatta, hogla, darma, mat, canvas, cloth or such other like material which is not used for permanent or continuous occupancy;

(za) “prescribed” means prescribed by rules made under this Regulation;

(zb) “qualified agency” means a person or an association of persons having technical specialisation in the field of fire,—

(a) civil or mechanical engineering; or

(b) technology, industrial safety, disaster management or chemical science,

from a recognised university, having domain knowledge and accomplishments in the field of fire services or emergency services;

(zc) “second appellate authority” means an officer appointed by the Government, who is higher in rank than the appellate authority;

(zd) “specified” means specified by an order under this Regulation, and the expression “specify” shall be construed accordingly;

(ze) “Standing Fire Advisory Council” means the advisory body constituted by the Ministry of Home Affairs by notification to examine the technical problems relating to a fire and emergency service and to make recommendations to the Government of India in the matter including the standardisation of firefighting equipment through the Indian Standard Institutions; and

(zf) “Union territory” means the Union territory of Lakshadweep.

CHAPTER II

ESTABLISHMENT AND MAINTENANCE OF FIRE AND EMERGENCY SERVICES

Establishment and declaration of fire and emergency service.

3. (1) With effect from such date as the Government may, by notification, appoint, there shall be established a fire and emergency service for the Union territory.

(2) The Government may, by notification, declare any fire brigade of the Union territory, by whatever name called, as part of the fire and emergency service:

Provided that the private fire and emergency service maintained for providing fire protection coverage to a specific building or industry by the owner thereof shall not form part of the fire and emergency service.

(3) In order to assist in any disaster, all fire services shall be considered as emergency services.

(4) In case the emergency service is not related to fire only, the authority in-charge of the fire and emergency service shall take action.

Superintendence of fire and emergency service to vest in Government.

4. The superintendence of, and control over, the fire and emergency service throughout the Union territory shall vest in the Government, and the fire and emergency service shall be administered by the Government in accordance with the provisions of this Regulation and the rules made thereunder.

Composition of fire and emergency service.

5. (1) The fire and emergency service shall consist of the following members, namely:—

(a) Director or Chief Fire Officer as designated by the Administrator-*ex officio*;

(b) Deputy Chief Fire Officer;

(c) Station Fire Officer or Station Officer (Fire Service);

(d) Sub-Fire Officer;

(e) Leading Fireman.

(2) The existing workshop, control room and other field formations of the fire and emergency service shall function in the manner as may be prescribed.

Terms and conditions of employees of fire and emergency service.

6. (1) The number of employees, method of their recruitment, level of post, qualification, pay, allowances and other conditions of their service and the matters connected therewith shall be such as may be prescribed.

(2) The uniform and badges of employees shall be such as may be prescribed and shall be in conformity with the recommendation of the Standing Fire Advisory Council.

(3) The employees of the fire and emergency service shall be governed by Central Civil Service Rules as apply to the other employees of the Government in relation to the terms and conditions of their service and all other allied matters.

(4) Save as otherwise provided by or under this Regulation, every person holding office either as a Fire Officer or staff or an employee of existing fire service on the date immediately before the commencement of this Regulation, shall continue to hold office on the same terms and conditions as applied 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 Regulation.

(5) All officers and employees of the fire and emergency service shall be liable for posting to any branch of the fire and emergency service at any location within the Union territory.

7. (1) The Government may, by notification, appoint a Director or Chief Fire Officer of the fire and emergency service with such qualification and experience as may be prescribed, who shall exercise such powers and perform such duties and other functions as are specified by this Regulation or as may be prescribed.

Appointment of Director of fire and emergency service.

(2) The Government may, by notification, appoint such other officers and employees as may be necessary to assist the Director or Chief Fire Officer.

(3) The Jurisdiction of the Director or Chief Fire Officer so appointed shall extend to the whole of the Union territory in matters relating to fire and emergency service.

8. (1) The Director or Chief Fire Officer shall, subject to the superintendence and control of the Government, direct and regulate matters relating to fire safety and prevention, firefighting equipment, machinery and appliances, training, events of mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive details or the fulfilment of duties and maintenance of discipline of fire officers and employees of the fire and emergency service, in accordance with the provisions of this Regulation and the rules made thereunder, any other applicable rules and instructions applicable to the officers and employees of the Union territory.

Power, duties and functions of Director or Chief Fire Officer.

(2) The Director or Chief Fire Officer shall be the head of the office and shall,—

(a) correspond with the Government for the development of the fire and emergency service;

(b) formulate the policies in relation to the development of fire and emergency service in the Union territory and, on approval by the Government, take steps to implement the same;

(c) prepare and submit plans and proposals to the Government relating to the periodical review of fire equipment, firefighting property and fire manpower for effective implementation of the fire and emergency service;

(d) take or cause to be taken such effective steps and measures in cases of major fires, house collapse and other emergency services as deemed necessary;

(e) investigate or direct investigation of the cause of the outbreak of fire and advise the concerned authorities for implementation of fire precautionary measures;

(f) depute such number of officers and employees as may be necessary to assist any Fire Officer of the fire and emergency service;

(g) enter into agreement, after prior approval of the Government, with any person or agency that employs and maintains personnel or equipment or both for firefighting purposes, for the purpose of dealing with fires occurring in any area;

(h) implement the effective human resource development policies as per the job requirements specified at each level of fire service personnel, and for that purpose, he may establish advance training centres;

(i) represent the Government at the national and international forums with a view to update the standard of the fire and emergency service in the Union territory; and

(j) exercise such other powers and perform such other duties and functions as conferred or imposed on him by or under this Regulation or as may be prescribed.

(3) The Assistant Director or Deputy Chief Fire Officer and such other officers, as may be appointed by the Government, shall exercise such powers and perform such duties as are conferred and imposed upon them, by this Regulation or by the rules made thereunder, subject to the control, directions and superintendence of the Director or Chief Fire Officer.

CHAPTER III

ESTABLISHMENT OF FIRE STATIONS

Establishment of
Fire Stations.

9. (1) The Government may, for the purposes of securing fire prevention and life safety measures, by notification, establish as many fire stations and other field formations as it deems fit in conformity with the recommendations of the Standing Fire Advisory Council and Urban and Regional Development Plans Formulation and Implementation Guidelines.

(2) Every notification issued under sub-section (1) shall define the limits and extent of the fire stations and other field formations as may be necessary for administrative and operational efficiency.

Appointment of
Fire Officer.

10. (1) The Government may, by notification, appoint a Fire Officer for each fire station, who shall be the officer-in-charge of the fire station and shall hold charge of the fire station as per the strength of the fire and emergency service as may be prescribed by the Government.

(2) The method of recruitment, qualifications and other terms and conditions of service of the Fire Officer shall be such as may be prescribed.

Powers and
functions of Fire
Officers.

11. (1) Subject to the control, direction and superintendence of the Director or Chief Fire Officer, the Fire Officer shall exercise such powers and perform such functions as may be conferred upon him under this Regulation, and the rules made thereunder.

(2) Without prejudice to the provisions of sub-section (1), the Fire Officer shall be in-charge of operations of the fire and emergency service within his area and shall be responsible for maintenance of communication system, water resources including hydrants within his station areas, and in the case of fire prevention, disaster and emergency, the Fire Officer or an employee who is the senior most in rank, in their respective jurisdiction, shall, act as commanding officer for that purpose and other fire and emergency service employees shall work under him and abide by his direction.

12. (1) Every employee, appointed to the fire and emergency service shall receive a certificate under the seal and signature of the Director or Chief Fire Officer, and thereupon such person shall have the powers, functions and privileges of an employee of the fire and emergency service under this Regulation.

Issue of certificate to employees.

(2) The certificate referred to in sub-section (1) shall cease to have effect when the employee named therein ceases for any reason to be an employee, and on his ceasing to be such employee, he shall forthwith surrender the certificate to any officer empowered to receive the same.

(3) The certificate of appointment shall become invalid when the person named therein ceases to belong to the fire and emergency service or shall remain inoperative during the period such person is suspended from the fire and emergency service.

13. (1) Where it appears to the Government that it is necessary to augment the fire and emergency service, it may raise an auxiliary service by the enrolment of volunteers for such area and on such terms and conditions, as may be prescribed.

Auxiliary fire and emergency service.

(2) Every such volunteer shall receive a certificate, in such form as may be prescribed, as member of the fire and emergency service, shall—

- (a) have the same powers and protection;
- (b) be liable to all such duties and penalties; and
- (c) be subordinate to the same authorities.

14. The powers, functions and privileges vested in a Fire Officer shall remain suspended while such Fire Officer is placed under suspension:

Effect of suspension of Fire Officer.

Provided that the Fire Officer shall continue to be under the control of same authorities during the period of his suspension as he would have been, if he had not been, placed under suspension.

CHAPTER IV

FIRE SAFETY OFFICER

15. (1) To ensure effective implementation of fire prevention and life safety measures for the factory, buildings or premises as may be specified by an order by the Government in this behalf, every owner and occupier or occupiers individually or jointly, as the case may be, shall—

Appointment, power and functions of Fire Safety Officer.

(a) appoint a Fire Safety Officer, within such period, having such qualification and experience, as may be prescribed; and

(b) send the compliance report to the nominated authority.

(2) The nominated authority shall issue an enrolment certificate to the Fire Safety Officer, under his signature and seal, in such form as may be prescribed.

(3) In case of any vacancy of the Fire Safety Officer appointed under sub-section (1), either on resignation or otherwise, the owner and occupier or occupiers as the case may be, shall immediately appoint another person as the Fire Safety Officer.

(4) If the Fire Safety Officer referred to in sub-section (3) is not appointed within the prescribed period, the nominated authority, may take such steps as it deems necessary, including report to the Labour Commissioner for the closure of the factory and in other cases to the concerned authority, as the case may be, for necessary action under the relevant law.

(5) The Fire Safety Officer shall undergo such training at the Fire and Emergency Service Training Institute as may be specified by the Government in this behalf:

Provided that a person who has already undergone such training at the National Fire Service College, Nagpur or at any other equivalent institution recognised by the Government for the purpose, shall not be required to undergo such training.

CHAPTER V

FIRE AND EMERGENCY RESPONSE

Response to calls.

16. The Fire Officer shall ensure the timely turnouts of fire units to respond to fire and emergency related calls in accordance with such Standard Operating Procedures as may be specified by the Government.

Deployment of personnel and equipment.

17. The Director, Chief Fire Officer or Fire Officer shall ensure deployment of fire and emergency service resources, equipment and fire personnel at stand-by duties during any fire response or any other emergency in such manner as may be prescribed.

Operation management.

18. The Director, Chief Fire Officer or Fire Officer shall ensure the planning, organising and deployment of the staff, maintaining details of such planning and deployment of the employee and shall ensure the regular monitoring of the fire or emergency site.

Powers of employees of fire and emergency service during fire or rescue operations.

19. In the event of a fire rescue operation in any area in which this Regulation is in force, any member of the fire and emergency service, who is in-charge of firefighting operations on the spot, may,—

(a) remove or order any member of the fire and emergency service to remove any person who, by his presence, interferes with or impedes the operation for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which a fire is being extinguished or rescue work is in progress;

(c) for the purpose of extinguishing fire and carrying out a rescue operation, break into or through or pull down any premises for the passage of hose or appliances or cause them to be broken into or pulled down, causing minimum damage as possible for extinguishing fire:

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

(d) require any authority in-charge of water supply in the area to regulate the water mains, to provide water at a specified pressure at the place where fire has broken out and utilise 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 and carrying out rescue operations in such manner as may be prescribed;

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

(f) detain a person who wilfully obstructs and hinders fire and emergency service personnel in firefighting and rescue operations, and shall hand him over to a police officer or at the nearest police station without avoidable delay, along with a brief note giving date, time and reasons of such detention;

(g) enter into agreement with any person who employs and maintains personnel or equipment or both for firefighting purposes, to secure on such terms as may be prescribed for the purpose of dealing with fires occurring in any area; and

(h) take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life and property, or with both.

20. The Director or Fire Officer may draw water from any source in the area which he considers necessary during firefighting 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.

Power to arrange for water supply during emergency.

21. (1) The Director or Fire Officer shall take all reasonable measures for securing an adequate supply of water for use in the event of fire.

Duty of Director or Fire Officer to arrange water supply.

(2) The Director, Chief Fire Officer or Fire Officer shall ensure that the water demand for firefighting in the area is in accordance with the Central Public Health and Environmental Engineering Organisation Manual, 1999.

(3) The Local Authority and Lakshadweep Public Works Department shall provide all assistance for meeting the water demand for firefighting as per sub-sections (1) and (2).

22. The Director or Fire Officer may enter into an agreement with any agency for meeting the demand of water supply in an emergency on such terms and conditions, as may be prescribed.

Power to enter into agreement for water supply.

23. No authority in charge of water supply in any area shall be entitled to any claim for compensation for damage by reason of any interruption of supply of water caused in compliance with clause (d) of section 19.

Authority not to claim compensation for damage.

24. No charge shall be made by any local authority for water consumed in firefighting operations by the fire and emergency service.

Local authority not to charge for water consumption.

CHAPTER VI

PREVENTIVE MEASURES

25. (1) The Government may, by notification, require the owner or occupier of any buildings or premises in any area or of any class of building or premises that are likely to be at risk of fire or likely to cause risk of fire, to take such precautions as may be specified in such notification.

Preventive measures.

(2) The Director, Chief Fire Officer or Fire Officer shall ensure that provisions for fire services management, prevention and preparedness, including preparation of the fire hazard response mitigation plan, are in accordance with the guidelines issued by the National Disaster Management Authority.

26. (1) Notwithstanding anything contained in this Regulation, the erector of a pandal shall take all fire prevention and life safety measures referred to in this section.

Erector of a pandal to take fire prevention and life safety measures.

(2) The erector shall display at a prominent place in the pandal, a declaration under his signature to the effect that he has taken all fire prevention and life safety measures, in such manner as may be prescribed.

(3) The nominated authority may enter and inspect the pandal to verify the correctness of the declaration so made under sub-section (2) and in case of any default, it may direct the erector to rectify the same within the specified time and in case of non-compliance of directions within the specified time, shall remove the pandal in such manner as may be prescribed.

False declaration to be punishable offence.

27. If any erector falsely declares that he has complied with the prescribed fire prevention and life safety measures in the pandal under sub-section (2) of section 26, he shall be deemed to have committed an offence punishable under section 49.

Removal of encroachments, objects or goods likely to cause risk of fire or any obstruction to firefighting.

28. (1) Where a notification has been issued under sub-section (1) of section 25, it shall be lawful for the nominated authority to issue direction to the owner or occupier or erector, as the case may be, for removal of the objects, goods or encroachments, if any, that are likely to cause fire or any obstruction to firefighting to a place of safety, by means of a notice served in such manner as he may think fit.

(2) If the owner, occupier or erector, as the case may be, fails to comply with the precautions under sub-section (1) of section 25 or directions under sub-section (3) of section 26, the nominated authority may, report the matter to the Sub-Divisional Magistrate, in whose territorial jurisdiction the premises or building or pandal is situated, for adjudication.

(3) Where the nominated authority considers objects or goods or encroachments referred to in sub-section (1) to be an imminent cause of risk of fire or obstruction to firefighting, he may seize or remove the objects or goods or encroachment forthwith and report the matter to the Sub-Divisional Magistrate.

(4) On receipt of a report under sub-section (2) or (3), the Sub-Divisional Magistrate shall issue a notice to the owner or occupier or erector, as the case may be, in such manner as he may think fit, giving such owner or occupier or erector, an opportunity for making representation against the removal of encroachment or objects or goods likely to cause a risk of fire or obstruction to firefighting.

(5) After giving the owner, occupier or erector, as the case may be, a reasonable opportunity of making representation under sub-section (4), the Sub-Divisional Magistrate after considering the representation, may withdraw the notice or pass an order directing any person to seize, detain or remove such objects or goods or encroachments within such time from the date of order.

(6) The person charged with the directions under sub-section (5) shall, make an inventory of the objects and goods that are seized under such order and give notice in such form as may be prescribed, to the person in possession thereof at the time of seizure, that the said objects or goods shall be sold if the same are not claimed within the period stipulated in the said notice and inform the Sub-Divisional Magistrate about the seizure.

(7) If the person from whom the objects and goods were seized under sub-section (5) fails to claim the seized objects and goods pursuant to notice given under sub-section (6), the Sub-Divisional Magistrate may sell such objects and goods by public auction.

Liability of owner or occupiers of building to provide fire prevention and life safety measures.

29. (1) Without prejudice to the provisions of the bye-laws or any other law for the time being in force in the Union territory, the owner or occupier, who is either individually or jointly responsible for a building or part thereof, shall provide fire prevention and life safety measures as may be prescribed:

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

(a) provide firefighting and life safety installations or measures as provided in such bye-law;

(b) maintain the fire prevention and life safety measures in operational condition at all times, in the manner and specifications as specified in such bye-law.

(2) Any person proposing to construct a building as mentioned in clauses (a) and (b) or pursuant to the rules made in this behalf, shall apply for approval of the fire and life safety measure along with the building plan to the nominated authority in this behalf, in such form along with such fee as may be prescribed, in case of—

(a) multi-storied buildings having more than fifteen-metre height;

(b) special buildings including,—

(i) hotel or resort or eating houses, apartment exceeding five hundred square metres of floor area on addition of the area of all floors, educational institutions, buildings for assembly, business or mercantile buildings, industry or factory, buildings for storage, godowns or buildings used for storage of hazardous materials;

(ii) mixed occupancies, where any of the buildings referred to in clause (a) or clause (b) have a floor area of more than five hundred square metres, on the addition of the area of all floors.

(3) Notwithstanding anything contained in any other law for the time being in force in the Union territory, no authority shall grant or issue electricity or water connections, or an occupancy certificate, in respect of any building or premises, unless the owner or occupier thereof has obtained a Fire Safety Certificate in accordance with the provisions of this Regulation:

Provided that the owner or occupier of the building referred to in sub-section (2) shall, prior to the grant of building plan approval, obtain a provisional Fire Safety Certificate, in such form and manner as may be prescribed, and shall, prior to the grant of a completion certificate, obtain a Fire Safety Certificate from the nominated authority.

(4) Without prejudice to the existing building bye-laws, the owner or occupier of the buildings specified in sub-section (2) and the notification issued under sub-section (1) of section 25 shall obtain a Fire Safety Certificate from the fire and emergency service which shall be valid for five years, unless cancelled earlier by the nominated authority, from the date of issue of certificate:

Provided that after the expiry of a period of thirty months from the date of issue of the Fire Safety Certificate, the owner or occupier, as the case may be, shall submit to the nominated authority a self-declaration or certification, in such form and manner as may be prescribed, relating to the operational fitness and adequacy of the fire safety equipment and firefighting system installed in the premises.

(5) While applying for a Fire Safety Certificate, the owner or occupier, as the case may be, shall furnish to the nominated authority, a certificate certifying the compliance of the fire prevention and life safety measures in his building or part thereof, issued by a qualified agency, in such form as may be prescribed.

(6) The owner or occupier, as the case may be, after receipt of the Fire Safety Certificate shall furnish a declaration, in such form as may be prescribed, once a year in July, regarding the efficient maintenance of fire prevention and life safety measures as mentioned in sub-section (1).

(7) No person other than the qualified 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.

(8) For the purpose of this section, the manner of selecting the qualified agency and the functions of such qualified agency shall be such as may be prescribed.

Issue of Fire
Safety Certificate
and its renewal.

30. (1) The nominated authority shall, upon receipt of an application, scrutinise the compliances required under section 29 and other provisions of this Regulation, documents and particulars submitted by the owner or occupier, and after following such procedure, as may be prescribed and after making such verification as may be necessary, issue Fire Safety Certificate within a period of thirty days from the date of receipt of the application.

(2) If the owner or occupier, as the case may be, fails to comply with the directions issued by the Fire Officer, the Fire Safety Certificate, issued under sub-section (1), shall be cancelled after giving the owner or occupier a reasonable opportunity of being heard.

(3) The owner or occupier of the building, whose Fire Safety Certificate has been cancelled under sub-section (2), shall not be entitled to occupy the building.

(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.

Power of
inspection of
nominated
authority.

31. (1) The nominated authority 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 of fire prevention and life safety measures or the contravention thereof:

Provided that the nominated authority may enter and inspect any place or building, at any time, if an industry is operating or an entertainment programme is going on at such place or building, if it appears to him to be necessary and expedient to do so, to ensure the safety of life and property.

(2) The owner or occupier, as the case may be, of such place or building or part thereof shall provide all possible assistance to the nominated authority 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 under this section, into or upon such place or building.

(4) When any such place or building or part thereof referred to in sub-section (1) is being used as a human dwelling and is entered, due regard shall be paid to the social and religious sentiments of the occupier, and where any flat, apartment, place or building or part thereof is in the actual occupancy of a woman, who, according to the custom does not appear in public, prior notice intimating her that she is at liberty to withdraw from such place or building, and every reasonable facility for such withdrawal shall be given to her.

(5) Where the inspection is carried out by the nominated authority under sub-section (1), it shall give a report of such inspection to the Director.

(6) The nominated authority shall, after completion of the inspection, record his views on the deviations from or the contraventions of, the requirements concerning 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 place or building directing him to undertake such measures within such period as may be specified in the notice.

Communication
of information
on outbreak of
fire.

32. Any person who possesses any information regarding an outbreak of fire shall communicate the same without delay to the nearest fire station.

CHAPTER VII

FIRE AND EMERGENCY SERVICE TRAINING INSTITUTE

33. The Government may,—

(a) establish and maintain one or more training institutes in the Union territory for providing courses of instruction in the prevention and extinguishment of fire for the fire and emergency service personnel, private candidates and other Government or non-Government establishments and may close down or re-establish any such training centre in accordance with recommendations of the Standing Fire Advisory Council;

(b) extend the training facilities referred to in clause (a) and provide training in specialised courses to private candidates or organisations, as well as the fire and emergency service of other States, on payment of such charges, as may be prescribed;

(c) provide a course of instruction on prevention and extinguishment of fire in accordance with such procedure and on payment of such fee as may be prescribed; and

(d) subject to the observance of any rules applicable to other employees of the Government in relation to training, the employees of the fire and emergency service may be given training in the field of scientific and modern techniques of fire protection and fire safety measures, and allied matters in any institute, within or outside India, at the cost and expense of the Government.

Establishment of fire and emergency training institute.

34. The Director or Fire Officer shall conduct community awareness and training programmes on preventive measures relating to fire and other emergencies, and the fire and emergency service shall render assistance and consultation to the communities in such matters relating to fire prevention in such manner as may be prescribed.

Community preparedness.

CHAPTER VIII

LEVY OF FIRE TAX AND OTHER CHARGES

35. (1) There shall be levied a fire tax on lands and buildings on which property tax, by whatever name called, is levied by any local authority in that area.

Levy of fire tax.

(2) The fire tax shall be levied over and above the property tax at such rates as may be prescribed.

(3) No tax shall be levied on any building vested in or under the control or possession of the Government or public authority owned by the Government.

36. (1) The authority empowered to assess, collect and enforce payment of property tax under the law authorising the local authority of the area to levy such tax shall, on behalf of the Government and subject to any rules made under this Regulation, assess, collect and enforce payment of the fire tax in the same manner as the property tax is assessed, enforced or collected.

Mode of assessment, collection and levy of fire tax.

(2) Such portion of the total proceeds of the fire tax as the Government may determine shall be deducted to meet the cost of collection of the fire charges.

37. (1) Where employees of the fire and emergency service are deployed beyond the limits of any area under this Regulation, to extinguish a fire in the neighbourhood of such limits, then the State Government or local body or fire and emergency service authority on whose request they were sent, shall be liable to pay such fee as may be prescribed.

Fee on deployment of fire and emergency service within or beyond limits of Union territory.

(2) The fee referred to in sub-section (1) shall be payable within a period of one month from the date of service of notice of demand by the Director, Chief Fire Officer or Fire Officer, and in case of non-payment within the said period, it shall be recoverable as an arrear of land revenue.

(3) No fee shall be levied for extinguishing the fire and carrying out rescue operations within the Union territory.

(4) Where employees of the fire and emergency service are deployed for the purposes other than firefighting within the Union territory on the direction of the Director or Fire Officer for rendering special services such as attending duties of fire protection at large assemblies or gathering along with firefighting equipment for stand-by duty, subject to safe use of equipment, if it can be spared or for imparting fire safety training on the written request of any person, shall be liable to pay such fee, in advance, as may be prescribed.

Recovery of dues.

38. Any amount payable under this Regulation in any form shall be recovered as arrears of land revenue.

CHAPTER IX

FIRE PREVENTION AND LIFE SAFETY FUND

Constitution of fund.

39. (1) The Government may, by notification, constitute a fund to be called the Fire Prevention and Life Safety Fund.

(2) The proceeds of fire tax, fee and penalties other than fines recovered under this Regulation, shall be credited to the said Fund after deduction of the expenses of collection and recovery therefrom.

(3) The fund shall be utilised for the purposes of fire community preparedness, training and procurement of firefighting equipment, subject to such conditions and in such manner as may be prescribed.

CHAPTER X

REQUISITIONING OF FIREFIGHTING PROPERTY

Requisition of firefighting property.

40. (1) The Director, Chief Fire Officer or Fire Officer, who is in-charge of a firefighting operation, may, if in his opinion it is necessary for the purpose of extinguishing fire in any area, requisition and take possession of any firefighting property in the possession of any local authority or any institution or individual.

(2) As soon as the firefighting operations are over, the Director or Fire Officer in-charge of the firefighting operation, as the case may be, shall release the property referred to in sub-section (1) from requisition and restore the same to the local authority, institution or individual from whose possession such property was taken.

(3) Where any firefighting property is requisitioned under sub-section (1), the owner of such property shall be paid compensation which shall be determined in accordance with the following principles, namely:—

(a) where the amount of compensation is fixed by an agreement between the Director or Fire Officer and the owner of the firefighting property, it shall be paid in accordance with such agreement;

(b) where the parties fail to reach an agreement under clause (a), the Director or Fire Officer, who is in-charge of firefighting operation, shall refer the matter to the Sub-Divisional Magistrate having jurisdiction over the area in which the firefighting property was kept and the Magistrate shall after hearing the parties and such other persons as he deems necessary, determine the amount of compensation taking into consideration the rent payable for such firefighting property and such order of the Magistrate determining the amount of compensation shall be final.

CHAPTER XI

OFFENCES AND PENALTIES

41. Whoever contravenes any provisions of sections 20 to 24 of this Regulation or the rules made thereunder, shall, without prejudice to any other action taken against him under this Regulation or rules made thereunder, 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 day during which such offence continues.

Penalties for contravention of certain provisions.

42. Notwithstanding any action which may be taken under the provisions of this Regulation, any member of the fire and emergency service who,—

Penalty for violation of duty.

(a) is found to be guilty of any violation of duty or wilful breach of any provision of this Regulation or any rule or order made thereunder; or

(b) is found to be guilty of abdication of duty; or

(c) withdraws or abstains from the duties of his office without permission or without having given prior notice for fifteen days or more; or

(d) being on leave fails without reasonable cause to report himself for duty on the expiration of such leave; or

(e) accepts any other employment or office or engages himself in business in contravention of the provisions of the Central Civil Services (Conduct) Rules, 1964,

shall be liable under the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

43. (1) If any owner, occupier or an association of such owners and occupier of a building or premises fails to appoint Fire Safety Officers referred to in section 15, within the period as may be prescribed, on the receipt of a notice given in this behalf by the nominated authority or the Fire Officer, as the case may be, each one of them shall be deemed to be in default jointly and severally.

Penalty in case of non-appointment of Fire Safety Officers.

(2) If the person referred to in sub-section (1) is deemed to be in default, he shall be liable to a penalty which shall not be less than ten rupees and not exceeding fifty rupees per square metre of area owned or occupied by him including the common areas in the premises as determined by the Government, which shall be recovered from him by way of penalty for each month of default or part thereof.

(3) The amount referred to in sub-section (2) shall be recovered as an arrear of land revenue.

44. (1) Any person whose property catches fire on account of his own act or his agent, done deliberately or negligently, shall be liable to pay compensation to any other person suffering damage to his property on account of any action taken under section 18 by any officer mentioned therein or any person acting under the authority of such officer.

Liability of property owner to pay compensation.

(2) All claims under sub-section (1) shall be referred to the Appellate Authority, within a period of thirty days from the date on which damage was caused.

(3) The Appellate Authority, shall, after giving the party an opportunity of being heard, determine the amount of compensation and pass an order fixing the liability of the person for such default and the amount of compensation to be paid by him.

(4) The order passed under sub-section (3) shall have the force of decree of a civil court and shall be implemented within thirty days from the date of receipt of the order.

Failure to give information.

45. Any person, legally bound to communicate information in his possession regarding an outbreak of fire, who fails to communicate the said information, without reasonable justification, shall be deemed to have committed an offence punishable under clause (a) of section 211 of the Bharatiya Nyaya Sanhita, 2023.

45 of 2023.

Punishment for failure to take precautions.

46. Whoever fails, without reasonable cause, to comply with any of the requirements specified in the notification issued under sub-section (1) of section 25, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both and where the offence is a continuing one, with a further fine which may extend to one thousand rupees for each day after the first day during which such offence continues.

Penalty for wilfully obstructing firefighting, rescue operation.

47. Any person who wilfully obstructs or interferes with any member of the fire and emergency service while discharging his duty shall be punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to ten thousand rupees, or with both.

