



## **The Orissa Fire Service Act, 1993**

Act No. 30 of 1993

### **Keywords:**

Fire Fighting Appliances, Fire Station

Amendment appended: 1 of 2023

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**The Orissa**



**Gazette**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**No. 1683 CUTTACK, WEDNESDAY, DECEMBER 29, 1993/PAUSA 8, 1915**

**LAW DEPARTMENT**

**NOTIFICATION**

The 28th December, 1993

No. 16456/Legis.—The following act of the Orissa Legislative Assembly having been assented to by the Governor on the 27th December, 1993 is here by published for general information.

**ORISSA ACT 30 OF 1993**

**THE ORISSA FIRE SERVICE ACT, 1993**

**AN ACT TO PROVIDE FOR THE FIRE PREVENTION AND FIRE SAFETY MEASURES IN THE STATE AND FOR THE CONSTITUTION OF A STATE FIRE SERVICE TO CARRY OUT FIRE FIGHTING MEASURES.**

**BE** it enacted by the Legislature of the State of Orissa in the Forty-fourth Year of the Republic of India as follows—

**CHAPTER I**

**PRELIMINARY**

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Orissa Fire Service Act, 1993.

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

(3) This section and sections 2, 3 and 4 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act and for different areas, and any reference in any such provision to the commencement of this Act shall, in relation to an area, be construed as a reference to the coming into force of that provision in that area.

Provided that in any area to which fire prevention or fire safety measures have been extended prior to the commencement of this section by the existing Fire Service Branch of Orissa Police administered and regulated by the Orissa Police Manual, it shall come into force in that area on the appointed day.

**Definitions.**

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

- (a) "appointed day" means the date on which the Director is appointed under section-4;
- (b) "building" means a house, outhouse, warehouse, godown, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material ;
- (c) "Director" means the Director of Fire Service appointed under section 4;
- (d) "fire fighting appliances" means fire-engines, fire-escapes, accoutrements, equipments, tools, implements and things whatever used for fire-fighting, and includes motor vehicles and other means of transport used in connection with fire-fighting;
- (e) "fire prevention and fire safety measures" means such measures as are necessary for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;
- (f) "Fire Service" means the Orissa Fire Service constituted under section 3;
- (g) "Fire Station" includes any post or place as the State Government may, by general or special order, declare to be a Fire Station;
- (h) "local area" means any area over which a local authority has jurisdiction;
- (i) "member" means a member of the Fire Service;
- (j) "Officer-in-charge of Fire Station" includes, when the Officer-in-charge of the Fire Station is absent from the Station or is unable to perform his duties, the senior most member who is next in rank to such officer present at the station ;
- (k) "premises" means any land or any building or part of a building appurtenant thereto;
- (l) "prescribed" means prescribed by rules;
- (m) "rules" means rules made under this Act.

## CHAPTER II

### CONSTITUTION, MAINTENANCE, SUPERINTENDENCE AND CONTROL OF FIRE SERVICE

**Constitution of Orissa Fire Service.**

3. (1) On and from the appointed day, there shall be constituted and maintained, for the purpose of providing smooth and efficient fire fighting services in the State, a fire force to be called the Orissa Fire Service, of which, the entire fire fighting personnel forming the existing Fire Service Branch of the Orissa Police shall be deemed to be the members.

(2) The existing Fire Service Branch of the Orissa Police shall cease to be a Branch of the Orissa Police on and from the appointed day.

**Appointment of Director, officers and other members.**

4. (1) The Fire Service shall consist of a Director and such other officers and staff as its members, as may be prescribed from time to time.

(2) The State Government may appoint any person not below the rank of an Inspector-General of Police to be the Director of Fire Service who shall exercise such powers and discharge such functions as are or may be conferred or imposed by or under the provisions of this Act and the rules.

(3) The State Government may appoint such other officers under any prescribed designations to assist the Director, and the officers so appointed shall exercise such powers and perform such duties as may be conferred or imposed by or under the provisions of this Act and the rules within such local area as may be assigned to them by the Director.

(4) Subject to rules, if any, the members and staff other than those specified under the preceding sub-sections shall be appointed by the Director or any other officer or officers as may be authorised by the State Government.

Terms and conditions of service.

5. The terms and conditions of service of the members shall, subject to the provisions of this Act, be governed by rules and regulations as are applicable to Government Servants.

Auxiliary fire force.

6. Whenever it appears to the State Government that it is necessary to augment the Fire Service, it may, subject to rules, if any, raise an auxiliary force by enrolment of volunteers for such areas and on such terms and conditions as it may deem fit.

Control and superintendence.

7. The general superintendence and control of the Fire Service throughout the State shall vest in the Director.

### CHAPTER III

#### POWERS AND FUNCTIONS OF STATE GOVERNMENT, DIRECTOR AND OTHER MEMBERS

Powers of State Government to make orders with respect to Fire Service.

8. The State Government may from time to time make such general or special orders as it thinks fit—

- (i) for equipping the members with such fire-fighting appliances as it deems proper;
- (ii) for building or providing Fire Stations, or hiring places, or accommodating the members and keeping its fire-fighting appliances;
- (iii) for giving rewards to persons who have given notice of fires and to those who have rendered effective service to the Fire Service on the occasion of fires in case of their accidents while rendering such service, or to their dependants where such accidents result in the death of such persons;
- (iv) for the speedy attendance of members with necessary fire-fighting appliances on the occasion of any alarm of fire;
- (v) for sending the members with necessary fire-fighting appliances beyond the limits of any area in which this Act is in force in order to extinguish fire in the neighbourhood of such limits on such terms and conditions as it deems proper;
- (vi) for the employment of the members, on such terms and conditions as it deems proper, in any work not connected with extinguishing fire, for which the Fire Service may, in its opinion, be usefully and appropriately employed.

Powers exercisable on occasion of fire.

9. (1) On the occasion of fire, the Director or any officer or member-in-charge of a Fire Station on the spot, may—

- (i) remove, or may order any member to remove, any person who by his presence interferes with, or impedes, the operation for extinguishing the fire or for saving life or property;
- (ii) close any street or passage in or near which a fire is burning;
- (iii) for the purpose of extinguishing the fire, enter, break into or through or pull down any premises for the passage of fire fighting appliances or cause them to be broken into or through or pulled down, doing as little damage as possible;
- (v) cause the mains and pipes of any area to be shut off so as to give better pressure of water in the place where fire has occurred or broken out;
- (v) cause the water of any stream, <sup>or</sup> cistern, tank, well or other available source of water-supply, public or private, to be utilised for the purpose of extinguishing, or limiting the spread of, such fire;

(vi) exercise the same powers for dispersing any assembly of person likely to obstruct the fire-fighting operation, 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; and

(vii) generally take such measures as may appear necessary for extinguishing the fire or for the preservation of life and property.

