

Fifteenth Kerala Legislative Assembly

Bill No. 186

THE KERALA FIRE FORCE (AMENDMENT) BILL, 2024

(GIVEN NOTICE BY DR. N. JAYARAJ, M. L. A.)

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BILL

further to amend the Kerala Fire Force Act, 1962.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Fire Force Act, 1962 (Act 20 of 1962) for the purposes hereinafter appearing;

BE it enacted in the Seventy-Fifth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Fire Force (Amendment) Act, 2024.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Kerala Fire Force Act, 1962 (Act 20 of 1962) (hereinafter referred to as the principal Act),—

(i) the existing clause (a) shall be relettered as “(b)”;

(ii) before clause (b), so relettered, the following clause shall be inserted, namely:—

“(a) “building” means any structure whether of masonry brick, wood, mud, metal or any other material and includes a house, out-house, stable, latrine, shed, hut, bunk and any other structure; and includes places or premises comprising land or building, appertaining to such building or part thereof and also shall have the meaning assigned to it in clause (c) of section 2 of Kerala Town and Country Planning Act, 2016 (9 of 2016);”

(iii) the existing clause (b) shall be relettered as clause “(ba)”;

(iv) after the clause (ba), so relettered, the following clauses shall be inserted, namely:—

“(bb) “Disaster” shall have the meaning assigned to it in clause (d) of section 2 of the Disaster Management Act, 2005 (Central Act 53 of 2005);

(bc) “emergency services” means those services that need to be rendered in the case of a disaster either manmade or natural or in case of any eventuality where human or animal life is at risk;

(bd) “fire division” means the territory of the State in which such number of fire divisions as may be prescribed by the State Government function and declared as such to be fire divisions for the purposes of this Act;”;

(v) after the existing clause (c), the following clauses shall be inserted, namely:—

“(ca) “fire prevention and fire safety measures” means those measures which are essential in accordance with the building bye-laws or National Building Code of India for the containment, control and extinguishing of fire and in case of a fire, ensures the safety of the life and property and as may be prescribed in the rules issued in this behalf;

(cb) “fire safety officer” means the person appointed under section 13 H of this Act as such by the owners and occupiers of certain premises and buildings as specified in this behalf to ensure fire prevention and fire safety measures installed in such premises and buildings; ”;

(vi) after clause (d), the following clause shall be inserted, namely:—

“(da) “fire zone” means the territory in which such number of fire divisions function as may be prescribed by the State Government and declared as such to be fire zones for the purpose of this Act;”;

(vii) the existing clause ‘e’ shall be substituted as follows:—

“(e) “Services” means the Kerala Fire and Rescue Services maintained under this Act;”

(viii) after the newly substituted clause (e), the following clauses shall be inserted, namely:—

“(ea) “Government” means the Government of Kerala;

(eb) “Local authority or Local Self Government Institution” means a Panchayat, at any level, constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);

(ec) “member” in relation to this Act means a person appointed to the Fire and Rescue Services under this Act;

(ed) “National Building Code of India” means the book or books containing fire prevention and fire safety measures to be implemented in the buildings, places, premises, workshops, warehouses and industries, published from time to time by the Bureau of Indian Standards;

(ef) “occupancy” means the principal occupancy for which a building or part of a building used or intended to be used including subsidiary occupancies which are contingent upon it;

(eg) “occupier” shall have the meaning assigned to it in clause (v) of section 2 of the Kerala Town and Country Planning Act, 2016 (9 of 2016); ”;

(ix) after clause (f), the following clauses shall be inserted, namely:—

“(fa) “owner” shall have the meaning assigned to it in clause (x) of section 2 of the Kerala Town and Country Planning Act, 2016 (9 of 2016);

(fb) “pandal” means a temporary structure with roof or walls made of straw, hay, grass, mat, canvas, cloth or other like materials which are not used for permanent or continuous occupancy;

(fc) “premises” means any land or any building or part of a building and includes the garden ground and out house, if any,

appertaining to the building or part of a building; and any land, any building or part of a building appertaining thereto which is used for storing explosives, explosive substances and dangerously inflammable substances;

Explanation:—The terms explosives, explosive substance and dangerously inflammable substance shall have the same meaning assigned to them respectively in the Explosives Act, 1884 (Central Act 4 of 1884), the Explosive Substances Act, 1908 (Central Act 6 of 1908), and the Inflammable Substances Act, 1952 (Central Act 20 of 1952); ”.