Punishment for giving false report.

48. Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorised to receive such report, by means of a statement, message or otherwise, shall be liable to a penalty which may extend to twenty-five thousand rupees.

Punishment for furnishing false certificate.

49. If any qualified agency referred to in sub-section (5) of section 29 furnishes false certificate or declaration that maintenance of fire prevention and life safety measures as specified in sub-section (1) of section 25 or as required under sub-section (2) of section 26 have been complied, every person who, at the time the offence was committed, was in-charge of, and responsible for the agency and the conduct of the business of the agency shall be deemed to be guilty of the offence and liable for punishment:

Provided that nothing contained in this 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.

Punishment for contravention of provisions of this Regulation where no punishment has been provided.

50. Whoever contravenes any provision of this Regulation or any rule made or notification issued thereunder for which no punishment or penalty has been provided shall, without prejudice to any other action taken against him under this Regulation or the rules made thereunder, be liable to a penalty which may extend to ten thousand rupees and where the contravention is a continuing one with a further penalty which may extend to one thousand rupees for every day after the first day during which such contravention continues.

Offences by companies.

51. (1) Where an offence under this Regulation has been committed by a company, every person who, at the time the offence was committed, was in-charge of, and responsible for the company and the conduct of the business of 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 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 Regulation 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 negligence 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.

52. (1) Any offence, whether committed before or after the commencement of this Regulation, punishable under sections 44 and 45 or any rule made thereunder, may, before the institution of prosecution, be compounded by such officers of the fire and emergency service and for such amount as the Government may, by notification, specify in this behalf:

Compounding of offences.

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Government or of any of the officers authorised under this Regulation and until the same has been complied with.

(2) Where an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged and no further action shall be taken against him in respect of such offence.

53. 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 in pursuance of the provisions of this Regulation or any rules made thereunder.

Protection of action taken in good faith.

54. No court shall take cognisance of an offence under this Regulation, except on the complaint of, or upon information received from, the Director, Chief Fire Officer or the officer authorised by him in this behalf.

Cognisance of offences.

55. No court inferior to that of a Judicial Magistrate of the first class shall try an offence punishable under this Regulation.

Jurisdiction.

CHAPTER XII

APPEALS

56. (1) Any person aggrieved by any notice or order of the nominated authority issued or made under this Regulation may prefer an appeal to the Appellate Authority within a period of thirty days from the date of the order appealed against:

Appeals.

Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient ground for not filing such appeal within the said period.

(2) An appeal under sub-section (1) shall be made in such form and manner and shall be accompanied by a copy of the notice or order appealed against and on payment of such fees as may be prescribed.

(3) Any person aggrieved by an order of the Appellate Authority may prefer an appeal before the second Appellate Authority, within a period of thirty days from the date of the order, and the decision of the second Appellate Authority thereon shall be final and binding on the parties.

CHAPTER XIII

MISCELLANEOUS

Firefighting arrangements with other fire and emergency service.

57. The Director may, in the public interest, with the prior approval of the Government, enter into an agreement with any fire and emergency service or the authority which maintains the said fire and emergency service, beyond the limits of any area in which this Regulation is in force for providing personnel or equipment or both, for firefighting purposes, on reciprocal basis, on such terms and conditions as may be specified under the said agreement.

Declaration of fire and emergency service as technical service.

58. Without prejudice to the provisions of any other law for the time being in force, the Government may, by notification, declare the fire and emergency service as a technical service.

Deployment in other area.

59. The Director or any Fire Officer authorised by the Government in this behalf may, in the event of a fire or other emergency in any neighbouring area in which this Regulation does not extend, order the deployment of the employees of the fire and emergency service with necessary appliances and equipment to carry out firefighting operations in such neighbouring area and thereupon all the provisions of this Regulation and the rules made thereunder shall apply to such areas, during the period of fire emergency or during such period as the Director or Chief Fire Officer may specify, on such charges as may be prescribed.

Deployment on other duties.

60. The Government or any officer authorised by it in this behalf, may, deploy the fire and emergency service in any rescue, salvage or other operation for which it is suitable by reason of its training, appliances and equipment.

Power to obtain information.

61. The Director or an employee of the fire and emergency service, authorised by general or special order in this behalf may, for the purpose of discharging his duties under this Regulation, may by order require the owner or occupier of any building or other property, to supply such information with respect to the features of such building or other property as may be specified therein, the available water supplies and means of access thereto and any other material particulars, and such owner or occupier shall furnish all the information in his possession to the Director, Chief Fire Officer or such employee.

Power to disconnect electricity and water supply or seal building.

62. (1) Where, it appears to the Director either *suo motu* or on receipt of a report from the nominated authority referred to in sub-section (5) of section 31, that the condition of any building is dangerous to life or property, he shall, without prejudice to any action taken under this Regulation, by order, require the person in possession or occupation of such building to remove themselves from such building or premises immediately.

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

(a) the authority concerned to disconnect the supply of electricity or water, as the case may be, in the building referred to in sub-section (1);

(b) any police officer having jurisdiction in such an area shall remove such persons from the building, and such officer shall comply with such directions.

(3) After the removal of the persons referred to in sub-section (1) or sub-section (2), as the case may be, the nominated authority shall declare the building unfit from fire safety point of view and shall report immediately to the concerned Sub-Divisional Magistrate, who shall seal the building or the premises immediately, with the aid of police assistance, if necessary.

(4) No person shall remove such seal except under an order made by the Sub-Divisional Magistrate.

63. Any person who removes the seal, referred to in sub-section (3) of section 62, except under an order made by the Sub-Divisional Magistrate, shall be punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to twenty-five thousand rupees, or with both.

Penalty for removal of seal.

64. In firefighting operations or any other duties related to seizure, detention or removal of any goods involving risk of fire, disconnection of electricity, water supply or sealing of a building, it shall be the duty of a police officer or employees of the police force to assist and aid the nominated authority in the performance of such duties under this Regulation.

Police officers and employees are to assist and aid.

65. (1) Without prejudice to the provisions contained in any other law for the time being in force, on and from the date of the commencement of this Regulation, the existing fire and emergency service of the Union territory shall be deemed to be the fire and emergency service constituted under this Regulation; and every person holding the office of either Fire Officer or an employee of such service in the Union territory, on and before the promulgation of this Regulation, shall be deemed to have been appointed and holding office under this Regulation.

Existing fire and emergency service to be deemed to be fire and emergency service constituted under Regulation.

(2) All proceedings pending before any Fire Officer of the existing Union territory fire and emergency service, immediately before the commencement of this Regulation shall be deemed to be proceedings pending before him under this Regulation.

66. In the event of death of a member of the fire and emergency service other than a Gazetted Officer, while on duty, the Government shall immediately pay to the next of kin of the said member as funeral expenses, such amount as may be prescribed as the Government may, by an order, determine.

Final expenses to next of kin in case of death of member of fire and emergency service.

67. Every officer and employee of the Fire and Emergency Service, acting under this Regulation, shall be deemed to be a public servant within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

Officers and employees to be public servant.

68. The Government may call for any returns, reports and records relating to fire prevention and fire safety, the maintenance of order and the performance of duties by the Director, nominated authority, Fire Officer, employees or subordinate operational staff, and the same shall be furnished immediately.

Power of Government to call for returns, reports, statements, etc.

69. (1) The Government may, by notification and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Regulation for carrying out the purposes of this Regulation.

Power to make rules.

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

(a) other measures under clause (m) of section 2;

(b) the manner of function of existing workshop, control room and other field formations under sub-section (2) of section 5;

(c) the number of employees, method of their appointment, level of post, qualifications, pay, allowances, terms and conditions of service and the other matters connected therewith under sub-section (1) of section 6;

(d) the uniform and badges of employees under sub-section (2) of section 6;

(e) the qualifications and experience and powers, duties and other functions of Director or Chief Fire Officer of fire and emergency service under sub-section (1) of section 7;

(f) other powers, duties and functions of Director or Chief Fire Officer under clause (j) of sub-section (2) of section 8;

(g) the strength of the fire and emergency service under sub-section (1) of section 10;

(h) the method of recruitment, qualifications and other terms and conditions of service of the Fire Officer under sub-section (2) of section 10;

(i) the auxiliary service, the area and the terms and conditions under sub-section (1) of section 13;

(j) the form of certificate under sub-section (2) of section 13;

(k) the qualifications and experience and time limit for appointment of the Fire Safety Officer under clause (a) of sub-section (1) and the form of enrolment certificate under sub-section (2), of section 15;

(l) the manner of deployment of the fire and emergency service resources, equipment and fire personnel at stand-by duties during any fire response or any other emergency under section 17;

(m) the compensation payable and the manner thereof under clause (c), the manner of extinguishing or limiting the spread of fire and carrying out rescue operations under clause (d) and the terms of an agreement under clause (g), of section 19;

(n) the rates payable for drawing water under section 20;

(o) the terms and conditions under section 22;

(p) the fire prevention and life safety measures and the manner of displaying the declaration under sub-section (2) and the manner of removing the pandal under sub-section (3), of section 26;

(q) the form of notice under sub-section (6) of section 28;

(r) the fire prevention and life safety measures under sub-section (1), the form and the fee under sub-section (2), form and manner of obtaining a provisional fire safety certificate under sub-section (3), the form and manner of self-declaration or certification under sub-section (4), form of certificate to be issued by qualified agency under sub-section (5), the form of declaration under sub-section (6) and the manner of selecting the qualified agency and functions thereof under sub-section (8), of section 29;

(s) the procedure under sub-section (1) of section 30;

(t) the charges payable under clause (b) and the procedure and fee payable for course of instruction on prevention and extinguishment of fire under clause (c), of section 33;

(u) the matters in respect of which the fire and emergency service shall render assistance and consultation to the communities and the manner thereof under section 34;

(v) the rate of fire tax to be levied under sub-section (2) of section 35;

(w) the fee payable by the State Government or the local body or the fire and emergency service authority under sub-section (1) and the fee payable under sub-section (4), of section 37;

(x) the conditions and the manner of utilisation of fund under sub-section (3) of section 39;

(y) the time period for appointment of Fire Safety Officer under sub-section (1) of section 43;

(z) the form and manner and fees payable under sub-section (2) of section 56;

(za) the charges payable under section 59;

(zb) amount payable under section 66.

70. (1) The Government may, by notification, direct that any power exercisable by it under this Regulation shall, subject to such conditions, if any, be exercisable by any officer not below the rank of Secretary to the Government.

Power of Government to delegate.

(2) The Director or Chief Fire Officer may, by order, direct that any power conferred or any duty imposed on him by or under this Regulation shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and, performed by any officer of the fire and emergency service specified in the said order.

71. If immediately before the day on which this Regulation comes into force in the Union territory, there is in force in the Union territory any law or rule having the force of law which corresponds to this regulation, such corresponding law, in so far as it relates to any matter for which provision has been made in this Regulation shall on that day stand repealed:

Repeal and saving.

Provided that such repeal shall not be deemed to limit, modify or derogate from the general responsibility of any local authority—

(i) to provide and maintain such water supply and fire hydrants for firefighting purposes as may be directed by the Government from time to time;

(ii) to make bye-laws for the regulation of dangerous trades;

(iii) to order any of its employees to render aid in fighting a fire when reasonably called upon to do so by any member of the fire service; and

(iv) generally, to take such measures as will reduce the likelihood of fire or prevent the spread of fire.

72. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Regulation as may appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Regulation.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

73. Every rule made and every order issued under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament.

Laying of rules and orders, etc.

74. (1) The provisions of this Regulation and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any other law.

Act to have an overriding effect on other laws.

(2) Notwithstanding anything contained in any other law for the time being in force, when anything in relation to the fire prevention and life safety measures is required to be done or approved under this Regulation, any such thing shall not be deemed to have been unlawfully done or approved by reason only of the fact that the permission, approval or sanction required under such other law has not been obtained.

(3) Subject to the provisions of sub-section (1), the provisions of this Regulation shall be in addition to, and not, save as expressly provided hereinabove, be in derogation of the provisions of any relevant law for the time being in force in any area in which this Regulation is in force.

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-18052026-272607
CG-DL-E-18052026-272607

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 17] नई दिल्ली, शुक्रवार, मई 15, 2026/वैशाख 25, 1948 (शक)

No. 17] NEW DELHI, FRIDAY, MAY 15, 2026/VAISAKHA 25, 1948 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 15th May, 2026/Vaisakha 25, 1948 (Saka)

THE DADRA AND NAGAR HAVELI AND DAMAN AND DIU REGISTRATION OF SOCIETIES REGULATION, 2026

No. 4 OF 2026

Promulgated by the President in the Seventy-seventh Year of the Republic of India.

A Regulation to consolidate the laws relating to the registration and regulation of societies in the Union territory of Dadra and Nagar Haveli and Daman and Diu, for promoting art, fine arts, charity, craft, culture, education, literature, philosophy, political education, religion, sports, science and for any public or charitable purpose, and for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Dadra and Nagar Haveli and Daman and Diu Registration of Societies Regulation, 2026.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Short title,
extent and
commencement.

(3) It shall come into force on such date, as the Administrator, may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Regulation.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) “Administrator” means the Administrator of the Union territory of Dadra and Nagar Haveli and Daman and Diu;

(b) “bye-laws” means the bye-laws of a society;

(c) “defunct society” means a society which is not carrying on any business or operation, or has not filed its annual or other returns with the Registrar continuously for such period, as may be notified;

(d) “district” means a revenue district notified by the Government under the Registration Act, 1908;

16 of 1908.

(e) “District Registrar” means an officer appointed under sub-section (3) of section 3;

(f) “document” means and includes the register of members, books of account, returns, annual returns, other statutory registers, summons, notice, requisition, order or other legal processes, whether issued or kept in pursuance of this Regulation or any other Regulation or any other law for the time being in force in the Union territory of Dadra and Nagar Haveli and Daman and Diu;

(g) “due date” means the date on which the term of a Governing Body of a society expires and by which the elections of the successor body shall be completed;

(h) “financial year” means the period commencing from the 1st day of the month of April of a year and ending with the 31st day of the month of March of the following year;

(i) “General Body” means the body of all members of a society as specified in section 15;

(j) “Governing Body” means the body of members elected by the General Body as specified in sub-section (1) of section 17;

(k) “Government” means the Union territory Administration of Dadra and Nagar Haveli and Daman and Diu, headed by the Administrator appointed under article 239 of the Constitution, by the President of India;

(l) “major” means a person who has completed the age of eighteen years;

(m) “member” means a person who fulfils the eligibility criteria for becoming a member of a society as specified in section 10 and has been admitted as a member of the society in accordance with its bye-laws;

(n) “Memorandum” means the memorandum of association of a society in accordance with the provisions of this Regulation;

(o) “notification” means a notification published in the Official Gazette and the expression “notified” shall be construed accordingly;

(p) “office-bearer” means and includes the President, Vice-President, Secretary, Joint Secretary, Manager, Treasurer or any other member of the Governing Body empowered under the bye-laws to give directions in regard to the conduct of business of the society;

(q) “Official Gazette” means the Official Gazette of the Union territory of Dadra and Nagar Haveli and Daman and Diu;

(r) “prescribed” means prescribed by rules made under this Regulation;

(s) “public notice” means a notice published in at least two newspapers largely circulating in the area, of which one shall be in vernacular, and copy of which is also displayed on the notice board of the office of the District Registrar;

(t) “Registrar” means the Registrar of Societies appointed under sub-section (2) of section 3;

(u) “Registrar General” means the Registrar General of Societies appointed by the Government under sub-section (1) of section 3;

(v) “rules” means the rules made under this Regulation;

(w) “society” means a society duly registered under the provisions of section 8;

(x) “special resolution” means a resolution passed in a meeting of the General Body, in which at least forty per cent. of the members entitled to vote are present and the resolution is approved by at least three-fifths of the members so present and voting; and

(y) “State-aided society” means a society, which is in receipt of any recurring grant or financial aid from the Government, or a local body, or any of its entities, to manage its facilities or institutions established in accordance with the objectives set out in its Memorandum or its bye-laws and shall include a society where any one or more of its institutions are receiving such aid.

CHAPTER II

OFFICERS OF SOCIETY

3. (1) The Government may, by order published in the Official Gazette, appoint an officer not below the rank of Secretary, as the Registrar General of Societies, who shall exercise such powers and perform such duties and functions, as are conferred upon him by or under this Regulation.

Registrar
General, other
officers and
their powers.

(2) The Government may, by order, appoint—

(a) a Group ‘A’ officer of the Government not below the rank of Joint Secretary, as the Registrar of Societies; and

(b) other officers of the Government, not below the rank of Group ‘B’ officer, as Additional Registrar or Joint Registrar, to assist the Registrar in the discharge of his functions and empower them to exercise such powers and perform such duties and functions, as may be assigned to them, from time to time.

(3) The Government may further appoint District Registrars not below the rank of Group ‘B’ officer in the Government, to exercise such powers and perform such duties and functions, as may be assigned to them under this Regulation, in respect of the territorial jurisdiction of one or more districts.

(4) The Government may also appoint certain officers not below the rank of Group ‘B’ officer of the Government as Deputy District Registrars or Assistant District Registrars as per relevant service rules or terms of employment and empower them to perform such duties and functions, as may be assigned to them, from time to time.

(5) The officers appointed under this section shall exercise the powers and perform the duties and functions as may be assigned to them under the overall administrative control and superintendence of the Government.

Registrar
General and
other officers to
be public
servants.

4. Every officer exercising or authorised to exercise powers under this Regulation or the rules made thereunder shall be deemed to be a public servant within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023 and clause (c) of section 2 of the Prevention of Corruption Act, 1988.

45 of 2023.
49 of 1988.

Protection of
action taken in
good faith.

5. No suit, prosecution or other legal proceedings shall lie against the Registrar General or any official subordinate to him or acting under his authority, in respect of anything done by him or purporting to have been done by him in good faith under this Regulation.

CHAPTER III

AIMS AND OBJECTS OF SOCIETY

Aims, objects
and composition
of society.

6. Any seven or more persons associated for—

(a) any literary, scientific or charitable purpose; or

(b) military orphan funds; or

(c) the promotion of science, literature, or the fine arts for instruction, the diffusion of useful knowledge, the diffusion of political education; or

(d) the foundation or maintenance of libraries or reading rooms for general use among the members or open to the public; or

(e) public museums and galleries of paintings and other works of art, collections of natural history, mechanical and philosophical inventions, instruments, or designs; or

(f) the promotion of conservation and sustainable use of natural resources such as, land, water, forests and wildlife; or

(g) the formation of welfare associations of flats, tenements, condominiums or floor space owners,

may, by subscribing their names to a Memorandum of Association, and filing the same with the Registrar General, form themselves into a society under this Regulation.

CHAPTER IV

REGISTRATION OF SOCIETY

Application for
registration of
society and
society not to
be registered
with identical
names.

7. (1) Every application for approval of the name of a society and for its registration shall be filed with the District Registrar, in whose jurisdiction the registered office of such society is situated, along with the Memorandum and the bye-laws prepared in accordance with the provisions of this Regulation and containing all such particulars, in such form, on payment of such fee and in such manner, as may be prescribed:

Provided that if the proposed name is identical with that by which any other existing society referred to in sub-section (3) of section 61 has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public, the Registrar shall refuse to register the name.

(2) No society shall be registered with a name which contravenes the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950.

12 of 1950.

(3) Except with the previous approval of the Government in writing, no society shall be registered by a name which contains any of the following expressions, namely:—

(a) “co-operative or land development”; or

(b) “Reserve Bank”; or

(c) “Union” or “State” or “national” or “international” or “universal” or any word expressing or implying the sanction, approval or patronage of the Central Government or any State Government or Union territory Administration; or

(d) “Municipal” or “Panchayat” or “chartered”; or

(e) “Investigation Bureau” or any other word which suggests or is calculated to suggest connection with any municipality, statutory, investigating or intelligence agency or other local authority.

8. (1) The District Registrar shall, after scrutiny of the application filed under sub-section (1) of section 7 and the documents presented before him, if is satisfied that the applicant has complied with all the provisions of this Regulation and the rules made thereunder, he shall enter the particulars of the society registered in a register maintained by him in physical or electronic form and issue a certificate of registration in such form and manner, as may be prescribed.

Registration.

Explanation.—For the purposes of this sub-section, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000.

21 of 2000.

(2) The District Registrar may, for reasons to be recorded in writing, refuse to register a society and shall communicate the same to the applicant.

(3) The District Registrar shall decide an application filed under sub-section (1) within such period as may be prescribed in this behalf.

(4) Every society registered under this section shall be assigned a distinct registration number.

(5) Every existing society shall apply to the District Registrar for obtaining a new registration number within a period of one year from the date of commencement of this Regulation or such further period, as the Government may, by notification specify, in such form and manner, as may be prescribed.

(6) Where an existing society has not applied for obtaining a new registration number under sub-section (5) within a period specified therein, then such existing society shall apply for obtaining new registration on payment of such fee, as may be prescribed, within a period of six months from the date of expiry of the period specified in the said sub-section, and if the society fails to apply for new registration number within such extended period, the registration of that existing society shall be treated as cancelled.

(7) A certificate of registration issued by the District Registrar shall be conclusive proof that the society mentioned in it is duly registered, unless proved otherwise.

(8) Every society registered under this Regulation shall prominently display its name along with registration number outside its registered office or any other place where it is carrying on its business or operations, and shall have a seal with its name engraved thereon.

(9) Every society registered under this Regulation shall be a legal entity, by the name in which it has been registered, having perpetual succession and a common seal, with the power, subject to the provisions of this Regulation, to acquire, hold and dispose of property, both movable and immovable, and to contract and to institute and defend suits and other legal proceedings and to do all other things necessary for the furtherance of the aims of the society for which it has been registered.

(10) In this section, “existing society” means a society referred to in sub-section (3) of section 61.

Change of name
and address.

9. (1) Every society shall have a registered office situated at any place in the district in which it is registered, to which all communications and notices shall be addressed.

(2) Every society shall obtain approval from the District Registrar for change of its name or address within thirty days of such change, and the District Registrar shall record such change of name or address in the certificate of registration and the register of societies.

(3) Any change of the registered office of a society to a place outside the district in which it is registered, shall be intimated to the District Registrars of both the districts.

(4) The change of name by any society shall not affect its rights and liabilities or any legal proceedings, by or against it.

CHAPTER V

MEMBERSHIP OF SOCIETY

Eligibility
conditions for
becoming
member.

10. (1) A person shall be eligible to become a member of a society, if he—

(a) is a major of age as on the date of admission;

(b) subscribes to the aims and objects of the society;

(c) has deposited the membership fee as specified in the bye-laws of the society; and

(d) is not an insolvent or of unsound mind or have not been convicted of an offence involving moral turpitude, punishable with imprisonment of one year or more.

(2) A partnership firm, whether registered or not, or a body corporate of whatever description, shall not be eligible to be a member of a society under sub-section (1).

(3) Nothing contained in sub-section (2) shall prevent a partner as defined in section 4 of the Indian Partnership Act, 1932 or, a member or shareholder of a body corporate, to become a member in his individual capacity.

9 of 1932.

Register of
members.

11. (1) Every society shall maintain a register of its members at its registered office and shall enter therein the particulars of admission or removal of any member or the cessation of any membership, within fifteen days of such admission or removal or the cessation of membership, as the case may be, in such form and manner, as may be prescribed.

(2) Every society shall file a copy of the register of members maintained by it with the District Registrar, if not filed by it at the time of registration, within sixty days from the date of its registration.

(3) The society shall file an updated list of members, duly certified by the authorised officer of the society, separately showing the inclusions and deletions, if any, every year within a period of sixty days from the close of the financial year in the office of the Registrar, in such manner as may be prescribed.

(4) The register of members shall be kept open at the registered office of the society and remain accessible to any officer of the office of District Registrar, Registrar, Registrar General or any member of the society, during its business hours.

(5) Every person, who is a member of the society on the date of notification of elections, shall have the right to exercise his vote in person, subject to the condition that he is not being in arrears of membership fees or annual subscription for such period as may be prescribed.

(6) Every member shall, after giving reasonable notice, have the right to inspect the books of account and books containing the minutes of proceedings of meetings, on any working day during business hours.

12. A member, admitted to a society, shall cease to be so in the following events, namely:—

Cessation of membership.

(a) upon submission and acceptance of his resignation; or

(b) if he ceases to fulfil the eligibility condition for being admitted as a member as mentioned in section 10; or

(c) upon his failure to pay membership fee or annual subscription fee continuously for such period as may be prescribed; or

(d) upon the death of a member:

Provided that in case of a housing society or a resident welfare association registered as a society for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area, the nominee or the legal heir of such member shall be enrolled as a member subject to fulfilment of qualifications and eligibility conditions as laid down in the bye-laws and the provisions of this Regulation.

CHAPTER VI

MEMORANDUM AND BYE-LAWS OF SOCIETY

13. (1) The Memorandum shall state—

Memorandum.

(a) the name of the society;

(b) the aims and objects of the society;

(c) the names, addresses and occupations of the members of the first Governing Body to whom the management of its affairs is entrusted under the bye-laws; and

(d) the address of the registered office of the society.

(2) The Memorandum and bye-laws, certified to be a true copy by not less than three members, shall be filed with the Registrar at the time of registration of the society.

14. (1) A society may, by a special resolution of the Governing Body, amend the provisions of its Memorandum with respect to—

Amendment in Memorandum and bye-laws.

(a) change in name of society; or

(b) change in the aims and objects of the society, as may be permissible under this Regulation.

(2) A society may amend its bye-laws by a special resolution.

(3) Any special resolution passed under sub-section (1) or sub-section (2) shall be filed with the District Registrar within thirty days from the date of approval thereof and the District Registrar may, if he is satisfied that the same is in accordance with the provisions of this Regulation and the rules made thereunder, register the amendments so made and any such change shall have no effect until it has been so registered.

(4) If the District Registrar refuses to register the amendments made in the Memorandum or the bye-laws of a society under sub-section (3), he shall communicate the reasons therefor in writing within a period of sixty days of filing of the special resolution by the society, and the special resolution so passed by the society shall have no effect:

Provided that if the District Registrar fails to communicate the reasons within sixty days, the special resolution shall be deemed to have been registered by him.

(5) Notwithstanding anything contained in this Regulation or the rules made thereunder, if the Registrar considers that an amendment of the Memorandum or bye-laws is necessary or desirable to bring the same in conformity with the provisions of this Regulation or the rules made thereunder, he may, by an order in writing, direct the society to make such amendment within such time, as may be specified, in such order and the same shall be final and binding on the society and its members.

CHAPTER VII

GENERAL BODY AND GOVERNING BODY

General Body.

15. (1) The total number of persons admitted as members of a society in accordance with the provisions of this Regulation shall constitute its General Body.

(2) Every society shall specify in its bye-laws the composition of its General Body, its powers, functions and duties, the periodicity of and the quorum for the meetings, the manner of recording its proceedings and all other matters relating to the affairs of the General Body.

(3) The quorum for the meeting of the General Body shall not be less than forty per cent. of the total members entitled to vote and present in person, subject to a minimum of four members.

(4) Every member shall have one vote and shall cast his vote in person or digitally.

Meetings of
General Body.

16. (1) An annual general meeting of the General Body, may be held as and when required:

Provided that at least one meeting of the General Body shall be held in every financial year in which the annual accounts of the society, duly audited, shall be placed before the members for approval.

(2) A clear notice of fourteen days of every meeting shall be given to the members of the General Body, before the date appointed for the meeting and a copy of such notice along with the business to be transacted during the general meeting shall also be endorsed to the Registrar.

Governing
Body, its
office-bearers,
powers and
functions.

17. (1) The members of the General Body shall elect the Governing Body (by whatever name called), consisting of not less than three and not exceeding twenty-one members.

(2) The office-bearers of the Governing Body shall comprise of the President, Secretary and Treasurer as a minimum, and other office-bearers shall be as specified in the bye-laws.

(3) The society shall file the list of the elected office-bearers with the District Registrar within a period of thirty days of holding of the elections for the Governing Body, in such manner as may be prescribed.

(4) The tenure of the Governing Body shall not exceed three years and the matters pertaining to re-election of any office-bearer shall be regulated in accordance with the bye-laws.

(5) Every society shall maintain a register showing the names, addresses and occupation of the persons appointed or elected as office-bearers and shall file with the District Registrar,—

(a) a copy of such register within a period of thirty days from the date of appointment or election of the office-bearers;

(b) a notice of every change in the office-bearer within a period of thirty days from the date of such change; and

(c) the details of the office-bearers along with the annual return.

(6) The constitution of the Governing Body, appointed or elected for the first time or thereafter, shall be valid only upon approval thereof by the District Registrar and its tenure shall commence from the date of its approval.

(7) The District Registrar shall communicate the approval for the constitution of Governing Body, appointed or elected for the first time or thereafter, within a period of thirty days from the date of receipt of such application for approval, failing which, it shall be deemed to be approved.

18. (1) The meetings of the Governing Body may be held as and when required:

Meetings of
Governing
Body.

Provided that the Governing Body shall meet once in every quarter and hold at least four meetings in a financial year.

(2) A clear notice of three days of every meeting of the Governing Body shall be given by the Secretary of the Governing Body to the office-bearers before the date appointed for the meeting:

Provided that the Governing Body may meet at shorter notice, wherever so required, with the consent of at least fifty per cent. of its members.

