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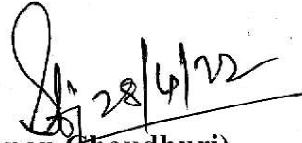
**Government of Tripura
Law Department
Secretariat : Agartala**

No.F.8(10)-Law/Leg-I/2022/

Dated, Agartala, the 28th April, 2022.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor of Tripura on the 27th April, 2022 and is hereby published for General information.


(Sopan Chaudhuri)
Deputy Secretary, Law
Government of Tripura

THE TRIPURA FIRE AND EMERGENCY SERVICES ACT, 2022

An Act to provide for the maintenance of Fire and Emergency Services and to make more effective provisions for the fire prevention and fire safety measures in various types of buildings and premises in the State of Tripura and the matter connected therewith.

Be it enacted by the Tripura Legislative Assembly in the Seventy-fourth year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement

- (1) This Act may be called the Tripura Fire and Emergency Services Act, 2022.
- (2) It extends to the whole of Tripura.
- (3) It shall come into force in any area on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas and for different provisions of this Act.

2. Definitions

In this Act, unless the context otherwise requires:-

- (1) "Appellate Authority" means an officer appointed by the State Government for the purpose of this Act;
- (2) "building" shall have the same meaning assigned to it in sub-section (2) of section 2 of the Tripura Municipal Act, 1994 and includes places or premises comprising land or building, or part of a land or building, whether authorized or otherwise, outhouses, if any, pertaining to such building or part thereof and petrol, diesel or gas lines, installations or pumps;
- (3) "building bye-laws" means the building bye-laws, Rules and Regulations made under the Tripura Municipal Act, 1994 or any other law for the time being in force;
- (4) "bye law" means fire safety regulations, norms or guidelines made under the National Building Code of India, or any other law for the time being in force and also includes any relevant guidelines notified by the State Government;
- (5) "Bureau of Indian Standard (BIS)" means national standard body of India established under the Bureau of Indian Standards Act, 2016;
- (6) "Director" means the Director of the Fire & Emergency Services appointed by the State Government under Section 6 of this Act;
- (7) "disasters" means disasters as defined in the Disaster Management Act, 2005;
- (8) "erector" means a person or 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;
- (9) "emergency services" means any services rendered in the event of a serious situation or occurrence, including disasters, that happens unexpectedly and demands immediate action of Fire and Emergency Services of the State Government and also include services required to be rendered in case of manmade or natural disaster or any eventuality where human life is at risk;

- (10) "employee" means a person appointed to the Fire and Emergency Services under this Act;
- (11) "fire fees" means any fee levied, charged, imposed or collected for services rendered by the Fire and Emergency Services under the provisions of this Act;
- (12) "Fire Officer" means operational members of Fire and Emergency Services;
- (13) "fire station" means a building erected to house the firefighting and rescue equipment, appliances and staff declared by the State Government to be a fire station under the provision of section 8 of this Act;
- (14) "fire tax" means tax levied under section 45 of this Act;
- (15) "fire prevention and life safety measures" means such measures as are necessary in accordance with the National Building Code of India 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 in the Rules made in this behalf;
- (16) "Fire Safety Officer" means the person appointed under Section 27 of this Act by the owner or occupier of certain premises and buildings as specified in this behalf to ensure fire prevention and fire safety measures installed in such premises and buildings;
- (17) "Fire & Emergency Services" means Tripura Fire and Emergency Services;
- (18) "fund" means fund constituted under Section 49 of this Act;
- (19) "Head of Department" means the Director of Fire & Emergency Services or any other officer so appointed by the State Government under Section 6 of this Act.
- (20) "Housing Society" means all registered residential and non-residential or mixed housing societies, association of owners or co-owners of flat occupancy, building premises and associations of owners as mandated under the Tripura Real Estate Rules, 2017;
- (21) "local authority" means a Municipal Corporation, Municipal Council, Nagar Panchayat, District Panchayat, Gram Panchayat, Village Committee etc., as the case may be, constituted under relevant laws for the time being in force;
- (22) "National Building Code" means the book or books containing fire prevention and life safety measures to be implemented in the buildings, places, premises, workshops, warehouses and industries, published from time to time by the Bureau of Indian Standards;
- (23) "operational member or staff" means any uniformed employee of the Fire & Emergency Services of Tripura who is appointed to operate or drive a fire fighting or rescue equipment, appliance and vehicle at the site of fire or rescue and to participate in the actual extinction of fire or in rescue operation or in disaster management and any other purpose of this Act;
- (24) "occupancy" means the principal occupancy for which a building or a part of the building is used or intended to be used including subsidiary occupancies which are contingent upon it;
- (25) "occupier" means-
 - (a) 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;
 - (b) an owner in occupation of, or otherwise using his land or building;
 - (c) a rent-free tenant of any land or building;

- (d) a licensee in occupation of any land or building; and
 - (e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;
- (26) "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;
- (27) "pandal" means a temporary structure with a roof or walls made of straw, hay, ulu grass, golpatta, hogla, darma, mat, canvas, cloth or other like material which is not adopted for permanent or continuous occupancy;
- (28) "State Government" means the Government of Tripura;
- (29) "Standing Fire Advisory Council (SFAC)" means the advisory body constituted by the Union Ministry of Home Affairs to examine the technical problems relating to fire service and to make recommendation to the Government of India in the matter including the standardization of fire-fighting equipment through the Indian Standard Institutions;

CHAPTER II

ORGANIZATION, SUPERINTENDENCE, CONTROL AND MAINTENANCE OF THE FIRE AND EMERGENCY SERVICES

3. Establishment of the Fire and Emergency Services

There shall be a single Fire and Emergency Services for the entire State to be called the Tripura Fire and Emergency Services and all officers and subordinate ranks of the Fire and Emergency Services shall be liable for posting to any branch of the Fire and Emergency Services:

Provided further that this position shall not apply to the private Fire and Emergency Services maintained for providing fire protection coverage to a specific building or industry by the owner or occupier thereof.

