

BILL TO PROVIDE FOR THE MAINTENANCE OF A FIRE FORCE FOR
THE STATE

(See paras 3.5 under LEGISLATION)

Be it enacted by the State Legislature in the _____ year of the
Republic of India as follows :

PRELIMINARY

1. Short title, extent and commencement. – (1) This Act may be called the
_____ Fire Force Act, 195.

(2) It extends to the whole of the State

Name of the State.

(3) It shall come into force in any area on such date as the State Government
may, by Notification in the Official Gazette, appoint and different area and for different
provisions of this Act.

2. Definitions - In this Act, unless the context otherwise requires :-

(a) "Director" means the Director of the Fire Force appointed under Section 4:

(b) "Fire fighting property" includes –

(i) lands and buildings used as fire stations.

(ii) Fire engines, equipments, tools, implements and things whatsoever
used for fire fighting.

(iii) Motor vehicles and other means of transport used in connection
with fire-fighting and

(iv) Uniforms and badges of ranks;

(c) "Fire-station" means any post or place declared, generally or specially, by
the State Government to be a fire-station.

(d) "Force" means (Name of the state) Fire Force maintained under this Act;

(e) "Officer-in-charge of a fire station" includes when the officer-in-charge of
the fire station is absent from the station or unable from illness or other

cause to perform his duties, the fire officer present at the station who is next in rank to such officer;

(f) "Prescribed" means prescribed by rules made under this Act.

MAINTENANCE OF THE FIRE FORCE

3 Maintenance of fire Force – There shall be maintained by the State Government a fire force to be called Name of the state Fire Force for services in the local areas in which this Act is in force.

4. Appointment of Director of Fire Force – The State Government may appoint a person to be the Director of the Fire Force.

5. Superintendence and control of the Force – (1) The superintendence and control of the force shall vest in the Director and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

(2) The State Government may appoint such officers as it may deem fit to assist the Director in the discharge of his duties.

6. Appointment of members of the force – The Director or such other officer of the force as the State Government may authorize in this behalf shall appoint members of the force in accordance with the rules made under this Act.

7. Issue of certificate to members of Force - Every person shall, on appointment to the force, receive a certificate in the prescribed form under the seal of the Director or an officer authorized in this behalf by the State 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 members of the force shall be in abeyance, but such member shall

continue to be subject to the same discipline and penalties as he would have been if he had not been suspended.

8. Auxiliary Fire Force – Whenever it appears to the state Government that it is necessary to augment the force, it may raise an auxiliary force by enrolment of volunteers for such area and on such terms and conditions as it may deem fit.

9. Power to State Government to make orders - The State 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;

(e) for the training, discipline and good conduct of the members of the force;

(f) for the speedy attendance of members of the force with necessary appliances and equipment on the occasion of any alarm of fire;

(g) for sending members of the force with appliances and equipment beyond the limits of any area in which this Act is in force for purposes of fire fighting in the neighborhood of such limits;

(h) for the employment of the members of the force in any rescue, salvage or other similar work;

(i) for regulating and controlling the powers, duties and functions of the Director;
and

(j) generally for the maintenance of the force in a due state of efficiency.

10. Powers of members of the force on occasion of fire :- On the occasion of fire in any area in which this Act is in force, any ,member of the force 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 such if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers;
- (f) generally take such measures as may appear to him to be necessary for extinguishing the fire or for the protection of life or property.

11. Power of Director to make arrangements for supply of water - The Director may with the previous sanction of the state Government , enter into an agreement with the authority in charge of water supply in any area for securing an adequate supply of water in case of fire, on such terms as to payment or otherwise as may be specified in the agreement .

12. Power of Director to enter into arrangements of assistance - The Director may, with the previous sanction of the State Government enter into arrangements with any person who employs and maintains personnel or equipment or both for fire fighting

purposes, to secure, on such term as to payment or otherwise as may be provided by or under the arrangements the provision by that person or assistance for the purpose of dealing with fire occurring in any area in which this Act is in force.

13. Preventive measures –(1) The State Government may by notification in the Official Gazette, require owners or occupiers of premises in any area or of any class of premises used for purposes which 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 State 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.

EXPENDITURE ON MAINTENANCE OF FORCE

14. Expenditure on the force – The entire expenditure in connection with the force shall be met out of the Consolidated Fund of the State :

Provided that the State Government may recover from any local authority of any area in which this Act is in force such contribution towards the cost of the position of the force maintained in that area as the State Government may direct from time to time.

15. Levy of fire tax – (1) There may be levied a fire tax on Land and Building which are situated in any area in which this Act is in force and on which property tax by whatever name called is levied by any local authority in that area.

(2) the fire tax shall be levied in the form of surcharge on the property tax at such rate not exceeding... per cent of such property tax as the State Government may, by notification , in the Official Gazette, determine.

16. Mode of assessment, collection etc., of fire tax – (1) The authorities for the time being empowered to assess, collect and enforce payment of property tax under the law authorizing the local authority of the area to levy such tax shall, on behalf of the

State Government and subject to any rules made under this Act, assess, collect and enforce payment of the fire tax in the same manner as the property tax is assessed paid and collected; and for this purpose, they may exercise all or any of the powers they have under the law aforesaid and the provisions of such law including provisions relating to returns, appeals, reviews, revisions, references and penalties shall apply accordingly.

(2) Such portion of the total proceeds of the fire tax as the State Government may determine shall be deducted to meet the cost of collection of the tax.

(3) The proceeds of the fire tax collected under this Act reduced by the cost of collection shall be paid to the State Govt. in such manner and at such intervals as may be prescribed.

17. Fees – (1) Where members of the force are sent beyond the limits of any area in which this Act is in force, in order to extinguish a fire in the neighborhood of such limits, the owner or occupier of the premises where the fire occurred or spread shall be liable to pay such fee as may be prescribed in this behalf.

(2) The fee referred to in sub-section (1) shall be payable within one month of the service of a notice of demand by the Director on the owner or occupier and if it is not paid within that period, it shall be recoverable as an arrear of land revenue.

ACQUISITION OF FIRE FIGHTING PROPERTY

18. Prohibition against transfer of fire fighting property – No local authority of any area in which this Act is in force shall, after the commencement of this Act in that area, transfer or otherwise part with any fire fighting property without the previous sanction of the State Government.

19. Acquisition of fire fighting property – (1) If after making such inquiry and investigation as it deems necessary and after giving the local authority an opportunity to make its representations, the State Government is of opinion that the standard of efficiency of the fire fighting personnel and equipment maintained by the local authority is not adequate to meet the normal requirements of the area, the State Government

may acquire the fire fighting property of the local authority by publishing in the Official Gazette a notice to the effect that the State Government has decided to acquire such property on payments of its market value, a copy of such notice shall also be served on local authority.

(2) When a notice as aforesaid is published in the Official Gazette, the property specified in such notice shall on and from the beginning of the date on which the notice is so published, vest absolutely in the State Government free from all encumbrances.

20. Principles and method of determining compensation – (1) The amount of compensation payable in respect of any fire fighting property acquired under this Act shall be the market value of such property on the date of issue of the notice referred to in section 19. that is, the price which is would have fetched in the open market if it had been sold on that date

(2) The amount of compensation shall be determined in the manner and in accordance with the principles hereinafter set out, that is to say ---

(a) where the amount of compensation can be fixed by agreement it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the State Government shall appoint as arbitrator a person who is, or has been or is qualified for appointment as, a Judge of a High Court.

(c) the State Government may in any particular case nominate a person having expert knowledge as to the nature of the property acquired to assist the arbitrator and where such nomination is made, the local authority concerned may also nominate an assessor for the same purpose;

(d) at the commencement of the proceedings before the arbitrator, the state Government and the local authority shall state what in their respective opinion is a fair amount of compensation

(e) the arbitrator shall after hearing the dispute make an award determining the amount of compensation which appears to him to be just and in making the award he shall have regard to the circumstances of each case and the provisions of this section;

(f) nothing in the Arbitration Act, 1940 shall apply to arbitrations under this section.

21. Appeals from awards in respect of compensation – Where the State Government or local authority is aggrieved by an award of the arbitrator under section 20, it may within thirty days from the date of such award prefer an appeal to the High Court within whose appellate jurisdiction to the required property is situated.

22. Powers of arbitrator – The arbitrator appointed under section 20, while holding arbitration proceedings under this Act, shall have all the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely -

(a) summoning and enforcing the attendance of any person and examining him or oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits; and

(d) issuing commissions for examination of witness.

