

ACT 20 of 1962

THE KERALA FIRE FORCE ACT, 1962 [1]

An Act to provide for the maintenance of a Fire Force for the State of Kerala.

Preamble. whereas it is expedient to provide for the establishment and maintenance of a Fire Force in the State of Kerala;

Be it enacted in the Thirteenth Year of the Republic of India as follows:

chapter I

Preliminary

1. Short title, extent and commencement.(1) This Act may be called the Kerala Fire Force Act, 1962.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force in any area on such date as the Government may, by notification in the Gazette, appoint, and different dates may be appointed for different areas and for different provisions of this Act; and any reference in any such provision 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 that provision is in force.

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

(a) "Collector" means the Chief Officer in charge of the revenue administration of the district and includes an acting or officiating Collector, and also any officer appointed by the Government to exercise the functions of the Collector;

(b) "Director" means the Officer appointed by the Government as the Director of the Fire Force for the State of Kerala;

(c) "fire-fighting property" includes

(i) lands and buildings used as fire stations,

- (ii) fire engines, equipments , tools, implements and things whatsoever used for fire-fighting,
- (iii) motor vehicles and other means of transport used in connection with fire fighting, and
- (iv) uniforms and badges of rank;
- (d) "fire-station" means any post or place declared generally or specially, by the Government to be a fire-station;
- (e) "Force" means the Kerala Fire Force maintained under this Act;
- (f) "officer-in-charge of a fire-station " includes when the officer-in-charge of the fire-station 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 rank to such officer ;
- (g) "prescribed" means prescribed by rules made under this Act.

Maintenance of the Fire Force

3. Maintenance of Fire Force. There shall be maintained by the Government a Fire Force to be called the Kerala Fire Force for services in the local areas in which this Act is in force.

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

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

5. Appointment of members of the Force. The Director or such other officer of the Force as the Government may authorize in this behalf shall appoint members of the Force in accordance with the rules made under this Act.

6. Issue of certificate to members of Force. (1) Every person shall, on appointment to the Force, receive a certificate in the prescribed form under the seal of the Director or an officer authorised in this behalf by the Government; and thereupon such person shall have the powers, functions and privileges of a member of the 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 Force; and on his ceasing to be such member, he shall forthwith surrender the certificate to any officer empowered to receive the same.

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

7. Auxiliary Fire Force. (1) Whenever it appears to the Government that it is necessary to augment the Force, it may raise an auxiliary Force by enrolment of volunteers for 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, have the same powers and protection, be liable to all such duties and penalties and be subordinate to the same authorities as a member of the ordinary Force.

8. Expenditure on the Force. The entire expenditure in connection with the Force shall be met out of the Consolidated Fund of the State.

chapter II

Powers of the Government, the Director and Members of the Force

9. Power of Government to make orders. The Government may, from time to time, make such general or special orders as it thinks fit

(a) for providing the Force with such appliances and equipments as it deems proper ;

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

(c) for constructing or providing stations or hiring places for accommodating the members of the Force and its fire-fighting appliances ;

(d) for giving rewards to persons who have given notice of fires and to those who have rendered effective service to the Force on the occasion of fires or in the discharge of its duties under section 26 ;

(e) for giving compensation to persons who have rendered effective service to the Force in case of accidents or to the dependants of such persons in case of death while they were engaged in helping the Force in the discharge of its duties ;

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

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

(h) for sending members of the Force with appliances and equipment beyond the limits of any area in which this Act is in force for purposes of fire-fighting in the neighbourhood of such limits;

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

(j) for regulating and controlling the powers, duties and functions of the Director ; and

(k) generally for the maintenance of the Force in a due state of efficiency.

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

(a) remove, or order any other member of the Force 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 if such an assembly were 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 the fire or for the protection of life or property.

(2) Any damage done on the occasion of fire by members of the 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.

11. Power of Director to make arrangements for supply of water. The Director 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 an adequate supply of water in case of fire, on such terms as to payment or otherwise as may be specified in the agreement.

