



The Assam Fire and Emergency Services Act, 2025

Act No. 53 of 2025

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং ৪১১ দিশপুৰ, বুধবাৰ, ২৪ ডিচেম্বৰ, ২০২৫, ৩ পূহ, ১৯৪৭ (শক)

No. 811 Dispur, Wednesday, 24th December, 2025, 3rd Pausa, 1947 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 24th December, 2025

No. LGL. 52/2025/3.- The following Act of the Assam Legislative Assembly which received the assent of the Hon'ble Governor of Assam on 23rd December, 2025 is hereby published for general information.

ASSAM ACT NO. LIII OF 2025

(Received the assent of the Hon'ble Governor of Assam on 23rd December, 2025)

THE ASSAM FIRE AND EMERGENCY SERVICES ACT, 2025

AN ACT

Preamble to provide for the maintenance of fire and emergency services and to make more effective provisions for the fire prevention, safety and protection of life and property in various types of buildings, premises and temporary structures likely to cause a risk of fire in different areas in the State of Assam and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Seventy-sixth Year of the Republic of India as follows:-

CHAPTER I

Preliminary

- | | |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Short title,
extent and
commencement | 1. (1) This Act may be called the Assam Fire and Emergency Services Act, 2025.
(2) It shall extend to the whole of the State of Assam
(3) It shall come into force at once. |
| Definitions | 2. In this Act, unless the context otherwise requires,-
(a) "Adjudicating Officer" means the officer mentioned under sub-section (1) of section 58 of this Act;
(b) "Appellate Authority" means the Senior most Secretary to the Government of Assam, Home & Political Department as appointed by the Government for the purpose of this Act;
(c) "Assam Fire and Emergency Services" means the Assam Fire and Emergency Services constituted under section 3 of this Act including the State Disaster Response Force established and maintained by the Government for disaster mitigation;
(d) "building bye-laws" means the bye-laws framed by the State Government under section 4 of the Assam Building Construction (Regulation) Act, 2010 and any such Building Bye-laws or rules or regulations made by the Government relating to buildings in the State;
(e) "building" means any structure whether of masonry bricks, woods, mud, metal or other materials and includes a house, out-house, basement, underground parking, stable, latrine, urinal, shed, hut or wall (other than a boundary wall);
(f) "completion certificate" means the certificate issued by the local authority on conclusion of the construction certifying that the construction of building is in compliance with the approved plans and building codes;
(g) "Designated Authority" means the Director or any other Officer of the Service as may be appointed by the Government for the purpose of the Act;
(h) "Director" means the Director, Assam Fire and Emergency Services appointed by the Government under sub-section (1) of section 5 of this Act;
(i) "District Fire Officer" means the Fire Officer-in-charge of a fire district; |

Assam Act
XVI of
2010

- (j) "District Magistrate" means an officer of the Government appointed as District Magistrate under sub-section (4) of section 14 of the Bharatiya Nagarik Suraksha Sanhita, 2023; Central Act 46 of 2023.
- (k) "emergency services" means services which need immediate response or attention to any situation and incident causing threat to public life and property to prevent and mitigate the impact of loss and damages and rescue of such property and life;
- (l) "erector of pandal" 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;
- (m) "fire district" means a territory of the State comprising such number of fire stations as may be notified and declared generally or specially by the Government to be a fire district for the purpose of this Act;
- (n) "Fire Officer " means any operational member of the Assam Fire and Emergency Services;
- (o) "fire prevention and life safety measures" means such measures as are necessary in accordance with the Building Bye-laws or National Building Code of India, as prevalent or Explosive Substances Act, 1908 and other acts relating to fire prevention and life safety as amended from time to time for the containment, control and extinguishing of fire and for ensuring the safety of life and property in case of fire and as may be prescribed; Central Act 6 of 1908
- (p) "fire region" means a territory of State comprising such number of fire districts as specified under section 7 of this Act;
- (q) "Fire Safety Officer" means the person having qualification in fire prevention and safety measures from a Government recognized Institute and appointed under section 38 of this Act as Fire Safety Officer by the owners and/or occupiers of certain premises and buildings as specified on his behalf who shall look after the safety aspects of the said organization or establishment and shall be responsible for ensuring that all safety regulations are adhered to and assessing unsafe situations or hazards at a place or at an event, and developing and recommending adequate safety measures for implementation;
- (r) "fire station" means a building erected to house the firefighting equipment, appliances and staff declared generally or specially by the State Government to be a fire station for the purposes of this Act;
- (s) "Government " means the Government of Assam;
- (t) "Governor" means the Governor of Assam;

- (u) "local authority" means the Municipal Corporation of Guwahati and also includes Municipal Boards, Town Committees, Panchayat and other Development Authorities legally entitled and entrusted by the Government with the control or management of a municipal or local fund;
- (v) "member" of the Service means a person appointed to the Assam Fire and Emergency Services under this Act;
- (w) "multi-storied building" means a building with such minimum height as may be prescribed;
- (x) "National Building Code of India" means the book or books containing Fire prevention and Life Safety Measures to be implemented in the buildings, places, premises, workshops, warehouses and industries and published from time to time by the Bureau of Indian Standards;
- (y) "Nominated Authority" means an officer not below the rank of a Station Officer nominated by the Director for the purposes of this Act;
- (z) "occupancy" means the principal occupancy for which a building or a part of a building is used or is intended to be used including subsidiary occupancies which are contingent upon it;
- (aa) "occupancy certificate" means the certificate of occupancy issued by the local authority certifying a building's compliance with the approved plans, building codes, relevant regulations and laws and indicating it to be in a condition suitable for occupancy;
- (bb) "occupier" includes,-
 - (i) any person who, for the time being, is paying or is liable to pay to the owner, the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
 - (ii) an owner in occupation of, or otherwise using his land or building;
 - (iii) a rent-free tenant of any land or building;
 - (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;
- (cc) "officer-in-charge" means an officer-in-charge of a fire station;
- (dd) "operational member" means any member of the Assam Fire and Emergency Services who is required to drive or operate a firefighting vehicle, firefighting equipment and appliance at the site of fire and participate in the actual extinction of fire and/or rescue operations;

- (ee) "owner" includes 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, 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;
- (ff) "pandal" means a temporary structure (both open and closed) erected for the purpose of public assembly, fair, function and festival comprising of structures made of wood, bamboo, straw, canvas etc. or any other combustible material;
- (gg) "premises" means any land or any building or part of a building and includes the garden, ground and outhouse, if any, appertaining to a building or part of a building; and any land or any building or part of a building appurtenant thereto which is used for storing explosives, explosive substance and dangerously inflammable substance;

Explanation:-In this clause, "explosive", "explosive substance" and "dangerously inflammable substance" shall have the meaning, respectively assigned to them in the Explosive Act, 1884 (4 of 1884), the Explosive (Substances) Act, 1908 (6 of 1908) and the Inflammable Substances Act, 1952 (20 of 1952);