3. *Addition of chapter and substitution of title.*—Immediately after section 2, “CHAPTER II” shall be added and for the title “Maintenance of the Fire Force”, the title “MAINTENANCE, SUPERINTENDENCE, ORGANIZATION AND CONTROL OF FIRE AND RESCUE SERVICES” shall be substituted.

4. *Amendment of section 3.*—Section 3 shall be substituted, namely:—

“3. Maintenance of Fire and Rescue Services.—There shall be maintained by the Government a Fire Service to be called the Kerala Fire and Rescue Services for the whole State.”.

5. *Amendment of section 4.*—Section 4 shall be substituted, namely:—

“4. Superintendence and Control of Fire Services.—The superintendence and control of the Fire and Rescue Services shall vest in the State Government and shall be administered by the Government in accordance with the provisions of this Act and rules made there under through such officers, as the Government may, from time to time, appoint in this behalf.”.

6. *Insertion of new sections 4A and 4B.*—In the principal Act, after the newly substituted section 4, the following sections shall be inserted, namely:—

“4A. Organization of the Services.—Subject to the provisions of this Act,—

(i) the Services shall consist of such number of staff in various ranks and have such organization and such powers, functions and duties as the Government may by general or special order determine; and

(ii) the State Government may prescribe by rules,—

(a) the different posts of the Fire and Rescue Services;

(b) the mode of recruitment of staff, grade of different posts, the qualifications required, pay and allowances and other conditions of service of the officers and staff engaged therein.

4B. Director General of Fire Service.—(1) The State Government shall appoint a person to be the Director General for the direction and supervision of the Fire Service in the State, who shall exercise such powers and perform such duties and other like functions as are necessary and specified under this Act or the rules made there under.

(2) The jurisdiction of the Director so appointed shall extend to the entire State in matters relating to fire services.

(3) The State Government may appoint such other officers and staff as may be necessary to assist the Director General in exercising the powers or discharging the duties and functions as assigned under section 9 of this Act.”.

7. *Amendment of section 5.*—In section 5 of the principal Act,—

(i) for the word “Director”, the words “Director General” shall be substituted;

(ii) for the word “Force”, the word “Services” shall be substituted wherever it occurs.

8. *Insertion of new sections 5A and 5B.*—In the principal Act, after section 5, the following sections shall be inserted, namely:—

“5A. Directors to Fire Services.—The State Government may appoint such number of Directors for the co-ordination, control and supervision upon the direction of the Director General, to deal with the matters relating to technical and administrative of the Services.

5B. Constitution of Regional, District and Local Fire Offices.—

(1) Taking into consideration of the latest population, potential fire hazards especially in high rise buildings, mercantile centres and industries, for the purpose of providing requisite number of staff for meeting the needs in relation to Fire and Rescue Services and assessing the number of fire stations to be set up and maintained, for the purpose of containing, securing and preventing fire and adopting fire safety measures in the State, the State Government may by notification in the Official Gazette, constitute such number of Regional Fire Offices as it deems fit;

(2) Constitute, by notification in the Official Gazette, in every district, District Fire Office and such number of Fire Stations at local level as may be necessary for administrative and operational efficiency.

(3) The limits and extent of Regional Fire Office, District Fire Office and Fire Stations shall be specified in such notifications.

(4) The qualifications for appointment and other conditions of service of the officers shall be such as may be prescribed.”.