PENALTIES

23. Penalty for violation of duty etc – Any member of the force who -

(a) is found to be guilty of any violation of duty or willful breach of any provision of this Act or any rule or order made thereunder, or

(b) is found to be guilty of cowardice, or

(c) withdraws from the duties of his office without permission or without having given previous notice of at least two months or

(d) being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave, or

(e) accepts any other employment or office in contravention of the provisions of section 29, 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.

24. Failure to give information – Any person who without just cause fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under the first part of section 176 of the Indian Penal Code.

25. Failure to take precautions – Whoever fails without reasonable cause to comply with any of the requirements specified in notification issued under sub-section (1) of Section 13 or of a direction issued under sub -section (2) of that section shall be punishable with fine which may extend to five hundred rupees.

26. Willfully obstructing fire fighting Operations – Any person who willfully 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..

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

GENERAL AND MISCELLANEOUS

28. Training Centres –The State Government may establish and maintain one or more training centers in the State for providing courses of instruction in the prevention and extinguishments of fire and may close down or re-establish any such center.

29. Bar to other employment – No members 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.

30. Transfer to other area –The Director or any officer authorized by the State 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 dispatch of the members of the force with necessary appliances and equipments to carry on fire fighting operations in such neighboring area and thereupon all the provisions this Act and the rules made there under shall apply to such area, during the period of fire or emergency or during such period as the Director may specify.

31. Employment on other duties –It shall be lawful for the State Government or any officer authorized 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 equipments.

32. Liability of property owner to pay compensation –(1) Any person whose property catches fire on account of any action of this 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 section 10 of this Act by any officer mentioned therein or any person acting under the authority of such officer.

(2) All claims under sub-section (1) shall be preferred to the District Magistrate within 30 days from the date when the damage was caused .

(3) The District Magistrate shall, after giving the parties an opportunities or being heard, determine the amount of compensation due and pass an order stating such amount and the person liable for the same, and the person liable for the same and the order so passed shall have the force of a decree of a civil court.

33. Inquiry into origin of fire and report to Magistrate –Where any fire has occurred within any area in which this Act is in force, the senior-most officer in rank among the members of the force in that area shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate having jurisdiction in the place in which such fire occurs; and the said Magistrate shall in any case where he may deem fit summon witness and take evidence in order to further

ascertain such facts.

34. Power to obtain information –Any Officer of the force not below the rank of officer in charge of a fire station may for the purpose of discharging his duties under the Act require the owner or occupier of any building or other property to supply information with respect to the character of such building or other property, the available water supplies and means of access thereto any other materials, particulars and such owners or occupier shall furnish all the information in his possession.

35. Power of entry –(1) The Director or any member of the force authorized 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) Saving 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).

36. Consumption of water –no charge shall be made by any local authority for water consumed in fire fighting operations by the force.

37. No compensation for interruption of water supply –No authority in charge of water supply in an area shall be liable to any claim for compensation for damage by reason of any interruption of supply of water occasioned only by compliance of such authority with the requirement specified in clause (d) of section 10

38. Police Officers to aid –It shall, be the duty of police officers of all ranks to aid the members of the force in the execution of their duties under the Act.

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

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

41. power to make rules –(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for -

(a) the number and grades of officers and members of the force;

(b) the manner of appointment of members of the force;

(c) the form of the certificate to be issued to the members of the force;

(d) the conditions of the 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 (including the levy of fee) subject to which members of the force may be dispatched to carry on fire fighting operations in neighbouring areas;

(f) the conditions subject to which members of the force may be employed on rescue, salvage or other work;

(g) the manner in which and the intervals at which the process of the fire tax levied under this Act shall be paid to the state Government.

(h) the manner of service of notice under this Act;

(i) the procedure to be followed in arbitration proceedings under section 20;

(j) the payment of rewards to persons, not being members of the force, who render services for fire fighting purposes;

(k) the compensation payable to members of the force in case of accidents on to their dependents in case of death while engaged on duty;

(l) for the employment of members of the force or use of any equipment outside the area or on special services and the fee payable therefore, and

(m) any other matter which is to be or may be prescribed.

42. Repeal and saving –If immediately before the day on which this Act

comes into force in an area, there is in force in that area any law or rule having the force

of law which corresponds to this Act, such corresponding law in so far as it relates to any matter of which provision has been made in this Act shall on that day stand repealed;

provided that such repeal shall not be deemed to limit, modify or derogate from the general responsibility of any local authority-

(a) to provide and maintain such water supply and fire hydrants for fire fighting purposes as may be directed by the state Govt. from time to time.

(b) to frame bye-laws for the regulation of dangerous trades;

(c) to order any of its employees to render aid in fighting a fire when reasonably called upon to do so by any member of the force and

(d) generally to take such measures as will lessen the likelihood of fires or preventing the spread of fires.

APPENDIX “5-B”

MODEL RULES UNDER THE FIRE FORCE BILL

(See para 18 under 5 LEGISLATION)

THE _____ FIRE SERVICE

RULES, 19_____

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(26)

THE _____ STATE FIRE SERVICE RULES, 19 _____

In exercise of the powers conferred by Section 41 of State Fire Force Act, 19 the Government of hereby makes the following special rules for the Fire Services :-

CHAPTER I – PRELIMINARY

1. Short title and commencement.-(1) These rules shall be called State Fire Service Rules.

(2) They shall take effect from the State of the publication in the Official Gazette.

2. Definition. – In these rules, unless the context otherwise requires

(1) “Act” means Fire Force Act.

(2) “Governor” means the Governor of

(3) "Director or Regional Fire Officer/Dy. Director of Fire Force" shall mean a person appointed to these posts under the Act of these rules as such.

(4) "Service" means State Fire Service, and

(5) "Member of the Service" means a person appointed to a post in the cadre of the service.

CHAPTER II – CONSTITUTION OF FIRE SERVICE.

3. Regions & Division of the State. – For the purposes of these Rules the State may be divided into regions, which may be further divided into Divisions. Each region shall be in charge of a Regional Fire Officer, while the Headquarters region shall be in charge of the Dy. Director of Fire Service.

4. Division of Region. – Each Division shall be in charge of a Divisional Fire Officer – assisted in high fire risk areas, by such number of Assistant Divisional Fire Officers as may be required.

5. Strength of the establishment. – The sanctioned strength of the Fire Service shall be determined by the Government from time to time and shall on the commencement of these rules, be as specified in Schedule I of these rules. (Vide item No.11 of 6th Standing Fire Advisory Committee meeting).

6. Supervision and Control. – (1) Subject to the control and supervision of theGovernment the Director of Fire Service shall be in sole charge of the Fire Service Department of the State.

(2) The Deputy Director of Fire Service/Regional Fire Officer shall work under the control and guidance of the Director of Fire Service and the Divisional Fire Officers shall work under the direct control and guidance of the respective Dy. Director/Regional Fire Officer.

7. Appointment of Superior Service. – The Director or Deputy Director of Fire Service, Regional Fire Officer and Divisional Fire Officer shall constitute Superior Fire Service.

8. Gazetted Officers. – The State Government shall by notification in the Gazette appoint the following officers :-

(1) A Director of Fire Service.

(2) Such number of Dy. Directors/Regional Fire Officers as there are regions and such number of Divisional Fire Officers as there are divisions.

9. Reservation of appointments. – The rule of reservation of appointments shall apply to all appointments by direct recruitment.

10. Probation. – Every person appointed to the Fire Service shall be on probation for a period of one year from the date of appointment.

11. Staff. – The State Government or any Officer specially empowered in this behalf by the State Government, shall appoint such person or persons as may be deemed necessary, to the posts of Assistant Divisional Officers, Station Officers, Sub Officers, Leading Firemen, Driver Operators, Firemen, Watch Room Operators, Fitters, Mechanics, Drivers, Painters, Blacksmiths, Carpenters, Fireman-Aides, Storekeepers, Cashiers, Clerks, Office orderlies, Gardeners, Sweepers/Scavengers and such other posts – gazetted or non-gazetted in the administrative and ministerial establishment and to any other posts created from time to time as may be deemed necessary by the State Government.

12. Pay and Allowances. – Rates of monthly pay admissible to increments of the various posts, whether the appointment is substantive or in officiating capacity of as a temporary measure, shall be as fixed from time to time by the State Govt.

13. Posting and transfers. – All postings and transfers of Director of Fire Service, Dy. Director of Fire Service and Regional Fire Officers shall be made by the Secretary, State Fire Department.