Central Act
4 of 1884
Central Act
6 of 1908
Central Act
20 of 1952

- (hh) "prescribed authority" means authority prescribed by rules made under this Act;
- (ii) "prescribed" means prescribed by rules made under this Act;
- (jj) "Regional Fire Officer" means the officer appointed under section 4 of the Act who shall be the in-charge of a Fire region;
- (kk) "Service" means the Assam Fire and Emergency Service under this Act;
- (ll) "State" means the State of Assam;
- (mm) "Senior Station Officer" and "Station Officer" means an officer of the Assam Fire and Emergency Services who may also be the station in-charge of a fire station;
- (nn) "subordinate operational staff" includes every member of the Assam Fire and Emergency Services of the rank of Fireman, Leading Fireman, Driver and any other equivalent rank;
- (oo) "high rise buildings" means a building of 15 meter or above in height irrespective of occupancy;
- (pp) "unsafe buildings" means any building or group of buildings or part thereof which is exposed to fire and

appears to lose its structural strength, stability and integrity due to consequence of fire or any building or group of buildings where there is reason to believe it to be fire hazard prone due to its nature of construction, occupancy load, as well as material used being highly combustible in nature, having no adequate fire prevention and life safety measures, prone to fire hazards and not provided with adequate means of egress thereby posing threats to public safety; and

- (qq) "water mains" means the main pipe in a water supply system that supplies water to a particular area.

CHAPTER II

Organization, Superintendence, Control and Maintenance of the Assam Fire and Emergency Services

- | | | |
|-------------------------------------------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Constitution and composition of Fire and Emergency Services | 3. | <p>(1) There shall be one Assam Fire and Emergency Services for the State and all members of the Assam Fire and Emergency Services shall be liable for posting to any administrative and operational section of the service within the State:</p> <p style="padding-left: 20px;">Provided that this provision shall not apply to the private fire services maintained for providing fire protection coverage to a specific building or industry by the owner or occupier thereof.</p> <p>(2) The superintendence and control over the services throughout the state shall vest in the Home and Political Department, Government of Assam and shall be administered by the Government appointing such officers of the Government from time to time on this behalf as per provisions of the Act and rules as may be prescribed.</p> <p>(3) Subject to the provisions of this Act, the Services shall consist of such number of members in several ranks and cadres and have such organizations and exercise such powers, functions and duties as may be prescribed.</p> <p>(4) The recruitment procedure, pay, allowances and all other conditions of members of the services shall be such as may be prescribed from time to time.</p> <p>(5) The Fire and Emergency Service personnel shall at all times remain accountable to the law and responsible for protection of life and property of the people and shall observe codes of ethical conduct and integrity as may be prescribed.</p> |
| Appointments of the members of the service | 4. | <p>The appointments of Gazetted and non-Gazetted cadres in Grade I, Grade II, Grade III and Grade IV members of service shall be done through a transparent process, adopting codified and scientific procedure which shall be as may be prescribed.</p> |
| Appointment of Director | 5. | <p>(1) The Government shall appoint an officer of the rank of Additional Director General of Police or above to be the</p> |

Director for the directions and supervision of the Fire and Emergency Services in the State and who shall exercise such powers and perform such duties and such other functions as specified under this Act and as may be prescribed.

- (2) The jurisdiction of the Director so appointed shall extend to the entire State in matters relating to fire and emergency services.
- (3) The Government shall appoint such other officers from time to time to assist the Director as may be necessary for the effective functioning of the Services and as may be prescribed.

General powers of the Director

6. The Director shall, subject to the superintendence and control of the State Government, direct and regulate all matters of fire prevention, firefighting equipment, machinery and appliances, training, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive details or matters relating to fulfillment of duties and maintenance of discipline of Fire officers and members of the Services under him in such manner as may be prescribed.

Constitution of Fire regions, Fire districts, Fire prevention section and Fire Station

7. (1) The Government may in consultation with the Director, Assam Fire and Emergency Services issue notification in the Official Gazette constituting such Fire regions, where each region shall be under the charge of a Regional Fire Officer of the rank of Senior Superintendent of Police as may be required based on administrative and operational reasons or requirement comprising of such Fire districts as may be deemed necessary.
- (2) The Government may also constitute any other Fire region or divide any Fire region comprising of such Fire districts as may be necessary for effective response and as may be notified from time to time.
- (3) Each such fire districts shall be given under the charge of a District Fire Officer in the rank of Deputy Superintendent of Police or Additional Superintendent of Police based on administrative and operational reasons.
- (4) The Government may for effective response divide Fire districts into fire stations by notification defining the jurisdiction of such fire stations and shall place each such fire station under the charge of a Senior Station Officer or Station Officer based on administrative and operational reasons.
- (5) Each fire district shall have such equipment and special appliances as may be necessary to provide reinforcement to firefighting or rescue or disaster mitigation efforts of the fire stations in the area.

- (6) The Director, Assam Fire and Emergency Services for the effective functioning of the Assam Fire and Emergency Services shall constitute a Fire Prevention Section, Motor Transport Section, Communication Section, Administrative Section and any other Section at the Assam Fire and Emergency Services Headquarters and at the Regional and Fire District Level.
- (7) The Government shall by notification published in the Official Gazette constitute any other section that may be required for the implementation of this Act from time to time.
- Certificate of Appointment 8. (1) Every member of the service shall on enrolment, receive a Certificate of Appointment.
- (2) The Certificate shall be issued under the seal of such officer and shall be in such form as may be prescribed.
- (3) A Certificate of Appointment shall become null and void when the person named therein ceases to belong to the services or shall become inoperative during the period such person is suspended from the services.

CHAPTER III

Control and Discipline of Assam Fire and Emergency Services

- Calling of returns, reports, statements, etc. 9. The Government may call for such returns, reports and statements on any subject connected with fire prevention and life safety, maintenance of order and the performance of duties from the Director or any other Fire Officers, and the same shall be furnished immediately.
- Fire Officers duty and employment 10. Every Fire Officer shall for all purposes of this Act be deemed to be always on duty and any Fire Officer or any member of the Service or crew of Fire Officers allocated for duty in any part of the State may, if the Director so directs, at any time, be employed on turn out duty in any other part of the state for so long as the services of the Fire Officer or any member of Services or crew of Fire Officers may be required in such other part of the State.
- Declaration as essential Services to the community 11. (1) Without prejudice to the provisions of any other law on the subject for the time being in force, the Government may, by notification in the Official Gazette, declare the Assam Fire and Emergency Services to be an essential service to the community.
- (2) A declaration made under sub-section (1) above, shall remain in force for the time period as notified by the Government and may be extended from time to time by a like notification.
- (3) Upon a declaration being made under sub-section (1) above and so long as it remains in force, it shall be the duty of every Fire Officer to obey an order given by any superior officer in relation to any employment in connection with the services specified in the declaration.

