

The Assam Fire Service Rules, 1989

ASSAM

India

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Rule THE-ASSAM-FIRE-SERVICE-RULES-1989 of 1989

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The Assam Fire Service Rules, 1989Published vide Notification No. HMB-261/87/6, dated 4th October 1989 in the Assam Gazette, Part 2A, dated 27-12-1989Last Updated 12th February, 2020Notification No. HMB-261/87/6, dated 4th October 1989. - In exercise of the powers conferred by Section 48 of the Assam Fire Service Act, 1985 (Assam Act No. 13 of 1985), the Governor of Assam is pleased to make the following rules :

1. Short title, extent and commencement.

- (i) These rules may be called the Assam Fire Service Rules, 1989.(ii)They shall extend to the whole of the State of Assam.(iii)They shall come into force on the date of publication in the official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires-(i)'Act' means the Assam Fire Service Act, 1985;(ii)'Form' means forms appended to these rules;(iii)'Building' means a house, outhouse, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure of masonry, bricks, wood, mud, metal or other material;(iv)'National Building Code of India, 1983' means the book containing fire prevention and safety measures to be implemented in the buildings, places, premises, workshops warehouses and Industries published by the Indian Standards Institution;(v)'Fire Prevention and Fire Safety measures' means such measures as are necessary in accordance with the requirements laid down in Chapter IV of the National Building Code of India, 1983 for the prevention, control and fighting of fire for insuring the safety of life and property in cases of fire;(vi)'Nominated authority' means an officer not below the rank of a Station Officer nominated by the Director of Fire Service, Assam;(vii)'Occupier' includes-(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 licence in occupation of any land or building; and(e)Any person who is liable to the owner for damages for the

use and occupation of any land or building;(viii)'Owner' includes a person, who for the time being is receiving or 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 another 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 was let out to a tenant;(ix)'Premises' means any land or any building or part of a building appurtenant thereto which is used for storing explosives substances, and dangerously inflammable substances.Explanation. - "Explosive substances" and "dangerously inflammable substances" shall have the meanings respectively assigned to them in the Explosives Act, 1984 the Explosive Substances Act, 1908 and the Inflammable Substances Act, 1952;(x)'Appellate authority' means the Commissioner of the Division;(xi)The words and expressions used and not defined in these rules shall have the same meaning as assigned to them in the Assam Fire Service Act, 1985.

3. Nominated authority.

- Appointment of any person as nominated authority shall be made by the Director of Fire Service who shall also prescribe the jurisdiction within which such person shall function.

4. Minimum standards.

- The minimum standards for the prevention and fire safety measures specified for buildings, warehouse, workshop, places of public entertainment or any other place shall be such as are provided in the Chapter IV of the National Building Code of India, 1983 or as may be revised from time to time.

5. Inspection of buildings, premises, etc.

(1)The nominated authority may, after giving three hours' notice to the occupier, or if there be no occupier, to the owner of any building or premises enter or inspect the said building or premises at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and safety measures; Provided that the nominated authority may enter into and inspect any building or premises at any other time if it appears to it to be expedient and necessary to do so in order to ensure safety of life and property.(2)The nominated authority shall be provided with all possible assistance by the owner or occupier, as the case may be, of the building or premises for carrying out the inspection under sub-rule (1).(3)When any building or premises used as a human dwelling is entered under sub-rule (1), due regard shall be paid to the social and religious sentiments of the occupiers, and before any apartment in the actual occupancy of any woman, who, according to the custom does not appear in public, is entered under sub-rule (1), notice shall be given to her that she is at liberty to withdraw and reasonable facility shall be afforded to her for withdrawing.

6. Measures for fire prevention and fire safety.

(1)The nominated authority shall, after the completion of the inspection of the building or premises

under Rule 5, record its views on the deviation from, or the contravention of, the requirements laid down in Chapter IV of the National Building Code of India, 1983, with regard to the fire prevention and fire safety measures and the inadequacy of such measures provided therein with reference to the height of the building or the nature of activities carried on in such building or premises and issue a notice to the owner or occupier of such building or premises directing him to undertake such measures as may be specified in the notice.(2)The nominated authority shall give a report of any inspection made by him under Rule 5 to the Director of Fire Service, Assam.

7. Power to seal buildings or premises.

(1)Where, on receipt of a report from the nominated authority under sub-rule (1) Rule 6 it appears to the Director of Fire Service that the condition of any building or premises is dangerous to life or property he shall, without prejudice to any action taken under Rule 6, by order, require the persons in possession or occupation of such building or premises to take forthwith such measures may be specified in the order.(2)If an order made by the Director of Fire Service under sub-rule (1) is not complied with, the Director of Fire Service may direct any Police Officer having jurisdiction in the area to remove such persons from the building or premises and such officer shall comply with such directions.(3)After taking action under sub-rule (1) or the removal of the persons under sub-rule (2), as the case may be, the Director of Fire Service shall seal the building or premises.(4)No person shall remove such seal except under an order made by the Director of Fire Service.

