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GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

New Delhi, the 1st Nov., 1992.

N O T I F I C A T I O N

G.S.R. No. 1053(E) In exercise of the powers conferred by section 10 of the Dadra and Nagar Haveli Act, 1961 (35 of 1961), the Central Government hereby extends to the Union territory of Dadra and Nagar Haveli, the Goa, Daman and Diu Fire Force Act, 1986(Act No. 9 of 1986) as in force in the Union territory of Daman and Diu at the date of this notification, subject to the following modifications, namely:-

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M O D I F I C A T I O N S

1. Throughout the Act, -

   (a) unless otherwise directed, for the word "Government", the word "Administrator" shall be substituted and there shall also be made in any sentence in which the word "Administrator" occur, such consequential changes as the rules of grammer may require;

   (b) for the words "Goa, Daman and Diu" except where they occur in the long title, enacting formula and short title, the words "Dadra and Nagar Haveli" shall be substituted.

2. In section 2,-

   (a) clause (a) shall be renumbered as clause(aa) thereof, and before the clause (aa) as so renumbered, the following clause shall be inserted, namely:-

   "(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;";

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(b) after clause (e), the following clause shall be inserted, namely:-

(ee) "local authority" means a Village Panchayat constituted under the Dadra and Nagar Haveli Village Panchayats Regulation, 1965 (3 of 1965);";

(c) in clause (g), for the words "Government of Goa, Daman and Diu", the words "Administration of Dadra and Nagar Haveli" shall be substituted.

3. In section 3,-

(a) for the words "Government Fire Force", the words "Dadra and Nagar Haveli Fire Force" shall be substituted;

(b) for the words "by Government", the words "by the Central Government" shall be substituted.

4. In section 8, for the words "Consolidated funds of the Union territory of Goa, Daman and Diu", the words "Consolidated fund of India" shall be substituted.

5. In section 16, in sub-section (2), for the word "Government", the words "Central Government" shall be substituted.

6. In section 23, for the word "Government", the words "Central Government" shall be substituted.

Contd..3/-

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A N N E X U R E

THE GOA, DAMAN AND DIU FIRE FORCE ACT, 1986 (ACT NO. 9 of 1986) AS EXTENDED TO THE UNION TERRITORY OF DADRA AND NAGAR HAVELI.

An ACT to provide for the maintenance of Fire Force for the Union territory of Goa, Daman and Diu.

Whereas it is expedient to provide for the establishment and maintenance of Fire Force in the Union territory of Goa, Daman and Diu;

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-seventh year of the Republic of India as follows:-

C H A P T E R I

Preliminary

1. Short title, extent and Commencement.- (1) This Act may be called the Goa, Daman and Diu Fire Force Act, 1986.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force in any area on such date as the Administrator may by notification in the Official Gazette, appoint and different areas and different provisions of this Act and in reference to any such provisions to the area or areas in which this Act is in force shall be construed as a reference to the area or areas in which the provision is in force.

/dates may be appointed for different

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution.

(aa) "Collector" means the Chief Officer in-charge of Revenue Administration of the District and includes acting or officiating Collector and also any officer appointed by the Government to exercise the functions of the Collector;

(b) "Director/Chief Fire Officer" means the Officer appointed by the Central Government as Director/Chief Fire Officer of the Fire Service of the Union territory of Dadra and Nagar Haveli;

(c) "Fire Fighting Property" includes

(i) Lands and buildings used as Fire Stations;

contd..4/-

(ii) Fire fighting appliances, equipment, tools, implements and things whatsoever used for fire fighting;

(iii) Motor vehicles and other means of transport used in connection with the fire fighting;

(iv) Uniforms and badges of Rank;

(d) "Fire Station" means any post or place declared generally or specially by the Administrator to be the Fire Station;

(e) "Fire Force" means the Fire Force of Dadra and Nagar Haveli maintained under this Act;

(ee) "Local Authority" means a Village Panchayat constituted under the Dadra and Nagar Haveli Village Panchayats Regulation, 1965 (3 of 1965);

(f) "Officer-in-charge" of Fire Station includes, when Officer-in-charge is absent from the Station or unable from illness or other cause to perform his duties, the Fire Officer present at the Station who is next in the rank to such Officer;

(g) "Official Gazette" means the Official Gazette of the Administration of Dadra and Nagar Haveli;

(h) "prescribed" means prescribed by rules made under this Act.

3. Maintenance of Fire Force.- A Fire Force to be called as the Dadra and Nagar Haveli Fire Force shall be maintained by the Central Government for Services in the local areas in which this Act is in force.

4. Superintendence and Control of Fire Force.-

(1) Superintendence and Control of the Fire Force shall vest in the Director/Chief Fire Officer and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

(2) Administrator may appoint such Officer as it may deem fit to assist the Director/Chief Fire Officer in the discharge of duties.

