

The Bihar Fire Service Act, 1948

JHARKHAND

India

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Act 37 of 1948

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The Bihar Fire Service Act, 1948 Bihar Act 37 of 1948 Published in the Bihar Gazette dated 24.11.1948. For Statement of Objects and Reasons please see the Bihar Gazette, 1948, Part V, page 720. An Act to make provisions for the better regulation of the (fire-fighting organisation in the Province of Bihar and for the constitution of a Provincial Fire Service to carry out fire-fighting measures. Whereas it is expedient to make provisions for the better regulation of the fire fighting organisation in the Province of Bihar and for the constitution of a Provincial Fire Service to carry out fire-fighting measures; It is hereby enacted as follows :-

1. Short title, extent and application.

(1) This Act may be called the Bihar Fire Service Act, 1948. (2) It extends to the whole of the [State] [Substituted by A.L.O.] of Bihar. (3) It applies to local area specified in Schedule A and to such other local areas as may, from time to time, be notified by the [State] [Substituted by A.L.O.] Government in the Official Gazette in this behalf.

2. Definition.

- In this Act, unless there is anything repugnant in the subject or context.-(a) "District Magistrate" includes the Additional District Magistrate of Saharsa and the Additional Deputy Commissioner of Dhanbad; (b) "leading fireman" means a member of the Bihar Fire Service above the rank of fireman-in-charge of a fire party consisting of a trailer pump and the fireman who man it; (c) "local authority" means notwithstanding anything contained in the Bihar and Orissa General Clauses Act, 1917, a Municipal Committee, a committee constituted under Section 389 of the Bihar and Orissa Municipal Act, 1922, or the Committee appointed under Section 3 of the Patna Administration Act, 1915; (d) "officer-in-charge of a fire station" means a member of the Bihar Fire Service above the rank of fireman-in-charge of a fire station and includes when such officer is absent from the station or is unable to perform his duties due to illness or any other cause, any member of the Bihar Fire Service above the rank of fireman present at the station who is next in rank to such officer; (e) "prescribed"

means prescribed by rules made under this Act; and (f) words and expressions, used in this Act, in the Police Act, 1861, and not otherwise defined in this Act, shall have the same meanings as in the Police Act, 1861.

3. Constitution of Bihar Fire Service.

- The entire fire-fighting personnel in the local areas to which this Act applies for the time being shall, for the purposes of this Act, form members of one service to be styled "The Bihar Fire Service" which shall consist of a [State] [Substituted by A.L.O.] Fire Officer and such number of officers and men, and shall be constituted in such manner, as may be prescribed from time to time.

4. Appointment of State Fire Officer and other members.

(1) The [State] [Substituted by A.L.O.] Government shall appoint a [State] [Substituted by A.L.O.] Fire Officer for [State] [Substituted by A.L.O.] of Bihar. (2) The other members of the Bihar Fire Service shall be appointed by the Inspector-General of Police who may with the approval of the [State] [Substituted by A.L.O.] Government delegate his power in this behalf to the [State] [Substituted by A.L.O.] Fire Officer.

5. Certificate to members of the Fire Service.

(1) Every member of the Bihar Fire Service shall, on appointment, receive a certificate in the form given in Schedule-B under the seal of the Inspector-General of Police or such other officer as may be authorised by him in this behalf and such member shall, on receipt of the said certificate, have the powers, functions and privileges of a member of the Bihar Fire Service under this Act. (2) Such certificate shall remain in force only so long as the person holding it is a member of the Bihar Fire Service and, on such person ceasing to be a member of such service, the certificate shall cease to have effect and shall be forthwith surrendered to an officer empowered to receive the same. (3) During the period of suspension of any such member from office, his powers, functions and privileges under this Act, shall remain in abeyance, but he shall continue, to be subject to the same responsibilities, discipline and penalties and to the same authorities as if he had not been suspended.

