

THE ARUNACHAL PRADESH FIRE *[AND EMERGENCY SERVICES] ACT, 1991 (Act No1 of 1992)

(Received the assent of the Governor on 13th January, 1992 and published in AP EOG No 141 Vol V Dtd 27.01.1992]

1. Amended by the **Arunachal Pradesh Fire Service Force Act (Amd) ACT 1994 (Act no 1 of 1994)**

[Assented by the Governor of AP ON 03.01.1994 and published in AP EOG No 96 Vol VI Dtd 19.01.1994

2. Amended by the **Arunachal Pradesh Fire Service Force Act (Amd) ACT 2012 (Act no 7 of 2012)**

[Assented by the Governor of AP ON 25.5.2012 and published in AP EOG No 100 Vol IX Dtd 30.5.2012

AN

ACT

to provide for the maintenance of a Fire Service Force in the State of Arunachal Pradesh.
BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Forty-second Year of the Republic of India as follows :-

Short title extent and commencement

(1) This Act may be called the Arunachal Pradesh Fire *[and Emergency Services] Act, 1991.

(2) It extends to whole of the State of Arunachal Pradesh.

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

*[Substituted by 2012 amendment Act (Act no 7 of 2012.s.2.wef 30.05.2012]

In this Act, unless the context otherwise Definitions.

(a) "Director" means the Director of the Fire Force appointed under Section 4 of the Act ;

(b) "Fire fighting property" includes,-

(i) Lands and buildings used as fire stations ;

{ii) Fire Engines, equipments, tools, implements and things whatsoever used for fire fighting;

(iii) Motor Vehicles and other means of transport used in connection with fire fighting ; and

(iv) Uniforms and badges of rank.

(c) "Fire Station" means any post or place declared, generally or specially by the Government to be a Fire Station ;

(d) "Force" means Arunachal Pradesh Fire Service Force maintained under this Act ;

(e) "Government" means the Government of Arunachal Pradesh ;

(f) "Member" means a member of the force who performs operational, supervisory, directional and executive duties in such ranks as may be prescribed by the government:

(g) "Officer-in-charge of a Fire Station" includes the Fire officer next in rank to the officer-in-charge of Fire Station or any other

officer holding charge of the Fire Station for the time being ;

(h) "Prescribed" means prescribed by rules made under this Act ;

(i) "Place" means either enclosed, or covered or open land having buildings or premises within 75 ft. on any side or its surroundings ;

j) "Premises" means any land or any buildings or part of a buildings appurtenant there to which is used for storing explosives, explosive substances and dangerously inflammable substances ;

(k) "Wire-house" means any building or place used whether temporarily or permanently for storing, keeping, or otherwise dealing in any manner or such articles which in the opinion of the Government are considered as inflammable ;

(l) "Work-shop" means any building or place where the processing of any article is carried on for purposes of trade or business, if such processing of such articles which in the opinion of the Government are considered as inflammable and are prescribed in this respect.

Maintenance of Fire Force

3. There shall be maintained by *the* Government a force to be called the Arunachal Pradesh Fire Service Force for the purpose of this Act.

Appointment of Director of Fire Force

4. The Government may appoint a person to be the Director of the Arunachal Pradesh Fire Service Force who shall be an officer of the rank of Deputy Inspector General of Police of Arunachal Pradesh.

Superintendence and control of force

*[5. (1) The Superintendence and control of the Force shall vest in the Director, who shall function under the control and supervision of the (Director General of Police), Arunachal Pradesh, and shall be carried on by him in accordance with provisions of the Act and the rules made thereunder.]

*[Substituted by 2012 amendment Act (Act no 7 of 2012.s.2.wef 30.05.2012, deleting the word 'Inspector General of Police' as amended by 1993 Act (Act no 1 of 1994)]

Appointment of the members of the force

6. The Director or such other officer of the Force as the Government may authorise *in* this behalf shall appoint members of the force in accordance with the rules made under this Act.

*[Subject to the provisions of Articles 311 of the Constitution of India and the rules prescribed by the State Government, the Director or any officer of appropriate rank as specified by the (Director General of Police), Arunachal Pradesh may at any time dismiss, suspend or reduce in rank or award any of the punishment to any member of the subordinate ranks whom he shall think responsible for remiss or negligence in the discharge of his duty or considered unfit for the same. The Director or any other officer of appropriate rank as specified by the [Director General of Police,] Arunachal Pradesh may also award any one or more punishments as provided in the Central Civil Service (Classification, Control and Appeal) Rules, 1965 as adopted by the State of Arunachal Pradesh, Adaption of Laws Order, (No. 2) 1989. The provisions of the said rules shall apply, mutatis mutandis with regard to procedure of awarding punishment and other disciplinary actions.

