

MANIPUR FIRE SERVICE ACT, 1992

GAZETTE EXTRAORDINARY PUBLISHED BY AUTHORITY 1993 (Phagnia- 24, 1914) No. 1240 Imphal, Monday, March 15, GOVERNMENT OF MANIPUR LAW & LEGISLATIVE AFFAIRS DEPARTMENT NOTIFICATION Imphal. the 15th March, 1993 No. 2/35/92-Leg/L.—The following Act of the Legislature, Manipur which miyed assent of the Governor of Manipur on 11-3-93- is hereby- pt&hed in •e GGtte. L. SIBOMCHA SINGH, Secretary (Law) no the Govt. of Manipur. •THEPdANIPUR FIRE SERVICE ACT, -1992 (Manipur Act No. 2 of -1993) AN to pmptde for the maintenance of a Fire Service for the State of Mmipur. BEE* Sute oftManimtr in ffe of Republié4 0 nd:a as föllows:— 1. this e Act calldthe Manipur &nriee Act", (2) It whole ot th9SOEof Manipur: notifiiaion tin 2 6.2. Gbjæg or conte*.... (a) "Director" means the Director of qze Manipur Pire Service anointed under Section 4 of this Act ; (b) "Fire Fighting Property" includes— (i) land and building di*ly with fire fighting; (ii) fire - eqyipm?4ts, t0Qls, qnpbments things whatsoever« used for fire fighting ; mQtQt vehicles and other means of transpoWUEd.-ä.ceæüA*th fire fiÖting ; and Gv) uniforms and of ranks (c) "Fire. SC*\$ipn" me4nq post or. plap declared-geqerally. or a notificatibn in the- Official Gazette by the State -Government be a Fire Station and also includes a Fire Sub-Station; (d) "Fire Service" means the Manipur Fire Service maigtained under this Act; (e) "Licencing Authority" means the Deputy Commissioner or such omger as may .be au\$horid by Stateßovainment ; (f) "Member?" includes a member of the Fire Service who supervisory, executive and operational duties in such ranks as may be by the St@te Government ; (g) "Ofiqer-ip, charæ pf a Fire St4tion" includes when the omcer•in-charge of the Fire Station is absent from the Fire Station or unable from illness or other cause to perform his duties, the Fire Ofcer present at the Station who is next in rank to such Ofcer or any other omcer holding charge of the Fire Station in the absence of the omcer-in-charge; (h) "Pläce" means either enclosed or covered or open land haying buildings or premises seventyRie on any side of its surroundings; (i) means prescribed by-rules under this Act; (j) "State Government" means the State Government of Manipur; (k) "Warehouse" means any building place used whether temporarily or permanently for storing, keeping or otherwise dealing in any manner of such articles which in the opinion d the State Government are considered as inflammable. factories, workshops, buildings, shop;, etq. dealiP& in any for the purpoje o this Act; or of such aüßß which. in o of the State Govnænt ore considered repairül OF TRB 3. of Fire maiatained by SBto Fire to be called Manipur 4. of Director of Manipur Fire Service:—The Stete Govern- m.y person to Director of Manipur Fire- *rVice." g. Superintendence and con&ol of the Fire The dence• and controt the Fire Srs*ice shall vest ther- Director and shall be carried on by him in accordane with the provisions of -tbå Act and of any rule made (2) The State Government may appoint spei omcere as deem fit to äSsÄt tho Director in the disCharge of his duties

6. Appointment of subordinate members of the Fire Director other ofiêér orthe Fire Service.as the State, authorisa in this behalf appoiât members of the Fire- Sér#iæ of -'Wbordinate ranks in accordance with the rules made under this Act

7. Issueof ta members of Fire shall, on appointment to tho.mre- Service, receive. the form under the sed Ot the Oirector or authorise&in cbi& behalf by the State and thereupon such have powerg, and privneges of a member of the Fire Seri'ice• under this Act. (2) The certificate refèrrpd Y to. in Nbbeqstion (1 Y sh*ll —e effect when the person named "thereiä ceases for any reason to be a of the Fire. *rtvic« on his ceasing to be such member, he shall forthwith surrender tho certificate to ony omcor empowered to recdve the same. DuFing period of the powers, funeions*ndlprivifeges vest many member of the Fire *rvice shall be in such shall to be subject to the same discipline and penalties as he would have been if he had not bea t. -it to St*ts that iiiä ServWbY enrolment orvolunteers for such areas and on such ditions as it may deem fit. 9. —r alga's on duty and part of the o\$«.tha. Bire Service shau, fff-all' this Agt tb always 0B duty and may at any be employed in agy part of the POWERS OF qoVBRNMEkrJ DI*ggqR 0F- THE 10; POV of &atâ may, from dme to make such general or special orders as it (b) for vater aöffdiäiecurig that it shall be available *for use ; (c) for jor providing - stations- or hifing i fox of the Fire Service and its fre:fiÉhting appliances ; (d) w •foi . giving ;rewardg to.pau"-who have given: notice for ffites and to those who have rendered effective service to the Fire Service ; (e) -for the training, discipline afd good conduct of the members -of the Fire Service ; (f) for deciding or determining the cadre or terms and conditions of service