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

Preventive measures.

10. (1) The State Government may, by notification, require the owners or occupiers of premises in any area in which this Act is in force or of any class of premises used in any such area for purposes which, in its opinion, are likely to cause risk of fire, to take such precautions as may be specified in the notification.

(2) On the issue of the notification under sub-section (1), it shall be lawful for the Director or any member authorised by the State Government in this behalf to direct the removal of objects or goods likely to cause risk of fire to a place of safety and, on failure of the owner or occupier to do so, the Director or the member so authorised may, after giving the owner or occupier a reasonable opportunity of making representation, seize, detain or remove such objects or goods or cause the same to be seized, detained or removed.

Power to obtain information.

11. (1) The Director or any member not below the rank of an Officer-in-charge of a Fire Station as may be authorised by the Director, may, for the purpose of obtaining information for fire-fighting purposes, require the owner or occupier of any building or other property to supply such information with respect to

(2) If any information required under sub-section (1) is not furnished within a reasonable time, or the Director or the member so authorised has reason to believe that any information furnished is inaccurate, the Director or the member so authorised may, for the purpose of obtaining or verifying the information, enter into any such building or any place, with or without assistance, after giving such notice to the owner or occupier as may be prescribed :

Provided that—

(a) no such entry shall be made between sun-set and sun-rise; and

(b) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the buildings or places entered.

(3) The Director or the member referred to in sub-section (2) shall not use any force for the purpose of effecting any entry under the said sub-section, unless—

(a) such entry cannot otherwise be effected; and

(b) there is reason to believe that any offence is being or has been committed against any provision of this Act or any rule made thereunder.

Despatch of fire-fighting personnel to other areas.

12. The Director or any officer authorised by the State Government in this behalf may, on the occasion of a fire or other emergency in any area in which this Act is not in force, order the despatch of the members with necessary fire-fighting appliances to carry on fire-fighting operations in such other 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, as the case may be, or during such period as the Director or the officer so authorised may specify.

Enquiry into origin of fire and report to Magistrate or Tahasildar.

13. In the case of any fire occurring within any area in which this Act is in force, the senior most officer in the rank among the members in that area or where the members are sent beyond the limits of any area in which this Act is in force to extinguish fire in the neighbourhood of such limits, the senior most officer in the rank among the members so sent, shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate or the Tahasildar having jurisdiction in the place in which such fire occurred; and the said Magistrate or the Tahasildar, as the case may be, in any case where he may deem fit, summon witnesses and take evidence in order to further ascertain such facts.

Employment on other duties.

14. It shall be lawful for the State Government or any officer authorised by it in this behalf to employ the members upon any rescue, salvage or other works for which the members are suitable by reason of their experience and the fire-fighting appliances.

#### CHAPTER IV

##### PENALTIES

Penalty for violation of duty.

15. Any member who—

- (a) is found to be guilty of violation of any duty or wilful breach of any provision of this Act or any rules 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 of at least two months; or
- (d) being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leaves,

shall, on conviction, 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.

16. Any person who, without just cause, fails to communicate the information in his possession regarding outbreak of fire, shall on conviction be punishable with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Failure to take precautions.

17. Any person who fails, without reasonable cause, to comply with the requirements specified in a notification issued under sub-section (1) of section 10 or of a direction issued under sub-section (2) of that section shall, on conviction, be punishable with a fine which may extend to five hundred rupees.

Wilful obstruction of fire-fighting operation.

18. Any person who wilfully obstructs or interferes with any member engaged in fire-fighting operations shall, on conviction, be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for false report.

19. Any person who knowingly gives or causes 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, on conviction, be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

#### CHAPTER V

##### MISCELLANEOUS

Liability of property owner to pay compensation.

20. Any person whose property catches fire on account of any act of his own or his agent, done deliberately or by criminal negligence, shall be liable to pay compensation to any other person or persons suffering damage to his property on account of any action taken under clauses (iii) and (v) of section 9 by any officer or member mentioned therein or any person acting under the authority of any such officer or member.

Police Officers to aid.

21. It shall be the duty of the Police Officers of all ranks to aid the members in the execution of their duties under this Act.

- Information on outbreak of fire.** 22. Any person who possesses any information regarding an outbreak of fire shall communicate the same, without delay, to the nearest Fire Station.
- Consumption of water.** 23. No charge shall be made by any local authority for water consumed by the Fire Service in fighting fires, filling static water tanks or such other purposes.
- No compensation for interruption of water supply.** 24. No authority in charge of water supply in any area shall be liable to any claim for compensation for damage caused by reason of any interruption of supply of water occasioned under clause (iv) of section 9.
- Protection of action taken in good faith.** 25. No suit, prosecution or other legal proceedings shall lie against the Government or any person including a member for anything which is done or intended to be done in good faith in pursuance of this Act or any rules or orders made thereunder.
- Power to make rules.** 26. (1) The State Government may, by notification, 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 the following matters, namely:—  
(a) measures necessary for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;  
(b) the designations under which the officers may be appointed under sub-section (3) of section 4 to assist the Director;  
(c) the manner of appointment and the terms and conditions of service including their pay, allowances and other remunerations, if any, their hours of duties, leave and other ancillary matters;  
(d) matters relating to auxiliary fire force that may be raised under section 6;  
(e) the manner of service of notice under sub-section (2) of section 11;  
(f) the employment of members or use of any fire-fighting appliances under section 12 in any area in which this Act is not in force and the employment of the members under section 14 on special services;  
(g) any other matter which is required to be, or may be, prescribed.  
(3) Until rules are made under this section, the rules in force immediately before the appointed day and applicable to the Officers and staff of the Fire Service Branch of the Orissa Police shall, so far as they are not inconsistent with the provisions of this Act, continue in force and apply to the members.  
(4) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions and if during the said period the State Legislature makes any modification therein, the rules shall thereafter have effect only in such modified form, so, however, that such modification shall be without prejudice to the validity of anything previously done under the rules.
- Saving.** 27. Nothing in this Act shall be deemed to limit, modify or derogate from the general responsibility of any local or other authority under any law for the time being in force in the matter of fire-fighting or fire prevention.
- Powers to remove difficulties.** 28. If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or the rules made thereunder, which appears to be necessary for the purpose of removing the doubt or difficulty:  
Provided that no order shall be issued under this section after the expiry of a period of two years from the date of commencement of this Act.