8. Provision regarding certain buildings and premises.

(1)The Director of Fire Service may for taking action under the rules enter into and inspect any building, the construction of which was completed on or before the date on which these rules had been published in the Gazette or any building which was under construction on such date, if such action appears necessary for ascertaining the adequacy of fire prevention and fire safety measures in such buildings.(2)The entry and inspection under sub-rule (1) shall be done by the Director of Fire Service or the nominated authority in the manner laid down in Rule 5.(3)The Director of Fire Service or the nominated authority shall, after inspection of the building or premises under sub-rule (1) and after taking into consideration-(a)the provisions laid down in Chapter IV of the Indian Building Code, 1983, in accordance with which the plan of the said building or premises was sanctioned;(b)the conditions imposed, if any, by the local authority at the time of sanction of the plan of the said building or premises; and(c)the minimum standards for fire prevention and fire safety measures specified for such building or premises as may be specified by rules framed under the Assam Fire Service Act, 1985;issue a notice to the owner or occupier of such building or premises stating therein the inadequacy in regard to the fire prevention and fire safety measures in it and direct he owner or occupier to undertake measures for rectifying the said inadequacy within such period as he may consider just and reasonable.

9. Time for completion of measures under sub-rule (1) of Rule 6.

- Director of Fire Service or the nominated authority shall indicate the time within which fire safety and fire prevention measures should be provided as per requirements of sub-rule (1) of Rule 6.

10. Format of notices.

(1)The notice required to be given under sub-rule (1) of Rule 5 shall be in the Form 'A'.(2)The notice required to be given under sub-rule (1) of Rule 6 shall be in Form 'B'.(3)The notice required to be given under sub-rule (2) of Rule 8, shall be in Form 'C'.(4)The notice required to be given under sub-rule (3) of Rule 8 shall be in Form 'D'.

11. Powers of the Director of Fire Service in case of default.

(1)The Director of Fire Service, or his nominated authorities in the event of non-compliance of any notice issued under Rule 6 or Rule 8 may take such steps as may be necessary for the compliance of such notice.(2)The expenditure incurred in relation to any steps taken by him under sub-rule (1) shall be recoverable from the occupier irrespective of the fact whether he is the owner of the premises or not unless the owner, in those cases where occupier is different from the owner, agrees to pay in full or in part the expenses thus incurred by the Director of Fire Service.

12. Liability.

(1)Where any building or premises is owned or occupied by more than one person, the responsibility for providing the fire safety and fire preventive measures as per the directions of the nominated authority or the Director of Fire Service in the whole building shall be shared in proportion to the area occupied or owned by individual owner or occupier as the case may be.(2)The expenditure incurred by the Director of Fire Service or the nominated authorities as referred to in Rule 11(2) shall be recoverable from the occupier irrespective of the fact whether he is the owner of the premises or not unless the owner, in those cases where occupier is different from the owner, agrees to pay in full or in part the expenses thus incurred by the Director of Fire Service.

13. Procedure of sealing of building or premises.

- The Director of Fire Service shall follow the following procedure in required to sealing of any building or premises required to be sealed under sub-rule (3) of Rule 7-(a)he shall require the persons in possession or in occupation of the building or premises to be sealed to remove themselves from there forthwith;(b)in case of non-compliance of the said order he direct any police officer having jurisdiction in the area to remove such persons from such building or premises;(c)after the removal of persons in occupation from such building or premises, he shall seal the building or premises in the manner he deems fit; (d)the seal used to seal the premises shall remain in custody of the Director of Fire Service;(e)if the building or premises required to be sealed on receipt of the report of the nominated authority is found to be locked or inaccessible, Director of Fire Service, Assam may break open the locks, enter the premises and after taking all necessary steps required to be taken under Rule 7, re-lock and seal the premises; provided that if any building or premises is forced opened under this rule an inventory of the material found in the premises shall be prepared in the presence of two independent witnesses and a copy thereof shall be delivered to the owner or occupier, if present at the site;(f)he shall inform about sealing in writing to the police

station of the area in which such building or premises are situated;(g)he shall report in writing to the police station concerned if the seal fixed under the rules on any building or premises is found to be taken or tampered with.

