



EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 45

Imphal, Thursday, May 14, 1998

(Vaisakha 2+, 1920)

GOVERNMENT OF MANIPUR

SECRETARIAT :

HOME DEPARTMENT

NOTIFICATION

Imphal, the 4th November, 1997

MANIPUR FIRE SERVICE (ADOPTION OF FIRE PRECAUTIONARY MEASURES) RULES, 1997.

No. 12/1(9)/93-H.—In exercise of the powers conferred by section 50(1)(2) (g) of the Manipur Fire Service Act, 1992 (Manipur Act 2 of 1993), the Governor of Manipur is pleased to make the following Rules, namely:—

1. SHORT TITLE, EXTENT AND COMMENCEMENT:

- (i) These Rules may be called the Manipur Fire Service (Adoption of Fire Precautionary Measures) Rules, 1997.
- (ii) They extend to the whole of the State of Manipur.
- (iii) They shall come into force on the date of their publication in the Official Gazette.

2. DEFINITIONS :

In these Rules, unless the context otherwise requires:—

- (i) "Act" means the Manipur Fire Service Act, 1992.
- (ii) "Appellate Authority" means the State Government in respect of action taken by the Director and in other cases, the Director.
- (iii) "Building" means a house, out house, stable, latrine, urinal shed, hut, wall (other than a boundary wall) or any other structure of masonry, bricks, wood, mud, metal or other material.
- (iv) "Fire Prevention and Fire safety Measures" means such measures as are necessary in accordance with the requirements laid down in the National Building Code of India as amended from time to time for the prevention, control and fighting of fire for ensuring the safety of life and property in case of Fire.

- (v) "Form" means form appended to these Rules.
- (vi) "National Building Code of India" means the book containing fire prevention and safety measures to be implemented in the buildings, places, premises, workshops, warehouses and industries published by the Indian standards Institution as amended from time to time.
- (vii) "Nominated Authority" means an officer not below the rank of Sub-Officer nominated by the Director.
- (viii) "occupier" includes-
- (a) any person, who, for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
 - (b) an owner in occupation of or otherwise using his land or building;
 - (c) a rent free tenant of any land or building;
 - (d) a licensee in occupation of any land or building; and
 - (e) any person who is liable to pay to the owner for damages for the use and occupation of any land or building.
- (ix) "Owner" includes a person, who, for the time being, is receiving or is entitled to receive the rent of any land or building whether on his own account or on account of himself and others or as an other agent, trustee guardian or receiver or any other person or who should so receive the rent or be entitled to receive it if the land or building or part thereof was let out to a tenant.
- (x) "Premises" means any land or any building or part of a building appurtenant thereto which is used for storing explosives, explosive substances and dangerously inflammable substances.

Explanation.— "EXPLOSIVES", "EXPLOSIVE SUBSTANCES" and "DANGEROUSLY INFLAMMABLE SUBSTANCES" shall have the meanings respectively assigned to them in the Explosive Act, 1884 (4 of 1884), the Explosive Substances Act, 1908 (6 of 1908) and the Inflammable Substances Act, 1952 (20 of 1952).

- (xi) The words and expressions used and not defined in these Rules shall have the same meaning as assigned to them in the Manipur Fire Service Act, 1992.

3. NOMINATED AUTHORITY :

Appointment of any person as nominated authority shall be made by the Director, who shall also prescribe the jurisdiction within which such person shall function.

4. MINIMUM STANDARDS :

The minimum standards for fire prevention and fire safety measures specified for buildings, warehouses, workshops, places of public entertainment or any other place shall be such as are provided in the National Building Code of India as amended from time to time.

5. INSPECTION OF BUILDINGS, PREMISES, ETC :

(1) The nominated authority may, after giving notice for three hours to the occupier, or if there be no occupier, to the owner of any building or premises enter, inspect the said building or premises at any time between sunrise and sun-set where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and safety measures. Provided that the nominated authority may enter and inspect any building or premises at any other time, if it appears to it to be expedient and necessary to do so in order to ensure safety of life and property.

(2) The nominated authority shall be provided with all possible assistance by the owner or occupier, as the case may be, of the building or premises for carrying out the inspection under sub-rule (1).

(3) When any building or premises used as a human dwelling is entered under sub-rule (1), due regard shall be given to the social and religious sentiments of the occupiers, and before any apartment in the actual occupancy of any women, who, according to the custom does not appear in public, is entered under sub-rule (1), notice shall be given to her that she is at liberty to withdraw and every reasonable facility shall be accorded to her for withdrawing.