By order of the Governor  
P. K. PANIGRAHI  
Secretary to Government

**The Orissa**



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**BE** it enacted by the Legislature of the State of Orissa in the Forty-fourth Year of the Republic of India as follows—

**CHAPTER I**

**PRELIMINARY**

Short title,  
extent and  
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ment.

1. (1) This Act may be called the Orissa Fire Service Act, 1993.

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

(3) This section and sections 2, 3 and 4 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act and for different areas, and any reference in any such provision to the commencement of this Act shall, in relation to an area, be construed as a reference to the coming into force of that provision in that area.

Provided that in any area to which fire prevention or fire safety measures have been extended prior to the commencement of this section by the existing Fire Service Branch of Orissa Police administered and regulated by the Orissa Police Manual, it shall come into force in that area on the appointed day.



**Definitions.**

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

- (a) "appointed day" means the date on which the Director is appointed under section-4;
- (b) "building" means a house, outhouse, warehouse, godown, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material ;
- (c) "Director" means the Director of Fire Service appointed under section 4;
- (d) "fire fighting appliances" means fire-engines, fire-escapes, accoutrements, equipments, tools, implements and things whatever used for fire-fighting, and includes motor vehicles and other means of transport used in connection with fire-fighting;
- (e) "fire prevention and fire safety measures" means such measures as are necessary for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;
- (f) "Fire Service" means the Orissa Fire Service constituted under section 3;
- (g) "Fire Station" includes any post or place as the State Government may, by general or special order, declare to be a Fire Station;
- (h) "local area" means any area over which a local authority has jurisdiction;
- (i) "member" means a member of the Fire Service;
- (j) "Officer-in-charge of Fire Station" includes, when the Officer-in-charge of the Fire Station is absent from the Station or is unable to perform his duties, the senior most member who is next in rank to such officer present at the station ;
- (k) "premises" means any land or any building or part of a building appurtenant thereto;
- (l) "prescribed" means prescribed by rules;
- (m) "rules" means rules made under this Act.

## CHAPTER II

### CONSTITUTION, MAINTENANCE, SUPERINTENDENCE AND CONTROL OF FIRE SERVICE

**Constitution of Orissa Fire Service.**

3. (1) On and from the appointed day, there shall be constituted and maintained, for the purpose of providing smooth and efficient fire fighting services in the State, a fire force to be called the Orissa Fire Service, of which, the entire fire fighting personnel forming the existing Fire Service Branch of the Orissa Police shall be deemed to be the members.

(2) The existing Fire Service Branch of the Orissa Police shall cease to be a Branch of the Orissa Police on and from the appointed day.

**Appointment of Director, officers and other members.**

4. (1) The Fire Service shall consist of a Director and such other officers and staff as its members, as may be prescribed from time to time.

(2) The State Government may appoint any person not below the rank of an Inspector-General of Police to be the Director of Fire Service who shall exercise such powers and discharge such functions as are or may be conferred or imposed by or under the provisions of this Act and the rules.

(3) The State Government may appoint such other officers under any prescribed designations to assist the Director, and the officers so appointed shall exercise such powers and perform such duties as may be conferred or imposed by or under the provisions of this Act and the rules within such local area as may be assigned to them by the Director.

(4) Subject to rules, if any, the members and staff other than those specified under the preceding sub-sections shall be appointed by the Director or any other officer or officers as may be authorised by the State Government.

Terms and conditions of service.

5. The terms and conditions of service of the members shall, subject to the provisions of this Act, be governed by rules and regulations as are applicable to Government Servants.

Auxiliary fire force.

6. Whenever it appears to the State Government that it is necessary to augment the Fire Service, it may, subject to rules, if any, raise an auxiliary force by enrolment of volunteers for such areas and on such terms and conditions as it may deem fit.

Control and superintendence.

7. The general superintendence and control of the Fire Service throughout the State shall vest in the Director.

### CHAPTER III

#### POWERS AND FUNCTIONS OF STATE GOVERNMENT, DIRECTOR AND OTHER MEMBERS

Powers of State Government to make orders with respect to Fire Service.

8. The State Government may from time to time make such general or special orders as it thinks fit—

- (i) for equipping the members with such fire-fighting appliances as it deems proper;
- (ii) for building or providing Fire Stations, or hiring places, or accommodating the members and keeping its fire-fighting appliances;
- (iii) for giving rewards to persons who have given notice of fires and to those who have rendered effective service to the Fire Service on the occasion of fires in case of their accidents while rendering such service, or to their dependants where such accidents result in the death of such persons;
- (iv) for the speedy attendance of members with necessary fire-fighting appliances on the occasion of any alarm of fire;
- (v) for sending the members with necessary fire-fighting appliances beyond the limits of any area in which this Act is in force in order to extinguish fire in the neighbourhood of such limits on such terms and conditions as it deems proper;
- (vi) for the employment of the members, on such terms and conditions as it deems proper, in any work not connected with extinguishing fire, for which the Fire Service may, in its opinion, be usefully and appropriately employed.

Powers exercisable on occasion of fire.

9. (1) On the occasion of fire, the Director or any officer or member-in-charge of a Fire Station on the spot, may—

- (i) remove, or may order any member to remove, any person who by his presence interferes with, or impedes, the operation for extinguishing the fire or for saving life or property;
- (ii) close any street or passage in or near which a fire is burning;
- (iii) for the purpose of extinguishing the fire, enter, break into or through or pull down any premises for the passage of fire fighting appliances or cause them to be broken into or through or pulled down, doing as little damage as possible;
- (v) cause the mains and pipes of any area to be shut off so as to give better pressure of water in the place where fire has occurred or broken out;
- (v) cause the water of any stream, <sup>or</sup> cistern, tank, well or other available source of water-supply, public or private, to be utilised for the purpose of extinguishing, or limiting the spread of, such fire;

(vi) exercise the same powers for dispersing any assembly of person likely to obstruct the fire-fighting operation, 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; and

(vii) generally take such measures as may appear necessary for extinguishing the fire or for the preservation of life and property.

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

Preventive measures.

10. (1) The State Government may, by notification, require the owners or occupiers of premises in any area in which this Act is in force or of any class of premises used in any such area for purposes which, in its opinion, are likely to cause risk of fire, to take such precautions as may be specified in the notification.

(2) On the issue of the notification under sub-section (1), it shall be lawful for the Director or any member authorised by the State Government in this behalf to direct the removal of objects or goods likely to cause risk of fire to a place of safety and, on failure of the owner or occupier to do so, the Director or the member so authorised may, after giving the owner or occupier a reasonable opportunity of making representation, seize, detain or remove such objects or goods or cause the same to be seized, detained or removed.