4. Superintendence of Fire and Emergency Services

The superintendence and control of the Tripura Fire and Emergency Services throughout the State shall vest in the Director of Fire and Emergency Services or such other officer as may be notified by the State Government as the Head of Department of Fire and Emergency Services and shall be administered by the Director of Fire and Emergency Services or such other officer in accordance with the provisions of this Act or any Rules made thereunder.

5. Constitution and Classification of Fire and Emergency Services

- (1) Subject to the provisions of this Act, the Tripura Fire and Emergency Services shall consist of such number of staff in various ranks and have such organizations and have such powers, functions and duties as the State Government may, by general or special order, determine.
- (2) The State Government may, by Rules prescribe –
 - (a) the different posts of the State Fire and Emergency Services;
 - (b) the mode of recruitment of staff, grade of post, the qualification, uniforms and other conditions of service of the officers and other staff engaged therein and matters connected therewith;
- (3) Save as otherwise provided by or under this Act, every person holding, office of either Fire Officer, staff or an employee, by whatever designation called, of an existing fire brigade or Fire and Emergency Services of any Authority on the date immediately before the commencement of this Act, shall continue to hold office on the same terms and conditions as were applicable to him immediately before such date and shall exercise such powers and perform such duties as before in addition to those conferred on him by or under this Act.

6. Appointment of Head of Department and other officers of Fire and Emergency Services

- (1) The State Government shall appoint the Director of Fire and Emergency Services or any other officer as the Head of Department of Fire and Emergency Services, in addition to other officers and staff as may be necessary from time to time to assist the Head of Department of Fire and Emergency Services while exercising the powers or discharging the duties or functions conferred under this Act or Rules made thereunder.
- (2) The jurisdiction of the Head of Department of Fire and Emergency Services so appointed shall extend to the entire State in matters relating to Fire and Emergency Services.
- (3) Subject to the control, directions and superintendence of the State Government, the Head of Department of Fire and Emergency Services shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or the Rules made thereunder.

7. Powers, Duties and Functions of the Head of Department

- (1) The Head of Department of Fire and Emergency Services shall, subject to the superintendence and control of the State Government, direct and regulate all matters of fire safety and prevention, firefighting equipment, machinery and appliances, training, observation of persons, events of mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfillment of duties and maintenance of discipline of fire officers and employees of the Fire and Emergency Services under him.
- (2) Without prejudice to the provisions of sub-section (3) of Section 6, the Director of Fire and Emergency Services or such officer appointed by the State Government shall function as Head of the Department of the Tripura Fire & Emergency Services and shall,-
 - (a) keep liaison with the State Government for the development of Fire and Emergency Services.
 - (b) frame the policies in relation to the development of Fire and Emergency Services 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 regard to the periodical review of fire and rescue equipment, fire property and manpower for effective implementation of Fire and Emergency Services 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 advise the authorities for implementing fire precautionary measures;
 - (f) appoint such number of officers and staff as may be necessary time to time, while exercising his powers or discharging his duties or functions under this Act or the rules made thereunder. He will also exercise the powers of transferring authority in respect of all departmental employees;
 - (g) implement the effective human resource development policies in accordance with the prescribed jobs at each level of fire and emergency services personnel and for that purpose, he may establish advance training centers or nominate fire service personnel for undergoing various training courses in or outside the State.;
 - (h) represent the State Government on National and International forums or as may be decided by the State Government with a view to updating the standard of Fire and Emergency Services in the State;
 - (i) exercise such other powers and perform such other duties and functions as may be conferred, imposed or allotted to him by or under the provisions of this Act.

8. Setting up of Fire Stations

- (1) For the purpose of providing adequate number of officers and staff for meeting the needs of fire service, having regard to the population, potential fire hazards in certain industries and large commercial and mercantile establishments and buildings and fire stations required to be provided for and maintained, the State Government may, for the purpose of securing fire prevention and life safety measures within the State, by notification in the Official Gazette, constitute as many Fire Stations or other field formations as it deems fit.
- (2) Every notification issued under sub-section shall define the limits and extent of Fire Stations and other field formations to which it relates. Such limits shall, however, not prevent other fire stations situated nearby from providing assistance to ensure fire safety and saving lives of the Citizens as and when required.

