

SIKKIM

GOVERNMENT



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The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 30th day of September, 1981, is hereby published for general information.

THE SIKKIM FIRE SERVICES ACT, 1981

ACT NO. 9 OF 1981

AN

ACT

to provide for the constitution and maintenance of a fire brigade for the State of Sikkim; for licensing of warehouses and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Sikkim in the Thirty-second Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. (1) This Act may be called the Sikkim Fire Services Act, 1981.
- (2) It extends to the whole of Sikkim.
- (3) It shall come into force in any area 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 for different provisions of this Act; and the State Government may by like notification withdraw this Act or the provisions thereof from any such area:

**Short title,
extent, com-
mencement and
withdrawal.**

Provided that when the fire brigade is sent to any place outside any such area this Act shall be deemed to be in force in such place for all purposes connected with service therein.

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

- (a) “Director” means the Director of Fire Services appointed by the State Government under sub-section (3) of section 3;

Definitions.

- (b) "fire brigade" means the fire brigade maintained by the State Government under section 3 and includes an Auxiliary fire brigade raised under section 4;
- (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;
 - (iv) uniforms and badges of rank;
- (d) "fire station" means any post or place declared, generally or specially by the State Government to be a fire station;
- (e) "members of the fire brigade" include persons employed in the Sikkim Fire Services and also volunteers and other persons enrolled in an Auxiliary fire brigade;
- (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 member of the fire brigade present at the station who is next in rank to such officer;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "warehouse" means any building or place used whether temporarily or permanently for the storing or processing or keeping of jute, gunny bags, cotton, hemp, resin, shellac, varnish, bitumen, pitch, tar, tallow, celluloid, wood, (excluding furniture kept in the building or place for ordinary use), charcoal, coal, straw, hay, grass, raw rattan canes, coconut fibre, waste paper, packing boxes or any other inflammable articles or chemicals and also any other article which is likely to increase the risk of fire and which is specified by the State Government, by notification in the Official Gazette, for the purpose of this clause;
- (i) "workshop" means any building or place where processing of any article is carried on for purposes of trade or business, if processing of such article is declared by the State Government, by notification in the Official Gazette in this behalf, to be attended with the risk of fire.

Explanation.— The expression "processing" means making, altering, repairing, treating or otherwise dealing with any article by means of steam, electricity or other mechanical power.

CHAPTER II

Fire brigade

**Maintenance,
constitution,
etc. of fire
brigade.**

- 3. (1) The State Government shall maintain a fire brigade for services in areas in which this Act is in force and may, if it thinks fit, send the fire brigade to any place outside any such area for service therein.
- (2) The fire brigade shall consist of such number of members and shall be otherwise constituted in such manner as the State Government may think fit.
- (3) The State Government shall appoint a person to be the Director of the Fire Services under this Act; and he shall remain under the control of the Inspector General of Police.
- (4) The fire brigade shall be under the direction and control of the Director who may, with the previous sanction of the State Government and subject to the orders or rules, if any, made by the State Government under the provisions of this Act, frame such regulations as it thinks fit relating to—

- (a) the general administration and control of the fire brigade including terms and conditions of service of members thereof;
- (b) the equipments, clothing and accoutrement of the members of the fire brigade, their classification and duties and distribution of work among them;
- (c) the place at which or the limits of the areas within which the members or any class of members of the fire brigade shall ordinarily reside for ensuring that the services of the members or such class of members of the fire brigade may be readily available;
- (d) all other matters which he considers necessary for rendering the fire brigade an efficient fire-fighting force.

4. The State Government may raise an Auxiliary fire brigade in any area in which this Act is in force and enrol volunteers or other persons as members of such brigade on such terms and conditions as it may think fit.