Power to obtain information.

11. (1) The Director or any member not below the rank of an Officer-in-charge of a Fire Station as may be authorised by the Director, may, for the purpose of obtaining information for fire-fighting purposes, require the owner or occupier of any building or other property to supply such information with respect to

(2) If any information required under sub-section (1) is not furnished within a reasonable time, or the Director or the member so authorised has reason to believe that any information furnished is inaccurate, the Director or the member so authorised may, for the purpose of obtaining or verifying the information, enter into any such building or any place, with or without assistance, after giving such notice to the owner or occupier as may be prescribed :

Provided that—

(a) no such entry shall be made between sun-set and sun-rise; and

(b) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the buildings or places entered.

(3) The Director or the member referred to in sub-section (2) shall not use any force for the purpose of effecting any entry under the said sub-section, unless—

(a) such entry cannot otherwise be effected; and

(b) there is reason to believe that any offence is being or has been committed against any provision of this Act or any rule made thereunder.

Despatch of fire-fighting personnel to other areas.

12. The Director or any officer authorised by the State Government in this behalf may, on the occasion of a fire or other emergency in any area in which this Act is not in force, order the despatch of the members with necessary fire-fighting appliances to carry on fire-fighting operations in such other 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, as the case may be, or during such period as the Director or the officer so authorised may specify.

Enquiry into  
origin of fire  
and report to  
Magistrate or  
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13. In the case of any fire occurring within any area in which this Act is in force, the senior most officer in the rank among the members in that area or where the members are sent beyond the limits of any area in which this Act is in force to extinguish fire in the neighbourhood of such limits, the senior most officer in the rank among the members so sent, shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate or the Tahasildar having jurisdiction in the place in which such fire occurred; and the said Magistrate or the Tahasildar, as the case may be, in any case where he may deem fit, summon witnesses and take evidence in order to further ascertain such facts.

Employment  
on other  
duties.

14. It shall be lawful for the State Government or any officer authorised by it in this behalf to employ the members upon any rescue, salvage or other works for which the members are suitable by reason of their experience and the fire-fighting appliances.

#### CHAPTER IV

##### PENALTIES

Penalty for  
violation of  
duty.

15. Any member who—

- (a) is found to be guilty of violation of any duty or wilful breach of any provision of this Act or any rules 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 of at least two months; or
- (d) being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leaves,

shall, on conviction, 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 infor-  
mation.

16. Any person who, without just cause, fails to communicate the information in his possession regarding outbreak of fire, shall on conviction be punishable with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Failure to  
take precau-  
tions.

17. Any person who fails, without reasonable cause, to comply with the requirements specified in a notification issued under sub-section (1) of section 10 or of a direction issued under sub-section (2) of that section shall, on conviction, be punishable with a fine which may extend to five hundred rupees.

Wilful  
obstruction  
of fire-  
fighting  
operation.

18. Any person who wilfully obstructs or interferes with any member engaged in fire-fighting operations shall, on conviction, be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for  
false report.

19. Any person who knowingly gives or causes 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, on conviction, be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

#### CHAPTER V

##### MISCELLANEOUS

Liability of  
property  
owner to pay  
compen-  
sation.

20. Any person whose property catches fire on account of any act of his own or his agent, done deliberately or by criminal negligence, shall be liable to pay compensation to any other person or persons suffering damage to his property on account of any action taken under clauses (iii) and (v) of section 9 by any officer or member mentioned therein or any person acting under the authority of any such officer or member.

Police  
Officers to  
aid.

21. It shall be the duty of the Police Officers of all ranks to aid the members in the execution of their duties under this Act.

- Information on outbreak of fire.** 22. Any person who possesses any information regarding an outbreak of fire shall communicate the same, without delay, to the nearest Fire Station.
- Consumption of water.** 23. No charge shall be made by any local authority for water consumed by the Fire Service in fighting fires, filling static water tanks or such other purposes.
- No compensation for interruption of water supply.** 24. No authority in charge of water supply in any area shall be liable to any claim for compensation for damage caused by reason of any interruption of supply of water occasioned under clause (iv) of section 9.
- Protection of action taken in good faith.** 25. No suit, prosecution or other legal proceedings shall lie against the Government or any person including a member for anything which is done or intended to be done in good faith in pursuance of this Act or any rules or orders made thereunder.
- Power to make rules.** 26. (1) The State Government may, by notification, 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 the following matters, namely:—  
(a) measures necessary for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;  
(b) the designations under which the officers may be appointed under sub-section (3) of section 4 to assist the Director;  
(c) the manner of appointment and the terms and conditions of service including their pay, allowances and other remunerations, if any, their hours of duties, leave and other ancillary matters;  
(d) matters relating to auxiliary fire force that may be raised under section 6;  
(e) the manner of service of notice under sub-section (2) of section 11;  
(f) the employment of members or use of any fire-fighting appliances under section 12 in any area in which this Act is not in force and the employment of the members under section 14 on special services;  
(g) any other matter which is required to be, or may be, prescribed.  
(3) Until rules are made under this section, the rules in force immediately before the appointed day and applicable to the Officers and staff of the Fire Service Branch of the Orissa Police shall, so far as they are not inconsistent with the provisions of this Act, continue in force and apply to the members.  
(4) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions and if during the said period the State Legislature makes any modification therein, the rules shall thereafter have effect only in such modified form, so, however, that such modification shall be without prejudice to the validity of anything previously done under the rules.
- Saving.** 27. Nothing in this Act shall be deemed to limit, modify or derogate from the general responsibility of any local or other authority under any law for the time being in force in the matter of fire-fighting or fire prevention.
- Powers to remove difficulties.** 28. If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or the rules made thereunder, which appears to be necessary for the purpose of removing the doubt or difficulty:  
Provided that no order shall be issued under this section after the expiry of a period of two years from the date of commencement of this Act.

By order of the Governor  
P. K. PANIGRAHI  
Secretary to Government

**The Orissa**



**Gazette**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**No. 1683 CUTTACK, WEDNESDAY, DECEMBER 29, 1993/PAUSA 8, 1915**

**LAW DEPARTMENT**

**NOTIFICATION**

The 28th December, 1993

No. 16456/Legis.—The following act of the Orissa Legislative Assembly having been assented to by the Governor on the 27th December, 1993 is here by published for general information.