of the members of the Fire also members - of other staff for creating such other rules in of service conditions and conduct -rules as it may fit ; (g) for the speedy attendance of members Fire Service with necessary appliances and equipments on -the, occasion of any fire alarm; (h) for sending members of the Fire Service with and equipments beyond the limits of any area if -which this Act is in force for purpose of fire fighting in the other limits on such terms- and conditions and under such exigencies of situation as it deems proper ; (i) for the employment of the members of the Fire Service in any rescue, salvage or other special type of jobs ; (j) for regulating and controlling the powers, -duties and functions of the Director and other members of the Fire Service -and (k) generally of -the Fire Service in a due state of working. 11. Preventive measures The State Government may, by notification in the Official Gazette, require owners or occupiers of premises in any way or of any class of; premises used for purposes which in its opinion are likely to a risk, of fire to take such precautions as may be "prescribed in Such. -(2) No building or place shall be used as a warehouse or as a workshop- unless the occupier thereof shall have previously obtained this Act, for its use and that no licence to use any place Warehouse be granted unless such building Or to such Precautionary measures taken by the owner . thereof as may be directed by the Licensing Authority, (3) The owner or occupier of place Which was. before as a Warehouse date this - comes into force shall have to apply for obtaining a licence from application - thirty days from the date of the Act my 01st who granted it. 5 (5) Where on application, a licence or renewal of a licence is refused* withdrawn or suspended, the Licensing Authority shall record in writing the reasons for such refusal with due intimation to the applicant. (6) _ Every licence granted under sub-section (2) above shall be to be renewed annually. Application for renewal shall be made to the Licensing Authority who shall refer the case to the Director and the Licensing Authority shall grant or refuse renewal as may be recommended by the Director

12. Person aggrieved by -an order of the Licensing Authority refusing, withdrawing or suspending any licence may file an appeal before the prescribed Authority in prescribed manner within thirty days of such refusal, withdrawal or suspension provided that for the purpose of this section the prescribed Authority - means the Director in cases where the Licensing Authority an officer subordinate to the Director and the State Government where the Licensing Authority is the Director or the Deputy Commissioner

13. Power to seize, remove or destroy goods, etc. If a warehouse is detected using it without a licence, it shall be lawful for the Director or any officer authorised by the State Government in this behalf, to direct removal of prescribed article 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 such officer may seize, detain, remove, dispose of or destroy such objects goods in such manner as may be prescribed by the State Government. The Director or such officer as may be authorised will not be liable to pay any, compensation in any manner to any person in this respect

14. Change of occupation:—Whenever a change in the occupation of any warehouse or workshop occurs, the person entering into the occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Licensing Authority of such changes of occupation and shall thereupon pay a fee as may be prescribed and his name shall accordingly be substituted in the licence in respect of the warehouse or workshop for the name of the last occupier

15. Fire building or place shall be used for the purpose of manufacturing, making or otherwise dealing in any manner in respect of fire works without previously obtaining a licence for the same from the Licensing Authority

16. Place of public gathering for No building or structure of any kind shall be used for public gathering for any other purposes +where public may assemble unless the owner or occupier thereof shall have previously obtained a licence. Application for such licence shall be made to the Licensing Authority who shall refer the case to the Director and the Licensing Authority shall grant or refuse such licence as may be recommended by the Director. (2) (i) No Licence shall be granted unless the building or structure conforms to such rules and conditions as may be -prescribed for purposes of public safety and (ii) advance payment of such fees as may be prescribed is made. Explanation.—Theatres, Cinemas, Circus, Fair/Melas and such other like come 'under the purview of this Section-. 6 G. Any person who intends to -put up a shed or a temporary "With roof or wall and materials for use- as a place where the members: of the public may assemble with the Licensing Authority for permission to erect such structures or

21. Power of Director to enter into arrangements for assistance —The Director may, with the previous sanction of the State Government, enter into arrangements employs and maintains personnel or equipment for both for fire-fighting to, as to, payment or otherwise as may be provided or on the arrangements; the provision for the purpose of dealing with fires occurring in any area in which this Act is in force

