

United Provinces Fire Service Act, 1944

3 of 1944

CONTENTS

1. Short Title
2. Extent And Commencement
3. Definition
4. Name Of The Service
5. Superintendence, Powers And Functions
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. Acquisition Of Fire-Fighting Property Belonging To Local Authorities
12. Prohibition Against Transfer Of Fire Station
13. Repeal Of Sections 187 And 188 Of The U. P. Act Ii Of 1916
14. Consumption Of Water By The Fire Service
15. Power Of Fire Service And Other Persons For The Suppression Of Fire
16. Liability Of Property Owner To Pay Compensation
17. Power Of State Government To Make Compensation
18. Restriction On Suits For Compensation
19. Power To Obtain Information
20. Indemnity
21. Punishment For False Report
22. Employment Of Fire Service On Other Duties
23. Transfer Of Fire Brigade To Another Area
24. Procedure
25. Rule Making Power

SCHEDULE 1 :- SCHEDULE I

United Provinces Fire Service Act, 1944

3 of 1944

An Act to constitute a Provincial Fire Service in the United Provinces Whereas it is expedient to improve the fire-fighting arrangements in certain towns of this Province and, in particular, to constitute and maintain a Provincial Fire Service for staffing and operating the fire brigades in those towns; And whereas by the Proclamation, dated

the- 3rd day of November, 1939, promulgated under Section 93 of the Government of India Act, 1935, the Governor of the United Provinces has assumed to himself all powers vested by or under the aforesaid Act in the Provincial Legislature; And whereas the said Proclamation is still in force; Now, therefore, the Governor in exercise of the powers aforesaid is pleased to make the following Act : 1. Received the assent of Governor of the United Provinces on July 26, 1944 and was published in the United Provinces Government Gazette on July 29, 1944.

1. Short Title :-

This Act shall be called the United Provinces Fire Service Act, 1944.

2. Extent And Commencement :-

(i) It extends to the whole of 1[Uttar Pradesh]. (ii) It shall come into force immediately in the towns of Agra, Allahabad, Benaras, Cawnpore and Lucknow within such territorial limits as may be notified in the Official Gazette by the 1[State Government] from time to time and the 1[State Government] may, by notification in the Official Gazette, direct that it shall come into force in any other part of the 1[State] on such date as may be specified in the notification. 1. Substituted by A. O., 1950.

3. Definition :-

In this Act, unless there is anything repugnant in the subject or context,-- (a) "Inspector General of Police", "Superintendent of Police" shall have the meanings respectively assigned to them in the Police Act, 1861; (b) "Local authority" includes Municipal Board, Notified Area Committee, District Board, Town Area Committee, but does not include a Cantonment Board; (c) "Prescribed" means prescribed by this Act, or the rules made thereunder; (d) "State Government" means the Government of 1[Uttar Pradesh] 1. Substituted by A. O., 1950.

4. Name Of The Service :-

The Fire-fighting personnel in the town to which the Act applies for the time being shall, for the purposes of this Act, be deemed to be one force to be styled "The U. P. Fire Service", and shall consist in order of seniority of the following ranks : 1[(1) Chief Fire Officers, (2) Fire Station Officers, (3) Fire Station Second Officers, (4) Leading Firemen and Drivers, and (5) Firemen]. 1. Substituted by U. P. Act No. I of 1953, Section 2.

5. Superintendence, Powers And Functions :-

1[(1) The Superintendence and control of the U. P. Fire Service shall vest in the Inspector-General of Police, and subject to the general control of the Inspector-General of Police, in the District Superintendent of Police within the area of his jurisdiction. (2) The State Government may appoint such officers as it may think fit to assist the Inspector-General of Police and the Superintendent of Police in the discharge of their duties. (3) Subject to the provisions of sub-sections (1) and (2), the Chief Fire Officer, Fire Station Officers and Fire Station Second Officers shall exercise such administrative powers and perform such administrative functions as may be prescribed]. 1. Substituted by Ibid, Section 3.

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 Scheme annexed to this Act under the seal of Inspector-General of Police 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, function and privileges of a member of the U. P. Fire Service. Such certificate shall cease to have effect whenever the person named therein ceases, for any reason, to be a member of the U. P. 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 U.P. Fire Service shall be 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 Inspector-General of Police.

8. Punishment :-

In addition to any other form of punishment to which members of the U.P. Fire Service may be liable under any law or rule for the time being in force, the Inspector-General of Police or any other officer authorized by him in the rules made under this Act, may, for any sufficient reason, award the following punishments to such members of the U. P. Fire Service as the 1[State Government] may prescribe : (a) fine of any amount not exceeding one months pay; (b) punishment drill, extra guard, fatigue or other duties for a term

not exceeding 15 days. 1. Substituted by A. O., 1950.

9. Penalty For Violation Of Duty And Cowardice :-

Every member of the U.P. 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 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 an 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 the U. P. Fire Service shall be met out of the revenues of the 1[State Government] provided that the 1[State Government] may recover from any local authority of the town such contribution towards the cost of the Fire Service in the town as it may direct from time to time. 1. Substituted by A. O., 1950.