14. Appeals.

(1)Any person aggrieved by any notice or order of the nominated authority or the Director of Fire Service may prefer an appeal against such notice or order to the appellate authority within thirty days from the date of the notice or order appealed against:Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.(2)Appeal shall lie to the Government of Assam against the order of the appellate authority confirming, modifying or annulling a notice or an order issued or made under these rules within thirty days from the date of the order of the appellate authority:Provided that the Government of Assam 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 the appeal within that period.(3)An appeal to the appellate authority or the Government of Assam may be made in such form and shall be accompanied by a copy of the notice or order appealed against and such fees as may be specified under this rule.

15. Format of appeal and fees.

(1)An appeal to the appellate authority under sub-rule (1) of Rule 14 of the rules shall be preferred in Form 'E' and shall be accompanied by a fee of Rs. 500 (Rupees five hundred) only.(2)An appeal to the Government of Assam under sub-rule (2) of Rule 14 of these rules shall be preferred in Form 'F' and shall be accompanied by a fee of Rs. 1,000 (Rupees one thousand) only.

16. Sanction of prosecution.

- No court shall proceed to the trial of an offence under these rules except on the complaint of or upon information received from the Director of Fire Service, Assam or the nominated authority.

17. 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 under these rules.

18. No objection certificate.

(1)The Deputy Commissioner or such officer as may be authorised by the State Government shall issue trade licence for warehouse, workshop, places of public entertainment or any other place, in their respective jurisdiction on receipt of 'No objection certificate' from the Director of Fire Service.(2)The Director of Fire Service on being satisfied about provision of fire prevention and safety measures, obtained in a place shall issue "no objection certificate" in Form "G", under

sub-rule (1).

19.

(1) In the event of fire incident being attended by the members of Assam Fire Service Force, the Director or an officer authorised by him shall issue a Fire Attendance Certificate to the owners of property so affected by the fire on receipt of a proper application. (2) The Fire Attendance Certificate under sub-rule (1) shall be issued in Form 'H'. Form A [See Rule 10 (1)] Form of notice to be served for entry and inspection Notice I, the nominated authority appointed under the Assam Fire Service Rules, 1989, do hereby give you notice that on expiry of three hours from the time of service of this notice upon you, I shall enter and inspect your building/premises bearing No located..... for the purpose of ascertaining the adequacy or contravention of fire prevention and fire safety measures as required to be provided under rules framed under the aforesaid Act. To Nominated Authority..... Owner/Occupier..... Form B [See Rule 10(2)] Form of notice to be served for carrying out the direction of the nominated authority Notice I, the nominated authority appointed under the Assam Fire Service Rules, 1989 on basis of inspection conducted by me on do hereby call upon you to undertake the following fire prevention and fire safety measures in building/premises No..... Above action should be completed latest by (Date) Nominated Authority To..... Owner/Occupier..... Form C [See Rule 10 (3)] Form of notice to be served for carrying out entry and inspection Notice I, Director of Fire Service Assam, Guwahati, empowered by the Assam Fire Service Rules, 1989 do hereby give you the notice that on expiry of three hours from the time of service of this notice upon you, I shall enter and inspect your building/premises No..... located at for the purpose of ascertaining the adequacy or contravention of fire prevention and fire safety measures as required to be provided under rules framed under the aforesaid Act. Director of Fire Service Force, Assam, Guwahati To..... Owner/Occupier..... Form D [See Rule 10(4)] Form of notice to be served for undertaking measures for rectification of the inadequacy in relation to fire prevention and fire safety measures Notice I, Director of Fire Service, Assam, Guwahati, empowered under the Assam Fire Service Rules, 1989, on the basis of inspection conducted by me on do hereby call upon you to undertake the following fire prevention and fire safety measures in building/ premises No..... Action should be completed latest by (date) Director of Assam Fire Service Force, Assam, Guwahati To..... Owner/Occupier..... Form E [See Rule 15 (1)] Form of appeal to the appellate authority under Rule 14 (1) framed under the Assam Fire Service Act, 1985 Before Shri Appellate Authority. Appeal No of..... 20.... Shri s/o Shri..... resident of Appellant. Versus Nominated Authority/Director of Fire Service..... Respondent. Appeal under Rule 14 (1) framed under the Assam Fire Service Rules, 1989 against the notice/order of Shri nominated authority/Director of Fire Service. Dated..... Sir, The Appellant respectfully sheweth as under :