9. Appointment, powers, duties and functions of Fire Officers

- (1) Appointment of Fire Officers:
 - (i) For the purposes of this Act, the State Government may appoint,-
 - (a) a Station Officer, for each Fire Station who shall be officer-in-charge of the Fire Station and shall hold charge of the Fire Station. He shall have such staffs attached under him to the Fire Station as may be considered necessary by the State Government. He will be responsible for maintenance of communication system, water resources including hydrants within his station areas, and shall be in charge of operations of Fire and Emergency Services launched from the Fire Station.
 - (b) other officers and staff for the administrative units and other field formations as the case may be and necessary from time to time.
 - (ii) The qualifications for appointment and other conditions of service of such officers and staff, shall be such as may be prescribed by the Rules.
- (2) Powers, duties and functions of Fire Officers
 - (a) Subject to the control, direction and superintendence of the Head of Department of Fire and Emergency Services, the Fire Officer and staff appointed for the purpose of this Act, shall exercise such powers and perform such duties as are conferred and imposed upon them by this Act and the Rules or orders made thereunder.
 - (b) Without prejudice to the provisions of clause (a), in case of fire prevention and disaster, the Fire Officer or officers appointed under sub-section (1) of this Section, for their jurisdiction, shall, in case of any fire or emergency, act as Commanding Officer for that event and other Fire and Emergency Services staff engaged shall work under him.

10. Issue of Certificate to the employees of Fire and Emergency Services

- (1) Every person shall on appointment to the Fire and Emergency Services, receive a certificate in the prescribed form under the signatures of the Head of Department or an officer authorized in this behalf by the State Government and thereupon such person shall have the powers, functions and privileges of an employee of the Fire and Emergency Services under this Act.
- (2) The certificate referred to in sub-section (1) shall cease to have effect when the person named therein ceases for any reason to be an employee of the Fire and Emergency Services and on his ceasing to be such employee, he shall forthwith surrender the certificate to any officer empowered to receive the same.

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- (3) A certificate of appointment shall become null and void when the person named therein ceases to belong to the Fire and Emergency Services or shall remain inoperative during the period such person is suspended from the Fire and Emergency Services.
- (4) The employees of the Fire and Emergency Services shall be governed by such rules as are applicable to State Government servants in relation to the terms and conditions of their service and all other allied matters.

11. Auxiliary Fire and Emergency Services

Whenever, it appears to the State Government that it is necessary to augment the Fire and Emergency Services, it may raise an auxiliary service by enrolment of volunteers like Civil Defence, Aapda Mitra and others as it deems fit for such area and on such terms and conditions as may be specified by the State Government from time to time.

12. Effect of suspension of Fire Officer

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

Provided that notwithstanding such suspension, such person shall continue to be subject to the control of same authorities to which he would have been, had he not been placed under suspension.

CHAPTER III

FIRE & EMERGENCY RESPONSE

13. Response to Calls

The Fire Officer appointed by the State Government shall respond to all fire and emergency related calls and calls related to any other emergencies as may be notified by the State Government.

14. Personnel & scale of equipment

The Head of Department of Fire and Emergency Services or Fire Officer shall ensure deployment of Fire and Emergency Services, resources, equipment and fire personnel on stand-by duties during any fire response or any other emergency in such manner as may be specified by Rules.

15. Operation Management

The Head of Department of Fire and Emergency Services or Fire Officer shall provide details of planning, organizing and deployment of the staff and ensure regular monitoring of the sites as specified by Rules.

16. Powers of Employees of the Fire and Emergency Services on occasion of fire or rescue

On the occasion of fire or rescue in any area in which this Act is in force, any member of the Fire and Emergency Services, who is in-charge of firefighting operations on the spot, may:-

- (1) remove, or order any other member of the Fire and Emergency 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 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 for the purpose of extinguishing fire with due diligence;
- (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 as prescribed in the notification as may be issued by the State Government;
- (5) enter into agreement with any person who employs and maintains personnel or equipment or both for fire-fighting purposes, to secure, on such terms as may be prescribed, for the purpose of dealing with fires occurring in any area;
- (6) 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.

CHAPTER IV
WATER SUPPLY

17. Power to arrange for water supply during emergency

It shall be lawful for the Director of Fire and Emergency Services or Fire Officer of the fire-fighting operations to 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, owner or occupier having control over such water source shall supply water for that purpose at such rates as may be prescribed.

18. Duty to arrange water supply

The Director of Fire and Emergency Services or Fire Officer shall take all reasonable measures for securing availability of adequate supply of water for use in the event of fire.

19. Power to enter into Agreement for Water Supply

The Director of Fire and Emergency Services 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, terms and conditions prescribed by the State Government.

20. No compensation for interruption of water supply

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 caused in compliance with sub-section (4) of Section 16.

21. Compensation of water

No charge shall be made by any local authority for water consumed in fire fighting operations by the Fire and Emergency Services.

CHAPTER V

GENERAL MEASURES FOR FIRE & EMERGENCY PREVENTION AND LIFE SAFETY MEASURES

22. Preventive Measures

- (1) The State Government may, by notification in the official Gazettee, require the owner or occupier of premises in any area or of any class of premises, which in its opinion, are likely to cause risk of fire, to take such precautions as may be specified in such notification.
- (2) Where such notification has been issued, it shall be lawful for the Director of Fire and Emergency Services or such officer so appointed by the State Government as Head of Department of Fire and Emergency Services or Fire Officer to direct the removal of objects or goods likely to cause the risk of fire, to a place of safety and on failure by the owner or occupier to do so, the Director of Fire and Emergency Services or Fire Officer may, after giving the owner or occupier a reasonable opportunity of making representation, seize, detain or remove such objects or goods.
- (3) The Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or Fire Officer shall ensure that fire and emergency management plans of the Fire Stations and other field formations are prepared in conformity with the respective District Disaster Management Plans or any existing plan as approved by the State Government.