**ORISSA ACT 30 OF 1993**

**THE ORISSA FIRE SERVICE ACT, 1993**

**AN ACT TO PROVIDE FOR THE FIRE PREVENTION AND FIRE SAFETY MEASURES IN THE STATE AND FOR THE CONSTITUTION OF A STATE FIRE SERVICE TO CARRY OUT FIRE FIGHTING MEASURES.**

**BE** it enacted by the Legislature of the State of Orissa in the Forty-fourth Year of the Republic of India as follows—

**CHAPTER I**

**PRELIMINARY**

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Orissa Fire Service Act, 1993.

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

(3) This section and sections 2, 3 and 4 shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act and for different areas, and any reference in any such provision to the commencement of this Act shall, in relation to an area, be construed as a reference to the coming into force of that provision in that area.

Provided that in any area to which fire prevention or fire safety measures have been extended prior to the commencement of this section by the existing Fire Service Branch of Orissa Police administered and regulated by the Orissa Police Manual, it shall come into force in that area on the appointed day.

**Definitions.**

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

- (a) "appointed day" means the date on which the Director is appointed under section-4;
- (b) "building" means a house, outhouse, warehouse, godown, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material ;
- (c) "Director" means the Director of Fire Service appointed under section 4;
- (d) "fire fighting appliances" means fire-engines, fire-escapes, accoutrements, equipments, tools, implements and things whatever used for fire-fighting, and includes motor vehicles and other means of transport used in connection with fire-fighting;
- (e) "fire prevention and fire safety measures" means such measures as are necessary for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;
- (f) "Fire Service" means the Orissa Fire Service constituted under section 3;
- (g) "Fire Station" includes any post or place as the State Government may, by general or special order, declare to be a Fire Station;
- (h) "local area" means any area over which a local authority has jurisdiction;
- (i) "member" means a member of the Fire Service;
- (j) "Officer-in-charge of Fire Station" includes, when the Officer-in-charge of the Fire Station is absent from the Station or is unable to perform his duties, the senior most member who is next in rank to such officer present at the station ;
- (k) "premises" means any land or any building or part of a building appurtenant thereto;
- (l) "prescribed" means prescribed by rules;
- (m) "rules" means rules made under this Act.

## CHAPTER II

### CONSTITUTION, MAINTENANCE, SUPERINTENDENCE AND CONTROL OF FIRE SERVICE

**Constitution of Orissa Fire Service.**

3. (1) On and from the appointed day, there shall be constituted and maintained, for the purpose of providing smooth and efficient fire fighting services in the State, a fire force to be called the Orissa Fire Service, of which, the entire fire fighting personnel forming the existing Fire Service Branch of the Orissa Police shall be deemed to be the members.

(2) The existing Fire Service Branch of the Orissa Police shall cease to be a Branch of the Orissa Police on and from the appointed day.

**Appointment of Director, officers and other members.**

4. (1) The Fire Service shall consist of a Director and such other officers and staff as its members, as may be prescribed from time to time.

(2) The State Government may appoint any person not below the rank of an Inspector-General of Police to be the Director of Fire Service who shall exercise such powers and discharge such functions as are or may be conferred or imposed by or under the provisions of this Act and the rules.

(3) The State Government may appoint such other officers under any prescribed designations to assist the Director, and the officers so appointed shall exercise such powers and perform such duties as may be conferred or imposed by or under the provisions of this Act and the rules within such local area as may be assigned to them by the Director.

(4) Subject to rules, if any, the members and staff other than those specified under the preceding sub-sections shall be appointed by the Director or any other officer or officers as may be authorised by the State Government.

Terms and conditions of service.

5. The terms and conditions of service of the members shall, subject to the provisions of this Act, be governed by rules and regulations as are applicable to Government Servants.

Auxiliary fire force.

6. Whenever it appears to the State Government that it is necessary to augment the Fire Service, it may, subject to rules, if any, raise an auxiliary force by enrolment of volunteers for such areas and on such terms and conditions as it may deem fit.

Control and superintendence.

7. The general superintendence and control of the Fire Service throughout the State shall vest in the Director.

### CHAPTER III

#### POWERS AND FUNCTIONS OF STATE GOVERNMENT, DIRECTOR AND OTHER MEMBERS

Powers of State Government to make orders with respect to Fire Service.

8. The State Government may from time to time make such general or special orders as it thinks fit—

- (i) for equipping the members with such fire-fighting appliances as it deems proper;
- (ii) for building or providing Fire Stations, or hiring places, or accommodating the members and keeping its fire-fighting appliances;
- (iii) for giving rewards to persons who have given notice of fires and to those who have rendered effective service to the Fire Service on the occasion of fires in case of their accidents while rendering such service, or to their dependants where such accidents result in the death of such persons;
- (iv) for the speedy attendance of members with necessary fire-fighting appliances on the occasion of any alarm of fire;
- (v) for sending the members with necessary fire-fighting appliances beyond the limits of any area in which this Act is in force in order to extinguish fire in the neighbourhood of such limits on such terms and conditions as it deems proper;
- (vi) for the employment of the members, on such terms and conditions as it deems proper, in any work not connected with extinguishing fire, for which the Fire Service may, in its opinion, be usefully and appropriately employed.

Powers exercisable on occasion of fire.

9. (1) On the occasion of fire, the Director or any officer or member-in-charge of a Fire Station on the spot, may—

- (i) remove, or may order any member to remove, any person who by his presence interferes with, or impedes, the operation for extinguishing the fire or for saving life or property;
- (ii) close any street or passage in or near which a fire is burning;
- (iii) for the purpose of extinguishing the fire, enter, break into or through or pull down any premises for the passage of fire fighting appliances or cause them to be broken into or through or pulled down, doing as little damage as possible;
- (v) cause the mains and pipes of any area to be shut off so as to give better pressure of water in the place where fire has occurred or broken out;
- (v) cause the water of any stream, <sup>or</sup> cistern, tank, well or other available source of water-supply, public or private, to be utilised for the purpose of extinguishing, or limiting the spread of, such fire;



(vi) exercise the same powers for dispersing any assembly of person likely to obstruct the fire-fighting operation, 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; and

(vii) generally take such measures as may appear necessary for extinguishing the fire or for the preservation of life and property.

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

Preventive measures.

10. (1) The State Government may, by notification, require the owners or occupiers of premises in any area in which this Act is in force or of any class of premises used in any such area for purposes which, in its opinion, are likely to cause risk of fire, to take such precautions as may be specified in the notification.

