

The Jammu and Kashmir Fire Force Act, 1967

JAMMU & KASHMIR

India

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Act 22 of 1967

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The Jammu and Kashmir Fire Force Act, 1967 Act No. 22 of 1967 [Received the assent of the Governor on 15th October, 1967 and published in Government Gazette dated 17th October, 1967.] An Act to provide for the maintenance of a Fire Force for the State. Be it enacted by the Jammu and Kashmir State Legislature in the Eighteenth Year of the Republic of India as follows

Chapter I Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir Fire Force Act, 1967. (2) It extends to the whole State. (3) [It shall come into force in any area on such date as the Government may, by notification in the Government Gazette, appoint, and different dates may be appointed for different areas and for different provisions of this Act.] [Enforced in the whole of the State except the District of Ladakh by SRO - 506 dated 28th December, 1968.]

2. Definitions.

- in this Act, unless the context otherwise requires, - (a) "Director" means the Director of the Fire Force appointed under section 4 ; (b) "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 ; (c) "fire-station" means any post or place declared, generally or specially, by the Government to be a Fire Station ; (d) "force" means the Jammu and Kashmir State Fire Force maintained under this Act ; (e) "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;(f)"prescribed" means prescribed by rules made under this Act.

Chapter II

3. Maintenance of fire force.

- There shall be maintained by the Government a fire force to be called the Jammu and Kashmir State Fire Force for services in the local areas in which this Act is in force.

4. Appointment of Director of Fire Force.

- The Government may appoint a person to be the Director of the Fire Force.

5. 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.

6. Appointment of members of the Force.

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

7. Issue of certificates 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 a 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.

8. Auxiliary Fire Force.

- 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.

Chapter III

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 appliance 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 timely notice of fires and to those who have rendered effective service to the force on the occasion of fires ;(e)for the training, discipline and good conduct of the members of the force ;(f)for the speedy attendance of members of the force with necessary appliances and equipment on the occasion of any alarm of fire ;(g)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;(h)for the employment of the members of the force in any rescue, salvage or other similar work ;(i)for regulating and controlling the powers, duties and functions of the Director; and(j)generally for the maintenance of the force in a due state of efficiency.

10. Powers of members of the Force on occasion of fire.

- On the occasion of fire in any area in which this Act is in force, any member of the force not below the rank of Divisional Fire Officer who is incharge 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 house 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 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.

11. Powers 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. Powers 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 equipment or both for fire-fighting purposes, to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the provisions by that person or assistance for the purpose of dealing with fire occurring in any area in which this Act is in force.

13. Preventive measures.

(1)The Government may, by notification in the Government 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 or class of officers 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 IV

Expenditure on Maintenance of Force

14. Expenditure on the Force.

- The entire expenditure in connection with the force shall be met out of the Consolidated Fund of the State :Provided that the Government may recover from any local authority of any area in which this Act is in force such contribution towards the cost of the portion of the Force maintained in that area as the Government may direct from time to time.

Chapter V

Acquisition of the Fire-Fighting Property

15. Prohibition against transfer of fire-fighting property.

- No local authority of any area in which this Act is in force shall, after the commencement of this

Act in that area, transfer or otherwise part with any fire-fighting property without the previous sanction of the Government.

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 firefighting property of the local authority by publishing in the Government Gazette a notice to the effect that the Government has decided to acquire such property on payment of its market value ; a copy of such notice shall also be served on the local authority. (2) When a notice as aforesaid is published in the Government 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 amount of compensation payable in respect of any fire-fighting property acquired under this Act shall be the market value of such property on the date of issue of the notice referred to in section 16, that is, the price which it would have fetched in the open market if it had been sold on that date. (2) The amount of compensation shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say, - (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement; (b) where no such agreement can be reached, the Government shall appoint as arbitrator a person who is, or has been, or is qualified for appointment as, a Judge of the High Court; (c) the Government may in any particular case nominate a person having expert knowledge as to the nature of the property acquired to assist the arbitrator and where such nomination is made, the local authority concerned may also nominate an assessor for the same purpose ; (d) at the commencement of the proceedings before the arbitrator, the Government and the local authority shall state what in their respective opinion is a fair amount of compensation ; (e) the arbitrator shall, after hearing the dispute make an award determining the amount of compensation which appears to him to be just; and in making the award he shall have regard to the circumstances of each case and the provisions of this section ; (f) nothing in the [Jammu and Kashmir Arbitration Act, Samvat 2002] [Now the Jammu and Kashmir Arbitration and Cancellation Act, 1997.], shall apply to arbitrations under this section.

18. Appeals from awards in respect of compensation.

- Where the Government or a local authority is aggrieved by an award of the arbitrator under section 17, it may within thirty days from the date of such award prefer an appeal to the High Court.

19. Powers of arbitrator.

- The arbitrator appointed under section 17, while holding arbitration proceedings under this Act, shall have all the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, Samvat 1977, in respect of the following matters, namely:- (a) summoning and enforcing the attendance of any person and examining him on oath ; (b) requiring the discovery and production of documents; (c) receiving evidence on affidavits ; and (d) issuing commissions for examination of witnesses.

Chapter VI 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 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 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 26, 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 give information.

- Any person who without just cause fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under the first part of section 176 of the Jammu and Kashmir State Ranbir Code, Samvat 1989.

22. Failure to take precaution.

- Whoever fails without reasonable cause to comply with any of the requirements specified in 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.

23. Wilfully obstructing fire-fighting operation.

- Any person who wilfully 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.

24. False report.

- Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorised to receive such report by means of a statement, message or otherwise shall be punishable with imprisonment for three months, or with fine not exceeding five hundred rupees, or with both.

Chapter VII

General and Miscellaneous

25. Training Centres.

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

26. 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.

27. Transfer to other areas.

- 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 member 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 or emergency or during such period as the Director may specify.

28. 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 works for which it is suitable by reason of its training, appliances and equipment.

29. Inquiry into origin of fire and report to [District Magistrate] [Substituted by Act XX of 1968 for 'Magistrate'].]

- Where any fire has occurred within any area in which this Act is in force, the Senior most Officer in rank among the members of the force in that area shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the [District Magistrate] [Substituted by Act XX of

1968 for 'Magistrate'.] having jurisdiction in the place in which such fire occurs ; and the said [District Magistrate] [Substituted by Act XX of 1968 for 'Magistrate'.] shall, in any case where he may deem fit, summon witnesses and take evidence in order to further ascertain such facts.

30. Power to obtain information.

- Any officer of the force not below the rank of 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.

31. 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).

32. Consumption of water.

- No charge shall be made by any local authority for water consumed in fire-fighting operations by the force.

33. No compensation for interruption of water supply.

- No authority in charge of water supply in any 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.

34. Police Officers to aid.

- It shall be the duty of Police Officers and Home Guards Organisation of all ranks to aid the members of the force in the execution of their duties under this Act.

35. Information regarding outbreak of fire.

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

36. 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.

37. Power to make rules.

(1)The Government may, by notification in the Government 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 condition 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 the firefighting operations in neighbouring areas;(f)the conditions subject to which members of the force may employed on rescue, salvage or other work ;(g)the manner of service of notice under this Act;(h)the procedure to be followed in arbitration proceedings under section 17;(i)the payment of rewards to persons, not being members of the force, who render service for fire-fighting purposes;(j)the compensation payable to members of the force in case of accidents or to their dependants in case of death while engaged on duty;(k)for the employment of members of the force or use of any equipment outside the area or on special services and the fee payable therefor; and(l)any other matter which is to be or may be prescribed.