

Act No. 30 of 1984.

THE HIMACHAL PRADESH FIRE FIGHTING SERVICES ACT, 1984

(ASSENTED TO BY THE GOVERNOR ON THE 3RD DECEMBER, 1984)

AN

ACT

to provide for the maintenance of effective fire fighting service in the State of Himachal Pradesh.

Enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-fifth Year of the Republic of India as follows:—

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Himachal Pradesh Fire Fighting Services Act, 1984.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force in the State, 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 different provisions of this Act.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Director" means the Director of Fire-services appointed under section 4 of this Act;

(b) "fire fighting property" includes—

(i) lands and buildings used as fire stations,

(ii) fire engines, equipments, tools, implements and other items used for fire fighting,

(iii) motor vehicles and other means of transport used in connection with fire-fighting, and

(iv) uniforms and badges of ranks;

(c) "fire stations" means any post or place declared, generally or specially by the Director to be firestation;

(d) "service" means the Himachal Pradesh Fire Service maintained under this Act;

(e) "officer-in-charge of a fire station" means officer-in-charge of a fire station, sub-fire station or a fire post and in his absence includes the fire officer who is next in rank to such officer and is present at such fire station, sub-fire station, or a fire post, as the case may be;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "State Government" means the Government of Himachal Pradesh.

MAINTENANCE OF FIRE SERVICE

Mainten-
ance of Fire
Service.

3. There shall be maintained by the State Government a fire service to be called the Himachal Pradesh Fire Service for those areas of the State of Himachal Pradesh in which this Act is in force.

4. The State Government may appoint a person to be the Director of Fire Service.

Appoint-
ment of
Director for
Fire Service.

5. (1) The superintendence and control of the service shall vest in the Director and shall be carried on by him in accordance with the provisions of this Act and rules made thereunder.

Superinten-
dence and
control of
service.

(2) The State Government may appoint such officers as it may deem fit to assist the Director in the discharge of his duties.

6. The Director or such other officer of the service as the State Government may authorise in this behalf shall appoint members of the service in accordance with the rules made under the Act.

Appoint-
ment of
members
of the ser-
vice.

7. Whenever it appears to the State Government that it is necessary to augment the fire service, it may raise an auxiliary fire service by enrolment and training of volunteers, in such number and in such areas, as it may deem fit, on such terms and conditions as may be prescribed.

Auxiliary
fire service.

8. On the occasion of fire in any area in which this Act is in force, any member of the fire service, who is in-charge of fire-fighting operations on the spot, may—

Powers of
members of
the servi-
ce on occa-
sion of fire.

- (a) remove, or order any other member of the service to remove, any person who by his presence interferes with or impedes the operation for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which a fire is burning;
- (c) for the purpose of extinguishing fire, 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;
- (d) 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 utilise 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;
- (e) exercise the same powers for dispersing an assembly of persons likely to obstruct the fire-fighting operations as if he were an officer-in-charge of a police station and as such if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer has in respect of the exercise of such powers;
- (f) generally take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property in that area.

9. (1) The State Government may, by notification in the Official Gazette, require owners or occupiers of premises in any area or of any class of premises used for the purpose which in its opinion are likely to cause risk of fire, to take such precautions as may be specified in such notification.

Preventive
measures.

(2) Where a notification has been issued under sub-section (1), it shall be lawful for the Director or any officer of the service authorised by the State Government in this behalf to direct the removal of objects or goods likely to cause a 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, after giving the owner or occupier a reasonable opportunity of making representation, seize, detain or remove such objects or goods.

PENALTIES

Penalty
for violation
of duty etc.

10. Any member of the service who—

- (a) is 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) is found to be guilty of cowardice; or
 - (c) withdraws from the duties of his office without permission or without having given previous notice of at least two months; or
 - (d) being 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, without permission;
- 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 a person, or with both.

Wilfully
obstructing
fire-fighting
operations.

11. Any person who wilfully obstructs or interferes with any member of the service who is engaged in fire-fighting operations or neglects to furnish the information under section 14 shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

False report.

12. Any person who knowingly gives or causes to be given a false report of the out-break of a fire to any person authorised to receive such report by means of a statement, message or otherwise shall be punishable with a simple imprisonment which may extend to two months, or with fine which may extend to five hundred rupees, or with both.

GENERAL AND MISCELLANEOUS

Employment
on other
duties.

13. It shall be lawful for the State Government or any officer authorised by it in this behalf to employ the service in any rescue, salvage or other work for which it is suitable by reason of its training, appliances and equipment.

Power to
obtain in-
formation.

14. Any officer of the service not below the rank of officer-in-charge of a fire 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 available water supplies, means of access thereto and other material particulars and such owner or occupier shall furnish all the information in his possession.

Power of
entry.

15. The Director or any member of the service authorised by him in this behalf may enter any of the places specified in any notification issued under section 9 for the purpose of determining whether precautions against fire required to be taken on such places have been so taken.

16. No charge shall be made by any local authority private or public institution, or individual for water consumed in fire fighting operations by the service. Consumption of water.

17. No authority-in-charge of water supply in an area shall be liable to any 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 8. No compensation for interruption of water supply.

18. It shall be the duty of police officers of all ranks to aid the members of the service in the performance of their duties under this Act. Police officers to aid.

