

UTTAR PRADESH FIRE SERVICE ACT, 1944

3 of 1944

[]

CONTENTS

1. Short title
2. Extent and commencement
3. Definitions
4. Name of the service
5. Omitted
6. Certificate to the members of the fire service
7. Bar to other employment
8. Punishment
9. Penalty for violation of duty and cowardice
10. Expenditure on the fire service
11. Omitted
12. Omitted
13. Omitted
14. Consumption of water by the Fire Service
15. Power of the Fire Service and other persons for the supervision of Fire
16. Liability of property owner to pay compensation
17. Omitted
18. Omitted
19. Power to obtain information
20. Indemnity
21. Punishment for false report
22. Omitted
23. Omitted
24. Procedure
25. Rule making power

SCHEDULE 1 :- SCHEDULE

UTTAR PRADESH FIRE SERVICE ACT, 1944

3 of 1944

[]

An Act to constitute a State Fire Service in the Uttar Pradesh.

1. Short title :-

This Act shall be called the Uttar Pradesh Fire Service Act, 1944

2. Extent and commencement :-

(1) It extends to the whole of the Union territory of Delhi.

(2) It shall come into force immediately.

3. Definitions :-

In this Act unless there is anything repugnant in the subject or context

(a) "Chief Commissioner" means the Chief Commissioner of Delhi;

(b) "Chief Fire Officer" means the principal officer appointed to administer the Delhi Fire Service;

(c) "local authority" includes a municipal committee, notified area committee and a district board but does not include a cantonment Board;

(d) "prescribed" means prescribed by this Act or rules made thereunder;

(e) "Fire Service" means the Delhi Fire Service;

(f) "District Magistrate" means the District Magistrate of Delhi.

4. Name of the service :-

The entire fire-fighting personnel in the Union territory of Delhi shall for the purpose of the Act be deemed to be one force styled the Delhi Fire Service and shall consist in order of seniority of the following ranks; Chief Fire Officer Deputy Chief Fire Officer District Fire Officer Fire Station Officers Head Leading Firemen Leading Firemen Drivers Firemen

5. Omitted :-

6. Certificate to the members of the fire service :-

Every member of the Fire Service shall receive upon appointment a certificate in the form prescribed in the Schedule annexed to this Act under the seal of the Chief Commissioner or such other officer as he may authorise, by virtue of which the person holding such certificate shall be deemed to be vested with the powers, functions and privileges of a member of the Delhi Fire Service. Such certificate shall cease to have effect whenever the person named therein ceases, for any reason, to be a member of the Delhi Fire

Service, and, on his ceasing to be such a member, shall be forthwith surrendered by him to any officer empowered to receive the same. During any term of suspension the powers, functions and privileges vested in any member of the Delhi Fire Service shall be in abeyance but he will continue to be subject to the same responsibilities, discipline and penalties and to the same authorities as if he had not been suspended.

7. Bar to other employment :-

No member of the Fire Service shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so by the Chief Commissioner in the case of the Chief Fire Officer and the Chief Fire Officer in the case of the other Fire Officers or members of the Fire Service under him.

8. Punishment :-

In addition to any other form of punishment to which members of the Delhi Fire Service may be liable under any law or rule for the time being in force, the Chief Commissioner or any other officer authorised by him in the rules made under this Act, may, for any sufficient reason, award the following punishment to such members of the Delhi Fire Service as the Chief Commissioner may prescribe:

(a) fine to any amount not exceeding one month's pay;

(b) punishment drill, extra guard, fatigue or other duties for a term not exceeding 15 days.

9. Penalty for violation of duty and cowardice :-

Every member of the Delhi Fire Service who shall be guilty of any violation of duty or wilful breach of any provision of this Act or of the rules made thereunder or of any order made by competent authority, or who shall be guilty of cowardice or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months, or who, being absent on leave, shall fail without reasonable cause, to report himself for duty on the expiration of such leave, or who shall engage without authority in any employment other than his Fire Service duty, shall be liable, on conviction before a magistrate of the first class to a fine not exceeding three months' pay or to imprisonment with or without hard labour, for a period not exceeding three months, or to both.