**Auxiliary fire
brigade.**

5. The State Government may, from time to time, make such general or special orders as it thinks fit—

**Power of State
Government to
make orders
with respect to
fire brigade.**

- (1) for furnishing and providing the fire brigade with such fire-fighting properties as it deems proper;
 - (2) for providing adequate supply of water and for ensuring that it is available for use;
 - (3) for constructing or providing stations or hiring places for accommodating the members of the fire brigade and its fire-fighting properties;
 - (4) for giving rewards to persons who have given notice of fires and to those who have rendered effective service to fire brigade on the occasion of fires;
 - (5) for the training, discipline and good conduct of the members of the fire brigade;
 - (6) for the speedy attendance of the members of the fire brigade with necessary fire fighting properties or equipments on the occasion of any alarm of fire;
 - (7) for sending the members of the fire brigade with necessary fire-fighting properties and equipments to any place beyond the limits of any area in which this Act is in force for the purpose of extinguishing fire in such place on such terms and conditions as it deems proper;
 - (8) for the employment of the members of the fire brigade on such terms and conditions as it deems proper in any rescue, salvage or other works not connected with extinguishment of fire for which the fire brigade may in its opinion, be usefully and appropriately employed;
 - (9) for enforcing discipline and imposing punishment on any member of the fire brigade who infringes any order;
 - (10) for regulating and controlling the powers, duties and functions of the Director and other members of the fire brigade;
 - (11) generally for the maintenance of the fire brigade in due state of efficiency.
6. (1) Where the fire brigade is sent to a place beyond limits of any areas in which this Act is in force in order to extinguish fire in a warehouse or a workshop at such place, the occupier of the warehouse or workshop shall be liable to pay such fee as may be determined by the State Government in this behalf.
- (2) The fee referred to in sub-section (1) shall be payable within one month of the service of a notice of demand by the Director on the occupier and if it is not paid within such period it shall be recoverable as a public demand.

**Fees payable
for extinguish-
ing fire in areas
where the Act
is not in force.**

Duties of members of fire brigade.

7. It shall be the duty of every member of the fire brigade to give effect promptly to the lawful commands of the Director or the officer-in-charge of a fire station or the officer in immediate charge of the fire brigade on the occasion and at the site of a fire and generally to discharge the duties imposed upon him by this Act or any orders, rules or regulations made thereunder.

Prohibition on resignation or withdrawal from duties without permission or notice.

8. No member of the fire brigade shall resign his office or withdraw himself from the duties thereof unless expressly permitted in writing by the Director:

Provided that a member of the fire brigade may resign his office or withdraw himself from the duties as such member on giving one month's notice of his intention to do so.

Powers exercisable on occasion of fire.

9. (1) On the occasion of a fire or alarm of fire, the Director or the officer-in-charge of a fire station or the officer-in-charge of the members of the fire brigade on the spot may—
- (a) remove or order any member of the fire brigade to remove any person who by his presence interferes with or impedes the due operation of the fire brigade;
 - (b) close any street or passage in or near which a fire has taken or is likely to take place;
 - (c) by himself or by any member of the fire brigade enter, break into or through or pull down any premises for the purpose of extinguishing fire or for the passage of hose or other fire-fighting appliances, doing as little damage as possible;
 - (d) require the authority in charge of water supply in the area to regulate the water mains and pipes or cause the mains and pipes to be shut off so as to provide water at a specified pressure at the place where the 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 any assembly or persons likely to obstruct the operation of the fire brigade, 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 necessary for the preservation of life and property.
- (2) The Director or the officer-in-charge of a fire station or the officer-in-charge of the members of the fire brigade on the spot may verbally nominate and depute one or more members of the fire brigade to act at a distance, and such member or members shall have for the time being the like powers as the Director or such officer himself possesses under this section.

Power to enter into agreement with the authority in charge of water supply.

10. The Director may, with the previous sanction of the State Government, enter into an agreement with any person or authority in any area for securing an adequate supply of water in case of fire on such terms as may be specified in the agreement.

Power to enter into arrangement for assistance.

11. The Director may, with the previous sanction of the State Government, enter into an agreement with any person or authority maintaining fire-fighting properties for securing, on such terms as may be specified in the agreement, the assistance of such person or authority for the purpose of extinguishing fires.

All vehicles to give way to fire brigade vehicles.