23. Fire Prevention and Life Safety measures in the pandals to be self-regulatory

- (1) Notwithstanding anything contained in this Act, the erectors of pandals shall be deemed to be self-regulators for taking fire prevention and life safety measures prescribed under Section 22.
- (2) The erector of a pandal shall display at a prominent place in the pandal, a declaration in the prescribed form and under his own signature to the effect that he has taken all the prescribed fire prevention and fire safety measures therein as notified by the state government.
- (3) It shall be lawful for the Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or Fire Officer to enter and inspect the pandal with a view to verify the correctness of the declaration so made by the erector under sub-section (2) and to point out the shortcomings, if any, with directions to remove them within a specified time. If the directions of the inspecting officer are not complied with within the time so given, the inspecting officer shall seal the pandal.
- (4) Any erector of a pandal who falsely declares that he has complied with the prescribed fire prevention and fire safety measures in the pandal shall be deemed to have committed an offence punishable under section 30 of this Act.

24. Removal of encroachments or objects or goods likely to cause a risk of fire or any obstruction to fire fighting

- (1) Where a notification or declaration has been issued under Section 22 or Section 23 respectively, it shall be lawful for the Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or the Fire Officer to direct the removal of encroachments or goods likely to cause a risk of fire or any obstruction to firefighting, to a place of safety, and on failure of the owner, occupier or erector, as the case may be, to do so, the Director or Fire Officer may, after giving the owner, occupier or erector, as

the case may be, a reasonable opportunity of making representation, report the matter to the Sub-Divisional Magistrate, in whose territorial jurisdiction the premises, building or pandal is situated, requesting to adjudicate the matter:

Provided that where the Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or Fire Officer 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, the occupier or erector of such premises or building to remove the encroachment, objects or goods forthwith and report the matter to the Sub-Divisional Magistrate within 24(twenty-four) hours accordingly.

- (2) On receipt of a report under sub-section (1), the Sub-Divisional Magistrate shall give, by means of a notice served in such manner as he may think fit, 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, occupier or erector, as the case may be, a reasonable opportunity of making representation under sub-section (2), the Sub-Divisional Magistrate may make an order to seize, detain or remove such encroachments, objects or goods in such manner as may be prescribed by Rules.
- (4) The person charged with the execution of the order as made in sub-section (3) shall forthwith make an inventory of the objects and goods which he seizes under such order, and shall, at the same time, give a written notice as may be prescribed in this behalf, to the person in possession thereof at the time of seizure, that the said objects or goods will be sold as therein mentioned if the same are not claimed within the period stipulated in the said notice.
- (5) On the failure of the person in whose possession the objects or goods were at the time of seizure, to claim the seized goods pursuant to notice given under sub-section (4), the Sub-Divisional Magistrate shall cause to sell them through public auction.

25. Owner's or Occupier's liability to provide Fire Prevention and Life Safety Measures:

- (1) Without prejudice to the provisions of National Building Codes of India or any other law for the time being in force, the owner or the occupier of a housing society, who are either individually or jointly responsible for a building, shall provide fire prevention and life safety measures therein:

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

- (a) provide minimum fire-fighting and life safety installations as prescribed by Rules;
 - (b) maintain the fire prevention and life safety measures in operational condition at all times, in the manner and specifications as prescribed by Rules;
 - (c) Follow the advisory given by authorized fire officer strictly.
- (2) Notwithstanding anything contained in any law for the time being in force, no authority empowered to issue the occupancy certificate, shall issue the same, unless it is satisfied that the owner or the occupier, either individually or jointly, has complied with the requirements of the foregoing provision.
 - (3) Without prejudice to the existing building bye-laws applicable and enforcement of National Building Codes by the State, concerned buildings or premises shall obtain Fire Safety Certificate otherwise known as Fire No-Objection Certificate (Fire NOC) from Fire and Emergency Services in such manner as may be notified by the State Government from time to time;

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- (4) Owners of buildings, under sub-section (3), shall ensure that such multi-storied or special buildings be equipped with automatic sprinkler systems, fire alarms and fire extinguishers to prevent or extinguish fire, as may be notified by the Government.
- (5) The owner or occupier or housing society, as the case may be, shall furnish to the Fire Officer, a certificate in the prescribed form regarding the compliance of the fire prevention and life safety measures in his building or part thereof, as required by the provisions of this Act.

