

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P(PIL) No. 497 of 2023

Court on its own Motion

Versus

1. Chief Secretary, Govt. of Jharkhand
2. The Chief Secretary, Government of Jharkhand (impleaded)
3. The Secretary, Urban Development and Housing Department, Government of Jharkhand
4. The Principal Secretary, Home and Disaster Management, Government of Jharkhand
5. The Director General, Fire Safety, Government of Jharkhand
6. The Deputy Commissioner, Deoghar
7. The Superintendent of Police, Deoghar
8. The Municipal Commissioner, Deoghar Municipal Corporation
9. The Deputy Commissioner, Dumka
10. The Superintendent of Police, Dumka
11. The Chairman, Dumka Municipal Council
12. The Deputy Commissioner, Bokaro
13. The Superintendent of Police, Bokaro
14. The Municipal Commissioner, Chas Municipal Corporation
15. The Deputy Commissioner, Giridih
16. The Superintendent of Police, Giridih
17. The Municipal Commissioner, Giridih Municipal Corporation
18. The Deputy Commissioner, Koderma
19. The Superintendent of Police, Koderma
20. The Chairman, Jhumri Telaiya Municipal Council
21. The Deputy Commissioner, Godda
22. The Superintendent of Police, Godda
23. The Municipal Commissioner, Godda Municipal Corporation
24. The Deputy Commissioner, Chatra
25. The Superintendent of Police, Chatra
26. The Chairman, Chatra Municipal Council
27. The Deputy Commissioner, Dhanbad
28. The Senior Superintendent of Police, Dhanbad
29. The Municipal Commissioner, Dhanbad Municipal Corporation
30. The Deputy Commissioner, Garhwa
31. The Superintendent of Police, Garhwa
32. The Chairman, Garhwa Municipal Council
33. The Deputy Commissioner, Jamshedpur, East Singhbhum
34. The Senior Superintendent of Police, Jamshedpur, East Singhbhum
35. The Special Officer, Jamshedpur Notified Area Committee
36. The Deputy Commissioner, Jamtara
37. The Superintendent of Police, Jamtara
38. The Chairman, Mihijam, Municipal Council
39. The Deputy Commissioner, Seraikela-Kharsawan

40. The Superintendent of Police, Seraikela-Kharsawan
41. The Chairman, Municipal Council Seraikela
42. The Deputy Commissioner, Ranchi
43. The Senior Superintendent of Police, Ranchi
44. The Municipal Commissioner, Ranchi Municipal Corporation
45. The Deputy Commissioner, Pakur
46. The Superintendent of Police, Pakur
47. The Chairman, Pakur Municipal Council
48. The Deputy Commissioner, Latehar
49. The Superintendent of Police, Latehar
50. The Deputy Commissioner, Hazaribag
51. The Superintendent of Police, Hazaribag
52. The Municipal Commissioner, Hazaribag Municipal Corporation
53. The Deputy Commissioner, Lohardaga
54. The Superintendent of Police, Lohardaga
55. The Chairman, Lohardaga Municipal Council
56. The Deputy Commissioner, Palamau
57. The Superintendent of Police, Palamau
58. The Municipal Commissioner, Medininagar Municipal Corporation
59. The Deputy Commissioner, Ramgarh
60. The Superintendent of Police, Ramgarh
61. The Chairman, Ramgarh Municipal Council
62. The Deputy Commissioner, Simdega
63. The Superintendent of Police, Simdega
64. The Chairman, Simdega Municipal Council
65. The Deputy Commissioner, West Singhbhum, Chaibasa
66. The Superintendent of Police, West Singhbhum, Chaibasa
67. The Chairman, Chaibasa Municipal Council
68. The Deputy Commissioner, Sahebganj
69. The Superintendent of Police, Sahebganj
70. The Chairman, Sahebganj Municipal Council
71. The Deputy Commissioner, Gumla
72. The Superintendent of Police, Gumla
73. The Chairman, Gumla Municipal Council
74. The Superintendent of Police, Khunti Respondents

CORAM: SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.

For the Amicus Curie: Mr. Salona Mittal, Advocate
For the CMC: Mr. Anup Kumar Agarwal, Advocate
For GMC: Mr. Shadab Bin Haque, Advocate
For Garhwa MC: Mr. Dheraj Kumar, Advocate

10 /Dated: 19.07.2023

Upon hearing the learned counsel for the parties, this Court passed the following, (Per. Sanjaya Kumar Mishra, C. J.)