6. MEASURES FOR PREVENTION AND FIRE SAFETY :

(1) The nominated authority shall, after completion of the inspection of the building or premises under rule 5, record its views on the deviation from, or the contravention of, the requirements laid down in the National Building Code of India as amended from time to time with regard to the fire prevention and fire safety measures and the inadequacy of such measures provided therein with reference to the height of the building or the nature of activities carried on in such building or premises and issue a notice to the owner or occupier of such building or premises directing him to undertake such measures as may be specified in the notice.

(2) The nominated authority shall also give a report of any inspection made by him under rule 5 to the Director.

7. POWER TO SEAL BUILDINGS OR PREMISES :

(1) Where, on receipt of a report from the nominated authority under sub-rule (2) of rule 6 it appears to the Director that the condition of any building or premises is dangerous to life or property, he shall, without prejudice to any action taken under rule 6, by order, require the person/persons in possession or occupation of such building or premises to take forthwith such measures as may be specified in the order.

(2) If an order made by the Director under sub-rule (1) is not complied with, the director may direct any Police Officer having jurisdiction in the area to remove such person/persons from the building or premises and such officer shall comply with such directions.

(3) After taking action under sub-rule (1) or the removal of the persons under sub-rule (2), as the case may be, the Director shall seal the building or premises.

(4) No person shall remove such seal except under an order made by the Director.

8. PROVISIONS REGARDING CERTAIN BUILDING AND PREMISES :

(1) The Director may, for taking action under the rules, enter into and inspect any building, the construction of which was completed on or before the date on which these rules had been published in the Gazette or any building which was under construction on such date, if such action appears necessary for ascertaining the adequacy of fire prevention and fire safety measures in such building.

(2) The entry and inspection under sub-rule (1) shall be done by the Director or the nominated authority in the manner laid down in rule 5.

(3) The Director of the nominated authority shall, after inspection of the building or premises under sub-rule (1) and after taking into consideration.

(a) the provision laid down in the Indian Building Code as amended from time to time ;

(b) the condition imposed, if any, by the local authority at the time of sanction of the plan of the said building or premises ; and

(c) the minimum standards for fire prevention and fire safety measures specified for such building or premises as may be specified by rules framed under the Manipur Fire Service Act, 1992 (Manipur Act 2 of 1993).

Issue a notice to the owner or occupier of such building or premises standing therein the inadequacy in regard to the fire prevention and fire safety measures in it and direct the owner or occupier to undertake measures for rectifying the said inadequacy within such specified period as he may consider just and reasonable.

9. TIME FOR COMPLETION OF MEASURES UNDER SUB-RULE (1) OF RULE 6 :

Director or the nominated authority shall indicate the time within which fire safety and fire prevention measure should be provided as per requirement of sub-rule (1) of rule 6.

10. FORMAT OF NOTICES :

- (1) The notice required to be given under sub-rule (1) of rule 5 shall be in the Form "A".
- (2) The notice required to be given under sub-rule (1) of rule 6 shall be in Form "B".
- (3) The notice required to be given under sub-rule (2) of rule 8 shall be in Form "C".
- (4) The notice required to be given under sub-rule (3) of rule 8 shall be in Form "D".

11. POWER OF THE DIRECTOR IN CASE OF DEFAULT :

- (1) The Director or the nominated authority in the event of non-compliance of any notice issued under rule 6 or rule 8 may take such steps as may be necessary for the compliance of such notice.
- (2) The expenditure incurred in relation to any step taken by him under sub-rule (1) shall be recoverable from the occupier, irrespective of the fact whether he is the owner of the premises or not, unless the owner, in those cases where occupier is different from the owner, agrees to pay in full or in part, the expenses thus incurred by the Director.

12. LIABILITY :

- (1) Where any building or premises is owned or occupied by more than one person, the responsibility for providing the fire safety and fire preventive measures as per the directions of the nominated authority or the Director in the whole building shall be shared in proportion to the area occupied or owned by individual owner or occupier as the case may be,

- (2) The expenditure incurred by the Director or the nominated authorities referred to in sub-rule (2) of rule 11 shall be recoverable from the occupier, irrespective of the fact whether he is the owner of the premises or not unless the owner, in those cases where the occupier is different from the owner, agrees to pay in full or in part, the expenses thus incurred by the Director.