26. Issue of Fire Safety Certificate

- (1) The Fire Officer shall scrutinize the arrangements made by owners, occupiers or applicants, as the case may be, in regard to the requirements of section 25, either independently or jointly, and submit his report to the appropriate authority, as may be notified by the State Government, who on being satisfied with the requirements of section 25, shall issue fire safety certificate (NOC) within the time prescribed under Tripura Guaranteed Services to Citizen Act, 2020 and Tripura Guaranteed Services to Citizen Rules, 2020.
- (2) If the owner or occupier, as the case may be, fails to comply with the requirements of section 25 at any time after issuance of fire safety certificate, it shall be lawful for the appropriate authority to cancel the same after giving the owner or occupier an opportunity of being heard.
- (3) The owner or occupier of the building or premises, whose fire safety certificate has been cancelled due to default on his part, shall not be entitled to occupy the building or premises on the ground of non-compliance of fire prevention and life safety measures under section 25.
- (4) No person shall tamper with, alter, remove or cause any injury or damage to any fire prevention and life safety equipment installed in any such building or part thereof or instigate any other person to do so.

27. Appointment & Functions of Fire Safety Officer

- (1) To ensure effective fire prevention and life safety measures in factories, and certain classes of buildings or premises as may be specified by Rules, every owner and occupier or occupiers of such buildings or premises shall individually or jointly, as the case may be,-
 - (a) appoint a fire safety officer, having such qualifications as may be prescribed;
 - (b) send the compliance report to the Fire Officer.
- (2) The Fire Safety Officer so appointed under sub-section (1) shall be issued a certificate of enrolment by the Fire Officer under his signature and seal in such form as may be prescribed.
- (3) In case of a vacancy of the Fire Safety Officer appointed under sub-section (1), either on resignation or otherwise, the owner and occupier or occupiers individually or jointly, as the case may be, shall immediately appoint another fire safety officer within thirty days of such vacancy.
- (4) In case of the non-appointment of the Fire Safety Officer, as envisaged under sub-section (1), the Fire Officer may take such steps as he may deem necessary, and in such manner as may be prescribed by Rules.
- (5) The Fire Safety Officers shall undergo training at such Fire and Emergency Services Training Institute as may be specified by Rules:

Provided that a person who has already undergone such training at the National Fire Service College, Nagpur or any similar institution recognized by the State Government, he shall not be required to undergo such a training.

28. Power of Inspection

- (1) The Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or Fire Officer may, after giving three hours' notice to the occupier, or if there is no occupier, to the owner of any place or building or part thereof, enter and inspect such place or building or part thereof at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and life safety measures:

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

- (2) The Director of Fire and Emergency Services or Fire Officer shall be provided with all possible assistance by the owner or occupier, as the case may be, of such place or building or part thereof for carrying out the inspection under sub-section (1).
- (3) The owner or occupier or any other person shall not obstruct or cause any obstruction to the entry of a person empowered or authorized under this section into or upon any land or building or shall not molest such person after such entry for inspection.
- (4) When any such place or building or part thereof used as a human dwelling is entered under sub-section (1), due regard shall be paid to the social and religious sentiments of the occupiers; and before any flat, apartment or a part of such building in the actual occupancy of any woman, who, according to the custom does not appear in public, is entered under sub-section (1), notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.
- (5) Where the inspection is carried out by the Fire Officer under the preceding provisions of this section, he shall give a report of any such inspection to the Director of Fire and Emergency Services.
- (6) The Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or Fire Officer shall, after completion of the inspection of the place or building or part thereof under this Section, record his views on the deviations from or the contraventions of, the requirements with regard to the fire prevention and life safety measures or the inadequacy or non-compliance of such measures provided or to be provided therein with reference to the height of the building or the nature of activities carried on in such place or building or part thereof and issue a notice to the owner or occupier of such building or part thereof directing him to undertake such measures within such time as may be specified in the notice.

29. Information on outbreak of fire

Any person who possesses any information regarding an outbreak of fire shall communicate the same without any delay to the nearest fire station or ERSS (112).

CHAPTER VI

OFFENCES AND PENALTIES

30. General Provision

Whoever contravenes the provisions of this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to fifty thousand rupees, or with both and where the offence is a continuing one with an additional fine which may extend to three thousand rupees for each additional day of contravention during which such offence continues.

31. Penalty for violation of Duty

Notwithstanding any other action which may be taken under the provisions of this Act, any member of the Fire and Emergency Services who-

- (1) is found to be guilty of any violation of duty or willful breach of any provision of this Act and any Rule or order made thereunder; or
- (2) is found to be guilty of cowardice; or
- (3) withdraws or abstains from the duties of his office without permission or without having given previous notice of fifteen days or more; 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 Tripura Civil Service (Conduct) Rules, 1988; shall be punishable with imprisonment which may extend to three months or with fine which may extend to an amount not exceeding three months' pay of such member, or with both.

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

- (1) If any owner or occupier or an association of such owners and occupiers of a building or premises fails to appoint fire safety officers under Section 27, within thirty days, of the receipt of a notice given in this behalf by the Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or the Fire Officer, as the case may be, each one of them shall be deemed to be in default jointly and severally.
- (2) When the person liable for appointment of such fire safety officers is deemed to be in default, such sum not less than ten rupees per square meter and not exceeding fifty rupees per square meters of area owned or occupied by him including the common areas in the premises as determined by the Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services, may be recovered from him by way of penalty for each month of default or part thereof.
- (3) The amount due as penalty under sub-section (2) shall be recovered as arrears of land revenue.