19. (1) The society shall maintain record of the minutes of proceedings of every meeting of the General Body and Governing Body in the proceedings book separately maintained for this purpose and such minutes shall be signed by the President and Secretary of the society.

Record of
proceedings.

(2) In case the minutes of the meeting are not signed by the President for any reasons, whatsoever, the Governing Body may authorise any of the office-bearer to sign such minutes.

(3) The minutes of every meeting of the Governing Body or the General Body, as the case may be, shall be placed for confirmation in its succeeding meeting of such body.

(4) Any resolution passed by the Governing Body or the General Body, as the case may be, during any of its meetings, which is not consistent with the provisions of this Regulation, or the rules made thereunder, or the bye-laws, shall be invalid.

(5) No act or proceedings of a society or any of its office-bearer shall be deemed to be invalid merely on the ground of any vacancy or defect in the organisation of the society.

20. Every society shall supply a copy of the balance-sheet or a statement of accounts together with the report of the auditor to every member of the General Body along with the notice of the annual general meeting and the same shall also be uploaded on the website of the society.

Supply of
balance-sheet or
statement of
accounts.

CHAPTER VIII

PROPERTY AND FUNDS OF SOCIETIES

21. Every society registered under this Regulation may acquire movable or immovable property, on free-hold or on lease basis, from and out of its funds, or donations, grants or loans, in accordance with its bye-laws.

Acquisition of
movable and
immovable
property.

22. All properties, movable and immovable, belonging to a society, whether acquired before or after its registration, shall vest in the society, and any such property may be referred to as the property of such society in any legal proceeding:

Property how
vested.

Provided that in case a housing society or a resident welfare association registered as a society for the operation, management and maintenance of facilities for the residents or civic amenities of any defined area, the property may vest in the members or their successor-in-interest who have contributed for acquisition of such property:

Provided further that where a society accepts a gift or donation of money or property of any other kind from any person or institution for a specific purpose, it shall use such money or property gifted or donated or any part thereof only for the purpose for which it has been so gifted or donated and for no other purpose.

Restrictions on sale or transfer of immovable property.

23. (1) Every society registered under this Regulation shall be competent to sell, transfer or alienate any of its immovable properties subject to the following, namely:—

(a) in case the immovable property is acquired from the Government, or any of its instrumentalities or a municipal body or gram panchayat or any other authority, with the prior written permission of the Government;

(b) in case the immovable property is acquired by means of a conditional gift or conditional donation from any source, in accordance with such conditions and subject to the prior permission of donor or his authorised representative and in case the donor is not alive and has left no such authorised representative, with the prior permission of the District Registrar;

(c) in case the immovable property is acquired by the society from and out of its own resources or funds or borrowings, with the prior permission of the General Body, by a special resolution.

(2) The Governing Body shall determine the reserve price of any immovable property referred to in sub-section (1), which shall not be less than the applicable Collector rates, before its disposal, so as to ensure that it is not sold or transferred at an undervalued consideration.

(3) The expression “Collector rates,” referred to in sub-section (2), commonly known as circle rate or ready reckoner rates, means the minimum price value set by the Government to determine the stamp duty and registration charges in specified areas, based on factors such as location, market trends and infrastructure.

(4) The proceeds from the transfer or sale of any immovable property of the society, wherever conducted in accordance with the provisions contained in this section, shall be immediately deposited in the account of the society, but not later than three working days from the date of receipt of transfer or sale proceeds, as the case may be.

(5) Where any office-bearer of the Governing Body indulge in violation of the provisions contained in sub-section (1) or sub-section (2) or sub-section (4), the District Registrar shall be competent to take any or all of the following actions, namely:—

(a) where the amount of consideration is not deposited in the account of the society within three working days, direct such office-bearer to pay interest out of his own funds at the rate of twenty-four per cent. for the period it remained in his possession, but such period shall in no case be more than thirty days;

(b) where the immovable property has been sold or transferred at an undervalued price, recover the difference assessed on the basis of Collector rates from the erring office-bearer and deposit the same in the account of the society;

(c) where the immovable property has been disposed of without the permission as required under sub-section (1), or without complying with the conditions applicable, recover the amount along with any additional amount as assessed on the basis of Collector rates, from the concerned office-bearer and deposit the same with the allotting authority.

(6) Where the recovery of any amount is due from any erring office-bearer under sub-section (5) in the course of enforcement, and such erring office-bearer fails to deposit the said amount within the period specified in the said sub-section, the District Registrar shall be competent to recover such amount as arrears of land revenue.

(7) Nothing in this section shall absolve the office-bearer from criminal action.

24. Every society, to such extent and under such conditions, as may be permitted under its bye-laws, from time to time, invest or deposit any portion of its funds not immediately required—

Investment of funds.

(a) in immovable properties; or

(b) in securities of the Government or in National Savings Certificates or other securities of the Government of India; or

(c) in the post office savings bank account; or

(d) in a special account opened by the society for the purpose in—

(i) a Scheduled Bank as authorised or notified by the Reserve Bank of India; or

(ii) a co-operative bank situated in the Union territory; or

(iii) such other mode of investment, as may be prescribed.

CHAPTER IX

ACCOUNTS, AUDIT AND FILING OF DOCUMENTS

25. (1) Every society shall keep proper books of account such as cash book, ledger, and the like as required by the Income-tax laws or the books as per the standards laid down by the Institute of Chartered Accountants of India, at its head office or such other places as may be determined by the Registrar General, with respect to—

Maintenance of books of account.

(a) all sums of money received and expended by the society; and

(b) the assets and liabilities of the society.

(2) The books of account, returns and registers shall be verified and signed by at least two office-bearers, as may be authorised by the Governing Body.

(3) The books of account shall be open to inspection during the business hours by the Registrar General or Registrar or District Registrar, or any officer authorised by him.

26. (1) Every society shall get its annual accounts audited from an auditor who is a member of the Institute of Chartered Accountants of India, constituted under the Chartered Accountants Act, 1949 or the auditor of the Union territory, Co-operative Department.

Audit.

(2) The auditor referred to in sub-section (1) shall not be a member of the Governing Body or family member of any of the office-bearer.

Annual returns and other returns.

27. (1) Every society shall file the following returns, in such form and manner as may be prescribed, with the District Registrar within thirty days of holding the annual general meeting, namely:—

(a) a list of the members duly certified by the President and the Secretary, as on the 31st March of the year, separately showing the deletions and additions during the previous year;

(b) a list of the office-bearers along with their names, addresses and occupations separately showing the deletions and additions, if any;

(c) an annual report on the working of the society by the Governing Body duly certified by the President and the Secretary;

(d) a copy each of the balance-sheet, receipt, expenditure statement and the report of the auditor duly certified by him; and

(e) a copy of the special resolution, as and when passed.

(2) Any society which is required to submit any statement or returns specified in sub-section (1) within the time specified therein, fails to do so, the District Registrar or Registrar may depute an officer to prepare the necessary statement or return:

Provided that in such cases, it shall be competent for the Registrar to determine, with reference to the time involved in the work and the emoluments of the officer deputed to do it, the charges which the society concerned should pay to the Registrar General or Registrar and to direct its recovery from the society.

CHAPTER X

AMALGAMATION AND DIVISION

Amalgamation or division of societies.

28. (1) Any two or more societies, after passing special resolutions for amalgamating with each other, shall move an application along with copy of the said resolutions, in such form and manner as may be prescribed, for obtaining approval of the Registrar and after getting the approval, shall amalgamate together as one society.

(2) Any society, after passing special resolution for division of a society, shall move an application, in such form and manner as may be prescribed, along with copy of such resolution, for obtaining approval of the Registrar and after getting the approval, shall stand divided.

(3) The special resolution for division referred to in sub-section (2) shall contain proposals for the division of the assets and liabilities of the society among the newly divided societies, relationship of the parent society with the divided societies, if any, and may specify the areas of operation of and the members who may constitute each of the new societies:

Provided that before division, the society shall settle all the claims and liabilities or divide the assets and liabilities amongst the societies on *pro rata* basis.

(4) No amalgamation or division of a society under sub-section (1) or sub-section (2), as the case may be, shall have effect until and unless the new society is or societies are duly registered.

(5) Upon the registration of the new amalgamated society or the divided societies, as the case may be, the assets and liabilities of the original registered society or societies shall, subject to the provisions of this section, be transferred to and become the assets and liabilities of the new society or societies in the manner specified in the special resolution referred to in sub-section (1) or sub-section (2), as the case may be.

CHAPTER XI

INQUIRY AND SUPERSESSION OF GOVERNING BODY

29. (1) The Registrar General or Registrar or District Registrar, may, by written order, require any society to furnish in writing, such information or document or explanation as specified in that order, within such time, not being less than two weeks from the date of receipt of such order.

Power to call for information or explanation.

(2) On receipt of the order, it shall be the duty of the society to furnish such information or documents or explanation, as may be specified in that order.

30. (1) Where the Registrar General or Registrar or District Registrar is satisfied that—

Powers to seize records, etc.

(a) the records, registers or the books of account of a society are likely to be tampered with or destroyed, and the funds and the property are likely to be misappropriated or misapplied; or

(b) the Governing Body is reconstituted at a general meeting and the outgoing members of the Governing Body refused to hand-over charge of the records and property of the society to those entitled to receive such charge; or

(c) the office-bearers, where the elections of the Governing Body have not been held by the due date, are likely to misuse such documents, funds or records, or are reluctant to hand over the records to an *ad hoc* committee or the administrator appointed for managing the affairs of the society as an interim measure under the provisions of section 33,

he may issue an order directing a person duly authorised by him in writing to seize and take possession of such document, funds, records and property, whereupon the office-bearer responsible for custody of such documents, record, funds and property shall give delivery thereof to the person so authorised.

(2) In order to secure compliance of the order under sub-section (1), the District Registrar may take or cause to be taken such steps and use or cause to be used such minimum force, including police force, as may be considered necessary.

31. (1) Where on the information received or gathered under section 29, or on the application of a majority of the office-bearers of a society, or on the application of not less than one-third of the members of the General Body, as the case may be, or if so moved by the Government or the District Collector, the Registrar General or Registrar or District Registrar is of the opinion that there is apprehension that—

Power to inquire.

(a) the affairs of such society are being so conducted as to defeat the aims and objects of the society; or

(b) its Governing Body is guilty of mismanaging its affairs or of any breach of fiduciary or other like obligations or to defraud its creditors,

the Registrar General or Registrar or District Registrar, as the case may be, may, in writing, order an inquiry to be conducted either himself or by any person authorised by him in that behalf, into the affairs of that society.

(2) An application or reference made by the Government or District Collector to the Registrar General or Registrar or District Registrar under sub-section (1) shall be supported by such evidence, as he may require for the purpose of showing that the applicant has good reason for applying for an inquiry.

(3) The Registrar General or Registrar or District Registrar may, before the inquiry is ordered by him, require the applicants to furnish such security as he thinks fit as the cost of the proposed inquiry.

(4) All expenses incidental or preliminary to the inquiry shall, where such inquiry is held,—

(a) on an application, be defrayed by the applicants thereof or out of the assets of the society or by the members of the society, in such proportion as the District Registrar may, by order in writing direct; and

(b) on a reference from the District Collector or the Government or on own motion of the District Registrar, be defrayed out of the assets of the society and shall be recoverable as arrears of land revenue.

(5) A person holding an inquiry shall have, at all reasonable times, free access to all the documents and shall have power to call upon any office-bearer or member to produce any of the document, as he may direct.

(6) It shall be the duty of all office-bearers or members, who were or are holding office in the society, to furnish the person holding the inquiry with all the information or document in their possession.

(7) A person holding an inquiry may—

(a) summon and examine any person on oath who, he has reason to believe, has knowledge of any affairs of the society; and

(b) summon any person to produce any books of account or documents belonging to him or in his custody, if the person holding the inquiry has reason to believe that such books of account or documents contain any entries relating to transactions of the society.

(8) A person holding an inquiry may, if in his opinion it is necessary for the purpose of inquiry, seize any or all the documents:

Provided that any person from whose custody such documents are seized shall be entitled to a receipt thereof and make copies thereof.

(9) If the inquiry is held under this section by—

(a) the District Registrar, he shall forward the report to the Registrar along with his recommendations; or

(b) a person other than the District Registrar, he shall send the report to the District Registrar and the District Registrar shall make a report to the Registrar along with his recommendations; or

(c) the Registrar himself, he shall forward the report to the Registrar General along with his recommendations.

(10) The inquiry report shall be communicated to the society and the applicants, if any.

32. The Registrar shall consider the inquiry report along with the recommendations of the District Registrar, if any, and take any of the following steps, namely:—

(a) where no irregularities of procedural or material nature are found to have been committed by the Governing Body, he shall order closure of the inquiry along with information thereof to the society and applicants, if any; or

(b) where the irregularities or violations committed by the society are found to be of procedural nature, which are rectifiable, he shall direct the society to take recourse to such corrective measures within such time, as he may direct and the society shall submit a compliance report thereof to the Registrar; or

(c) where the irregularities or violations committed by the society are found to be of a serious or material nature, he shall pass any other appropriate order to meet the ends of justice.

Supersession of
Governing Body
and
appointment of
administrator.

33. (1) Where, based on inspection, inquiry or audit under this Regulation, the District Registrar or Registrar submits a report or recommendation indicating that the Governing Body or a society is not functioning in accordance with the provisions of this Regulation or is acting against the interest of its members, the Registrar shall forward such report or recommendation to the Registrar General.

(2) If upon receipt of report, the Registrar General is of the opinion that a *prima facie* case is made out for supersession of the Governing Body, he shall issue a show cause notice indicating the proposed action, consider the response of the society, and if so requested, provide an opportunity of hearing, before passing appropriate order.

(3) The Registrar General, after considering the reply of the society, shall pass an order and may appoint an officer as administrator to manage the affairs of the society with such directions as deemed appropriate and the orders passed by the Registrar General in this behalf shall be final.

(4) The officer referred to in sub-section (3) shall be a Group 'B' officer or of equivalent rank in the service of the Government or any statutory authority, or such person who may have retired from a Group 'B' or equivalent position from the Government or the Central Government or a statutory authority.

(5) Where a retired person is appointed as the administrator, the Registrar General may also fix the honorarium or remuneration to be paid to the administrator during the course of his appointment at such rates as may be prescribed and direct such expenditure to be defrayed out of the funds of the society.

(6) The administrator appointed under sub-section (3) may hold office for a period which shall not exceed one year in the first instance, but whose term may be extended for such further period, as considered necessary, subject to the same not exceeding three years in total.

(7) On the appointment of the administrator under sub-section (3), the Governing Body shall cease to exercise any powers and perform and discharge any functions or duties conferred or imposed on it under this Regulation or the bye-laws.

(8) The administrator so appointed shall exercise all the powers of the Governing Body and perform all such functions or duties during the course of his appointment as provided in the bye-laws, subject to any directions from the Registrar General.

(9) The administrator shall, before the expiry of his term, take necessary action to hold the election of the Governing Body, if so required.

(10) If the administrator is, for reasons beyond his control, not able to hold the election of the Governing Body or fails to convene a meeting of the General Body, as the case may be, or in spite of such meeting having been convened, the General Body, fails to elect the Governing Body, the administrator shall forthwith send a report to the Registrar General who may pass such orders, as may be considered expedient, either extending the term of appointment of the administrator for a further period as may be specified in the order or, if satisfied that public interest so necessitates, for the dissolution of the society.

(11) The Registrar General may, if he thinks appropriate, appoint a committee to advise and assist the administrator so appointed for exercise of the powers and discharge of the duties and functions conferred or imposed on him under this Regulation.

(12) The members of the committee shall have such qualifications, as may be prescribed, and shall hold office during the pleasure of the Registrar General.

(13) Where an order of dissolution is passed under sub-section (10) by the Registrar General, further action shall be taken in accordance with the relevant provisions of this Regulation.

CHAPTER XII

SUSPENSION, CANCELLATION AND DISSOLUTION

Removal of
defunct society
and cancellation
of their
registration.

34. (1) Where the District Registrar has reasonable cause to believe that a society is defunct and is not carrying on business or operations, he shall issue a show cause notice to such society at its registered office to show cause as to whether it is carrying on its business or operations and directing it to file such documents or returns, within a period of ninety days from the date of issue of such notice.

(2) Where the defunct society responds to such notice within the specified period and submits the requisite documents or informs along with evidence that it is carrying on business or operations, the District Registrar shall, after due verification of records, pass an appropriate order.

(3) If the District Registrar receives a reply from the defunct society to the effect that it is not carrying on any business or operations, he may direct the society to convene a meeting of its General Body, pass a special resolution for its dissolution after settling all its liabilities and shall apply for dissolution of the society within a period of thirty days from the date of such resolution.

(4) Where the District Registrar does not receive any reply within a period of ninety days referred to in sub-section (1), he shall cause a public notice to be issued stating that on the expiration of such period as may be specified in such notice, the registration of such defunct society shall be suspended.

(5) If no response is received from the defunct society, or from its members, creditors or claimants, within the period specified in the public notice issued under sub-section (4), the District Registrar shall order suspension of registration of such society and after passing of such order, the society shall not carry on any business.

(6) The District Registrar shall cause to be notified an order passed, suspending the registration of a society under sub-section (5), through a public notice for the information of general public.

(7) The society or any of its member, creditor or claimant, aggrieved by an order of suspension passed under sub-section (5), may, within a period of three months from the date of the order of suspension, submit a representation to the District Registrar.

(8) The District Registrar may, on being satisfied and for reasons to be recorded in writing, that the society, at the time of its suspension, was carrying on business or operations, or otherwise, and it is just and equitable that the name of the society be restored to the register, revoke the suspension.

(9) The society whose registration is restored under sub-section (8) shall be deemed to have continued in existence, as if its registration had not been suspended.

(10) No claims, whatsoever, shall be valid and entertained against a society on the expiry of a period of three months from the date of suspension of its registration.

(11) If no representation against the suspension order is received within a period of three months from the date of suspension of registration, the District Registrar may, unless contrary is shown, strike off the name of the society from the register of societies and cancel its registration.

Cancellation of
registration of
society with no
assets and
liabilities.

35. A society, which has no assets or liabilities to its account and is not desirous of carrying on with its business or operations, may, after passing a special resolution, apply for cancellation of its registration to the District Registrar and the District Registrar shall, after giving a public notice of not less than ninety days inviting objections, strike out its name from the register of societies after considering objections, if any.

36. (1) The Registrar may, if he is satisfied that—

(a) the business of any such society is conducted, fraudulently; or

(b) the society is declared insolvent; or

(c) the society is carrying on any unlawful activity or allowing unlawful activity to be carried on in the premises under its control,

Cancellation of registration upon inquiry.

order an inquiry to be conducted by the District Registrar or any other officer authorised by him in accordance with the procedure contained in sections 31 to 33 and submit a report thereof within the period specified in such order.

Explanation.—For the purposes of this sub-section, an activity shall be treated as unlawful, if such activity is an offence punishable under the provisions of any law for the time being in force.

(2) On receipt of the report referred to in sub-section (1) from the District Registrar, the Registrar shall issue a public notice inviting objections, if any, as to why the registration of the society should not be cancelled.

(3) After considering the objections filed by the society and public, and after giving a reasonable opportunity of being heard to the society, the Registrar may cancel the registration.

37. When the registration of a society is cancelled, the society shall forthwith cease to carry on its business, except in so far as it may be required for the beneficial winding-up of its affairs, for which purpose it shall pass a special resolution and dissolve itself in the manner as provided in this Regulation:

Effect of cancellation of registration.

Provided that the liability of office-bearers shall continue and may be enforced as if the registration of society has not been cancelled.

38. (1) Where the registration of a society is cancelled, the District Registrar shall—

Procedure on cancellation of registration.

(a) direct the society to complete the process of its dissolution, that is, pass a special resolution, collect all its receivables and settle all its liabilities, provide the details of any of its assets left over after settlement of the liabilities, and submit a proposal for transfer of its left over assets to any other society in existence with identical aims and objects;

(b) assess the credentials of a society to whom any such assets are proposed to be transferred by the society referred to in clause (a) and may, either approve such proposal, or direct the society to place such assets at the disposal of the District Collector;

(c) constitute a committee of members of such society to carry out the process of its dissolution, where it has no Governing Body or General Body to carry out his directions under clauses (a) and (b);

(d) be competent to complete the dissolution of the affairs of the society on his own or appoint any of his subordinates to do the needful or associate any two members from any other society in existence for the purpose.

(2) If on dissolution and after settlement of all the claims and liabilities, a society is left with any movable or immovable assets, the District Registrar shall, in the first instance, make efforts to transfer all such assets to any other society in existence with identical aims and objects in operation against a proper receipt and submit a report thereof to the Registrar General, failing which, all such assets shall vest in the custody of the District Collector.

(3) Where any asset is placed at the disposal of the District Collector, he may, either direct the transfer thereof to a society in operation with identical aims and objects or use such assets preferably for the same purpose or for any other public purpose.

Dissolution by
special
resolution.

39. (1) A society may resolve to dissolve itself by passing a special resolution in a meeting of its General Body convened for the purpose.

(2) On passing of the special resolution under sub-section (1), the Governing Body shall take all necessary steps for settlement of all claims and liabilities, as it may consider appropriate in accordance with its bye-laws and if there are no bye-laws, in accordance with the provisions of this Regulation.

(3) If any dispute arises amongst the members of the society, the Governing Body, or the special committee, regarding the winding-up of the affairs of the society, it shall be referred to the District Registrar for such directions, as he may consider appropriate:

Provided that the special resolution for dissolution of the society shall not be a matter in dispute.

(4) If the Central Government or the Government or any of its instrumentalities is a member of or a contributory to or otherwise interested in any society, such society shall not be dissolved without the consent of the Central Government or the Government, as the case may be.

(5) After all necessary steps have been completed, the Governing Body shall send a report to the District Registrar, mentioning about the surplus assets, if any.

(6) The District Registrar shall thereupon cause a public notice issued at the expense of the society inviting objections from any person interested in the affairs of such society within the period specified in such notice, which shall not be less than three months.

(7) If no objection is received from any claimant, creditor or member of the society within three months from the date of issue of such public notice, and after the surplus assets, if any, have been disposed of as provided in this Regulation, the District Registrar shall make an order confirming the dissolution and thereupon the society shall stand dissolved and the District Registrar shall record the order of dissolution in the register maintained in his office and strike off the name of the society from the register of societies.

(8) If any objection is received from any claimant, or creditor, or member, or any other interested person, within a period mentioned in sub-section (7), the District Registrar shall not make an order confirming the dissolution of the society unless he is satisfied that the relevant claim or liability have been duly settled and the surplus assets, if any, have been disposed of as provided in this Regulation.

Dissolution by
Registrar.

40. (1) Where the Government decides to dissolve a society under sub-section (10) of section 33 or where the registration of a society is cancelled and it is found to be fit for dissolution under section 39, the Registrar General or the Registrar, as the case may be, shall order dissolution of such society in accordance with the procedure specified under the said sections.

(2) Upon passing an order for dissolution of a society under sub-section (1), the Registrar General or the Registrar or the District Registrar, as the case may be, shall take action for winding-up the affairs of the dissolved society in accordance with the provisions of this Regulation.

Disposal of
assets.

41. (1) Notwithstanding anything contained in section 38, after the settlement of claims and liabilities of society, where any surplus assets are left, such assets shall not be paid to or distributed amongst the members of the society, but shall be taken over and vest in the custody of Government:

Provided that in case of a housing society or where a resident welfare association is registered as a society, the operation, management and maintenance of facilities for the residents or civic amenities of any defined area, the successor-in-interest shall step in the shoes of original member, subject to fulfilment of qualifications as laid down in the bye-laws of the society and the provisions of this Regulation.

(2) The Government shall place such assets at the disposal of the District Collector, who may,—

(i) in the first instance identify any other society in operation with identical aims and objects and transfer such assets to such society;

(ii) use such assets, preferably for the purpose for which such assets were created; or

(iii) for any other public purpose, as deemed appropriate.

(3) The records of accounts shall be maintained for a period of three years from the date of dissolution and in case any matter pertaining to any such society is pending before any court, such records shall be maintained till the final disposal of such matter by the competent court.

CHAPTER XIII

OFFENCES AND PENALTIES

42. If a society fails to comply with any of the requirements of this Regulation, or contravenes any of the provisions thereof, then such society in default shall be liable for penalty which may extend up to two thousand rupees, as may be prescribed, and in case of a continuing default or contravention, with penalty which may extend to one hundred rupees for every day during which the default or contravention continues.

Penalty for non-compliance or contravention.

43. If an office-bearer or any employee of the society, knowingly or willingly makes or causes to be made any false entry in, or any omission from any register, account, balance-sheet, or other document, required to be maintained by a society under this Regulation, he shall be liable for penalty of a sum which may extend to five thousand rupees and may be removed from such membership or position of the society.

Penalty for falsifying any document.

44. If any office-bearer,—

(a) knowingly or willingly makes a false return or furnishes false information; or

(b) wilfully or without any reasonable reason, disobeys any summons, requisition or other lawful order or direction issued under the provisions of this Regulation; or

(c) with holds or fails to furnish any information lawfully required from him by the District Registrar, Registrar or Registrar General or a person authorised in this behalf under the provisions of this Regulation,

Penalty for furnishing false information or disobeying summons, requisition or other order or direction.

such office-bearer shall be liable for penalty of a sum which may extend to five thousand rupees and in the case of a continuing default or contravention, with a penalty which may extend to two hundred rupees for every day during which the default or contravention continues.

45. The penalties under this Chapter shall be imposed by the Registrar or any officer authorised in this behalf by the Registrar General or Registrar, after giving a reasonable opportunity of being heard, and such sum of penalties shall be credited to the Consolidated Fund of India.

Crediting of penalties imposed under this Regulation.

CHAPTER XIV

MISCELLANEOUS

Registrar to recover cost from officers of society.

46. Where any society fails to rectify the defects as directed by the Registrar and where no appeal has been made to the Registrar General under sub-section (1) of section 48 or where such appeal has been made and the Registrar General has not annulled, reversed or modified the order, the Registrar may take steps to have the defects rectified and may recover the cost, which were incurred for rectification of such defects, from the officers of the society who, in his opinion, have failed to rectify the defects.

Power of District Registrar to condone delay in certain cases.

47. The District Registrar may, upon an application in writing by any society and on sufficient cause being shown, allow further time to such society to comply with any of the provisions of this Regulation on payment of such late fees, as may be prescribed.

Appeal against penalties and review.

48. (1) Any person or society, aggrieved—

(a) by an order imposing penalty under section 42 or section 43 or section 44; or

(b) by any other order passed under this Regulation,

shall have the following recourse, namely:—

(i) the society concerned may make an appeal, against such order to the Registrar General within a period of sixty days from the date of the imposition of such penalty; and

(ii) the Registrar General may, in deciding the appeal, by order, annul, reverse, modify or confirm the order appealed against.

(2) Any society or person aggrieved by an order of the Registrar General, may file a second appeal before the Government within a period of sixty days from the date of issuance of such order.

(3) Any society or person who fails to file the aforesaid second appeal within the period referred to in sub-section (2), and if the society or person has shown sufficient cause for not preferring such appeal within such period, that appeal may be entertained even after the expiry of the said period, but not later than another sixty days.

(4) The decision of the Government shall be final and binding on the parties.

(5) Every appeal referred to in this section shall be in such form and accompanied by such fee, as may be prescribed.

(6) Notwithstanding anything contained in this section, an order passed by the Registrar or the Registrar General may be reviewed by such prescribed authority, on an application filed by the aggrieved party within a period of ninety days from the date of issuance of such order.

Legal representation and authority.

49. (1) The committee or any office-bearer of the society authorised in this behalf by its bye-laws, may bring or defend any action or other legal proceedings touching or concerning any property or any right or claim of the society and may sue or be sued in its name.

(2) No suit or other legal proceedings shall abate due to any vacancy or change in the position of the President, the Secretary or any office-bearer authorised under sub-section (1).

Enforcement of judgment.

50. A judgment, which shall be delivered against any office-bearer of the society, shall not be enforced against such office-bearer or his property, either movable or immovable, but shall be enforced against the property of the society.

51. No act or proceedings of a society or any of its office-bearer shall be deemed to have been invalid merely by reason of any vacancy or defect in the organisation of the society.

Acts or proceedings not to be invalidated by certain defects.

52. Any notice, order or requisition meant for a society, or for the Governing Body thereof, to be issued by the District Registrar, Registrar or the Registrar General or any other person or body, shall be served on the President or Secretary of the society, and the service on the President or Secretary of the society shall be effectual as if the same had been served on every member of the society.

Mode of service.

53. All documents filed by a society with the District Registrar under this Regulation shall be deemed to be public documents within the meaning of section 74 of the Bharatiya Sakshya Adhiniyam, 2023.

Public documents.

47 of 2023.

54. The Government may, as soon as possible, introduce measures for the effective governance and efficient administration of the provisions of this Regulation, and upon implementation of such measures, all or part of the transactions, forms, payments, and other services under this Regulation, may be administered in electronic or online mode.

E-governance.

55. The Government shall be competent to issue such directions to any society, as it may deem appropriate, for the proper enforcement of the provisions of this Regulation and the rules made thereunder.

Power of Government to issue directions.

56. (1) The Administrator may, by notification, make rules not inconsistent with the provisions of this Regulation, for carrying out the purposes of this Regulation.

Power to make rules and laying.

(2) Every rule made under this Regulation shall 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 or in two or more successive sessions, and if, before the expiry of the 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.