24. Levy of Fire TIEre may be levied a -Fire Service on land and -buildings which are situated in any area uwhich •this ÅGb is in Orce OD which propetty tax by whatever ngme called is levied by ady Authority in that area. The Fire Sgvic.e Fee shall be lexicd in the •form.of a tax. at sgpb r,,ate not exceeding 10% of-g prop%ty- tax \$tite 'Government- may, •by notificatioi in bhe •&iat paygl9pt properY faÆ Low(âytheüty •such tax use tog* ibis Qsess, pollect and enforce payment of the File Seivïöe- Feé fit thie Any tof reviews, revisions. referen• 8 (2). Such portion of the total proceeds of the Fire Service Fee as the State Government may determine shall be deducted to meet the cost of collection of the. Fee. (3) The proceeds of the Fire Service Fee 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 prescribed. 26. Fiütiqn of fees •nd- procedure for The State Government- nay prescribe such fees and such procedure for payment of fees as _it may deem fit for gragtjng any licence under any of the provision of this Act. (2) The State Government may prescribe such fees .and such chargea and such conditions as it may deem fit for the purpose of different types Of special jobs that may be undenaken by the Manipur Fire Service and that the Authority on whose request such job is undertaken will be bound to make such payment. (3) Where members of the Fire Service are sent beyond the limit of any area, in which this Act is in force, in order to extinguish a fire in- the neigh- bourhood of such limits, the owner or occupier of the premises where the fire occun•ed or spread "all be liable to pay such fee as may be prescribed in this behalf. (4) The fee referred to sub-section (1), (2) and (3), shall be payable within one month of the service of a notice of demand by the Director on the owner or the occupier and if it is not paid within . that period, it shall be recoverable as an arrear of land revenue. ACQUISITION OF FIRE FIGHTING PROPERTY 27. Acquisition of- fire fighting property

(1) If after making such enquiry and investigation -as it deems -necessary and. after giving the Local Authority an opportunity to DBke its. representations, the State Government is of opinion that the standard of emciency of the fire fighting personnel and equipment maintained by the Local Authority is not adequate to meet the normal require- aents of the areas, the State Government may acqulle the fire fighting property of the Local Authority by publishing in the Official Gazette a notice to the effect that the State Government 'has decided to acquire such property on payment of its market value; a copy of such notice shall also be served -on the Local Authority. (2) When a notice as aforesaid is published in the Ojcial Gazette, the property specified in such notice shall, on and from the beginning of the date on -which the notice is so published, vest absolutely in the State Government, free from all encumbrances

28. Prohibition against transfer of fire fighting property:—No Local Authority -of any area in which this Act is in force shall, after the commencement of this Act in that area, transfer or otherwise part with any fire fighting without the previous sanction of the State Government.

29. Method of determining The amount of compensation payable in respect of any firefighting property acquired- under this Act shall be the prevailing market value of such property on the date of the notice referred to in section 27.

(2) amount of compensation shall be determined in the manner accordance with the principles hereinafter set out, that is to say— (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement; (b) where no such agreement can be reached, the State Government may appoint arbitrator, a person who is or has been or is qualified for appointment as a District and Sessions Judge; (c) the State Government may in any particular case nominate a person having expert knowledge as to the nature of the property to assist the arbitrator and where such nomination is made, the Authority concerned may also nominate an assessor for the same purpose; (d) at the commencement of the proceedings before the arbitrator, the State Government and the Local Authority shall state what in their respective opinions is a fair amount of compensation; (e) The arbitrator shall, after hearing the dispute, make an award determining the amount of compensation which appears to him to be just and in making the award he shall have regard to the circumstances of each case and the provisions of this section and nothing in the Arbitration Act, 1940 shall apply to arbitrations under this section

30. Powers of arbitrator:—The arbitrator appointed under section 29(2)(b) while holding arbitration proceedings under- this Act, shall have all the powers of the Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Act V Of 1908) in respect of the following matters namely (a) summoning and enforcing the attendance of any person and examining him on oath; (b) requiring the discovery and production of documents; (c) receiving evidence on affidavits and (d) issuing commissions for examination of witnesses

31. Appeals from award in respect of the State Government or a Local Authority is agrieved by an award of the arbitrator under section 29, it may within thirty days from date of such award prefer an to the District and Sessions Court within whose appellato jurisdiction the acquired property is

situated.PENALTIES 32. Penalty for violating preventive measures Any person who violates of tl:w govision. u/s 11, 15, 16 and •17 . of this Act shall be pünishöble * on "Magistrate with imprisonment which may -extend td twe may. extend. to Rs. 50001'. og with. 10 (2) Any person who uses any warehouse or any workshop im respect of •ch licenp Aas secus*d pr *ffr tt.Äe he dq(iiig t.iwef*i be on con%tionbdore •a"Magistrate, with Imprisonmedt which may Ro mne may-ß'tend to- Rs. 1000/-« (3) Any holder of a'licerice violates any of the condition under which a •f or ouqi&able, on fitb six months or wilh upto Rs. 4) in.tl& occupatipn of warehouse. or.workshop, to a notice and•to fees is not reaewed timely,as *uls 'i'fē persoxor of sush *arehouse or -workshop Shaq punishable, on conviction before a Magistrate, with fine at the rate of Rs. day. -Rer;on who witfully to or i.'ttæqs•with the Oiregtor Qr u/' or or any assistati •accompanying the Director or such Officers whili 'exercising i.risonment ysix,moqtb ÜSith both. *(6) An.y who wilfully anmember of th• .Ser,gicpawb» is e—ed..in or caperations shall pudishable with imprisonment which may extend oc with fine upto Rs. 500/- or with both. 33. Vi91& (a) is provision of this Act or any rule or order cr (b) fis founu to be OT (c) having gWen previous notiCe o at ast two moithö; (d) being absent on leave •fails without reasonable}cause to report•himself for duty 04 (e) accepts an ether employempt or in ef yp -payo suc member or both