14. Quarters. – Members of the Fire Service shall be eligible for free quarters or for a house rent allowance in lieu of free quarters, and for water and electricity free of charge.

15. Uniform. – All articles of Uniform and Kit for the Director and Fire Service

Officers and all other ranks shall be in accordance with standard uniforms as specified in Schedule II (Vide item 10 of 4th S.F.A.C. and vide item No.18 of 8th S.F.A.C.) and be issued free in accordance with the scales approved by the State Govt.

16. Monthly allowance for maintenance of uniform clothing for Director & officers up to the rank of Divisional Fire Officers. – The Director of Fire Service, other Fire Service Officers up to the rank of Divisional Fire Officers and such other Officers as may be decided by the State Government shall receive such monthly allowance for the maintenance of their Uniform Clothing as may be determined by the State Government. Assistant Divisional Officers, Station Officer, Sub-officers, lower ranks and such other members of the Fire Service as may be determined by the Director of Fire Service, shall be supplied monthly with material for the maintenance of their uniform clothing as fixed by their respective Dy. Director/ Regional Fire Officer.

17. Transport. – All officers shall be entitled to free transport facilities for the performance of their official duties. The Director and Dy. Director of Fire Service, Regional Fire Officer and the Divisional Fire Officers shall be entitled to a free motor car and the Assistant Divisional Officers, Station Officers and Sub-Officers shall either be allowed to keep motor cycles or shall be allowed to use the vehicles maintained by the Fire Service along with other lower ranks when on official duties.

18. Qualifications. – No person shall be eligible for appointment as Director of Fire Service or Dy. Director/Regional Fire Officer by direct recruitment unless he -

(a) has completed the age of 25 years and has not completed the age of 35 years on the first day his taking charge of his post in the Fire Service of the State.

(b) Hold the B.A. or B.Sc. degree or any other equivalent degree of a university in the Indian Union preferably in Science of Engineering subject,

(c) has passed the Divisional Officers Course or the General Fire Prevention Course at the National Fire Service College or hold Associate Membership of the College or other equivalent qualifications.

(d) Has a minimum of 10 years' service (7 years in case of Dy. Director/Regional Fire Officers) in a full time Fire Service, of which at least 3 years should be in a senior executive post carrying responsibility,

(e) Is not less than 5 feet 5 inches in height,

(f) Is not less than 32 inches round the chest and has a chest expansion of not less than 2 inches on full respiration to 34 inches round the chest, and

(g) Is not less than 110 lbs in weight.

(28)

(h) satisfies a Medical Board in _____ as to his physique fitness in all respect and capacity for active outdoor work. The Medical Board shall certify that he is free from organic diseases of any sort and not subject to vertigo, or diseases of heart, lung or kidney or abnormal blood pressure. His eye sight shall be good and if he wears glasses, it shall be certified by the Superintendent of the Government Ophthalmic Hospital that he shall be able to perform Fire Service duties at fires and other rescue works from high elevations without any hindrance.

19. Subordinate Service. – A person appointed to the Subordinate Service either by direct recruitment from outside or by transfer from other regular recognized full time fire Services, shall possess physical standards, academic or technical qualifications and practical experience as per Schedule III. (Vide item No.3 of 7th S.F.A.C.)

20. Training. – A probationer recruited direct from outside, shall during the prescribed period of probation, successfully complete the various standards of examination and courses as stated in the Schedule III. The pay of probationers recruited shall be Rs. _____ a month while undergoing training in the National Fire Service College or a Regional/State Fire Training Centre and Rs. _____ a month whilst undergoing a practical training in a regular recognized full time Fire Service.

21. Uniforms & Badges. – The uniforms and badges to be worn by the Director of Fire Service, the other officers and the staff shall depend on the various ranks held by them in accordance with the numbers of appliances they are in control of and shall be as prescribed in Schedule II.

22. Discipline. – The rules as to the maintenance of discipline in the Services shall be as set out in the Discipline Code prescribed in the Schedule IV (As per Model Discipline Code prepared by the Sub-Committee and placed before the 9th SFAC.)

23. Drill. – The rules relating to drill and exercise shall be as prescribed in the Drill Manual prepared by the Central Government and set out in Schedule V. (As per Standard Drill Manual).

CHAPTER III - POWER AND DUTIES

24. Director of Fire Service. – (1) The Director of Fire Service shall be in control of the entire Fire force and shall be responsible to the State for the efficient functioning of the Fire Service.

(2) He shall be empowered to take all such necessary steps as he may think fit under the powers given to him under the Act for protection of life and property from fire.

(3) He shall personally supervise serious outbreaks of fires when the Deputy Director/Regional Fire Officer considers his presence necessary. When the Deputy Director/Regional Fire Officer is in attendance at a fire, he shall be supreme control not only of the Fire Force but also of all other Forces and essential Services including volunteers from the public engaged in putting out fires.

25. Deputy Director of Fire Service/Regional Fire Officer. – He shall be in operational command of at least two divisions or second in command to the Director of Fire Service, or shall have equivalent staff duties. He shall normally be in complete command of all operations in any serious emergencies or conflagrations. The Deputy Director at HQ shall also be in charges of the Fire Service during short absence of the Director, other regular, acting or officiating arrangements shall be made by the appointing authority.

26. Divisional Officer.- The Divisional Officer shall be in charge of two to eight fire stations depending upon the size and importance of the stations or equivalent staff duties. He may be assisted by an Asstt. Divisional Officer if necessary in high fire risk areas who may be entrusted with a charge of two to three fire stations or four to six fire fighting units or other equivalent staff duties.

27. Station Officer & Sub-Officer. – Officer-in-charge of a Fire Station shall hold charge of a Fire Station having not more than three fire fighting units with all equipments or equipments or equivalent staff duties. He shall have under him staff attached to the Fire station. He will be responsible for the maintenance of communications systems, water resources including hydrants with in his station area, and shall be in charge of operations of fire where not more than three complete fire engineers required to work.

(29)

He may be assisted by a Sub-Officer in high fire risk areas who may be entrusted with a charge of any fire fighting unit.

28. Leading Fireman. – The Leading Fireman shall be the leader of the fire crew and responsible for the execution of the orders of his officer and for the work of individual members of the crew.

29. Driver-Operators, Firemen and others. – They shall form members of the fire crew and perform duties assigned to them by the leading Fireman or such other officers as may be in command.

(2) The functions of the mechanical staff and other persons engaged by the Fire Services shall be such as may be assigned to them from time to time.

30. Information of Fire. – Any officer-in-charge of a Fire Station shall immediately on receipt of information of the occurrence of a fire, turn out units to the place of occurrence and shall take all necessary steps to extinguish the fire expeditiously.

31. Report of Fire. – The report of every fire which occurs within the

respective areas shall be submitted by the Officers-in-charge of Fire Station not later than 2 days following the fire, to their respective Divisional Officers who shall make such further enquiries, if any, as they may deem necessary and shall furnish such reports to their respective Regional Fire Officers, who shall furnish a weekly return of all fires in the respective areas to the Director of Fire Services.

32. Adequate supply of water. – The Director of Fire Service shall take all reasonable measures for adequate supply of water and in particular provide :

(1) For ensuring areas with different fire risks as follows :-

(a) **Piped Water Supply :**

(i) For industrial and commercial areas the main pipe line should not be less than 6” in dia. and shall be capable of supplying a minimum of 1,000 gallons per minute at a pressure of not less than 10 lbs. Per sq.inch.

(ii) For residential areas, the main pipe line should not be less than 4” dia. and should be capable of supplying minimum of 500 gallons per minute at a pressure of not less than 10 lbs. per sq.inch.

(b) **Reserve :**

(j) One gallon per head of the population (Scattered in small tanks and pools etc. all over the area)

(c) **Additional requirements for special risks :**

(i) Class ‘A’ risk areas (Ware house, 2500 gallons of water per minute of pipe water

congested factories) supply or static water supply or a combination of both.

(ii) Class ‘B’ risk areas (Concentration of 1000 to 1500 gallons per minute from similar

factories, warehouses, large shopping areas) sources as in (i).

(iii) Class 'C' risk areas (Areas of smaller risk 600-700 gallons per minute from similar sources

than (i) & (ii) as in (i).

(iv) Class 'D' risk areas (Residential. Scattered 250-700 gallons per minute from similar source

factories, rural areas, etc.) as in (i).

Note :- This supply should be available for 100 minute, 50 per cent of this supply or 10 lakh gallons, whichever is less, should be in the form of static supply.