- Violation of duty of member of the Services
12. Notwithstanding any action which may be taken under the provisions of this Act, any member of the services who-
- (1) is found to be guilty of any violation of duty or willful breach of any provision of this Act or any rule or order made there under; or
 - (2) is found to be guilty of cowardice; or
 - (3) withdraws or abstains from the duties of his office without permission; or
 - (4) being absent on leave fails without reasonable cause to report himself for duty on expiration of such leave; or
 - (5) accepts any other employment or office or engages himself in business in contravention of the provision of the Assam State Civil Services (Conduct) Rules, 1965.
- shall be punishable with penalty as specified in the Assam Services (Discipline and Appeal) Rules, 1964.
- Effect of suspension of Fire Officer
13. The powers, functions and privileges vested in a Fire Officer shall remain suspended while such Fire Officer is under suspension from office :
- Provided that notwithstanding such suspension, such person shall not cease to be a Fire Officer and shall continue to be subject to the control of same authorities to which he would have been if, he had not been under suspension.
- Restrictions on the right to form association, etc.
14. (1) No member of the Assam Fire and Emergency Services shall, without the previous sanction in writing of the Government or of the prescribed authority,-
- (a) be a member of, or be associated in any way with, any union, labour union, political association or with any class of trade union, labour union or political association;
 - (b) be a member of, or be associated in any way with any social institution, association, or organization that is not recognized as a part of the Assam Fire and Emergency Services or is not purely of a social, technical, recreational or religious nature; or
 - (c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bona-fide discharge of his duties or is of a purely literary, artistic or scientific character.

Explanation: If any question arises as to whether any society, institution, association, organization is of a purely social, technical, recreational or religious nature under clause (b) above of this sub-section, the decision of the Government thereon shall be final.

- (2) No member of the Services shall participate in, or address any meeting or take part in any demonstration organized by anybody or persons for any political purposes or for such other purposes as may be prescribed.

CHAPTER IV

Levy of Fire Tax, Fee and Other Charges

- | | | |
|--------------------------------------------------------------------------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Levy of Fire tax | 15. | <p>(1) The Government may levy a fire tax on lands, premises and buildings which are situated in any area of the State and on which property tax by whatever name called is levied by any local authority in that area.</p> <p>(2) The Fire tax shall be levied in the form of a surcharge on the property tax at such rate in terms of percentage of such property tax as the Government may, by notification in the Official Gazette, determine from time to time.</p> |
| Mode of assessment, collection, etc. of fire tax | 16. | <p>(1) The authorities empowered to assess, collect and enforce payment of property tax under the law or authorizing the local authority of the area to levy such tax shall, on behalf of the Government and subject to any rules made under this Act, assess, collect and enforce payment of the fire tax in the same manner as the property tax is assessed, paid and collected and for this purpose, they may exercise all or any of the powers they have under the aforesaid laws and the provisions of such law including provisions relating to returns, appeals, reviews, references and penalties shall apply accordingly.</p> <p>(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.</p> <p>(3) The proceeds of the fire tax collected under this Act reduced by the cost of collection shall be paid to the Government in such manner and at such intervals as may be prescribed.</p> |
| Fee on deployment of services beyond the territorial limits of the State | 17. | <p>Where members of the services along with equipment and appliances are sent beyond the territorial limits of any area of state, in order to extinguish a fire or attend any emergency services in the neighbourhood of such limits on the request of any State Government or local body, the concerned State Government or local body or any regulating body shall provide necessary logistic support as well as security and shall have to bear all operational cost(s) etc. as may be prescribed and make payment of the same within fifteen working days of the raising of bill by the Director, Assam Fire and Emergency Services.</p> |

- Standby Duty Charges 18. (1) The Director or any Fire Officer authorized by him on his behalf may require the owner of premises or organizer of the event or both to provide standby duty in respect of fire safety purposes for a specified period during the private functions, melas, fairs or other similar events for assembly of people.
- (2) The owner of premises or organizer of the functions, melas, fairs or other similar events for assembly of people shall pay in advance to the Assam Fire and Emergency Services the standby duty charges as may be prescribed:
- Provided that the owner or organizer of the functions etc. shall have to undertake fire prevention and life safety measures as specified in the Code of Practice, Bureau of Indian Standard (BIS) 8758:2013 as amended from time to time.
- Reciprocal firefighting arrangements for fire safety 19. The Director may, with the previous sanction of the Government, enter into arrangements with any person or organization who employs and maintains personnel or equipment or both, for firefighting purposes, to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, with that person or organization for assistance for the purpose of dealing with fire or rescue or disaster or any emergency service occurring in any area in which this Act is in force.

CHAPTER V

General Measures for Fire Prevention and Life Safety Measures and Self Regulation

- Fire Prevention and Life Safety Measures 20. (1) Residential Apartment Buildings (10 units and above), Hotels, Educational Buildings, Hospitals and Sanatoria, Assembly Buildings, Multiplex Buildings, Business Buildings, Mercantile Buildings, Industrial Buildings, Factories, Storage, Godowns, Hazardous Buildings, Restaurants (seating capacity 30 persons and above) and pandals shall be considered to constitute a fire hazard or risk occupancy premises or buildings:
- Provided that the Government may, by notification in the Official Gazette, include or exclude any class of occupancy having such height or covered area and pandals which, in its opinion, is likely to cause a risk of fire.
- (2) The Government may require the owner or occupiers, or both, of premises or buildings or erectors of pandals notified under sub-section (1) above, to take such fire prevention and life safety measures as per the Building Bye-laws and the National Building Code of India as prevalent on Fire and Life Safety or Code of Practice or Standards published by Bureau of Indian Standards as amended from time to time:

Provided that no local authority shall grant construction permit without referring the matter to the Director, Assam Fire and Emergency Services or issue completion or occupancy certificate as the case may be in respect of the buildings or premises notified by the Government under sub-section (1) above, without obtaining Fire Safety Certificate from the Assam Fire and Emergency Services.

