

राजस्थान सरकार
स्वायत्त शासन विभाग

क्रमांक:प.8(क)(या)()/डीएलबी/19/१७७२-१७७९

जयपुर, दिनांक: 12/7/19

आयुक्त,
नगर निगम,
समस्त, राजस्थान।

विषय: माननीय उच्च न्यायालय पीठ जयपुर के समक्ष दायर डी.बी.सिविल रिट
पिटीशन संख्या 1481/18 कुणाल रावत बनाम राज्य सरकार एवं अन्य में
दिनांक 03.07.19 में दिये गये निर्देशों की पालना करने के संबंध में।

उपरोक्त विषयान्तर्गत लेख है कि माननीय उच्च न्यायालय पीठ जयपुर के समक्ष
दायर डी.बी.सिविल रिट पिटीशन संख्या 1481/18 कुणाल रावत बनाम राज्य सरकार एवं
अन्य में दिनांक 03.07.19 में निम्नांकित आदेश दिये गये हैं:-

"(i) that a special drive during next two months is undertaken to check
the efficacy of the fire fighting arrangements in all the malls, multi-storied
buildings and hotels located at divisional headquarters of the State in terms of
the order of this court dated 10.01.2019 and if any of them is found to be
deficient, appropriate action be taken against defaulting party and close them
down if deficiency is not immediately removed;

(iii) that all the coaching centers/paying-guest facilities in different
divisional headquarters shall be inspected for availability of fire safety/fire
exits/fire equipments and if the same are not found there, action be taken
against the defaulting parties and they be required to immediately remove the
deficiency or else, steps be taken to close them down;

(iv) that details in respect of loss of lives and loss of properties in the
incidents of fire during the year 2018, shall be placed on record;

(vi) that the respondents shall furnish the particulars as to how many
high-rise buildings having height of more than 32 meters, have been permitted
and/or constructed so far in the State. No new high-rise buildings with the
height of more than 32 meters should be allowed to come up in any of the cities
till Arial Hydraulic Ladder Platform equivalent to or more than, the height of
the proposed building become available in Municipality of the concerned city."

माननीय उच्च न्यायालय पीठ जयपुर द्वारा दिये गये आदेशों की अनुपालना में
निर्देश संख्या 1 व 3 के संदर्भ में विशेष अभियान चलाकर दो माह में ऐसे सभी मॉल्स,
मल्टिस्टोरी बिल्डिंग एवं होटल तथा कोचिंग सेन्टर/पेईगगेस्ट का सघन निरीक्षण किया
जाकर निरीक्षण रिपोर्ट तैयार की जावे। निरीक्षण के बाद यदि यह पाया जावे कि किसी
मॉल्स, मल्टिस्टोरी बिल्डिंग एवं होटल तथा कोचिंग सेन्टर/पेईगगेस्ट में fire safety/fire
exits/fire equipments की उपलब्धता नहीं हो तो ऐसे संस्थानों को तुरन्त प्रभाव से बन्द

✓

कर दिया जावे जब तक की यह सुविधाएँ उपलब्ध नहीं हों। निर्देश संख्या 1 व 3 की पालना नगर निगम के आयुक्त/उपायुक्त/मुख्य अग्निशमन अधिकारी या आयुक्त द्वारा अधिकृत अधिकारी द्वारा की जावेगी। इन निर्देशों की पालना में अग्निशमन साधनों की अनुपलब्धता वाले भवनों को सीज करने हेतु आयुक्त/उपायुक्त को अधिकृत किया जाता है।

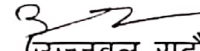
निर्देश संख्या 4 की पालना हेतु समस्त नगरीय निकायों को मुख्य नगरपालिका अधिकारी एवं मुख्य अग्निशमन अधिकारी/अग्निशमन अधिकारी वर्ष 2018 के दौरान उनके नगरीय निकाय के क्षेत्राधिकार में अग्नि से हुए जान व माल का पूर्ण विवरण तैयार कर एक सप्ताह में विभाग के साथ-साथ उपायुक्त (फायर) नगर निगम जयपुर को भी रिपोर्ट भिजवाया जाना सुनिश्चित करेंगे।