(d) **Static Water Tanks :**

Areas where congested shopping centers exist, the static water supply can be of great help for fighting fires. Static water can be made available in the form of underground tanks, for instance in parks and at road crossings in the shape of fountains.

(30)

This should supplement the plans for the beautification of the city also. Open tanks and swimming pools can also be constructed at appropriate places, which can be used as static water supply for fighting fire.

Although tubewells are considered to be unsafe and unreliable because of their unhealthy and dirty water, yet these can be of great help in the incidence of fire.

When local authorities propose to install any tubewells, it is desirable that the Fire Service is consulted for their suitable and appropriate location.

(2) Provision of water units especially for rural areas.

(3) Provision of Mobile one-mile pipe line with victualic joints in a movable vagon.

33. Right of way. – (1) When the fire unit is in transit to the place of occurrence of a fire, the fire alarm bell shall be rung continuously.

(2) On hearing the said alarm bell every person and vehicles on the route shall immediately draw to the extreme left and stop till the fire unit passes by, providing a

clear and unobstructed passes to the fire unit, provided that a vehicle running on fixed rails like the tram car shall stop in a such manner as to provide clear passage to the fire unit.

(3) Whosoever contravenes the provision of sub-section (2) above shall be punishable with a fine, not exceeding Rs.50/-

34. Preventive Powers. – (1) The trades which are likely to cause a risk of fire, shall be as enumerated in a list which may be amended from time to time.

(2) In respect of such fire risks and to all fire risks not covered by any Central or other State enactments, in respect of which a notification under section 13 of the Act has been issued, any member of the Fire Services of the area, duly authorized by the Director of Fire Services in this behalf, may inspect any place where he suspects such risks exist and direct compliance with such preventive measures as he may deem fit.

35. List of Occupations involving Fire risks. – List of occupations involving fire risks is as per Schedule VI (Finalised at the 9th SFAC Meeting)

36. Purchase of Equipments.- The Director of Fire Service shall, as far as possible, conform to the standard specifications for fire fighting equipments laid down by the Indian Standard Institution as per Schedule VII in the purchase of such equipments for the Fire Service. (Vide list attached).

37. Minimum water discharge of pumps. – The Director of Fire Service shall take all necessary steps to raise the standards of minimum water discharge of pumps to conform to the approved standards viz. 100 gallons per minute pumping capacity for every 10,000 population with 20% as reserve.

38. Minimum requirements of Fire Station. - The Director of Fire Services shall take all necessary steps to ensure the maintenance of the minimum requirements of fire Stations as set out in schedule III (Vide item No.3 of 2nd SFAC).

39. Statistics. – The Director of Fire Service shall cause the maintenance of record of all fires and the losses caused by such fire in the form prescribed under Schedule IX (Vide Item No.13 of 6th SFAC).

CHAPTER IV - MISCELLANEOUS

40. Compensation to members of the Service. – The compensation payable to the members of the Service in the case of accidents or to the dependents in the case of death shall be in accordance with the scales laid down by the State Government as per Schedule X (Vide item No.5 of 3rd SFAC).

41. Disciplinary Actions. – Every member of the Service who shall be guilty of any violation of duty or willful breach of any provisions of the Act or the rules made thereunder or of any order made by a competent authority, or who shall be guilty of cowardice or who withdraws from duties from his office without permission or who, being absent on leave, fails, without reasonable cause to report himself for duty on the expiry of such leave, or who shall engage without authority in any employment other than his duty, shall be liable on a conviction before the Magistrate of First Class to a fine not exceeding three months pay or imprisonment not exceeding three months or both.

(31)

42. Employment of Fire Service for purpose other than fire fighting within or outside the State. – The Fire Service may be engaged on purpose other than fire fighting at the discretion of the Director or his authorized subordinate officer in following circumstances :--

- (i) Special Services free of charge in cases of types of rescues of Life.
- (ii) Special Services which should be charged according to rate fixed by the State Government, such as for pumping out wells, floor waters, attending to duties like fire protection at large assemblies or gatherings subject to safe use of equipment if it can be spread.
- (iii) Services of all kinds, rendered beyond limits of jurisdiction to be charged according to rates fixed by State Government.

Note :- Fire Fighting units, equipments and appliances shall not be used for duties like road sprinkling, supply of water, washing of places, etc.. except in case of emergency.

SCHEDULE I – STRENGTH OF THE ESTABLISHMENT

As per following extract of recommendations vide Item No.11 of the minutes of the 6th Standing Fire Advisory Committee meeting :-

(A) Station Officer & Sub-officers

The scale of Station Officers and Sub-officers at stations should be as under :-

- 1 Pump Station -- 1 Staff Officer or 1 Sub-officer.
- 2 Pumps Station -- 1 Station Officer and 1 Sub -officer.
- 3 Pumps Station -- 1 Station Officer and 2 Sub -officers.
- 4 Pumps Station -- 2 Station Officers and 2 Sub -Officers.
- 5 Pumps Station -- 2 Station Officers and 3 Sub -officers.
- 6 Pumps Station -- 2 Station Officers and 4 Sub -officers.

Note I :-- Where the extent of fire risk may justify, Sub-officers may be replaced by Station Officers.

Note II :-- Reserve Staff :--

- (a) A 50% reserve of total staff of Station Officers and Sub-officers on duty to be provided for periodical relief to enable officers to avail 24 hours off after every 48 hours on duty.
- (b) A 10% of the total staff on duty and periodical relief to be provided as Training Reserve.
- (c) A leave reserve of 15% on the total staff on duty, periodical relief and training reserve to be provided as replacement for all types of leave.

(B) Leading Firemen

There should be one Leading Fireman per fire appliance and one for Station and out door duties per station at all times.

(C) Drivers/Operators

One driver/operator per motor vehicle plus a duty reserve which will ensure the following minimum number to be provided at each station :--

Station with 1 Motor Vehicle -- 2 Drivers/Operators.

Station with 2 Motor Vehicles -- 3 Drivers/Operators.

Station with 3 Motor Vehicles -- 4 Drivers/Operators.

Station with 4 Motor Vehicles -- 6 Drivers/Operators.

Station with 5 Motor Vehicles -- 7 Drivers/Operators.

Station with 6 Motor Vehicles -- 9 Drivers/Operators.

(D) Firemen

The scale of Firemen will be six per fire appliance apart from one fireman for fire alarm duties, two firemen for hydrant and water resources inspection and one fireman for dispatch duties per station

(32)

Note I :- There should be a reserve of 25% of the total number of Leading Firemen, Drivers/Operators and

Firemen worked out according to the above scale to serve as Training Reserve, and Leave Reserve of all types.

Note II :- Where two shift system is in vogue, the number of Leading Firemen, Drivers/Operators and

Firemen will be doubled

Note III:- Where three shift system is in vogue, the number of Leading Firemen, Drivers/Operators and

Firemen will be three times the scale mentioned above

(E) Watch Room Operators

Four watch room operators for each station to be provided, one to be on duty for every 8 hours and the 4th man to be spare for relief work. In addition, an overall reserve of 25% for the service as a whole to be provided.

(F) Clerks

Whether the Station functions as an independent unit and has its own cash and store work, one clerk may be provided.

(G) Sweepers/Scavengers

These class of employees should be provided at the scale of one per 3,000 sq.ft. of covered area, and one per 7,000 sq.ft. of open area subject to a minimum of one at each station.

(H) Gardeners

One gardener for every half acre of land required to be maintained as a garden.

At places having more than one station where headquarters of city fire brigade exist, the staff required should vary from place to place depending on the strength of the crew. The following general observation may serve as guide :-

Officers – The scale of officers with relation to their responsibility or command should be fixed as per recommendations made by this Committee under item No.10 of its 4th meeting held in March,1968. It is however, considered necessary that there should be an Equipment Officer of the rank of Divisional Officer. Assistant Divisional Officer, Station Officer or Sub-officer depending upon the size of the Brigade.

Training Staff – A minimum of one Station Officer, one Sub-officer, one Leading Fireman, one Driver/Operator and six Firemen should be provided if there is no full fledged training school attached to the Service.

Ministerial Staff – A Store Keeper, a Cashier, a Stenographer and an Accountant must be provided for the Fire Service. However, where considered necessary, assistants should be provided to these posts while other ministerial staff should be provided as per actual requirements.

Headquarters/Control Room – A Mobilising Officer holding a rank from a Divisional Officer to a Sub-officer depending on the size of Fire Service should be provided to hold charge of the Control Room. In addition, an adequate number of watch room operators working on three shift system should be provided.

