

ITEM NO.2

COURT NO.1

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 826/2014

VASUNDHARA PATHAK MASOODI

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(with appln. (s) for permission to appear and argue in person)

WITH

W.P. (C) D 29727/2014
(With Office Report)

Date : 18/09/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

WP 826/2014

Ms. Vasundhara Pathak Masoodi,
Petitioner-in-person

WP D 29727/2014

Mr. Colin Gonsalves, Sr. Adv.
Mr. Radhakanta Tripathy, Adv.
Mr. Dinesh Kumar Garg, Adv.
Mr. Divya Jyoti Jaipurkar, Adv.
Ms. Jubli Momalia, Adv.
Mr. Satya Mitra, Adv.

For Respondent(s)

UOI

Mr. Mukul Rohatgi, Attorney General
Mr. Tushar Mehta, Adv.
Mr. Abhinav Mukerji, Adv.
Ms. Aparajita Singh, Adv. for
Ms. Sushma Suri, Adv.

Government of J&K

Mr. Gaurav Pachnanda, Addl. Adv. General
Mr. Ashok Mathur, Adv.
Mr. G.M. Kawoosa, Adv.

UPON hearing the counsel the Court made the following
O R D E R

On 12.9.2014, we passed the first order. In that order, we noted that a calamity and disaster as huge as this deserves national response so that immediate relief is made available to the victims of the floods.

2. That order was followed by our order on 15.9.2014. On that day, we took on record a note tendered by learned Attorney General setting-out various steps which were taken by the Central Government and also restoration of facilities like (1) telephone and mobile phone connectivity, (2) Power, (3) diesel/petrol, (4) food, (5) boats, (6) medicines, (7) drinking water, (8) blankets, (10) roads, etc.

3. Today, at the outset, Mr. Colin Gonsalves, learned senior counsel handed over to us the factual position post-floods obtaining in six districts

namely; Pulwama, Kulgam, Anantnag, Budgam, Baramulla and Srinagar. In all these six districts, it is reported that either there is no supply of medicines or there is acute shortage of medical supplies and doctors. In many places, doctors or team of para medicos are not available at all. There is shortage of food in most of the districts and so also the drinking water. With regard to fuel, the situation is also not encouraging as it is stated that at many places, there is no fuel available for supply to the private vehicle owners and at some places, one or two filling stations are only functional. Waste management is reported to be dysfunctional in most of the districts.

4. Besides the above conditions in the six districts, Mr. Gonsalves submits that having regard to the ensuing winter, the State Government must immediately work to rebuilding the houses and towards permanent rehabilitation of the affected people. According to him, a minimum of one lac houses are required to be constructed in the affected areas.

5. An affidavit has been filed on behalf of

State of Jammu & Kashmir through its Additional Resident Commissioner. The steps undertaken by the State for relief and rehabilitation in the aftermath of the floods in the State have been highlighted, particularly (a) grant of ex-gratia payment, (b) requirement of additional boats, (c) availability of food, LPG and fuel supplies, (d) setting-up of relief camps, (e) setting-up of health camps, (f) banking facilities in the affected areas, (g) disposal of animal carcasses and (h) make shift place for High Court.

6. It is not necessary to go into the details of the projections made by the State Government as we believe whatever has been stated therein must have been done or are being done. The question is whether the steps that have been taken or are being undertaken for relief and rehabilitation are adequate to meet the requirements of the affected people.

7. We are informed that population of Kashmir valley is about 6.9 million as in 2011 census and at-least 4.5 million people are badly affected in the aftermath of floods. While appreciating the steps

taken by the Central Government and the State Government, our major concern is adequate supply of food, drinking water, medicines and availability of Doctors/para medico staff, equipments and blankets to the large number of affected persons. Adequate supply of the above items is essential for survival and sustenance of large number of people. Lack of it directly impinges upon their basic human rights and tantamount to violation of Article 21 of the Constitution of India.

8. We are also concerned about inadequate sanitation/hygiene facilities since we are informed that most of the affected places do not have proper sanitation and waste management in place and rather whatever was in place prior to floods, has become dysfunctional. Lack of sanitation/hygiene may be an invitation to epidemic and deserves to be tackled urgently.

9. About immediate construction of houses, having regard to ensuing winter a suggestion has come from Ms. Vasundhara Pathak Masoodi -petitioner-in-person in W.P. (C) No. 826 of 2014 that prefabricated

structures may be a solution. In our view, its feasibility has to be examined by the State Government.

10. Mr. Gaurav Pachnanda, learned Additional Advocate General for the State of Jammu & Kashmir submits that the above aspects will be examined by the State Government immediately and all steps will be taken in making available adequate supply of food, drinking water and medicines.

11. We also record and accept the statement of learned Additional Advocate General for the State of Jammu & Kashmir that immediate steps will be taken in making the waste management system functional and other necessary steps for sanitation/hygiene.

12. Now since water has receded substantially and most of the areas are not inundated in Srinagar, the State Government may also take steps in ensuring adequate supply of fuel for cooking like LPG, kerosene etc.

13. Mr. Mukul Rohatgi, learned Attorney General states that Union Health Secretary shall discuss with his counter-parts in various states/union territories

and explore the possibility of making available adequate number of doctors/para medico staff/equipments and facilitate their arrival in the State of Jammu & Kashmir at the earliest.

14. Let a report in respect of steps taken upto 23.9.2014 be submitted by the Government of Jammu & Kashmir on 24.9.2014.

15. List the matter on 24.9.2014 as Ist item, high on board.

16. Copy of this order be sent by fax/e-mail to the Chief Secretary, State of Jammu & Kashmir immediately.

(PARDEEP KUMAR)
AR-CUM-PS

(RENU DIWAN)
COURT MASTER