

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 34 of 2024****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 4 of 2024****In R/WRIT PETITION (PIL) NO. 34 of 2024****With****R/SPECIAL CIVIL APPLICATION NO. 14157 of 2020****With****CIVIL APPLICATION (MODIFICATION OF ORDER) NO. 1 of 2024****In R/SPECIAL CIVIL APPLICATION NO. 14157 of 2020****With****R/SPECIAL CIVIL APPLICATION NO. 9506 of 2021****With****R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (DIRECTION) NO. 1 of 2024****In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2020****In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2022****In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2022****In R/WRIT PETITION (PIL) NO. 118 of 2020****With****CIVIL APPLICATION (FOR DIRECTION) NO. 5 of 2021****In R/WRIT PETITION (PIL) NO. 118 of 2020****SUO MOTU****Versus****STATE OF GUJARAT & ORS.****Appearance (WPPIL No. 34 of 2024):**

LAW OFFICER BRANCH(420) for the Applicant(s) No. 1

MR DM DEVNANI(5880) for the Applicant(s) No. 1 as Amicus

Curiae

MR. KAMAL TRIVEDI, SENIOR COUNSEL WITH MR. VINAY

BAIRAGRA, AGP for the Opponent(s) No. 1,10,2,3,8,9

MR. KAMAL TRIVEDI, AG WITH MR. G H VIRK(7392) FOR the

Opponent(s) No. 11,12,13,4,5,7

MR HS MUNSHAW(495) for the Opponent(s) No. 15,16

MR KAUSHAL D PANDYA(2905) for the Opponent(s) No.

14,17,18,6

Appearance (WPPIL No. 118 of 2020):

MR. AMIT PANCHAL, PARTY-IN-PERSON WITH MR. ANGESH A.

PANCHAL, ADV. FOR THE PETITIONER

MR. KAMAL TRIVEDI, AG WITH MR. VINAY BAIRAGRA, AGP FOR
the Respondent (s) No. 1&2

MR. KAMAL TRIVEDI, SR. ADV. WITH G H VIRK(7392) for the
Respondent(s) No.3

MR HS MUNSHAW(495) for the Respondent No. 5,6,8,9,10

MR KAUSHAL D PANDYA(2905) for the Respondent Nos. 7 and 11

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL**

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 19/12/2025

ORAL ORDER

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

By means of the affidavit dated 19.12.2025 of the Deputy Secretary, Urban Development and Urban Housing Department, Government of Gujarat, it is brought on record that vide Notification No. GH/V/156 dated 19.08.2014 issued in exercise of powers conferred by sub-section(1) of Section 3 of the Gujarat Fire Prevention and Life Safety Measures Act, 2013 (in short as 'the Act, 2013), the provisions of the Act, 2013 have been made applicable within the jurisdiction limits of the Urban Development Authority, Area Development Authority and Nagarpalika, as specified in the Schedule appended thereto.

2. Vide another Notification No. GH/L-1-153 dated 03.10.2020, the provisions of the Act, 2013 including Chapter-III to Chapter-VIII have been made applicable to the areas of the Municipal Corporations of the Cities of Ahmedabad, Surat, Vadodara, Rajkot,

Bhavnagar, Jamnagar, Gandhinagar and Junagadh in the State of Gujarat. Thus, by the aforesaid notification, all the provisions of the Act, 2013 are completely made applicable to all the Municipalities, as well as eight(8) Municipal Corporations.

3. Vide another notification bearing No. GH/L 1-155 of 2020 dated 3.10.2020 issued under Section 3(1) of the Act No. 11/13, it is declared that the Fire Brigade, by whatever name called, of all the Municipalities and the Municipal Corporations, shall not form part of the State Fire Services. However, for effective implementation of the Act, 2013 by the Municipalities and the Municipal Corporations in exercise of powers under Section 52(2) of the Act, 2013, the Director has delegated the powers, its duties and functions specified under Sections 7(1)(v), 7(1)(viii), 7(1)(ix), 7(1)(x), 7(1)(xi), 7(1)(xii), 7(2), 7(7), 7(8) and 7(9) of the Act, 2013 alongwith Sections 28 and 53 of the Act, 2013 in favour of the respective Chief Fire Officers of the concerned Municipal Corporation. It is, thus, contended that though the fire services of the Municipal Corporations as well as the Municipalities have been excluded from the State Fire Services, but even then all the provisions of the Act, 2013 are very much applicable to such fire services of the Municipal Corporations as well as the Municipalities.