9. *Amendment of section 6.*—In section 6 of the principal Act,—

(i) for the word “Force”, the word “Services” shall be substituted wherever it occurs;

(ii) for the word “Director”, the words “Director General” shall be substituted.

10. *Amendment of section 7.*—In section 7 of the principal Act, for the word “Force”, the word “Services” shall be substituted wherever it occurs.

11. *Amendment of section 8.*—In section 8 of the principal Act, for the word “Force”, the word “Services” shall be substituted.

12. *Insertion of new chapter and title.*—Immediately after section 8 of the principal Act the chapter “CHAPTER III” and the title “CLASSES OF BUILDINGS WHERE FIRE OFFICERS NEED TO BE POSTED” shall be inserted.

13. *Insertion of new sections 8A and 8B.*—In the principal Act, after section 8, the following sections shall be inserted, namely:—

“8A. Classes of buildings and premises.—(1) To ensure compliance of fire prevention and fire safety measures and effective operation thereof as per the provisions of this Act and rules made there under, any owner or occupier or a group of such owners or occupiers shall appoint suitable persons as fire safety officers for the following classes of buildings and premises, namely:—

(i) Multistoried residential and non residential buildings of height of and above 30 meters;

(ii) Commercial complexes with built up area more than 10000 square meters;

(iii) Hospitals with more than 200 beds;

(iv) Buildings that contain recreational halls or conference halls with a seating capacity of more than 250 persons;

(v) Large installations handling oil, natural gas, LPG, refineries and all other similar industrial concerns;

(vi) Open stadia with a seating capacity more than 2000 and indoor stadia with seating capacity more than 1000; and

(vii) Star Hotels.

(2) The Government may by notification in the Official Gazette, from time to time include any other class of building or any other premise, which it considers necessary in having fire and safety personnel.

(3) The fire safety officers posted in the classes of buildings or any other premises as mentioned in sub-sections (1) or (2) shall have undergone the courses and training in such academies, as may be approved by the Central or State Government in this behalf.

(4) The fire safety officers so posted in such classes of buildings shall hold quarterly or at least half yearly full dress rehearsal of the fire fighting system established thereto and shall keep a record of every such rehearsal after getting the consent of the owner and occupier of the building concerned.

8B. Penalty in case of non-appointment of fire safety officers.- (1) If any owner or occupier or a group of owners or occupiers of a building or premises fails to appoint the fire safety officer, under section 13 H, within thirty days of the receipt of a notice given in this behalf by any authority of the Fire and Rescue Services, they shall be deemed to be in default.

(2) Any person liable for appointment of such fire safety officer is deemed to be in default, such sum not less than fifty rupees per square meter and not exceeding five hundred rupees per square meter of area owned or occupied by him including the common areas in the premises as determined by the Government may be recovered from him by way of penalty for each month of default or part thereof.

(3) The amount due as penalty under sub-section (2) shall be recovered as arrears of land revenue.

14. *Substitution of chapter and title.*—Immediately after section 8 of the principal Act for the chapter “Chapter II” and the title “Power of the Government, the Director and Members of the Force” the chapter “CHAPTER IV” and title “POWERS OF THE GOVERNMENT, THE DIRECTOR GENERAL AND THE OFFICIALS OF THE FIRE AND RESCUE SERVICES” shall be substituted.

15. *Amendment of section 9.*—In section 9 of the principal Act,—

(i) for the word “Force”, the word “Services” shall be substituted wherever it occurs;

(ii) in clause (j), for the word “Director”, the words “Director General” shall be substituted.

16. *Amendment of section 10.*—In section 10 of the principal Act, for the word “Force”, the word “Services” shall be substituted wherever it occurs.

17. *Amendment of section 11.*—In section 11 of the principal Act, for the word “Director”, the words “Director General” shall be substituted wherever it occurs.

18. *Amendment of section 12.*—In section 12 of the principal Act, for the word “Director”, the words “Director General” shall be substituted wherever it occurs.