12. Whenever any vehicle of the fire brigade is proceeding to extinguish fire using fire alarm all vehicles other than police vehicles or ambulances shall give way to such vehicle of the fire brigade.

13. Police officers of all grades shall be authorised and bound to aid the fire brigade in the execution of its duties and may, close any street in or near which a fire has taken place, and also on their own motion or on the request of the Director or any member of the fire brigade, remove any person who by his presence interferes with or impedes the due operation of the fire brigade.

Police officers to aid the fire brigade.

14. No member of the fire brigade and no officer of the police shall be liable to damages or otherwise on account of any act done by him in the bonafide belief that such act was required for the proper execution of its duties under this Act or any rules, regulations or orders made thereunder.

Non-liability to damages.

15. (1) In the case of any fire occurring within any area in which this Act is in force, the senior most officer in rank among the members of the fire brigade in that area or where members of the fire brigade are sent to any place beyond the limits of any area in which this Act is in force to extinguish fire in such place, the senior most officer in rank among the members so sent shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to a Magistrate having jurisdiction in the place in which such fire has occurred; and the said Magistrate may, in any case where he thinks fit, summon witnesses and take evidence in order to further ascertain such facts.

Enquiry into origin of fire and report.

(2) Copies of all reports and of all evidence recorded under this section shall be furnished on application to any person interested on payment of such fees as may be prescribed.

CHAPTER III

Fire works, letting off rockets, etc.

16. No person shall let off rockets or send up fire balloons or sell or store for sale any fire-works within any area in which this Act is in force except under and in accordance with the terms and conditions of a licence as may be prescribed.

Licence for fire works and for letting off rockets, etc.

17. (1) Subject to the provisions of sub-section (2), the application for licence under section 16 for sale or storing shall be made to the Superintendent of Police or such other authority as may be appointed by the State Government and shall be accompanied by—

Authority to grant licence and fee for licence.

- (i) annual fee not exceeding rupees three hundred as may be prescribed; and
- (ii) a certificate from the Director that the place where the fire works are sold or stored for sale is fit for the purpose of such sale or storage and has adequate arrangements for fire fighting.

(2) The fee for licence to let off rockets or to send up fire balloons for any particular occasion may not exceed rupees five as may be determined by the State Government by a notification in the Official Gazette.

18. A licence granted under section 16 may, without prejudice to any other action that may be taken against the licensee, be suspended or withdrawn by the Superintendent of Police or other authority after giving the licensee an opportunity of being heard if in the opinion of the Superintendent of Police or other authority it is necessary to do so in the public interest or, in the case of a licence to sell fire-works, if there has been a breach of any prescribed terms and conditions.

Withdrawal or suspension of licence.

19. Unless withdrawn earlier, a licence granted under section 16 shall remain valid for a period of one year from the date of issue and may be renewed on payment of such fees not exceeding rupees fifty as may be prescribed.

Validity of licence.

CHAPTER IV

Licence for warehouse or workshop

20. No building or place shall be used as a warehouse or workshop unless the owner or occupier thereof shall have previously obtained under this Act a licence for such use—

Licence for warehouse or workshop.

- (i) from the Gangtok Municipal Corporation when such warehouse or workshop is situated within the area of that Corporation, and
- (ii) from the Local Self Government Department of the State of Sikkim in other cases.

Certificate from Director to accompany application for licence.

21. No licence to use any building or place as a warehouse or workshop shall be granted unless the application for such licence under section 23 is accompanied by a certificate from the Director that the building or place is fit for use as such warehouse or workshop and adequate fire-fighting arrangements have been provided therein.

Licence for building or place already used as warehouse or workshop.

22. The owner or occupier of any building or place which was being used, immediately before the date on which this Act comes into force in the local area within which such building or place is situated, as—

- (a) warehouse; or
- (b) workshop immediately before the date of publication of the notification under clause (i) of section 2 by which such building or place comes under the definition of workshop in the said clause;

shall, upon application made in writing to the Gangtok Municipal Corporation or the Local Self Government Department, as the case may be, within one month from the date on which this Act comes into force in the said local area or within one month from the date of publication of the said notification, be entitled to obtain a licence to use such building or place as a warehouse or workshop under this Act, subject to the payment of annual fee as specified in section 25.

