

ITEM NO.1

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

Writ Petition (Civil) No. 847 of 2014

(with office report)

Writ Petition (Civil) D 29727/2014

(With Office Report)

[HIGH ON BOARD AS FIRST ITEM]

Date : 24/09/2014 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 847/2014

Mr. Colin Gonsalves, Sr. Adv.
Mr. Divya Jyoti Jaipurkar, Adv.
Ms. Jubli Momalia, Adv.
Mr. Satya Mitra, Adv.

WP D 29727/2014

Prof. Bhim Singh, Sr Adv.
Mr. Radhakanta Tripathy, Adv.
Mr. Dinesh Kumar Garg, Adv.

For Respondent(s)

UOI

Mr. Mukul Rohatgi, Attorney General
Mr. Tushar Mehta, Adv.
Mr. Abhinav Mukerji, Adv.
Ms. Aparajita Sinha, Adv.

J&K

Mr. Gaurav Pachnanda, Addl. Adv. Gen.
Mr. Ashok Mathur, Adv.
Mr. G.M. Kawoosa, Adv.
Ms. Shilpa Dutta, Adv.

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

Pursuant to our order dated 18.09.2014, an affidavit dated 23.09.2014 has been given in the Court on behalf of the State of Jammu & Kashmir. It is taken on record. The affidavit contains various annexures. The annexures indicate the steps taken by the Government of Jammu and Kashmir in the aftermaths of the floods, particularly with regard to making available food, drinking water, medicines, LPG, fuel and other essentials.

2. Prof. Bhim Singh, learned senior counsel for the petitioner in Writ Petition (Civil)

No. D29727 of 2014, has also placed before us a Note for consideration of this Court. *Inter alia*, his suggestion is that this Court may take up the monitoring of relief work by constituting relief and rehabilitation committees at district level for all the 20 districts and other incidental aspects.

3. Ms. Vasundhara Pathak Masoodi, petitioner-in-person in Writ Petition (Civil) No. 826 of 2014, also handed over to us a Note titled "Reality Vs. Hype". Along with the Note, some newspaper reports have been annexed.

4. Mr. Mukul Rohatgi, learned Attorney General, handed over to us copy of the communication dated 23.09.2014 received by him from the Directorate General of Health Services, EMR Division, Government of India, particularly with regard to action taken on medical relief activities. Learned Attorney General also brought to our notice that a Public Interest Litigation

titled "G.A. Lone & Anr. Vs. Union of India & Ors." (PIL No. 1 of 2014) has been entertained by the Jammu and Kashmir High Court and the Bench presided over by the Hon'ble Chief Justice has passed first order in that PIL on 19.09.2014 and the matter is now coming up before the High Court on 29th day of September, 2014.

5. There are claims and counter claims. On the one hand, petitioners submit that large population of Srinagar and other districts of the State of Jammu and Kashmir continue to suffer. There is no adequate supply of drinking water; doctors and medicines are not available; quite a few areas continue to be inundated as the effective de-watering exercise has not been undertaken; epidemic has set in, etc.

6. On the other hand, Mr. Gaurav Pachnanda, learned Additional Advocate General for the State of Jammu and Kashmir, submits that as of now there is total supply of 107.98 MGD in ten districts of

Kashmir Valley out of total requirement of 142.33 MGD. He further submits that shortfall of drinking water is 34.35 MGD is being made up by providing water through water tankers. Moreover, Reverse Osmosis Plants have been up which are likely to be functional within ten days. According to the learned Additional Advocate General within 72 hours, the shortfall of drinking water will be made up and, if any further steps are needed, the same would be taken without any delay.

7. Learned Attorney General brought to our notice that medical relief activities in the affected districts have become functional through District Hospitals. Tertiary care medical facilities are available at the Army Base Hospital at Srinagar and BSF Hospital in Budgam and some other hospitals are also functional. Government of India has posted 29 specialist doctors in different parts of Srinagar. In addition, 20 doctors from Delhi Medical Association, who have

voluntarily opted, are also deployed. The State Government officers have asked the Central Government not to send additional doctors at present. However, the existing numbers already made available are to be maintained.

8. From the order passed by the High Court on 19.09.2014 in the above referred PIL, it has been noted that the grievance has been raised regarding de-watering of various areas and restoration of medical facilities in hospitals, connectivity of the Valley either through Cell Phones or Landline system and control of epidemic which is said to have started spreading.

9. In light of the claims and counter claims made by the parties before us, we are of the considered view that ground situation obtaining in both the regions of the State of Jammu and Kashmir, namely, Jammu Region and Kashmir Valley, needs to be ascertained before any further order is passed by this Court. For this purpose, after

having discussion with the learned Attorney General, learned Additional Advocate General, learned senior counsel for the parties and Ms. Vasundhara Pathak Masoodi, petitioner-in-person, we are of the view that a Committee of the following members may be constituted :-

(i) One of the Senior Registrars nominated by the Chief Justice of the Jammu & Kashmir High Court posted at Srinagar.

(ii) Secretary, Revenue, Relief and Rehabilitation, Government of Jammu and Kashmir.

(iii) Nominee of the Union of India, to be intimated by the learned Attorney General within three days.

(iv) President, Jammu and Kashmir High Court Bar Association at Srinagar.

(v) President, Jammu and Kashmir High Court Bar Association at Jammu.

10. We order accordingly.

11. The Registrar of the Jammu and Kashmir High Court posted at Srinagar who is nominated to the Committee will be the Convenor of the Committee. The Committee will inspect all the affected areas in the above two regions of the State of Jammu and Kashmir in light of the orders passed by this Court on 12.09.2014, 15.09.2014, 18.09.2014 and today's order and also the Notes given by Prof. Bhim Singh and Ms. Vasundhara Pathak Masoodi, petitioner-in-person and Note given by Mr. Colin Gonsalves, learned senior counsel, and also affidavits filed on behalf of State of Jammu and Kashmir on 19.09.2014 and 23.09.2014 and the Notes handed over by the learned Attorney General on behalf of the Union of India.

12. The Registry is directed to immediately prepare a compilation of the orders passed by this Court on 12.09.2014, 15.09.2014, 18.09.2014

and 24.09.2014 and the diverse Notes above referred and so also copy of the Writ Petitions and the documents annexed thereto. The compilation shall be sent by fax/e-mail to the Registrar General of the Jammu and Kashmir High Court for handing it over to the Registrar of the Jammu and Kashmir High Court posted at Srinagar nominated by the Chief Justice.

13. The Committee shall submit its interim report within two weeks. A copy of the interim report shall also be filed before the Jammu and Kashmir High Court in PIL No. 1 of 2014, "*G.A. Lone & Anr. Vs. Union of India & Ors.*".

14. Pendency of the above Writ Petitions before this Court shall not be an impediment for the Jammu and Kashmir High Court to pass appropriate orders in light of the interim report that may be submitted by the Committee.

15. Post these matters on October 10, 2014.

16. A copy of this order may be sent by

fax/e-mail to the Chief Secretary, Government of Jammu and Kashmir and also to the Registrar General, Jammu and Kashmir High Court.

(RAJESH DHAM)
COURT MASTER

(RENU DIWAN)
COURT MASTER