19. *Insertion of new section 12A.*—In the principal Act, after section 12, the following section shall be inserted, namely:—

“12A. Powers and duties of the Regional Officer.—The Regional Officer shall,—

(i) be the authority of a Fire division;

(ii) draft the plan for the management of fire for that area under his control;

(iii) act as commanding officer, in case of fire or any disaster or any emergency in his jurisdiction for that event and all other fire service units engaged shall work under him;

(iv) exercise such powers and perform such duties as are conferred and imposed upon him subject to the control, direction and superintendance of the Director General;

(v) be the head of the office for his jurisdiction, without prejudice to any provision in sub-sections (i), (ii), (iii) and (iv).”.

20. *Insertion of new chapter and title.*—Immediately before section 13 of the principal Act, the chapter “CHAPTER V” and the title “PREVENTIVE MEASURES” shall be added.

21. *Amendment of section 13.*—In section 13 of the principal Act,—

(1) in sub-section (2),—

(i) for the word “Director”, the words “Director General” shall be substituted;

(ii) for the word “Force”, the word “Services” shall be substituted.

2) after sub-section (2), the following sub-sections shall be added, namely:—

“(3) Without prejudice to the provisions in any other law or the rules made there under or the National Building Code of India relating to fire prevention and fire safety measures as in operation for the time being in force, the owner or occupier of a building as classified shall provide fire prevention and fire safety measures therein:

Provided that the owner or occupier, as the case may be, shall,—

(a) install minimum fire fighting and fire safety devices as per the regulations made thereon; and

(b) maintain such devices in its normal operational conditions as per the specifications and in the manner required under the regulations.

(4) The regulations mentioned in the proviso shall be notified in the Official Gazette.”.

22. *Insertion of new sections.*—In the principal Act, after section 13, the following sections shall be inserted, namely:—

“13A. *Occupancy certificate.*—(1) No owner or occupier shall be issued occupancy certificate unless the authority empowered to issue the same shall be satisfied that the owner or occupier has complied with the provisions of section 13 of the principal Act.

(2) The Regional Fire Officer shall be given a declaration from a fire safety officer by the owner or occupier regarding the maintenance and operational condition of fire prevention and fire safety measures, following the specifications as per the regulations relating to the compliance of fire prevention and fire safety measures.

13B. *Fire safety certificate.*—(1) The Regional Fire Officer or any Officer authorised by him shall scrutinize the compliances with regard to fire prevention and fire safety measures taken in such classes of buildings and premises as per section 8A and if satisfied may issue fire safety certificate.

(2) If on inspection in a later stage, it is found that the owner or occupier fails to comply with the directions issued by the authorities concerned, the fire safety certificate issued under sub-section (1) shall be cancelled after giving an opportunity to the owner or occupier for hearing.

(3) The owner or occupier of a building shall not be entitled to occupy the building or its premises for which the fire safety certificate has been cancelled upon noncompliance.

13C. *Categorization of fire hazardous materials.*—The State Government may by notification in the Official Gazette, categorize fire hazardous materials and make regulations regarding its trade and use of building and its premises.

13D. *Entry and inspection of buildings.*—(1) Where any inspection appears necessary in ascertaining the adequacy of fire prevention and fire safety measures, the Director General or any person authorised may after giving notice, enter and inspect such building or its premises or any of its parts at any time an industry is working or an entertainment activity is going on or any function is being conducted or if it appears to be expedient and necessary to make such inspection for ensuring safety of life and property from fire.

(2) The owner or occupier of the building or premises shall not obstruct or cause any obstruction to the entry of a person empowered to conduct the inspection but shall provide all assistance for carrying out the inspection under sub-section (1).

(3) A report of such inspection shall be prepared and sent to the Director General with appropriate recommendations.

13E. *Issue of notice.*—(1) The Regional Fire Officer or any person authorised by him shall either suo moto or otherwise serve on the owner or occupier, a notice as may be prescribed and direct him to undertake and carryout fire prevention and fire safety measures, as deemed necessary, within such periods as may be fixed by the Government.