34. Failure to give person who without just cause failed to communicate information in his regardin' an outbreak of fire shall -section 176 of the Indian penal tpunishabl€ under the first part by 177 of

the 11 .36. Äevent , fram omigiiÖn Which constitutes an offeöce under that Aét; Pxovjded Bävi.l SiateG0Yfroæt _or i! jhis behalf by theSWe Govenment if b-do•qe gr in the discharge of-,bis emc.ial GENERAL- AND 737. Traiüg Government may establish nore Training Centres in the State for pxgention, - fire rescue operations and e Centre

38. Bar to menaisr of the'FireServioe Shan engage -in any employment or office whatsoever other than his duties under this Act unless expressly permitted to do so ky the Direggor, D, 'to Director or any *.ømcar & 'State Gowrnænt in •this behalf. may, on the déspatch of the member of the Fire Service with necessary appliances *'Ad qqgipmwgs .go A*AKry ep fixe in saéä -zea and thB &and •the shall apply to such area diiring the period of fire or emergency or during the period as the Director may specify. - •hall '*be for 'rthe Government or any omcer authorised by it in •to employ ihe •Fire Service in any rescue, salvage or other work for which it is suitable by reason of its *tsaiQigw, »ppli+es It i&i! "the duty of the Five Service jp .prwÆß *Kiqe {And distrefß 41. •Enquiry into origin of Ire and report to Magiüate:- --Whø has occurred within, any area in which this Act is in force. the seniormost omcer in rank among the members of .the Fire Service in *that 4tea Ahall to and of ,such and a epqrt to Magistmte >haviag jurisdiction 'the ßlice •fn Z*fñieh nich fire occurs and the said Magistrate shall in any case whée he deem fit summon witoeeses and teke eyi4øe grogr etp sm *Ot. Speh *fiailNbmiüis fiAAing - öf iéöörts and 07 all efidences ugd9r - Öis gction shall be furnished, on appiication, to any Fire insurance Company OR inerøte4 .qn mymgnt iqqpiN. o. %NRty agent done deliberately or negligently shall be liable to pay action -or any *Tson acting undef the authority of such off%r. 12 (2) All claims under sub-section (1) shall be preferred to the - Distri#•-: Magistrate within thirty days from the date when tlE was caused. (3) The District Magistrate shall, aner giving the patties an opportunity of being heard, determine the amount of compensation due and pass ac order stating such amount and the person liable for the same and the order so passed shall have the force of a decree of a civil court

43. Power to obtain omcer of the Fire Service not below the rank of Officer in-Charge of a Fire Station or Sub-Station may for the purpose of discharging his duties under the Act require the owner or occupier of any building or other property to supply information with respect to the character of such building or other property, the availablq •water supplies; and the means of accesses thereto and any other material particulars andY auch owner or shall furnish all the information in his possession

44. Power of entry AI) The Director or any member of the Fire Service authorised by.hime in this behalf may enter any of the place specified in any ndtification itsued under section 11 (1) for the purpose of determining whether preautions against fire required to be taken on such place have been so taken. (2) No claim: shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1)

45. Consumpåon of charge or objection shall be made or raised by any Local Authority or individual for water consu mption in fire fighting operations by the- Fire Service

46. No compensation for interruption of water supply authority in charge of water.supply in an area shall be entitled to any claim for co.mpen• sation for damage by reason of any interruption of supply of water occasioned by compliance of such authority with the requiren)ent specified in clause (d) of section 22, 47. Police Omcers to shall be the duty of Police Officers of all ranks to aid the members of the Fire Service in the execution of thier duties under the Act

48. Information on out break of fire person -who possesses any informa- tion regarding an outbreak of fire shall communicate the same by quickest means to the nearest Fire Station

49. Indemnitys suit, prosecution or other legal proceedings shall lie against any member of the Fire Service for anything which is in good faith done or imgp'ded to be done.in pursuance of this Act or any rile or order made thereunder. \$0. Power to make Rules TheShte Government may, bj natifiniionv in Gezette, make rules for carrying out the purposeS.,of this Act: