

UTTAR PRADESH FIRE SERVICE ACT, 1944

(U.P. Act No. III of 1944)

(Received the assent of the Governor, United Provinces, on July 26, 1944).

An Act to constitute a Provincial Fire Service in the United Provinces.

Preamble—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. 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 the United Provinces.

(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 Provincial Government from time to time and the Provincial Government may by notification in the official Gazette, direct that it shall come into force in any other part of the Province on such date as may be specified in the notification.

3. Definition.—In this Act unless there is anything repugnant in the subject or context—

“Inspector General of Police”

shall have the meanings respectively assigned to them in the Police Act, 1861;

“Superintendent of Police”

includes municipal board, notified area committee, district board, town area committee, but does not include a Cantonment Board;

“Local Authority”

means prescribed by this Act or the rules made thereunder;

Prescribed Authority

means the Government of the United Provinces.

Provincial Government

4. Name of the Service.—The entire fire-fighting personnel in the towns to which this Act applies for the time being shall, for the purpose of the 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) Fire Station Officers,

(2) Fire Station Second Officers,

(3) Leading Firemen, and

(4) Drivers and Firemen.

5. Superintendence.—The Superintendence of the U. P. Fire Service throughout the Province and in each town shall vest in the Inspector-General of Police or the District Superintendent of Police, as the case may be, assisted by such officer as may be appointed by the Provincial Government in this behalf.

6. Certificate to the member of the Fire Service.—Every member of the Fire Service shall receive upon appointment a certificate in the form prescribed in the Schedule annexed to this Act under the seal of the Inspector-General of Police or such other officer as he may authorize, by virtue of which the person holding such certificate shall be deemed to be vested with the powers, functions and privileges of a member of the 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 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 in abeyance, but he will continue to be subject to the same responsibilities, discipline and penalties and to the same authorities if he had not been suspended.

7. Bar to other employment—No member of the Fire Service 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. Punishments—In addition to any other form of punishment to which members of the U. P. Fire Service may be liable under any law or the rule for the time being in force, the Inspector-General of Police or any other officer authorised 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 Provincial Government may prescribe :

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

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

9. Penalty for violation of duty and cowardice—Every member of the 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 who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months, or who being absent on leave, shall fall without reasonable cause, to report himself for duty on the expiration of such leave, or who shall engage without authority in any employment other than his Fire Service duty shall be liable, on conviction before a magistrate of the first class, to a fine not exceeding three month's 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 Provincial 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.

11. Acquisition of fire fighting property belonging to local authorities—(i) Upon the coming into force of this Act, the Provincial 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 Provincial Government may refer the dispute to an arbitrator appointed by the Provincial Government.

(iii) The arbitrator 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 moveable property, the original cost of purchase, and

(b) the depreciation on account of wear and tear ; provided that the arbitrator shall not take into consideration the enhanced value of materials and equipment on account of war time conditions.

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 Provincial Government.

13. Repeal of Sections 187 and 188 of U. P. Act, II 1916.—Sections 187 and 188, U. P. Municipalities Act, 1916 shall stand repealed in respect of U. P. the towns to which this Act applies for the time being; provided that II of nothing in this Act shall be taken to 1916 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 purpose as may be directed by the Provincial Government 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 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 likelihood of fires or prevent the spreading of fires.

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. Powers of the Fire Service and others 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 in 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 rear 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 with out 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 act of his own or of agent done deliberately or negligently shall be liable to pay compensation to any other person suffering damage to his property on account of any action taken under clauses (c) and (e) of section 15 of this Act by any officer mentioned therein or any person acting under the authority of such officer.

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

17. Power of Provincial Government to make compensation.—If a fire is caused by any reason other than those specified in Section 16 of the Act, the Provincial Government may at its discretion, make compensation out of the provincial 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.

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 claim. Subject to the result of such suit, the order passed under Section 16(ii) shall be final.

19. Power to obtain information.—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 the rate and other material local circumstances, and such owner or occupier shall furnish within a reasonable time all the information required of him.

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

19.A. (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 the 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.

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

21 Punishment for false report.—Any person who wilfully makes a false report of the outbreak of a fire to the Superintendent of Police, or to the officer in charge of any police station or to any member of the U.P. Fire Service authorised by the Superintendent of Police to receive such report, shall be liable upon conviction before a magistrate to a fine not exceeding Rs. 50-00.

22. Employment of fire Brigade to another area.—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 or equipment render it suitable.

23. Transfer of Fire Service on other duties.—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 Sections 8 and 21 of this Act shall as far as possible be governed by the provisions of the Code of Criminal Procedure, 1898, and the offences under these sections shall be bailable and not cognizable.

25. The Provincial 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.

SCHEDULED

(See Section 8)

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