(2) Any owner or occupier who has been served a notice under sub-section (1) or not, shall undertake and carryout fire prevention and fire safety measures, as required to be complied under section 13 or as specified in the notice issued for getting fire safety certificate.

13F. *Non-compliance of notice.*—(1) For an offence of non-compliance of notice issued under section 13E, a report of such non-compliance may be forwarded by the Regional Fire Officer to the Director General and on whose direction may decide upon taking such steps as to have the place, building or any part thereof sealed or disconnect water or electric supply, as may be necessary for the compliance of such notice.

(2) Any expense incurred in relation to the steps taken under sub-section (1) shall be payable by the owner or occupier to whom such notice is served.

13G. *Inadequacy of fire prevention and fire safety measures.*—(1) Notwithstanding anything contained in the Act or any other Law for the time being in force, if the Director General or the Regional Fire Officer is convinced that for any place or building or part thereof, the condition of which poses an imminent

danger to any person or property, he shall by order in writing require the persons in possession of or in occupation of such place or building or part thereof to leave forthwith from such place or building or part thereof.

(2) For the compliance of the order made under sub-section (1), the Director General or Regional Officer is empowered to direct,—

(a) any police personnel having control of that area to evacuate persons;

(b) the authority responsible for supply of electricity or water for disconnection;

(c) sealing of such place or building or part thereof by police personnel.

13H. *Fire Safety Officers to buildings.*—(1) To ensure effective fire prevention and fire safety measures of buildings or its premises, every owner or occupier of such building, either individually or collectively,—

(a) shall appoint requisite number of fire safety officers having such qualification and experience as may be prescribed;

(b) send the compliance report to the Regional Fire Officer under section 13A(2)

(2) The fire safety officer so appointed under sub-section (1) shall be issued an enrolment certificate in the prescribed form by the Regional Fire Officer.

(3) In case of non appointment of fire safety officer or the post is kept vacant because of resignation or otherwise the owner or occupier of the building, shall immediately appoint the fire safety officer.

(4) If a fire officer, as laid down in sub-section (1), is not posted, the Regional Fire Officer shall report it to the Labour Commissioner, in case of an Industrial building, or to the respective authority, for closure of the building or for taking remedial measures under relevant law as are applicable.

23. *Insertion of new chapter and title.*—Immediately after the newly inserted section 13H, the chapter “CHAPTER VI” and the title “FIRE PREVENTION FOR TEMPORARY STRUCTURES” shall be added.

24. *Insertion of new section 13AA.*—After the newly inserted section 13H of this Act, the following section shall be inserted, namely:—

“13AA.—Events in temporary structures.—(1) The State Government may by notification in the Official Gazette, declare any class of occupancy like a mandap, tent, shamiyana, or such other temporary structures used for hosting any event, which, in its opinion is prone to the risk of fire.

(2) The measures for fire prevention and fire safety to be taken by any organiser, promoter, owner or occupier of any such temporary structure shall be such as may be prescribed.

(3) The Government may by notification in the official gazette require the owner or occupier, or both, of premises or buildings or erections of such temporary structures notified as under sub-section (1) to strictly follow the measures of fire prevention and fire safety as prescribed under sub-section (2).

(4) Notwithstanding anything contained in this Act, the erectors of such temporary structures shall be deemed to be self regulators in keeping fire prevention and fire safety measures.

(5) The Regional Fire Officer or any person authorised by him may grant permission for the use of such temporary structures after ensuring an undertaking in a prescribed form submitted by the owner, occupier or both or any promoter or organiser.

(6) The erector of such temporary structures shall be required to display at a prominent visible place in such temporary structures a declaration to the effect that he has taken all the prescribed fire prevention and fire safety measures therein.

(7) It shall be lawful for the Director General, Regional Fire Officer or any person authorised by the Government in this behalf to enter and inspect such temporary structures with the intention of verification of the measures taken as prescribed under sub-section (2) and to direct remedial measures, if any, required. If such directions are not complied with within the time so allotted, the inspecting officer shall seal such temporary structures after obtaining the consent from the respective authorities and any cost incurred shall be recovered from such defaulter.