Fire Aides – One fireman aide for each officer above the rank of Station Officer should be provided.

Office Orderlies – These requirements for offices should be worked out separately as

per scales laid down.

General – In addition to above the staff required for maintenance of hose, for arranging supply of water for fire-fighting and for fire prevention work should be engaged as per actual requirement.

The scale of staff required for manning the fire service workshop would depend on the size of the service and the number of motor vehicles and fire appliances.

This would therefore, be in accordance to recommendations vide Item No.9 of 7th SFAC meeting.

(33)

SCHEDULE II -- UNIFORMS AND BADGES

Uniforms – As per recommendations vide Item No.18 of the minutes of the 8th meeting of the SFAC.

Badges -- (i) Officer's Peak Cap Badge, as per recommendations vide Item No.5 of the minutes of the 5th SFAC meeting.

(ii) Shoulder markings for the various ranks as detailed under Item No.5

(b) of the minutes of 2nd SFAC meeting.

SCHEDULE III -- SUBORDINATE SERVICE

As per "Recruitment Rules for the various ranks in the Fire Services" as recommended vide Item No.3 of the 7th SFAC meeting with Annexure 'A', 'B', 'C' & 'D'.

SCHEDULE IV -- DISCIPLINE

As per Model discipline code prepared by the Sub Committee and placed before the 9th meeting of the Standing Fire Advisory Committee.

SCHEDULE V -- DRILL

As per Standard Drill Manual Government of India, Ministry of Home Affairs.

SCHEDULE VI -- LIST OF OCCUPATIONS INVOLVING FIRE RISKS

As per item No.19 of the 8th meeting of Standing Fire Advisory Committee, (Finalised at the 9th SFAC meeting).

SCHEDULE VII -- LIST OF STANDARDS ON FIRE FIGHTING EQUIPMENTS

As per list attached.

SCHEDULE VIII -- MINIMUM REQUIREMENTS OF FIRE STATION

As per recommendations of Standing Fire Advisory Committee vide tale under Item No.3 of the minutes of 2nd meeting entitle “Requirements of a Standard Fire Station”.

SCHEDULE IX -- STATISTICS

As per recommendation of the Standing Fire Advisory Committee vide proforma under Item No.13 of the minutes of the 6th meeting entitled “Collection of Fire Statistic elaborated proforma relating to –“

SCHEDULE X -- COMPENSATION TO MEMBERS OF THE SERVICE

As per recommendations of the Standing Fire Advisory Committee vide Annexure-II with Annexure of Item No.5 of the minutes of 3rd meeting.

List of Standards of Fire Fighting Equipment

1. Couplings Double Male and Double Female Instantaneous Pattern for Fire Fighting purposes Doc; BDC 22 (220).
2. Fire Hose Delivery Couplings, Branch Pipe, Nozzles and Nozzle Spanner Doc; BDC 22 (242)
3. Suction Hose Couplings for Fire Fighting purposes Doc; BDC 22 (243).
4. 2-Way and 3-way Suction Collecting Heads for Fire Fighting purposes Doc; BDC 22 (244).
5. Delivery Breechings, Dividing and Collecting, Instantaneous Pattern for Fire Fighting purposes Doc; BDC 22 (240).
6. Branch with Revolving Head for Fire Fighting purposes Doc; BDC 22 (245).
7. Suction Strainers, Cylindrical and Shoes Types for Fire Fighting purpose Doc; BDC 22 (247).
8. Hydrant, Stand Post Type Doc; BDC 22 (248).
9. Under Ground Hydrant, Sluice Valve Type Doc; BDC 22 (250).
10. Under Ground Hydrant Double Valve Type Doc; BDC 22 (313).
11. Combined Hydrant, Hydrant Cover Lift and Lower Valve Key Doc; BDC 22

(249).

12. Washers for Water Fittings for Fire Fighting purposes Doc; BDC 22 (339).

13. Fireman's Axe Doc; BDC 22 (221)

14. Fire Hooks Doc; BDC 22 (251)

15. Fire Bell Doc; BDC 22 (252)

(34)

16. Hook Ladder Doc; BDC 22 (264)

17. Extension Ladders Doc; BDC 22 (265)

18. Wheeled Fire Escape Doc; BDC 22 (260)

19. Mechanically Operated Turn Table Ladder for Fire Brigade Use Doc; BDC 22

(207)

20. Portable Chemical Fire Extinguishers, Foam type Doc; BDC 22 (253)

21. Portable Chemical Fire Extinguishers, Carbon Dioxide : Doc; BDC 22 (255).

22. Portable Chemical Fire Extinguishers, Soda Acid Type Doc; BDC 22 (254).

23. Fire Extinguishers, CBM Type Doc; BDC 22 (367).

24. Fire Extinguishers, Pure Water Type, Doc; BDC 22 (303).

25. Fire Extinguishers, Bucket Pump Type, Doc; BDC 22 (402).

26. Blower and Exhauster for Fire Fighting Doc; BDC 22 (219).

27. 275 LPM (or 60 GPM) Portable Pumps Set for Fire Fighting Doc; BDC 22

(256).

28. 680 LPM (or 150 GPM) Trailer Pump for Fire Brigade use, Doc; BDC 22

(257).

29. 1800 LPM (or 400 GPM) Trailer Pump for Fire Brigade use, Doc; BDC 22

(258).

30. 1800 LPM (or 400 GPM) Motor Fire Engine, Doc; BDC 22 (259).

31. 3400 LPM (or 750 GPM) Motor Fire Engine, Doc; BDC 22 (260).

32. Motor Fire Engine with 270 LPM (or 60 GPM) Portable Pump and 1800 Litre
(or 400 gallon) water tank Doc; BDC 22 (261).

33. Motor Fire Engine with 1800 LPM (or 400 GPM) Pump and 1800 Litre (or 400 gallon) water tank BDC 22 (268).
34. Emergency Tender for Fire Brigade Use Doc; BDC 22 (263).
35. Combined Foam and CO2 Crash Tender Doc; BDC 22 (284).
36. Foam Crash Tender Large Doc; BDC 22 (285).
37. Foam Crash Tender Small Doc; BDC 22 (286).
38. CO2 Crash Tender Doc; BDC 22 (287).
39. Dry Powder Crash Tender Doc; BDC 22 (288).
40. Rescue Tender Doc; BDC 22 (289).
41. Control Post Van Doc; BDC 22 (290).
42. Small Fire Engine Doc; BDC 22 (412).
43. Towing Tender for Trailer Pump for Fire Brigade Use Doc; BDC 22 (262).
44. Stirrup Pump for Fire Fighting purposes Doc; BDC 22 (382).
45. Self-contained breathing apparatus for Fire Brigade Use Doc; BDC 22 (383).
46. Electric Motor Sirens for Fire Brigade Use BDC 22 (385).
47. Helmets, Firemen Doc; BDC 22 (386).
48. Oxy-Acetylene Cutting set used in Fire Services, Doc; BDC 22 (388).
49. Snatch Block single Sheave for Fire Brigade Use, Doc; BDC 22 (390).
50. jacks, Screw, 5 ton, for Fire Brigade Use, Doc; BDC 22 (391).

(35)

APPENDIX “5-C”

FIRE SERVICE DISCIPLINE AND APPEAL RULES RAMED UNDER SECTION – OF THE FIRE FORCE ACT

(See para 19 under 5, LEGISLATION)

FORWARDING NOTE

The Fire Service is an essential service, where implicit obedience of orders and strict adherence to discipline are imperative as in the Armed Force or Police. However, keeping the civilian privileges in view, the stringency of

the Army Rules and the unrestrained freedom admissible under the rules governing the other civilian and utility services have been modified to suit the basic needs of fire service. The cardinal principle that no one shall be punished unless he has been given an adequate opportunity to defend himself if against the action proposed has however been observed.

Provision has been made for dealing with offences peculiar to fire services in a deterrent and speedy manner to ensure desired effect and discipline, which are vital.

The rules are intended to be made applicable for all the fire services maintained by the Government, Corporations or other statutory bodies. Municipalities or other local authorities or autonomous institutions in India.

DRAFT

Fire Services Discipline and Appeal Rules framed under

..... **Section of**

I. General.

1. These rules may be called the Fire Service Discipline and Appeal Rules 19.....

They shall come into force from

II. Definitions.

2.

III. Classification.

3. The Services the members of which are subject to the rules shall be classified as follows :--

(a) The Superior Fire Service.

(b) The Subordinate Fire Service.

4. The Superior Fire Service shall consist of the following categories of posts :--

(a) Director of Fire Services/Chief Fire Officer.