1. Statement of facts.

2. Grounds of appeal.

3. Fee of Rs. 500 has been paid vide Receipt No.....dated...

4. Appeal is within time.

5. No other appeal or any matter relating to the subject matter to this appeal is pending in any Court of Law.

6. Relief claimed.

Signature of AppellantVerificationI,.....the Appellant do hereby declare that what is stated above is true to the best of my personal knowledge and belief and that I have not suppressed any material facts.Verified today, the day of 20.Signature of the authorised representative, if any.Signature of AppellantForm F[See Rule 15 (2)]Form of appeal to the Government of Assam against order of the appellate authority under Rule 14 (2) framed under the Assam Fire Service Act, 1985Appeal No of 20.Shri...s/o Shri resident of Appellant.VersusNominated authority/Director of Fire Service.Appeal under Rule 14 (2) framed under the Assam Fire Service Act, 1985against the order of Sri Appellate Authority.Sir,The Appellant respectfully sheweth as under :

1. Statement of facts.

2. Grounds of appeal.

3. Fee of Rs. 1, 000 paid vide Receipt No.dated

4. Appeal is within time.

5. No other appeal or any matter relating to the subject matter of this appeal is pending in any Court of Law.

6. Relief claimed.

Signature of authorised representative, if anySignature of AppellantVerificationI, the Appellant do hereby declare that what is stated above is true to the best of my personal knowledge and belief and that I have not suppressed any material facts.Verified today, the day of 20.PlaceDateSignature of the authorised representative, if anySignature of AppellantForm G[See Rule 17]No objection certificate in respect of inbuilt fire fighting, fire prevention and means of escape measures inDate.....No.Shri/Smt/Miss.....With reference to your completion report order No dated I hereby certify that the building, as per description below at Dag No.....Mouza (Place) has been

inspected in respect of implementation of inbuilt fire fighting/fire prevention/escape means measures and is declared fit in respect of fire safety. The State Fire Service Organisation has no objection in its occupation/utilisation for the purpose of subject to conditions mentioned overleaf. Details of approved occupation

Ground Floor. 1st Floor.

- | | | |
|----|-------------------------|----------------------------|
| 1. | Floor Area. | 1. Floor Area. |
| 2. | Purpose of utilisation. | 2. Purpose of utilisation. |
| 3. | | 3. |
| 4. | | 4. |

2nd Floor 3rd Floor

- | | | |
|----|------------------------|---------------------------|
| 1. | Floor Area | 1. Floor Area |
| 2. | Purpose of utilisation | 2. Purpose of utilisation |
| 3. | | 3. |
| 4. | | 4. |

4th Floor 5th Floor

- | | | |
|----|------------------------|---------------------------|
| 1. | Floor Area | 1. Floor Area |
| 2. | Purpose of utilisation | 2. Purpose of utilisation |
| 3. | | 3. |

6th Floor 7th Floor

- | | | |
|----|------------------------|---------------------------|
| 1. | Floor Area | 1. Floor Area |
| 2. | Purpose of utilisation | 2. Purpose of utilisation |
| 3. | | 3. |
| 4. | | 4. |

Director, Assam Fire Service Force Assam, Guwahati Dated.....Memo No.....Copy to :

1.

2.

Director, Assam Fire Service Force, Assam, Guwahati

1. The N.O.C. is a valid up to.....

2. There should not be any change of trade for which licence has been issued.

- 3. There should not be any structural change of the building either horizontally or vertically. There should not also be any change in the existing fire fighting arrangements.**
- 4. The fire fighting equipment should always be in serviceable condition.**
- 5. Water reservoir should always be kept full up to the brim.**
- 6. The entrance and exit and the water reservoir should always be free from any obstruction or protection.**
- 7. This N.O.C. is liable to be cancelled if the premises (for which the N.O.C. is granted) when inspected are not found conforming to the description and condition under which this N.O.C. is granted and also punishable under Rules 17 and 19 of the Assam Fire Service Rules, 1989.**

Form H[See Rule 19]Fire Attendance Certificate

- 1. Address of the place of occurrence of the Fire incident.**
- 2. The name(s) of the Fire Station(s) attended.**
- 3. Date and time of receipt of the fire call in the Fire Station.**
- 4. Brief description of the type of properties involved in fire.**
- 5. (A) Owners' name(s) with address(es).**

(B)Occupiers' name(s) with address(es).

- 6. Duration of fire fighting operation.**
- 7. Number and type of Fire Tenders/Pumps pressed into service, to extinguish the fire.**
- 8. Remarks, if any**

Director, Assam Fire ServiceForce, Assam, GuwahatiDate.....Memo No.Copy to:

1.

2.

Director, Assam Fire Service Force, Assam, Guwahati For Office use only.

1. Fire Report No. and date.....

2. S.O. and S.C.O.'s forwarding No. and date.....

Fire Prevention Officer, Assam State Fire Service Force, Assam, Guwahati