Grant of
Construction
Permit by Local
Authority after
obtaining fire
safety
recommendation

21. (1) On receipt of an application from any person or group of persons or organization proposing to construct a new building or making addition and/ or alteration to the existing building covered under sub-section (1) of section 20, the local authority shall forward the application to the Director, Assam Fire and Emergency Services along with a set of building plan containing all the details of the proposed buildings such as site plans, layout plans, service plans, details of fire and life safety measures and the fees as may be prescribed based on the vulnerability to fire hazard or risks as provided under section 23.
- (2) On receipt of an application under sub-section (1) above, the Director or the Nominated Authority concerned shall within the stipulated period verify the documents and shall conduct physical inspection of the proposed site of the new building or the existing building as the case may be, if so required and shall communicate in writing such requirements relating to fire prevention and life safety measures in accordance with Building Bye-laws and the National Building Code of India as prevalent on fire and life safety measures with reference to height of building and class of occupancy to be taken as required under sub-section (2) of section 20 in the form of recommendation(s) to be complied with by the applicant.
- (3) Upon completion of the building, if the recommendations are not complied with, Fire Safety Certificate shall not be issued, rather the building shall be declared unsafe from fire safety point of view and shall be referred to the District Magistrate for adjudication of the matter. The Local Authority shall not issue Occupancy Certificate of the said building.
- (4) Under exceptional circumstances, the Director or any authorized officer of Assam Fire and Emergency Services shall be empowered for taking necessary steps to cancel the trade license, suspension of power supply and thereby declaring it unsafe from fire safety point of view and he may also take necessary steps to seal the building after observing all formalities in the interest of safety of the lives and properties.

- Application for Fire Safety Certificate
22. (1) Any person or group of persons or organization or body who have been issued recommendation under sub-section (2) of section 21, on completion of construction shall make an application in the prescribed format to the Director, Assam Fire and Emergency Services for grant of Fire Safety Certificate duly certifying that all the measures as required have been provided in the building. The application shall be accompanied by fee as may be prescribed from time to time.
- (2) The Director or Nominated Authority shall verify the adequacy and workability of required fire and life safety measures and issue the Fire Safety Certificate to the owner or occupier of the newly constructed or existing buildings on satisfactory compliance.
- Validity of Fire Safety Certificate
23. (1) The period of validity of Fire Safety Certificate granted by the Assam Fire and Emergency Services shall remain valid until it is cancelled by the Competent Authority.
- (2) The various buildings with high vulnerability to fire hazard or risks, moderate vulnerability to fire hazard or risks and low vulnerability to fire hazard or risks shall be as specified under relevant column in the table as annexed hereto as Schedule I:
- Provided that any building which is not included hereto, their vulnerability to fire hazards shall be determined by the Assam Fire and Emergency Services in view of fire and life safety on the basis of the fire load, type of construction of the building, combustibility of the materials used in building construction, the flame spread rating of the interior finish or other features of the building or structure.
- Cancellation of Fire Safety Certificate
24. (1) In the event of violations of any of the conditions of the Fire Safety Certificate by the owner or occupier, the Director or any Fire Officers authorized by him on his behalf shall cancel the Fire Safety Certificate as per the notification issued by the Government from time to time.
- (2) The Nominated Officer or any other authorized officers of the Services not below the rank of Station Officers of the concerned jurisdiction shall be empowered to conduct periodic or random inspections to verify the adequacy and workability of required fire safety measures as declared by the applicant in the self-declaration. In the event of non-compliance of any of the conditions of the self-declaration submitted by the owner or occupier, the Nominated Officers shall take such steps including cancellation of Fire Safety Certificate as may be necessary for the compliance of fire safety measures to be specified as per the notification issued by the Government from time to time.

- | | | |
|----------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Liability to maintain Fire and Life Safety measures | 25. | The owner or occupier or both of the building or premises as the case may be shall continuously maintain fire prevention and life safety measures throughout the occupancy of the building or premises and failure to do so shall be construed violation under this Act and action shall be taken. |
| Penalty for failure to obtain Fire Safety Certificate | 26. | <p>(1) No person shall occupy or cause to occupy any building or premises including part thereof as specified under sub-section (1) of section 20 without obtaining Fire Safety Certificate from the Director, Assam Fire and Emergency Services under this Act or rules made thereunder;</p> <p>(2) Any failure to obtain Fire Safety Certificate for buildings or premises of low vulnerability to fire hazard or risk shall be punishable with fine which shall not be less than ten thousand rupees and may extend upto twenty-five thousand rupees;</p> <p>(3) Any failure to obtain Fire Safety Certificate for buildings or premises of moderate vulnerability to fire hazard or risk shall be punishable with fine which shall not be less than twenty five thousand rupees and may extend up to fifty thousand rupees;</p> <p>(4) Any failure to obtain Fire Safety Certificate for buildings or premises of high vulnerability to fire hazard or risk shall be punishable with fine which shall not be less than one lakh rupees and may extend up to five lakhs rupees; and where the offence is a continuing one, a further fine which may extend to five thousand rupees for every day after the first offence during which such offence continues.</p> |
| Change of occupancy or alteration to building or premises etc. | 27. | <p>(1) The owner or occupier or both of the building or premises or part thereof shall not make any change in occupancy or any alteration of the building or premises after it has been granted Fire Safety Certificate by the Assam Fire and Emergency Services under sub-section (2) of section 22 without obtaining prior approval of the Director and on failure to do so, the owner or occupier or both of the building or premises or part thereof shall be deemed to have committed an offence and shall be punishable with fine which shall not be less than fifty thousand rupees and may extend up to five lakhs rupees.</p> <p>(2) On receipt of an application for change in occupancy or alteration to building or premises including part thereof, the Director or the nominated officer or any other authorized officer shall verify and inspect the premises of the proposed changes or alteration and submit a report of such inspections.</p> <p>(3) The owner or occupier of the building or premises including part thereof shall provide additional fire prevention and life safety measures as required under sub-section (2) above and obtain Fire Safety Certificate afresh before occupancy.</p> |

- Prohibition of fireworks from unauthorized premises or building including part thereof
28. (1) No person shall manufacture, store, display or sale fireworks from any building or premises including part thereof without obtaining Fire Safety Certificate from the Director, Assam Fire and Emergency Services or any officer authorized by him on his behalf.
- (2) No authority shall grant any licenses whether temporary or permanent for manufacturing, storage, display or sale of fireworks from any building or premises including part thereof without obtaining Fire Safety Certificate from the Director, Assam Fire and Emergency Services or any officer authorized by him on his behalf.
- (3) In case any building or premises including part thereof is found to violate the provisions under sub-section (1) above, the Director, Assam Fire and Emergency Services or any Fire Officer authorized by him on his behalf shall remove, seize, detain or dispose or destroy any fireworks or material used in the manufacture of such fireworks at the risk and cost of the owner and such owner shall be punishable with fine which shall not be less than one lakhs rupees and may extend up to five lakhs rupees.
- Self Regulatory fire prevention and life safety measures in the pandal
29. (1) Notwithstanding anything contained in this Act, the erectors of pandals shall be self regulators for taking fire prevention and life safety measures referred under sub-section (2) of section 20.
- (2) The erector of a pandal shall display at the entrance of the pandal a declaration under his own signature in such form as may be prescribed to the effect that he has taken all the required fire prevention and life safety measures therein.
- (3) The Director or Nominated Authority shall enter and inspect the pandal with a view to verify the correctness of the declaration so made by the erector under sub-section (2) above, and issue notice in such form as may be prescribed pointing out the shortcomings, if any, with directions to rectify the same within a specified time. If the above mentioned directions are not complied within the specified time so given, the pandal shall be sealed.
- (4) Any erector of a pandal who falsely declares that he has complied with the required fire prevention and life safety measures in the pandal shall be punishable with fine which shall not be less than fifty thousand rupees and may extend up to two lakhs rupees.
- Removal of encroachments, objects, building element likely to cause a risk of fire or any
30. (1) The Director or any officer of the Assam Fire and Emergency Services as authorized by the Director shall direct for the removal of encroachments or objects or building elements or accumulated goods, materials or projected elements of a building or structural elements that apparently appears to affect the movement or

obstruction to
firefighting

maneuvering of emergency vehicle in case of emergency or causing apprehension of fire hazard or has potential fire hazard by its nature or causes obstruction in firefighting operation, both physically and visually.

On failure of the owner, occupier or erector of pandal, as the case may be to comply with such direction of the Director or such officer as authorized by the Director shall give a reasonable opportunity of making representation within the stipulated time and upon failing to do so, the Director or the authorized officer shall report the matter before the District Magistrate, in whose territorial jurisdiction the premises or building or pandal is situated, requesting to adjudicate the matter:

Provided that the Director or the officer authorized by the Director considers such encroachments or objects or goods to be an imminent cause of risk of fire or obstruction to firefighting, he may direct the owner or the occupier or erector of such premises or building to remove the encroachments or objects or goods forthwith and report the matter to the District Magistrate accordingly.

- (2) On receipt of a report under sub-section (1) above, the District Magistrate or such officer authorized by him shall give, by means of a notice served in such manner as he may think fit, a reasonable opportunity of showing cause against the removal of encroachment 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, a reasonable opportunity of making representation under sub-section (2) above, the District Magistrate or any officer authorized by him may 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) above, shall forthwith make an inventory of the objects and goods which he seizes under such order and shall, at the same time, give a written notice as may be prescribed on this behalf, to the person in possession thereof at the time of seizure, that the said objects or goods shall be sold as therein mentioned if the same are not claimed within the period stipulated in the said notice.
- (5) On failure of the person in whose possession the objects or goods were at the time of seizure to claim back the seized goods pursuant to notice given under sub-section (4) above, the District Magistrate or any officer authorized by him on his behalf shall sell them accordingly by public auction.

CHAPTER VI

Provisions for the Fire Prevention and Life Safety Measures in buildings and premises in the State

- | | |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Provision for buildings | 31. Notwithstanding anything to the contrary contained in this Act, the buildings as mentioned under section 20 shall be governed by the provisions for the fire prevention and life safety measures as required under the Bye-laws and National Building Code of India on fire and life safety as amended from time to time. |
| Power of entry | 32. (1) The Nominated Authority may enter any building or premises or pandals or a temporary structure specified under sub-section (1) of section 20 for the purpose of determining whether fire prevention and life safety measures against fire is required to be taken under this Act or rules or if any regulation or order or circular on such place have been taken or not.
(2) The Nominated Authority shall also give a report of any inspection made by him under sub-section (1) above, to the Director in such manner as may be prescribed.
(3) Save as otherwise expressly provided in this Act, no claim shall be admissible against any Fire Officer or member of the services for compensation against any damage necessarily caused by for any entry made under sub-section (1) above. |
| Manner of inspection of buildings, premises. | 33. (1) The Nominated Authority may, after giving three hours notice to the owner or occupier of any existing, newly constructed or under construction buildings or place or premises, enter and inspect the said building or place or premises at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and life safety measures:
Provided that the Nominated Authority may enter into and inspect any building or place or premises at any time if it appears to it to be expedient and necessary to do so in order to ensure safety of life and property.
(2) The Nominated Authority shall be provided with all possible assistance by the owner or occupier, as the case may be, of the building or place or premises for carrying out the inspection under sub-section (1) above.
(3) When any building or premises used as a human dwelling is entered under sub-section (1) above, due regard shall be paid to the social and religious sentiments of the occupiers and before entering any apartment or building in the actual occupancy of any woman, who, according to the custom does not appear in public, is entered under sub-section (1) above, notice |

shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

- (4) The Nominated Authority after completion of the inspection of the building or premises or part thereof under sub-section (1) above, may record his views on the deviations or contraventions of 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, area and fire hazards of the building or premises or the nature of activities carried on in such building or premises or part thereof, shall serve a notice to the owner or occupier of such building or premises or part thereof directing him to undertake such measures within such time as may be specified in the notice:

Provided that in case of existing buildings, the construction of which was completed or occupied before the commencement of this Act, the Director may consider exemptions from the condition prescribed under this Act in case of practical difficulty or to avoid unnecessary hardships, without sacrificing reasonable safety with reasons to be recorded in writing.

- (5) If the owner or occupier of the building fails to comply with the notice directing him to undertake fire prevention and fire protection measures under sub-section (4) of this section, without reasonable cause, the Director or any other officer authorized by him on his behalf shall take necessary steps to cancel the trade license or Fire Safety Certificate and take necessary steps to disconnect the power supply to the building or premises or part thereof and declare them as unsafe for occupancy.
- (6) Notwithstanding any action under sub-section (5) above, or any other action under this Act or rules made thereunder, the Director or any officer authorized by him on his behalf shall where the threat to life or property is so imminent seal the building in the public interest.
- (7) Any attempt by any person to remove the seal other than the person authorized by the Director on his behalf shall be an offence and shall be punishable with fine which shall not be less than fifty thousand rupees and may extend up to one lakh rupees.
- (8) Any buildings or group of buildings or part thereof declared unsafe under sub-section (5) above, shall be restored by necessary repair or retrofitting or providing fire prevention and life safety measures as the case may be within a reasonable time failing which the matter shall be referred by the Director to the local authority for taking action including demolition under the law.

- Report of Inspection 34. The Nominated Authority shall, after the completion of the inspection of the building or place or premises as laid under section 33 shall give a report of the inspection made by him to the Director, in such form and manner as prescribed.
- Power to seal buildings or premises 35. (1) Where on receipt of a report from the Nominated Authority under sub-section (2) of section 27 or under sub-section (2) of section 32 or section 34 or suo moto, it appears to the Director or any Fire Officer authorized by him on his behalf that the condition of any building or place or premises is dangerous to life or property, he shall, without prejudice to any action taken under this Act, 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 Director or any Fire Officer authorized by him on his behalf under sub-section (1) above is not complied with, the Director or any Fire Officer authorized may
- (i) recommend to the concerned authority to cancel the trade license and disconnect the power supply as the case may be and such authority shall comply with such recommendation; and
- (ii) 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) above, as the case may be, the Director or any Fire Officer authorized by him on his behalf shall seal the building or premises.
- (4) No person shall remove such seal except under an order made by the Director or his authorized officer.
- (5) Any person who removes such seal except under an order made by the Director shall be punishable with fine which shall not be less than fifty thousand rupees and may extend up to one lakh rupees.
- Appeals 36. (1) Any person aggrieved by any notice or order issued or made under the provisions of this Act, may prefer an appeal against such notice or order to the Appellate Authority within thirty days from the date of the notice or order appealed against:
- 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 shall be accompanied by a copy of the notice or order appealed against and by such fees as may be prescribed.
- (3) An order of the Appellate Authority on an appeal under sub-section (1) above, shall be final.

CHAPTER VII

Miscellaneous

Powers of the members during the occasion of fire and rescue

37. On the occasion of fire or rescue or disaster in any area within the state, any member of the Services who is in charge of firefighting and rescue operations on the spot may-
- (1) remove or order any other member of the services to remove any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;
 - (2) close any street or passage in or near which a fire is being fought and/ or rescue work is in progress;
 - (3) for the purpose of extinguishing fire and carrying out 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 through or pulled down, doing as little damage as possible;
 - (4) 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, utilize the water of any stream, cistern, well or tank or of any available source of water, public or private, for the purpose of extinguishing or limiting the spread of such fire and carrying out rescue operations;
 - (5) exercise the same powers for dispersing an assembly of persons likely to obstruct the firefighting operations as of 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 police officer, in respect of the exercise of such powers;
 - (6) detain a person who willfully obstructs and hinders Assam Fire and Emergency Services personnel in firefighting or rescue operations or disaster mitigation and shall hand him over to a police officer or at the nearest police station without avoidable delay along with a brief note giving the time, date and reasons of detain; and
 - (7) generally take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property, or both.

- Appointment of Fire Safety Officer in building or premises
38. (1) Every owner and occupier or an association of such owners and occupiers of the classes of buildings or premises as notified by the Government from time to time shall appoint a Fire Safety Officer having such qualifications as may be prescribed who shall ensure the compliance of all fire prevention and life safety measures, including but not limited to effective operation, safety regulations, assessing unsafe situation or hazard in a place or at an event, recommend adequate safety measures for implementation and disaster response thereof as provided in this Act and the rules made thereunder.
- (2) Every such owner and occupier or an association of such owners and occupiers of the classes of buildings or premises as mentioned under sub-section (1) above, shall send the compliance report to the jurisdictional Fire Officer on appointment of Fire Safety Officer.
- (3) The Fire Safety Officer appointed under sub-section (1) above, shall be issued enrolment certificate in the prescribed form by the Director or any other officer authorized by him on his behalf under his signature and seal.
- Training of Fire Safety Officers
39. The Fire Safety Officers shall undergo fire fighting and disaster response training for at least 1(one) month at the Assam Fire and Emergency Services Training Institute:
- Provided that a person who has already undergone such training at the National Fire Service College, Nagpur or at any other equivalent institution recognized by the Government, may not be required to undergo such a training.
- Penalty for failure to appoint Fire Safety Officer
40. If any owner or occupier or an association of such owners and occupiers of a building or premises fails to appoint Fire Safety Officer under section 38 within thirty days of the receipt of a notice given on this behalf by the Director or his Nominated Authority, may be punished with fine which shall not be less than twenty thousand rupees and may extend up to one lakh rupees.
- Establishment of Fire Training Institutes
41. (1) The Government shall establish and maintain one or more Fire Training Institutes under the charge of a Principal in the rank of Senior Superintendent of Police in the State to be known as the Assam Fire and Emergency Services Training Institute for providing courses of instruction in the prevention and extinguishment of fire and emergency response for the Assam Fire and Emergency Services personnel and private candidates from industries, hotels, multi-storied buildings and similar other Government and Non-Government establishments as mentioned under this Act.

- (2) The Government may extend the training facilities at the Training Institutes to be established under sub-section (1) above, to the Fire and Emergency Services under the control of local bodies and industrial undertakings as well as to the state fire services of other States on payment of charges as may be prescribed.
- (3) Subject to the observance of the general rules applicable to other employees of the Government in relation to training, the members of the Assam Fire and Emergency Services may be given training in the field of scientific and modern techniques of fire prevention and life safety measures and allied matters in any Institute, within or outside of India at the cost and expense of the Government for the administration of the provisions of this Act.
- (4) A Fire Officer who undergoes training as provided in sub-section (3) above, shall indemnify the Government to reimburse all such expenses and costs, including the pay and allowances as may be paid to him during the course of training, if he does not serve the Assam Fire and Emergency Services for a stipulated tenure as may be prescribed.
- Emergency Services to areas beyond territorial jurisdiction of the State 42. The Director or any Fire Officer authorized by the Government on his behalf may, on the occasion of a fire or other emergency beyond territorial jurisdiction of the State of Assam in which this Act is not in force, order the dispatch of the members of the Assam Fire and Emergency Services with necessary appliances and equipment to carry out firefighting and/or rescue operations in such neighbouring areas and thereupon all the provisions of this Act 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 from time to time.
- Employment on other duties 43. The Government or any officer authorized by it on his behalf may employ the members of the services in any rescue, salvage or other works for which it is suitable by reason of its training, appliances and equipment.
- Liability of property owner to pay compensation 44. (1) Any person whose property catches fire on account of an action of his own or of his agent done deliberately or by negligence shall be liable to pay compensation to any other person suffering damage to his property.
- (2) All claims under sub-section (1) above, shall be referred to the Designated Authority, within thirty days from the date when the damage was caused.
- (3) The Designated Authority shall, after giving the party 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.

- (4) In case the person is aggrieved with the decisions of the Designated Authority he may prefer an appeal before the Appellate Authority.
- Power to obtain information 45. (1) The Director or any Fire Officer , authorized by general or special order on his behalf may, for the purpose of discharging his duties under this Act, require the owner or occupier of any building or other property as may be specified to supply information with respect to the character of such building and details of property inside the premises with proper documentation or other property as may be specified, the available water supplies, available means of access and escapes thereto relating to fire and life safety and such owner or occupier shall furnish all the information in his possession forthwith.
- (2) After outbreak of fire, if any, the owner or occupier shall furnish forthwith the description of the property involved in fire with valid documentation.
- Compensation for water 46. (1) No charge shall be made by any local authority for water consumed in firefighting operations by the Assam Fire and Emergency Services.
- (2) The Director or Fire Officer of the fire-fighting operations shall draw water from any source in the area which he considers necessary during fire-fighting 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.
- (3) The Director or Fire Officer may require local authority or any other authority responsible for supply of water in the area under their jurisdiction to take such measures as may be necessary to provide and maintain arrangements to make available adequate supply of water required for fire fighting on such terms and conditions as may be prescribed.
- (4) The Director or Fire Officer may enter into an agreement with an agency for meeting demand of water supply and emergent need of water as per the procedures and terms and conditions for the payment to the third party as prescribed under the rules.
- No compensation for interruption of water supply 47. No authority in charge of water supply in any 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 sub-section (4) of section 37.
- Police officers and others to aid 48. It shall be the duty of police officers of all ranks, Government and private agencies or person to assist the members of the service in fire fighting and rescue operations or any duties relating to seizure, detention or removal of any goods involving risk of fire.