Application for licence.

23. (1) Every application for licence shall be made in such form as may be prescribed and shall be disposed of within thirty days from the date of its receipt by the Gangtok Municipal Corporation or, as the case may be, by the Local Self Government Department, and if it is not disposed of within that period, the applicant shall not be liable to any penalties under this Act for the use of a building or place as a warehouse or workshop in respect of which the application was made, after the said period of thirty days, so long as such application is not refused by the Gangtok Municipal Corporation or, as the case may be, by the Local Self Government Department.
- (2) On receipt of any such application for the grant of a licence, the Gangtok Municipal Corporation or, as the case may be, the Local Self Government Department, may grant or refuse the licence.
- (3) A licence granted under this section shall be valid for the period of one year (specified therein) and may be renewed from time to time for such period and on payment of such fees not exceeding rupees fifty and on such conditions as may be prescribed.
- (4) Where a grant of a licence or renewal of a licence is refused, the Gangtok Municipal Corporation or, as the case may be, the Local Self Government Department, shall record in writing the reasons for such refusal.
- (5) Any person aggrieved by a decision of the Gangtok Municipal Corporation or, as the case may be, the Local Self Government Department, under this section may within thirty days from the date on which the decision is communicated to him prefer an appeal to an appellate officer who shall be a person nominated in this behalf by the State Government:

Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

- (6) On receipt of an appeal under sub-section (5), the appellate officer shall after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

24. A licence for a warehouse or workshop shall be subject to the following conditions and such other conditions as may be prescribed in this behalf, namely:—

- (a) that the warehouse or workshop shall at all times be open to inspection by such officer or officers, being member or members of a fire brigade, as may be appointed by the Director;
- (b) that no article referred to in clause (h) of section 2 shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse or workshop;
- (c) that no part of a warehouse shall be used as a residence and that no person shall be allowed—
 - (i) to bring into such warehouse any match boxes or match sticks or any artificial light not duly and thoroughly protected; or
 - (ii) to smoke within such warehouse, while inflammable article is stored therein.

Conditions subject to which licence may be granted.

25. (1) The annual fee in respect of a licence under this Chapter shall be payable in advance.

Annual fee.

(2) The annual fee shall be calculated at such rate as may be prescribed, being not less than ten per cent and not more than twenty five per cent of the annual value of the building or place used as a warehouse or workshop and different rates may be prescribed for different classes of warehouses according to the nature and quantity of the articles stored, processed, or kept therein and for different classes of workshops according to the nature of the processing carried or the quantity or nature of the articles processed therein:

Provided that the annual fee for warehouse or workshop shall not be less than ten rupees or more than such amount as may be prescribed, and different amounts may be prescribed in this behalf for different classes of warehouses or workshops:

Provided further that if the owner or occupier of a warehouse or workshop maintains, within the warehouse or at a place within such distance therefrom as the Director may consider reasonable for use in the warehouse or workshop in case of necessity, any fire fighting appliances of such types as may be prescribed, then a rebate calculated at such rate as may be prescribed in respect of such type of fire fighting appliances or different combination thereof shall be allowed to such owner or occupier.

(3) For purposes of sub-section (2) the annual value of a building or place used as a warehouse or workshop shall be deemed—

- (a) if it is situated within a municipality, to be the annual value at which it is assessed for the payment of municipal taxes:

Provided that if such building or place forms part of any holding assessed as a whole for the payment of municipal taxes, the annual value of such building or place shall be such as may be determined in this behalf by the Gangtok Municipal Corporation in such proportion which such building or place bears to the entire holding;

- (b) if it is situated outside municipality, to be seven and half per cent of the current market value of the building or place as may be determined by the Local Self Government Department.

