

GOVERNMENT OF INDIA
LAW (MINISTRY OF.....)

THE CIVIL DEFENCE ACT, 1968
No. 27 OF 1968

[24th May, 1968]

An Act to make provision for civil defence and for matters connected therewith.

Be it enacted by Parliament in the Nineteenth year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

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1962 | <p>1. (1) This Act may be called the Civil Defence Act, 1968.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force in a State or part thereof on such date, not being a date earlier than the date of expiry of the Defence of India Act, 1962, as the Central Government may, by notification, appoint and different dates may be appointed for different States or different parts thereof.</p> | Short
title,
extent
and
commen-
cement. |
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1962 | <p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) "civil defence" include any measures, not amounting to actual combat, for affording protection to any person, property, place or thing in India or any part of the territory thereof against any hostile attack, whether from air, land, sea or other places, or for depriving any such attack of the whole or part of its effect, whether such measures are taken before, during, at or at the time of such attack;</p> <p>(b) "Civil Defence Corps" means the Corps formed wholly or mainly to meet the needs of civil defence and includes an organization deemed to be a Corps under the proviso to sub-section (1) of section-4;</p> <p>(c) "hostile attack" means any attack by any person or body of persons, whether during any war, external aggression, internal disturbances or otherwise which endangers the security of any life, property, place or thing in India or any part of the territory thereof;</p> <p>(d) "notification means a notification published in the Official Gazette;</p> <p>(e) "personal service injury" has the meaning assigned to it in the Personal Injuries (Emergency Provision) Act, 1962;</p> <p>(f) "Statement Government" , in relation to a Union territory, means the Administrator of the Union territory.</p> | Defini-
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CHAPTER II
POWER FOR CENTRAL GOVERNMENT TO MAKE RULES FOR CIVIL DEFENCE

Power to
make rules
for Civil
Defence

- 3.** (1) The Central Government may, for securing civil defence, by notification, make rules providing for all or any of the following matters, namely:-
- (a) preventing the prosecution of any work likely to prejudice civil defence;
 - (b) instruction of members of the public regarding civil defence and their equipment for the purpose of such defence,
 - (c) provision, storage and maintenance of commodities and things required for civil defence;
 - (d) prohibiting or regulating traffic, and the use of vessels, buoys, lights and signals in ports and territorial, tidal and inland waters;
 - (e) control of lights and sounds,
 - (f) protection of life and property by taking fire prevention and other measures;
 - (g) securing of any buildings, premises or other structures from being readily recognizable in the event of a hostile attack;
 - (h) for the prevention of danger to life or property, the demolition, destruction or rendering useless, of any building, premises or other structures or any other property;
 - (i) prohibiting or regulating the possession, use or disposal of-
 - (i) explosives, inflammable substances, corrosive and other dangerous substances or articles, arms and ammunition;
 - (ii) vessels;
 - (iii) wireless telegraphic apparatus
 - (iv) aircraft; and
 - (v) photographic and signaling apparatus and any means of recording information;
 - (j) evacuation of areas and the removal of property or animals there from;
 - (k) accommodation in any area of persons evacuated from another area and the regulation of the conduct of evacuated persons accommodated in such area;
 - (l) billeting of evacuated person or persons authorized to perform functions under this Act;
 - (m) salvage of damaged buildings, structures and property and disposal of the dead;
 - (n) seizure and custody of destruction of injured, unclaimed or dangerous animals;
 - (o) ensuring the safety of-
 - (i) ports, dockyards, lighthouses, lightships, aerodromes and facilities associated with aerial navigation;
 - (ii) railways, tramways, roads, bridges, canals and all other means of transport by land or water;
 - (iii) telegraphs, post offices, signaling apparatus and all other means of communications;