Provided that the Director General of Police, Arunachal Pradesh reserves the right of revision of hearing of appeal in case of any alleged violations of principle of natural justice or established procedure practices.]

*[Substituted by 2012 amendment Act (Act no 7 of 2012.s.3.wef 30.05.2012 deleting the word 'Inspector General of Police as amended by 1993 Act (Act no 1 of 1994)]

Issue of certificate to member of Force.

7 (1) Every person shall, on appointment to the force, receive a certificate in the prescribed form under seal of the Director or an officer authorised in this behalf by the Government and thereupon such person shall have the powers, functions and privileges of a member of the Force under this Act.

(2) The certificate referred to in-sub-section (1) shall cease to have effect when the person named therein ceases to be a member of the force, and on his so ceasing, he shall forthwith surrender the certificate to any officer empowered to received the same.

(3) During the period of suspension, the powers, functions and privileges vested in such member of the force shall be closed till revocation of suspension but such member shall continue to be the member of the Force.

Auxiliary Fire Force.

8. Whenever it appears to the Government that it is necessary to augment the force, it may raise an auxiliary force by enrolment of volunteers for such areas and on such terms and conditions as it may determine.

Power of State Government to make orders.

9. The Government may from time to time make such general or special orders as it thinks fit :-

- (a) for providing the force with such appliances and equipments as it may deem proper ;
- (b) for providing adequate supply of water as may be required for use at any time ;
- (c) for constructing or providing station or hiring places for accommodating the members of the force and its fire fighting appliances ;
- (d) for giving rewards to persons who have given notice of fires out of sense of civic responsibility and to those who have rendered effective service to the force on the occasion of fires ;
- (e) for the training, discipline and good conduct of the members of the Force ;
- (f) for deciding or determining the cadre or terms and conditions of service of the members of the Force including other staffs ;
- (g) for the speedy attendance of members of the Force with necessary appliances and equipment's on the occasion of any alarm of fire ;
- (h) for sending members of the Force with appliances and equipment beyond the local limits of any area in which this Act is in force for the purpose of fire-fighting in the neighbourhood of such limits on such terms and conditions and under such exigencies of situation as it deems proper ;
- (i) for the employment of the members of the Force in any rescue, salvage or other similar jobs;
- (j) for regulating and controlling the powers, duties and functions of the Director, and of other members of the forces ; and
- (k) generally for the maintenance of the force under this Act

Powers of members of the Force on occasion of fire.

10. On the occasion of fire in any area, any member of the force who is in charge of fire fighting operations on the spot may :-

- (a) remove, or order any other member of the force 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 burning ;
- (c) for the purpose of extinguishing fire, break into or through or pull down, any premises for the passage those engaged in fire fighting of appliances or cause them to be broken into or through or pulls down, to the extent of minimum damage as far as possible;
- (d) require the authority in charge of water supply in the area to regulate the water machine so as to provide water at a specified pressure at the place where fire has broken out and utilise the water of any steam, cistern, well or tank or of any available source of water, public or private for the purpose of extinguishing or limiting the spread of such fire ;
- (e) exercise the same powers for dispersing any assembly of persons likely to obstruct the fire fighting operations as if he were an officer in-charge of a police station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers;
- (f) generally take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property, and for this no member of the force working under his order or instruction will be civilly or criminally liable in any Court of law.

Preventive measures.

11. (1) The Government may, by notification in the Official Gazette, requires owners or occupiers of premises in any area or of any class of premises used for purposes which in its opinion are likely to cause a risk of fire, to take such precautions including those related to the plan of the building or use of the building as may be specified in such notification.

(2) Where a notification has been issued under sub-section (1) it shall be lawful for the Director or any officer of the force authorised in this behalf to direct the removal of subjects or goods likely to cause a risk of fire, to a place of safety and on failure of the owner or occupier to do so, the Director or such officer may, after giving the owner or occupier a reasonable opportunity of making representation, seize, detain or remove such objects or goods

Expenditure on the force

2. The entire expenditure in connection with the Force shall be met out of the consolidated Fund of the state provided that the Government may recover from any local authority of any area such contribution towards the cost of the portion of the force maintained in that area as the Government may direct from time to time.

Penalty for violation of duty etc.

13. Any member of the force who,--

- (a) is found to be guilty of any violation of duty or wilful breach of any provision of this Act or any rule or order made thereunder ; or
- (b) is found to be guilty of cowardice; or
- (c) withdraws from the duties of his office without permission or without having given previous notice at least two months ;
- (d) fails without reasonable cause to report himself for duty on the expiration of such leave ; or
- (e) accept any other employment or office in contravention of the provisions of this Act shall be punishable with imprisonment which may extend to three months or with fine which may extend to an amount not exceeding three months pay of such member or with both.