26. Whenever a change in the occupation of any warehouse or workshop occurs, the person entering into occupation of the same shall, within two weeks of his entering into occupation, give notice in writing to the Gangtok Municipal Corporation, or as the case may be, the Local Self Government Department of such change of occupation, and shall pay a fee of ten rupees and his name shall thereupon be substituted in the licence in respect of the warehouse or workshop for the name of the last occupier.

Change in occupation.

27. (1) Whenever the Gangtok Municipal Corporation, or as the case may be, the Local Self Government Department receives credible information that any conditions to which the licence of any warehouse or workshop is subject, has been broken by the holder thereof, it shall file in writing the substance of such information in the Court of a Magistrate having jurisdiction and the Magistrate may issue summons upon the holder of the licence to show cause why the licence should not be cancelled or suspended and may suspend such licence pending hearing of the case.

Procedure for cancellation or suspension of licence.

(2) The Magistrate shall not make the order suspending such licence unless he is satisfied that it is necessary to prevent or obviate immediate danger or injury of a serious kind.

5 of 1898.

(3) The summons issued under this section shall be served upon the said holder of the licence named therein in the manner provided in the Code of Criminal Procedure, 1898 for the service of summons.

(4) The Magistrate before whom the case is filed under sub-section (1) may, if he is satisfied after taking the evidence that there exists reasonable and proper ground for cancelling or suspending the licence, cancel such licence or suspend the same for such time as he may think fit and may impose such conditions as to the reversal of such order of cancellation or suspension as may be consistent with the provisions of this Act for the grant of a licence for warehouse or workshop.

Delegation of powers.

28. The State Government may, by general or special order published in the Official Gazette, direct that such of the powers, duties and functions of the Director under this Act shall also be exercised and performed by such other officers as the State Government may specify in the order.

CHAPTER V

Temporary structure and Pandal.

Erection of temporary structure or pandal.

29. A person who intends to erect a temporary structure or pandal with roof or walls made of straw, hay, mat, canvas or other like material, for use as a place where members of the public may assemble, shall apply to the Superintendent of Police of the area for permission to erect such structure or pandal and such permission shall not be refused if the structure or pandal conforms to the conditions that may be prescribed in this behalf:

Provided that no such permission shall be necessary where a temporary structure or pandal is erected for the purpose of poojas, marriages or other religious functions of a private character;

Provided further that where no order granting or refusing the permission is made within such period as may be prescribed in this behalf; the structure or pandal may be erected if it conforms to the prescribed conditions.

CHAPTER VI

Penalties.

Liability of property owner to pay compensation.

30. (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 damage to his property on account of any action taken under section 9 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 District Collector of the area within thirty days from the date when the damage was caused.

(3) The District 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 so passed shall have the force of a decree of a civil court.

Penalty for contravening provisions of section 7 or 8.

31. Any member of the fire brigade who contravenes any provision of section 7 or section 8 shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty for not giving way to fire brigade vehicles.

32. Any person who, being in charge of a vehicle, contravenes the provisions of section 12 shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

33. Any person who, within any area in which this Act is in force,—

- (a) lets off rockets; or
- (b) sends up fire-balloons; or
- (c) sells fire-works,
without obtaining a licence; or
- (d) where a licence to sell fire-works has been granted, violates any of the prescribed conditions specified therein,

Penalty for letting off rockets, etc.

shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees for every such offence.

34. If any rockets are let off or fire-balloons sent up from within the precincts of any private premises or compound without a licence, the owner or occupier or person under whose immediate control the premises or compound is, shall, unless he can prove that the offence was committed without his knowledge, be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty on householders for allowing letting off rockets, etc. without licence.

35. Any person who without a licence uses any building or place as a warehouse or workshop shall be punishable, on conviction before a Magistrate, with fine which may extend to five hundred rupees or with imprisonment for a term which may extend to two months or with both, and with further fine not exceeding one hundred rupees for each day during which he may continue so to use such warehouse or workshop.

Penalty for not taking out a licence for warehouse or workshop.