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- (iv) sources and systems of water supply, works for the supply of water, gas or electricity and all other works for public purposes;
 - (v) vessels, aircraft, transport vehicles as defined in the Motor Vehicles Act, 1939, and rolling stocks of railways and tramways;
 - (vi) Warehouses and all other places used or intended to be used for storage purposes;
 - (vii) Mines, oilfields, factories, or industrial or commercial undertakings generally, or any mine, oilfields, factory or industrial or commercial undertaking in particular;
 - (viii) Laboratories and institutions where scientific and technological research or training is conducted or imparted;
 - (ix) All works and structures being part of , or connected with anything earlier mentioned in this clause; and
 - (x) Any other place or thing used or intended to be used for the purposes of Government or a local authority or a semi-Government or autonomous organization, the protection of which is considered necessary or expedient for securing civil defence;
- (p) Control of any road or pathway, waterway, ferry or bridge, river, canal or others source of water supply;
- (q) precautionary measures, which the Government or any department thereof or any local authority, members of police force, fire brigade and members of any other service or authority employed primarily for purposes s other than civil defence purposes should be required to take within their respective jurisdictions or with respect to any personnel employed by them;
- (r) preventing or controlling any use of uniforms, whether official or otherwise, or flags or official decorations like medals, badges or other insignia or anything similar thereto, the wearing of which is calculated to deceive or to prejudice civil defence
- (s) precautions to be preventing or controlling any use of uniforms, whether official or otherwise, or flags or official decorations like medals, badges or other insignia or anything similar thereto, the wearing of which is calculated to deceive or to prejudice civil defence; taken or action to be taken by persons or authorities with a view to protecting or acquainting the general public or any members thereof against the dangers involved in any apprehended host8ile attack;
- (t) requiring the owner or occupier of any building , structure or premises to make or carry out such arrangements as may be necessary for the purposes of detection and prevention of fire;
- (u) taking specified measures for dealing with outbreaks of fire;
- (v) directing that, subject to any specified exemption, no person present in any specified area shall, between such hours as may be specified, be out of doors except under the authority of a written permit granted by a specified authority or person;
- (w) (i) prohibition the printing and publication of any newspaper, news-sheet, book or other document containing matters prejudicial to civil defence;
- (ii)demanding security from any press used for the purpose of printing or publishing, and forfeiting the copies of, any newspaper, news-sheet book or other document containing any of the matters referred to it sub clause(i);

	<p>(x) regulating the conduct of persons in respect of areas the control of which is considered necessary or expedient, and removal of persons from such areas;</p> <p>(y) requiring any person or class of persons to comply with any scheme of civil defence;</p> <p>(z) any other provision which may be necessary for the purposes of civil defence;</p> <p>(2) Any rule made under sub-section (1) may provide that orders with regard to the matters specified therein may be made by the State Government.</p> <p>(3) Any rule made under sub-section (1) may provide that a contravention thereof or any other made thereunder shall be punishable with fine which may extend to five hundred rupees, and where the contravention is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such contravention continues.</p>
<p>Constitution of a Civil Defence Corps</p>	<p style="text-align: center;">CHAPTER-III</p> <p style="text-align: center;">CIVIL DEFENCE CORPS</p> <p>4.(1) The State Government may constitute, for any area within the State, a body of persons to be called the Civil Defence Corps (herein after referred to as the “Corps”) and may appoint a person, not being, in its opinion, below the rank of a District Magistrate (to be known as the “Controller”) to command such Corps:</p> <p>Provided that if there is in existence in any area in a State, immediately before the commencement of this Act in that area, an organization which, in the opinion of the State Government, may be entrusted with the functions of the Corps in that area, call upon that organization to take over or discharge the functions of the Corps in that area, and thereupon such organization shall be deemed, for the purposes of this Act, to be the Corps for that area.</p>
<p>Appointment of members and officers</p>	<p>(2) The State Government may, for the purpose of co-ordinating the activities of the Controllers within the State, appoint a Director of Civil Defence and every Controller shall comply with the directions given by such Director.</p> <p>5. (1) The State Government may appoint as members of the Corps persons who are fit and willing to serve as such and the Controller may appoint any member so appointed to such office or command in the Corps, as such member is, in the opinion of the Controller, fit to hold.</p> <p>(2) Every person appointed to be member of the Corps shall be given a certificate of membership in such form as may be prescribe.</p>
<p>Dismissal of members of Civil Defence Corps</p>	<p>6. (1) Where any member of the Corps fails or has failed, in the opinion of the Controller, to discharge his duties as such member satisfactorily or is or has been found guilty of any misconduct in the discharge of his duties as such member, the Controller may, after an inquiry in which such member of the Corps has been given a reasonable opportunity of being hear in respect of the charges against him, by an order, dismiss such member from the Corps.</p> <p>(2) Where the Controller is opinion that the continues presence of any member of the Corps is undesirable, he may without assigning any reason summarily dismiss such member from the Corps.</p>

