

THE UNITED PROVINCES FIRE SERVICE ACT, 1944¹

(U. P. ACT No. III OF 1944)

Amended by

U. P. Act no. 1 of 1953

[Adapted and modified by the Adaptation of Laws Order, 1950]

[Prepared by His Excellency the Governor of the United Provinces in exercise of the powers assumed by him by the Proclamation, dated November 3, 1939, issued under section 93 of the Government of India Act, 1935.]

[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.]

AN

ACT

Preamble

to constitute a Provincial Fire Service in the United Provinces.

WHEREAS it is expedient to provide fire-fighting arrangement 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 ;

**Short title
Extent and
Commencement**

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

2. (i) It ²[extends] to the whole of ³[Uttar Pradesh].

1 This Act was prepared by the Governor in exercise of the powers assumed by him by the Proclamation, d. Nov. 3, 1939, issued under s. 93 of the G. of I Act, 1935 and was published, with S. O. R. in Gaz., 1944 Pt. VII pp. 15-16. It was re-enacted and continued by s. 2 and Sch. of U. P., Act XIII of 1948.

2. The Act has been extended to the merged States of Benares, Rampur and Tehri-Garhwal by Benares (Application of Laws) Order, 1949, Rampur (Application of Laws) Act, 1950, and Tehri-Garhwal (Application of Laws) Order, 1949.

3. Subs. by the A. O. 1950 for (the United Provinces).

(ii) It shall come into ¹[force] immediately in the towns of Agra, Allahabad, Banaras, Cawnpore and Lucknow within such territorial limits as may be notified in the official Gazette, by the ²[State Government] from time to time and the ²[State Government] may by notification in the official Gazette, direct that it shall come into force in any other part of the ³[State] on such date as may be specified in the notification.

Definitions

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

“Inspector General of Police”.
“Superintendent of Police” } shall have the meanings respectively assigned to them in the Police Act, 1861.

Act no. V of 1861

“Local Authority” . . includes Municipal Boards, Notified Area Committee, District Board, Town Area Committee, but does not include Cantonment Board ;

“Prescribed” . . means prescribed by the this Act or the rules made thereunder,

“State Government” . . means the Government of ⁴[Uttar Pradesh]

Name of the Services

4. The entire fire-fighting personnel in the towns to which this Act applies for the time being shall for the purpose 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) ⁵[Chief Fire Officers]

1. The following table will show the effect of notifications under s. 2 (ii) of this Act ;

Name of the district in which enforced	Sections of the Act	Notification no. and date under which enforced	Date from which enforced
1. Agra, Banaras and Lucknow to a radius of ten miles.	S. 2 (2)	No. 1503.Z/VIII—1008-44, d April 4, 1945, Pt. I p. 103.	April 7, 1945.
2. Allahabad and Kanpur to a radius of eleven miles from the General Post Office in each such town except Cantonment area in each such case and in the case of Kanpur, also the area to the north of the river Ganges.	Ditto.	Ditto.	Ditto.
3. Cantonment areas of the towns of Agra, Allahabad, Banaras, Kanpur and Lucknow	Ditto.	Notification no. 897-Z/VIII—1008-44, d. Aug. 28, 1945, Pt. I p. 267.	Sep. 1, 1945.

2. Subs. by the A. O. 1950 for (Provl. Govt.).

3. Subs. by *ibid* for (Provincial).

4. Subs. by the A. O. 1950 for (the United Provinces).

5. Add by s. 2 of U. P. Act I of 1953.

- (2) Fire Station Officers.
- (3) Fire Station Second Officers.
- (4) Leading Firemen and ¹[Drivers, and]
- (5) Firemen.

²[5. (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]².

**Certificate to
the members
of the Fire
Services**

6. 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 herein 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 in abeyance, but he will continue to be subject to the same responsibilities, discipline and penalties and to the same authorities as if he had not been suspended.

**Bar to other
employment**

7. 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.

Punishment

8. 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 ³[State 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.

1. [Add by s. 2 of U.P. Act No. 1 of 1953.](#)

2. [Subs. by s. 3 of U. P. Act I of 1953.](#)

3. *Subs. by Adaptation of Laws Order, 1950 for (the United Provinces)*

Penalty for violation of duty and cowardice

9. Every member of the U. P. Fire Service who shall be guilty of any violation of duty or willful 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 any employment other than his Fire Service duty, shall be liable, on conviction before a magistrate of the first class, to a fine not exceeding three months' pay or to imprisonment with or without hard labour, for a period not exceeding three months or to both.

Expenditure on the Fire Service

10. The entire expenditure of the U. P. Fire Service shall be met out of the revenues of the ¹[State Government] provided that 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.

Acquisition of fire-fighting property belonging to local authorities

11. (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 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 movable 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 wartime conditions.

Prohibition against transfer of fire station

12. 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].

Repeal of sections 187 and 188 of the U. P. Act II of 1916

13. Sections 187 and 188 of the U. P. Municipalities Act, 1916, U. P. Act II of 1916, shall stand repealed in respect of the towns to which this Act applies for the 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,

1 Subs. by the A. O. 1950 for (Provl. Govt.).

(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 firemen 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.

**Consumption
of water by
the Fire
Services**

14. 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.

**Powers of the
Fire Service
and other
persons for
the
suppression
of fire**

15. 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 firemen, 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, breaking 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.

**Liability of
property
owner to pay
compen-
sation**

16. (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 clause (c) and (e) of section 15 of this Act by any officer mentioned therein or any person acting under the authority of such officer.

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

Power of State Government to make compensation

17. If a fire is caused by any reason other than those specified in section 16 of the Act, the State Government may at its discretion, make compensation out of the State revenues to any persons suffering any damage to property on account of any action taken under clauses (c) and (e) of section 15 of this Act.

Restriction on suits for compensation

18. (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.

Power to obtain information

19. (i) The Superintendent of Police, or officer incharge 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 information 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 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 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.

Power to search premises

¹[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 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, officers 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 a term which may extend to three months or with fine up to Rs. 500 or with both]¹

Indemnity

20. 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.

[1. Add. by s. 4 of U. P. Act I of 1953.](#)

**Punishment
for false
report**

21. Any person who wilfully makes a false report of the outbreak of a fire to the Superintendent of Police, or to the officer incharge 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.

**Employment
of Fire
Service on
other duties**

22. 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.

**Transfer of
Fire Brigade
to another
area**

23. 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 dispatch 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.

Procedure

24. The proceeding under sections 9 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 non-cognizable.

**Rule-making
power**

25. 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. Subs. by the A. O. 1950 for (Provl. Govt.).

[The United Provinces Fire Service Act, 1944]

SCHEDULE

[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 member.