36. Any person who uses any warehouse or workshop in respect of which a licence has been refused, or after the licence in respect thereof has been cancelled or during the time for which such licence has been suspended, shall be punishable on conviction before a Magistrate, with fine which may extend to five hundred rupees or with imprisonment for a term which may extend to two months or with both, and with further fine not exceeding one hundred rupees for each day during which he may continue so to use such warehouse or workshop.

Penalty for using warehouse or workshop after refusal of licence.

37. Any holder of a licence who violates any of the conditions under which a licence is held in respect of any warehouse or workshop shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month or with both.

Penalty for breach of conditions.

38. If there is a change in the occupation of any warehouse or workshop and the person entering into occupation fails to give a notice and pay the fees required by section 26, such person shall be punishable, on conviction before a Magistrate, with fine which may extend to twenty rupees for each day during which he may so use or continue to use such warehouse or workshop.

Penalty for failing to notify change in occupation of warehouse or workshop.

39. Any person who gives false information to the Gangtok Municipal Corporation, or as the case may be, the Local Self Government Department under section 27 with the object of inducing it to take action under that section shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month or with both.

Penalty for giving false information.

40. Any person who uses as a residence any portion of a warehouse shall be punishable on conviction before a Magistrate, with fine which may extend to one hundred rupees and with further fine not exceeding twenty rupees for each day during which he may so continue to use it.

Penalty for using warehouse as residence.

41. Any person who brings into a warehouse any match-boxes, match sticks or any artificial light not duly and thoroughly protected, shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty for bringing match boxes, etc. in warehouse.

42. Any person who smokes within a warehouse shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty for smoking within warehouse.

43. Any person who erects any structure or pandal in contravention of the provisions of section 29 shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month or with both, and with further fine not exceeding ten rupees for each day during which such contravention continues.

Penalty for erecting structure, etc. in contravention of section 29.

Penalty for obstructing persons exercising power under section 49.

44. Any person who wilfully obstructs, or offers any resistance to, or impedes or otherwise interferes with the Director or any officer exercising powers under section 49 or any assistant accompanying the Director or such officer while exercising such powers shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

Offences bailable and cognizable.

45. All offences punishable under this Chapter shall be bailable and shall, except where punishable under section 31, be cognizable.

CHAPTER VII

General and Miscellaneous.

Police officer may arrest offenders under section 33.

46. (1) Any person committing an offence under section 33 may, if his name and address be unknown, be arrested by any officer of police and forthwith produced before a Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police-station within the said jurisdiction, in order that such person may be detained until he can be produced before a Magistrate or unless he executes a bond with or without sureties for his appearance before a Magistrate.

(2) Whenever such person is taken to a police station, the officer-in-charge of such police station shall as soon as possible, but in every case within twenty four hours, cause him to be produced before a Magistrate having jurisdiction.

Form of licence under Chapter IV.

47. Every licence granted under Chapter IV of this Act shall, as far as possible, be in the form in the Schedule appended to this Act.

Act not to apply where small quantities of inflammable articles are deposited.

48. (1) Nothing in this Act shall be deemed to apply to buildings or places where small quantities of any of the articles referred to in clause (h) of section 2 are deposited.

(2) The State Government may, from time to time, declare by notification in the Official Gazette, quantities of articles referred to in clause (h) of section (2) which shall be deemed to be small quantities within the meaning of this section.

Power of entry.

49. (1) The Director, or any officer-in-charge of a fire station authorised by the Director in this behalf, may enter into or upon any building or place, with or without assistants, in order to make any inspection, test, examination, survey, measurement, weighing, valuation or enquiry for the purpose of carrying into effect the provisions of this Act or of any rule made thereunder or to obtain information for fire-fighting purposes with respect to the character of the buildings and other property within the local jurisdiction, the available water supplies and the means of access thereto and other relevant local circumstances, which in his opinion, it is necessary to obtain for any of the purposes or in pursuance of any of the provisions of this Act or any such rule:

Provided that—

- (a) no such entry shall be made after sunset and before sunrise;
- (b) no dwelling-house and no public building or hut which is used as a dwelling place, shall be so entered except with the consent of the occupier thereof, without giving the said occupier at least twenty four hours' previous written notice of the intention to make such entry;
- (c) notwithstanding any power to enter any building or place hereby conferred, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may not be disturbed;
- (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the building or place entered.