57. Save as otherwise expressly provided in this Regulation, the provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Act to override other laws.

58. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Regulation as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiration of two years from the date of commencement of this Regulation.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

59. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the District Registrar, Registrar or the Registrar General, or any other authority empowered under this Regulation is required to determine.

Bar of jurisdiction of civil courts.

Settlement of disputes, distribution of surplus, fees and recovery of dues.

60. (1) Any dispute relating to membership, including admission, termination or rights of members, shall be decided by the District Registrar or Registrar or such authority as may be specified under the rules and the decision of the Registrar in this regard shall be binding, subject to appeal as provided under section 48.

(2) The utilisation or distribution of any surplus, dividend or profit among the members shall be subject to the conditions and limits, as may be prescribed, ensuring transparency and equitable benefit-sharing.

(3) The fees payable for registration, filing of documents, inspections, certifications or any other service rendered under this Regulation shall be such as may be prescribed.

(4) Any amount due to the Government, the District Registrar or the society under this Regulation, including penalties or prescribed fees, shall be recoverable as arrears of land revenue in such manner as may be prescribed.

Repeal and savings.

61. (1) The Societies Registration Act, 1860, in its application to the Union territory of Dadra and Nagar Haveli and Daman and Diu, the Societies Registration (Goa, Daman and Diu First Amendment) Act, 1979, as extended to the erstwhile Union territory of Dadra and Nagar Haveli and the Union territory of Daman and Diu and the Societies Registration (Goa Second Amendment) Act, 1998, as extended to the erstwhile Union territory of Dadra and Nagar Haveli (herein referred to as the repealed enactments), are hereby repealed.

21 of 1860.

Goa, Daman and Diu Act 6 of 1979.

Goa Act 1 of 1999.

(2) Notwithstanding such repeal, anything done or any action taken under the repealed enactments, or under any order, rule, regulation or bye-laws made, or any instructions or certificate issued, in the exercise of any power conferred by or under the repealed enactments, shall be deemed to have been done or taken in the exercise of the powers conferred by the corresponding provisions of this Regulation.

(3) Any society registered at any place in the Union territory of Dadra and Nagar Haveli and Daman and Diu under the Societies Registration Act, 1860, the Societies Registration (Goa, Daman and Diu First Amendment) Act, 1979, as extended to the erstwhile Union territory of Dadra and Nagar Haveli and the Union territory of Daman and Diu and the Societies Registration (Goa Second Amendment) Act, 1998, as extended to the erstwhile Union territory of Dadra and Nagar Haveli, shall be deemed to have been registered under this Regulation, and its principal office shall be deemed to be the registered office for the purposes of this Regulation.

21 of 1860.

Goa, Daman and Diu Act 6 of 1979.

Goa Act 1 of 1999.

(4)(a) The Memorandum and the bye-laws of a society referred to in sub-section (3), to the extent they are repugnant to or inconsistent with any of the provisions of this Regulation and the rules made thereunder, shall be amended and brought in conformity with the provisions of this Regulation within a period of two years from the date of commencement of this Regulation or within such further period as the Government may, by notification, allow, and thereafter, to the extent of such repugnancy or inconsistency, be deemed to be void and shall be of no effect; and

(b) any officer elected or appointed to and holding office of a society immediately before the commencement of this Regulation shall continue to hold such office until the expiry of his term of office or until such office is lawfully terminated.

(5) Nothing under this Regulation shall affect any right, privilege, obligation, liability or punishment under the repealed enactments.

(6) Any investigation or proceedings, including proceedings for dissolution, or the supersession of the Governing Body or appointment of an administrator or constitution of a committee, commenced before the coming into force of this Regulation, shall be continued and conducted under the corresponding provisions of this Regulation.

10 of 1897.

(7) Without prejudice to the provisions of sub-sections (2) to (4), the provisions of section 6 of the General Clauses Act, 1897 shall apply with regard to the effect of repeal.

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-25052026-272850
CG-DL-E-25052026-272850

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 19] नई दिल्ली, सोमवार, मई 25, 2026/ज्येष्ठ 4, 1948 (शक)

No. 19] NEW DELHI, MONDAY, MAY 25, 2026/JYAISHTHA 4, 1948 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 25th May, 2026/Jyaishtha 4, 1948 (Saka)

THE ANDAMAN AND NICOBAR ISLANDS FIRE AND
EMERGENCY SERVICE REGULATION, 2026

No. 5 of 2026

Promulgated by the President in the Seventy-seventh Year of the Republic
of India.

A Regulation to provide for the maintenance of a Fire and Emergency Service and to
make more effective provisions for the fire prevention and fire safety measures
in various types of buildings and premises in the Union Territory of Andaman
and Nicobar Islands and for the matters connected therewith or incidental
thereto.

In exercise of the powers conferred by article 240 of the Constitution, the
President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Andaman and Nicobar Islands Fire
and Emergency Service Regulation, 2026.

(2) It extends to the whole of the Union territory of Andaman and Nicobar
Islands.

(3) It shall come into force on such date as the Administrator may, by
notification, in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) “Additional Director” means the Additional Director of Fire and Emergency Service referred to in clause (ii) of section 6;

(b) “Appellate Authority” means the Appellate Authority referred to in sub-section (I) of section 31;

(c) “Building” shall have the same meaning as assigned to it in the Andaman and Nicobar Islands (Municipal) Regulation, 1994 or the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 or the Andaman and Nicobar Islands Town and Country Planning Regulation, 1994 or any other law for the time being in force in the Union territory in the area in which this Regulation is in force and includes places or premises comprising land or building, or part of a land or building, whether authorised or otherwise, outhouses, if any, pertaining to such building or part thereof and petrol, diesel or gas lines, installations or pumps connection therewith;

Reg. 5 of 1994.

Reg. 1 of 1994.

Reg. 7 of 1994.

(d) “Building bye-laws” means the bye-laws made under the Andaman and Nicobar Islands (Municipal) Regulation, 1994 or the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 or Town and Country Planning Rules and Regulations or any other bye-law for the time being in force in the area in which this regulation is in force;

Reg. 5 of 1994.

Reg. 1 of 1994.

(e) “bye-law” means fire safety norms or guidelines made by the Government under this Regulation;

(f) “Deputy Director” means the Deputy Director of Fire and Emergency Service referred to in clause (iv) of section 6;

(g) “Director” means the Director of the Fire and Emergency Service referred to in clause (i) of section 6;

(h) “disaster” means disaster as defined in clause (d) of section 2 of the Disaster Management Act, 2005;

53 of 2005.

(i) “emergency” means any serious situation or occurrence, including disasters, that happens unexpectedly and demands immediate action or response of the emergency service;

(j) “employee” means a person appointed to the Fire and Emergency Service under this Regulation;

(k) “erector” means a person or an association of persons, whether corporate or otherwise, who erects or makes a pandal or any structure for occupation of people on a regular or temporary basis;

(l) “Fire and Emergency Service” means the Andaman and Nicobar Fire and Emergency Service;

(m) “Fire Officer” means a person appointed as Fire Officer under section 9;

(n) “fire prevention and life safety measures” means such measures as are necessary for the containment, control and extinguishing of fire and for ensuring the safety of life and property as may be prescribed;

(o) “fire property” means land and building used as fire stations, firefighting appliances, equipment, tools implements and things whatsoever used for firefighting and other means of transport used in connection with the firefighting, uniforms and badges of rank;

(p) “Fire Safety Officer” means the person appointed as the Fire Safety Officer by the owners and occupiers of certain premises and buildings under section 28;

(q) “Fire Station” means a building erected to house the firefighting equipment, appliances and staff declared generally or specially by the Government to be a fire station for the purpose of this Regulation;

(r) “Government” means the Union territory Administration of Andaman and Nicobar Islands headed by the Administrator;

(s) “Joint Director” means the Joint Director of Fire and Emergency Service referred to in clause (iii) of section 6;

(t) “local authority” means the authorities constituted under the Andaman and Nicobar Islands (Municipal) Regulation, 1994 or the Panchayati Raj Institutions created under the Andaman and Nicobar Islands (Panchayats) Regulation, 1994 or a body or authority created under any other law, which may be notified in this behalf by the Central Government or the Administration of Andaman and Nicobar Islands, as the case may be;

(u) “Nominated Authority” means—

(i) a Fire Officer not below the rank of a station officer nominated by the Deputy Director by an order; or

(ii) any other Municipal Officer, not below the rank of a station officer of fire service, nominated by the Government,

as a Nominated Authority for the purposes of this Regulation;

(v) “notification” means a notification published in the Official Gazette and the expression “notified” shall be construed accordingly;

(w) “occupancy” means the principal occupancy for which a building or a part of a building is used or intended to be used including subsidiary occupancies which are contingent upon it;

(x) “occupier” means—

(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;

(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;

(y) “Official Gazette” means the Union territory of Andaman and Nicobar Islands Gazette;

(z) “owner” means a person who, for the time being, is entitled to receive the rent of any land or building, whether on his own account or on account of himself and others and includes 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;

(za) “pandal” means a temporary structure with roof or walls made of straw, hay, ulu grass, golpatta, hogla, darma, mat, canvas, cloth or other like material which is not adopted for permanent or continuous occupancy;

(zb) “prescribed” means prescribed by rules made by the Government under this Regulation and the expression “prescribe” shall be construed accordingly;

(zc) “Qualified Agency” means a person or an association of persons having technical specialisation in the field of Fire or Civil or Mechanical Engineering or Technology or Industrial Safety or Disaster Management or Chemical Science from a recognised university and has sufficient domain knowledge and accomplishments in the field of fire services;

Reg. 5 of 1994.

Reg. 1 of 1994.

(zd) “Second Appellate Authority” means the Director of the Fire and Emergency Service;

(ze) “specified” means as specified by an order under this Regulation and the expression “specify” shall be construed accordingly;

(zf) “Standing Fire Advisory Council” means the advisory body constituted by the Ministry of Home Affairs, Central Government to examine the technical problems relating to the Fire and Emergency Service;

(zg) “Union territory” means the Union territory of Andaman and Nicobar Islands.

CHAPTER II

THE FIRE AND EMERGENCY SERVICE

Function of Fire and Emergency Service.

3. (1) On and from the date of commencement of this Regulation, the existing Andaman and Nicobar Fire Service shall be called as the Andaman and Nicobar Islands Fire and Emergency Service.

(2) All officers and subordinate ranks of the Fire and Emergency Service shall be liable for posting to any fire station or field formations in the Union territory.

(3) In case where the emergency service is not related only to fire, the decisions and directions of the authority in-charge of the emergency service shall prevail.

Superintendence of Fire and Emergency Service to vest in Government.

4. On and from the date of commencement of this Regulation, the superintendence of, and control over, the Fire and Emergency Service shall vest in the Government and the Fire and Emergency Service shall be administered by the Government in accordance with the provisions of this Regulation and the rules made thereunder.

Composition and classification of Fire and Emergency Service.

5. (1) The Fire and Emergency Service shall consist of the following, namely:—

(a) Director General of Police, *ex officio*—Director;

(b) Additional Director General of Police or Inspector General of Police or Deputy Inspector General of Police, *ex officio*—Additional Director;

(c) Senior Superintendent of Police, *ex officio*—Joint Director;

(d) Deputy Director;

(e) Chief Fire Officer;

(f) Assistant Divisional Officer;

(g) Station Officer;

(h) Sub-Officer;

(i) Leading Fireman;

(j) Fireman.

(2) The existing workshop, Control Room and other field formations shall function as per the rules made under this Regulation in accordance with the instructions issued by the Standing Fire Advisory Council.

(3) The number of employees, method of their appointment, grade of post, qualification, pay, allowances and other conditions of their service and the matters connected therewith shall be such as may be prescribed.

(4) The uniform and badges of employees shall be such as may be prescribed and they shall be in conformity with instruction issued by the Standing Fire Advisory Council.

(5) The employees of the Fire and Emergency Service shall be governed by the Central Civil Service Rules as are applicable to the other employees of the Government in relation to the terms and conditions of their service and all other allied matters.

(6) Save as otherwise provided by or under this Regulation, every person holding office either as a Fire Officer or staff or an employee (by whatever designation called) of existing fire service on the date immediately before the commencement of this Regulation, 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 Regulation.

6. On and from the date of commencement of this Regulation,—

(i) the Director General of Police, Andaman and Nicobar Islands shall be the Director of Fire and Emergency Service, who shall exercise such powers and perform such duties and other functions as are specified by or under this Regulation;

(ii) the Additional Director General of Police or Inspector General of Police or Deputy Inspector General of Police, Andaman and Nicobar Islands shall be the Additional Director of Fire and Emergency Service;

(iii) the Senior Superintendent of Police, Andaman and Nicobar Islands shall be the Joint Director of Fire and Emergency Service;

(iv) the Deputy Director of Fire and Emergency Service shall be appointed as per notified Recruitment Rules made in this behalf and shall function as Head of Office.

7. (1) Subject to the control, directions and superintendence of the Government, the Director shall direct and regulate all matters of fire safety and prevention, firefighting equipment, machinery and appliances, training, observation of persons, events of mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfilment of duties and maintenance of discipline of fire officers and employees of the Fire and Emergency Service under him, as per the relevant Government rules.

(2) Without prejudice to the provisions of this Regulation, the Director shall—

(i) function as the Head of the Department of Fire and Emergency Services;

(ii) keep liaison with the Government for the development of the Fire and Emergency Service;

(iii) frame the policies in relation to the development of the Fire and Emergency Service and, on approval by the Government, take steps to implement the same;

(iv) prepare and submit plans and proposals to the Government with regard to the periodical review of fire equipment, fire property and fire manpower for effective implementation of the Fire and Emergency Service;

(v) take or cause to be taken such effective steps and measures in cases of major fires, house collapse and other emergency services;

(vi) investigate or cause to be investigated the reason of fire and advise the concerned authorities for implementing fire precautionary measures;

Director,
Additional
Director, Joint
Director and
Deputy Director
of Fire and
Emergency
Service.

Power, duties
and functions of
Director,
Additional
Director, Joint
Director and
Deputy Director.

(vii) enter into agreement, in consultation with the Government with any person or agency who employs and maintains personnel or equipment or both for firefighting purposes, for the purpose of dealing with fires occurring in any area;

(viii) implement the effective Human Resource Development policies of the Government in accordance with the prescribed tasks at each level of fire service personnel and for that purpose, he may establish advance training centres;

(ix) represent the Government on National and International forums with a view to updating the standards of Fire and Emergency Service in the Union territory; and

(x) perform any other function or duty as may be necessary for carrying out the provisions of this Regulation.

(3) The Additional Director, the Joint Director and the Deputy Director shall exercise such powers and perform such duties as are conferred and imposed upon them, by this Regulation or by the rules made thereunder, subject to the control, directions and superintendence of the Director.

Setting up of
Fire Station.

8. (1) For the purpose of providing adequate number of officers and staff for meeting the needs of Fire and Emergency Service, the Government may, for the purpose of securing fire prevention and life safety measures within the Union territory, by notification; set up as many Fire Stations and other field formations as it deems fit in conformity with the recommendations of Standing Fire Advisory Council and Urban and Regional Development Plans Formulation and Implementation Guidelines.

(2) Every notification issued under sub-section (1) shall define the limits of each Fire Station and other field formations as may be necessary for administrative and operational efficiency.

Appointment of
Fire Officer.

9. (1) For the purposes of this Regulation, the Director may appoint Fire Officer not below the rank of Leading Fireman, who shall be officer-in-charge of a Fire Station or other field formations as per the size of the Fire and Emergency Service as prescribed by the Government.

(2) The Director may appoint such number of staff to assist the Fire Officer as may be prescribed.

(3) The qualifications for appointment and other conditions of service of the officers designated under this Regulation shall be such as may be prescribed.

Powers, duties
and functions of
Fire Officers.

10. (1) Subject to the control, direction and superintendence of the Director, the Fire Officers shall exercise such powers and perform such duties as are conferred and imposed upon him by this Regulation or rules or orders made thereunder.

(2) Without prejudice to the provisions of sub-section (1), the concerned Fire Officer shall be—

(a) responsible for maintenance of communication system, water resources including hydrants within his station areas, and shall be in-charge of operations of the Fire and Emergency Service within his area; and

(b) the Commanding Officer in the case of fighting a fire and preventing the fire spread, and the emergency service engaged, shall work under his command.

Issue of
certificate to
employees of
Fire and
Emergency
Service.

11. (1) Every employee, appointed to the Fire and Emergency Service shall receive a certificate under the seal and signature of the Director and thereupon such person shall have the powers, functions and privileges of an employee of the Fire and Emergency Service under this Regulation.

(2) The certificate received under sub-section (1) shall cease to have effect when the person named therein ceased for any reason to be an employee of the Fire and Emergency Service and on his ceasing to be such employee, he shall forthwith surrender the certificate to any fire officer empowered by the Director to receive the same.

(3) A certificate referred to in sub-section (1) shall become *null* and *void* or remain inoperative during the period such person is suspended from the Fire and Emergency Service.

12. Whenever, it appears to the Government that it is necessary or expedient to augment the Fire and Emergency Service, it may raise an auxiliary service by enrolment of volunteers for such area on such terms and conditions as may be prescribed.

Auxiliary Fire and Emergency Service.

13. The powers, functions and privileges vested in a Fire Officer shall remain suspended while such Fire Officer is under suspension from office:

Effect of suspension of Fire Officer.

Provided that notwithstanding such suspension, such person shall continue to be subject to the control of same authorities to which he would have been if he had not been under suspension.

CHAPTER III

FIRE AND EMERGENCY RESPONSE

14. The Fire Officer shall ensure the timely turnouts of fire units to respond to fire and emergency related calls in accordance with such Standard Operating Procedures as may be determined by the Government.

Response to calls.

15. The Fire Officer shall ensure deployment of the Fire and Emergency Service resources, equipment and fire personnel at stand-by duties during any fire response or any other emergency as may be prescribed.

Personnel and scale of equipment.

16. The Fire Officer shall ensure planning, organising and staff deployment of the staff and ensure regular monitoring of the fire or emergency site.

Operation management.

17. (1) On the occasion of fire or rescue operation, in any area in which this Regulation is in force, the employee may,—

Powers of employees of Fire and Emergency Service on occasion of fire or rescue.

(i) order any other member of the Fire and Emergency Service to remove any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;

(ii) close any street or passage in or near which a fire is being fought or rescue operation is in progress;

(iii) require the Authority in-charge of water supply in the area to regulate the water mains so as to provide water at a specified pressure at the place where fire has broken out and utilise 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 and carrying out rescue operations;

(iv) exercise the same powers for dispersing an assembly of persons likely to obstruct the firefighting operations, as if he is an officer of a Police Station and shall be entitled to the same immunities and protection as an officer of a Police Station;

(v) detain a person who wilfully obstructs and hinders Fire and Emergency Service personnel in firefighting and rescue operations and handover him over to a police officer or at the nearest Police Station without delay along with a brief note giving the time, date and reason of detention; and

(vi) take such other measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property, or for both.

(2) The employee shall 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 and carrying out rescue operation.

CHAPTER IV

WATER SUPPLY

Power to arrange for water during emergency.

18. It shall be lawful for the Fire Officer to draw water from any source in the area which he considers necessary during firefighting 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.

Duty to arrange water supply.

19. (1) The Fire Officer shall take all reasonable measures for securing that an adequate supply of water shall be available for the use in the event of fire.

(2) The Fire Officer shall ensure that the water demand for firefighting in the area is in accordance with Central Public Health and Environmental Engineering Organization (CPHEEO) Manual.

(3) The Local Authority and Andaman Public Works Department shall provide all assistance in meeting the water demand for firefighting as per sub-sections (1) and (2).

Power to enter into agreement for water supply.

20. The Fire Officer may enter into an agreement with an agency for meeting the demand of water supply and emergent need of water as per such procedures and terms and conditions for the payment as may be prescribed.

No compensation for interruption of water supply.

21. No authority or in-charge of water supply in any area shall be entitled to any claim for compensation for damage by reason of any interruption of supply of water caused in compliance with clause (iii) of sub-section (1) of section 17.

Exemption of charges for water consumed.

22. No charge shall be made by any local authority for water consumed in firefighting operations by the Fire and Emergency Service.

CHAPTER V

GENERAL MEASURES FOR FIRE PREVENTION AND EMERGENCY LIFE SAFETY MEASURES

Preventive measures.

23. (1) The Government may, by notification, require owner or occupier of premises or goods in any area, which in its opinion, are likely to cause risk of fire, to take such precautions as may be provided therein.

(2) The Deputy Director shall ensure that provision for Fire Services Management, Prevention and Preparedness including preparation of Fire Hazard Response Mitigation Plan is as per the guidelines issued by the National Disaster Management Authority.

Fire prevention and life safety measures in pandals to be self-regulatory.

24. (1) The erectors of pandals shall be deemed to be self-regulatory for taking fire prevention and life safety measures under this Regulation.

(2) The erector of a pandal shall display a declaration regarding compliance of fire prevention and life safety measures in such form as may be prescribed.

(3) It shall be lawful for the Nominated Authority to enter and inspect the pandal with a view to verify the correctness of the declaration so made by the erector under sub-section (2) and to point out the shortcomings, if any, with directions to rectify them within a specified time and if the directions of the Nominated Authority are not complied with within the time so given, the Nominated Authority shall remove the pandal in such manner as may be prescribed.

25. (1) Where a notification has been issued under sub-section (1) of section 23, it shall be lawful for the Nominated Authority to direct the removal of encroachments or objects or goods likely to cause a risk of fire or any obstruction to firefighting, to a place of safety, by means of a notice served in such manner as he may think fit, and on failure of the owner, occupier or erector, as the case may be, to do so, the Nominated Authority may, report the matter to the Sub-Divisional Magistrate, in whose territorial jurisdiction the premises or building or pandal is situated, requesting to decide the matter:

Removal of encroachments or objects or goods likely to cause risk of fire or any obstruction to firefighting.

Provided that where the Nominated Authority considers such encroachments or objects or goods to be an imminent cause of risk of fire or obstruction to firefighting, he may direct Station House Officer having jurisdiction in the area to seize or remove the encroachments or objects or goods forthwith and report the matter to the Sub-Divisional Magistrate accordingly.

(2) On receipt of a report under sub-section (1), the Sub-Divisional Magistrate shall give, by means of a notice served in such manner as he may think fit, an opportunity of showing cause against the removal of encroachments or objects or goods likely to cause a risk of fire or obstruction to firefighting.

(3) After giving the owner or occupier or erector, as the case may be, an opportunity of making representation under sub-section (2), the Sub-Divisional Magistrate after considering the representation, may withdraw the notice or make an order to seize, detain or remove such encroachments or objects or goods.

(4) The person charged with the execution of the order as made in sub-section (3) shall forthwith make an inventory of the objects and goods which he seizes under such order, and shall give a notice in writing as may be prescribed in this behalf, to the person in whose possession the objects or goods were at the time of seizure, that the said objects or goods shall be sold as mentioned therein, if the same are not claimed within the period stipulated in the said notice.

(5) On the failure of the person in whose possessions the objects or goods were at the time of seizure to claim the seized objects and goods pursuant to notice given under sub-section (4), the Sub-Divisional Magistrate shall sell such objects or goods through public auction.

26. (1) Without prejudice to the provisions of the bye-law and any other law for the time being in force in the Union territory, the owner or the occupier, who are either individually or jointly responsible, of a building or part thereof as specified in this Regulation, shall ensure and provide fire prevention and life safety measures therein:

Owner or occupiers liability to provide fire prevention and life safety measures.

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

(i) provide firefighting and life safety measures;

(ii) maintain the fire prevention and life safety measures in operational condition at all times.

(2) Any person proposing to construct a building as mentioned in clauses (a) and (b) of this sub-section or pursuant to the rules made in this behalf, shall apply for approval of the fire and life safety measure along with the building plan to the Nominated Authority in this behalf, in such form along with such fee as may be prescribed, in case of—

(a) multi-storied buildings having more than fifteen-metre height;

(b) special buildings including—

(i) hotel or resort or eating houses, apartment exceeding 500 square metres of floor area on adding area of all floors, educational, assembly, institutional, business, mercantile, hazardous industry or factory, storage;

(ii) mixed occupancies, where any of above buildings have floor area more than 500 square metres on adding area of all floors.

(3) Notwithstanding anything contained in any law for the time being in force in the Union territory, no authority shall issue the occupancy certificate, unless it is satisfied that the owner or occupier, either individually or jointly, has complied with the provisions as provided in sub-section (2).

(4) Without prejudice to the existing Building bye-laws applicable and enforcement of bye-laws by the local authority, the owner or occupier, as the case may be, shall obtain “fire safety certificate” from the Fire and Emergency Service for the buildings mentioned in sub-section (2), which shall be valid for five years from the date of issue of such certificate.

(5) The owner or occupier, as the case may be, shall furnish to the Qualified Agency or Nominated Authority, a self-certified certificate in such form as may be prescribed, regarding the compliance of the fire prevention and life safety measures in his building or part thereof, as required by or under the provisions of this Regulation while applying for fire safety certificate.

(6) The owner or occupier, after receipt of fire safety certificate, shall furnish a certificate in such form as may be prescribed, once a year in the month of July regarding the maintenance of fire protection system in good and efficient condition as provided in sub-section (1).

Fire safety
certificate.

27. (1) The Qualified Agency or the Nominated Authority, as the case may be, shall scrutinise the compliances with regard to the requirement of section 26 made by owners or occupiers or applicant, as the case may be, either independently or jointly and after making necessary enquiry, if any, issue fire safety certificate within a period of one month from the date of receipt of the application subject to the condition that all necessary required documents, designs, drawing, and the like shall be submitted by the owner or occupier or applicant.

(2) If the owner or occupier, as the case may be, fails to comply with the directions issued by the Qualified Agency or the Nominated Authority, the fire safety certificate, issued under sub-section (1), shall be cancelled after giving the owner or occupier or applicant, an opportunity of hearing to show cause.

(3) The owner or occupier of the building or premises whose fire safety certificate has been cancelled due to default on his part, shall not be entitled to occupy the building or premises on the ground of non-compliance of fire prevention and life safety measures.

(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.

(5) For the purposes of section 26 and this section, the manner of selecting the Qualified Agency, and the responsibilities of such Qualified Agency, shall be such as may be prescribed.

Appointment
and functions of
Fire Safety
Officer.

28. (1) To ensure effective fire prevention and life safety measures of the factory or building or premises as may be specified by an order by the Government in this behalf, every owner and occupier or occupiers individually or jointly, as the case may be, shall—

(i) appoint a Fire Safety Officer, having such qualifications and experience as may be prescribed;

(ii) send the compliance report to the Nominated Authority.

(2) The Fire Safety Officer appointed under sub-section (1) shall be issued the enrolment certificate by the Nominated Authority under his signature and seal of the office, in such form as may be prescribed.

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

(4) In case of the non-appointment of the Fire Safety Officer, as provided under sub-section (1), the Nominated Authority may take such steps as he deems necessary, which includes report to the Labour Commissioner for the closure of the factory and in other cases to the relevant authority for necessary action under relevant law.

(5) The Fire Safety Officers shall undergo training at Fire and Emergency Service Training Institute as may be identified by the Government in this behalf:

Provided that a person who has already undergone such training at the National Fire Service College, Nagpur or at any other equivalent institution recognised by the Government, shall not be required to undergo such training.

29. (1) The Nominated Authority 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.

Power of inspection.

(2) The Nominated Authority shall be provided with all possible assistance by the owner or occupier, as the case may be, of such place or 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 and shall not abuse 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 (3), due regard shall be paid to the social and religious sentiments of the occupiers, and where any flat, apartment or a part of such building is in the actual occupancy of any woman, who, according to the custom does not appear in public, 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 Authority under the preceding provisions of this section, he shall give a report of any such inspection to the Nominated Authority.

(6) The Nominated Authority shall, after completion of the inspection of the place or building or part thereof under this section, 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.

30. Any person who possesses any information regarding an outbreak of fire shall communicate the same without delay to the nearest Fire Station.

Information on outbreak of fire.

CHAPTER VI

APPEALS

Appeals.

31. (1) Any person aggrieved by any notice or order of the Nominated Authority issued or made under this Regulation may prefer an appeal to the Appellate Authority, who is an officer not below the rank of Deputy Director, within a period of thirty days from the date of receipt of the notice or order:

Provided that the Appellate Authority 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.

(2) An appeal to the Appellate Authority shall be made in such form and manner and shall be accompanied by a copy of the notice or order appealed against and by such fees as may be prescribed.

(3) Any person aggrieved by the order of the Appellate Authority may file an appeal within a period of thirty days from the date of receipt of such order, to the Second Appellate Authority and the decision of the Second Appellate Authority shall be final and binding on the parties.

CHAPTER VII

FIRE AND EMERGENCY SERVICE TRAINING

Functioning of
Fire and
Emergency
Service Training
Centre.

32. (1) The existing Fire and Emergency Service Training Centre shall provide courses of instruction in the prevention and extinguishment of fire for the fire service personnel, private candidates and other Government and Non-Government establishments and may close down or re-establish any such training centre in accordance with recommendations of Standing Fire Advisory Council.

(2) The training centre referred to in sub-section (1) shall also provide training of specialised courses to private candidates or organisations as well as the Fire and Emergency Service of other States.

(3) The Government shall prescribe such procedure as it may deem fit for providing a course of instruction in the prevention and extinguishment of fire.