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

20. (1) The State Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters, namely:—

- (a) the manner of appointment of members of the service;
- (b) the conditions of service of the members of the service including their ranks, pay and allowances, hours of duty and leave, maintenance of discipline and removal from service;
- (c) the conditions, subject to which members of the service and equipment may be despatched to perform service in areas outside their jurisdiction;
- (d) the conditions subject to which members of the service may be employed on rescue, salvage or other work;
- (e) the manner of service of notices under the Act;
- (f) the payment of rewards and remuneration to persons not being members of the service who render service for fire-fighting purpose;
- (g) the compensation payable to members of the service in case of accidents or to their dependants in case of death while engaged on duty;
- (h) for the employment of members of the service or use of any equipment outside the area on special services and the fee payable therefor;
- (i) uniforms for the members of the service;
- (j) accommodation for the members of the service; and
- (k) any other matter which is to be or may be prescribed under the Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect,

as the case may be. However, any such modification or annulment shall be without prejudice to validity of anything previously done under that rule.

Repeal and savings.

21. If immediately before the day on which this Act comes into force, there is in force in that area any law or rule having the force of law which corresponds to this Act, such corresponding law in so far as it relates to any matter for which provision has been made in this Act shall on that day stand repealed:

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 service; and
- (d) generally to make such measures as will lessen the likelihood of fires or preventing the spread of fires.

AUTHORITATIVE ENGLISH TEXT

Act No. 16 of 2000.

THE HIMACHAL PRADESH FIRE FIGHTING SERVICES
(AMENDMENT) ACT, 2000

(AS ASSENTED TO BY THE GOVERNOR ON 27TH MAY, 2000)

AN

ACT

*further to amend the Himachal Pradesh Fire Fighting Services Act, 1984
(Act No. 30 of 1984).*Be it enacted by the Legislative Assembly of Himachal Pradesh in
the Fifty-first Year of the Republic of India, as follows:—

Short title.

1. This Act may be called the Himachal Pradesh Fire Fighting
Services (Amendment) Act, 2000.Amendment
of section 2.2. In section 2 of the Himachal Pradesh Fire Fighting Services
Act, 1984 (hereinafter referred to as the 'principal Act'),—

30 of 1984

(a) the existing clause (a) shall be re-numbered as clause (aa) and
before clause (aa) so-renumbered, the following clause shall
be inserted, namely:—“(a) “building” means any structure whether of masonry,
bricks, wood, mud, metal or other material ;”;(b) the existing clause (d) shall be renumbered as clause (ff) and
after clause (c), the following clause shall be added, namely:—

“(d) “occupier” includes,—

(i) any person who for the time being is paying or is liable
to pay to the owner the rent of the land or building in
respect of which such rent is paid or is payable ;(ii) an owner in occupation of, or otherwise using his land
or building ;

(iii) a licensee in occupation of any land or building ; and

(iv) any person who is liable to pay to the owner damages
for the use and occupation of any land or
building ;”;

(c) after clause (e) the following clause shall be added, namely:—

“(ee) “owner” means a person who is in actual occupation/pos-
session of the premises/land ;(d) the word “and” appearing at the end of clause (f) shall be deleted
and at the end of clause (ff) so renumbered, the word “and”
shall be inserted”.

3. In section 7 of the principal Act, at the end, for the sign ".", the sign ":" shall be substituted and thereafter, the following proviso shall be added, namely:—

Amendment of section 7.

"Provided that such Home Guards and Civil Defence Volunteers who are trained in fire fighting shall be treated as members of auxiliary fire services."

4. In section 8 of the principal Act,—

Amendment of section 8.

(i) in clause (d), after the words "so as to", but before the words "provide water", the words "keep the fire hydrants functional round the clock and to", shall be inserted ;

(ii) in clause (f), at the end, for the sign ".", the sign and words "; and" shall be substituted and thereafter, the following new clause (g) shall be added, namely:—

"(g) require the authority incharge of water supply to identify more and more places for installation of fire-hydrants and water storage tanks keeping in view the expansion of town(s) .".

5. In section 11 of the principal Act, for the words "three months" and "five hundred rupees", the words "one year" and "five thousand rupees" shall be substituted, respectively.

Amendment of section 11.

6. After section 11 of the principal Act, the following section 11-A, shall be inserted, namely:—

Insertion of section 11-A.

"11-A. 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 incharge 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 provided in this Act 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 purpose of this section.—

(a) "company" means a body corporate and includes a firm or other association of individuals ; and

(b) "Director" in relation to a firm means a partner in the firm."

Insertion of
sections
12-A, 12-B
and 12-C

7. After section 12 of the principal Act, the following sections 12-A, 12-B and 12-C shall be inserted, namely:—

“12-A. Cognizance of offences.—No Court shall take cognizance of an offence under this Act, except on the complaint of or upon information received from the Chief Fire Officer or any other officer authorised by him in this behalf.

12-B. Jurisdiction.—No Court inferior to that of a Judicial Magistrate of 1st Class shall try any offence punishable under this Act.

12-C. Officers to be public servant.—Every officer acting under this Act shall be deemed to be a public servant within the meaning of section 21 of Indian Penal Code.”

45 of 1860

Insertion of
section 15-A.

8. After section 15 of the principal Act, the following section 15-A, shall be inserted, namely:—

“15-A. No Objection Certificate.—All building plans in respect of buildings of above 15 metres of height, industrial units and commercial establishments dealing with or using explosive and highly inflammable substances shall require “No Objection Certificate” from the Director of Fire Services or Chief Fire Officer, as the case may be, on the basis of recommendations of Divisional Fire Officer or Station Fire Officer concerned.”