निर्देश संख्या 6 की पालना हेतु समस्त नगरीय निकायों के मुख्य नगरपालिका अधिकारी एवं मुख्य अग्निशमन अधिकारी/अग्निशमन अधिकारी अभियान चलाकर यह जाँच करेंगे कि उनके नगरीय निकाय क्षेत्र में 32 मीटर से अधिक ऊँचाई कितने बहुमंजिले इमारतें बनी हुई हैं। इनमें से कितनी इमारतों के लिए नगरीय निकायों द्वारा मानचित्र स्वीकृत किये गये हैं एवं कितनी इमारतें बिना स्वीकृति के निर्मित की हुई हैं। यह सूचना निदेशालय के साथ-साथ प्रभारी अधिकारी सुश्री आभा बेनीवाल उपायुक्त (फायर), नगर निगम जयपुर (मोबाईल नं. 9414022929) को एक सप्ताह में उपलब्ध करा दी जावे।

नगरीय निकायों के क्षेत्र में 32 मीटर से अधिक ऊँचाई की बहुमंजिले इमारतों के निर्माण की स्वीकृति तत्काल प्रभाव से रोक दी जावे एवं जब तक नहीं दी जावे तब तक की नगरीय निकायों के पास 32 मीटर से अधिक की ऊँचाई की इमारतों के लिए वांछित भवन निर्माण स्वीकृति के अनुरूप Arial Hydraulic Ladder Platform की उपलब्धता न हो जाए।

उपरोक्त आदेशों की कठोरता से पालना की जावे, इस कार्य में लापरवाही को गम्भीरता से लिया जावेगा।

संलग्न:- माननीय उच्च न्यायालय के आदेश की प्रति।


(उज्जवल राठौड़)

निदेशक एवं संयुक्त शासन सचिव

क्रमांक:प.8(क)(या)()/डीएलबी/19/2780-3166

जयपुर, दिनांक: 12/7/19

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. मुख्य नगर नियोजक, राजस्थान।
2. उपायुक्त (फायर), प्रभारी अधिकारी, नगर निगम जयपुर।
3. अतिरिक्त मुख्य नगर नियोजक/वरिष्ठ नगर नियोजक/उप नगर नियोजक/सहायक नगर नियोजक, समस्त नगर निगम/परिषद/पालिकाएँ, राजस्थान।
4. वरिष्ठ नगर नियोजक, निदेशालय।
5. मुख्य अग्निशमन अधिकारी/अग्निशमन अधिकारी/सहायक अग्निशमन अधिकारी, समस्त नगर निगम/परिषद/पालिकाएँ, राजस्थान।
6. सुरक्षित पत्रावली।

(अशोक कुमार सिंह)

वरिष्ठ संयुक्त विधि परामर्शी

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 1481/2018

Kunal Rawat

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent



For Petitioner(s) : Mrs. Aradhana Swami
Mr. Kunal Rawat, petitioner, present in person
For Respondent(s) : Mr. M.S. Singhvi, Advocate General
with Mr. Sheetanshu Sharma
Mrs. Naina Saraf with Mr. K.S. Rawat
Mr. R.K. Paliwal for Mr. R.A. Katta

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ
HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA**

Order

03/07/2019

This Court, vide order dated 10.01.2019 in Writ Petition (PIL) No.1481/2018, directed the respondent State to undertake a special drive to check the efficacy of the fire fighting arrangements in all the malls and multi-storied buildings located at the divisional headquarters of the State and submit a complete report as to the deficiencies found therein and the action taken against defaulting parties.

Second part of the aforesaid order dated 10.01.2019 required the State to place on record, on affidavit of the responsible officer, details of the incidents of the fire, which had taken place in the State during the year 2018 with complete particulars about the loss of life and property and also regarding availability of number of fire tenders, ladders, the equipments provided to the fire fighters including their clothes, shoes, helmets, etc. and also give the

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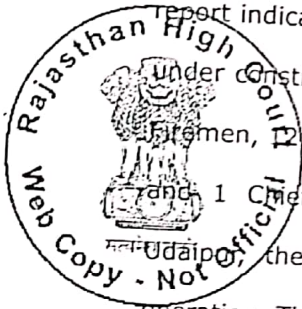
number of fire tenders, which are lying non-functional. It was also directed that the affidavit should also indicate number of the trained staff for fire fighting in different Municipalities, number of training institutes in the State undertaking the course of fire fighting and the frequency and duration of the time when such training is imparted to the firemen.



According to Mrs. Aradhna Swami, learned counsel for the petitioner, no such drive as directed by this Court in afore-referred to order, has been undertaken by the respondents. She submitted that the petitioner has filed an application bearing inward no.43810 dated 28.05.2019 inspired by a shocking and heart wrenching incident that recently took place at Surat in the State of Gujarat, in which 20 young students were burnt alive and many sustained injuries. In the application, prayer has been made for issuance of a direction to the respondent-State to form committees in every Local Authority/Municipality of the State of Rajasthan, which may inspect all coaching centres/hotels/paying-guest facilities for availability of fire safety/fire exits/fire equipments and submit the report within fifteen days.