6. Control and superintendence.

- The superintendence of the Bihar Fire Service throughout the [State] [Substituted by A.L.O.] shall vest in the Inspector-General of Police assisted by the [State] [Substituted by A.L.O.] Fire Officer and, subject to the control and direction of the Inspector-General of Police in each Range in the Deputy Inspector-General of Police and in each district in the City Superintendent of Police or, if there be no City Superintendent of Police, in the District Superintendent of Police.

7. Bar to other employments.

- Every member of the Bihar Fire Service shall be a whole time servant of the [State] [Substituted by A.L.O.] Government and shall not accept any other employment or office without the permission in writing of the Inspector-General of Police.

8. Penalty for violation of duty, breach of the provisions of this Act, cowardice, etc.

(1) Every member of the Bihar Fire Service who is found to be guilty of any violation of duty or wilful breach of any provision of this Act or any rule made thereunder or any order made by competent authority or who is found to be guilty of cowardice, or who withdraws from the duties of his office without permission or without having given previous notice of at least two months, or who, being absent on leave, fails without reasonable cause to report himself for duty on the expiration of such leave, or who accepts any other employment or office in contravention of the provisions of Section 7, 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. (2) An offence referred to in sub-section (1) shall not be tried by any Magistrate other than a Magistrate of the first class.

9. Expenditure on the Fire Service.

- The entire expenditure on the Fire Service shall be met out of revenues of the [State] [Substituted by A.L.O.]: Provided that the [State] [Substituted by A.L.O.] Government may, whenever it thinks fit, recover from the local authority of any local area to which this Act applies such contribution towards the cost of the portion of the Bihar Fire Service maintained in such area as the [State] [Substituted by A.L.O.] Government may from time to time determine.

10. Powers of the members of the Bihar Fire Service and other persons for the suppression of fire.

- On the occasion of a fire in any local area to which this applies, any member of the Bihar Fire Service not below the rank of leading fireman, any Magistrate and any Police Officer not below the rank of Assistant Sub-Inspector of Police may, - (a) remove or order the removal of any person who by his presence interferes with, or impedes, the operation for extinguishing the fire or for saving life or property; (b) close any street or passage in, or near, which a fire is burning; (c) for the purpose of extinguishing the fire, enter, break into or through or pull down any premises for the passage of hose or appliance, or cause them to be broken into or through or pulled down without the consent of the owner or occupier; (d) cause mains and pipes to be shut off so as to give greater pressure or volume of water in, or near, the place where the fire is occurring; (e) make use of any available source of water, public or private; (f) generally take such measures as he considers necessary for the preservation of life or property.

11. Liability of property owner to pay compensation.

(1) Any person whose property catches fire on account of any act of his own or of his agent done deliberately 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 10 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 fifteen days from the date when the damage was caused. (3) The District Magistrate shall determine the amount of compensation due and shall pass an order stating such amount and the person liable for the same and the order so passed shall be executed by the Court having jurisdiction to entertain a suit for the recovery of arrears of rent in respect of the property in relation to which the order is passed, as if such order were a decree passed by such Court.

12. Power of State Government to pay compensation.

- If a fire is caused by any reason other than those specified in Section 11, the [State] [Substituted by A.L.O.] Government may, in its discretion, pay compensation out of the [State] [Substituted by A.L.O.] revenue to any person suffering any damage to property on account of any action taken under clause (c) and (e) of Section 10.

13. Restriction on suits for compensation.

(1) No order passed under Section 12 shall be called in question in any Court. (2) Any person dissatisfied with any order passed by the District Magistrate under sub-section (3) of Section 11, may, within six months from the date of such order, institute a suit in Civil Court of competent jurisdiction to establish his claim and, subject to the result of such suit, the order passed by the District Magistrate shall be final.

14. Power to obtain information.

(1) The City Superintendent of Police or the 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 all the information required of him. (2) If any information required under sub-section (1) is not furnished within a reasonable time, or if the City Superintendent of Police, the District Superintendent of Police or the officer-in-charge of a fire station, as the case may be, has reason to believe that any information furnished is inaccurate, the said City Superintendent of Police, the District Superintendent of Police or the officer-in-charge of a fire-station may, for the purpose of obtaining or verifying the information, enter into or upon any such building or property after giving such notice to the owner or occupier as may be prescribed.