Failure to give information.

14. Any person having any information regarding outbreak of fire shall communicate the same without delay to the nearest Fire Station and if such person fails to communicate without just cause shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

Penalties for violation of preventive measures.

15. Whoever wilfully violates the provision of section 11 of this Act or fails without reasonable cause to comply with the same or any person who wilfully obstructs or interferes with any member of the force who is engaged in fire fighting operation shall be punishable on conviction before a Magistrate with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

False report.

16. Any person who knowingly gives or cause to be given a false report of the outbreak of fire to any person authorised to receive such report by means of a statement, message or otherwise shall be punishable on conviction before a Magistrate with imprisonment for three months or with fine not exceeding five hundred rupees or with both;

Training centres

17. The Government may establish and maintain one or more training centres in the State for providing necessary training to the members of the force.

Bar to other employment.

18. No member of the force shall engage in any employment or office whatsoever other than his duties under this Act unless expressly permitted to do so by the Government.

Transfer to other area.

19. The 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 Act is not in force, order the dispatch of the members of the force with necessary appliances and equipment's to carry on fire fighting operations in such neighbouring area and thereupon all the provisions of this Act and the rules made thereunder shall apply to such area during the period of fire or emergency or during such period as the Director may specify.

Employment on other duties.

20. It shall be lawful for the government or any officer authorised by it in this behalf to employ the force in any rescue, salvage or other work for which it is suitable by reason of its training, appliances and equipment.

Liability of property owner to pay compensation

21 .(i) Any person whose property catches fire on account of any 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 any action taken under section 10 by any officer mentioned therein or any person acting under the authority of such officer.

(2) All claims under sub-section (1) shall be preferred to the District Magistrate within 30 days from the date when the damage was caused.

(3) The District Magistrate shall, after giving the parties an opportunity of being heard, determine the amount of compensation due and pass an order stating such amount and the person liable for the same, and the order so passed shall have the force of a decree of a Civil Court.

Inquiry into origin of fire and report to Magistrate

22. Where any fire has occurred within any area in which this Act is in force, the senior most officer in rank among the members of the *force* in that area shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire occurs; and the said Magistrate shall in any case where he may deem fit summon witnesses and take evidence in order to further ascertain such facts.

Power to obtain information

23. Any officer of the force not below the rank of officer-in-charge of a Fire Station may for the purpose of discharging his duties under the Act require the owner or occupier of any building or other property to supply information with respect to the character of such building or other property, the available water supplies and means of access thereto or any other material particulars, and such owner or occupier shall furnish all the information in his possession.

Power of entry.

24. (1) Director or any member of the force authorised by him in this behalf may enter any of the places specified in any notification issued under section 11 for the purpose of determining whether precautions against fire required to be taken on such place have been so taken.

(2) Save as otherwise expressly provided in this Act, no claim shall lie against any person for compensation for any damage caused by any entry made under sub-section (1).

Compensation of water

25. No charge shall be made by any local authority for water consumed in fire fighting operations by the force.

No compensation for interruption of water supply.

26. No authority in charge of water supply in an area shall be liable to any claim for compensation for damage by reason of any interruption of supply of water occasioned only by compliance of such authority with the requirement specified in clause (d) of section 10.

Police officers to aid.

27. It shall be the duty of police officers of all ranks to aid the members of the force in the execution of their duties under the Act.

Sanction of prevention.

28. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Power to make rules.

29. (1) The Government may, by notification in the Official Gazette make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rule may provided for,-

- (a) the number and grades of officers and member of the force ;
- (b) the manner of appointment of members of the force ;
- (c) the form of the certificate to be issued to the members of the force ;
- (d) the conditions of the service of the members of force including their ranks, pay and allowance, hours of duty and leave, maintenance of discipline and removal from service ;
- (e) the circumstances in which and the conditions (including the levy of fee) subject to which members of the force may be despatched to carry on fire fighting operations in neighbouring areas;
- (f) the condition subject to which members of the force may be employed on rescue, salvage or other work;
- (g) the manner of service of notice under this Act;
- (h) the payment of rewards to person, not being members of the force, who render services for fire fighting purpose ;
- (i) the compensation payable to member of the force in case of accidents or to their dependents in case of death while engaged on duty;
- (j) for the employment of member of the force or use of any equipment outside the area or on special services and the fee payable therefore ; and
- (k) any other matter which is to be or may be prescribed.

General penalty.

30. Whoever contravenes any provision of this Act and where no separate penalty is provided shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both .