(8) Any erector of a temporary structure as prescribed in sub-section (1) who makes false declaration regarding compliance of fire prevention and fire safety measures in such temporary structures shall be deemed to have committed an offence punishable under section 21 of the principal Act.

25. Substitution of chapter.—Immediately before section 14 of the principal Act for the chapter “CHAPTER III”, “CHAPTER VII” shall be substituted.

26. Amendment of section 15.—In section 15 of the principal Act,—

(a) for the word “Director”, the words “Director General” shall be substituted wherever it occurs; and

(b) in sub-section (1) for the word “Force”, the word “Services” shall be substituted.

27. *Amendment of section 17.*—In section 17 of the principal Act, for the word “Director”, the words “Director General” shall be substituted wherever it occurs.

28. *Amendment of section 18.*—In section 18 of the principal Act, for the word “Director”, the words “Director General” shall be substituted.

29. *Substitution of chapter and title.*—Immediately after section 19 of the principal Act, for chapter “CHAPTER IV” and title “Penalties”, the chapter “CHAPTER VIII” and the title “OFFENCES AND PENALTIES” shall be substituted.

30. *Amendment of section 20.*—In section 20 of the principal Act,—

(i) for the word “Force”, the word “Services” shall be substituted;

(ii) after clause (e), the word “or” shall be added and the following clauses shall be inserted, namely:—

“(f) fails in providing and maintaining fire prevention and fire safety equipments in good and flawless condition; or

(g) fails in complying with the direction to undertake and carryout fire prevention and fire safety measures; or

(h) tampers with, altering, removing or causing any injury or damage to any fire prevention and fire safety equipment installed in any building or its premises or any action instigating any other person in doing so; or

(i) is found noncompliant in carrying out the direction to remove objects or goods likely to cause the risk of fire to a place of safety; or

(j) causes obstructions in authorised seizure, detention and removal of objects and goods likely to cause fire hazards; or

(k) obstructs the entry of any authorised person or making troubles for such person while conducting inspection; or

(l) fails to comply with the directions issued by the Director General, Regional Fire Officer or any authority empowered to give such directions.”.

(iii) after the words “imprisonment which”, the words “shall not be less than sixty days and” shall be inserted; and

(iv) after the words “fine which”, the words “shall not be less than rupees ten thousand and” shall be inserted.

31. *Amendment of section 21.*—In section 21 of the principal Act, for the words “five hundred”, the words “ten thousand” shall be substituted.

32. *Amendment of section 22.*—In section 22 of the principal Act,

(i) for the word “Force”, the word “Services” shall be substituted;

(ii) after the words “imprisonment which”, the words “shall not be less than sixty days and” shall be inserted;

(iii) for the words “five hundred”, the word “ten thousand” shall be substituted.

33. *Insertion of new sections.*—In the principal Act, after section 22, the following sections shall be inserted, namely:—

“22A. Transmission of fictitious message.—Any person who transmits or cause to transmit any fictitious message of an outbreak of fire to any person authorised to receive such messages, shall be punishable with a fine upto rupees two thousand or with imprisonment which may extend to three months, or with both.

22B. Offence by a company.—If any offence punishable under this Act has been committed by a company, every person who, at the time of such misdeed, was responsible to the affairs or day to day business of the company, shall be liable to be punished accordingly.

22C. Exemption from punishment.—Notwithstanding anything contained in this Act, no person is liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised due diligence to ward off such offence.

22D. Trial and compounding of offences.—(1) Any offence punishable under this Act or the Rules made there under shall be tried in any Court not inferior to that of First Class Judicial Magistrate.

(2) No court shall acknowledge an offence punishable under this Act or rules made there under, save in the case of cognizable offences, except on a petition made by the Director General or the Regional Fire Officer or any officer authorised by him in this behalf.