ORDER

2. On 02.02.2023 this Court *suo motu* took cognizance of the fact that within a span of three days in two separate incidences, five children and fourteen persons lost their lives because of fire incidences. The Court also took into consideration that there have been some incidences in places such as Ranchi, Gumla etc, where innocent lives were lost.

3. The Court also took into consideration the fact that there is no legislative vacuum to regulate the fire safety measures in the buildings. The bye-laws under the Municipal Act do provide for mandatory fire safety certification by the State agency of buildings as per the height of the building and the nature of construction. However, Court further observed that these bye-laws and fire safety measures have been observed more in breach than in compliance and, therefore, learned Advocate General was directed to take notice of the case. Learned Advocate General has brought to the notice of this case and submits that two inquiries were set up to find out the cause of incidence and responsibilities of the concerned persons/agencies entrusted to enforce the Municipal Bye-laws and fire safety regulations. He also submits that ex-gratia amount of Rs.4.00Lakh is being paid by the State Government to the next of the kin of the deceased.

4. The Court cannot remain a silent spectator to the sufferings of the masses when the regulatory regimes are not properly implemented and enforced leading to loss of innocent lives. Therefore, the case was initiated and the Chief Secretary and other highly officials were made parties to the proceedings.

5. Several counter-affidavits have been filed but the learned Amicus Curie has filed tabulated chart in course of hearing showing the different lacuna in implementation of the law relating to fire safety and maintenance of appropriate standards in preventing fire accidents. Learned Amicus Curie has also brought to our notice reported case of the Bombay High Court in the case of ***Gurudas G. Pai Vrs. State of Goa, through the Chief Secretary & Ors.*** reported in (2022) SCC

Online Bom 7033(Goa Bench) wherein some directions were passed by the Goa bench of the Bombay High Court. The learned Amicus Curie further urged before the Court to dispose of the writ application by giving direction of implementation of those directions.

6. In that view of the matter, we hereby, disposed of the *suo motu* W.P(PIL) by giving the following directions:-

“i. The Government of Jharkhand and the concerned Planning Authorities namely District Development Authorities, Municipal Corporation, Municipal Council, Notified Area Committees, in the State of Jharkhand and the Directorate of Panchayats and all town and country Planning Authorities are directed to achieve strict compliance of the provision of the National Building Code of India, Jharkhand Building Bye-laws, 2016 & Jharkhand Municipal Act, 2011 prescribing the fire safety norms.

ii. The authorities acting under the Regulations and under law are directed to appoint a Nodal Officer/Group of Officers who can consider a periodical inspection in regard to the installation, maintenance and compliances of fire safety norms in respect of special buildings like hospitals having indoor patients, schools and colleges, theatres, multiplexes and cinema houses, public auditoriums, public buildings and hotels.

iii. The authorities shall ensure strict compliance of the norms in regard to “annual fire audits” which be undertaken prior to the expiry of annual fire NOC, in regard to such categories of buildings, which require such annual approvals.

iv. The authorities shall also comply with the fire safety norms in regard to electric/electronic hoardings, sign boards, neon signs etc which are installed on buildings and ensure strict adherence to the fire safety norms, from the persons responsible for such installations.

v. It shall be ensured that industrial buildings of all categories temporary or permanent, strictly adhere to the fire safety norms, including installation of fire safety equipment's. There shall be periodical inspection of such compliances, by categorizing such industries on the basis of their vulnerability to such hazards, in the context of the nature of their activities.

vi. In regard to compliances of fire safety measures/norms by high rise buildings, schools and colleges, theaters, multiplexes, cinema houses, public auditoriums, public buildings, residential hotels, lodging and boarding houses, a database shall be maintained indicating the date of the fire safety compliances and inspection and such information be provided on the official website.

vii. The concerned authorities shall ensure availability of all the firefighting equipment's like fire engines etc. in the vicinity of complexes and buildings where larger habitation exists and/or public gatherings take place.

viii. The Municipal Administration is also required to provide appropriate access/roads for movement of fire engines in all municipal areas."

7. With such observation, the instant W.P(PIL) stands disposed of.
8. We record our appreciation for the efforts and assistance put in by Mr. Salona Mittal, learned Amicus Curiae for appearing and assisting in this case.
9. All pending Interlocutory Applications stand disposed of.
10. No orders as to costs.
11. Grant urgent certified copy of this order as per the Rules.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)