

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

Writ Petition (PIL) No. 67 of 2021

11TH AUGUST, 2021

Ms. Snighda Tiwari, the learned counsel for the petitioner.

Mr. S.S. Chauhan, the learned Deputy Advocate General for the State of Uttarakhand.

Mr. Arvind Vashishtha, the learned Senior Counsel assisted by Dr. Kartikey Hari Gupta, the learned counsel for respondent nos. 2 and 3.

Mr. Rajendra Dobhal, the learned Senior Counsel assisted by Mr. Shubhang Dobhal, the learned counsel for respondent no. 4.

Mr. V.K. Kapruwan, the learned Standing Counsel for the Union of India.

ORDER: (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

The learned counsel for respondent nos. 4, 5, 6, 7, 9 and 10 are directed to file their counter-affidavits positively by the next date.

2. This Public Interest Litigation has been filed for the following reliefs :-

i) Issue a writ, order or direction in the nature of mandamus directing respondents to prepare a list of all deceased and those who are missing inclusive of not just contract labourers but also daily wage labourers and any other person who lost their life in the disaster and issue death certificates without any further delay,

ii) *Issue a writ, order or direction in the nature of mandamus directing Respondents for disbursement of compensation to contract labourers, daily wages labourers, and any other person who is missing or dead, within the time so stipulated by this Hon'ble court,*

iii) *Issue a writ, order or direction in the nature of mandamus directing Respondents to ensure right to livelihood for the families of deceased persons,*

iv) *Issue a writ, order or direction in the nature of mandamus directing Respondents for installation of early warning system, escape routes, proper gears and training to the workers in all existent as well as under construction hydropower project sites across Uttarakhand,*

v) *Issue a writ, order or direction in the nature of mandamus directing Respondent no. 1, 7 and 8 for establishing flood warning systems across Uttarakhand as recommended by Ravi Chopra Committee Report, 2013,*

vi) *Issue a writ, order or direction in the nature of mandamus directing Respondent no 1 and 7 to stay the operation in all under construction hydropower project sites across Uttarakhand till early warning system are established as recommended in ISDR Study namely "Developing Early Warning Systems: A Checklist,"*

vii) *Issue a writ, order or direction in the nature of mandamus directing Respondent No. 1 and 7 for ensuring early warning systems are established in all functional Hydropower Project sites within a time period so stipulated by this Hon'ble Court,*

viii) *Issue a writ, order or direction in the nature of mandamus directing Respondents no. 9 for including Disaster Management Plan as requisite part of Environmental Impact Assessment Report,*

ix) *Issue a writ, order or direction in the nature of mandamus directing Respondent no. 9 for formation of an expert committee to review impact of all the hydropower projects located on upper reaches of the rivers across Uttarakhand in order to recommend sustainable solutions for its management or removal,*

x) *Issue a writ, order or direction in the nature of mandamus directing Respondent no. 9 to ensure*

*representation of the community in the committee
aforementioned,*

*xi) Issue a writ, order or direction in the nature of
mandamus directing Respondent No. 1 to register
cases against responsible authorities of Respondent
companies under Section 304 A of IPC,*

*xii) Issue a writ, order or direction in the nature of
mandamus directing Respondent No. 11 to put into
effect the disaster management plan for all
hydroelectric power projects sites across Uttarakhand,*

*xiii) To issue any other suitable writ, order or
direction which this Hon'ble Court may deem fit and
proper in the circumstances of the case.*

3. According to the petitioner about 204 persons, who were working at the site of the Dam when the disaster struck, have gone missing. However, majority of their families are yet to receive any relief from the State and the Central Government.

4. According to Mr. S.S. Chauhan, the learned Deputy Advocate General for the State, out of 204 missing persons, families of 122 have already been granted relief by the State, and families of two persons are yet to be paid their rightful compensation. The remaining number of persons have been classified into three categories namely (i) those who are the residents of the site, or the neighbouring areas, (ii) persons who are residents of other districts of Uttarakhand, who were working at the site, and (iii) those who were either the

residents of other States of the country, or were tourists, who were at the site when the disaster struck.

5. The learned Deputy Advocate General for the State is directed to inform this Court with regard to the relief given to 124 families of those, who have gone missing. He is also directed to inform this Court about the classification with regard to the remaining number of persons and their families. He is further directed to inform this Court as to the time period required by the State to ensure that the remaining families do receive their entitled reliefs.

6. Ms. Singhda Tiwari, the learned counsel for the petitioner, submits that due to the delay in disbursement of relief to the families, large number of families continues to struggle with their daily existence. Left without food, left without medicines, and left without any reasonable accommodation, they continue to starve every day. Therefore, she prays that the District Magistrate, Chamoli, the respondent no. 6, should be directed to immediately take care of the needs of their food, their medicines, and their accommodation. She further submits that certain Committees have been

constituted after the disaster occurred. However, the reports of these Committees have not been placed before this Court.

7. Therefore, this Court directs the respondent no. 6, the District Magistrate, Chamoli, to personally look into the plight of those families, who have lost their bread earner in the tragedy. It shall be the responsibility of the District Magistrate, Chamoli, the respondent no. 6, to ensure that requisite food, the required medicines, and a reasonable accommodation are provided to the families on war footing. In case these families require any medical treatment, the same shall be extended by the respondent no. 6.

8. The respondents, who have yet to file their objections, are directed to bring on record the recommendations of any Committee, which may be studying or examining the disaster. The said Committee Reports shall be filed along with the objections.

9. List this case on 08.09.2021.

10. Let a certified copy of this order be issued to the learned counsel for the parties, on payment of the prescribed charges, today itself.

RAGHVENDRA SINGH CHAUHAN, C.J.

ALOK KUMAR VERMA, J.

Dt: 11th August, 2021
RAHUL