(b) Deputy Director of Fire Services/Dy.Chief Fire Officer/Regional Fire Officer.

(c) Divisional Fire Officer.

5. The Subordinate Fire Service shall consist of the following categories of posts :--

(a) Assistant Divisional Fire Officer and equivalent ranks.

(b) Station Officer and equivalent ranks.

(c) Sub Officer and equivalent ranks.

(d) Leading Fireman, Telephone Operator and equivalent ranks.

(e) Driver/Mechanic/Driver Operator and equivalent ranks.

(f) Fireman and equivalent ranks.

(36)

IV. Discipline Penalties.

6. The following penalties may be awarded summarily in Orderly rooms upon the categories of Officers enumerated under Clauses (d) to (f) of rule 5 above :--

Extra duty and/or extra drill not exceeding 3 hours in all at one hour per day, can be imposed by an officer of the rank of Station Officer or Sub officer. Extra duty of extra drill for a period not exceeding 7 hours. At one hour per day can be imposed by an officer of the rank of Assistant Divisional Officer and above. The imposition of these penalties shall not be recorded in the service records of the individual or in his personal file.

The person to be punished, should be given the opportunity in the Orderly Room to explain the circumstances under which he committed the offence before the penalty is awarded. No appeal shall lie against these punishments.

7. The following penalties may for good and sufficient reasons be imposed upon members of the Superior and subordinate Fire Services specified in Rules 4 & 5 above, namely :--

(a) Censure.

(b) Debarring from appearing for departmental or professional examination for

promotion for a specified period not exceeding two years.

(c) Withholding of increments, or promotion including stoppage at an efficiency bar.

(d) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld where such an order cannot be given effect to.

Explanation :

In cases of stoppage of increment from cumulative effect, the monetary value equivalent to three times the amount of increment ordered to be withheld may be recovered.

(e) Recovery from pay of the whole or part of any pecuniary loss caused to the department, by negligence or breach of orders.

Explanation :

This penalty may be imposed in addition to any other penalty which may be inflicted in respect of the same neglect or breach of orders.

(f) Suspension where a person has already been suspended under Rule 13(a) to the extent considered necessary by the authority imposing the penalty

(g) Reduction to a lower rank in the seniority list to a lower grade, post or time scale or to a lower stage in the time-scale.

(h) Compulsory retirement.

(i) Removal from service.

(j) Dismissal from service.

Discharge of a person appointed on probation during the period of probation or of the person appointed to hold a temporary appointment on the expiration of the period of temporary appointment does not amount to removal or dismissal within the meaning of this rule.

8. Besides the penalties specified in Rules 6 and 7 the following penalties may also for good and sufficient reasons be imposed upon the members of the Subordinate

Fire Service specified in Rule 5 above:--

(a) Reprimand in the case of Subordinates specified in Item (a) to (e) of Rule 5 above.

(b) Black mark in the case of subordinates specified in items (d) to (f) in Rule 5 above.

(c) Suspension for a period not exceeding 15 days in the case of subordinate specified in Rule 5 above, if the penalty of reduction to a lower grade, post or time-scale or to a lower stage in the time-scale cannot be imposed.

9. The authority which may impose any of the penalties prescribed in Rule 7 and 8 above on a member of the superior or subordinate fire service specified in Rule 4 and 5 above shall be the authority prescribed in Appendix I to those rules or any higher authority :

Provided that where in any case a competent authority has imposed or has declined to impose a penalty under this rule a lower authority shall have no jurisdiction to proceed under this rule in respect of the same case.

(37)

Explanation :

(a) The fact that a competent authority has imposed or declined to impose a penalty in any case shall not debar a higher authority from exercising his jurisdiction under this rule in respect of the same case.

(b) The order of a higher authority imposing or declining to impose in any case a penalty under this rule shall supersede any order passed by any lower authority in respect of the same case.

(c) Where, on promotion or transfer a member of the service in a class, category or grade is holding an appointment in another class, category or grade thereof or in another service, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the service in the latter

class, category, grade or service, as the case may be.

(d) Where a person has been reverted from one service to another or from one class, category or grade of the service to another class, category or grade thereof, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the service, class, category or grade, as the case may be for which he was reverted or reduced except by an authority competent to impose the penalty upon a member of such service, class, category or grade, as the case may be.

10. In every case where it is proposed to impose on a member of a superior or subordinate Fire Service any of the penalties mentioned in clauses (a) to (f) of Rule 7 clauses (a) to (c) Rule 8 the delinquent shall be given a reasonable opportunity of making any representation, that he may desire to make as laid down in paragraphs 1 and 2 of Appendix II to these rules.

11. In every case where it is proposed to impose on a member of the service any of the penalties mentioned in clauses (g) to (j) of Rule 7, the procedure indicated in paragraphs 3 to 7 of Appendix II to these rules shall be followed.

Exception :--

12. (a) The requirements of rules 10 and 11 shall not apply where the officer concerned has absconded or where it is for other reasons impracticable to communicate with him.

(b) The provision of rule 11 shall not apply where the Government of Local Authority is satisfied that in the interest of State or Local security it is expedient to follow the procedure prescribed in the rules.

(c) All or any of the provisions of rules 10 and 11 may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived where there is a difficulty in observing exactly the requirements of the rules

and these requirements can be waived without injustice to the person charged.

(d) If any question arises whether it is reasonably practicable to follow the procedure prescribed in rule 11 the decision thereof of the appointing authority shall be final.

Suspension :--

13. (a) A member of a service may be placed under suspension from service, where –

- (i) an inquiry into grave charges against him is contemplated, or is pending or
- (ii) a complaint against him of any criminal offence is under investigation or trial and if such suspension is necessary in the public interest.

(b) A member of the Fire Service who is detained in custody, whether on a criminal charge or otherwise, for a period longer than forty-eight hours shall be deemed to have been suspended under this rule.

(c) An order of suspension under clause (i) may be revoked at any time by the authority making the order or by any authority to which it is subordinate.

14. (a) The authority imposing any penalty under rules 7 and 8 shall maintain a record showing :--

- (i) the allegations upon which action was taken against the person punished;
- (ii) the charges framed, if any;
- (iii) the person's representation, if any and the evidence taken, if any; and

(38)

(iv) the finding and the grounds thereof, if any.

(b) All orders of punishment shall also state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed.

V. Appeals

15. Every person who is member of the service specified in rule 3 shall be

entitled to an appeal from an order imposing on him any of the penalties specified in Rules 7 and 8 :-

(a) if such order was passed by an authority specified in the relevant column of the Schedule, to the authority specified in the last column thereof;

(b) if such order was passed by an authority higher than that specified in the relevant column of the Schedule to the next higher authority to whom the former authority is administratively subordinate;

16. In the case of an appeal against an order imposing any penalty specified in rules 7 and 8 the appellate authority shall consider :-

(a) whether the facts on which the order based have been established ;

(b) whether the facts established afford sufficient ground for taking action ;

and

(c) whether the penalty is excessive, adequate or inadequate ; and after such consideration shall pass such order as it thinks proper.

17. In the case of an appeal against an order under Rule 9 the appellate authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

18. An authority from order an appeal is preferred under rule 15 shall give effect to any order made by the appellate authority.

19. Every person preferring an appeal shall do so separately and in his own name.

20. Every appeal preferred under rule 15 shall contain all material statements and arguments relied on by the appellant shall contain no disrespectful or improper language and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

21. No appeal shall be admitted by the appellate authority if it has not been preferred within one month from the date on which a copy of the order appealed against

was communicated to the appellant ;

Provided that, if the appellant satisfied the appellate authority that he had sufficient cause for not preferring the appeal within the said period, the appeal may be admitted by such authority if it is preferred within two months from the date on which a copy of the order appealed against was communicated to the appellant.

Explanation :

Where the person concerned has absconded or where it is for any other reason impracticable to communicate with him, the period of one month referred to in this rule shall be counted from the date of the order appealed against.

22. An appeal may be with-held by an authority not lower than the authority from whose order it is preferred, if –

(a) it is an appeal in a case in which under these rules no appeal lies, or

(b) it does not comply with the provisions of rule 15 ; or

(c) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which accord grounds for a reconsideration of the case ; or

(d) it is addressed to an authority to which no appeal lies under these rules ;

Provided that in every case in which an appeal is rejected the appellant shall be informed of the fact and reasons for it ;

Provided further that an appeal with-held on account of the failure to comply with the provisions of the first paragraph of rule 15 may be resubmitted at any time within one month of the date on which the appellant has been informed of the with-holding of the appeal and if re-submitted in a form which complied with those provisions shall not be with-held.