- Failure to give information 49. Any person who without reasonable cause fails to communicate information in his possession regarding an outbreak of fire or any other emergency shall be deemed to have committed an offence punishable with fine which shall not be less than ten thousand rupees and may extend up to fifty thousand rupees.
- Failure to take precautions 50. Whoever fails without reasonable cause to comply with any of the requirements specified under sub-section (2) of section 20, shall be punishable as per provisions of section 26 of the Act.
- Penalty for willfully obstructing the firefighting and rescue operations 51. (1) Any person who willfully obstructs or interferes with any member of the services who is engaged in firefighting or rescue operations shall be punished with fine which shall not be less than fifty thousand rupees and may extend upto two lakhs rupees.
(2) Any person who assaults or causes injury to any official of the Assam Fire and Emergency Services or its property during firefighting or rescue operation shall be punishable with fine which shall not be less than one lakh rupees and may extend up to five lakhs rupees.
- False reporting of outbreak of fire or other emergency 52. Any person who knowingly gives or causes to be given a false report of the outbreak of a fire or other emergency to any person authorized to receive such report by means of a statement, message or otherwise shall be punishable with fine which may extend up to ten thousand rupees.
- Community preparedness 53. (1) In order to develop awareness among the population on the general aspects of fire and life safety including disaster mitigation and the response thereto it shall be the responsibility of in-charge of fire station alongwith the other stakeholders such as District Disaster Management Authority (DDMA), Civil Defence Volunteers and Village Defence Party to conduct community awareness programs by way of mock drills, lecture and demonstration concerning fire fighting and rescue techniques, organizing group discussion amongst stake holders etc. to prepare a more resilient community for an orderly response in times of emergency.
(2) A monthly report of all such activities carried out under sub-section (1) above, shall be submitted to the Director.
- 24x7 Duty 54. Every member of the Assam Fire and Emergency Services shall be considered to be always on duty and is bound at any time to attend at any place and to any duty relevant to the service within or outside the State.
- Indemnity 55. No member of the services shall be liable to pay any damage on account of any act done by him in the bonafide belief that such act was required for proper execution of his duties under this Act.

- Auxiliary Fire and Emergency Services 56. (1) Whenever it appears to the Government that it is necessary to augment the Assam Fire and Emergency Services in the interest of public safety, they may raise an Auxiliary Fire and Emergency Service by enrolment of volunteers for such areas and on such terms and conditions as may be notified by the Government from time to time.
- (2) Every member of the Auxiliary Fire and Emergency Services enrolled under sub-section (1) above, shall:-
- (a) receive a certificate in the form as may be prescribed;
- (b) be vested with all or any of the powers, functions and privileges of a member of the Assam Fire and Emergency Services under this Act; and
- (c) be subject to the orders of the Director
- Compounding of offences 57. (1) Any offence whether committed before or after the commencement of this Act or any rule made under this Act, be compounded by such officers of the Assam Fire and Emergency Services and for such amount as the Government may, by notification in the Official Gazette, specify on this behalf:
- Provided that no offence shall be compoundable that 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 authorized under this Act and until the same has been complied with so far as the compliance is possible.
- (2) Where an offence has been compounded under sub-section (1) above, no further proceedings shall be taken against the offender in respect of such offence.
- Adjudication of Penalties 58. (1) The State Government, for the purposes of determining the penalties under sections 26, 27, 28, 29, 33, 35, 40, 49, 50, 51 and 52 may, by an order, authorise officers of Assam Fire and Emergency Services, not below the rank of District Fire Officer having such jurisdiction, to be the Adjudicating Officer for holding inquiry and imposing penalty under the provisions of this Act in the manner as may be prescribed.
- (2) The Adjudicating Officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the Adjudicating Officer, may be useful for, or relevant to, the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has failed to comply with the provisions of this Act as mentioned in sub-section(1) above, he may impose such penalty as he thinks fit in accordance with the provision of this Act:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

- (3) Whoever, is aggrieved by the order, passed by the adjudicating officer under sub-section (1) of this section, may prefer an appeal to the Regional Fire Officer, Assam within a period of thirty days from the date of receipt of such order in such form and manner as may be prescribed.
- (4) An appeal may be admitted after the expiry of the period of thirty days, if the appellant satisfies the Appellate Authority that he had sufficient cause for not preferring the appeal within that period.
- (5) No appeal shall be disposed of unless the appellant has given a reasonable opportunity of being heard.
- (6) An appeal under sub-section (3) above, shall be disposed of within sixty days from the date of filing.
59. (1) No suit, prosecution or other legal proceeding shall lie against any member of the service for anything which is in good faith done or intended to be done in pursuance of this Act or rules made thereunder.
- (2) Such plea may be proved by the production of the order directing the act and if it is so proved, the member of the force thereupon shall be discharged from liability in respect of the act so done by him.
60. (1) In the event of a member of the services (other than a Gazetted officer), dying while on duty, the State Government shall pay adequate amount to the next of kin as funeral expenses or such amount as the State Government may by an order determine.
- (2) In the event of death or permanent injury to a member of the services while on fire fighting and rescue operations, the Government shall pay ex-gratia at a rate as may be prescribed.
61. Every officer acting under the provisions of this Act shall be deemed to be a public servant within the meaning of sub-section (28) of section 2 of the Bharatiya Nyaya Sanhita, 2023.
62. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

- (2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section,

- (a) "company" means a body corporate and includes a firm or other association of individuals; and
(b) "director", in relation to a firm, means a partner in the firm.