10. Expenditure on the fire service :-

The entire expenditure of Delhi Fire Service shall be met out of the

Central Revenue provided that the Chief Commissioner may recover from any local authority such contribution towards the cost of the Fire Service as it may direct from time to time.

11. Omitted :-

12. Omitted :-

13. Omitted :-

14. Consumption of water by the Fire Service :-

No charge shall be made by any local authority for water consumed by the Delhi Fire Service in fighting fires, training, filling static water tanks or such other purposes.

15. Power of the Fire Service and other persons for the supervision of Fire :-

On the occasion of a fire, any member of the Delhi Fire Service not below the rank of leading fireman, any magistrate and any police officer not below the rank of head constable may

(a) remove, or order the removal of, 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 the fire, enter, break into or through, or pull down any premises for the passage of hose or appliance, or cause them to be broken into or through or pulled down without the consent of the owner or occupier,

(d) cause mains and pipes to be shut off so as to give greater pressure or volume of water in, or near, the place where the fire is occurring,

(e) make use of any available source of water, public or private,

(f) generally take such measures as he considers necessary for the preservation of life or property.

16. Liability of property owner to pay compensation :-

(i) Any person whose property catches fire on account of any act of his own or of his agent done deliberately or negligently shall be liable to pay compensation to any other person suffering damage to his property on account of any action taken under clauses (c) and (e) of section 15 of this Act by any officer mentioned therein or any

person acting under the authority of such officer.

(ii) All claims under sub-section (i) of this section shall be preferred to the District Magistrate within one week from the date when the damage was caused. The District Magistrate shall summarily determine the amount of compensation due and shall pass an order stating the amount of compensation to be paid and the person liable for the same, and the order so passed shall have the force of a civil court decree.

(iii) Any person dissatisfied with any order passed under the last foregoing sub-section may within six months from the date of such order institute a suit in a civil court of competent jurisdiction to establish his claim and, subject to the result of such suit, the order passed under the last foregoing sub-section shall be final.

17. Omitted :-

18. Omitted :-

19. Power to obtain information :-

(i) The Chief Fire Officer, Deputy Chief Fire Officer or a District Fire Officer, may require the owner or occupier of any building or other property to supply information with respect to the character of such building or other property, the available water supplies and the means of access thereto and other material local circumstances, and such owner or occupier shall furnish, within a reasonable time, all the information required for him.

(ii) If any information required under sub-section (i) of this section is not furnished within a reasonable time, or if the Chief Fire Officer, Deputy Chief Fire Officer or a District Fire Officer, as the case may be, has reason to believe that any information furnished is inaccurate, the said Chief Fire Officer, Deputy Chief Fire Officer or a District Fire Officer, may, for the purpose of obtaining or verifying the information, enter upon such premises or property after giving such notice as may be prescribed, to the owner or occupier.

20. Indemnity :-

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

21. Punishment for false report :-

Any person who wilfully makes a false report of the outbreak of a

fire to any member of the Delhi Fire Service authorised by the Chief Fire Officer to receive such report, shall be liable upon conviction before a magistrate to a fine not exceeding Rs. 50.

22. Omitted :-

23. Omitted :-

24. Procedure :-

The proceedings under sections 9 and 21 of this Act shall as far as possible be governed by the provisions of 'Code of Criminal Procedure, 1898, and the offences under these sections shall be bailable and non-cognizable.

25. Rule making power :-

The Chief Commissioner may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

SCHEDULE 1

SCHEDULE

(See Section 6) A.B. has been appointed a member of the Delhi Fire Service under the U.P. Fire Service Act, 1944, and is vested with the powers, functions and privileges of such a member.