(39)

23. A list of appeals with-hold under rule 22 with the reasons for withholding them, shall be forwarded half-yearly by the with-holding authority to

the appellate authority.

24. No appeal shall lie against the with-holding of an appeal, by a competent authority.

25. The appellate authority may call for an appeal admissible under these rules which has been with-held by a subordinate authority and may pass such orders thereon as it considers fit.

26. Every appeal which is not with-held under these rules shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred with an expression of opinion.

27. The authority by whom an order imposing a penalty under rule 9 may be reversed or altered in cases in which no appeal is preferred shall be the appellate authority specified in Appendix I referred to in rule 9 or any higher authority.

28. **Registration** – No member of the service shall be permitted to resign when disciplinary proceedings against him are pending or under contemplation.

29. Nothing in these rules shall operate to deprive any person of any right of appeal which would have had if these rules had not been made in respect of any order passed before they came into force. An appeal pending at the time when or preferred after these rules came into force, shall be deemed to be an appeal under these rules, and rules 16 and 18 shall apply as if the appeal were against an order appealed under these rules.

APPENDIX "I"

(Referred to in Rule 9)

Class of Officers	Powers	Authority empowered to
	Appellate	
	Impose the penalty	
	authority	

1. Director of Fire All penalties prescribed in Appointing authority The authority Service/ Rule 7 and Suspension

immediately

Chief Fire Officer

Superior

to the punishing

authority

.

2. Dy. Director of Fire Suspension and Head of the Fire

Service/ penalties mentioned Service

Dy. Chief Fire Officer/ in item (a) to (e) of Rule 7.

Regional Fire Office

r.

3. Divisional Fire All other penalties prescribed in Rule 7.

Appointing authority

4. Members of the - Penalties mentioned in Appointing authority

subordinate Fire. Item (g) to (j) of Rule 7

Service.

All other penalties mentioned Authority immediately The

authority in Rules 7 & 8 and subordinate to the

immediately suspension. Appointing authority

superior to the

but not lower in rank

punishing to a

Divisional Officer authority

(40)

APPENDIX "II"

Procedure to be followed while imposing the penalties prescribed in Rules 7 and 8 of

the Discipline and Appeal Rules

1. **Preliminary enquiry** – When any member of the service is alleged to have committed an offence punishable under rules 7 and 8 the matter should be reported within 18 hours of the occurrence by the Officer under whom the member is working to the next higher authority. The report should contain all relevant details including the nature of offence time, date and place of occurrence, names of witnesses etc.

On receipt of such a report, the Officer concerned shall make such investigation, if any, as he

considers necessary and if as a result of this a prima facie case to disciplinary action is established, a decision should be taken by the authority competent to impose the penalty or by any authority but superior in rank to the officer on whom it is proposed to impose the penalty, whether the full machinery preliminary to punishment should be set in motion or not.

2. Charge sheet for the award of penalties other than those mentioned in clauses (g) to (j) of Rule-7—if a prima facie case is established, the delinquent shall be issued a charge sheet either by or under the orders of the authority competent to impose the proposed penalty. The charge or charges should be carefully framed, should be brief but couched in clear terms. A full and clear statement of facts in support of the charge or charges should be embodied in the charge sheet. The charge sheet should specifically state the period within which the representation of the delinquent should be submitted. Ordinarily this period should not exceed seven days from the date of receipt of the charge memo by the delinquent. Any representation made by the delinquent should be taken into consideration before the order imposing the penalty is passed by the competent authority.

It is not necessary that the charge should be framed by the authority competent to award a penalty or even that the enquiry should be conducted by such authority. The charge can be framed and the enquiry held by any officer acting under the orders of the authority competent to award the penalty. This does not, however, imply that no other officer can frame

charges and enquire. An officer can at any time and without specific authorization by the authority competent to impose the penalty frame charge against or enquire into the conduct of an officer directly subordinate to him although he may not be competent to impose a penalty.

3. Charge sheet for the award of penalties in clauses (g) to (j) of rule 7.

(a) It is particularly important that the charge or charges should be carefully framed and in doing so the following points should be borne in mind :--

(i) The charge should be brief, couched in clear terms. Any vagueness should be avoided, the date of occurrence of the incident should always find a place in the charge.

(ii) A single charge of a general nature such as corruption cannot be regarded as sufficiently definite. In connection with an inquiry into alleged corruption a separate charge should be frame in respect of each instance of alleged corruption. A series of charges on particular instances may, however, be combined with a general charge of corruption or incompetence of which the instances from the evidence. For example, the results of a series of charges of delays may be noted after due enquiry as they occur in a conduct dilatoriness may be passed on them.

(iii) A full and clear statement of the facts in support of the charge or each of the charges should be communicated to the delinquent alongwith the charge or charges.

(iv) The names of prosecution witnesses (to be styled 'P.Ws') to prove the charges will be mentioned therein. This should be done on the following lines :--

"The following are some of the witnesses it is proposed to examine in this connection. Others may also be examined as found necessary". There is no need to enter what these witnesses are to prove.

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(v) The delinquent should be directed to submit his written statement within a sufficient

specified period not exceeding 15 days and also to produce a list of documents he proposes to cite and a list of witnesses whom he proposes to examine in defence, with the points upon which he expects each will speak.

(vi) He should be required within a reasonable time to state specifically in writing whether he wishes to have an oral enquiry or only to be heard in person. He should understand what each means.

Note – In grave cases it is often desirable to conduct an oral enquiry whether the delinquent wants it or not.

(vii) He may be apprised of the nature of the maximum penalty that may be imposed upon him if the charge or charges against him are proved.

(b) Two copies of the charges together with statements of the allegations on which each charge is based and of any other circumstances, which it is proposed to take into consideration in passing orders on the case against the delinquent shall be prepared. One copy shall be given to the delinquent for his personal use and he will be required to return forthwith the other copy with his Written Acknowledgement of receipt thereon.

1. Procedure for conducting oral enquiries :

(i) The delinquent's written reply to the charge(s) when received should be examined carefully to see whether all items have been correctly answered. If an oral enquiry is considered necessary a date for it should be fixed. If the delinquent, refuses to submit a list of defence witnesses with his written statement, fearing that the prosecution will tamper with them, he will not be precluded from citing his witnesses during the enquiry as there can be no question of refusing to hear them on the ground that he refused to give a list of them before and ,

(ii) The oral enquiry shall be conducted by the punishing authority or by a subordinate authority not below the rank of a Asstt. Divisional Fire Officer but superior in rank to the delinquent.

(iii) (a) when the delinquent appears for the oral inquiry, the enquiring should put the following question which with its answer (as in the case of all further questions and answers noted below) should be recorded in writing in the 'Oral Enquiry Form' :-

Q.—"You have received a copy of the charge(s) and the facts in evidence and submitted your written explanation. Have you anything further to add before I proceed with this Oral Enquiry ?"

A.—This recorded question and answer (as in the case of all further questions and answers) must be read over (in translation if necessary) to the delinquent and his signature and that of the enquiring officer, appended to it. The form to be used should be :-

"Recorded by me ; read over (and translated) to deponent and acknowledged by him to be correct."

(b) The prosecution evidence shall then be taken. It is not necessary to record again the evidence of those prosecution witnesses who were examined and whose evidence was recorded in the presence of the delinquent at the preliminary investigation. It will be sufficient if their evidence so recorded is read out in the presence of the delinquent, the enquiring officer certifying in the proceedings file that this was done, and the delinquent is given an opportunity to cross-examine such witnesses, whether or not he had already cross-examined them at the preliminary investigation.

The prosecution witnesses need not be recalled unless the delinquent desired to cross-examine

them further. If, however, any witness was examined at the preliminary investigation in the absence of the delinquent such witnesses must, if the delinquent so desires, be examined-in-chief in his presence (instead of the evidence given at the preliminary investigation being read out) and the delinquent must also be given an opportunity to cross-examine the witness. The prosecution must re-examine such of the prosecution witnesses as it considers necessary, after which delinquent must again be given an opportunity to put further questions.

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(c) Prosecution witnesses who are summoned for the first time at the oral enquiry shall be examined. The delinquent should be asked to state if he wishes to cross-examine them. Prosecution witnesses may be examined in such order as the officer holding the enquiry deems.

(d) At the head of each evidence, the name and rank of the witness must be entered, e.g. 'P.W.I. Leading Fireman (name) No.516. X station.