13. PROCEDURE OF SEALING OF BUILDING OF PREMISES :

The Director shall follow the following procedure in regard to sealing of any building or premises required to be sealed under sub-rule (3) of rule 7—

- (a) he shall require the person/persons in possession or occupation of the building or premises to be sealed to remove themselves from there forthwith;
- (b) in case of non-compliance of the said order he shall direct any Police Officer having jurisdiction in the area to remove such person/persons from such building or premises;
- (c) after the removal of person/persons in occupation from such building or premises, he shall seal the building or premises in the manner he deems fit;
- (d) the seal used to seal the premises shall remain in the custody of the Director;
- (e) if the building or premises required to be sealed on receipt of the report of the nominated authority is found to be locked or inaccessible, the Director may break open the locks, enter the premises and after taking all necessary steps required to be taken under rule 7, re-lock and seal the premises, provided that if any building or premises is forced open under this rule, an inventory of the material found in the premises shall be prepared in the presence of two independent witnesses and a copy thereof shall be delivered to the owner or occupier/occupiers, if present at the site;
- (f) he shall inform about sealing in writing to the Police Station having jurisdiction of such building or premises;
- (g) he shall report in writing to the Police Station concerned if the seal fixed under the rules on any building or premises is found broken or tampered with.

14. APPEALS :

- (1) Any person aggrieved by any notice or order of the nominated authority may prefer an appeal against such notice or order to the appellate authority within thirty days from the date of the notice or order appealed against :

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

- (2) An appeal shall lie to the Government of Manipur against the order of the Appellate Authority confirming, modifying or annulling a notice or an order issued or made under these Rules within thirty days from the date of the order of the Appellate Authority :

Provided that the Government of Manipur may entertain an appeal after the expiry of the said period of thirty days, if it is satisfied that there was sufficient cause for not filing the appeal within that period.

- (3) An appeal to the Appellate Authority or the Government of Manipur may be made in such form and shall be accompanied by a copy of the notice or order appealed against and such fees as may be specified under these Rules.

15. FORMAT OF APPEAL AND FEES :

- (1) An appeal to the Appellate Authority under sub-rule (1) of rule 14 of these Rules shall be preferred in Form "E" and shall be accompanied by a fee of Rs. 500/- (Rupees five hundred) only.

- (2) An appeal to the Government of Manipur as Appellate Authority under sub-rule (2) of rule 14 of these Rules shall be preferred in Form "F" and shall be accompanied and by fee of Rs. 1000/- (Rupees one thousand) only.

16. SANCTION OF PROSECUTION :

No court shall proceed to the trial of an offence under these Rules except on the complaint of or upon information received from the Director or the nominated authority.

17. PROTECTION OF ACTION TAKEN IN GOOD FAITH :

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 under these Rules.

18. FIRE ATTENDANCE CERTIFICATE :

- (1) In a fire incident attended by the member of Manipur Fire Service the Director or an officer authorised by him shall issue a Fire attendance Certificate to the owner of property so affected by the fire on receipt of a proper application.
- (2) The Fire Attendance Certificate under sub-rule (1) above shall be issued in Form "G".

By order & in the name of the Governor,

P. BHARAT SINGH,
Special Secretary (Home), Govt. of Manipur.

FORM—A

[See rule 10(10)]

Form of Notice to be served for Entry and Inspection.

NOTICE

I, _____ the nominated authority appointed under the Manipur Fire Service (Adoption of Fire Precautionary Measures) Rules, 1997, do hereby give you notice that on expiry of three hours from the time of service of this notice upon you, I shall enter and inspect your building/premises bearing No. _____ located _____ for the purpose of ascertaining the adequacy or contravention of Fire prevention and fire safety measures as required to be provided under the said Rules framed under section 50(1)(2)(g) of Manipur Fire Service Act, 1992. (Framed under)

NOMINATED AUTHORITY.

To

Owner/Occupier.

FORM—B

[See rule 10(2)]

Form of Notice to be served for carrying out the Direction of the Nominated Authority.

NOTICE

I, _____ the Nominated Authority appointed under the Manipur Fire Service (Adoption of Fire Precautionary Measures) Rules, 1997 on basis of Inspection conducted by me on _____ do hereby call upon you to undertake the following Fire Prevention and fire safety measures in building/premises No. _____

Above action should be completed latest by _____ (Date)

NOMINATED AUTHORITY.

To

Owner/Occupier.

FORM—C

[See rule 10 (3)]

Form of Notice to be served for carrying out entry and Inspection.