12. Power of Director to enter into arrangements for assistance. The Director may, with the previous sanction of the Government, enter into arrangements with any person who employs and maintains personnel, or keeps equipments for fire-fighting purposes, to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the personnel or the 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 Government may, by notification in the Gazette, require owners or occupiers of premises in any area or of any class of premises used for purposes which in its opinion are likely to cause a 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 Force authorised by the 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 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 Government.

15. Requisitioning of fire fighting property. (1) The Director or any member of the 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 operations are over the Director 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 subsection (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 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 shall refer the matter to the Munsiff having jurisdiction over the area in which the fire fighting property was kept and the Munsiff shall after hearing the parties and such other persons as he deems necessary to hear, fix the amount of compensation taking into consideration the rent which the fire fighting property would normally fetch if rented out for a similar purpose. The order of the Munsiff fixing the amount of compensation shall be final.

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 representations, the Government 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

Government may acquire the fire fighting property of the local authority by publishing in the Gazette a notice to the effect that the Government 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 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 Government free from all encumbrances.

17. Principles and method of determining compensation. (1) The Director or any officer authorised by the Government 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 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 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.

18. Reference to Court. If the local authority agrees to accept the amount so determined, it shall be paid in accordance with such agreement. If the local authority does not agree to accept the amount the Director or the officer, as the case may be, shall refer the matter to the court of the subordinate judge having jurisdiction over the area in which the property is situate, and the court shall, after hearing the parties and such other persons as it deems necessary to hear, 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 Government or a local authority is aggrieved 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.

chapter IV

Penalties

20. Penalty for violation of duty, etc. Any member of the Force who

(a) is found to be guilty of any violation of duty or willful breach of any provision of this Act or any rule or order made hereunder, or

(b) is found to be guilty of cowardice, or

(c) withdraws from the duties of, or resigns, his office without permission or without having given previous notice of at least 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 a 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 five hundred rupees.

22. Willfully obstructing fire fighting operations. Any person who willfully obstructs or interferes with any member of the 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 five hundred rupees or with both,

chapter V

General and Miscellaneous

23. Training Centers. The Government may establish and maintain one or more training centres in the State for providing courses of instruction in the prevention and extinguishment of fire and may close down or re-establish any such centre.

24. Bar to other employment. No member of the 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.

25. Transfer to other area. The Director or any officer authorised by the Government 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 Force with necessary appliances and equipments to carry on fire fighting operations in such neighbouring area and thereupon all the provisions of this Act and the rules made thereunder shall apply to such area, during the period of fire of emergency or during such period as the Director may specify.

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

27. Liability of owner of property to pay compensation. (1) Any person whose property catches fire on any 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 preferred to the Collector within thirty days from the date when the damage was caused.

(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 and the order as passed shall be subject to appeal to the District Judge having jurisdiction over the area in which the property is situate. The order so passed shall have the force of a decree of a Civil Court.

28. Inquiry into origin of fire and report to Government. Where any fire has occurred 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 and shall make a report thereon to the Government.

29. Power to obtain information. Any officer of the 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 or any member of the Force authorised by him in this behalf may enter any of the places specified in any notification issued under section 13 for the purpose of determining whether precautions against fire required to be taken on such place 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 Force.

32. No compensation for interruption of water supply. 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 10,

33. Police Officers to aid. It shall be the duty of police officers of all ranks to aid the members of the Force in the discharge of 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. Power to make rules. (1) The Government may, by notification in the 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

(a) the number and grades of officers and members of the Force;

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

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

(d) the conditions of service of the members of 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 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 ;

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

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

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

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

(j) for the employment of members of the 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.

(3) All rules made under this Act shall be laid, for not less than fourteen days, before the Legislative Assembly, as soon as possible after they are made and shall be subject to such modifications, whether

by way of repeal or amendment, as the Legislative Assembly may make during the session in which they are so laid or the session immediately following.

Fire Safety Clearance