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5. Appointment of members of Fire Force.-

The Director/Chief Fire Officer or such other Officer of the Fire Service as the Administrator may authorise in this behalf shall appoint members of the Fire Force in accordance with the rules made under this Act.

6. Issue of Certificate to Members of Fire Force.- (1) Every person shall on appointment to the Fire Force, receive a certificate in the prescribed form under seal of the Director/Chief Fire Officer authorised in this behalf by the Administrator and thereupon such person shall have powers, functions and privileges of the members of the Fire Force 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 a member of the Fire Force and on his ceasing to be such member, he/she shall forthwith surrender the certificate to any officer empowered to receive the same.

(3) During any time of suspension, the powers, functions, privileges vested in any member of the Fire Force shall be in abeyance but such members shall continue to be subject to the same discipline and penalties as he/she would have been, if he/she had not been suspended.

7. Auxiliary Fire Force.- (1) Whenever it appears to the Administrator that it is necessary to augment the services it might raise an auxiliary Fire Force by employment of volunteers on such areas and on such terms and conditions as it may deem fit.

(2) Every such volunteer shall receive a certificate in the prescribed form, and shall have the same powers and protection and shall be liable to all such duties and penalties and be subordinate to the same authorities as member of the ordinary Fire Force.

8. Expenditure on Fire Force.- The entire expenditure in connection with Fire Force shall be met out from the consolidated fund of India.

contd...6/-

C H A P T E R II

POWERS OF ADMINISTRATOR, DIRECTOR/CHIEF FIRE OFFICER AND MEMBERS OF FORCE.

9. Powers of Administrator to make orders.- The Administrator may from time to time make such general or special orders as he deems fit -

(a) for providing services with such appliances and equipment as he deems proper;

(b) for providing adequate supply of water and for securing the same as it shall be available for use;

(c) for construction or providing stations or shiring places for accommodating the members of the Fire Force and its fire fighting appliances;

(d) for giving rewards to persons who have given notice of fire and to those who have rendered effective services to the Fire Force on the occasion of fire in the discharge of their duties under section 26;

(e) for giving compensation to the persons who have rendered effective services to the Fire Force in case of accident or to the dependents of such persons in case of death while they were engaged in helping the Fire Force in the discharge of their duties;

(f) for the training, discipline and good conduct of the members of the Fire Force;

(g) for the speedy attendance of the members of the Fire Force with necessary appliances and equipment on the occasion of any alarm of fire;

(h) for sending members of the Fire Force with appliances and equipment beyond the limit of area in which this Act is in force for the purpose of fire fighting in the neighbourhood of such limit;

(i) for employment of the members of the Fire Force in any rescue, salvage or any other similar work;

contd...7/-

(j) for regulating and controlling of the powers duties and functions of the Director/Chief Fire Officer;

(k) Generally for the maintenance of the Fire Force in a high state of efficiency.

10. Powers of Members of Fire Force on occasion of Fire.- (1) On the occasion of fire in any area in which this Act is in force, any members of the Fire Force who is in charge of the fire fighting operation on the spot may -

(a) remove or order any other member of the Fire Force to remove any person who by his presence, interferes with or impeds the operation for extinguishing the fire or for saving life or property;

(b) close any street or passage in or near which the fire is burning;

(c) for the purpose of extinguishing fire, break into or break through or pull down any premises for the passage of hose or appliance or cause them to be broken into or through or pull down doing as little damage as possible;

(d) require the authority in charge of water supply in the area to regulate the water means so as provide water at a specified pressure at the place where fire has broken out or utilise from any stream, cistern, well or tank or from any available source of water whether public or private, for the purpose of extinguishing or limiting the spread of such fire;

(e) exercise the same powers for dispersing an assembly of persons likely to obstruct fire fighting operation as if he is the officer-in charge of a Police Station and as if such assembly is an unlawful assembly and shall be entitled to the same immunities and protection as such an officer in respect of the exercise of such powers;

(f) generally take such measures as may appear to him to be necessary for extinguishing fire or for the protection of life and property.

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

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11. Powers of Director/Chief Fire Officer to make arrangement for supply of water.- The Director/Chief Fire Officer may with the previous sanction of the Government, enter into an agreement with the Authority in charge of water supply in any area for securing the adequate supply of water in case of fire on such terms as to payment or otherwise as may be specified in the agreement.

12. Powers of Director/Chief Fire Officer to enter into agreement for assistance.- The Director/Chief Fire Officer may with the previous sanction of the Government enter into agreement with any person who employs or maintains personnel or keep equipments for fire fighting purpose. To secure on such terms as to payment or otherwise as may be provided by or under the arrangements of the personnel or equipment or any other assistance for the purpose of dealing with fire in any area in which this Act is in force.