<p>59 of 1962</p>	<p>7. A member of the Corps who is dismissed from the Corps under section-6 may prefer in appeal to the State Government within thirty days from the date of such dismissal and that Government may, on such appeal, confirm modify or reverse the order made by the Controller nor other authority.</p> <p>8. (1) The members of the Corps shall perform such functions in relation to the carrying out of measures for civil defence as may be assigned to them by rules made under this Act or by any other law for the time being in force.</p> <p>(2) The State Government or the Controller may, by order, call out a member of the Corps for training or for discharging such functions in relation to the carrying out of measures for civil defence as may specified in such order.</p> <p>(3) Subject to such orders as the Central Government may make in this behalf, to discharge functions in relation to civil defence in any other State and shall while discharging such functions, be deemed to be a member of the Corps of that other State and be vested with the powers, functions and privileges and be subject to the liabilities of a member of the Corps in that other State.</p> <p>9. (1) The Central Government may, by notification, make regulations for carrying out the purposes of this Chapter.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such regulations may-</p> <p>(a) prescribe the functions of the members of the Corps and regulate the member in which they may be called out for service;</p> <p>(b) regulate the organization, appointment, conditions of service, discipline, accoutrement and clothing of members of any or all of the Corps.</p> <p>(c) Prescribe the form of certificates of membership of any or all of the Corps.</p> <p style="text-align: center;">CHAPTER- IV</p> <p style="text-align: center;">MISCELLANEOUS</p> <p>10. The provision of the Personal Injuries (Emergency Provision) Act, 1962, and of every scheme made thereunder shall apply so far as may be to every personal service injury sustained by any person appointed to be member of the Corps as they apply to personal service injury sustained by a civil defence volunteer, subject to the notifications that-</p> <p>(a) any reference to a civil defence volunteer under that Act or any scheme made thereunder shall be construed as reference to a member of the Corps; and</p> <p>(b) any reference therein to the period of emergency shall, in relation to a member of the Corps, be construed as the period during which this Act is in force.</p> <p>11. (1) If any member of the Corps on being called out by an order under sub-section (2) of section 8 neglects or refuses without sufficient excuse to</p>	<p>Appeal</p> <p>Functions of members of Civil Defence Corps</p> <p>Power to make regulations</p> <p>Provision of the personal Injuries (Emergency provisions) Act to apply to injuries sustained by the member of the Corps</p> <p>Penalties.</p>
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<p>Effect of Act and rules, etc., inconsistent with Other enactments</p> <p>Ordinary avocations of life to be interfered with as little as possible</p> <p>Saving as to orders.</p> <p>Act not to apply to measures taken for the protection of the Armed Forces</p> <p>Limitation of prosecutions.</p>	<p>obey such order or to discharge his functions as such member or to obey any lawful order or direction given to him for the performance of his functions, he shall be punishable with fine which may extend to five hundred rupees, and where such neglect or refusal is a continuing one, with a further fine which may extend to fifty rupees for every day, after the first, during which such contravention continues.</p> <p>(2) If any person neglects or fails without any reasonable excuse to obey any order made or direction given to him under this Act or rules made thereunder, he shall be punishable with fine which may extend to five hundred rupees, and where such negligence or failure is a continuing one with a further fine which may extend to fifty rupees for every day, after the first, during which such negligence or failure continues.</p> <p>12. (1) The provision of this Act or any rules made thereunder or any order made this Act or any such rule shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.</p> <p>(2) Every appointment, order or rule made in relation to civil defence before the commencement of this Act by or under any law relating to civil defence shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force until it is rescinded or altered under this Act, and be deemed to have been made under the corresponding provisions of this Act.</p> <p>Explanation—"Commencement of this Act". In relation to any provision or area, means the commencement of that provision or, as the case may be, the commencement of this Act in that area.</p> <p>13. Any authority or person acting in pursuance of this Act shall interfere with the ordinary avocations of life and the enjoyment of property as little as may be consonant with the purpose of ensuring the public safety and civil defence.</p> <p>14 (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any court.</p> <p>(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a court shall within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority.</p> <p>15. Nothing contained in this Act or any rule, regulation or order made thereunder shall apply to the Armed Forces of the Union or to any measures taken by nay of the authorities in control of the Armed Forces of the Union for the purpose of securing civil defence or safety of such forces or for the protection of any naval, military or air force installations or stores.</p> <p>16. No prosecution for any offence punishable under this Act shall be instituted against any person except by, or with the consent of, the Controller or any person authorized by the Controller in this behalf.</p>	<p>1 of 1872</p>
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