4. Chapter-III deals with the requisition, compensation for fire

equipments; Chapter V deals with requisition, compensation for fire prevention and life safety measures; Chapter VI providing for temporary structures and Chapter VII providing for licensed agency for the purposes of the Act, categorically enumerates the steps which are to be taken by the respective Chief Fire Officers of the Municipal Corporations as well as the Fire Officers or any other authority, who are in-charge of the Fire Services of the Corporations or the Municipalities.

5. Section 285 of the Gujarat Provincial Municipal Corporation Act, 1949 under Chapter XVII, contains provisions for maintenance of Municipal Fire Brigade, i.e. maintenance of firemen and of necessary fire engines etc. It is stated that eight (8) Municipal Corporations in the State are presently equipped with the requisite man power and equipment. Section 286 provides for powers of the Chief Fire Officers of Fire Brigade. Section 287 mandates the police and all Municipal officers and servants to aid the Fire Brigade in execution of their duties. Section 289 provides for submission of report of the fire to the Commissioner by the Chief Fire Officer or other officer in- charge of Fire Brigade.

6. It is, thus, contended that under the scheme of the Gujarat Provincial Municipal Corporation Act, 1949 read with the Act, 2013, the responsibilities have been fixed upon the Chief Fire Officer or

any other officer in charge of the Fire Brigade of the Corporations or the Municipalities of ensuring the maintenance of fire brigade.

7. Besides that, to fulfill the object and purpose of the Act, 2013, as per the provisions contained in Chapter-IV therein, for providing training to fire personnel, the State Government has started an academy named as the Gujarat State Fire Academy based in Gandhinagar for conducting number of courses for the fire services both at the induction level and the refresher level of the Urban Local Bodies controlled fire services. The Director, Gujarat State Fire Prevention Services is being entrusted with the task of supervising the provisions for training of the said fire personnel.

8. It is further contended that Chapter-VIII of the Act, 2013 providing for levy of license fees of lands and buildings, empowering the State Government to levy and collect a fire fee on lands and buildings, would be applicable, as such, to all the Municipal Corporations as well as the Municipalities, irrespective of the declaration being made under proviso to Section 3(1) of the Act, 2013 by the notification of the State.

9. It is contended that a draft regulation has been framed by the State Government under Section 18 contained in Chapter-V of the Act, 2013 relating to fire prevention and life safety measures for

housing society or the owners/occupiers. The said draft regulation has also underwent the process of public consultation and is in the process of finalizing and adopting it.

10. It is further contended that the powers of the Director of Fire Services under Section 17 are elaborate and it is the duty of the Director to implement the policies of the State in relation to the development of fire services in the entire State.

11. The further contention is that the Government Resolution dated 31.12.2024 has been issued providing for a Task Force which is chaired by Director, Fire Services and is comprised of all Chief Fire Officers and Regional Fire Officers of the State, who operate at the field level as Members. The representatives of the Gujarat State Disaster Management Authority and Directorate of the Industrial Safety and Health are also part of the said Task Force. The Task Force has been created to address the gaps and challenges in response to fire and emergency situations in the State of Gujarat. It will focus on understanding and identifying resource gaps in terms of the fire situations, equipments/vehicles, trained human resources and recommend practical solutions to improve the overall effectiveness of emergency response systems.

12. The Task force will work towards modernising fire and

emergency services, ensuring that the State of Gujarat meets National standards and aligns with global good practices, whereby strengthening the State's ability to respond to the emergencies effectively and efficiently. One of the scopes of the proposed Task Force is to ensure development of model fire stations to serve as the benchmarks for good practices in infrastructure equipment, and operations across the State.

13. Taking note of the above, we may record that the queries of the Court made in the order dated 14.11.2025 stood satisfied.

14. However, there is one more question which is required to be answered by the State respondents, that is the powers conferred upon the Director under Section 58 of the Act, 2013 of framing regulations for enabling it to perform its functions under the Act. It is to be brought before the Court as to whether any such regulations have been framed and, if so, whether they would cover the functioning of the Chief Fire Officers/Regional Fire Officers, who are the delegates of the Directors, Fire Services as per Section 52(2) of the Act, 2013.

15. Further, the Commissioner of Municipalities is required to make an inquiry at his own end to assess the fire response effectiveness of the fire brigades of the Municipalities in the State,

working under the supervision of the Regional Fire Officers, who are stated to have been empowered to exercise the powers of the Director, Fire Services under the scheme of the Act, 2013.

16. The report be called for from each of the Regional Fire Officer of the Municipalities and the same be compiled at the ends of the Commissioner of Municipalities and be evaluated before placing it to the Court alongwith the personal affidavit of the Commissioner, Municipalities.

17. The State Government shall also file their response to the queries made with regard to the regulations framed by the Director, Fire Services, if any, by filling a separate affidavit

18. With the above, we post the matter on 23.01.2026 at 12.30 p.m..

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

C.M. JOSHI