Mr. M.S. Singhvi, learned Advocate General appearing on behalf of the State of Rajasthan, submits that the respondents have filed compliance report pursuant to the order dated 10.01.2019 vide inward no.25279 dated 02.04.2019 but he fairly admits that the report does not indicate any compliance with regard to the special drive ordered by this Court to be undertaken to check the efficacy of the fire fighting arrangements in all the malls and multi-storied buildings located at divisional headquarters of the State. But other information as per direction of this Court has been produced.

The compliance report indicates that at divisional headquarter, Jaipur, there are 48 fire stations in operation and 10 are under constructions. There are total 125 fire-fighting vehicles with 425 Firemen, ten Tindals, 32 Drivers, 7 Assistant Fire Officers, 1 Fire Officer and 1 Chief Fire Officer. The fire-fighting vehicles also include 25 fire bikes. With regard to divisional headquarter, Jodhpur, the report indicates that there are 27 fire stations in operation and 5 are under construction. There are total 68 fire-fighting vehicles with 158 Firemen, 12 Tindals, 10 Drivers, 2 Assistant Fire Officer, 1 Fire Officer and 1 Chief Fire Officer. With regard to divisional headquarter, Udaipur, the report indicates that there are 25 fire stations in operation. There are total 62 fire-fighting vehicles with 112 Firemen, 6 Tindals, 20 Drivers, 3 Assistant Fire Officers, 1 Fire Officer. With regard to divisional headquarter, Kota, the report indicates that there are 13 fire stations in operation and 12 are under construction. There are total 55 fire-fighting vehicles with 205 Firemen, 1 Tindal, 5 Drivers, 2 Assistant Fire Officer and 1 Fire Officer. With regard to divisional headquarter, Bikaner, the report indicates that there are 29 fire stations in operation. There are total 54 fire-fighting vehicles with 150 Firemen, 7 Tindals, 9 Drivers, 2 Assistant Fire Officer and 1 Fire Officer. With regard to divisional headquarter, Ajmer, the report indicates that there are 28 fire stations in operation and 10 are under construction. There are total 84 fire-fighting vehicles with 161 Firemen, 8 Tindals, 23 Drivers, 2 Assistant Fire Officer and 1 Fire Officer. With regard to divisional headquarter, Bharatpur, the report indicates that there are 12 fire stations in operation and 5 are under construction. There are total 42 fire-fighting vehicles with 115 Firemen, 2 Tindals, 7 Drivers and 4 Assistant Fire Officer.



The compliance report in respect of each of the divisional headquarters indicates that each Fireman is provided with fire-suit, gum-boots, helmet, fire gloves, mask, breathing equipment set, fire-torch, foam compound, first-aid box and combi-tool.

Para 10 of the compliance report states about the number of vacant posts of Chief Fire Officer, Fire Officer, Assistant Fire Officer, Tindal, Fireman and Vehicle Drivers at all the seven divisional headquarters, post-wise details of which are indicated in Annexure-A.



The Annexure-A annexed to the compliance report, indicates that total 1208 posts of different nomenclatures in Fire Station of different divisional headquarters are vacant. The compliance report gives a very dismal picture about availability of Chief Fire Officer in Udaipur, Ajmer and Kota, where one post of each has been sanctioned but they are lying vacant. Taking the datas of all the seven divisional headquarters of the State, it is noticed that as against 24 sanctioned posts of Fire Officer, 17 posts are lying vacant. As against 69 sanctioned posts of Assistant Fire Officers, 45 posts are lying vacant. As against 184 sanctioned posts of Tindals, 138 posts are lying vacant. As against 1931 sanctioned posts of Fireman, 605 posts are lying vacant and as against 502 sanctioned posts of Driver, 395 posts are lying vacant.

The compliance report states that so far as ladders are concerned, presently at Jaipur, Jodhpur and Kota, 32 meter height Arial Hydraulic Ladder Platform is in operation, whereas process for procuring the ladder of 70 meter height having the technology of Arial Hydraulic Platform procurement is going on. After completion of procurement process, the 70 meter height ladder will also be available to the Nagar Nigam of Jodhpur and Udaipur and for 60 meter height Arial Hydraulic Ladder Platform will be available to

Municipal Council, Bhiwadi. The report further states that 20 modernized High-Pressure Mist Motor Bikes are available for the narrow streets of walled city Jaipur.