(4) Subject to the observance of the general rules applicable to other employees of the Government in relation to training, employees of the Fire and Emergency Service may be given training in the field of scientific and modern techniques of fire protection and fire safety measures, and allied matters in any institute, within or out of India at the cost and expense of the Government.

Community
preparedness.

33. (1) The Fire and Emergency Service shall render assistance and consultations to the communities in matters related to fire prevention, in such manner as may be prescribed.

(2) The Fire Officer as authorised by the Deputy Director shall conduct awareness programmes on preventive measures on fire and other emergencies.

CHAPTER VIII

LEVY OF FIRE TAX, FEE AND OTHER CHARGES

Levy of fire tax.

34. (1) There shall be levied a fire tax on lands and buildings which are situated in any area in which this Regulation is applicable and on which property tax, by whatever name called, is levied by any local authority in that area.

(2) The fire tax shall be levied over and above the property tax at such rates as may be specified.

35. (1) The authority empowered to assess, collect and enforce payment of property tax under the law authorising the local authority of the area to levy such tax shall, on behalf of the Government, assess, collect and enforce payment of the fire tax in the same manner as the property tax is assessed, collected and enforced.

Mode of assessment, collection, etc., of fire tax.

(2) The Government may determine and earmark such portion of the total proceeds of fire tax to meet the cost of collection of fire tax.

(3) The net amount of fire tax collected under this Regulation reduced by the cost of collection of the fire tax, shall be deposited as mentioned in section 37, in such manner and at such intervals, as may be prescribed.

36. (1) Where employees of the Fire and Emergency Service are sent beyond the limits of any area in which this Regulation is in force, in order to extinguish a fire in the neighbourhood of such limits on the request of any local body or Fire and Emergency Service authority, they shall be paid such fee as may be prescribed.

Fee on deployment of Fire and Emergency Service.

(2) The fee referred to in sub-section (1) shall be payable, within one month of the service of a notice of demand, by the Deputy Director of the local body or the Fire and Emergency Service authority, as the case may be, and if it is not paid within that period, it shall be recoverable as an arrear of land revenue.

(3) No fee shall be levied for extinguishing the fire and rescue operations within the Union territory.

(4) The Government shall, by notification, specify the fee for deployment of members of the Fire and Emergency Service along with equipment and appliances for stand-by-duty for a specific duration.

37. The proceeds of fees, fire tax and penalties recovered under this Regulation, shall be credited to the Government account under the head "Fire Protection and Control".

Deposit of fees, charges, fire tax and penalties, etc.

CHAPTER IX

OFFENCES, PENALTIES AND COMPENSATION

38. Whoever contravenes any provisions of this Regulation or any rule or notification made or issued thereunder except as provided specifically in this Regulation, shall without prejudice to any other action taken against him under this Regulation and the rules made thereunder, be liable to a penalty which may extend to ten thousand rupees and where the contravention is a continuing one with a further penalty which may extend to one thousand rupees for every day after the first during which such contravention continues.

Penalty for contravention of Regulation, other than Chapter IV.

39. Whoever contravenes any provision of Chapter IV or the rules made thereunder shall, without prejudice to any other action taken against him under this Regulation and rules made thereunder, 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 contravention is a continuing one with a further fine which may extend to three thousand rupees for every day after the first during which such contravention continues.

Penalty for contravention of provisions of Chapter IV.

40. Notwithstanding any action which may be taken under the provisions of this Regulation, any member of the Fire and Emergency Service who—

Violation of duty.

(i) is found to be guilty of any violation of duty or wilful breach of any provision of this Regulation or any rule or order made thereunder; or

(ii) is found to be abdication of responsibility; or

(iii) withdraws or abstains from the duties of his office without permission or without having given previous notice for fifteen days or more; or

(iv) being on leave fails without reasonable cause to report himself for duty on expiration of such leave; or

(v) accepts any other employments or office or engages himself in business in contravention of the provisions of the Central Civil Services (Conduct) Rules 1964,

shall be liable under the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

Penalty in case of non-appointment of Fire Safety Officers under section 28.

41. (1) If any owner or occupier or an association of such owners and occupiers of a building or premises fails to appoint Fire Safety Officers under section 28 within a period of thirty days of the receipt of a notice given in this behalf by the Nominated Authority each one of them shall be deemed to be in default jointly and severally.

(2) When the person liable for appointment of such Fire Safety Officers is deemed to be in default, such sum not less than ten rupees per square metre and not exceeding fifty rupees per square metre of area owned or occupied by him including in the common areas in the premises as determined by the Government under this Regulation, may be recovered from him by way of penalty for each month of default or part thereof.

Penalty for failure to give information.

42. Any person who without adequate justification, fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under section 211 of the Bharatiya Nyaya Sanhita, 2023.

45 of 2023.

Penalty for failure to take precautions.

43. Whoever fails without reasonable cause to comply with any of the requirements specified in section 23 or section 26 or makes any false declaration towards compliance of fire prevention and life safety measure or of a direction issued in this behalf shall be punishable with fine which may extend to ten thousand rupees or with imprisonment for a term which may extend to three months, or with both and where the offence is a continuing one with a further fine which may extend to one thousand rupees for every day after the first during which such offence continues.

Penalty for wilfully obstructing firefighting, rescue operation.

44. Any person who wilfully obstructs or interferes with any member of the Fire and Emergency Service, who is engaged in firefighting operations, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

Penalty for false report.

45. Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorised to receive such report by means of a statement, message or otherwise shall be liable to a penalty which may extend to twenty-five thousand rupees.

Penalty for contravention of section 56.

46. Any person who removes the seal referred to in section 56, except under an order made by the Chief Fire Officer, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to twenty-five thousand rupees, or with both.

Offences by companies.

47. (1) Where an offence under this Regulation 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 Regulation 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, the expressions—

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

(ii) “Director”, in relation to a firm, means a partner in the firm.

48. (1) Any offence committed under this Regulation, may either before or after the institution of prosecution, be compounded by the Nominated Authority and for such amount as may be prescribed:

Compounding of offences.

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Government or of any of the officers authorised under this Regulation and until the same has been complied with.

(2) Where an offence has been compounded under sub-section (1), the offender if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

49. (1) No court shall take cognizance of an offence punishable under this Regulation, except on a complaint in writing received from the Nominated Authority in this behalf.

Cognizance of offences.

(2) No court inferior to that of a Judicial Magistrate of second class shall try an offence punishable under this Regulation.

50. (1) Any person whose property catches fire on account of an action of his own or of his agent, done deliberately or negligently shall be liable to pay compensation to any other person suffering damage to his property on account of fire or any action taken under section 17 of this Regulation by an officer mentioned therein or any person acting under the authority of such officer.

Liability of property owner to pay compensation.

(2) All claims under sub-section (1) shall be preferred to the Appellate Authority, within a period of thirty days from the date when the damage was caused.

(3) The Appellate Authority shall, after giving an opportunity of being heard to the concerned persons, may determine the amount of compensation and pass an order in this regard while fixing the liability of the persons for paying such compensation.

(4) The order passed under sub-section (3) shall have the force of decree of a civil court and shall be implemented within thirty days from the date of receipt of the order.

CHAPTER X

MISCELLANEOUS

51. The Joint Director may, with the previous approval of the Government, enter into an agreement with any Fire and Emergency Service or the Authority which maintains the said Fire and Emergency Service, beyond the limits of any area in which this Regulation is in force for providing personnel or equipment or both, for firefighting purposes, on such terms and conditions as may be prescribed by or under the agreement on reciprocal basis in public interest.

Reciprocal firefighting arrangements with other Fire and Emergency Service.

Declaration of Fire and Emergency Service as technical service.

52. Without prejudice to the provisions of any other law on the subject, the Government may, by notification, declare the Fire and Emergency Service as technical service.

Deployment to other area.

53. The Joint Director or any officer authorised by the Government in this behalf may, on the occasion of a fire or other emergency in any neighbouring area in which this Regulation is not in force, order the deployment of the employees of the Fire and Emergency Service with necessary appliances and equipment to carry out firefighting operations in such neighbouring area and thereupon all the provisions of this Regulation and the rules made thereunder shall apply to such areas, during such period of fire emergency or during such period as the Joint Director may specify in this behalf.

Employment on other duties.

54. It shall be lawful for the Government or any officer authorised by it in this behalf, to employ the Fire and Emergency Service in any rescue, salvage or other works for which it is suitable by reason of its training, appliances and equipment.

Power to obtain information.

55. The Fire Officer authorised by general or special order in this behalf may, for the purpose of discharging his duties under this Regulation, require the owner or occupier of any building or other property as may be specified in such order, to supply information with respect to the features of such building or other property as may be specified therein, the available water supplies and means of access thereto and any other material particulars, and such owner or occupier shall furnish all the information in his possession.

Power to seal building or premises.

56. (1) Where an inspection under section 29 is conducted and it appears to the Nominated Authority that the condition of any building or premises is dangerous to life or property, he shall, without prejudice to any action taken under this Regulation, by order, require the person 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 Nominated Authority under sub-section (1) is not complied with, the Nominated Authority 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 Nominated Authority shall report to the Chief Fire Officer and Chief Fire Officer shall seal the building or premises with approval of the Director and no person shall remove such seal except under an order made by the Chief Fire Officer with the approval of the Director.

Police officers and others to aid.

57. In firefighting operations or any other duties relating to seizure, detention or removal of any goods involving risk of fire, it shall be the duty of a police officer or employees of the police force to assist and aid to the Nominated Authority in the performance of such duties under this Regulation.

Death of member of Fire and Emergency Service.

58. In the event of death of a member of the Fire and Emergency Service (other than a Gazetted officer), while discharging his duties, the Government shall pay adequate amount to the legal heir as funeral expenses or such amount as the Government may, by an order, determine.

Officers to be public servants.

59. Every employee of the Fire and Emergency Service, acting under the provisions of this Regulation, shall be deemed to be a public servant within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

Protection of action taken in good faith.

60. 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 in pursuance of this Regulation or any rules made thereunder.

61. The Government may call for such returns, reports and statements on any subject connected with fire prevention and fire safety, the maintenance of order and the performance of duties by the employees of the Fire and Emergency Service and the same shall be furnished immediately.

Calling of returns, reports, statements, etc.

62. The provisions of this Regulation shall be in addition to and not in derogation of any other law for the time being in force in the Union territory:

Application of other laws not barred.

Provided that notwithstanding anything contained in any other law, when anything in relation to the fire prevention and life safety measures is required to be done or approved under this Regulation, shall not be deemed to have been unlawfully done or approved by reason only of the fact that permission, approval or sanction required under such other law therefor has not been obtained.

63. The Government may, by notification, direct that any power exercisable by it under this Regulation shall, subject to such conditions, if any, be exercisable by any of the officers of the Government.

Delegation of powers.

64. Any amount payable under this Regulation shall be recovered as arrears of land revenue.

Recovery of dues.

65. Where the Fire Officer, who is in-charge of a firefighting or any emergency operation requires firefighting equipment and appliance 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 or any other emergencies in any area and take possession thereof from the authority or any institution or individual, as the case may be.

Requisition of firefighting property.

66. The Government may, by notification and subject to the condition of previous publication, make rules not inconsistent with the provisions of this Regulation for carrying out the purposes of this Regulation.

Power to make rules.

67. Every rule made under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament.

Laying of rules.

68. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Regulation as may appear to it to be necessary or expedient for removing such difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of two years from the commencement of this Regulation.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-02062026-273069
CG-DL-E-02062026-273069

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 20] नई दिल्ली, मंगलवार, जून 2, 2026/ज्येष्ठ 12, 1948 (शक)

No. 20] NEW DELHI, TUESDAY, JUNE 2, 2026/JYAISHTHA 12, 1948 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 2nd June, 2026/Jyaishtha 12, 1948 (Saka)

THE DADRA AND NAGAR HAVELI AND DAMAN AND DIU FIRE
AND EMERGENCY SERVICE REGULATION, 2026

No. 6 of 2026

Promulgated by the President in the Seventy-seventh Year of the Republic
of India.

A Regulation to provide for the maintenance of a Fire and Emergency Service and to
make more effective provisions for fire prevention and fire safety measures in
various categories of buildings and premises in the Union territory of the Dadra
and Nagar Haveli and Daman and Diu and the matters connected therewith or
incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the
President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Dadra and Nagar Haveli and Daman
and Diu Fire and Emergency Service Regulation, 2026.

(2) It extends to the Union territory of Dadra and Nagar Haveli and Daman
and Diu.

(3) It shall come into force on such date as the Administrator may, by
notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) “Administrator” means the administrator of the Union territory of the Dadra and Nagar Haveli and Daman and Diu appointed by the President under article 239 of the Constitution;

(b) “Appellate Authority” means an officer of the rank of Assistant Director or Assistant Divisional Fire Officer appointed by the Government, by notification;

(c) “building” shall have the same meaning as assigned to it in any law for the time being in force in the area in which this Regulation is in force and includes places or premises comprising of land or building, or part of a land or building, whether authorised or otherwise, outhouses, if any, pertaining to such building or part thereof and installations of petrol, diesel, gas lines or pumps;

(d) “building bye-laws” means the bye-laws or rules or regulations made under any municipal law or any other law for the time being in force in the area in which this Regulation is in force and includes the development and control rules or regulations, by whatever name called;

(e) “bye-laws” means the fire safety regulations or norms or guidelines made by the Government under this Regulation;

(f) “Director” means the Director of the Fire and Emergency Service appointed under sub-section (1) of section 7;

(g) “disaster” means the disaster as defined in clause (d) of section 2 of the Disaster Management Act, 2005;

53 of 2005.

(h) “emergency” means any serious situation or occurrence, including disaster, occurring unexpectedly that demands immediate action or response of the Fire and Emergency Service;

(i) “employee” means a person appointed to the Fire and Emergency Service;

(j) “erector” means a person or association of persons, whether incorporated or otherwise, who erects or makes a pandal or any structure for occupation of people on a regular or temporary basis;

(k) “Fire and Emergency Service” means the Dadra and Nagar Haveli and Daman and Diu Fire and Emergency Service established under section 3;

(l) “Fire Officer or Station Fire Officer or Station Officer” means an officer appointed as such under sub-section (1) of section 10;

(m) “fire prevention and life safety measures” means such measures as may be necessary for the containment, control and extinguishing of fire and for ensuring the safety of life and property, including such other measures as may be prescribed;

(n) “firefighting property” means the land and building used as fire stations, firefighting appliances, equipment, tools, implements and other articles whatsoever used for firefighting and other means of transport used in connection with the firefighting, uniforms and badges of rank;

(o) “Fire Safety Officer” means the officer appointed as Fire Safety Officer under sub-section (1) of section 15;

(p) “fire station” means a fire station established under sub-section (1) of section 9;

(q) “fund” means the Fire Prevention and Life Safety Fund constituted under section 39;

(r) “Government” means the Union territory Administration of Dadra and Nagar Haveli and Daman and Diu;

(s) “local authority” means a municipal council, district panchayat or gram panchayat constituted under any law for the time being in force;

(t) “nominated authority” means any officer of the rank of a Station Fire Officer or Station Officer of Fire and Emergency Service nominated by the Government for the purposes of this Regulation;

(u) “notification” means a notification published in the Official Gazette and the expression “notify” or “notified” shall be construed accordingly;

(v) “occupancy” means the principal occupancy for which a building or part thereof is used or intended to be used including subsidiary occupancies which are contingent upon it;

(w) “occupier” means,—

(i) an owner in occupation of, or otherwise using his land or building;

(ii) 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;

(iii) a licensee in occupation of any land or building;

(iv) any person who is liable to pay damages to the owner for the use and occupation of any land or building; and

(v) a rent-free tenant of any land or building;

(x) “Official Gazette” means the Gazette of the Union territory of Dadra and Nagar Haveli and Daman and Diu;

(y) “owner” means a person who, for the time being, 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, who may receive the rent or be entitled to receive it, if the land or building or part thereof is let out to a tenant;

(z) “pandal” means a temporary structure with roof or walls made of straw, hay, ulu grass, golpatta, hogla, darma, mat, canvas, cloth or such other like material which is not used for permanent or continuous occupancy;

(za) “prescribed” means prescribed by rules made by the Government under this Regulation;

(zb) “qualified agency” means a person or an association of persons having technical specialisation in the field of Fire or Civil or Mechanical Engineering or Technology, Industrial Safety, Disaster Management or Chemical Science from a recognised university or institute having domain knowledge and accomplishments in the field of fire services or emergency services;

(zc) “Second Appellate Authority” means the Director of the Fire and Emergency Service;

(zd) “specified” means specified by an order under this Regulation and the expression “specify” shall be construed accordingly;

(ze) “Standing Fire Advisory Council” means the advisory body constituted by the Ministry of Home Affairs, by notification, to examine the technical problems relating to a Fire and Emergency Service and to make recommendations to the Government of India in the matter including the standardisation of firefighting equipment through the Indian Standard Institutions; and

(zf) “Union territory” means the Union territory of Dadra and Nagar Haveli and Daman and Diu.

CHAPTER II

ESTABLISHMENT AND MAINTENANCE OF FIRE AND EMERGENCY SERVICE

Establishment and declaration of Fire and Emergency Service.

3. (1) With effect from such date as the Government may, by notification, appoint, there shall be established a Fire and Emergency Service for the Union territory.

(2) The Government may, by notification, declare any Fire Brigade of the Union territory, by whatever name called, as part of the Fire and Emergency Service:

Provided that the private fire and emergency service maintained for providing fire protection coverage to a specific building or industry by the owner thereof shall not form part of the Fire and Emergency Service.

(3) In order to assist in any disaster, all fire services shall be considered as emergency services.

(4) In case the emergency service is not related to fire only, the authority in-charge of the Fire and Emergency Service shall take action.

Superintendence of Fire and Emergency Service to vest in Government.

4. The superintendence of, and control over, the Fire and Emergency Service throughout the Union territory shall vest in the Government and the Fire and Emergency Service shall be administered by the Government in accordance with the provisions of this Regulation and the rules made thereunder.

Composition of Fire and Emergency Service.

5. (1) The Fire and Emergency Service shall consist of the following members, namely:—

- (a) Director, *ex officio*;
- (b) Assistant Director or Assistant Divisional Fire Officer;
- (c) Station Fire Officer or Station Officer (Fire Service);
- (d) Assistant Station Fire Officer or Sub-Officer;
- (e) Leading Fireman;
- (f) Driver-cum-pump operator or Driver operator;
- (g) Fireman; and
- (h) Storekeeper.

(2) The existing workshop, Control Room and other field formations of the Fire and Emergency Service shall function in such manner as may be prescribed.

Terms and conditions of employees of Fire and Emergency Service.

6. (1) The number of employees, the method of their recruitment, qualifications, level of post, pay, allowances and other conditions of their service and the matters connected therewith shall be such as may be prescribed.

(2) The uniform and badges of employees shall be such as may be prescribed and shall be in conformity with the recommendations of the Standing Fire Advisory Council.

(3) The employees of the Fire and Emergency Service shall be governed by the Central Civil Services Rules as are applicable to the other employees of the Government in relation to the terms and conditions of their service and all other allied matters.

(4) Save as otherwise provided by or under this Regulation, every person holding office either as a Fire Officer or staff or an employee of the existing Fire Service on the date immediately before the commencement of this Regulation, 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 Regulation.

(5) All officers and employees of the Fire and Emergency Service shall be liable for posting to any branch of the Fire and Emergency Service at any location within the Union territory.

7. (1) The Government may, by notification, appoint a Director of the Fire and Emergency Service with such qualifications and experience as may be prescribed, who shall exercise such powers and perform such duties and other functions as are specified by this Regulation or as may be prescribed.

Appointment of
Director of Fire
and Emergency
Service.

(2) The Government may, by notification, appoint such other officers and employees, as may be necessary, to assist the Director.

(3) The jurisdiction of the Director so appointed shall extend to the whole of the Union territory in matters relating to Fire and Emergency Service.

8. (1) The Director shall, subject to the superintendence and control of the Government, direct and regulate matters relating to fire safety and prevention, firefighting equipment, machinery and appliances, training, events of mutual relations, distribution of duties, study of laws, orders and modes of proceedings, matters of executive details and the fulfilment of duties and maintenance of discipline of fire officers and employees of the Fire and Emergency Service, in accordance with the provisions of this Regulation and the rules made thereunder, any other applicable rules and instructions applicable to the officers and employees of the Union territory.

Powers, duties
and functions of
Director.

(2) The Director shall be the head of the office and shall—

(a) correspond with the Government for the development of Fire and Emergency Service;

(b) formulate the policies in relation to the development of Fire and Emergency Service in the Union territory and, on approval by the Government, take steps to implement the same;

(c) prepare and submit plans and proposals to the Government relating to the periodical review of fire equipment, firefighting property and fire manpower for effective implementation of the Fire and Emergency Service;

(d) take or cause to be taken such effective steps and measures in cases of major fire, house collapse and other emergency services as deemed necessary;

(e) investigate or direct investigation of the cause of the outbreak of fire and advise the concerned authorities in respect of implementation of fire precautionary measures;

(f) depute such number of officers and employees as may be necessary to assist any Fire Officer of the Fire and Emergency Service;

(g) enter into an agreement, after prior approval of the Government, with any person or agency that employs and maintains personnel or equipment or both for firefighting purposes, for the purposes of dealing with fires occurring in any area;

(h) implement the effective human resource development policies as per the job requirements specified at each level of fire service personnel and for that purpose, he may establish advance training centres;

(i) represent the Government at the national and international forums with a view to update the standard of the Fire and Emergency Service in the Union territory; and

(j) exercise such other powers and perform such other duties and functions as are conferred or imposed on him by or under this Regulation or as may be prescribed.

(3) The Assistant Director and such other officers, as may be appointed by the Government, shall exercise such powers and perform such duties as are conferred and imposed upon them, by this Regulation or the rules made thereunder, subject to the control, directions and superintendence of the Director.

CHAPTER III

ESTABLISHMENT OF FIRE STATIONS

Establishment of
fire stations.

9. (1) The Government may, for the purposes of securing fire prevention and life safety measures, by notification, establish as many fire stations and other field formations as it deems fit in conformity with the recommendations of the Standing Fire Advisory Council and Urban and Regional Development Plans Formulation and Implementation Guidelines.

(2) Every notification issued under sub-section (1) shall define the limits and extent of the fire stations and other field formations as may be necessary for administrative and operational efficiency.

Appointment of
Fire Officer.

10. (1) The Government may, by notification, appoint a Fire Officer for each fire station, who shall be the officer-in-charge of the fire station and shall hold charge of the fire station as per the strength of the Fire and Emergency Service as may be prescribed by the Government.

(2) The method of recruitment, qualifications and other terms and conditions of service of the Fire Officer shall be such as may be prescribed.

Powers and
functions of Fire
Officer.

11. (1) Subject to the control, direction and superintendence of the Director, the Fire Officer shall exercise such powers and perform such functions as may be conferred upon him under this Regulation and the rules made thereunder.

(2) Without prejudice to the provisions of sub-section (1), the Fire Officer shall be in-charge of operations of the Fire and Emergency Services within his area and shall be responsible for maintenance of communication system, water resources including hydrants within his station area, and in the case of fire prevention, disaster and emergency, the Fire Officer or an employee senior most in rank, in their respective jurisdiction, shall, act as commanding officer for that purpose and other Fire and Emergency Service employees shall work under him and abide by his direction.

Issue of
certificate to
employees.

12. (1) Every employee, appointed to the Fire and Emergency Service, shall receive a certificate under the seal and signature of the Director and thereupon such person shall have the powers, functions and privileges of an employee of the Fire and Emergency Service under this Regulation.

(2) The certificate referred to in sub-section (1) shall cease to have effect when the employee named therein ceases for any reason to be an employee and on his ceasing to be such employee, he shall forthwith surrender the certificate to any officer empowered to receive the same.

(3) The certificate referred to in sub-section (1) shall become invalid when the person named therein ceases to belong to the Fire and Emergency Service or shall remain inoperative during the period such person is suspended from the Fire and Emergency Service.

13. (1) Where, it appears to the Government that it is necessary to augment the Fire and Emergency Service, it may raise an auxiliary service by enrolment of volunteers for such area and on such terms and conditions, as may be prescribed.

Auxiliary Fire and Emergency Service.

(2) Every such volunteer shall receive a certificate, in such form as may be prescribed, as member of the Fire and Emergency Service, and shall—

- (i) have the same powers and protection;
- (ii) be liable to all such duties and penalties; and
- (iii) be subordinate to the same authorities.

14. The powers, functions and privileges vested in a Fire Officer shall remain suspended while such Fire Officer is placed under suspension:

Effect of suspension of Fire Officer.

Provided that the Fire Officer shall continue to be under the control of same authorities during the period of his suspension as he would have been, if he had not been, placed under suspension.

CHAPTER IV

FIRE SAFETY OFFICER

15. (1) To ensure effective implementation of fire prevention and life safety measures for the factory, buildings or premises as may be specified by an order by the Government in this behalf, every owner and occupier or occupiers individually or jointly, as the case may be, shall—

Appointment, power and functions of Fire Safety Officer.

(a) appoint a Fire Safety Officer, within such period, having such qualifications and experience, as may be prescribed; and

(b) send the compliance report to the nominated authority.

(2) The nominated authority shall issue an enrolment certificate to the Fire Safety Officer under his signature and seal, in such form as may be prescribed.

(3) In case of any vacancy of the Fire Safety Officer appointed under sub-section (1), either on resignation or otherwise, the owner and occupier or occupiers, as the case may be, shall immediately appoint another person as the Fire Safety Officer.

(4) If the Fire Safety Officer referred to in sub-section (3) is not appointed within the prescribed period, the nominated authority, may take such steps as it deems necessary, including report to the Labour Commissioner for the closure of the factory and in other cases to the concerned authority, as the case may be, for necessary action under the relevant law.

(5) The Fire Safety Officer shall undergo such training at the Fire and Emergency Service Training Institute as may be specified by the Government in this behalf:

Provided that a person who has already undergone such training at the National Fire Service College, Nagpur or at any other equivalent institution recognised by the Government for that purpose, shall not be required to undergo such training.

CHAPTER V

FIRE AND EMERGENCY RESPONSE

Response to calls.

16. The Fire Officer shall ensure the timely turnout of fire units to respond to fire and emergency related calls in accordance with such Standard Operating Procedure as may be specified by the Government.

Deployment of personnel and equipment.

17. The Director or Fire Officer shall ensure deployment of Fire and Emergency Service resources, equipment and fire personnel at stand-by duties during any fire response or any other emergency in such manner as may be prescribed.

Operation management.

18. The Director or Fire Officer shall ensure the planning, organising and deployment of the staff maintaining details of such planning and deployment of the employees and shall ensure the regular monitoring of the fire or emergency site.

Powers of employees of Fire and Emergency Service during fire or rescue operations.

19. In the event of a fire or rescue operation in any area in which this Regulation is in force, any member of the Fire and Emergency Service, who is in-charge of the firefighting operations on the spot, may—

(a) remove or order any member of the Fire and Emergency Service to remove any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which a fire is being extinguished or rescue work is in progress;

(c) for the purposes of extinguishing fire and carrying out rescue operations, break into or pull down any premises for the passage of hoses or appliances or cause them to be broken into or pulled down causing minimum 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 paid such reasonable compensation to the extent of the damage caused, in such manner as may be prescribed;

(d) require any authority in-charge of water supply in the area to regulate the water mains so as to provide water at a specified pressure at the place where fire has broken out and utilise 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 and carrying out rescue operations in such manner as may be prescribed;

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

(f) detain a person who wilfully obstructs and hinders Fire and Emergency Service personnel in firefighting and rescue operations and shall hand him over to a police officer or at the nearest police station without any delay along with a brief note giving date, time and reasons of such detention;

(g) enter into an agreement with any person who employs and maintains personnel or equipment or both for firefighting purposes, on such terms, as may be prescribed for the purposes of dealing with fire occurring in any area; and

(h) take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life and property, or with both.

20. The Director or Fire Officer may draw water from any source in the area which he considers necessary during firefighting 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.

Power to arrange for water supply during emergency.

21. (1) The Director or Fire Officer shall take all reasonable measures for securing adequate supply of water for use in the event of fire.

Duty of Director or Fire Officer to arrange water supply.

(2) The Director or Fire Officer shall ensure that the water demand for firefighting in the area is in accordance with Central Public Health and Environmental Engineering Organisation Manual.

(3) The Local Authority and the Dadra and Nagar Haveli and Daman and Diu Public Works Department shall provide all assistance for meeting the water demand for firefighting required under sub-sections (1) and (2).

22. The Director or Fire Officer may enter into an agreement with any agency for meeting demand of water supply in emergency situation on such terms and conditions, as may be prescribed.

Power to enter into agreement for water supply.

23. No authority in charge of water supply in any area shall be entitled to any claim for compensation for damage by reason of any interruption of supply of water caused in compliance with the provisions of clause (d) of section 19.

Authority not to claim compensation for damage.

24. No charge shall be made by any local authority for water consumed in firefighting operations by the Fire and Emergency Service.

Local authority not to charge for water consumption.

CHAPTER VI

PREVENTIVE MEASURES

25. (1) The Government may, by notification, require the owner or occupier of any building or premises in any area or of any class of buildings or premises that are likely to be at risk of fire or likely to cause a risk of fire, to take such precautions, as may be specified in such notification.

Preventive measures.

(2) The Director or Fire Officer shall ensure that provisions for Fire Service Management, prevention and preparedness including preparation of Fire Hazard Response Mitigation plans are in accordance with the guidelines issued by the National Disaster Management Authority.