33. Liability of property owner to pay compensation

- (1) Damages caused by the fire fighters or rescuers to the nearby properties while performing their lawful duty under section 16 of this Act, shall be identified by the State Government and due process for recovery, as may be prescribed by Rules, shall be initiated against the negligent persons concerned, if any, for whose fault or deliberate action the fire was caused.
- (2) Whenever it is established that the fire incident was due to willful default or negligence on the part of the owner or occupier of any building or premises, such owner or occupier shall be liable to compensate every person affected by such fire for the loss or injury sustained by them, as may be prescribed by Rules.

34. Failure to give information

Any person, who without adequate justification, fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under the first part of Section 176 of the Indian Penal Code, 1860 (45 of 1860).

35. Failure to take precautions

Whoever fails without reasonable cause to comply with any of the requirements specified in a notification issued under sub-section (1) of section 22 or of a direction issued under the section shall be punishable with fine which may extend to ten thousand rupees or with imprisonment for a term which may extend to three months, or with both and where the offence is a continuing one with an additional fine which may extend to one thousand rupees for each additional day of noncompliance during which such offence continues.

36. Penalty for willfully obstructing the fire-fighting, rescue operations

Any person who willfully obstructs or interferes with any member of the Fire and Emergency Services, who is engaged in fire-fighting or rescue operations, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand rupees, or with both.

37. False report

Any person who knowingly gives or causes to be given a false report of the outbreak of a fire or accidents to any person authorized to receive such report by means of a statement, message or otherwise shall be punishable with imprisonment which may extend to three months or with fine which may extend to ten thousand rupees, or with both.

38. Offences by Companies

- (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

- (2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance 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,-

- I. 'Company' means a body corporate and includes a firm or other association of individuals; and
- II. 'Director', in relation to a firm, means a partner or proprietor of the firm.

39. Compounding of offences

- (1) Any offence whether committed before or after the commencement of this Act punishable under Sections 33, 34, 35, 36, 37 or 38 may either before or after the institution of prosecution, be compounded by such officers of the Fire and Emergency Services and for such amount as the State Government may, by notification in the Official Gazette, specify in this behalf:

Provided that no offence shall be compoundable which is committed by failure to comply with a notice, order or requisition issued by or on behalf of the State Government or of any of the officers authorized under this Act and until the same has been complied with in so far as the compliance is possible.

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

40. Protection of action taken in good faith

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

41. Cognizance of prosecution

No court shall proceed to the trial of an offence under this Act, except on the complaint of, or upon information received from, the Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or the officer authorized by him in this behalf.

CHAPTER VII

APPEALS

42. Appeals

- (1) Any person aggrieved by any notice or order of the Sub-Divisional Magistrate, Fire Officer or the Director of Fire and Emergency Services may prefer an appeal against such notice or order to the Appellate Authority within thirty days:

Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient 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 that is to be appealed against and by such fees as may be prescribed by Rules.

CHAPTER VIII

TRAINING

43. Establishment of Fire and Emergency Services Training Institute

- (1) The State Government may establish and maintain one or more training centers in the State for providing courses in the prevention and extinguishment of fire and may close down or re-establish any such centre.
- (2) The State Government may extend the training facilities at the academy to be established under sub-section (1) to the Fire and Emergency Services under the control of industrial undertakings and private establishments as well as to the State Fire and Emergency Services of other States on payment of charges as may be prescribed.
- (3) The State Government may prescribe such fee and such procedure as it may deem fit for providing a course of instruction in the prevention and extinguishment of fire.
- (4) Subject to the observance of general Rules applicable to other employees of the Government in relation to training, the employees of the Fire and Emergency Services may be given training in the field of scientific and modern techniques of fire protection and fire safety measures, and allied matters in any institute, within or outside India at the cost and expense of the Government for the administration of the provisions of this Act.

44. Community Preparedness

The Director of Fire and Emergency Services or Fire Officer shall conduct community awareness and training programmes on preventive measures on fire & other emergencies. The Fire and Emergency Services shall render assistance and consultation to the communities in matters related to fire prevention as may be prescribed by the State Government from time to time.

CHAPTER IX

LEVY OF FIRE TAX, FEE AND OTHER CHARGES

45. Levy of fire tax

- (1) There may be levied a fire tax on lands and buildings which are situated in any area in which this Act is in force and on which property tax by whatever name called is levied by any local authority in that area.
- (2) The fire tax shall be levied 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, specify.
- (3) No fee shall be levied on any building vested in or under the control or possession of the Government or public authority owned by the Government.

46. Mode of assessment, collection, etc. of fire tax

- (1) The authorities empowered to assess, collect and enforce payment of property tax under the law authorizing the local authority of the area to levy such tax shall, on behalf of the State 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 law aforesaid and the provisions of such law including provisions relating to returns, appeals, reviews, references and penalties shall apply accordingly.
- (2) Such portion of the total proceeds of the fire tax as the State Government may determine shall be deducted to meet the cost of collection of the fire tax.
- (3) The proceeds of the fire tax collected under this Act reduced by the cost of collection shall be paid to the State Government in such manner and at such intervals as may be prescribed.

47. Fee on deployment of Fire and Emergency Services beyond the limits of the State

Employees of the Fire and Emergency Services may be sent beyond the limits of any area in which this Act is in force for voluntary services of emergency nature, in order to extinguish a fire in the neighborhood of such limits on the request of any State Government, local body or other Fire and Emergency Services authority, subject to prior approval of the concerned authority, in such manner as may be prescribed by Rules.