(2) The Director or any officer referred to in sub-section (1) shall not use any force for the purpose of effecting any entry under sub-section (1) unless -

- (i) such entry cannot otherwise be effected; and
- (ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule made thereunder.

(3) Except when it is in this Act or in any rule made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under subsection (1) or by the use of any necessary force under sub-section (2).

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

51. No member of the fire service shall engage in any employment or office whatsoever other than his own duties under this Act unless expressly permitted to do so by the Director.

52. No charge shall be made by any local authority for water consumed by the fire service in fighting fires, training, filling static water tanks, or other similar or allied purposes.

53. No authority in charge of water supply in an area shall be liable to pay claim for compensation for damages by reason of any interruption of supply of water occasioned only by compliance by such authority with the requirements specified in clause (d) of section 9.

54. Any person who possesses any information regarding an outbreak of fire shall communicate the same without delay to the nearest fire station.

55. 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 rules or orders made thereunder.

56. (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 following matters, namely:—

- (a) the determination of the fees referred to in section 6;
- (b) the determination of the fees referred to in section 15;
- (c) the form of licence referred to in section 16;
- (d) the fees for renewal of licence under section 19;
- (e) the form of application for licence under section 23;
- (f) period, fee and conditions for renewal of licence under section 23;
- (g) conditions of licence under section 24;
- (h) the rate of the annual value of a building or place for using such building or place as a warehouse or workshop is to be calculated under section 25;
- (i) the types of fire-fighting appliances and the rates at which rebate rereferred to in section 25 shall be calculated;
- (j) the conditions and the period of time referred to in section 29 within which licence is to be granted or refused;
- (k) any other matter for which provision has to be or may be made by rules.

57. (1) The Sikkim Fire Service in existence at the commencement of this Act shall be deemed to be the Sikkim Fire Service constituted under this Act.

(2) Members of the Sikkim Fire Service in existence at the commencement of this Act shall be deemed to have been appointed under this Act.

(3) Any thing done or any action taken before the commencement of this Act in relation to the constitution of the Sikkim Fire Service referred to in sub-section (1), in relation to any person appointed thereto, shall be as valid and effective in law as if such thing or action was done or taken under this Act.

Training Centre.

Bar to other employment.

Consumption of water by the fire brigade.

No compensation for interruption of water supply.

Information on outbreak of fire.

Indemnity.

Power to make rules.

Provisions as to existing Sikkim Fire Service.

SCHEDULE

(See section 47)

Licence under the Sikkim Fire Services Act, 1981.

No.....of 1981.

Licence is hereby granted to.....under the
Sikkim Fire Services Act 1981.

to use the building or place being No. (a).....as a
warehouse for storing or processing or keeping

(b).....
.....
.....

to use the building or place being No. (a).....as a work-
shop, subject to the conditions noted on the back and such other conditions as may be prescribed.

It is hereby acknowledged that a sum of rupees.....being
the licence fee due by the said.....for the
period from.....to.....in
respect of the aforesaid licence at the rate of Rs.....per
annum has been received.

Name of owner

.....
Name of occupier.

.....
Licensing Authority.

The.....day

- (a) Here insert the location.
(b) Here insert the name of the article.
(On the back of the licence).

CONDITIONS

- (1) The warehouse/the workshop shall at all times be open to inspection by such officer or officers, being member or members of the fire brigade, as may be appointed by the Director of Fire Services.
- (2) The warehouse/workshop shall conform to the conditions prescribed under section 23 of the Sikkim Fire Services Act, 1981.
- (3) No article referred to in clause (h) of section 2 of the Sikkim Fire Services Act, 1981 shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse.
- (4) No person shall be allowed to use as residence any part of the warehouse or to bring into the warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly protected or to smoke within the warehouse while any inflammable article is stored therein.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,
F. No. 16(46)LL/78.