

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE No: W.P(PIL).No.196 OF 2020

PROCEEDING SHEET

S. No.	DATE	ORDER	OFFICE NOTE
20.	04.09.2023	<p><u>CJ & NVSK, J</u></p> <p style="text-align: center;"><u>W.P(PIL).No.196 of 2020</u></p> <p>Mr. Prabhakar Chikkudu, learned counsel for the petitioners.</p> <p>Mr. Harender Pershad, learned Special Government Pleader attached to the office of learned Advocate General for respondent No.2.</p> <p>The State had witnessed continuous heavy rainfall in and around Godavari river causing floods in those land areas which also resulted in breach of irrigation tanks, severe damages to agricultural crops and roads and loss of 47 lives between 19.07.2023 to 27.07.2023 and thereafter in the month of August, 2023 as well.</p> <p>This Court had issued several directions to the State on 01.08.2023, 11.08.2023 and 17.08.2023. In pursuance of the aforesaid interim orders, the compliance report has been filed on behalf of the State Government.</p>	<p>Transferred to i/o folder, before corrections, if any.</p>

The petitioners have also submitted their suggestions which may be implemented by the State Government to ensure the safety of public in general in case any flood re-occurs due to heavy rains.

We have heard learned counsel for the parties and have perused the record.

From the perusal of compliance report, it may be gathered that 192 flood relief camps were set up by the State Government in which 20,387 flood victims were granted medical relief and were provided food and fresh water. All the flood victims have now returned to their villages and no flood relief camps are on occupation.

Mr. Harender Pershad, learned Special Government Pleader stated that in all five persons had lost their life in Jaya Shanker Bhupalapalli District. Out of which, four have been identified whereas one Smt. Gaddam Mahalakshmi is missing. Efforts shall be made to trace aforesaid Smt. Gaddam Mahalakshmi. It is further submitted that the compensation has been paid to all the families of 46 flood victims who have lost their lives.

Mr. Prabhakar Chikkudu, learned

counsel for the petitioners fairly submit that most of the directions issued by this Court have been complied with by the respondents.

However, he submits that Section 39 of the Disaster Management Act, 2005 (briefly referred to hereinafter as ‘the Act’) prescribes the responsibilities of the Departments of State Government.

Section 39 of the Act is reproduced for the facility of reference:

“39. Responsibilities of departments of the State Government.—It shall be the responsibility of every department of the Government of a State to—

- (a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity-building in accordance with the guidelines laid down by the National Authority and the State Authority;
- (b) integrate into its development plans and projects, the measures for prevention of disaster and mitigation;
- (c) allocate funds for prevention of disaster, mitigation, capacity-building and preparedness;
- (d) respond effectively and promptly to any threatening disaster situation or disaster in accordance

		<p>with the State Plan, and in accordance with the guidelines or directions of the National Executive Committee and the State Executive Committee;</p> <p>(e) review the enactments administered by it, its policies, rules and regulations with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;</p> <p>(f) provide assistance, as required, by the National Executive Committee, the State Executive Committee and District Authorities, for—</p> <p>(i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;</p> <p>(ii) assessing the damage from any disaster;</p> <p>(iii) carrying out rehabilitation and reconstruction;</p> <p>(g) make provision for resources in consultation with the State Authority for the implementation of the District Plan by its authorities at the district level;</p> <p>(h) make available its resources to the National Executive Committee or the State Executive Committee or</p>	
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the District Authorities for the purposes of responding promptly and effectively to any disaster in the State, including measures for—

- (i) providing emergency communication with a vulnerable or affected area;
- (ii) transporting personnel and relief goods to and from the affected area;
- (iii) providing evacuation, rescue, temporary shelter or other immediate relief;
- (iv) carrying out evacuation of persons or live-stock from an area of any threatening disaster situation or disaster;
- (v) setting up temporary bridges, jetties and landing places;
- (vi) providing drinking water, essential provisions, healthcare and services in an affected area;
- (i) such other actions as may be necessary for disaster management.”

Mr. Prabhakar, learned counsel for the petitioners submit that the State Government has to take effective steps in respect of Kaleswaram Dam so that the same may not contribute in the floods.

Mr. Harender Pershad, learned Special Government Pleader did not dispute the submission that State

Government has no obligation to carry out its responsibilities under Section 39 of the Act. However, he prays for adjournment to enable him to submit a status report with regard to responsibilities of the Government under Section 39 of the Act. He further submits that the proposal with regard to Kaleswaram Dam has also been forwarded to the competent authority of the Government, which is pending consideration.

It is therefore directed that on or before next date of hearing, the State Government shall file a status report with regard to measures taken by it under Section 39 of the Act.

On the next date of hearing, the respondents shall also appraise this Court with regard to measures taken in respect of Kaleswaram Dam.

List on 18.12.2023.

CJ (AAJ)

NVSK, J

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