48. Recovery of Dues

Any amount payable under this Act shall be recovered as arrears of land revenue.

CHAPTER X

FIRE PREVENTION AND LIFE SAFETY FUND

49. Constitution of Fund:

- (1) There shall be constituted a fund to be known as Tripura Fire Prevention and Life Safety Fund.
- (2) The proceeds of fire fees, tax and penalties (other than fines) recovered under this Act, shall first be credited to the consolidated fund of the State after deduction of the expenses of collection and recovery, and thereafter under appropriation duly made by law in this behalf, be entered in, and transferred to, the fund constituted under sub-section (1).
- (3) Any amount transferred to the fund under sub-section (2) shall be charged on the Consolidated Fund of the State.
- (4) The amount of the fund shall be expended in such manner and under such conditions as may be prescribed by Rules.

CHAPTER XI
MISCELLANEOUS

50. Reciprocal fire-fighting arrangements with other Fire and Emergency Services

The Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services may, with the previous sanction of the State Government, enter into an agreement with any Fire and Emergency Services Authority which maintains the said fire and emergency services, beyond the limits of any area in which this Act is in force for providing personnel or equipment or both, for firefighting or rescue purposes, on such terms as may be provided by or under the agreement on reciprocal basis in public interest.

51. Deployment to other areas

The Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or any Fire Officer authorized by the State Government in this behalf may, on the occasion of a fire or other emergency in any neighboring area in which this Act is not in force, may order the dispatch of the employees of the Fire and Emergency Services with necessary appliances and equipment, to carry out fire-fighting or rescue operations in such neighboring area on reciprocal basis under the provisions of section 50 of this Act.

52. Employment on other duties

It shall be lawful for the State Government or any officer authorized by it in this behalf, to employ the Fire and Emergency Services in any rescue, salvage or other works for which it is suitable by reason of its training, appliances and equipment.

53. Power to obtain information

The Director or such officer appointed by State Government as Head of Department or any Fire Officer of Fire & Emergency Services, authorized by general or special order in this behalf may, for the purpose of discharging his duties under this Act, require the owner or occupier of any classes of building or other property, as may be specified by Rules, to supply information with respect to the character of such building or other property, the available water supplies, means of access thereto or any other material particulars, and such owner or occupier shall furnish all the information in his possession.

54. Power to seal buildings or premises

- (1) Where, on receipt of a report from the Fire Officer under sub-section (5) of Section 28 or otherwise, it appears to the Head of Department that the condition of any building 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. Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services shall inform the State Government in writing within forty-eight hours of issue of any such order.
- (2) If an order made by the Director of Fire and Emergency Services under sub-section (1) is not complied with, the Head of Department may direct any police officer having jurisdiction over the area to remove such persons from the building or premises and such officer shall comply with such directions.
- (3) After the removal of the persons under sub-section (1) or sub-section (2), as the case may be, the Director of Fire and Emergency Services or authorized Fire Officer shall seal such building or premises.

- (4) No person shall remove such seal except under an order made by the Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services.
- (5) Any person, who removes such seal except under an order made by the Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to twenty five thousand rupees, or with both.

55. Police officers and others to aid

During fire-fighting or rescue operations or any other duties related to seizure, detention or removal of any goods involving risk of fire, it shall be the duty of the police personnel deputed in the area to assist and aid the Director of Fire and Emergency Services or such Fire Officer in performance of such duties under this Act.

56. Fire and Emergency Services functioning in the State immediately before the commencement of this Act to be deemed to be Fire and Emergency Services constituted under this Act

Without prejudice to the provisions contained in any other law for the time being in force –

- (1) the Fire and Emergency Services functioning in the State before the commencement of this Act shall, on such commencement, be deemed to be the Fire and Emergency Services constituted under this Act and every member of the existing State Fire and Emergency Services holding the office, shall be deemed to be appointed and to hold the office, under this Act;
- (2) all proceedings pending before any Fire Officer of the existing State Fire and Emergency Services, immediately before the commencement of this Act be deemed to be proceedings pending before him in his capacity as the holder of the office to which he is deemed to be appointed under sub-section (1) and shall be dealt with accordingly.

57. Death of member of Fire and Emergency Services

In the event of death of a member of the Fire and Emergency Services, other than a Gazetted officer, while on duty, the State Government shall pay such amount to the next of kin as funeral expenses as the State Government may by an order determine.

58. Officers to be public servants

- (1) Every employee of Fire & Emergency Services, acting under the provisions of this Act, shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).
- (2) Being member of essential or emergency service no operational member of Fire and Emergency Services shall be a member of, or be associated in any way with any trade union, labour union or political association. No operational member of the Fire and Emergency Services shall participate, or address, any meeting or take part in any demonstration organized for any political purposes or for such other purposes as may be prescribed.

59. Calling of returns, reports, statements, etc.

The State Government may call for such returns, reports and statements on any subject connected with fire prevention and fire safety, maintenance of order and performance of duties by the Director of Fire and Emergency Services, fire officers, operational employees, other employees and subordinate operational staff, and the same shall be furnished immediately.

