



**MOST RESPECTFULLY SHOWETH:**

1. That the present application is being filed by Intervener-Applicant, Association of Victims of Uphaar Tragedy (AVUT) seeking leave of this Hon'ble Court to intervene in the present Writ Petition.
2. That the Petitioner had filed this Writ Petition to challenge the Notification dated 9<sup>th</sup> January 2015 issued under Orders of Respondent No.1 (**Annexed as P1 in the Petition @Pg 49**) as their main grievance was the fresh inspection of the cinema hall premises was carried out which they term as uncalled for & unnecessary since Respondent No.3 had already conducted the same & granted them a license.
3. That, the intervener-applicant are the members of the Association who are either those who are relatives/legal heirs of those who were killed in the fire that claimed valuable human lives , which took place in the heart of the capital city of Delhi in a cinema (Uphaar Cinema) building situated in its posh Green Park Extension Area on 13.06.1997. It was found that additional seats as well as a closure of the exits due to installations which were in violation of the statutory provisions, severely compromised the safety of the patrons visiting the cinema.
4. That the Uphaar Tragedy took place as a result of authorities having not only failed in the discharge of their statutory obligations, but acted in a manner which was prejudicial to public interest by failing to observe the standards set under the statute and the rules framed for the purpose of preventing fire hazards; that they issued licenses and permits in complete disregard of the mandatory conditions of inspection which were required

to ensure that the minimum safeguards were provided in the cinema theatre. Most of the cinema theatres were and are being permitted to run without any proper inspection and many a time without the required licenses, permissions and clearances. Therefore, adequate compensation was sought for the victims of the tragedy and punitive damages against the theatre owner, DVB, MCD, Fire Force and the Licensing Authority for showing callous disregard to their statutory obligations and in failing to provide safe premises, free from reasonably foreseeable hazards. It was found that & held by the Hon'ble Courts that the balcony seating plans showed that the authorities responsible for the enforcement of the Rules as well as their subordinates who were to carry out inspections were in connivance with the proprietors of the Cinema who acted in connivance with each other to make unlawful gain at the cost of public safety. It was further held that that the performance of duties by the licensing authority and by MCD (in its limited sphere) was mechanical, casual and lackadaisical.

5. That , J. Raveendran in *Municipal Corporation of Delhi, Delhi v. AVUT2011 (14) SCC 481* held at para 45 :-

*“45. While affirming the several suggestions by the High Court, we add the following suggestions to the government for consideration and implementation:*

*(i) Every licensee (cinema theatre) shall be required to draw up an emergency evacuation plan and get it approved by the licensing authority.*

*(ii) Every cinema theatre shall be required to screen a short documentary during every show showing the exits, emergency escape routes and instructions as to what to do and what not to do in the case of fire or other hazards.*

*(iii) The staff/ushers in every cinema theatre should be trained in fire drills and evacuation procedures to provide support to the patrons in case of fire or other calamity.*

*(iv) While the theatres are entitled to regulate the exit through doors other than the entry door, under no circumstances, the entry door (which can act as an emergency exit) in the event of fire or other emergency) should be bolted from outside. At the end of the show, the ushers may request the patrons to use the exit doors by placing a temporary barrier across the entry gate which should be easily movable.*

*(v) There should be mandatory half yearly inspections of cinema theatres by a senior officer from the Delhi Fire Services, Electrical Inspectorate and the Licensing Authority to verify whether the electrical installations and safety measures are properly functioning and take action wherever necessary. (vi) As the cinema theatres have undergone a change in the last decade with more and more multiplexes coming up, separate rules should be made for Multiplex Cinemas whose requirements and concerns are different from stand-alone cinema theatres.*

*(vii) An endeavour should be made to have a single point nodal agency/licensing authority consisting of experts in structural Engineering/building, fire prevention, electrical systems etc. The existing system of police granting licences should be abolished.*

*(viii) Each cinema theatre, whether it is a multiplex or stand-alone theatre should be given a fire safety rating by the Fire Services which can be in green (fully compliant), yellow (satisfactorily compliant), red (poor compliance). The rating should be prominently displayed in each theatre so that there is awareness among the patrons and the building owners.*

*(ix) The Delhi Disaster Management Authority, established by the Government of NCT of Delhi may expeditiously evolve standards to manage the disasters relating to cinema theatres and the guidelines in*

*regard to ex gratia assistance. It should be directed to conduct mock drills in each cinema theatre at least once in a year.*

That the abovementioned guidelines were reiterated by J. Thakur in *Sushil Ansal v. State through CBI 2014(5)SCC 173* in paragraph 219 of the judgment , wherein it was also held that “. . .*case at hand may be an eye opener for such of them as are remiss in their duty towards public visiting cinema theatres and multiplexes , the authorities concerned cannot afford to let their guard down. . . (paragraph 220)- . . . leave it open to the Victims Association or any other public spirited person to seek implementation of the said directions in appropriate proceedings.*”

6. That , the Gazette Notification (**Annexed as P1 in the Petition @Pg 49**) abovementioned in Paragraph 2 had been published to give effect to the above mentioned Apex Court’s guidelines , such that the licensing authority shall have to act on the recommendations of a nodal agency composed of certain members.
7. Therefore, keeping in mind the above mentioned liberty granted by the Apex Court to the said Intervener-Applicant- Association, the same should be granted.
8. That in this manner, and through this intervention, the Intervener - Applicant seeks to uphold and not to undermine, the independence, majesty and autonomy of institutions such as the Judiciary.

9. That it is submitted that no harm or prejudice would be caused to any party if the Intervener-Applicants is permitted to intervene in the abovementioned special leave petition.

10. The Intervener-Applicant submit that in the interest of justice this Hon'ble Court may allow the Applicants to intervene and grant an opportunity to address and assist in the present proceedings.

### **PRAYER**

The Applicant, therefore, most respectfully prays that this Hon'ble Court may be pleased to:

- A) Allow this Intervention Application on behalf of the Association of Victims of Uphaar Tragedy (AVUT) as a Respondent in the Writ Petition numbered W.P. (C) 10164/2015 & CM No. 25080/2015 ;
- B) Permit the Intervener-Applicant to make submissions at the time of hearing; and/or
- C) Pass such other or further orders as this Hon'ble Court deems fit and proper in the interest of justice.

**INTERVENER/ APPLICANT**