The incidents of the fire, which have been detailed out in para 16 of the compliance report, show that during the year 2018 total 1300 incidents took place in Jaipur Nagar Nigam area, 1035 incidents took place in Jodhpur Nagar Nigam area, 951 incidents took place in Udaipur Nagar Nigam area, 603 incidents took place in Kota Nagar Nigam area, 305 incidents took place in Bharatpur Nagar Nigam area, 216 incidents took place in Bikaner Nagar Nigam area and 207 incidents took place in Ajmer Nagar Nigam area. But the details as to loss of lives and properties there have not been given. The report also does not indicate the number of training institutes for fire fighting in the State, duration and frequency of such training.

The aforesaid report is an eye opener and reflects callous and lackadaisical approach on the part of the State and its functionaries to deal with such an important issue. Despite specific order passed by this court, the specific drive to check the efficacy of the fire fighting arrangements in all the malls and multi-storied buildings located at divisional headquarters of the State, has not been undertaken.

The court is not satisfied with the compliance made by the respondent State, rather observe that the State agencies are not dealing with such a grave issue of public importance with due care and caution, which rather needs their immediate attention.

It is therefore directed that the respondent-State and in particular the Principal Secretary to the Government, Local Self Department, State of Rajasthan and the Director, Local Self Bodies, Rajasthan, shall ensure,

(i) that a special drive during next two months is undertaken to check the efficacy of the fire fighting arrangements in all the malls, multi-storied buildings and hotels located at divisional headquarters of the State in terms of the order of this court dated 10.01.2019 and if any of them is found to be deficient, appropriate action be taken against defaulting party and close them down if deficiency is not immediately removed;



(ii) that appropriate action for filling up all the vacant posts indicated in Annexure-A annexed to the compliance report is initiated positively within a period of two months, so as to fill up all the vacant posts indicated therein;

(iii) that all the coaching centers/paying-guest facilities in different divisional headquarters shall be inspected for availability of fire safety/fire exits/fire equipments and if the same are not found there, action be taken against the defaulting parties and they be required to immediately remove the deficiency or else, steps be taken to close them down;

(iv) that details in respect of loss of lives and loss of properties in the incidents of fire during the year 2018, shall be placed on record;

(v) that the details of the training institutions in the State, duration and frequency of such training, shall be placed on record;

(vi) that the respondents shall furnish the particulars as to how many high-rise buildings having height of more than 32 meters, have been permitted and/or constructed so far in the State. No new high-rise buildings with the height of more than 32 meters should be allowed to come up in any of the cities till Arial Hydraulic Ladder Platform equivalent

(i) that a special drive during next two months is undertaken to check the efficacy of the fire fighting arrangements in all the malls, multi-storied buildings and hotels located at divisional headquarters of the State in terms of the order of this court dated 10.01.2019 and if any of them is found to be deficient, appropriate action be taken against defaulting party and close them down if deficiency is not immediately removed;



(ii) that appropriate action for filling up all the vacant posts indicated in Annexure-A annexed to the compliance report is initiated positively within a period of two months, so as to fill up all the vacant posts indicated therein;

(iii) that all the coaching centers/paying-guest facilities in different divisional headquarters shall be inspected for availability of fire safety/fire exits/fire equipments and if the same are not found there, action be taken against the defaulting parties and they be required to immediately remove the deficiency or else, steps be taken to close them down;

(iv) that details in respect of loss of lives and loss of properties in the incidents of fire during the year 2018, shall be placed on record;

(v) that the details of the training institutions in the State, duration and frequency of such training, shall be placed on record;

(vi) that the respondents shall furnish the particulars as to how many high-rise buildings having height of more than 32 meters, have been permitted and/or constructed so far in the State. No new high-rise buildings with the height of more than 32 meters should be allowed to come up in any of the cities till Arial Hydraulic Ladder Platform equivalent

to or more than, the height of the proposed building become available in Municipality of the concerned city.

The compliance report shall be filed on an affidavit of the Principal Secretary to the Government, Local Self Department, Government of Rajasthan, Jaipur, who shall be responsible for compliance of this order.

A copy of this order be provided to Mr. M.S. Singhvi, learned Advocate General, for its onward transmission to the authorities concerned to ensure compliance of the order.

The application bearing inward no.43810 dated 28.05.2019 accordingly stands disposed of.



(NARENDRA SINGH DHADDHA),J

(MOHAMMAD RAFIQ),J

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**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition (PIL) No.1481/2018

Kunal Rawat

----Petitioner

Versus

State of Raj and Ors.