(3) The Director General or any officer authorised in this behalf may by special or general order, compound any offence made punishable by or under this Act or rules made there under.

Provided that the offender shall be discharged, if in custody, when the offence has been compounded under sub-section (1) and no further proceedings shall be taken against him in respect of the offence compounded.”.

34. *Substitution of chapter.*—Immediately before section 23 of the principal Act, for “Chapter V”, the chapter “CHAPTER IX” shall be substituted.

35. *Amendment of section 23.*—In section 23 of the principal Act, for the words “ and may close down or re-establish any such centre”, the words “for any person engaged in fire prevention and fire safety either in Government or in private establishments which may be specified.” shall be substituted.

36. *Insertion of new sections.*—In the principal Act, after section 23, the following sections shall be inserted, namely:—

“23A. Framing of schemes to courses.—The State Government may frame such schemes suitable to conduct courses of instruction for the prevention and extinguishment of fire and may prescribe such fee as are applicable to such courses.

23B. Training to Fire Service personnel.—The Fire Service personnel may be given training in the field of scientific and modern techniques of fire protection and fire safety measures and allied matters in any institute within or outside India at the expense of the Government, subject to the provisions of general rules applicable to employees of Government in relation to training.

23C. Reimbursement of expenses.—A fire officer under Fire and Rescue Services who undergoes training as provided in section 23B shall indemnify the Government to reimburse all such expenses and costs, including pay and allowances as may be paid to him during the period of training, if he doesn't serve the Fire and Rescue Services for a tenure to be stipulated binding on him in this behalf.”.

37. *Amendment of section 24.*—In section 24 of the principal Act,

(i) for the word “Force”, the word “Services” shall be substituted;

(ii) for the word “Director”, the words “Director General” shall be substituted.

38. *Amendment of section 25.*—In section 25 of the principal Act,

(i) after the word “Director”, the word “General” shall be inserted wherever it occurs;

(ii) after the words “members of the”, for the word “Force”, the word “Services” shall be substituted.

39. *Amendment of section 26.*—In section 26 of the principal Act, for the word “Force”, the word “Services” shall be substituted.

40. *Amendment of section 29.*—In section 29 of the principal Act, for the word “Force”, the word “Services” shall be substituted.

41. *Amendment of section 30.*—In sub-section (1) of section 30 of the principal Act,

(i) after the word “Director”, the word “General” shall be inserted; and

(ii) for the word “Force”, the word “Services” shall be substituted.

42. *Amendment of section 31.*—In section 31 of the principal Act, for the word “Force”, the word “Services” shall be substituted.

43. *Amendment of section 33.*—In section 33 of the principal Act, for the word “Force”, the word “Services” shall be substituted.

44. *Insertion of new sections.*—After section 34 of the principal Act, the following sections shall be added, namely:—

“34A. Deemed to be public servant.—Any officer or employee while acting or purporting to act in pursuance of the provisions of this Act or rule made there under, shall be deemed to be public servant within the meaning of section 21 of Indian Penal Code, 1860 (45 of 1860).

34B. Orders from Director General.—The Director General may issue such orders as are necessary to do or abstain from doing a specified thing in an affected area in which relief measures are being done.

34C. Directions from the State Government.—The State Government may issue such directions as it may deem fit for giving effect to the provisions of this Act.

34D. Emergency service.—In order to provide service during any disaster, other than that due to fire, the Fire and Rescue Services shall be considered as an emergency service wherein any decision or direction of the authority in charge of such emergency work shall prevail.

34E. Member dies while on duty.—In the event any member of the Fire and Rescue Services dies while on duty, the State Government shall pay to the heirs such amount as may be decided including the funeral expenses.

34F. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as which appear it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly.”.

45. *Amendment of section 35.*—In sub-section (2) of section 35 of the principal Act,

A.(i) in clauses (a) to (d), for the word “Force”, the word “Services” shall be substituted wherever it occurs;

(ii) in clause (e), for the word “Force”, occurring after the words “members of the” the word “Services” shall be substituted;

(iii) in clauses (f) to (k), for the word “Force”, the word “Services” shall be substituted.