26. (1) Notwithstanding anything contained in this Regulation, the erector of a pandal shall take all fire prevention and life safety measures referred to in this section.

Erector of a pandal to take fire prevention and life safety measures.

(2) The erector shall display at a prominent place in the pandal, a declaration under his signature to the effect that he has taken all fire prevention and life safety measures, in such manner as may be prescribed.

(3) The nominated authority may enter and inspect the pandal to verify the correctness of the declaration so made under sub-section (2) and in case of any default, it may direct the erector to rectify the same within the specified time and in case of non-compliance of directions within the specified time, shall remove the pandal in such manner as may be prescribed.

27. If any erector falsely declares that he has complied with the prescribed fire prevention and life safety measures in the pandal under sub-section (2) of section 26, he shall be deemed to have committed an offence punishable under section 49.

False declaration to be punishable offence.

28. (1) Where a notification has been issued under sub-section (1) of section 25, it shall be lawful for the nominated authority to issue directions to the owner or occupier or erector, as the case may be, for removal of the objects, goods or encroachment, if any, that are likely to cause fire or any obstruction to firefighting to a place of safety, by means of a notice served in such manner as he may think fit.

Removal of encroachment or objects or goods likely to cause a risk of fire or any obstruction to firefighting.

(2) If the owner, occupier or erector, as the case may be, fails to comply with the precautions under sub-section (1) of section 25 or directions under sub-section (3) of section 26, the nominated authority may, report the matter to the Sub-divisional Magistrate, in whose territorial jurisdiction the premises or building or pandal is situated, for adjudication.

(3) Where the nominated authority considers objects or goods or encroachment referred to in sub-section (1) to be an imminent cause of risk of fire or obstruction to firefighting, he may seize or remove the objects or goods or encroachment forthwith and report the matter to the Sub-divisional Magistrate.

(4) On receipt of a report under sub-section (2) or (3), the Sub-divisional Magistrate shall issue a notice to the owner or occupier or erector, as the case may be, in such manner as he may think fit, giving such owner or occupier or erector, an opportunity for making representation against the removal of encroachment or objects or goods likely to cause a risk of fire or obstruction to firefighting.

(5) After giving the owner, occupier or erector, as the case may be, a reasonable opportunity of making representation under sub-section (4), the Sub-divisional Magistrate after considering the representation, may withdraw the notice or pass an order directing any person to seize, detain or remove such objects or goods or encroachment within such time from the date of order.

(6) The person charged with the directions under sub-section (5) shall, make an inventory of the objects and goods that are seized under such order and give notice in such form as may be prescribed, to the person in possession thereof at the time of seizure, that the said objects or goods shall be sold if the same are not claimed within the period stipulated in the said notice and inform the Sub-divisional Magistrate about the seizure.

(7) If the person from whom the objects and goods were seized under sub-section (5) fails to claim the seized objects and goods pursuant to notice given under sub-section (6), the Sub-divisional Magistrate may sell such objects and goods by public auction.

29. (1) Without prejudice to the provisions of the bye-laws and any other law for the time being in force in the Union territory, the owner or occupier, who are either individually or jointly responsible for a building or part thereof, shall provide fire prevention and life safety measures as may be prescribed:

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

(a) provide firefighting and life safety installations or measures as provided in such bye-law;

(b) maintain the fire prevention and life safety measures in operational condition at all times, in the same manner and specifications as specified in such bye-law.

(2) Any person proposing to construct a building as mentioned in clauses (a) and (b) or pursuant to the rules made in this behalf, shall apply for approval of the fire and life safety measures along with the building plan to the nominated authority in this behalf, in such form along with such fee, as may be prescribed, in case of,—

(a) multi-storied buildings having more than fifteen metre height;

(b) special buildings including,—

(i) hotels or resorts or eating houses, apartments exceeding five hundred square metres of floor area on addition of the area of all floors, educational institutions, buildings for assembly, business or mercantile buildings, industries or factories, buildings for storage, godowns or buildings used for storage of hazardous materials;

Liability of owner or occupier of a building to provide fire prevention and life safety measures.

(ii) mixed occupancies, where any of the above buildings have a floor area of more than five hundred square metres on addition of area of all floors.

(3) Notwithstanding anything contained in any other law for the time being in force in the Union territory, no authority shall grant or issue electricity or water connections or an occupancy certificate, in respect of any building or premises, unless the owner or occupier thereof has obtained a Fire Safety Certificate in accordance with the provisions of this Regulation:

Provided that the owner or occupier of the building referred to in sub-section (2) shall, prior to the grant of building plan approval, obtain a Provisional Fire Safety Certificate, in such form and manner as may be prescribed, and shall, prior to the grant of a completion certificate, obtain a Fire Safety Certificate from the nominated authority.

(4) Without prejudice to the existing building bye-laws, the owner or occupier of the buildings specified in sub-section (2) and the notification issued under sub-section (1) of section 25 shall obtain a Fire Safety Certificate from the Fire and Emergency Service which shall be valid for five years, unless cancelled earlier by the nominated authority, from the date of issue of such certificate:

Provided that after the expiry of a period of thirty months from the date of issue of the Fire Safety Certificate, the owner or occupier, as the case may be, shall submit to the nominated authority a self-declaration or certification, in such form and manner as may be prescribed, relating to the operational fitness and adequacy of the fire safety equipment and firefighting system installed in the premises.

(5) While applying for the Fire Safety Certificate, the owner or occupier, as the case may be, shall furnish to the nominated authority, a certificate certifying the compliance of the fire prevention and life safety measures in his building or part thereof, issued by a qualified agency, in such form as may be prescribed.

(6) The owner or occupier, as the case may be, after receipt of the Fire Safety Certificate shall furnish a declaration, in such form as may be prescribed, once a year in the month of July, regarding the efficient maintenance of fire prevention and life safety measures as mentioned in sub-section (1).

(7) No person other than the qualified 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.

(8) For the purposes of this section, the manner of selecting the qualified agency, and the functions of such qualified agency, shall be such, as may be prescribed.

30. (1) The nominated authority shall, upon receipt of an application, scrutinise the compliances required under section 29 and other provisions of this Regulation, the documents and particulars submitted by the owner or occupier, and after following such procedure, as may be prescribed and after making such verification as may be necessary, issue a Fire Safety Certificate within a period of thirty days from the date of receipt of the application.

Issue of Fire
Safety
Certificate and
its renewal.

(2) If the owner or occupier, as the case may be, fails to comply with the directions issued by the Fire Officer, the Fire Safety Certificate, issued under sub-section (1), shall be cancelled after giving the owner or occupier a reasonable opportunity of being heard.

(3) The owner or occupier of the building, whose Fire Safety Certificate has been cancelled under sub-section (2), shall not be entitled to occupy the building.

(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.

Power of inspection by nominated authority.

31. (1) The nominated authority 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 to ascertain the adequacy of fire prevention and life safety measures or the contravention thereof:

Provided that the nominated authority may enter and inspect any place or building, at any time, if an industry is operating or an entertainment programme is going on in such place or building, if it appears to him to be necessary and expedient so to do, in order to ensure safety of life and property.

(2) The owner or occupier, as the case may be, of such place or building or part thereof shall provide all possible assistance to the nominated authority 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 under this section, into or upon such place or building.

(4) When any such place or building or part thereof referred to in sub-section (1) is being used as a human dwelling and is entered, due regard shall be paid to the social and religious sentiments of the occupier, and where any flat, apartment, place or building or part thereof is in the actual occupancy of a woman, who, according to the custom does not appear in public, prior notice intimating her that she is at liberty to withdraw from such place or building, and every reasonable facility for such withdrawal shall be given to her.

(5) Where the inspection is carried out by the nominated authority under sub-section (1), it shall give a report of such inspection to the Director.

(6) The nominated authority shall, after completion of the inspection under this section, record its views on the deviations from or the contraventions of the requirements with regard to 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 place or building directing him to undertake such measures within such period as may be specified in the notice.

Communication of information on outbreak of fire.

32. Any person who possesses any information regarding an outbreak of fire shall communicate the same without delay to the nearest fire station.

CHAPTER VII

FIRE AND EMERGENCY SERVICE TRAINING INSTITUTE

Establishment of Fire and Emergency Training Institute.

33. The Government may,—

(a) establish and maintain one or more training institutes in the Union territory for providing courses of instruction in the prevention and extinguishment of fire for the fire and emergency service personnel, private candidates and other Government or non-Government establishments and may close down or re-establish any such training centre in accordance with recommendations of the Standing Fire Advisory Council;

(b) extend the training facilities referred to in clause (a) and provide training in specialised courses to private candidates or organisations as well as the Fire and Emergency Service of other States on payment of such charges, as may be prescribed;

(c) provide a course of instruction on prevention and extinguishment of fire in accordance with such procedure and on payment of such fee as may be prescribed;

(d) subject to the observance of any rules applicable to other employees of the Government in relation to training, the employees of the Fire and Emergency Service may be given training in the field of scientific and modern techniques of fire protection and fire safety measures, and allied matters in any institute, within or outside India, at the cost and expense of the Government.

34. The Director or Fire Officer shall conduct community awareness and training programmes on preventive measures relating to fire and other emergencies and the Fire and Emergency Service shall render assistance and consultation to the communities in such matters relating to fire prevention in such manner as may be prescribed.

Community
preparedness.

CHAPTER VIII

LEVY OF FIRE TAX AND OTHER CHARGES

35. (1) There shall be levied a fire tax on lands and buildings on which property tax, by whatever name called, is levied by any local authority in that area.

Levy of fire tax.

(2) The fire tax shall be levied over and above the property tax at such rates as may be prescribed.

(3) No tax shall be levied on any building vested in or under the control or possession of the Government or public authority owned by the Government.

36. (1) The authority empowered to assess, collect and enforce payment of property tax under the law authorising the local authority of the area to levy such tax shall, on behalf of the Government and subject to any rules made under this Regulation, assess, collect and enforce payment of the fire tax in the same manner as the property tax is assessed, enforced or collected.

Mode of
assessment,
collection and
levy of fire tax.

(2) Such portion of the total proceeds of the fire tax as the Government may determine shall be deducted to meet the cost of collection of the fire tax.

37. (1) Where employees of the Fire and Emergency Service are deployed beyond the limits of any area under this Regulation, in order to extinguish a fire in the neighbourhood of such limits, then the State Government or the local body or the Fire and Emergency Service authority on whose request they were sent, shall be liable to pay such fee as may be prescribed.

Fee on
deployment of
Fire and
Emergency
Service within or
beyond limits of
Union territory.

(2) The fee referred to in sub-section (1) shall be payable within a period of one month from the date of service of notice of demand by the Director or Fire Officer and in case of non-payment within the said period, it shall be recoverable as an arrear of land revenue.

(3) No fee shall be levied for extinguishing the fire and carrying out rescue operations within the Union territory.

(4) Where employees of the Fire and Emergency Service are deployed for the purposes other than firefighting within the Union territory on the direction of the Director or Fire Officer for rendering special services such as attending duties of fire protection at large assemblies or gatherings along with firefighting equipment for stand-by duty, subject to safe use of equipment, if it can be spared or for imparting fire safety training on the written request of any person, shall be liable to pay such fee, in advance, as may be prescribed.

38. Any amount payable under this Regulation in any form shall be recovered as an arrear of land revenue.

Recovery of
dues.

CHAPTER IX

FIRE PREVENTION AND LIFE SAFETY FUND

Constitution of fund.

39. (1) The Government may, by notification, constitute a fund to be called the Fire Prevention and Life Safety Fund.

(2) The proceeds of fire tax, fee and penalties other than fines recovered under this Regulation, shall be credited to the said Fund after deduction of the expenses of collection and recovery therefrom.

(3) The Fund shall be utilised for the purposes of fire community preparedness, training and procurement of firefighting equipment, subject to such conditions and in such manner, as may be prescribed.

CHAPTER X

REQUISITIONING OF FIREFIGHTING PROPERTY

Requisition of firefighting property.

40. (1) The Director or Fire Officer who is in-charge of a firefighting operation may, if in his opinion it is necessary for the purpose of extinguishing fire in any area, requisition and take possession of any firefighting property in the possession of any local authority or any institution or individual.

(2) As soon as the firefighting operations are over, the Director or Fire Officer in-charge of the firefighting operation, as the case may be, shall release the property referred to in sub-section (1) from requisition and restore the same to the local authority, institution or individual from whose possession such property was taken.

(3) Where any firefighting property is requisitioned under sub-section (1), the owner of such property shall be paid compensation which shall be determined in accordance with the following principles, namely:—

(a) where the amount of compensation is fixed by an agreement between the Director or Fire Officer and the owner of the firefighting property, it shall be paid in accordance with such agreement; or

(b) where the parties fail to reach an agreement under clause (a), the Director or Fire Officer, who is in-charge of firefighting operation, shall refer the matter to the Sub-divisional Magistrate having jurisdiction over the area in which the firefighting property was kept and the Magistrate shall after hearing the parties and such other persons as he deems necessary, determine the amount of compensation taking into consideration the rent payable for such firefighting property and such order of the Magistrate determining the amount of compensation shall be final.

CHAPTER XI

OFFENCES AND PENALTIES

Penalty for contravention of certain provisions of Regulation.

41. Whoever contravenes any provisions of sections 20 to 24 of this Regulation or the rules made thereunder, shall, without prejudice to any other action taken against him under this Regulation or rules made thereunder, 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 day during which such offence continues.

Penalty for violation of duty.

42. Notwithstanding any action which may be taken under the provisions of this Regulation, any member of the Fire and Emergency Service who,—

(a) is found to be guilty of any violation of duty or wilful breach of any provision of this Regulation or any rule or order made thereunder; or

(b) is found to be guilty of abdication of duty; or

(c) withdraws or abstains from the duties of his office without permission or without having given prior notice of fifteen days or more; or

(d) being on leave fails without reasonable cause to report himself for duty on the expiration of such leave; or

(e) accepts any other employment or office or engages himself in business in contravention of the provisions of the Central Civil Services (Conduct) Rules, 1964,

shall be liable under the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

43. (1) If any owner or occupier or an association of such owners and occupiers of a building or premises fails to appoint a Fire Safety Officer referred to in section 15, within the period as may be prescribed, on the receipt of a notice given in this behalf by the nominated authority or the Fire Officer, as the case may be, each one of them shall be deemed to be in default jointly and severally.

Penalty in case of non-appointment of Fire Safety Officers.

(2) If the person referred to in sub-section (1) is deemed to be in default, he shall be liable to a penalty which shall not be less than ten rupees and more than fifty rupees per square metre of area owned or occupied by him including the common areas in the premises as determined by the Government, which shall be recovered from him by way of penalty for each month of default or part thereof.

(3) The amount referred to in sub-section (2) shall be recovered as an arrear of land revenue.

44. (1) Any person whose property catches fire on account of his own act or of his agent, done deliberately or negligently, shall be liable to pay compensation to any other person suffering damage to his property on account of any action taken under section 18 by any officer mentioned therein or any person acting under the authority of such officer.

Liability of property owner to pay compensation.

(2) All claims under sub-section (1) shall be referred to the Appellate Authority within a period of thirty days from the date on which damage was caused.

(3) The Appellate Authority, shall, after giving the party an opportunity of being heard, determine the amount of compensation and pass an order fixing the liability of the person for such default and the amount of compensation to be paid by him.

(4) The order passed under sub-section (3) shall have the force of decree of a civil court and shall be implemented within thirty days from the date of receipt of the order.

45. Any person, legally bound to communicate information in his possession regarding an outbreak of fire, fails to communicate the said information, without reasonable justification, shall be deemed to have committed an offence punishable under clause (a) of section 211 of the Bharatiya Nyaya Sanhita, 2023.

Failure to give information.

46. Whoever fails, without reasonable cause, to comply with any of the requirements specified in the notification issued under sub-section (1) of section 25, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both and where the offence is a continuing one, with a further fine which may extend to one thousand rupees for each day after the first day during which such offence continues.

Punishment for failure to take precautions.

47. Any person, who wilfully obstructs or interferes with any member of the Fire and Emergency Service while discharging his duty, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

Penalty for wilfully obstructing firefighting, rescue operations.

Penalty for giving false report.

48. Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorised to receive such report, by means of a statement, message or otherwise, shall be liable to a penalty which may extend to twenty-five thousand rupees.

Punishment for furnishing false certificate.

49. If any qualified agency referred to in sub-section (5) of section 29 furnishes false certificate or declaration that maintenance of fire prevention and life safety measures as specified in sub-section (1) of section 25 or as required under sub-section (2) of section 26 have been complied, every person who, at the time the offence was committed, was in-charge of, and responsible for the agency and the conduct of the business of the agency, shall be deemed to be guilty of the offence and liable for punishment:

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.

Penalty for contravention of provisions of Regulation, where no punishment has been provided.

50. Whoever contravenes any provision of this Regulation or of any rule made or notification issued thereunder, for which no punishment or penalty has been provided shall, without prejudice to any other action taken against him under this Regulation or the rules made thereunder, be liable to a penalty which may extend to ten thousand rupees and where the contravention is a continuing one, with a further penalty which may extend to one thousand rupees for every day after the first day during which such contravention continues.

Offences by companies.

51. (1) Where an offence under this Regulation has been committed by a company, every person who, at the time the offence was committed, was in-charge of, and responsible for the company and the conduct of the business of 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 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 Regulation 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 negligence 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.

Compounding of offences.

52. (1) Any offence whether committed before or after the commencement of this Regulation, punishable under sections 44 and 45 or any rule made thereunder, may before the institution of prosecution, be compounded by such officers of the Fire and Emergency Service and for such amount as the Government may, by notification, specify in this behalf:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the Government or of any of the officers authorised under this Regulation and until the same has been complied with.

(2) Where an offence has been compounded under sub-section (1), the offender if in custody, shall be discharged and no further action shall be taken against him in respect of such offence.

53. 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 in pursuance of the provisions of this Regulation or any rules made thereunder.

Protection of
action taken in
good faith.

54. No court shall take the cognizance of an offence under this Regulation, except on the complaint of, or upon information received from, the Director or the officer authorised by him.

Cognizance of
offence.

55. No court inferior to that of a Judicial Magistrate of the first class shall try an offence punishable under this Regulation.

Jurisdiction.

CHAPTER XII

APPEALS

56. (1) Any person aggrieved by any notice or order of the nominated authority issued or made under this Regulation may prefer an appeal to the Appellate Authority within a period of thirty days from the date of the order appealed against:

Appeals.

Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient ground for not filing such appeal within the said period.

(2) An appeal under sub-section (1) shall be made in such form and manner and shall be accompanied by a copy of the notice or order appealed against and on payment of such fees, as may be prescribed.

(3) Any person aggrieved by an order of the Appellate Authority may prefer an appeal before the Second Appellate Authority, within a period of thirty days from the date of order, and the decision of the Second Appellate Authority thereon shall be final and binding on the parties.

CHAPTER XIII

MISCELLANEOUS

57. The Director may, in the public interest, with the prior approval of the Government, enter into an agreement with any Fire and Emergency Service or the authority which maintains the said Fire and Emergency Service, beyond the limits of any area in which this Regulation is in force for providing personnel or equipment or both, for firefighting purposes, on reciprocal basis, on such terms and conditions as may be specified in the said agreement.

Firefighting
arrangements
with other Fire
and Emergency
Service.

58. Without prejudice to the provisions of any other law for the time being in force, the Government may, by notification, declare the Fire and Emergency Service as technical service.

Declaration of
Fire and
Emergency
Service as
technical service.

59. The Director or any Fire Officer authorised by the Government in this behalf may, in the event of a fire or other emergency in any neighbouring area in which this Regulation does not extend, order the deployment of the employees of the Fire and Emergency Service with necessary appliances and equipment to carry out firefighting operations in such neighbouring area and thereupon all the provisions of this Regulation and the rules made thereunder shall apply to such areas, during the period of fire emergency or during such period as the Director may specify, on such charges as may be prescribed.

Deployment in
other area.

Deployment on other duties.

60. The Government or any officer authorised by it in this behalf, may deploy the Fire and Emergency Service in any rescue, salvage or other operation for which it is suitable by reason of its training, appliances and equipment.

Power to obtain information.

61. The Director or an employee of the Fire and Emergency Service, authorised by general or special order in this behalf may, for the purpose of discharging his duties under this Regulation, may by order require the owner or occupier of any building or other property, to supply such information with respect to the features of such building or other property as may be specified therein, the available water supplies and means of access thereto and any other material particulars, and such owner or occupier shall furnish all the information in his possession to the Director or such employee.

Power to disconnect electricity and water supply or seal buildings.

62. (1) Where, it appears to the Director either *suo motu* or on receipt of a report from the nominated authority referred to in sub-section (5) of section 31, that the condition of any building is dangerous to life or property, he shall, without prejudice to any action taken under this Regulation, by order, require the person in possession or occupation of such building to remove themselves from such building or premises immediately.

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

(a) the authority concerned to disconnect the supply of electricity or water, as the case may be, in the building referred to in sub-section (1);

(b) any police officer having jurisdiction in such area to remove such persons from the building and such officer shall comply with such directions.

(3) After the removal of the persons referred to in sub-section (1) or sub-section (2), as the case may be, the nominated authority shall declare the building unfit from fire safety point of view and shall report immediately to the concerned Sub-divisional Magistrate, who shall seal the building or the premises immediately, with the aid of police assistance, if necessary.

(4) No person shall remove such seal except under an order made by the Sub-divisional Magistrate.

Penalty for removal of seal.

63. Any person, who removes the seal, referred to in sub-section (3) of section 62 except under an order made by the Sub-divisional Magistrate, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to twenty-five thousand rupees, or with both.

Police officers and employees to assist and aid.

64. In firefighting operations or any other duties relating to seizure, detention or removal of any goods involving risk of fire, disconnection of electricity, water supply or sealing of building, it shall be the duty of a police officer or employees of the police force to assist and aid the nominated authority in performance of such duties under this Regulation.

Existing Fire and Emergency Service deemed to be Fire and Emergency Service constituted under Regulation.

65. (1) Without prejudice to the provisions contained in any other law for the time being in force, on and from the date of the commencement of this Regulation, the existing Fire and Emergency Service of the Union territory shall be deemed to be the Fire and Emergency Service constituted under this Regulation; and every person holding the office of Fire Officer or an employee of such service in the Union territory, on and before the promulgation of this Regulation, shall be deemed to have been appointed and hold office under this Regulation.

(2) All proceedings pending before any Fire Officer of the existing Union territory Fire and Emergency Service, immediately before the commencement of this Regulation shall be deemed to be proceedings pending before him under this Regulation.

66. In the event of death of a member of the Fire and Emergency Service other than a Gazetted Officer, while on duty, the Government shall immediately pay to the next of kin of the said member as funeral expenses, such amount as may be prescribed or such amount as the Government may by an order determine.

Funeral expenses to next of kin in case of death of member of Fire and Emergency Service.

67. Every officer and employee of the Fire and Emergency Service, acting under this Regulation, shall be deemed to be a public servant within the meaning of clause (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.

Officers and employees to be public servants.

68. The Government may call for any returns, reports and records relating to fire prevention and fire safety, the maintenance of order and the performance of duties by the Director, nominated authority, Fire Officer, employees or subordinate operational staff, and the same shall be furnished immediately.

Power of Government to call for returns, reports, statements, etc.

69. (1) The Government may, by notification and subject to the condition of previous publication, make rules not inconsistent with provisions of this Regulation for carrying out the purposes of this Regulation.

Power to make rules.

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

(a) other measures under clause (m) of section 2;

(b) the manner of function of existing workshop, Control Room and other field formations under sub-section (2) of section 5;

(c) the number of employees, method of recruitment, level of post, qualifications, pay, allowances, terms and conditions of service of employees of Fire and Emergency Service and the other matters connected therewith under sub-section (1) of section 6;

(d) the uniform and badges of employees under sub-section (2) of section 6;

(e) qualifications and experience and powers, duties and other functions of Director under sub-section (1) of section 7;

(f) other powers, duties and functions of Director under clause (j) of sub-section (2) of section 8;

(g) the strength of the Fire and Emergency Service under sub-section (1) of section 10;

(h) the method of recruitment, qualifications and other terms and conditions of service of the Fire Officer under sub-section (2) of section 10;

(i) the auxiliary service, the area and the terms and conditions under sub-section (1) of section 13;

(j) the form of certificate under sub-section (2) of section 13;

(k) the qualifications and experience of the Fire Safety Officer, under clause (a) of sub-section (1), the form of enrolment certificate under sub-section (2), the period within which the Fire Safety Officer is appointed under sub-section (4), of section 15;

(l) the manner of deployment of the Fire and Emergency Service resources, equipment and fire personnel at stand-by duties during any fire response or any other emergency under section 17;

(m) the compensation payable and the manner thereof under clause (c), the manner of extinguishing or limiting the spread of fire and carrying out rescue operations under clause (d) and the terms of an agreement under clause (g), of section 19;

(n) the rates payable for supplying water under section 20;

(o) the terms and conditions under section 22;

(p) the fire prevention and life safety measures and the manner of displaying the declaration under sub-section (2) and the manner of removing the pandal under sub-section (3), of section 26;

(q) the form of notice under sub-section (6) of section 28;

(r) the fire prevention and life safety measures under sub-section (1), the form and the fee under sub-section (2), form and manner of obtaining a Provisional Fire Safety Certificate under sub-section (3), the form and manner of self-declaration or certification under sub-section (4), form of certificate to be issued by qualified agency under sub-section (5), the form of declaration under sub-section (6) and the manner of selecting the qualified agency and functions thereof under sub-section (8), of section 29;

(s) the procedure under sub-section (1) of section 30;

(t) the charges payable under clause (b), the procedure and fee payable for course of instruction on prevention and extinguishment of fire under clause (c), of section 33;

(u) the matters in respect of which the Fire and Emergency Service shall render assistance and consultation to the communities and the manner thereof under section 34;

(v) the rate of fire tax to be levied under sub-section (2) of section 35;

(w) the fee payable by the State Government or the local body or the Fire and Emergency Service authority under sub-section (1) and the fee payable under sub-section (4) of section 37;

(x) the conditions and the manner of utilisation of fund under sub-section (3) of section 39;

(y) the time period for appointment of Fire Safety Officer under sub-section (1) of section 43;

(z) the form and manner and fees payable under sub-section (2) of section 56;

(za) the charges payable under section 59;

(zb) amount payable under section 66.

Power of
Government to
delegate.

70. (1) The Government may, by notification, direct that any power exercisable by it under this Regulation shall, subject to such conditions, if any, be exercisable by any officer not below the rank of Secretary to the Government.

(2) The Director may, by order, direct that any power conferred or any duty imposed on him by or under this Regulation shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and, performed by any officer of the Fire and Emergency Service specified in the said order.

Power to remove
difficulties.

71. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Regulation as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Regulation.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

72. Every rule and every order made under this Regulation shall be laid, as soon as may be after it is made, before each House of Parliament.

Laying of rules and orders, etc.

73. (1) The provisions of this Regulation and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any other law.

Act to have overriding effect on other laws.

(2) Notwithstanding anything contained in any other law for the time being in force, when anything in relation to the fire prevention and life safety measures is required to be done or approved under this Regulation, any such thing shall not be deemed to have been unlawfully done or approved by reason only of the fact that the permission, approval or sanction required under such other law has not been obtained.

(3) Subject to the provisions of sub-section (1), the provisions of this Regulation shall be in addition to, and not, save as expressly provided hereinabove, be in derogation of the provisions of any relevant law for the time being in force in any area in which this Regulation is in force.

9 of 1986.

74. (1) The Goa, Daman and Diu Fire Force Act, 1986 as applied to erstwhile Union territory of Daman and Diu and as extended to erstwhile Union territory of Dadra and Nagar Haveli is hereby repealed:

Repeal and saving.

Provided that such repeal shall not be deemed to limit, modify or derogate from the general responsibility of any local authority,—

(i) to provide and maintain such water supply and fire hydrants for firefighting purposes as may be directed by the Government from time to time;

(ii) to make bye-laws for the regulation of dangerous trades;

(iii) to order any of its employees to render aid in fighting a fire when reasonably called upon to do so by any member of the fire service; and

(iv) generally, to take such measures as will reduce the likelihood of fire or prevent the spread of fire.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken including any rule made or any direction given, or any proceedings conducted or any penalty or fine imposed under the Regulation so repealed shall, in so far as it is not inconsistent with the provisions of this Regulation, be deemed to have been done, taken or conducted under the corresponding provisions of this Regulation.

(3) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal.

10 of 1897.

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-05062026-273174
CG-DL-E-05062026-273174

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 22] नई दिल्ली, शुक्रवार, जून 5, 2026/ज्येष्ठ 15, 1948 (शक)

No. 22] NEW DELHI, FRIDAY, JUNE 5, 2026/JYAISHTHA 15, 1948 (Saka)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 5th June, 2026/Jyaishtha 15, 1948 (Saka)

THE LAKSHADWEEP EXCISE REGULATION, 2026 No. 7 OF 2026

Promulgated by the President in the Seventy-seventh Year of the Republic of India.

A Regulation to provide for regulating the manufacture, possession, import, export, transport, purchase, sale and consumption of liquor and levy of excise duty on them, in the Union territory of Lakshadweep and for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by her:—

CHAPTER I

PRELIMINARY

1. (1) This Regulation may be called the Lakshadweep Excise Regulation, 2026.