13. Preventive Measures. - (1) The Administrator may by notification in the Official Gazette require owners or occupiers of premises in any area or of any class of premises used which in its opinion are likely to cause risk of fire, to take such precautions as may be specified in such notifications.

(2) Where notification has been issued under sub-section(1), it shall be lawful for the Director/Chief Fire Officer or any Officer of the Fire Force authorised by the Administrator in this behalf to direct the removal of the objects or goods likely to cause the risk of fire, to a place of safety and on failure of the owner or occupier to do so the Director/Chief Fire Officer or any such Officer may after giving the owner or occupier a reasonable opportunity of making the representation, seize, detain or remove such objects or goods.

contd..9/-

C H A P T E R III

Acquisition of Fire Fighting Property

14. Prohibition against transfer of fire fighting property. - No local authority of any area in which this Act is in force shall transfer or otherwise part with any fire fighting property without the previous sanction of the Administrator.

15. Requisitioning of fire fighting property. - (1) The Director/Chief Fire Officer/or any member of the Fire Force who is in-charge of a fire fighting operation may, if in his opinion it is necessary so to do for the purpose of extinguishing fire in any area, requisition and take possession of any fire fighting property in the possession of any local authority or any institution or individual.

(2) As soon as may be after the fire fighting operation are over, the Director/Chief Fire Officer or the member in charge of the fire fighting operation, as the case may be, shall release the property taken possession of under sub-section(1) from requisition and restore the same to the local authority institution or individual from whose possession such property was taken.

(3) Where any fire fighting property is requisitioned under sub-section (1), there shall be paid to the owner of such property compensation the amount of which shall be determined in accordance with the principles hereinafter set out, that is to say -

(a) Where the amount of compensation can be fixed by agreement between the Director/Chief Fire Officer and the owner of the fire fighting property, it shall be paid in accordance with such agreement;

(b) Where no such agreement can be reached, the Director/Chief Fire Officer shall refer the matter to the Magistrate having jurisdiction over the area in which the fire fighting property was kept and the Magistrate shall after hearing the parties and such other persons as he deems necessary, fix the amount of compensation taking in to consideration the rent which the fire fighting property would normally fetch if rented out for a similar purpose. The order of the Magistrate fixing the amount of compensation shall be final.

contd..10/-

16. Acquisition of fire fighting property. - (1) If, after making such inquiry and investigation as it deems necessary and after giving the local authority an opportunity to make its representation, the Administrator is of opinion that the standard of efficiency of the fire fighting personnel and equipment maintained by the local authority is not adequate to meet the normal requirements of the area, the Administrator may acquire the fire fighting property of the local authority by publishing in the Official Gazette a notice to the effect that the Administrator has decided to acquire such property on payment of compensation, a copy of such notice shall also be served on the local authority.

(2) When a notice as aforesaid is published in the Official 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 Central Government free from all encumbrances.

17. Principles and method of determining compensation. - (1) The Director/Chief Fire Officer or any Officer authorised by the Administrator shall as soon as may be after the publication of the notice under sub-section (1), of section 16 determine . . . . . the amount of compensation payable in respect of the fire fighting property based on the market value of the property on the date of publication of the said notice, that is to say, the price which it would have fetched in the open market if it had been sold on that date, provided that before determining the amount of compensation, the Director/Chief Fire Officer or the Officer, as the case may be, shall give the local authority an opportunity to state what in its opinion is a fair compensation.

(2) The Director/Chief Fire Officer or the Officer as the case may be, shall after determining the amount of compensation payable, give notice to the local authority of the amount of compensation so determined.

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18. Reference to Court. - If the local authority agrees to accept the amount so determined, it shall be paid in accordance with such Agreement. Otherwise the Director/Chief Fire Officer or the Officer, as the case may be shall refer the matter to the court having jurisdiction over the area in which the property is situated and the court shall, after hearing the parties and such other persons as it deems necessary determine the amount of compensation, which appears to it to be just, and in fixing the amount of compensation the court shall have regard to the market value of the property on the date of issue of notice referred to in sub-section(1) of section 16.

19. Appeal. - Where the Administrator or a local authority is agrieved by the decision of the court under section 18, it may within thirty days from the date of such decision prefer an appeal to the High Court.

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C H A P T E R IV

PENALTIES

20. Penalty for violation of duty, etc.-

Any member of the Fire Force who, -

(a) if found to be guilty of any violation of duty or wilful breach of any provision of this Act or any rule or order made thereunder; or

(b) if found to be guilty of cowardice; or

(c) withdraws from the duties of his office or resigns without permission or without having given previous notice of atleast two months; or

(d) being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave; or

(e) accepts any other employment or office in contravention of the provisions of section 24,

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.