(2) On the issue of the notification under sub-section (1), it shall be lawful for the Director or any member authorised by the State Government in this behalf to direct the removal of objects or goods likely to cause risk of fire to a place of safety and, on failure of the owner or occupier to do so, the Director or the member so authorised may, after giving the owner or occupier a reasonable opportunity of making representation, seize, detain or remove such objects or goods or cause the same to be seized, detained or removed.

Power to obtain information.

11. (1) The Director or any member not below the rank of an Officer-in-charge of a Fire Station as may be authorised by the Director, may, for the purpose of obtaining information for fire-fighting purposes, require the owner or occupier of any building or other property to supply such information with respect to

(2) If any information required under sub-section (1) is not furnished within a reasonable time, or the Director or the member so authorised has reason to believe that any information furnished is inaccurate, the Director or the member so authorised may, for the purpose of obtaining or verifying the information, enter into any such building or any place, with or without assistance, after giving such notice to the owner or occupier as may be prescribed :

Provided that—

(a) no such entry shall be made between sun-set and sun-rise; and

(b) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the buildings or places entered.

(3) The Director or the member referred to in sub-section (2) shall not use any force for the purpose of effecting any entry under the said sub-section, unless—

(a) such entry cannot otherwise be effected; and

(b) there is reason to believe that any offence is being or has been committed against any provision of this Act or any rule made thereunder.

Despatch of fire-fighting personnel to other areas.

12. The Director or any officer authorised by the State Government in this behalf may, on the occasion of a fire or other emergency in any area in which this Act is not in force, order the despatch of the members with necessary fire-fighting appliances to carry on fire-fighting operations in such other 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, as the case may be, or during such period as the Director or the officer so authorised may specify.

Enquiry into origin of fire and report to Magistrate or Tahasildar.

13. In the case of any fire occurring within any area in which this Act is in force, the senior most officer in the rank among the members in that area or where the members are sent beyond the limits of any area in which this Act is in force to extinguish fire in the neighbourhood of such limits, the senior most officer in the rank among the members so sent, shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate or the Tahasildar having jurisdiction in the place in which such fire occurred; and the said Magistrate or the Tahasildar, as the case may be, in any case where he may deem fit, summon witnesses and take evidence in order to further ascertain such facts.

Employment on other duties.

14. It shall be lawful for the State Government or any officer authorised by it in this behalf to employ the members upon any rescue, salvage or other works for which the members are suitable by reason of their experience and the fire-fighting appliances.

#### CHAPTER IV

##### PENALTIES

Penalty for violation of duty.

15. Any member who—

- (a) is found to be guilty of violation of any duty or wilful breach of any provision of this Act or any rules 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 of at least two months; or
- (d) being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leaves,

shall, on conviction, 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.

16. Any person who, without just cause, fails to communicate the information in his possession regarding outbreak of fire, shall on conviction be punishable with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Failure to take precautions.

17. Any person who fails, without reasonable cause, to comply with the requirements specified in a notification issued under sub-section (1) of section 10 or of a direction issued under sub-section (2) of that section shall, on conviction, be punishable with a fine which may extend to five hundred rupees.

Wilful obstruction of fire-fighting operation.

18. Any person who wilfully obstructs or interferes with any member engaged in fire-fighting operations shall, on conviction, be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for false report.

19. Any person who knowingly gives or causes 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, on conviction, be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

#### CHAPTER V

##### MISCELLANEOUS

Liability of property owner to pay compensation.

20. Any person whose property catches fire on account of any act of his own or his agent, done deliberately or by criminal negligence, shall be liable to pay compensation to any other person or persons suffering damage to his property on account of any action taken under clauses (iii) and (v) of section 9 by any officer or member mentioned therein or any person acting under the authority of any such officer or member.

Police Officers to aid.

21. It shall be the duty of the Police Officers of all ranks to aid the members in the execution of their duties under this Act.

- Information on outbreak of fire.** 22. Any person who possesses any information regarding an outbreak of fire shall communicate the same, without delay, to the nearest Fire Station.
- Consumption of water.** 23. No charge shall be made by any local authority for water consumed by the Fire Service in fighting fires, filling static water tanks or such other purposes.
- No compensation for interruption of water supply.** 24. No authority in charge of water supply in any area shall be liable to any claim for compensation for damage caused by reason of any interruption of supply of water occasioned under clause (iv) of section 9.
- Protection of action taken in good faith.** 25. No suit, prosecution or other legal proceedings shall lie against the Government or any person including a member for anything which is done or intended to be done in good faith in pursuance of this Act or any rules or orders made thereunder.
- Power to make rules.** 26. (1) The State Government may, by notification, 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 the following matters, namely:—  
(a) measures necessary for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;  
(b) the designations under which the officers may be appointed under sub-section (3) of section 4 to assist the Director;  
(c) the manner of appointment and the terms and conditions of service including their pay, allowances and other remunerations, if any, their hours of duties, leave and other ancillary matters;  
(d) matters relating to auxiliary fire force that may be raised under section 6;  
(e) the manner of service of notice under sub-section (2) of section 11;  
(f) the employment of members or use of any fire-fighting appliances under section 12 in any area in which this Act is not in force and the employment of the members under section 14 on special services;  
(g) any other matter which is required to be, or may be, prescribed.  
(3) Until rules are made under this section, the rules in force immediately before the appointed day and applicable to the Officers and staff of the Fire Service Branch of the Orissa Police shall, so far as they are not inconsistent with the provisions of this Act, continue in force and apply to the members.  
(4) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions and if during the said period the State Legislature makes any modification therein, the rules shall thereafter have effect only in such modified form, so, however, that such modification shall be without prejudice to the validity of anything previously done under the rules.
- Saving.** 27. Nothing in this Act shall be deemed to limit, modify or derogate from the general responsibility of any local or other authority under any law for the time being in force in the matter of fire-fighting or fire prevention.
- Powers to remove difficulties.** 28. If any doubt or difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or the rules made thereunder, which appears to be necessary for the purpose of removing the doubt or difficulty:  
Provided that no order shall be issued under this section after the expiry of a period of two years from the date of commencement of this Act.

By order of the Governor  
P. K. PANIGRAHI  
Secretary to Government

# **THE ODISHA FIRE SERVICE (AMENDMENT) ACT, 2022**

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# The Odisha Gazette



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 281, CUTTACK, FRIDAY, JANUARY 27, 2023 / MAGHA 7, 1944

LAW DEPARTMENT  
NOTIFICATION  
The 27th January, 2023

No.2776-I-Legis-27/2021/L.— The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 19th January, 2023 is hereby published for general information.