(2) It extends to the whole of the Union territory of Lakshadweep.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(1) “Administrator” means the Administrator of the Union territory of Lakshadweep appointed by the President under article 239 of the Constitution;

(2) “alcohol” means ethyl alcohol of any strength and purity having the chemical composition C_2H_5OH ;

(3) “alcoholic beverage” means a beverage or a liquor or a brew containing more than 0.5 per cent. above the ethanol limit used in the production of alcoholic beverage, which shall be of agricultural origin, provided that its limit shall be zero in case of alcohol-free beer;

(4) “Appellate Authority” means the Appellate Authority referred to in section 84;

(5) “authorised officer” means an officer authorised by the Administrator to exercise such powers and perform such duties and functions under the provisions of this Regulation and the rules framed thereunder;

(6) “beer” means an alcoholic beverage prepared from malt or grain with or without addition of sugar and hops and includes black beer, ale, stout, porter and such other substance as may be specified by the Administrator, by notification.

Explanation.—For the purposes of this clause, “hops” mean ripened cones of female hop plant used for giving flavour to malt liquor;

(7) “black jaggery” means coarse brown sugar made from palm trees or cane juice ordinarily unfit for human consumption, but contains sufficient quantity of fermentable sugar for manufacture of ethyl alcohol;

(8) “blending” means mixing of two or more spirits of different strengths and different qualities;

(9) “bottle” means a bottle for excisable articles of such type or description as may be or as may have been permitted by the Excise Commissioner from time to time and includes can and pouch;

(10) “brewery” means premises where beer is manufactured and includes every place therein where beer is stored or wherefrom it is issued;

(11) “compounding” means the manufacture of alcoholic beverage by addition to spirit of a flavouring or colouring matter or both;

(12) “contagious disease” means a communicable disease that can spread rapidly from person to person through direct contact (touching a person who has the infection), indirect contact (touching a contaminated object), or droplet contact (inhaling droplets made when a person who has the infection coughs, sneezes, or talks);

(13) “country liquor or traditional liquor” means plain or spiced spirit which has been manufactured in India from material recognised as base for country or traditional spirit, namely, mahua, rice, gur, molasses or other traditional spirit;

(14) “denaturant” means any substance completely miscible in spirit and of such a character that its addition renders the material, or any aqueous dilution of it, non-potable;

(15) “Deputy Commissioner” means the Deputy Commissioner appointed or designated under section 5;

(16) “District Excise Officer” means the District Excise Officer appointed or designated under section 5;

(17) “Excise Commissioner” means the officer appointed or designated as Excise Commissioner by the Administrator under section 3;

(18) “Excise Officer” means any officer or person appointed or invested with powers under this Regulation;

(19) “excise revenue” means revenue derived or derivable from any payment, duty, fee, tax, confiscation or fine imposed or ordered under this Regulation, or of any other law for the time being in force relating to liquor, but does not include fine imposed by a Court of law;

(20) “export” means to take out of the Union territory of Lakshadweep to any other State or Union territory within the country;

(21) “foreign liquor” means any liquor imported by land, sea or air, into India;

(22) “Government” means the Union territory Administration of Lakshadweep;

(23) “import” means to bring into the Union territory of Lakshadweep from any other State or Union territory of the country;

(24) “Indian liquor” means liquor manufactured in India by process of distillation or using alcohol obtained by distillation, such as, whisky, brandy, rum, gin, vodka, but does not include country liquor or fermented liquor.

Explanation.—For the purposes of this clause, “fermented liquor” means liquor obtained by the process of fermentation and includes beer, ale, stout, porter wine and any other similar liquor;

(25) “licence” means a licence granted under this Regulation;

(26) “liquor” means any alcoholic beverage and includes whisky, brandy, beer, wine, toddy, vodka, gin, tequila, country liquor, arrack and intoxicating liquid consisting of or containing alcohol besides any similar substance which the Administrator may, by notification, declare to be liquor for the purposes of this Regulation;

(27) “malt” means germinated barley;

(28) “manufactory” means any distillery, brewery, winery or any establishment distilling, brewing, manufacturing, blending or bottling liquor.

Explanation.—For the purposes of this clause,—

(a) “distillery” means premises where spirit is manufactured and includes every place therein where it is stored or wherefrom it is issued;

(b) “winery” means premises where wine is manufactured and includes every place therein where wine is stored or wherefrom it is issued;

(29) “manufacture” includes any process,—

(a) incidental or ancillary to the completion of a manufactured liquor; or

(b) whether natural or artificial, by which any liquor is produced or prepared and also re-distillation and every process for the rectification, reduction, flavouring, blending or colouring of liquor; or

(c) which, in relation to liquor, involves packing or repacking in a bottle or unit package, or labelling or re-labelling of bottles or unit package, including the declaration or alteration of maximum retail price on it, or adoption of any other treatment on the liquor for sale to consumers:

Provided that labelling of bottles or unit packages, imported into India or into the Union territory of Lakshadweep, to comply with statutory requirements, shall not be construed as manufacture;

(30) “manufacturer” means any person who manufactures Indian liquor and includes a manufacturer of alcohol subject to excise duty under the Central Excise Act, 1944;

1 of 1944.

(31) “maximum retail price” means the maximum price at which the liquor may be sold to the ultimate consumer and shall include all taxes, freight, transport charges, commission or trade margin payable to dealers, including charges towards marketing, delivery, packing, forwarding and the like, as the case may be;

(32) “molasses” means heavy dark coloured viscose liquid produced from residual syrup, drained away in the final stage of the manufacture of gur or sugar including khandasari sugar from sugarcane or gur, when liquid as such or in any form or admixture containing sugar which can be fermented;

(33) “notification” means a notification published in the Official Gazette of the Union territory of Lakshadweep and the term “notify” or “notified” shall be construed accordingly;

(34) “permit” means an authorisation granted under this Regulation and the rules made thereunder;

(35) “police station” means the police station having jurisdiction over the place or any other place, which the Administrator may, by notification, declare to be a police station for the purposes of this Regulation;

(36) “prescribed” means prescribed by rules made by the Administrator under this Regulation;

(37) “special duty” means a tax on the import of any excisable article, being an article on which countervailing duty as is mentioned in entry 51 of List II in the Seventh Schedule to the Constitution, is not imposable on the ground merely that such article is not being manufactured or produced in the territory;

(38) “spirit” means any liquor containing alcohol obtained by distillation, whether denatured or not;

(39) “still” means an apparatus for distillation or manufacture of spirits and includes any part thereof;

(40) “transport” means to move from one place to another within the Union territory of Lakshadweep;

(41) “Union territory” means the Union territory of Lakshadweep;

(42) “warehouse” means a place where storage of liquor is permitted and includes a relevant part of manufactory; and

(43) “wine” shall be the un-distilled alcoholic beverage produced by the partial or complete alcoholic fermentation of the juice of fresh sound ripe grapes, including grape juice concentrate, restored or un-restored pure condensed grape must, and raisins:

Provided that a vintage wine is a wine made from grapes, of which at least 85 per cent. were grown in a particular year and labelled as such and the yield of the season of wine from a vineyard is a vintage wine.

CHAPTER II

ESTABLISHMENT AND CONTROL

3. The Administrator may, by notification, appoint or designate an officer as the Excise Commissioner who shall be the chief controlling authority for administration of this Regulation in the Union territory.

Appointment of
Excise
Commissioner.

4. The Excise Commissioner shall exercise and perform the following powers and functions, namely:—

Powers and
functions of
Excise
Commissioner.

(a) to regulate, control and monitor the manufacture, possession, import, export, transport, sale, purchase and consumption of liquor;

(b) to curb illegal trade in liquor and illicit distillation;

(c) to protect excise revenues of the Union territory and ensure prompt recovery;

(d) to submit returns and information as required by this Regulation or the rules made thereunder, upon all matters concerning excise;

(e) to ensure social well-being through education for responsible drinking;

(f) to take adequate steps for imparting training to the excise staff in preventive and detective work;

(g) to coordinate in matters covered under this Regulation with other authorities;

(h) to introduce e-governance in various aspects of excise administration and to maintain the national network information on manufacture, possession, transport, sale, import or export of liquor.

Explanation.—For the purposes of this clause, “e-governance” means information and communication technology to promote efficient and cost-effective services to the public;

(i) to submit to the Administrator an annual report on the administration of this Regulation in such form as may be prescribed; and

(j) to perform such other functions and to exercise such other powers as may, from time to time, be entrusted or delegated to him by the Administrator.

5. The Administrator may appoint or designate such number of Deputy Commissioners, District Excise Officers and such other officers and staff as he may deem fit for the purpose of performing the functions under this Regulation.

Appointment of
officers and
staff.

6. (1) Subject to the provisions of sub-section (1) of section 12, the Administrator may issue licence or permit to any Government Corporation, or Government company, or Government agency, or any autonomous body owned or controlled by the Government, for the purposes of import and retail vending of liquor in the Union territory.

Excise
Administration.

(2) Save as otherwise provided in sub-section (1), the Deputy Commissioner shall be the licensing authority who shall exercise all powers and functions under this Regulation, subject to the general control and supervision of the Excise Commissioner.

(3) The Deputy Commissioner shall, within the limits of his jurisdiction, exercise such other powers and perform such duties and functions as are assigned by or under the provisions of this Regulation subject to such control as the Administrator or the Excise Commissioner may from time to time, direct.

(4) The District Excise Officer and other subordinate officers shall assist the Deputy Commissioner in exercising his functions.

Delegation and withdrawal of powers.

7. (1) The Administrator may, by order, delegate his powers to the Excise Commissioner, subject to such limitations and conditions as may be specified in such order.

(2) The Excise Commissioner or the Deputy Commissioner may, by order, delegate their powers under this Regulation to any subordinate officer, subject to such limitations and conditions as may be specified in such order.

(3) The Administrator or Excise Commissioner or the Deputy Commissioner, as the case may be, may, by order, withdraw from any officer or person, any or all the powers delegated to subordinate officers under this section.

Investing persons with special powers.

8. The Administrator may, by notification, invest the power with any officer of the Union territory, not being an Excise Officer, to perform all or any of the powers or functions of any Excise Officer under this Regulation.

Reward for exemplary performance.

9. The Excise Commissioner may grant such reward to such officers and employees under this Regulation and also to such informers for such work, subject to such terms and conditions, as may be prescribed.

CHAPTER III

LICENCE AND PERMIT FOR MANUFACTURE, POSSESSION, SALE, ETC., OF LIQUOR

Prohibition of manufacture, sale, import, export, etc., of liquor.

10. (1) No person shall construct or establish any manufactory or warehouse or bottle, or possess, sell, collect, transport, transit, import, export or purchase any liquor, or use, keep or have in his possession any still, utensil, implement, apparatus, label, cork, capsule or seal, for manufacture of any liquor except under the authority and in accordance with the terms and conditions of a letter of intent, licence or permit granted under this Regulation or the rules made thereunder:

Provided that possession of labels, corks or capsules by its printer or manufacturer, as the case may be, shall not amount to illegal possession constituting an offence if the label, cork or capsule is printed or manufactured under the authority from the holder of the licence to manufacture liquor under this Regulation.

(2) No person shall engage in the manufacture of alcohol exclusively for industrial use unless he is registered with the Excise Commissioner in such manner as may be prescribed.

Grant of letter of intent, licence or permit.

11. Every letter of intent, licence or permit under this Regulation shall be granted on payment of such fees, for such period, and subject to such terms and conditions and in such form and shall contain such particulars, as may be prescribed.

Qualification for grant of licence or permit.

12. (1) While considering an application for grant of a licence or permit, the authorised officer shall ensure that the applicant—

(a) is a citizen of India;

(b) is above eighteen years of age;

(c) is not a defaulter, or blacklisted, or debarred from holding an excise licence;

(d) submits an affidavit as a proof for the following, namely:—

(i) that he possesses or has an arrangement for taking on rent a suitable premises for conducting the business and the said premises is located more than fifty meters away from any medical institution, educational institution, religious institution, women hostel, orphanage, hospital, primary health centre or community health centre;

(ii) that the premises have not been constructed in violation of any law for the time being in force;

(iii) that he possesses a good moral character and has no criminal background nor has been convicted of any offence punishable under this Regulation or any other law for the time being in force;

(iv) that he shall not employ any salesman or worker or representative who has criminal background or suffers from any infectious or contagious diseases or is below eighteen years of age;

(v) that he does not owe any public dues or dues to the Administration;

(vi) that he is solvent and has the necessary funds or has made arrangements for the necessary funds, for conducting the business; and

(vii) that the details of funds for conducting the business shall be made available to the authorised officer, if so required.

(2) The licence or permit shall be liable for cancellation if any statement made in the affidavit or any document produced with the application is found to be false or forged.

13. Subject to such conditions as may be prescribed, the authority granting a licence under this Regulation may require the licensee to—

Power to take security and counterpart agreement.

(a) give security for the observance of the terms of his licence; and

(b) execute a counterpart agreement in conformity with the tenure of his licence.

14. (1) No licence or permit granted under this Regulation shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the licence or permit, or in any proceeding conducted prior to grant thereof.

Technical defects in licence and permit.

(2) The decision of the licensing authority, on the technical defect, irregularity or omission shall be conclusive and binding.

15. (1) Whenever the authority which granted a licence or permit under this Regulation considers that such licence or permit should be withdrawn for any reason, it may do so, on expiry of a period of twenty-one days' notice of its intention to do so forthwith, after giving a reasonable opportunity of being heard and assigning the reasons therefor in writing.

Power to withdraw and permit.

(2) If any licence or permit is withdrawn, the licensee or the permit holder shall be paid such sum, by way of compensation, as the authority who granted licence or permit may direct and refund any fee paid in advance or deposit made by the licensee in respect thereof, after deducting the amount recoverable by the Government.

16. (1) Subject to such restrictions, as may be prescribed, the authority who granted licence or permit under this Regulation may, after giving reasonable opportunity of being heard, suspend or cancel the licence or permit, in the following circumstances, namely:—

Power to suspend or cancel licence and permit.

(a) if the licence or permit is transferred or sublet by the holder thereof without the permission of the said authority; or

(b) if any excise revenue payable by the holder thereof is not duly paid; or

(c) in the event of any breach of the terms and conditions of such licence or permit by the holder or by his employee or agent; or

(d) if the holder of the licence or permit, or the agent or employee of such holder, is convicted of an offence punishable under this Regulation or under any other law for the time being in force, relevant to and connected with excise matters or relating to excise revenue or of any cognizable and non-bailable offence; or

(e) if the purpose for which the licence or permit was granted ceases to exist; or

(f) if the licence or permit has been obtained through misrepresentation or fraud.

(2) When a licence or permit held by such person is cancelled under sub-section (1), the authority referred to therein may cancel any other licence or permit granted to such person under this Regulation or under any other law relating to excise revenue.

(3) In the case of cancellation or suspension of licence or permit under sub-section (1), the fee payable for the balance of the period for which any licence or permit shall have been valid but for such cancellation or suspension, may be recovered from the licensee who held the licence before such cancellation or suspension as excise revenue.

(4) The holder of a licence or permit shall not be entitled to any compensation for the cancellation or suspension thereof nor shall be entitled to refund of any fee paid or deposit made, if any, in respect thereof.

Bar to right of
renewal and
compensation.

17. No person, to whom a licence or permit has been granted, shall be entitled to claim right of any renewal thereof, and no claim shall lie for damages or otherwise in consequence of any refusal to renew a licence or permit on the expiry of the period for which the same remains in force.

Surrender of
licence or
permit.

18. No holder of a licence or permit granted under this Regulation shall surrender his licence or permit except on the expiration of one month's notice, in writing, given by him to the Deputy Commissioner, of his intention to surrender the same on payment of the fee payable for such licence or permit for the whole period for which it shall have been valid but for the surrender:

Provided that if the Deputy Commissioner is satisfied that there are sufficient reasons for surrendering the licence or permit, he may remit to the holder thereof the sum so payable or any portion thereof, on surrender.

Transfer of
licence or
permit.

19. The licence or permit granted under this Regulation shall not be transferable except with the prior approval of the Excise Commissioner or any officer authorised by him in this behalf, subject to such terms and conditions, as may be prescribed.

Grant of
exclusive
privilege of
manufacturing,
etc., of any
liquor.

20. Subject to the provisions of this Regulation and subject to such terms and conditions, as may be prescribed, the Excise Commissioner may grant to any person, a licence or lease, or both, either jointly or severally, for the exclusive privilege or for manufacture, supplying by wholesale or sale by retail, or both, any liquor within any local area.

Removal of
liquor from
manufactory
warehouse, etc.,
on payment of
duty.

21. No liquor shall be removed from any manufactory, warehouse or other place of storage established under this Regulation, unless duty and fee payable have been paid or a bond, as may be prescribed, has been executed for the payment thereof.

22. No person, or licensed vendor, or his employee or agent, shall sell or deliver any liquor to any person under the age of twenty-one years whether for consumption by self or of others.

Prohibition of sale to certain persons.

23. No licensee shall employ or permit to be employed in his premises any person under the age of eighteen years or who is suffering from any contagious disease.

Prohibition of employment of certain persons.

24. The District Magistrate or any other officer authorised by him may, by a notice in writing to the licensee, require that any shop in which any liquor is sold shall be closed at such times or for such period as he may think necessary, for preservation of public peace:

Closure of shops for preservation of public peace.

Provided that the closure days in the licensing year shall not exceed seven days in all or more than three days continuously at any given time:

Provided further that if the Excise Commissioner or an officer authorised by him in this behalf is of the opinion that any particular shop or all shops in any particular area shall be closed for a period exceeding seven days in a licensing year, or more than three days continuously at any given time, he may, with the prior sanction of the Administrator, permit to do so.

CHAPTER IV

EXCISE REVENUE

25. The excise revenue shall be levied and recovered under the following heads, namely:—

Nature and components of excise revenue.

- (a) duty;
- (b) licence fee;
- (c) label registration fee; and
- (d) import or export fee.

26. (1) There shall be levied and collected in the manner provided by this Regulation and the rules made thereunder, at such rates, not exceeding the rates set forth in the Schedule, as the Administrator may, by notification, specify, a duty of excise or a countervailing duty or a special duty, as the case may be, on all liquor of the descriptions notified by the Administrator from time to time, being manufactured or produced in, or imported into, the Union territory, from the person so manufacturing or producing or importing:

Excise duty.

Provided that no such duty shall be levied on toddy when used for the manufacture of jaggery, vinegar, yeast or neera, or when drunk as such.

Explanation.—For the purposes of this section, it is hereby declared that in any notification issued under this section, it shall not be necessary to specify separately the rate of countervailing duty or special duty and, unless otherwise provided in such notification expressly, any rate specified in such notification as the rate of excise duty in respect of any description of liquor shall be deemed to be also the rate of countervailing duty or a special duty, as the case may be, in respect of such description of liquor.

(2) There shall be levied and collected a fee for issue of licence or permit subject to such terms and conditions, as may be prescribed.

(3) There shall be levied and collected the import, export or transport duties assessed in such manner as may be prescribed.

27. (1) All duties, fees, taxes, fines payable to the Government under this Regulation may be recovered from the persons liable to pay the same, or from his surety, or his agent, as if they were arrears of land revenue.

Recovery of duty and levies on property of defaulter.

(2) In the event of default by any person to whom a licence or permit has been granted under this Regulation, his manufactory, warehouse, shop or premises and all fittings, apparatus, stocks of liquor or materials for the manufacture of the same, held therein, shall be liable to be attached towards any claim for excise revenue or in respect of any loss incurred by the Government through such default and be sold to satisfy such claim, which shall be a first charge upon the proceeds of such sale.

(3) Where the duty due is not levied or not paid or short-levied or short-paid or erroneously refunded,—

(a) the District Excise Officer may, within a period of three years from the relevant date, serve notice on the person chargeable with the duty of excise, which has not been levied or paid, or which has been short-levied or short-paid, or to whom the refund has erroneously been made, requiring him to show cause why he should not pay the amount specified in the notice:

Provided that where the service of the notice is stayed by an order of a Court, the period of such stay shall be excluded in computing such period of three years.

Explanation.—For the purposes of this clause, “relevant date” means,—

(i) in cases in which duty of excise has not been paid or has been short-levied or short-paid, the date on which the duty is to be paid under this Regulation or the rules made thereunder;

(ii) in a case where duty of excise is provisionally assessed under this Regulation or the rules made thereunder, the date of adjustment of duty after the final assessment thereof; and

(iii) in a case where the duty of excise has been erroneously refunded, the date of such refund; and

(b) the District Excise Officer shall, after considering the representation, if any, made by the person on whom notice is served under clause (a), determine the amount of duty of excise due from such person (not being in excess of the amount specified in the notice) and thereupon such person shall pay the amount so determined.

Interest payable for failure to pay excise revenue.

28. If the duty of excise payable by a person under this Regulation or the rules made thereunder is not paid within time, he shall be liable to pay on the sum due, a simple interest at the rate of twelve per cent. per annum from the day next following the day on which such payment became due:

Provided that where the duty determined to be payable is reduced or increased by the Appellate Authority or the Court, the interest shall be payable on such reduced or increased amount of duty, as the case may be.

Power to reduce or waive interest in certain cases.

29. Notwithstanding anything contained in this Regulation, the Excise Commissioner may, on an application made in this behalf by a person, with the approval of the Administrator and after recording his reason for so doing, reduce or waive the amount of any interest payable by him under this Regulation, if he is satisfied that—

(a) to do otherwise would cause genuine hardship to the person having regard to the circumstances of the case; and

(b) the person has cooperated in any proceeding for the recovery of any amount due from him.

30. Notwithstanding that a writ petition has been preferred or a suit or other proceeding has been instituted in any Court, or any appeal has been filed before any Court or Tribunal or before the Excise Commissioner, or a revision has been filed before the Administrator, any sum due to the Government under this Regulation as a result of demand or order made or passed by any officer or authority empowered in this behalf by or under this Regulation, shall be payable in accordance with such demand or order unless and until such payment has been stayed by such Court or Tribunal or Excise Commissioner or Administrator.

Excise revenue to be paid irrespective of pendency of any writ petition, suit, etc.

31. Every licensee shall maintain such accounts and submit to the concerned officers such returns in such forms, containing such particulars relating to stock, apparatus, excise duty or fee payable or paid, and such other information at such interval, as may be prescribed.

Accounts and returns.

CHAPTER V

OFFENCES AND PENALTIES

32. Whoever manufactures, imports, exports, transports or removes any liquor, in contravention of any of the provisions of this Regulation or of any rule made, or notification or order issued, thereunder, or of any condition of licence or permit granted or issued thereunder, shall be punishable,—

Offences relating to manufacture, sale, import, etc.

(a) where the liquor involved in the offence is less than such value, as may be prescribed, with imprisonment for a term which shall not be less than one year, but which may extend to five years, and with fine which shall not be less than fifty thousand rupees or five times of the value of liquor, whichever is higher;

(b) where the liquor involved in the offence exceeds such value, as may be prescribed, with imprisonment for a term which may extend to seven years, and with fine, which may extend to one lakh rupees or five times of the value of liquor, whichever is higher.

33. Whoever constructs or works in any manufactory or warehouse, in contravention of any of the provisions of this Regulation, or of any rule made, or notification or order issued, thereunder, or of any condition of licence or permit granted or issued thereunder, shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to fifty thousand rupees, or with both.

Offences relating to manufactory or warehouse.

34. Whoever bottles any liquor for the purposes of sale, in contravention of any of the provisions of this Regulation, or of any rule made, or notification or order issued, thereunder, or of any condition of licence or permit granted or issued thereunder, shall be punishable with imprisonment for a term which may extend to one year, and with fine which may extend to one lakh rupees or five times of the value of liquor, whichever is higher.

Offences relating to bottling of liquor for sale.

35. Whoever uses, keeps or possesses any materials, still, utensils, implements or apparatus whatsoever for the purposes of manufacturing any liquor, in contravention of any provisions of this Regulation, or of any rule made, or notification or order issued, thereunder, or of any condition of licence or permit granted or issued thereunder, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to twenty thousand rupees, or with both.

Offences relating to uses, keeps or possession, etc.

36. Whoever possesses any material or film, either with or without Union territory logo or wrapper or any other thing in which liquor can be packed, or any apparatus or implement or machine for the purpose of packing any liquor, in contravention of any of the provisions of this Regulation, or of any rule made, or notification or order issued, thereunder, or of any condition of licence or permit granted or issued thereunder, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to fifty thousand rupees, or with both.

Offences relating to possessing any material or film, etc., for packing liquor.

Offences relating to sale, transport, possession or buying of liquor beyond prescribed quantity.

Punishment for not holding valid licence or permit.

Punishment for rendering denatured spirit fit for human consumption.

Punishment for mixing noxious substance with liquor.

Order to pay compensation.

37. Whoever sells, transports, possesses or buys any liquor beyond such quantity, as may be prescribed, in contravention of any of the provisions of this Regulation, or of any rule made, or notification or order issued, thereunder, or of any condition of licence or permit granted or issued thereunder, shall be punishable with imprisonment for a term which may extend to three months, and with fine which may extend to one lakh rupees or five times of the value of liquor, whichever is higher.

38. If any offence referred to in sections 32, 33, 34, 35, 36 and 37 is committed by a person not holding valid licence or permit under this Regulation, he shall be liable to twice the fine provided for such offence.

39. Whoever renders or attempts to render fit for human consumption any spirit which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall be punishable with imprisonment for a term which shall not be less than two years, but which may extend to three years, and with fine which may extend to two lakh rupees or five times of the value of liquor, whichever is higher.

Explanation.—For the purposes of this section, “denatured spirit” means the spirit with an added denaturant to render it effectively and permanently unfit for human consumption.

40. Whoever mixes or permits to be mixed with any liquor sold or manufactured or possessed by him, any noxious drug or any foreign ingredient, likely to cause disability or grievous hurt or death to human being, shall be punished,—

(a) if as a result of such an act, death is caused to any person, with imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life and shall also be liable to fine, which may extend to ten lakh rupees; or

(b) if as a result of such an act, disability or grievous hurt is caused to any person, with imprisonment for a term which shall not be less than seven years but which may extend to ten years, and with fine which may extend to five lakh rupees; or

(c) if as a result of such an act, any other consequential injury is caused to any person, with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to two lakh fifty thousand rupees; or

(d) if as a result of such an act, no injury is caused to any person, with imprisonment which may extend to six months and with fine which may extend to one lakh rupees or five times the value of liquor, whichever is higher.

Explanation.—For the purposes of this section, the expression “grievous hurt” shall have the same meaning as assigned to it in section 116 of the Bharatiya Nyaya Sanhita, 2023.

41. (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, the Court, when passing an order under this Regulation may, if it is satisfied that death or injury has been caused to any person due to consumption of liquor sold in any place, order the manufacturer or seller, whether or not he is convicted of an offence, to pay, by way of compensation, an amount not less than three lakh rupees to the legal representatives of each deceased, or two lakh rupees to the person to whom grievous injury has been caused, or twenty thousand rupees to the person for any other consequential injury:

Provided that where such liquor is sold in a licensed shop, the liability to pay the compensation under this section shall be on the licensee.

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46 of 2023.

(2) Any person aggrieved by an order under sub-section (1) may, within a period of thirty days from the date of order, prefer an appeal to the High Court:

Provided that no appeal shall be filed by the accused unless the amount ordered to be paid under sub-section (1) is deposited by him in the Court:

Provided further that the High Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

42. Whoever sells, or keeps, or exposes for sale, as foreign liquor which he knows or believes it to be Indian liquor, shall be punishable with imprisonment which may extend to six months, and with fine which may extend to one lakh rupees or five times the value of liquor, whichever is higher.

Offences relating to selling Indian liquor as foreign liquor.

43. Whoever has in his possession, any liquor, knowing that it shall be liable to penalty for having unlawfully imported, transported or manufactured, or knowingly avoids payment of duty for possession of liquor, shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to one lakh rupees, or five times the value of liquor, whichever is higher.

Punishment for possession of liquor unlawfully imported or for non-payment of duty, etc.

44. (1) If a chemist, druggist, apothecary or keeper of a dispensary, allows any liquor which has not been bonafidely medicated for medicinal purposes to be consumed on his business premises by any person, he shall be punishable with fine which may extend to five thousand rupees.

Punishment for allowing consumption of non-medicated liquor.

(2) If any person consumes liquor on a business premises referred to in sub-section (1), he shall be punishable with fine which may extend to two thousand rupees.

45. Whoever consumes liquor in a public place, in contravention of the any of the provisions of this Regulation, or of any rule made, or notification or order issued, thereunder, shall be punishable with fine which may extend to five thousand rupees.

Punishment for consumption of liquor in public place.

46. Whoever consumes liquor in public place and creates nuisance, in contravention of the any of the provisions of this Regulation, or of any rule, notification or order made thereunder, shall be punishable with imprisonment for a term which may extend to three months, and with fine which may extend to ten thousand rupees.

Offences relating to consumption of liquor in public place and creates nuisance.

47. Whoever permits drunkenness or allows assembly of anti-social elements, on the premises of liquor establishments in contravention of the any of the provisions of this Regulation, or of any rule made, or notification or order issued, thereunder, shall be punishable with imprisonment for a term which may extend to six months, and with fine which may extend to fifty thousand rupees.

Offences relating to anti-social element at liquor establishments.

48. Whoever prints, publishes or gives an advertisement in any media soliciting use of any liquor, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten lakh rupees, or with both:

Offences relating to advertisement.