21. Failure to take precautions.- Whoever fails without reasonable cause to comply with any of the requirements specified in notification issued under sub-section (1) of section 13 or of a direction issued under sub-section (2) of that section shall be punishable with fine which may extend to one thousand rupees.

22. Punishment for wilfully obstructing fire fighting operations.- Any person who wilfully obstructs or interferes with any member of the Fire Force, who is engaged in fire fighting operations shall be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

contd...13/-

C H A P T E R V

General and Miscellaneous

23. Training Centre.- The Administrator may establish and maintain one or more training Centres in the territory for providing courses of instruction in the prevention or extinguishment of fire and may close down or re-establish any such Centre.

24. Bar to other employment.- No member of the Fire Force shall engage in any employment or office whatsoever other than his duties under this Act unless expressly permitted to do so by the Director/Chief Fire Officer.

25. Transfer to other area.- The Director/Chief Fire Officer or any Officer authorised by the Administrator in this behalf may on the occasion of a fire or other emergency in any neighbouring area in which this Act is not in force, order the despatch of the members of the Fire Force with necessary appliances and equipments to carry on fire fighting operations in such neighbouring areas and thereupon all the provisions of this Act and the rules made thereunder shall apply to such area, during the period of fire or emergency or during such period as the Director/Chief Fire Officer may specify.

26. Employment on other duties.- It shall be lawful for the Administrator or any Officer authorised by him in this behalf to employ the Fire Force to any rescue, salvage or other work for which it is suitable by reason of its training, appliances and equipments.

27. Liability of Owner of Property to pay compensation.- (1) Any person whose property catches fire on account of any action of his own or of his agent done deliberately or negligently shall be liable to pay compensation to any other person suffering damages to his property on account of any action taken under section 10 of this Act by any Officer mentioned therein or any person acting under the authority of such Officer.

(2) All claims under sub-section (1) shall be referred to the Collector within thirty days from the date when the damage was caused.

contd...

(3) The Collector shall, after giving the parties an opportunity of being heard, determine the amount of compensation due and pass an order stating such amount and the person liable for the same. The orders so passed shall have the force of a decree of a Civil Court, and shall be subject to an appeal to the District Judge having jurisdiction over the area in which the property is situated.

28. Inquiry into origin of fire and report to Government.- Where any fire has occured within any area in which this Act is in force, the Collector shall ascertain the fact as to the origin and cause of such fire in consultation with the Director/Chief Fire Officer and shall make a report thereon to the Administrator.

29. Power to obtain information.- Any Officer of the Fire Force not below the rank of an Officer-in-Charge of a Fire Station may for the purpose of discharging his duties under this 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 available water supplies and the means of access thereto and other material particulars and such owner or occupier shall furnish all the information in his possession.

30. Power of entry.- (1) The Director/Chief Fire Officer or any member of the Fire Force authorised by him in this behalf may enter any of the places specified in any notification for the purpose of determining whether precautions against fire required to be taken on such places have been so taken.

(2) Save as otherwise expressly provided in this Act, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under sub-section (1).

31. Consumption of water.- No charge shall be made by any local authority for water consumed in fire fighting operations by the Fire Force.

contd. 15/-

32. No compensation for interruption of water supply.- No authority in charge of water supply in an area shall be liable to claim for compensation for damage by reason of any interruption of supply of water occasioned only by compliance of such authority with the requirement specified in clause (d) of section 10.

33. Police Officers to aid.- It shall be the duty of the Police Officers of all ranks to aid the members of the Fire Force in discharging their duties under the Act.

34. Indemnity.- No suit, prosecution or other legal proceedings 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 rule or order made thereunder.

35. Powers to make Rules.- (1) The Administrator may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for :-

(a) the number of grade of Officers and members of the Fire Force;

(b) the manner of appointment of members of the Fire Force;

(c) the form of the certificate to be issued to the members of the Fire Force;

(d) the conditions of service of the members of the Fire Force including their ranks, pay and allowances, hours of duty and leave, maintenance of discipline and removal from Service;

(e) the circumstances in which and the conditions subject to which members of the Fire Force may be despatched to carry on fire fighting operations in neighbouring areas beyond the limits of the area in which this Act is in force;

contd. 16/-

(f) the conditions subject to which members of the Fire Force may be employed on, rescue, salvage or other works;

(g) the manner of service of notice under this Act;

(h) the payment of reward or compensation to persons, not being members of the Fire Force, who render services under clause (d) or clause (e) of section 9;

(i) the compensation payable to members of the Fire Force in case of accidents or to their dependents in case of death while engaged on duty;

(j) for the employment of the Fire Force or use of any equipment outside the area or on special services; and

(k) any other matter which is to be or may be prescribed.

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(ASHOK NATH)
JOINT SECRETARY TO THE GOVT. OF INDIA.

To

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