**ODISHA ACT 1 OF 2023**  
**THE ODISHA FIRE SERVICE (AMENDMENT) ACT, 2022**  
**AN**  
**ACT**  
**TO AMEND THE ODISHA FIRE SERVICE ACT, 1993.**

BE it enacted by the Legislature of the State of Odisha in the Seventy-third Year of the Republic of India as follows :—

Short title and  
commencement.

1. (1) This Act may be called the Odisha Fire Service (Amendment) Act, 2022.

(2) It shall come into force on such date as the State Government may, by the notification, appoint.

Amendment of  
Long title.

2. In the Fire Service Act, 1993 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—

“An Act to provide for fire prevention and fire safety measures and providing emergency services in the State and for the constitution of State Fire and Emergency Service to carry out firefighting and emergent service measures and for the matters connected therewith or incidental thereto.”

Odisha  
Act, 30  
of 1993

Amendment of  
Section 1.

**3.** In the principal Act, in Section 1, in sub-section (1), for the words “Odisha Fire Service”, the words “Odisha Fire and Emergency Service” shall be substituted.

Amendment of  
Section 2.

**4.** In the principal Act, in section 2,—

(a) for clause (c), the following clause shall be substituted,  
namely:—

“(c) “Director General” means the Director General of Fire and  
Emergency Service appointed under section 4;”,

(b) after clause (c), the following clauses shall be inserted,  
namely:—

“(c-1) “Disaster” means as defined in the Disaster  
Management Act, 2005

53 of  
2005

(c-2) “emergency service” includes any service provided  
for, or connected with, prevention of any danger or threat  
of any disaster and to mitigate any serious situation or  
occurrence of such disasters by providing immediate  
rescue, restoration and relief;”;

(c) for clause (f), the following clause shall be substituted,  
namely:—

“(f) “Fire Service” in relation to providing firefighting  
and emergent service measures, means Odisha Fire  
and Emergency Service constituted under section 3;”;

(d) after clause (h), the following clause shall be inserted, namely:—

“(h-1) “Local Authority” means a municipality constituted  
under Article 243Q and a Panchayat constituted under  
Article 243B of the constitution of India for the rural  
area;”.

Amendment of  
Section 3.

**5.** In the principal Act, in Section 3, in sub-section (1), for the words “firefighting services in the State a fire force to be called the Odisha Fire Service”, the words and comma “fire fighting and emergency services in the State, a force to be called the Odisha Fire and Emergency Service” shall be substituted.

**6. In the principal Act, in Section 4,—**

- (a) for the existing marginal heading, the following marginal heading shall be substituted, namely:—  
“Appointment of Director General, officers and other members and their powers and functions.”;
- (b) the word “Director”, wherever it occurs, the words “Director General” shall be substituted,
- (c) in sub-section (1), for the words “Fire Service”, the words “Fire and Emergency Service” shall be substituted; and
- (d) for sub-section (2), the following sub-sections shall be substituted, namely:—

“(2) The State Government may appoint any person not below the rank of Additional Director General of Police to be the Director General of Fire and Emergency Service who shall, subject to superintendence and control of the State Government, exercise such powers and discharge such functions as are or may be conferred or imposed by or under the provisions of this Act and the rules made thereunder.

(2-a) without prejudice to the provisions of this Act, the Director General, as the head of the force shall discharged following functions, namely;—

- (a) keep liaison with the State Government for the development of fire and emergency service;
- (b) frame the policies in relation to the development of fire and emergency service in the state and on approval by the State Government, take steps to implement the same;
- (c) prepare and submit plans and proposals to the State Government with regards to the periodical review of fire equipment, fire property and fire manpower for effective implementation of fire and emergency service by the authorities;
- (d) take or cause to be taken such effective steps and measures in cases of major fires, house collapse and other emergency services;



- (e) investigate or cause to be investigated the cause of fire and advice the authorities for implementing fire precautionary measures;
- (f) appoint such number of officers, staff or employees as may be necessary to assist any Officer of the State fire and emergency service while exercising his powers or discharging his duties or functions under this Act or the rules made thereunder;
- (g) Implement the effective Human Resource Development policies in accordance with the prescribed Jobs at each level of fire and emergency service personnel and for that purpose, he may establish advance training centers; and Implement the effective Human Resource Development policies in accordance with the prescribed Jobs at each level of fire and emergency service personnel and for that purpose, he may establish advance training centers; and
- (h) represent the State Government on National and International forums with a view to updating the standard of fire and emergency service in the state.”.

Omission of  
Section 7.

**7.** In the principal Act, Section 7, shall be omitted.

Amendment of  
Section 8.

**8.** In the principal Act, in Section 8:—

- (a) for clause (i), the following clause shall be substituted, namely;—
  - “(i) for equipping the member with such firefighting, rescue and restoration appliances and imparting specialised training as it deems proper;”;
- (b) in clause (ii), for the words “firefighting appliances”, the words “firefighting, rescue and restoration appliances”, shall be substituted;
- (c) in clause (iii), for the words “Fire Service on the occasion of fires”, the words and comma “Fire and Emergency Service on the occasion of fires and emergency services,” shall be substituted;

(d) for clause (v), the following clause shall be substituted, namely:—

“(v) for sending the members with necessary firefighting, rescue and restoration appliances beyond the limits of any area in which this Act is in force in order to extinguish fire or undertake rescue and restoration, in the neighbourhood of such limits on such terms and conditions as it deems proper;” and

(e) in clause (vi), for the words “extinguishing fire, for which the fire service” the words “extinguishing fire and providing emergency services for which the Fire and Emergency Service” shall be substituted.

Insertion of  
new Section  
8A.

**9.** In the principal Act, after Section 8, the following section shall be inserted, namely:—

“Delegation  
of power.

8A(1) the State Government may, by notification, direct that any power and function exercisable by it under this Act, except the power to make rules, may also be exercisable by the Director General, subject to such conditions and exceptions, if any, as may be specified therein.

(2) The Director General may, by order, delegate its powers and functions conferred under this Act and rules made thereunder to any of its officers subordinate to him, subject to such conditions and restrictions, if any, as may be specified therein.”.

Amendment of  
Section 9.