NOTICE

I, _____ Director, Manipur Fire Service, Imphal empowered by the Manipur Fire Service (Adoption of Fire Precautionary Measures) Rules, 1997 do hereby give you the notice that on expiry of three hours from the time of service of this notice upon you, I shall enter and inspect your building/premises bearing No. _____ located at _____ for the purpose of ascertaining the adequacy or contravention of Fire Prevention and fire safety measures as required to be provided under the said Rules framed under section 50(1)(2)(g) of the Manipur Fire Service Act, 1992.

DIRECTOR,
MANIPUR FIRE SERVICE,
IMPHAL.

To

_____ Owner/Occupier.

FORM—D

[See rule 10 (4)]

Form of Notice to be served for undertaking measures for rectification of the inadequacy in relation to Fire Prevention and fire safety measures.

NOTICE

I, _____ Director, Manipur Fire Service, Imphal empowered under the Manipur Fire Service (Adoption of Fire Precautionary Measures) Rules, 1997 on the basis of inspection conducted by me on _____ do hereby call upon you to undertake the following Fire Prevention and fire safety measures in building/premises No. _____

_____ Action should be completed latest by _____ (Date)

DIRECTOR,
MANIPUR FIRE SERVICE,
IMPHAL.

To

_____ Owner/Occupier.

FORM - II

[See rule 15 (1)]

Form of appeal to the Appellate Authority under rule 14(1) of the Manipur Fire Service (Adoption of Fire Precautionary Measures) Rules, 1997.

Before Shri _____ Appellate Authority
Appeal No. _____ of _____ 19____
Shri _____
s/o Shri _____
Resident of _____
APPELLANT

VERSUS
NOMINATED AUTHORITY
RESPONDENT

Appeal under Rule 14(1) of the Manipur Fire Service (Adoption of Fire Precautionary Measures) Rules, 1997 against the Notice/Order of Shri _____ Nominated Authority dated _____

Sir,

The Appellant respectfully sheweth as under:—

1. State of facts.
2. Ground of appeals.
3. Fee of Rs. 500.00 has been paid vide receipt No. _____ dated _____
4. Appeal is within time.
5. No other appeal or any matter relating to the subject matter to this appeal is pending in any Court of Law.
6. Relief claimed.

Signature of Appellant

VERIFICATION

I, _____ the appellant do hereby declare that what is stated above is true to best of my personal knowledge and belief and that I have not suppressed any material facts.

Verified to-day, the _____ day of _____ 19____

Signature of the Authorised Representative, if any.

Signature of Appellant.

FORM—F
[See rule 15(2)]

Form of appeal to the Government of Manipur against the order of the Appellate Authority under rule 14(2) of the Manipur Fire Service (Adoption of Fire Precautionary Measures) Rules, 1997.

Appeal No. _____ of _____ 19 _____
Shri _____ s/o Shri _____
Resident of _____
—APPELLANT—

—VERSUS—
DIRECTOR,
MANIPUR FIRE SERVICE.
—RESPONDENT—

Appeal under rule 14(2) of the Manipur Fire Service (Adoption of Fire Precautionary Measures) Rules, 1997 against the order of Shri _____ Appellate Authority dated _____
Sir,

The Appellant respectfully sheweth as under :

1. Statement of facts
2. Ground of Appeal
3. Fee of Rs. 1000.00 paid vide receipt No. _____ dated _____
4. Appeal is within time
5. No other appeal or any matter relating to the subject matter of this appeal is pending in any Court of Law.
6. Relief claimed.

Signature of Authorised Representative, if any. Signature of Appellant,

VARIFICATION

I, _____ the appellant do hereby declare that what is stated aboved is true to the best of my personal knowledge and belief and that I have not suppressed any matterial facts.

Varified to-day, the day of _____ 19 _____
Place _____
Date _____
Signature of the Authorised Representative, if any. Signature of Appellant,

FORM—G
[See rule 18(2)]

GOVERNMENT OF MANIPUR
FIRE SERVICE DEPARTMENT

FIRE ATTENDANCE CERTIFICATE.

1. Address of the place of occurrence of the Fire incident. :—
2. The name(s) of the Fire Station(s) attended :—
3. Date and time of receipt of the Fire call in the Fire Station :—
4. Brief description of the type of properties involved in Fire. :—
5. (A) Owner's name(s) with address :—
(B) Occupier's name (s) with address :—
6. Duration of Fire fighting operation :—
7. Number and type of Fire Tenders/Pumps pressed into service, to extinguish the Fire ;—
8. Remarks, if any :—

Director,
Manipur Fire Service,
Imphal.

Memo No. — — — — — Dated. — — — — —

Copy to:—

- 1.
- 2.

Director,
Manipur Fire Service,
Imphal.