

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 9 of
2024**

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SUO MOTU
Versus
STATE OF GUJARAT THROUGH THE SECRETARY HOME DEPARTMENT &
ANR.

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Appearance:

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1
MR HEMANG M SHAH(5399) for the Applicant(s) No. 1
G H VIRK(7392) for the Opponent(s) No. 2
MR KAMAL TRIVEDI, ADVOCATE GENERAL with MR VINAY BERAGRA,
AGP for the Opponent(s) No. 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL
and
HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

Date : 12/03/2024

**ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. In compliance of the order dated 29.01.2024, a further affidavit dated 21.02.2024 has been filed by the Joint Secretary (Law and Order), Home Department, Government of Gujarat. It is stated that pursuant to the First Information Report registered on 18.01.2024, 21 persons who have arraigned as accused, 20 accused persons have been arrested. The Report dated 18.01.2024 submitted by the District Magistrate, Vadodara is under consideration with the State Government. An

inquiry is going on with respect to the identification of family members of 14 deceased persons (12 children and 2 teachers).

3. In the meantime, as a precautionary measure, to ensure that no such unfortunate incident occurs in future, all the District Magistrates, Municipal Commissioners, Police Commissioners, etc., have been communicated by the Secretary, Home Department, vide letter dated 18.01.2024 to inquire about the issues/concerns pertaining to amusement activities such as boating, etc., and ensure that boating is not permitted when the same is not authorised and to respond to the Home Department.

4. Pursuant thereto, the respective authorities have submitted their response and upon finding infirmity with regard to running of some of the water bodies, necessary directions have been issued to close down the boating activities on such water bodies with immediate effect. The details with regard to the present status of all water bodies in the State with the facility of boating activities being operational or closed is appended in a tabular form as Annexure - 'R3'. The statement is that out of 48 such water bodies, 27 water bodies have been closed whereas only 21 have been allowed to continue with amusement activities such as boating, etc., strictly complying with the safety

standards.

5. In addition to the above, in order to frame guidelines for regulating the boating as well as other amusement activities within the State, to ensure determination of life safety standards, vide Government Resolution dated 19.02.2024, issued by the State Government through Urban Development and Urban Housing Department, a Committee of 13 members have been constituted to provide legal framework, certification and endorsement to such activity. The State Government is also proposing to regulate such activity by framing an appropriate legislation. It is stated that the Committee is directed to submit its report within a period of three months.

6. Taking note of the above, we require the respondent to provide the details of the arrangements made by the respective Corporations/Authorities for running amusement activities, etc., in 21 water bodies, operating as on date. It may be noted that as intimated to us, the amusement activities, etc. are being run by private persons under agreement on PPP Mode (Public Private Partnership). The terms and conditions of the agreement whether incorporated the necessary conditions to carry out such activities, fixing responsibility upon the respective authorities such

as Corporation, etc. to monitor and cast accountability in case of failure to supervise, are to be placed before us. We mean to say that till an effective legislative framework is worked out to regularise such activities, it has to be ensured that all arrangements through PPP mode to run such activities in 21 water bodies as on date are complied to the life safety standards.

7. It is, therefore, required that the Home Department, Government of Gujarat shall frame interim guidelines to ensure that the agreements executed with private persons incorporate the necessary terms and conditions in detail to maintain life safety standards. The requirement of monitoring/supervision by the competent authority, viz., Corporation, etc., within whose jurisdiction such water bodies exist and their accountability in case of failure to supervise/monitor as per the guidelines to be issued by the Secretary, Home Department/Urban Development Department, shall be communicated to the concerned authorities.

8. The progress made by the Committee constituted by Urban Development Department, shall also be brought on record. Waiting for the outcome of the deliberations of the Committee and to seek response of the above directions, we post the matter on 15.04.2024.

9. The response of the Commissioner, Vadodara Municipal Corporation to the queries in the order dated 29.01.2024 would be seen on the next date fixed. The office is directed to amend the cause title of this petition as per the order dated 29.01.2024.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

BIJOY B. PILLAI