**10.** In the principal Act, in Section 9,—

(i) in sub-section(1),—

(a) in the opening portion, for the words and comma “occasion of fire, the Director”, the words and comma “occasion of fire or emergency services, the Director General” shall be substituted;

(b) in clause (i), for the words “fire or”, the words “fire or dealing with emergency services” shall be substituted;

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

“(iii)for the purpose of extinguishing the fire or undertaking rescue and restoration work, enter, break into or through or pull down any premises for the passage of firefighting or rescue and restoration appliances or cause them to be broken into or through or pull down, doing as little damage as possible;”;

(d) in clause (vi), after the words “firefighting” and the before the word “operation”, the words “or rescue and restoration” shall be inserted; and

(e) in clause (vii), for the words “fire or”, the words “fire or undertaking the rescue and restoration or” shall be substituted,

(ii) in sub-section (2), for the words “members of fire service”, the words “members of Fire and Emergency Service” shall be substituted; and

(iii) after sub-section (2), the following sub-section shall be inserted,  
Namely:—

“(3) The Director General may, with the previous sanction of the State Government, enter into an agreement with any agency or local or other authority which maintains the said fire and emergency service within or beyond the limits of any area in which this Act is in force for providing personnel or equipment or both, for firefighting, rescue and restoration purposes, on such terms and conditions as may be provided by or under the agreement on reciprocal basis, in public interest.”.

Amendment of  
Section 10.

**11.** In the principal Act, in Section 10, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) The Director General or any member authorised by the State Government in this behalf, direct the owner or occupier of any premises which likely to have risk of fire, shall obtained fire safety recommendations and fire safety certificate on payment of such fees and in such manner as may be prescribed.

(4) In order to ensure effective fire prevention and life safety measures of any premises, the owners or occupiers of such premises, which are likely to cause risk of fire, as may be prescribed in this behalf,

shall appoint a Fire Safety Supervisor having such qualification as may be prescribed and the fire safety supervisor so appointed shall be issued with an enrolment certificate by the Director General or any officer authorised in this behalf under his signature and seal of the office in the prescribed format”.

Amendment of  
Section 12

**12.** In the principal Act, in Section 12, for the words “firefighting appliances to carry on firefighting operations”, the words “firefighting, rescue and restoration appliances to carry on firefighting, rescue and restoration operations” shall be substituted.

Amendment of  
section 14.

**13.** In the principal Act, in section 14, for the words and comma “rescue, salvage”, the words and comma “rescue, restoration or salvage”, shall be substituted.

Amendment of  
Chapter IV

**14.** In the principal Act, in Chapter IV, for the heading “PENALTY”, the heading “OFFENCES AND PENALTIES” shall be substituted.

Amendment of  
Section 17.

**15.** In the principal Act, in Section 17, for the words “a fine which may extend to five hundred rupees”, the words “imprisonment of either description for a term which may extend to three months or with fine which may extend to three lakh rupees, or with both” shall be substituted.

Amendment of  
Section 18

**16.** In the principal Act, in Section 18 including with its marginal heading, the following section shall be substituted namely:—

“Willful  
obstruction  
of fire  
fighting,  
rescue or  
restoration  
operations.

**18.** Any person who wilfully obstructs or interferes with any member engaged in fire fighting, rescue or restoration operations shall, on conviction, be punishable with imprisonment of either description for a term which may extend to 3 months or with fine which may extend to fifty thousand rupees, or with both.”.

Amendment of  
Section 19

**17.** In the principal Act, in Section 19, for the words beginning with, “imprisonment” and ending with the words “or with both”, the words “imprisonment of either description, for a term which may extend to three month or with fine which may extend to five thousand rupees, or with both” shall be substituted.

Insertion of  
new Sections  
19A,  
19B,19C,19D  
AND 19E.

**18.** In the principal Act, after Section 19, the following sections shall be inserted, namely:—

"Penalty for  
non-  
appointment  
of fire safety  
supervisor

19A.(1) If any owner or occupier of a premises fails to appoint a fire safety supervisor under sub-section (4) of Section 10 within the period of thirty days from the date of receipt of notice given in this behalf by the Director General or any officer authorised by him, such owner or occupier shall be deemed to be in default and shall be liable to pay penalty of not less than ten rupees per square meter and not exceeding fifty rupees per square meter per month of the built up area of the premises including the common area thereof as may be determined by the Director General.

(2) The penalty shall be recovered from such owner or occupier as arrear of land revenue, if not paid.

Compounding  
of offences.

19B. (1) Any offence committed under sections 15 to 19 (both inclusive) or any rule made under this Act may, either before or after the institution of prosecution, be compounded by such officer and on payment of such amount as the State Government may, by notification, specify:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice order or requisition issued by the Director General or any other officer authorised under this Act and rules made thereunder 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), no proceeding or further proceeding, as the case may be, shall be initiated or continued against the offender in respect of the offence so compounded, and the offender, if in custody, shall be discharged forthwith.

Offence by  
Companies.

19C. (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 clause 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 officers shall also be deemed be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation:—* for the purpose 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.

Cognizance of offence.

19D. No court shall take cognizance of an offence under this Act except on a complaint made by the Director General or any officer authorised by him, in writing, in this behalf.

Jurisdiction.

19E. No court other than the court of Judicial Magistrate First Class, shall try an offence punishable under this Act.”.

Insertion of new Chapter IVA.

**19.**In the principal Act, after Chapter IV, the following chapter shall be inserted, namely:—

#### “CHAPTER IVA APPEALS

Appeal.

19F. (1) Any person aggrieved by any notice or order of any Fire Service Officer, issued or made under this Act and rules made thereunder, may prefer an appeal against such notice or order to the Appellate Authority as may be prescribed who may be lower in rank than the second Appellate Authority, within thirty days from the date of receipt of the notice or order, as the case may be:

Provided that the Appellate Authority may admit the appeal after expiry of thirty days, if he is satisfied that the appellant was prevented by sufficient cause for not filing it within that period.

(2) An appeal to the appellate authority shall be accompanied by a copy of the notice or order appealed against and on payment of such

fees, as may be prescribed.

(3)The order of the appellate authority may be challenged in Second Appeal before the Second Appellate Authority, as may be prescribed, within a period of sixty days of passing the order whose decision thereon shall be final.”.

Amendment of  
Section 27.

**20.** In the principal Act, in Section 27, after the words “fire prevention” occurring at the end, the words “or undertaking rescue relief and restoration” shall be inserted.

Insertion of  
new Section  
27A.

**21.** In the principal Act, after Section 27, the following Section shall be inserted, namely:—

“Act to have  
overriding  
effect and  
effect of other  
laws.

27A (1)The provisions of this Act shall have overriding effect notwithstanding anything contained in any other State laws for the time being in force, in so far as the provisions relating to fire prevention and life safety are concerned.

(2) Subject to the provisions of sub-section (1), 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.”.

General  
Amendment.

**22.** In the principal Act, for the expression “Director” wherever it occurs, the expression “Director General” shall be substituted.

By Order of the Governor  
DHANESWAR MALLICK

Principal Secretary to Government (I/c)