B.(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) the powers, functions and duties of staff in various ranks;”

(ii) after clause (b), the following clauses shall be inserted, namely:—

“ (ba) the powers, duties and functions of the Director General;

(bb) the appointment of officers and staff to assist the Director General;

(bc) the appointment of Directors;

(bd) constitution of Regional Fire Offices, District Fire Offices and Fire Stations including their limits and extent;

(be) prescribing the class of building or premises other than stated, which is considered to have fire and safety personnel;

(bf) making regulations in the installation of fire fighting and fire safety devices and maintenance of such devices;

(bg) categorizing fire hazardous materials and regulations regarding its trade and use of building and its premises;”.

(iii) after clauses (g), the following clauses shall be inserted, namely:—

“(ga) mode of appointing requisite numbers of fire safety officers for various classes of buildings;

(gb) declaring the types of temporary structures prone to the risk of fire;

(gc) prescribing measures for fire prevention and fire safety in temporary structures;

(gd) prescribing the form for submitting the undertaking by owner or occupier of temporary structures for getting permission;”.

(iv) after clauses (j), the following clauses shall be inserted, namely:—

“(ja) framing of schemes for courses of instruction for prevention of fire and prescribing fee for such courses;

(jb) stipulating the minimum tenure for serving the Fire and Rescue Services by a member who got training;

(jc) determining the amount to be paid to heirs if any personnel dies while on duty;”.

STATEMENT OF OBJECTS AND REASONS

1. The Kerala Fire Force Act, 1962 (Act 20 of 1962) was enacted in 1962.

2. In 2002, the Kerala Fire Force was renamed as Kerala Fire and Rescue Services. Likewise the administration and maintenance of the Fire and Rescue Services have undergone sea change over these years. Now its service has become very notable and crucial not only in the prevention of fire but also in every calamitous situation needing rescue operations whether natural or manmade.

3. To make the Services strong enough to render its service in catering to the present day needs of the society at large, it is necessary to be supported by precise and appropriate statute. This fact points to amending the related Act which is in force ie, the Kerala Fire Force Act, 1962.

4. The Bill seeks to achieve these objects.

FINANCIAL MEMORANDUM

The previously known Fire Force has undergone thorough change in its administration, operation and rendering of services. As this Bill intends to give statutory nature to such changes which are already in operation in its evolution to the present day Fire and Rescue Services, the Bill, if enacted and brought into operation, would not involve any recurring or non-recurring additional expenditure from the Consolidated Fund of the State.

DR. N. JAYARAJ

EXTRACT FROM THE RELEVANT PORTIONS OF
THE KERALA FIRE FORCE ACT, 1962
(Act 20 of 1962)

** ** ** ** **

CHAPTER I
Preliminary

** ** ** ** **

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 office: 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,

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(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;

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(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 ,

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(g) “prescribed” means prescribed by rules made under this Act.

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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.

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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.

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5. *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.

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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.

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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.

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

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CHAPTER II

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

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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.

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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 utilize 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.

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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.

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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.

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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 authorized 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.

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CHAPTER III

Acquisition of Fire Fighting Property

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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.

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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 sub-section (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.

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17. *Principles and method of determining compensation.*—(1) The Director or any officer authorized 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.

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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.

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CHAPTER IV
Penalties

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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, 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.

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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.

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22. *Wilfully obstructing fire fighting operations.*—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.

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CHAPTER V General and Miscellaneous

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23. *Training Centres.*—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.

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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.

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25. *Transfer to other area.*—The Director or any officer authorized 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 or emergency or during such period as the Director may specify.

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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.

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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 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.

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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).

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31. *Consumption of water.*—No charge shall be made by any local authority for water consumed in fire fighting operations by the Force.

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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.

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34. *Indemnity.*—No suit, prosecution or other legal proceedings shall be 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.

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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 offices 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.

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