(e) At the foot of the completed deposition of each and every witness the entry detailed in paragraph (a) should be made, the enquiring officer, the witness and the delinquent all signing. If there is more than one page of deposition the pages other than the last should also be initialed by the all the parties mentioned.

(f) All the statements of prosecution witnesses should be kept in one file to themselves.

(g) Prosecution documents are lettered as Exhibits a.A etc. and must be kept in their own file for which an index is required showing the letter of the exhibit, its nature in brief and who has produced it.

(h) The prosecution side of the hearing is now over. On the 'Oral Enquiry File' the enquiring officer should enter the following question which he puts to the delinquent.
Q.—You have heard the evidence against you. Have you any witnesses you wish you have examined in your defence and any documents you wish to have produced for the same “

A. --

(i) He must be given fair time to draw up and present his list. The enquiring officer can question him for what purpose each witness is required so as to avoid protraction of the enquiry by irrelevancies or the citation of witnesses merely for annoyance. He can for sufficient reasons refuse to hear any particular witness or to allow any particular document to be produced, but he must record in the same file his reasons for such refusal.

Failure so to record the reasons will vitiate the enquiry.

(j) Defence witnesses (styled 'D.Ws.' are thereafter examined in chief by the delinquent and cross-examined if necessary by the enquiring officer (and not be other witnesses to the enquiry however, much they are impugned).

The delinquent may re-examine such of the defence witnesses as he considers necessary after which prosecution may again question the defence witnesses further. The procedure is the same as in paragraph (b) to (h) above. A separate file will be maintained for defence evidence.

(k) Defence documents are numbered as Exhibits 1, 2 etc. for which an index should be prepared.

(l) If the delinquent dispenses with any of the defence witnesses cited by him, this fact should be recorded in the 'Defence Witnesses' file under the signature of the delinquent and the officer conducting the enquiry.

(m) If the enquiry is conducted on the complaint of a private person of body, the complainant shall not be allowed to cross-examine the officer charged, who is in such enquiry, in the position of an accused person, but the complainant may suggest questions to the enquiring officer to be put to the witnesses produced in defence of the officer charged or the enquiring officer may, in his discretion, permit the complainant to cross-examine the said witnesses.

(n) An officer conducting a departmental enquiry cannot be cited as a prosecution witness in the enquiry. If however, he is required as a defence witness by the delinquent, the latter should be asked to state in writing what points the officer is cited to elucidate. If the enquiring officer considers it unnecessary to allow himself to be examined as a defence witness, he will file that application with his remarks as part of the records of the enquiry and, if relevant will incorporate the information contained in that application and his remarks in the minute. In case, however, he thinks necessary, he

may still conduct the enquiry if the points to be elucidate from him are such that his answers will not in any way vitiate the result of the enquiry. In such cases, he should record verbatim the delinquent's questions and his replies to the signing all the pages of the depositions.

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In cases where the evidence that the officer is required to adduce it vital and is likely to have a bearing on the result of the enquiry, the enquiry should not be conducted by that officer but by some other officer.

(iv) Having completed the defence the enquiring officer should continue to make entries in the 'Oral Enquiry File' as follows."

Q.— "Your defence witnesses have been examined and such documents as you required have been produced and exhibited (with the exceptions refused by me as noted already in these proceedings for the reasons shown). Have you anything further to request or so? You are entitled to put in, if you desire, a further written statement of defence."

A.—

His reply and the questions should be recorded, read over translated, if necessary, and acknowledged by his signature and that of the enquiring officer as detailed above.

With reference to the first question if the delinquent states that he desires to recall certain witnesses for further cross-examination he should be allowed to do so, for in a departmental enquiry the delinquent is entitled to reserve his cross-examination or further cross-examination of the prosecution witnesses. But the officer holding the enquiry should always ask him what further questions he wishes to put to these witnesses in order to satisfy himself that they are relevant, and, if they are not, he can, for reasons to be recorded refuse to recall such witnesses.

(v) (a) The officer holding the enquiry must be strictly impartial. It is particularly important that the formalities prescribed in the statutory rules and orders should be followed. It is essential that the conduct of the proceedings should not give rise in the

mind of the person charged to a belief that the enquiry is being conducted in anything but an impartial and detached frame of mind.

(b) The oral enquiry should be completed with as little delay as possible. Care should be taken to avoid all dilatoriness and adjournment or postponement of the inquiry should be allowed with circumspection and only when necessary. Where an officer is suspended pending enquiry into his conduct on the ground that it is undesirable to allow him to continue on duty during the enquiry, it is all the more necessary that the enquiry should be completed with expedition.

5. Procedure for being heard in person.

Should the delinquent wish only to be heard in person, the actual proceedings will commence only after the action specified below has been taken by the enquiring officer. The delinquent, in his written explanation should ordinarily have cited all his defence witnesses and documents for the consideration of the enquiring officer. The documents cited, which need not be proved by being produced by a witness, will be collected and examined by the enquiring officer, who will also examine the defence witness cited unless for reasons to be recorded in writing decides not to examine all or any of them. After having done all this the enquiring officer will proceed to hear the delinquent in person. The delinquent is entitled to put in only a personal representation to the enquiring officer in addition to what he has already stated in his written explanation. There is no question of citing witnesses or documents when the delinquent is being heard in person as all that should have been done in his explanation to the charge. If however, any further witnesses or documents are cited by the delinquent at this stage, it will be for the enquiring officer to consider their relevancy in regard to the charge and examine them, if necessary, remembering that full justice is needed. The enquiring officer will then record the personal representation of the delinquent and proceed to dispose of the charge.

6. Drawing up of minutes.

(i) A minute shall be written in all cases where the penalties mentioned in Rules 7 and 8

of the Rules are imposed.

(44)

(ii) (a) To facilitate the writing of the minute and its reading by those who have to deal with it, subsequently all papers should be sorted and documents into their respective files for which indices should be prepared and attached. E.g. charge and delinquent's written and oral statements.

Charge and delinquent's written and oral statements (Proceedings file).

Statement of prosecution witnesses.

Statement of defence witnesses.

Prosecution documents.

Defence documents.

(b) Statements should be page-numbered and exhibits should be lettered and a list of them included in the record. References in the minute to depositions or exhibits should be made by page number, letter or figures, as the case may be.

(c) Finally, all files forming the record of enquiry should be docketed with an index showing their nature.

(iii) (a) The minute has its own file and shall be written under the following heads :--

(A) Statements of the charge(s)

(B) Summary of the facts and evidence.

(C) Summary of the defence and the evidence adduced therefore.

(D) Findings on the charge.

(E) The order (by the authority competent to award it).

(b) No reference to the demeanour of witnesses should be made in the minute unless a note was made in the records at the time of the enquiry in this regard. This is necessary to ensure that enquiring officers who frame minutes do not speak about the demeanour of witnesses merely from their memory.

(c) The summary under items (B) and (C) of the minute should not comprise a reproduction of the evidence but only so much of it as is essential for adequate

discussion of the matters actually at issue. The evidence both for and against the delinquent should be attached to the minute. The minute should contain clear reasons for each finding.

(iv) The Officer holding the enquiry should record his findings on each charge separately after carefully considering the evidence adduced in support of it as well as that for the defence. In case where there are several charges, the enquiring officer should deal with each sub charge under 'B', 'C' and 'D' one below the other, so that the difficulty that is usually experienced in such cases is avoided. If necessary, a full final summing up may be given at the end covering all the charges. In cases which are submitted to a higher authority for the imposition of the penalty, the officer holding the enquiry may make a recommendation regarding the penalty to be imposed in those cases which takes up *suo motu* and in cases where he is directed to hold an inquiry, it is open to the authority ordering the enquiry to direct the enquiring officer to make such recommendations.

7. Imposing of penalty :- For the award of penalties other than those mentioned in clauses (g) to (j) of Rule 7, the competent authority shall straightway, pass the order on the minute taking into consideration the delinquent's explanation to the charge. In other cases the authority competent inflict penalty after arriving at a provisional conclusion in regard to the penalty to be imposed, should supply the person charged with a copy of the minutes and call upon him to show cause within a reasonable time, not ordinarily exceeding 15 days against the particular proposed to be imposed. Any representation in this behalf submitted by the person charged shall be duly taken into consideration before final orders are passed.

Note : The opportunity to show cause against the particular penalty proposed to be imposed referred to above can be given either by the authority competent to inflict the penalty or under his direction by a subordinate authority who is superior in rank to the officer on whom it is proposed to impose the penalty.