

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 (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 (DIRECTION) NO. 1 of 2024****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**

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SUO MOTU**Versus****STATE OF GUJARAT & ORS.**

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Appearance:-**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 Resoibdent 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 : 07/08/2026

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

1. By means of the order dated 10.07.2026, we requested the learned Advocate General to address on the issue of regulations under Section 58 of the Gujarat Fire Prevention and Life Safety Measures Act, 2013 (for short, "the Act' 2013").

2. Today, when the matter was taken up, by placing the affidavit dated 07.08.2026 of the Under Secretary, Urban Development and Urban Housing Department, Government of Gujarat, it is submitted that on the question of framing regulations under Section 58 of the Act' 2013, an evaluation has been made about the existing rules / regulations for

enabling the Director to perform its functions under the Act, more particularly Section 7 of the Act' 2013.

3. It is submitted that Section 7 of the Act' 2013 lays down the powers, duties and functions of the Director and as per Section 7(2), besides other functions prescribed in sub-section (1), the Director, with the approval of the State Government, direct and regulate all matters of firefighting equipments, machinery and appliances, training, observation of persons and events mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfillment of duties and maintenance of discipline of fire officers and members of Fire Services under him. These measures may be regulated by the Director by issuing appropriate orders / directions with the approval of the State Government.

4. It is submitted that the provisions of Section 58 of the Act' 2013 conferring powers upon the Director to make regulations for enabling him to perform his functions under the Act' 2013, is directory and the regulations under the said provision may be framed, whenever required. However, with regard to the powers of the Director under sub-section (3) of Section 7 to appoint officers and employees of the Fire Department to assist any Fire Officer of the State Fire Services, discharge of said power is subject to the rules made therein. The other powers, duties and functions of the Director under Section 7 are related to taking policy decisions and acting in an advisory capacity to the State Government.

5. Section 7(1)(ii) and Section 7(3), which deal with the recruitment of officers under the Act, are regulated by the recruitment rules framed by the State Government in exercise of power conferred under Section 5(2)(b) of the Act' 2013. The recruitment rules made for different categories of posts in operation and being followed for recruitment have been brought on record along with the said affidavit.

6. It is submitted that in addition thereto, as such, the detailed rules framed under Section 57 of the Act named as "the Gujarat Prevention and Life Safety Measures Rules, 2014 as well as the regulations framed under Section 18 of the Act' 2013 are already in place, for effective implementation of the provisions of the Act.

7. It is submitted by the learned Advocate General that in view of the existing rules placed on record, as on date, there does not seem to be any requirement of framing regulations under Section 58 by the Director to perform his duties and functions allowing under the Act. However, appropriate regulations will be framed under Section 58 of the Act, whenever there is a requirement.

8. Taking note of the above facts, we rest the matter on the issue of framing of regulations under Section 58 of the Act' 2013.

9. On the other issues with regard to strengthening of Fire Services in the State both under the jurisdiction of the Corporation as well as the Director, Fire Service appointed under Section 6 of the Gujarat Fire Prevention and Life Safety

Measures Rules, 2014, we require the Secretary, Urban Development and Urban Housing Department to conduct a joint meeting with the Municipal Commissioners and the Director, Fire Services for the purpose of rationalisation of the cadre of Fire Services in the State so as to see whether the existing cadre strength is adequate to meet the exigencies of Fire Services in the State

10. The progress made in the recruitment against the existing vacant posts of Fire Services under the jurisdiction of the Municipal Corporation as well as the Director, Fire Services, shall also be brought on record with the details with regard to the sanctioned strength, working strength and the vacancies as well as the recruitment process, if any, undertaken in the near past.

With the above, we post the matter on **18.09.2026** at **12:30 PM**.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

SAHIL S. RANGER