15. Indemnity.

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

16. Punishment for false report.

- Any person who wilfully makes a false report of the out-break of a fire to the City Superintendent of Police, or the District Superintendent of Police or to any police-station or fire station or to any member of the Bihar Fire Service shall be punishable upon conviction before a Magistrate with fine, which may extend to fifty rupees', or in default, simple imprisonment which may extend to one month.

17. Employment of members of Fire Service on other duties.

- It shall be lawful for any Magistrate of the first class, or any public officer not below the rank of Deputy Superintendent of Police, to employ the members of the Bihar Fire Service upon any rescue, salvage or other works for which it is suitable by reason of its training, appliances or equipment.

18. Despatch of fire-fighting personnel, etc., of local area to another area.

- The City Superintendent of Police, or, if there be no City Superintendent of Police, the District Superintendent of Police, of any local area to which this Act applies for the time being or, in his absence, the police officer of the highest rank present in such local area may, on the occasion of a fire or other emergency in any other area, order the despatch of the fire-fighting personnel of such local area or any part of it with necessary appliances and equipments to such other area and on such despatch all the provisions of this Act and the rules made thereunder shall, as far as possible, apply to such other area, during the period of the fire or emergency, or for such period as the City Superintendent of Police, the District Superintendent of Police, other police officer making the order may direct, as if such other area were a local area to which this Act applied and the fire-fighting personnel despatched to such, other area were members of the Bihar Fire Service employed for the area.

19. Procedure.

- The proceedings under Sections 8 and 16 shall, as far as possible, be governed by the provisions of the [Code of Criminal Procedure, 1898] [Now Criminal Procedure Code 1973.], and the offences under these Sections shall be bailable and non-cognizable.

20. Repeal of Sections 269 and 270 of B. and O. Act 7 of 1922.

- Sections 269 and 270 of the Bihar and Orissa Municipal Act, 1922, shall be deemed to be repealed in respect of the local areas to which this Act applies for the time being: Provided that such repeal or

anything in this Act 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 firefighting purposes as may be directed by the [State] [Substituted by A.L.O.] 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 in fighting a fire when reasonably called upon to do so by any member of the Bihar Fire Service above the rank of fireman present at the fire; and(d)generally to take such measures as will lessen the likelihood of fires or prevent the spreading of fires.

21. Consumption of water by the Fire Service.

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

22. Power of Inspector-General of Police to make rules.

- The Inspector-General of Police may, from time to time, subject to the approval of the [State] [Substituted by A.L.O.] Government, make rules regarding training, discipline and good conduct of the personnel of the Bihar Fire Service, their speedy attendance on engines, fire escapes and all necessary implements on the occasion of any alarm of fire, maintenance of the service in a state of efficiency, its inspection, and such other matters as the Inspector-General of Police shall from time to time deem expedient.

23. Power of State Government to make rules.

(1)The [State] [Substituted by A.L.O.] Government may, by notification, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters, namely :(a)the manner in which the Bihar Fire Service shall be constituted and the number of officers and men such service shall consist of under Section 3; and(b)the nature of notice to be given under sub-section (2) of Section 14.

A

(See Section 1)

Serial No.	Name of district	Local areas to which the Act applies
1	2	3
1.	Patna	... Areas comprised within the Patna City Municipality, PatnaAdministration Committee and the Dinapur Nizamat Municipality.
2.	Gaya	... Area comprised within the Gaya Municipality. :

3. Bhagalpur ... Area comprised within the Bhagalpur Municipality.
4. Singhbhum ... Area comprised within the Jamshedpur Notified Area Committee and the Jugsalai Notified Area Committee (excluding the Factory area).

B

(See Section 5) A. B. has been appointed a member of the Bihar Fire Service under the Bihar Fire Service Act, 1948, and is vested with the powers, functions and privileges of such a member.