

Himachal Pradesh Fire Fighting Services Act, 1984

30 of 1984

[02 February 1985]

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Himachal Pradesh Fire Fighting Services Act, 1984

[02 February 1985]

An Act to provide for the maintenance of effective fire fighting service in the State of Himachal Pradesh. BEit enacted by the Legislative Assembly of Himachal Pradesh in theThirty-fifth Year of the Republic of India as follow:- 1 Passed in Hindi by the Himachal Pradesh Vidhan Sabha and for Statement of Objects and Reasons see R.H.P. (Extra.), dated the 12th September, 1984, page1584 and 1990.

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

(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 in to force in the State, on such date¹ 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.

¹ Act came into force w.e.f. 1-4-1991 in the whole of the State of Himachal Pradesh vide Not. No. Home-B (E)4-1//77, dated 17-3-1991, published in R.H.P., dated 30-3-1991, P. 32.

2. Definitions :-

In this Act, unless the context otherwise requires,-

1[(a) "building" means any structure whether of masonry, bricks, wood, mud, metal or other material;

(aa) "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 fire station;

2(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;";
 - (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;
 - 3 (e e) "owner" means a person who is in actual occupation/possession of the premises/land;
 - (f) "prescribed" means prescribed by rules made under this Act;
 - 4[and]
 - 5(ff) "service" means the Himachal Pradesh Fire Service maintained under this Act; and
 - (g) "State Government" means Government of Himachal Pradesh.
- 1 Existing clause (a) renumbered as (aa) and new clause (a) inserted vide Act No. 16 of 2000.
 - 2 The existing clause (d) renumbered as (ff) and new clause (d) inserted vide Act No. 16 of 2000.
 - 3 Clause (ee) added vide Act No. 16 of 2000.
 - 4 The words "and" appearing at the end of clause (f) deleted vide ibid.
 - 5 The existing clause (d) renumbered as (ff) vide Act No. 16 of 2000.

CHAPTER 2 MAINTENANCE OF FIRE SERVICE

3. Maintenance Of Fire Service :-

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 the Himachal Pradesh in which this Act is in force.

4. Appointment Of Director For Fire Services :-

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

5. Superintendence And Control Of Service :-

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

6. Appointment Of Members Of The Service :-

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.

7. Auxiliary Fire Service :-

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.

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

1 Proviso added vide Act No. 16 of 2000.

8. Powers Of Members Of The Service On Occasion Of Fire :-

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-

- (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 those 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 1[keep the fire hydrants functional round the clock and 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 disbursing 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 for the protection of life or property in that area [; and]²

3(g) require the authority in charge 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).

¹ Inserted vide Act No. 16 of 2000.

² Substituted for the sign "." vide Act No. 16 of 2000.

³ Clause (g) added vide *ibid.* months pay of such a person, or with both.

9. Preventive Measures :-

(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.

(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.

CHAPTER 3 PENALTIES

10. Penalty For Violation Of Duty Etc. :-

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 the fine which may extend to an amount not exceeding three

11. Wilfully Obstructing Fire Fighting Operations :-

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 1[one year], or with fine which may extend to 2[five thousand rupees], or with both.

1 Substituted for the words "three months" vide Act No. 16 of 2000.

2 Substituted for words "five hundred" vide ibid.

11A. Offences By Companies :-

1[(1) Where an offence under this Act, has been committed by a company, every person who, at the time the offence was committed, was in-charge 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.
1 Section "11-A" inserted vide ibid.

12. False Report :-

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.

12A. Cognizance Of Offences :-

1[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.

1 Sections 12-A, 12-B and 12-C inserted vide Act No. 16 of 2000.

12B. Jurisdiction :-

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

12C. 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).]

CHAPTER 4 GENERAL AND MISCELLANEOUS

13. Employment On Other Duties :-

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

14. Power To Obtain Information :-

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.

15. Power Of Entry :-

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.

15A. No Objection Certificate :-

1[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.]

1 Section 15-A inserted vide Act No. 16 of 2000.

16. Consumption Of Water :-

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.

17. No Compensation For Interruption Of Water Supply :-

No authority incharge 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.

18. Police Officers To Aid :-

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.

19. Indemnity :-

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.

20. Power To Make Rules :-

(1) The State Government 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 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 member 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 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, so, however, any such modification or annulment shall be without prejudice to validity of anything previously done under that rule.

21. Repeal And Savings :-

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.