

Fire Force Act, 1964

Chapter V - Transfer of Assets and Liabilities of Fire Service of Local Authority

(1) On the date on which this Act comes into force in an area within the jurisdiction of a local authority (hereinafter in this Chapter referred to as the appointed day), all the assets and liabilities appertaining to the Fire Service maintained by such local authority shall stand transferred to and vest in the State Government.

(2) The assets appertaining to the Fire Service shall be deemed to include all rights and powers, and all property whether movable or immovable appertaining to the Fire Service including in particular all fire fighting property and all interests and rights in or arising out of such property as may be in possession of the local authority and all books of account or documents relating to the Fire Service of the local authority; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind then existing and appertaining to the Fire Service of the local authority.

Section 19 - Provident, superannuation and other like funds

(1) Where a local authority referred to in sub-section (1) of section 18, has established a provident fund or superannuation fund or any other like fund for the benefit of the employees of such local authority, the money standing to the credit of any such fund on the appointed day together with any other assets belonging to such fund, shall in so far as they relate to employees of the local authority who become employees of the State Government under section 21, stand transferred to and vest in the State Government on the appointed day.

(2) The apportionment under sub-section (1) shall be made by the State Government, and its decision in this behalf shall be final and binding on the local authority.

Section 20 - General effect of transfer of assets and liabilities of Fire Service of a local authority

(1) All contracts, agreements and other instruments of whatever nature subsisting or having effect immediately before the appointed day and to which a local authority referred to in sub-section (1) of section 18 is a party or which are in favour of such local authority shall in so far as they relate to the Fire Service of the local authority be of as full force and effect against or in favour of the State Government, as the case may be, and may be enforce or acted upon as fully and effectually as if, instead of the local authority, the State Government had been a party thereto or as if they had been entered into or issued in favour of the State Government.

(2) If on the appointed day any suit, appeal or other legal proceeding of whatever nature is pending by or against a local authority referred to in sub-section (1) of section 18, then, in so far as it relates to the Fire Service of such local authority, it shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer of the assets and liabilities of the local authority in so far as they relate to such Fire Service, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the State Government.

Section 21 - Transfer of service of employees of local authority

(1) Every whole-time employee of a local authority referred to in sub-section (1) of section 18 and who was employed by such local authority wholly or mainly in connection with the Fire Service of such local authority immediately before the appointed day, shall, on and from the appointed day, become an employee of the State Government, and shall hold his office under the State Government on the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held the same under the local authority as if its assets and liabilities relating to the Fire Service had not been transferred to the State Government, and shall continue to do so unless and until his remuneration, terms and conditions are duly altered by the State Government.

(2) If any question arises whether any person was a whole-time employee of a local authority or as to whether any employee was employed wholly or mainly in connection with the Fire Service of a local authority immediately before the appointed day, the question shall be decided by the State Government and its decision shall be final.

Section 22 - Duty to deliver possession of property and documents relating thereto

(1) Where any property has been transferred to and vested in the State Government under section 18, every person in whose possession or custody or under whose control the property may be, shall deliver the property to the State Government forthwith, and until it is so delivered, such person shall from the appointed day, be deemed to be in possession, custody or control of the property on behalf of the State Government.

(2) Any person who, on the appointed day, has in his possession or custody or under his control any books, documents or other papers which have been transferred to and vested in the State Government under section 18 shall be liable to account for the said books, documents and the papers to the State Government and shall deliver to the State Government or to such person as the State Government may direct.

(3) Without prejudice to the other provisions contained in this section, it shall be lawful for the State Government to take all necessary steps for securing possession of all properties which have been transferred to and vested in the State Government under this Chapter.