Provided that this section shall not apply to catalogue or price list or advertisement generally or specially approved by the Excise Officer for the purposes of display at the points of sale for consumer information and education.

49. Any person who unlawfully releases or abets escape of any person arrested under this Regulation, or abets the commission of offence under this Regulation, or engages himself in a criminal conspiracy for contravention of the any of the provisions of this Regulation, shall be punishable with imprisonment for a term which may extend to one year, and with fine which may extend to fifty thousand rupees.

Punishment for abetment and conspiracy.

50. If any licence holder or any person acting in his behalf, sells or delivers any liquor to any person apparently under the age of twenty-one years or employs any person under the age of eighteen years, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to fifty thousand rupees, or with both.

Punishment for employing persons under age of eighteen years or selling liquor to persons under age of twenty-one years.

Punishment for assault and obstruction.

51. Notwithstanding anything contained in the Bharatiya Nyaya Sanhita, 2023, any person who assaults or threatens to assault or obstructs or attempts to obstruct any Excise Officer in the discharge of his official duties, shall be punishable with imprisonment for a term which may extend to two years, and with fine which may extend to one lakh rupees.

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Liability of employer for offence committed by employee or agent.

52. The holder of a licence or permit granted or issued under this Regulation, shall be liable for any offence committed by his employee or his agent, unless he proves that due and reasonable precautions were exercised by him to prevent commission of such offence.

Punishment for manufacture, sale or possession by one person on account of another.

53. (1) Where any liquor has been manufactured or sold or is possessed by any person on account of any other person and such other person knows, or has reason to believe, that such manufacture or sale was or that such possession is, on his account, such liquor shall, for the purposes of this Regulation, be deemed to have been manufactured, sold or to be in the possession of such other person.

(2) Nothing in sub-section (1) shall absolve any person who manufactures, sells or has possession of any liquor on account of another person, from liability to any punishment under this Regulation for unlawful manufacture, sale or possession of such liquor.

Punishment for misconduct of licence.

54. Whoever, being the holder of a licence or permit granted or issued under this Regulation, or being in the employment of such holder and acting on his behalf, fails to produce such licence or permit on demand by any Excise Officer or any other officer duly empowered to make such demand, shall be punishable with fine which may extend to fifty thousand rupees.

Offences for breach of conditions of licence.

55. Whoever, being the holder of a licence or permit granted or issued under this Regulation, or being in the employment of such holder and acting on his behalf, wilfully does or omits to do anything in breach of any of the conditions of his licence or permit otherwise than provided in this Regulation, or fails to print the maximum retail price on the label or tampers with it, shall be punishable with imprisonment for a term which may extend to six months, and with fine which may extend to one lakh rupees.

Punishment for not submitting returns.

56. Whoever, being the holder of a licence or permit granted or issued under this Regulation, or being in the employment of such holder and acting on his behalf, fails to submit returns, shall be punishable with fine which may extend to one lakh rupees, and ten thousand rupees per day for any subsequent delay.

Punishment for non-payment of excise duty or fee.

57. (1) If any person fails to pay any duty or fee under this Regulation, he shall be punishable with imprisonment for a term which may extend to one year and also with fine which may extend to one lakh rupees.

(2) Without prejudice to sub-section (1), the person referred to therein shall also be liable to pay interest on delayed payment and damages at such rates as may be imposed.

Offences relating to false statement made in declaration or affidavit or periodic returns.

58. Whoever, in any declaration or affidavit or periodic return made to an Excise Officer, makes a statement which is false or found to be false, after due verification or which he believes to be false or does not believe it to be true, touching any point material to the object for which the statement is made or used, shall be punishable with imprisonment for a term which may extend to one year, and with fine which may extend to fifty thousand rupees.

Allowing premises, etc., to be used for commission of offence.

59. Whoever, being a licensee and having the control or use of any house, room, enclosure, space, animal or conveyance, knowingly permits it to be used for commission by any other person of an offence punishable under any of the provisions of this Regulation, shall be punishable in the same manner as if he had himself committed the said offence.

60. Whoever attempts to commit any offence punishable under this Regulation, shall be liable for half the punishment provided for such offence under this Regulation.

Offences relating to attempt to commit offence.

61. Any Excise Officer or other person, who with vexatious intention and without reasonable ground for suspicion,—

Punishment for making vexation search, seizure, detention or arrest.

(a) enters or searches or causes to be entered or searched any closed place under the guise of exercising any power conferred by this Regulation; or

(b) seizes the movable property of any person on the pretext of seizing or searching for any article liable to confiscation under this Regulation; or

(c) searches, detains or arrests any person; or

(d) exceeds his lawful powers under this Regulation,

shall be punishable with fine which may extend to ten thousand rupees.

62. Any Excise Officer who, without lawful excuse, refuses to perform, or withdraws himself from the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner, or unless he has given to his superior officer two months' notice in writing of his intention so to do, or who shall be guilty of cowardice, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

Punishment for refusing to perform or withdraw from duty.

63. Whoever, does any act in contravention of any of the provisions of this Regulation, or any rule made, or notification or order issued, thereunder and punishment for such contravention has not been provided under this Regulation, shall be punishable with imprisonment for a term which may extend to six months, and with fine which may extend to ten thousand rupees or five times the value of the liquor, whichever is higher.

Punishment for offences not otherwise provided for.

64. (1) In a prosecution under section 32, 33, 34, 35, 36 or section 37, it shall be presumed, until the contrary is proved, that the accused person has committed the offence punishable under that section in respect of any liquor, still, utensil, implement or apparatus, for the possession of which he is unable to account satisfactorily.

Presumption as to commission of offence in certain cases.

(2) Where any animal, vessel, cart or other vehicle is used in the commission of any offence under this Regulation, and is liable to confiscation, the owner thereof shall be deemed to be guilty of such offence and such owner shall be liable to be proceeded against and punished accordingly unless he satisfies the Court that he had exercised due care in the prevention of the commission of such an offence.

65. If any person, after having been previously convicted of an offence punishable under this Regulation, subsequently commits and is convicted for the same offence, he shall be liable to twice the punishment provided for the first conviction subject to the maximum punishment provided for such offence and with twice the fine amount provided under the first conviction, or with both.

Enhanced punishment after previous conviction.

66. Where at any time during the trial of any offence under this Regulation alleged to have been committed by any person, not being the manufacturer, distributor or dealer of any liquor, the Court is satisfied, on the evidence adduced before it, that such manufacturer, distributor or dealer is also concerned with that offence, then, the Court may, notwithstanding anything contained in sub-section (3) of section 358 of the Bharatiya Nagarik Suraksha Sanhita, 2023, proceed against him under the respective provisions of this Chapter.

Power of Court to implead manufacturer, etc.

Commission of
offence by
companies.

67. (1) If the person committing an offence under this Regulation is a company, the company and every person who at the time the offence is committed was in-charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of such offence, and shall be liable to be proceeded against and punished accordingly:

Provided that where a company has different establishments or branch, the concerned Chief Executive and the person in-charge of such establishment, branch or unit, nominated by the company as responsible for the conduct of business, shall be liable for that offence in respect of such establishment, branch or unit:

Provided further that nothing 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 exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Regulation has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence 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 be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any 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.

Procedure after
investigation in
case of offences.

68. (1) The authorised Excise Officer shall, after investigation of any offence committed under this Regulation, send his report to the Deputy Commissioner.

(2) The Deputy Commissioner shall, after scrutiny of the investigation report sent to him under sub-section (1), decide within such period as may be prescribed, and on the basis of the gravity of offence, that the matter be referred to—

(a) a Court of ordinary jurisdiction in case of offences punishable with imprisonment for a term which may extend to three years; or

(b) a special Court in case of offences punishable with imprisonment for a term exceeding three years, where such Special Court is established, and in case no Special Court is established, such cases shall be tried by a Court of ordinary jurisdiction.

(3) The Deputy Commissioner shall communicate his decision to the concerned Excise Officer, who shall launch prosecution before a Court of ordinary jurisdiction or a Special Court, as the case may be.

Procedure for
adjudication in
case of other
contraventions.

69. (1) Any other contravention under this Regulation shall be adjudicated by an Adjudicating Officer.

(2) The Administrator shall, by notification, appoint an officer not below the rank of an Additional District Magistrate of the district where the alleged contravention occurred, to be the Adjudicating Officer for adjudication in such manner as may be prescribed.

(3) The Adjudicating Officer shall, after giving the person a reasonable opportunity for making representation in the matter, and if, on such inquiry, he is satisfied that the person has contravened the any of the provisions of this Regulation or any rule made, or notification or order issued, thereunder, impose such penalty as he thinks fit in accordance with the provisions relating to that contravention.

(4) The Adjudicating Officer shall have the powers of a Civil Court and all the proceeding before him shall be deemed to be—

45 of 2023. (a) a judicial proceeding within the meaning of sections 229 and 267 of the Bharatiya Nyaya Sanhita, 2023;

46 of 2023. (b) a Court for the purposes of sections 384 and 385 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(5) While adjudicating the quantum of penalty under this Chapter, the Adjudicating Officer shall have due regard to the provisions of section 71.

46 of 2023. **70.** (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, the offences punishable under sections 44, 45, 54, 56 and 61 may either before or after the institution of any proceeding, be compoundable under this Regulation.

Compounding of certain offences.

(2) Any person who is reasonably suspected of having committed an offence specified under sub-section (1) may apply to the District Excise Officer for compounding of the offence.

(3) On receipt of an application under sub-section (2), the District Excise Officer, having regard to the circumstances of the case, may at his discretion order for compounding of the offence on payment of such sum of money by way of compounding fee or compensation for the offence, in accordance with such guidelines as may be prescribed.

(4) On payment by the person such sum of money specified under sub-section (3), no proceeding shall be instituted or continued against such person in any Criminal Court:

Provided that the sum of money fixed as compounding fee or compensation by the District Excise Officer under this section shall not be less than five times but not more than ten times the duty involved or the value of liquor, apparatus, vehicle and other material, whichever is higher:

Provided further that where liquor, apparatus, vehicle or other material is seized, the same shall not be released but shall be disposed of in such manner as may be prescribed.

(5) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the District Excise Officer in writing, to the notice of the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the person in relation to whom the offence is so compounded shall be discharged.

71. While adjudging the quantum of fine or penalty under this Chapter, the Court or the Adjudicating Officer, as the case may be, shall have due regard to the following, namely:—

General provisions relating to determination of fine or penalty.

(a) the amount of gain or unfair advantage, wherever quantifiable, made as a result of the contravention;

(b) the amount of loss caused or likely to cause to the Government or any person as a result of the contravention;

(c) the repetitive nature of the contravention;

(d) whether the contravention is without his knowledge; and

(e) any other relevant factor.

Certain things
liable to
confiscation.

72. Whenever an offence punishable under this Regulation has been committed, the following things shall be liable to confiscation, namely:—

(a) any liquor, material, still, utensil, implement apparatus in respect of or by means of which such offence has been committed;

(b) any liquor unlawfully imported, transported, manufactured, sold or brought along with, or in addition to any liquor, liable to confiscation under clause (a);

(c) any receptacle, package, or covering in which anything liable to confiscation under clause (a) or clause (b) is found, and the other contents, if any, of such receptacle package or covering; and

(d) any animal, vehicle, vessel, or other conveyance used for carrying liquor.

Confiscation by
Deputy
Commissioner in
certain cases.

73. (1) Notwithstanding anything contained in this Regulation or any other law for the time being in force, where anything liable for confiscation under section 72 is seized or detained under the provisions of this Regulation, the officer seizing or detaining such property shall, without any unreasonable delay, produce the said seized property before the Deputy Commissioner.

(2) On production of the property seized under sub-section (1), the Deputy Commissioner, if satisfied that an offence has been committed under this Regulation, may, whether or not a prosecution is instituted for the commission of such offence, order for confiscation of such property, or otherwise he may order for its return to the rightful owner.

(3) While making an order of confiscation under sub-section (2), the Deputy Commissioner may also order that such of the properties to which the order of confiscation relates, which, in his opinion, cannot be preserved or are not fit for human consumption, be destroyed.

(4) Whenever any confiscated article has to be destroyed under this section, it shall be destroyed in the presence of the Excise Officer ordering the confiscation or forfeiture, as the case may be, or in the presence of an Excise Officer not below the rank of an Inspector.

(5) Where the Deputy Commissioner, after passing an order of confiscation under sub-section (2), is of the opinion that it is expedient in the public interest so to do, he may order the confiscated property or any part thereof to be sold by public auction or dispose it of otherwise.

(6) The Deputy Commissioner shall submit a report of all particulars of confiscation to the Excise Commissioner within a period of one month of such confiscation.

(7) Any liquor, mahua flowers or molasses and any other property if confiscated in a case compounded under section 70 or in respect of which an offence has been committed and the offender is not known or cannot be found, shall be disposed of in such manner as may be prescribed.

Order of
confiscation and
destruction not
to interfere with
other
punishment.

74. (1) The order of any confiscation under section 73 shall not prevent imposition of any other punishment to which the person affected thereby is liable under this Regulation.

(2) Notwithstanding anything contained in any other law for the time being in force, the non-production of confiscated property before the trial Court due to disposal of such property, shall not affect the proceeding under this Regulation:

Provided that the samples of liquor and the photographs of the confiscated property may be preserved to meet the evidentiary requirements.

75. (1) Subject to the provisions of this Regulation, when any article, animal or thing is duly confiscated either by order of Court or otherwise, such article, animal or thing shall be made over to the Deputy Commissioner for disposal in such manner and on payment of such fees, as may be prescribed.

Confiscated articles to vest in Administrator.

(2) When an order for confiscation of any property has been passed under section 73 and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, as the case may be, shall vest in the Administrator, free from all encumbrances.

CHAPTER VI

DETECTION, INVESTIGATION AND TRIAL OF OFFENCES

76. The Excise Commissioner or any authorised Excise Officer may, by order, require any person or any establishment deemed reasonably connected with any unlawful handling of liquor, to furnish to him such information as may be specified in that order.

Power to obtain information.

77. (1) Whenever any liquor is manufactured, exported, imported or transported, collected, possessed or sold, in contravention of any provisions of this Regulation, the owner or occupier of the land or building or his agent, and every officer of police and land revenue department, local bodies and block development office shall, in the absence of reasonable excuse, be bound to give notice of the fact to a Magistrate or to an officer of the Excise Department as soon as the fact comes to their knowledge.

Landholders, officers and others to give information.

(2) Every Excise Officer shall be bound to give immediate information to his immediate superior, of all breaches of any of the provisions of this Regulation, which may come to his knowledge under sub-section (1) or otherwise.

78. (1) The authorised Excise Officer may search any place, or seize any article, or arrest or detain any person, if there is a reasonable doubt that such place, article or person is involved in commission of any offence under this Regulation:

Power of arrest, search and seizure.

Provided that no search shall be deemed to be irregular by reason only of the fact that witness for the search is not inhabitant of the locality in which the place searched is situated.

(2) Save as otherwise expressly provided in this Regulation, the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 relating to search, seizure, arrest, detention, summons and investigation shall apply, as far as may be, to all actions taken under this Regulation.

46 of 2023.

79. Every officer-in-charge of a police station shall take charge of and keep in safe custody, pending the orders of a Magistrate or of the Deputy Commissioner, all articles seized under this Regulation, which may be delivered to him and shall allow any officer of the Excise Department who may accompany such articles, to affix his seal to such articles and to take samples of and from them and all samples so taken shall also be sealed with the seal of the officer-in-charge of the police station.

Duty of police to accept seized articles.

Explanation.—For the purposes of this section, “officer-in-charge” means the Excise Officer authorised to supervise and control manufactory or warehouse.

80. All offences under this Regulation shall be cognizable and the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, shall apply to them.

46 of 2023.

Offences under this Regulation to be cognizable.

81. The offences punishable under this Regulation with imprisonment of two years and more, shall be non-bailable and the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, with respect to non-bailable offences, shall apply to those offences.

46 of 2023.

Certain offences to be non-bailable.

Power of Court to try cases summarily.

82. Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, the Magistrate shall have the power to try summarily in accordance with the provisions contained in sections 285 to 288 of that Sanhita, all or any of the offences which are punishable under this Regulation with imprisonment for a term not exceeding six months, or with fine, or with both.

46 of 2023.

Security for good conduct and abstaining from committing offences.

83. (1) Whenever any person is convicted of an offence punishable under this Regulation and the Court convicting him is of the opinion that such person habitually commits or attempts to commit, or abets the commission of such offence and that it is necessary to require such person to execute a bond for abstaining from the commission of any such offence, the Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for abstaining from the commission of such offence during such period, not exceeding three years, as it thinks fit to fix.

(2) The bond referred to in sub-section (1) shall be in such form in terms of the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall, in so far as they are applicable, apply to all matters connected with such bond as if it were a bond to keep the peace ordered to be executed under section 125 of that Sanhita.

46 of 2023.

(3) If the conviction is set aside on appeal or otherwise, the bond so executed under this section shall become void.

(4) An order under this section may also be made by an Appellate Court or by the High Court when exercising its power of revision.

CHAPTER VII

APPEAL AND REVISION

Appeals to Appellate Authority.

84. (1) Any person aggrieved by any decision or order passed under this Regulation by an Excise Officer, may appeal to the Deputy Commissioner.

(2) Any person aggrieved by any decision or order of the Deputy Commissioner, may appeal to the Excise Commissioner.

(3) An appeal under this section shall be filed within a period of thirty days from the date of receipt of such decision or order together with self-attested copy thereof:

Provided that a further period of thirty days may be allowed, if the appellant establishes that sufficient cause prevented him from filing the appeal within the said period of thirty days.

Procedure in appeal.

85. (1) At the hearing of an appeal, an appellant may be allowed to go into any ground not specified in the grounds of appeal or take additional evidence where necessary, if it is established that such omission was not wilful or unreasonable.

(2) The Appellate Authority may, after making such further inquiry as may be necessary, pass such order, as he thinks fit, just and proper, confirming, modifying or annulling the decision or order appealed against, as the case may be.

(3) The appeal shall be heard and decided within a period of six months from the date on which such appeal is filed:

Provided that if an appeal is not decided within the period specified, the relief prayed for in the appeal shall be deemed to have been granted.

Order of Appellate Authority.

86. (1) The order of the Appellate Authority disposing of the appeal shall be in writing and shall state the points for determination, the decision thereon and the reasons for the decision.

(2) The Appellate Authority shall communicate the order passed by him to the appellant and the Excise Officer or Deputy Commissioner, as the case may be, whose order formed the subject matter of appeal.

87. The Excise Commissioner may, at any time within six months from the date of the order, with a view to rectifying any mistake apparent from the record, amend any order passed by him and shall make such amendments if the mistake is brought to his notice by any of the parties to the appeal:

Power of Excise Commissioner to rectify mistakes apparent from record.

Provided that an amendment which has the effect of enhancing an assessment or reducing a refund or otherwise increasing the liability of the other party, shall not be made under this section unless the Excise Commissioner has given notice to the appellant of his intention so to do and has granted him an opportunity of being heard.

88. (1) The Excise Commissioner may, on his own motion, call for the record of any proceeding in which an officer subordinate to him has taken any decision or passed an order under this Regulation, including those related to the grant, issue or refusal to grant a licence, for the purpose of satisfying himself as to the legality or propriety of any such decision or order and may make such inquiry or cause such inquiry to be made and, subject to the provisions of this Chapter, pass such order thereon as he thinks fit.

Revision of orders by Excise Commissioner.

(2) No order, which is prejudicial to any person, shall be passed under this section unless the person has been given an opportunity of being heard.

(3) The Excise Commissioner shall communicate the order passed by him under sub-section (1) to such person and the Excise Officer or Deputy Commissioner, whose order formed the subject matter of revision.

(4) No order under this section shall be passed by the Excise Commissioner in respect of any issue, if an appeal against such issue is pending before the Deputy Commissioner.

(5) No order under this section shall be passed after the expiry of a period of six months from the date on which the order sought to be revised has been passed.

89. (1) Where in any appeal under this Chapter, the decision or order appealed against relates to any duty or fee demanded or any penalty or fine levied under this Regulation, the person desirous of appealing against such decision or order shall, pending the appeal, deposit with the Excise Officer, the duty or fee as demanded or the penalty or fine levied, if such amount exceeds one lakh rupees.

Deposit of duty or fee demanded or penalty or fine levied, pending appeal.

(2) Where in any particular case, the Appellate Authority is of the opinion that the appellant has a *prima facie* case in his favour and deposit of duty demanded or penalty levied would cause undue hardship to such person, the Appellate Authority may dispense with such deposit and stay its recovery subject to such conditions as he may deem fit to impose so as to safeguard the interest of revenue.

(3) Where an application is filed for dispensing with the deposit of duty or fee demanded or penalty or fine levied under sub-section (2), the Appellate Authority shall, where it is possible so to do, decide such application within a period of thirty days from the date of its filing.

(4) Notwithstanding anything contained in sub-section (1), no recovery action shall be initiated against the appellant until the application under sub-section (3) has been decided by the Appellate Authority.

90. (1) Any Government Corporation or Government company or Government agency or any autonomous body owned or controlled by the Government referred to in sub-section (1) of section 6, is aggrieved by the order of the Administrator may file an appeal to the High Court.

Appeal to High Court.

(2) An appeal shall lie to the High Court from an order passed in appeal by the Excise Commissioner, if the High Court is satisfied that the case involves a substantial question of law.

(3) The Government or the other party aggrieved by any order passed by the Excise Commissioner may file an appeal to the High Court and such appeal under this sub-section shall be—

(a) filed within a period of sixty days from the date on which the order appealed against is received by the Government or the other party;

(b) accompanied by a fee of ten per cent. of the amount involved or two thousand rupees, whichever is higher, where such appeal is filed by the other party;

(c) in the form of a memorandum of appeal precisely stating therein the substantial question of law involved.

(4) Where the High Court is satisfied that a substantial question of law is involved in any case, it shall formulate that question.

(5) The appeal shall be heard only on the question so formulated, and the respondent shall, at the hearing of the appeal, be allowed to argue that the case does not involve such question:

Provided that nothing in this sub-section shall be deemed to take away or abridge the power of Court to hear, for reasons to be recorded in writing, the appeal on any other substantial question of law not formulated by it, if it is satisfied that the case involves such question of law.

(6) The High Court shall decide the question of law so formulated and deliver such judgment thereon containing the grounds on which decision is founded and may award such cost as it deems fit.

(7) The High Court may determine any issue which—

(a) has not been determined by the Excise Commissioner;

(b) has been wrongly determined by the Excise Commissioner, by reason of a decision of such question of law as is referred to in sub-section (2).

(8) An Appeal under this section shall be heard by a bench of not less than two judges of the High Court, and shall be decided in accordance with the opinion of such judges or of the majority, if any, of such judges.

(9) Where there is no such majority, the judges shall state the point of law upon which they differ and the case shall, then, be heard upon that point only by one or more of the other judges of High Court and such point shall be decided according to the opinion of the majority of the judges who have heard the cases including those who first heard it.

(10) Save as otherwise provided in this section, the provisions of the Code of Civil Procedure, 1908, relating to the appeals to the High Court shall as far as may be, apply in cases of appeal under this section.

5 of 1908.

Sums due to be paid notwithstanding appeal before High Court.

91. Notwithstanding that an appeal has been preferred to the High Court, sums due to the Government as a result of an order passed by the Excise Commissioner shall be payable in accordance with the order so passed:

Provided that nothing contained in this section or Chapter shall affect the inherent powers of the High Court for granting stay on the recovery of such amount.

CHAPTER VIII

MISCELLANEOUS

92. Every person, who manufactures or sells any liquor under a licence granted under this Regulation, shall—

Measures, weights and testing instruments.

(a) supply himself with such measures, weights and instruments as the Excise Commissioner may specify in this behalf, and keep the same in good condition; and

(b) on the requisition of any Excise Officer, at any time to measure, weight or test any liquor in his possession in such manner as the said Excise Officer may require.

93. The Administrator may, by notification, declare as to what shall be deemed to be liquor for the purposes of this Regulation or the rules made thereunder.

Power of Administrator to declare what shall be deemed to be liquor.

94. The Administrator may issue such order and take such measures as may be deemed appropriate to regulate drinking of liquor or to enforce prohibition of such drinking in the whole or any part of the Union territory.

Power of Administrator to regulate drinking and to enforce prohibition.

95. The Administrator may make rules to regulate movement, possession and sale of molasses, black jaggery, mahua flower, etc., indicating terms and conditions as are necessary and expedient to prevent their misuse for illicit distillation.

Powers of Administrator to regulate molasses, black jaggery, mahua flower, etc., to prevent misuse.

96. No advertisement, direct or surrogate, shall be made for promoting consumption of liquor:

Power to regulate advertisement.

Provided that the Excise Commissioner may, at his discretion, allow such advertisement which is educative and promotes responsible drinking.

97. The Administrator may, by notification, declare in respect of the whole of the Union territory or to any local area comprised therein, as regards to purchasers generally or any specified class of purchasers and generally or for any specified occasion, the maximum or minimum quantity, or both, of a liquor, which for the purposes of this Regulation, may be sold by retail and by wholesale.

Power of Administrator to declare limit of sale by retail and by wholesale.

98. No suits for damages shall lie in any Civil Court against the Administrator or any officer or person for any act done in good faith, or ordered to be done in pursuance of this Regulation or of any other law for the time being in force relating to excise revenue.

Bar of certain suits.

99. (1) The Administrator may, by notification, make rules not inconsistent with the provisions of this Regulation, for carrying out the provisions of this Regulation.

Power of Administrator to make rules.

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

(a) the form in which an annual report shall be submitted by the Excise Commissioner under clause (i) of section 4;

(b) the terms and conditions for grant of reward to the officers and employees, and informers for the work under section 9;

(c) the manner of registration for the purpose of manufacture of alcohol exclusively for industrial use under sub-section (2) of section 10;

(d) the fees, period, terms and conditions and form, for grant of licence or permit under section 11;

- (e) the conditions for security and counterpart agreement under section 13;
- (f) the restrictions on power of the licensing authority to suspend or cancel licence or permit under sub-section (1) of section 16;
- (g) the terms and conditions subject to which transfer of licence or permit may be made under section 19;
- (h) the terms and conditions for granting of licence or lease under section 20;
- (i) the bond to be executed for removal of liquor from manufactory, warehouse, etc., under section 21;
- (j) the terms and conditions for collection of fee for issue of licence or permit under sub-section (2), and the manner of assessment of import, export and transport duties under sub-section (3), of section 26;
- (k) the returns, forms and the particulars and such other information to be submitted by the licensee under section 31;
- (l) the value of liquor which may be less than or exceed under clauses (a) and (b), respectively, of section 32;
- (m) the quantity of the liquor to be sold, transported, possessed or bought by the manufacturer under section 37;
- (n) the period within which any major offence may be referred by the Deputy Commissioner under sub-section (2) of section 68;
- (o) the manner of adjudication by an Adjudicating Officer under sub-section (2) of section 69;
- (p) the guidelines for compounding under sub-section (3) and the manner in which the liquor, apparatus, vehicle or other material seized shall be disposed of under sub-section (4) of section 70;
- (q) the manner in which any liquor, mahua flowers or molasses and any other confiscated property shall be disposed of under sub-section (7) of section 73;
- (r) the manner and fees for disposal of confiscated property under sub-section (1) of section 75;
- (s) the regulation of movement, possession and sale of molasses, black jaggery, mahua flower, etc., under section 95;
- (t) any other matter which is to be, or may be prescribed under this Regulation.

Laying before
Parliament.

100. Every rule made, or notification or order issued, under this Regulation shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or order, or both Houses agree that the rule or notification or order should not be made, the rule or notification or order 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 or notification or order.

101. (1) If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order published in Official Gazette, make such provisions, not inconsistent with the provisions of this Regulation, as may appear to it to be necessary, for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of this Regulation.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Reg. 5 of 1979.

102. (1) The Lakshadweep Prohibition Regulation, 1979 is hereby repealed.

Repeal and savings.

Reg. 5 of 1979.

(2) The repeal of the Lakshadweep Prohibition Regulation, 1979 (herein referred to as the repealed Regulation),—

(a) shall not affect the previous operation of the repealed Regulation or the rules made thereunder in respect of anything duly done or suffered thereunder;

(b) shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Regulation or the rules made or orders issued thereunder; and

(c) the provisions of the repealed Regulation shall continue to apply to any proceeding, inquiry or appeal pending immediately before the commencement of this Regulation, as if the repealed Regulation has not been repealed.

10 of 1897.

(3) Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 shall apply with regard to the effect of repeal.

103. Notwithstanding anything contained in any law, regulation and rules prevailing at the time of this Regulation is brought into force, if such provision of law, regulation and rule is repugnant to, or inconsistent with any of the provision of this Regulation, cease to be operative to the extent of such repugnancy or inconsistency.

Regulation to override other laws.

104. Any custom or usage prevailing at the time of this Regulation is brought into force, if such custom or usage is repugnant to, or inconsistent with any of the provision of this Regulation, cease to be operative to the extent of such repugnancy or inconsistency.

Regulation to override custom or usage.

THE SCHEDULE

(See section 26)

Sl. No.	Description of Liquor	Rate
(1)	(2)	(3)
1	Indian made Foreign Liquor and Foreign Liquor	400% of the last selling price
2	Wine	80% of the last selling price
3	Beer	200% of the last selling price

DROUPADI MURMU,
President.

DR. RAJIV MANI,
Secretary to the Govt. of India.