Power to make rules

63. (1) The Government may by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for:-
- (a) recruitment to, and the pay, allowances and all other conditions of services of the members of the Assam Fire and Emergency Services under sub-section (4) of section 3;
- (b) form of certificate of appointment and Fire Officer under whose seal such certificate of appointment shall be issued under sub-section (2) of section 8;
- (c) purposes of meetings or demonstrations under sub-section (2) of section 14;
- (d) mode of assessment, collection and enforcement of payment of fire tax levied under sub-section (3) of section 16;
- (e) fee on deployment of Assam Fire and Emergency Services beyond the limits of the State of Assam under section 17 and standby duty charges under sub-section (2) of section 18;
- (f) the minimum standards for fire prevention and life safety measures for the purposes of sub-section (2) of section 20;
- (g) form of declaration under sub-section (2) of section 29;

- (h) form of notice under sub-section (3) of section 29;
- (i) form of appeal and fees under sub-section (2) of section 36;
- (j) charges for extending training facilities at Assam Fire and Emergency Services Training Institute to others under sub-section (2) of section 41;
- (k) form of enrolment certificate under sub-section (2) (a) under section 56;
- (l) form and manner of holding inquiry and imposing penalty by the Adjudicating Officer and Appellate Authority under section 58;
- (m) the adequate supply of water to secure that it shall be available for use;
- (n) constructing or providing fire stations or hiring places for accommodating the members of the Assam Fire and Emergency Services and its firefighting appliances;
- (o) giving rewards to persons who have given notice of fire and to those who have rendered effective services, to the services on the occasion of fires;
- (p) the training, discipline and good conduct of the members of the Assam Fire and Emergency Services;
- (q) speedy attendance of members of the services with necessary appliances and equipment on the occasion of any alarm of fire;
- (r) timely delivery of services by Assam Fire and Emergency Services;
- (s) regulating and controlling the powers, duties and functions of the Director;

- (t) generally, for the maintenance of the Assam Fire and Emergency Services in a due state of efficiency;
- (u) regulating installation of pandals and shamianas;
- (v) determining the description and quantity of firefighting and rescue equipment including appliances, clothing and other necessaries to be furnished to the Assam Fire and Emergency Services;
- (w) institution, management and regulation of any Assam Fire and Emergency Services fund for any purpose connected with policy administration;
- (x) assigning duties to Fire Officers of all ranks and grades and prescribing the manner in which and the conditions subject to which, they shall exercise and perform their respective powers and duties;

- (y) generally, for the purposes of rendering the Assam Fire and Emergency Services efficient and preventing abuse or neglect of their duties; and
- (z) any other matter which is required to be or may be prescribed by rules.
- (3) Every rule made by the Government under this Act shall be laid as soon as may be after it is made before the House of the Legislative Assembly of Assam 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, the House of the Legislative Assembly agrees in making any modifications in the rule or the House of the Legislative Assembly agrees 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.
- Delegation of powers 64. (1) The Government may by notification in the Official Gazette direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification be exercisable by any of the officers of the Government.
- (2) The Director may, by order, direct that any power conferred or any duty imposed on him by or under this Act shall in such circumstances and under such conditions, if any, as may be specified in the order, be exercised and performed also by any officer of the Services as specified in the order.
- Act to have overriding effect and effect of other laws 65. (1) The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force in so far as the provisions relating to fire prevention and life safety are concerned.
- (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 Act, any such thing 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 therefore has not been obtained.
- (3) The provisions of this Act 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 other than this Act.

- (4) Subject to the provisions of sub-section (3), the provisions of this Act 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 Act is in force.
- Power to remove difficulties 66. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:
- Provided that no such order shall be made after expiry of two years from the commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as may be after it is issued, before the Legislative Assembly of the State.
- Repeal and Savings 67. (1) The Assam Fire and Emergency Service Act, 1985 which is in force immediately before the commencement of this Act is hereby repealed. Assam Act
No XIV of
1985
- (2) Notwithstanding such repeal,-
- (a) anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provision of this Act and the repeal of the said Act;
- (b) any appeal, application, enquiry or investigation pending, shall be disposed of, continued, held or made as the case may be, in accordance with the corresponding provisions of the Act;
- (c) all modifications, orders issued, powers conferred, forms prescribed, local jurisdiction defined, punishment awarded, sentence passed under an Act before the commencement of this Act shall be deemed to have been issued, conferred, prescribed, passed or defined under the corresponding provisions of this Act.

SCHEDULE – I
[See Section 23 sub-section (2)]

High Vulnerability to Fire Hazards or Risk	Moderate Vulnerability to Fire Hazards or Risk	Low Vulnerability to Fire Hazards or Risk
All types of buildings of 15 meter and above in height irrespective of nature of occupancy.	All types of Residential Apartment Buildings (more than 20 units and less than 15 meter in height), Lodging and Rooming Houses, Dormitories, Hotels more than 15 rooms.	All types of Residential Apartment Buildings (10 units and above, but not exceeding 20 units and less than 15 meter in height), Lodge and Rooming Houses, Dormitories, Hotels up to 15 rooms.
All Educational Buildings of 15 meter and above.	All Educational Buildings of 10 meter and above but not exceeding 15 meter in height.	All Educational Buildings of less than 10 meter in height.
All Institutional building and as defined in NBC,2016 Part-4 such as Hospital, Nursing Homes, Sanatoria, Custodial, Penal and Mental Institutions etc irrespective of height and floor area.	All types of Assembly Buildings as defined in Clause 3.1.5 of NBC, 2016 Part-4 having height less than 10 meter and accommodating more than 100 persons but not exceeding 300 persons.	All types of Assembly Buildings as defined in Clause 3.1.5 of NBC,2016 Part-4 having height less than 10 meter and accommodating up to 100 persons
All types of Assembly Buildings as defined in Clause 3.1.5 of NBC,2016 Part-4 having height above 10 meter and accommodating more than 300 persons	All types of Business Buildings as defined in Clause 3.1.6 of NBC, 2016, Part-4 having height above 10m but not exceeding 15 meter in height	All types of Business Buildings as defined in Clause 3.1.6 of NBC, 2016, Part-4 having height less than 10 meter in height.
All types of Mercantile Buildings as defined in Clause 3.1.7 of NBC,2016 Part-4 with more than Ground plus one storey and total of all floor area exceeding 500 sq. mtr.	All types of Mercantile Buildings as defined in Clause 3.1.7 of NBC,2016 Part-4 up to Ground plus one storey and total of all floor area exceeding 500 sq. mtr.	All types of Mercantile Buildings as defined in Clause 3.1.7 of NBC,2016 Part-4 up to Ground plus one storey and total of all floor area not exceeding 500 sq. mtr.
All Industrial Buildings which has come under broad classification of Industrial Occupancies into different degree of hazard as per Annexure-B Clause 3.1.8 NBC,2016 Part-4.	All Industrial Buildings which has come under broad classification of Industrial Occupancies into different degree of hazard as per Annexure-B Clause 3.1.8 NBC,2016 Part-4.	All Industrial Buildings which has come under broad classification of Industrial Occupancies into different degree of hazard as per Annexure-B Clause 3.1.8 NBC, 2016 Part-4.
All Storage Buildings of Ground plus one storey or more and covered area more than 500 sq. mtr.	All Storage Buildings of Ground plus one storey or more and covered area more than 250 sq.m and up to 500 sq. mtr.	All Storage Buildings of Ground plus one storey or more and covered area less than 250 sq. mtr.
All Hazardous Building which is used for storage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and for which may produce poisonous fume or explosion		
Note: NBC appearing in the table means National Building Code of India, Fire & Life Safety and as amended from time to time.		

GEETANJALI DAS SAIKIA,
Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.