----Respondents



For Petitioner(s) : Ms. Aradhana Swami

For Respondent(s) : Ms. M.S. Singhvi, AG

Ms. Naina Saraf

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ
HON'BLE MR. JUSTICE GOVERDHAN BARDHAR**

Order

10/01/2019

This writ petition raises a significant question of larger public interest with regard to lack of proper fire fighting arrangements by the Government and the local bodies of the State leading to huge loss of life and property.

Learned counsel for the petitioner has referred to the averments made in the writ petition and submitted that petitioner shall further undertake a research and file additional statement of facts highlighting lack of proper infrastructure and inadequacy of fire fighting arrangements and the number of incidents relating to fire in different parts of the State leading to loss of life and property.

We direct the respondent-State to undertake a special drive to check the efficacy of the fire fighting arrangements in all the Malls and Multistoried Buildings located in divisional headquarters

of the State and submit a complete report as to the deficiencies found therein and action taken against defendants' part. The respondent-State shall also place on record on affidavit of the responsible officer the details of the incident of the fire, which had taken place in the entire State during the year 2018 with complete particulars about the loss of life and property and also regarding the availability of number of fire tenders, ladders, the equipments to be provided to the fire fighters including their clothes, shoes, helmets etc and also give the number of fire tenders, which are not functional. The statement should also indicate the trained staff for fire fighting in different Municipalities, number of training institutes in the State undertaking the course of fire fighting and the frequency and duration of time when such training is imparted to the firemen.

The petitioner is directed to implead the Principal Secretary, Local Self Government, State of Rajasthan and Director, Local Bodies as party respondents.

List this matter on 20.2.2019.

A copy of this order be provided to the learned Advocate General for compliance.

(GOVERDHAN BARDHAR),J

(MOHAMMAD RAFIQ),J

Dheeraj/RS/51

माननीय उच्च न्यायालय, जयपुर पीठ द्वारा रिट पिटीशन नं. 1481/18 में दिये गये आदेशों की अनुपालना में

अग्निशमन संबंधी निरीक्षण रिपोर्ट

1. निरीक्षण की दिनांक
2. भवन के मालिक का नाम व पता
3. किरायेदार हो तो किरायेदार का नाम
4. भवन की फायर एनओसी
5. भवन का प्रकार— मॉल्स/मल्टीस्टोरी बिल्डिंग/होटल/कॉचिंग सेन्टर/पेईंग गेस्ट

क्र. सं.	विवरण	अग्निशमन व्यवस्था	अग्निशमन संयंत्रों कमी का विवरण
1	बेसमेन्ट (Upper/Lower)		
2	स्टील्ट/भूतल		
3	प्रथम तल		
4	द्वितीय तल		
5	तृतीय तल		
6	चतुर्थ तल		
5	पंचम तल		
6	षष्ठम (छठा) तल क्रमशः अन्य तल		

Fire safety/Fire exits/Fire equipments

स्प्रिंकलर, हाईड्रेन्ट मय हॉज पाईप ब्रान्च, हॉज रील, स्मॉक डिटेक्टर, एनसीवी हूटर, फायर एलार्म, फायर एक्टीग्यूशर (ABC, Co2, Fome Type), आपातकालीन द्वार (Fire exits), आपातकालीन सीढ़ी, यार्ड हाईड्रेन्ट, ऑउटलेट (one way and two way) वेटराईजर, ड्राईराईजर, पेनल बोर्ड, मेन पम्प, जोकी पम्प, डीजल पम्प व स्प्रिंकलर पम्प।

Over head and under ground water tank की क्षमता लीटर में

- नोट:- 1. उपरोक्त संयंत्र जो भवन में उपलब्ध है उन्हें कॉलम नं. 3 में अंकित करना है जो संयंत्र उपलब्ध उन्हें कॉलम नं. 4 में अंकित करें तथा एनबीसी कोड पार्ट -iv की गाईडलाइन के अनुसार भवन की प्रकृति के अनुरूप निरीक्षण रिपोर्ट प्रस्तुत की जावे।
2. मुख्य अग्निशमन अधिकारी/अग्निशमन अधिकारी/सहायक अग्निशमन अधिकारी द्वारा निरीक्षण रिपोर्ट प्रस्तुत की जावेगी।
 3. विशेष विवरण.....
 4. निरीक्षणकर्ता की स्पष्ट रिपोर्ट

हस्ताक्षर

निरीक्षणकर्ता का नाम

पदनाम