60. Power to make Rules

- (1) The State 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, uniforms and all other conditions of service of the employees of the State Fire & Emergency Services;
 - (b) constitution of fire stations and other field formations;
 - (c) form of certificate of appointment and fire officer under whose seal such certificate of appointment shall be issued;
 - (d) mode of assessment, collection and enforcement of payment of fire tax;
 - (e) manner in which fire tax collected shall be paid to the State Government;
 - (f) fee on deployment of Fire and Emergency Services beyond the limits of State, terms for reciprocal fire-fighting arrangements with other Fire and Emergency Services;
 - (g) the minimum standards for fire prevention and fire safety measures, form of declaration, appeal, notice and fees under this Act;
 - (h) charges for extending training facilities at Fire & Emergency Services Academy to others;
 - (i) officers of the Fire and Emergency Services, and the amount for compounding of offences ;
 - (j) making available to the Fire and Emergency Services such appliances and equipment as it deems proper;
 - (k) the adequate supply of water to secure that it shall be available for use;
 - (l) constructing or providing fire stations or hiring places for accommodating the employees of the Fire and Emergency Services and its firefighting appliances;
 - (m) giving rewards to persons who have given notice of fires and to those who have rendered effective service to the Fire and Emergency Services on the occasion of fires;
 - (n) the training, discipline and good conduct of the employees of the Fire and Emergency Services;
 - (o) speedy attendance of employees of the Fire and Emergency Services with necessary appliances and equipment on the occasion of any alarm of fire;
 - (p) regulating and controlling the powers, duties and functions of the Director of Fire and Emergency Services or such officer;
 - (q) regulating installation of pandals and temporary structure;
 - (r) writing of confidential reports of fire officers;
 - (s) determining the description and quantity of fire fighting and rescue equipment including appliances, clothing and other necessities to be furnished to the Fire and Emergency Services;
 - (t) institution, management and regulation of any Fire and Emergency Services fund for any purpose connected with policy administration;
 - (u) 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;
 - (v) generally, for the purposes of rendering the Fire and Emergency Services efficiently and preventing abuse or neglect of their duties; and
 - (w) Any other matter which is required to be, or may be, provided by the Rules.

61. Delegation of powers

The Head of Department of Fire and Emergency Services 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 Fire and Emergency Services specified in the order.

62. Repeal and Savings

- (1) Save as otherwise provided in this Act, an and from the date of commencement of this Act, the West Bengal Fire Services Act, 1950, in its application to the State of Tripura, is hereby repealed.
- (2) Notwithstanding the repeal under sub-section (1),-
 - (a) anything done or any action taken or purported to have been done or taken, including any Rule, notification, inspection, order or notice made or issued or any appointment or declaration made or any operation undertaken or any direction given or any proceeding taken or any penalty, punishment, forfeiture or fine imposed under the repealed enactment shall, insofar as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act;
 - (b) subject to the provisions of clause (a), any Rule, notification, regulation, order, appointment, document or agreement made, fee directed, resolution passed, direction given, proceeding taken, instrument executed or issued, or thing done under or in pursuance of the repealed enactment shall, if in force at the commencement of this Act, continue to be in force, and shall have effect as if made, directed, passed, executed, issued or done under or in pursuance of this Act;
 - (c) any person appointed to any office under or by virtue of the repealed enactment shall be deemed to have been appointed to that office under or by virtue of this Act;
 - (d) any jurisdiction, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not in existence or in force shall not be revised or restored;
 - (e) all funds constituted and established under the repealed enactment shall be deemed to be funds constituted or established under the corresponding provisions of this Act;
 - (f) any inspection, investigation or inquiry ordered to be done under the repealed Act shall continue to be proceeded with as if such inspection, investigation or inquiry has been ordered under the corresponding provisions of this Act;
- (3) Reference in any other enactment to any of the provisions of the repealed enactment shall be construed as a reference to the corresponding provisions of this Act.

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

- (a) to provide and maintain such water supply and fire hydrants for fire-fighting purposes as may be directed by the State Government from time to time;
- (b) to frame bye-laws for the regulation of dangerous trades;
- (c) to order any of its employees to render aid in fighting a fire when reasonably called upon to do so by any member of the fire service; and
- (d) generally to take such measures as will lessen the likelihood of fires or preventing the spread of fires.

63. Power to remove Difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Act, the State 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 the 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 Tripura.

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

- (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.
- (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.

65. Requisition of Firefighting property:

Where the Director of Fire and Emergency Services or such officer appointed by State Government as Head of Department of Fire and Emergency Services or Fire Officer, who is in-charge of a fire-fighting or any emergency operation, requires fire-fighting equipment and appliance or property of any other Authority, any institution or individual, he may by order requisition such equipment or property for the purpose of extinguishing fire or any other emergencies in any area and take possession thereof from the Authority, institution or individual, as the case may be.

66. Special promotion to the subordinate operational staff

To encourage outstanding officers, employees, sportsmen or marksmen who have shown exceptional gallantry and devotion to duty in saving the life and property or in any other task, the Head of Department may, with the prior approval of the State Government, promote such employees out of turn to the next higher rank subject to availability of vacancies. Such promotions shall not exceed ten percent of the sanctioned strength in such ranks. For purposes of seniority such promotees shall be placed at the bottom of the promotion list drawn up for that year.

-Sd-
(SOPAN CHAUDHURI)
Deputy Secretary, Law
Government of Tripura