11. Acquisition Of Fire-Fighting Property Belonging To Local Authorities :-

(i) Upon the coming into force of this Act, the 1[State Government] shall cause a valuation to be made of all the fire-fighting property in the possession of any local authority within the towns to which this Act applies for the time being and may take over such property at that valuation. (ii) If the local authority disputes the valuation made under sub-section (i), the 1[State Government] may refer the dispute to an arbitrator appointed by the 1[State Government]. (iii) The arbitration shall, in fixing the valuation, take into consideration-- (a) in case of immovable property, the original cost of construction and the cost of any subsequent addition or alteration, and in case of movable property, the original cost of purchase, and (b) the depreciation on account of wear and tear, provided that the arbitration shall not take into consideration the enhanced value of materials and equipment on account of war-time conditions. 1. Substituted by A. O., 1950.

12. Prohibition Against Transfer Of Fire Station :-

No local authority of any town to which this Act applies for the time

being shall, after the commencement of the Act, transfer or otherwise part with any immovable property used as a fire station or any permanent fixture thereof without the previous sanction of the 1[State Government]. 1. Substituted by A. O., 1950.

13. Repeal Of Sections 187 And 188 Of The U. P. Act Ii Of 1916 :-

Sections 187 and 188 of the U.P. Municipalities Act, 1916, shall stand repealed in respect of the towns to which this Act applies for time being, provided that nothing in this Act shall be taken 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 1[State Government] from time to time. (b) to frame by-laws for the regulation of dangerous trades, (c) to order any of its employees to render aid at fire when reasonably called upon to do so by any member of the U. P. Fire Service above the rank of fireman or driver present at the fire, and (d) generally to take such measures as will lessen the likelihood of fires or prevent the spreading of fires. 1. Substituted by A. O., 1950.

14. Consumption Of Water By The Fire Service :-

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

15. Power Of Fire Service And Other Persons For The Suppression Of Fire :-

On the occasion of a fire in any town to which this Act applies, any member of the U. P. 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 house 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 (a) 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 referred 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.

17. Power Of State Government To Make Compensation :-

If a fire is caused by any reason other than those specified in Section 16 of the Act, the 1[State Government] may at its discretion, make compensation out of the 2[State] revenues to any person suffering any damage to property on account of any action taken under clauses (c) and (e) of Section 15 of this Act. 1. Substituted by A. O., 1950. 2. Substituted by *ibid*.

18. Restriction On Suits For Compensation :-

(i) No order passed under Section 17 of this Act shall be called in question in any court. (ii) Any person dissatisfied with any order passed under Section 16 (ii) may, within six months from the date of such order, institute a suit in a civil court of competent jurisdiction to establish his claims. Subject to the result of such suit, the order passed under Section 16 (ii) shall be final.

19. Power To Obtain Information :-

(i) The Superintendent of Police or officer-in-charge of a fire station, 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 informations required of him. (ii) If any information required under sub-section (i) of this section is not furnished within a reasonable time or if the Superintendent of Police or officer-in-charge or fire station, as the case may be, has reason to believe

that any information furnished is inaccurate, the said Superintendent of Police or officer-in-charge of a fire station may, for the purpose of obtaining or verifying the information, enter upon any such premises or property after giving such notice as may be prescribed, to the owner or occupier. Section

19A

- Power to search premises 1[(1) The Chief Fire Officer or any officer authorized by the Superintendent of Police in this behalf may enter and inspect any land, premises or building for the purpose of determining whether precautions against fire required to be taken on such land, premises and buildings under any law for the time being in force have been so taken. (2) If any person voluntarily, obstructs, offers any resistance to, or impedes or otherwise interferes with any officer acting in the course of his duty under sub-section (1), he shall be punishable with imprisonment for term which may extend to three months or with fine up to Rs. 500 or with both]. 1. Inserted by U.P. Act No. I of 1953, Section 4.

20. Indemnity :-

No suit for 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 thereunder.

21. Punishment For False Report :-

Any person who wilfully makes a false report of the outbreak of a fire to the Superintendent of Police, or to the officer-in-charge of any police station, or to any member of the U.P. Fire Service authorized by the Superintendent of Police to receive such report, shall be liable upon conviction before a magistrate to a fine not exceeding Rs. 50.

22. Employment Of Fire Service On Other Duties :-

It shall be lawful for any magistrate of the first class, or any police officer not below the rank of Deputy Superintendent of Police, to employ the U. P. Fire Service upon any rescue, salvage or other work for which its training, appliances, equipment render it suitable.

23. Transfer Of Fire Brigade To Another Area :-

The Superintendent of Police of any town to which this Act applies for the time being may, on the occasion of a fire or other emergency in any other area, order the despatch of the fire-fighting force of the town or any part of it, to such area and all the provisions of this Act and the rules made thereunder shall be

deemed to be applicable to such area during the period of the fire or emergency, or during such period as such Superintendent of Police may direct.

24. Procedure :-

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

25. Rule Making Power :-

The 1[State Government] 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. 1. Substituted by A. O., 1950.

SCHEDULE 1

SCHEDULE I

[See Section 6]

A.B. has been appointed a member of the U.P. Fire Service under the U. P. Fire Service Act, 1944, and is vested with the powers, functions and privileges of such a number.