

I-45011/34/2010- Ad(CD)
Government of India
Ministry of Home Affairs
(Disaster Management Division)

3rd Floor, B-Wing, NDCC-II Building,
Jai Singh Road, New Delhi
Dated 16.09.2019

To

The Chief Secretaries of the State / UT Governments
(As per the list attached)

Subject: Model Bill to provide for the Maintenance of a Fire & Emergency Service for the State - revised in 2019.

Madam / Sir,

I am directed to refer to the above-mentioned subject and to state that Fire Service is a state subject and has been included as a municipal function in the XII schedule of the Constitution of India in terms of Article 243-W. The Ministry of Home Affairs, Government of India under its advisory role in matters related to Fire Service, had prepared a Model Bill titled "Maintenance of a Fire Force for the State" in 1958 to facilitate enactment of Fire Service Acts/Rules in the States. Subsequently, 24 States/UT Governments had developed their Fire Service Act/ Rules. Remaining States/UTs are still in various stages of preparation and finalisation of their State Acts/Rules.

2. Over the decades, the role of Fire Service has changed. At present Fire Service is being utilized not only in responding to fire incidents but also for responding to local emergencies such as building collapse, search & rescue, nuclear-biological disasters and train/road accidents etc. Apart from response, fire prevention and mitigation assume more importance considering the increasing nos. of fire incidents day by day, especially in urban areas. However, the scope of the Fire Service Act / Rules in many States/UTs is still restricted for managing local fires. There is also a need to strengthen fire service in rural areas.

3. The matter related to amendment of Model Bill was discussed with the Heads of State/UT of Fire Services during the 31st meeting of the Standing Fire Advisory Committee (SFAC), held in August 2005, wherein an urgent need to update Model Fire Force Bill was highlighted, to address all issues related to Fire Service including their role in Disaster Management as Multi-Hazard Response Unit and provisions of National Building Code of India. Subsequently, based on National Consultations/ Brainstorming sessions organised by the Ministry of Home Affairs and DG(FS, CD & HG), a revised Model Bill was prepared and circulated to the NDMA and States/UTs in April 2017 for their comments/views. A meeting was also organised in July 2017 with the Heads of the Fire Service of States/UTs under the chairmanship of DG(FS, CD & HG) for final review and consensus of the stakeholders. The Fire Service Acts of various countries were also reviewed to look into the good practices in the world.


4. In view of the above background, the revised model bill has been approved by the Ministry of Home Affairs in consultation with the Ministry of Law & Justice. The revised document titled "Model Bill to Provide for the Maintenance of Fire and Emergency Service for the State" is uploaded on web link viz. www.ndmindia.nic.in.

5. A brief on salient features of the revised Model Bill is enclosed as Annexure-1.

6. In view of the above, the States/UTs are requested to examine their Fire Service Bill and revise/prepare their Fire Service based on the revised Model Bill at an early date. The State /UT Governments are requested to inform the action taken by them on this revised Model Bill to this Ministry. Receipt of the letter may kindly be acknowledged via email of the undersigned.

Encl. As above.

Yours faithfully,



(Rohtas Bhankhar)

Deputy Secretary to the Government of India

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Copy to:

- (i) Member Secretary, National Disaster Management Authority, NDMA Bhawan, A-1, Safdarjung Enclave, New Delhi - 110029
- (ii) DG(FS, CD & HG), East Block, Level-7, R.K. Puram, New Delhi 110066 [with a request to coordinate with the Heads of State / UT Fire Services on the above matter.]

The salient features of "Model Bill to Provide for the Maintenance of Fire and Emergency Service for the State", 2019 are as given below:

Sl.No.	Salient Features	Details
(i)	Title	Model Bill to Provide for the Maintenance of Fire and Emergency Service for the State.
(ii)	Elaborated Document	<p>The revised Model Bill proposes 11 detailed chapters consisting of 69 sections, comprising of the following:</p> <ul style="list-style-type: none"> • Definitions (consisting new terminologies); • Organisation; • Superintendence Control and Maintenance; • Fire Prevention and Safety Regulations; and • Control and Discipline of Fire and Emergency Services and Special provisions for the Fire Protection. <p><i>Several provisions have been detailed out and new sections / clauses have been added in the new Model Bill.</i></p>
(iv)	Operational Structure	<p>This section recommends the following:</p> <ul style="list-style-type: none"> • Appointment of Director for the State, which will be empowered to direct and regulate all the matters related to Fire & Emergency Services within his jurisdiction. • Matters related to constitution of sub-divisional/divisional hierarchies, different posts and service conditions will be prescribed in the state rules/acts as per the requirement of states. • The state is also liberated to constitute as many as fire stations and other field formations as it deem fit, based on their requirements of the state.
(v)	Agreements with agencies for resources	The Model Bill proposes a provision to enter into agreement with the third party for assistance required for meeting demand of water supply during normal time as well as during emergency response.
(vi)	Fire Protection and Life Safety Measures	<p>The Model Bill proposes to include a new chapter on "Fire Prevention and Life Safety Measures" in the State legislations, which comprise of the following additional provisions:</p> <ul style="list-style-type: none"> • occupiers liability to provide Fire & Life safety measures • Preventive measures for <i>pandals</i>/temporary structures, buildings, multi-storied/special buildings.
(vii)	Enforcement of Fire Protection Codes	This section provides enforcement of fire protection measures as per the National Building Codes of India,

		Model Building Bye-laws, 2016 by Ministry of Urban Development, Oil Industry Safety Directorate guidelines, Petroleum Act and Rules, Explosives Act and Rules of India relating to fire prevention and life safety measures as in operation in the State.
(viii)	Special clauses for Multi-storied and Special Buildings	<p>Keeping in view of increasing cases of fire accidents in urban areas, the Model Bill proposes the following:</p> <ul style="list-style-type: none"> • to make mandatory provision for the owners of multi-storied buildings (≥ 15 metre height), special buildings (educational, assembly, business, industrial & hazardous etc.) and mixed occupancies (having > 500 sqm area), • to ensure that such buildings shall be equipped with automatic sprinkler systems, fire alarms and fire extinguishers to prevent or extinguish fire. • In addition, a Fire Safety Officer is proposed to be appointed by the owners of such buildings or premises to ensure compliance of fire prevention and life safety measures. • Also, there is a provision for the fire services to inspect such buildings at the notice of three hours to the owner/occupier of the building.
(ix)	Issue of Fire Safety Certificate'	Concerned Fire Officer will be able to issue Fire Safety Certificates to the applicants within a period of one month of the application.
(x)	Community Preparedness	The State Fire & Emergency Service have been suggested to conduct awareness and training programmes for communities on preventive measures on fire and other emergencies.
(xi)	Constitution of Fund	"Fire Prevention and Life Safety Fund" has been proposed to be constituted under the Model Bill. The fund would be augmented through the fire tax, fees and penalties recovered under this model bill.