

To,
Hon'ble Lordship Pradip Nandrajog,
Chief-Justice,
Bombay High Court.

Subject: 1. Heavy flood and waterlogging in the parts of Kolhapur, Sangli and Satara districts in the first week of August of 2019, to declare it as Man Made Disaster under Disaster Management Act 2005 (Section 2-(d).

2. To give Directions to state government to file affidavit for the actual ground help / Assistance / Safety and rescue of each and every People, Family and also Animals. And to take precautionary measures for the arising epidemic, funeral of the deceased and disposal of the demised animals and fodder for cattle from 1st august to today

3. Request to appoint expert committee for investigation under the Monitoring and Guidance of this Hon'ble High Court and to fix the responsibility of inaction, delayed response and to suggest Prevention of such calamities in future in different districts and parts of Maharashtra also.

Citation and References:-

Detailed Application by Mr. Joseph N Rappai to The Hon'ble Kerala High Court which is treated as Writ PIL by Chief Justice of Kerala (WPC 28753 of 2018).

Acts to refer:-

The Constitution of India.

Disaster Management Act 2005.

National Disaster Management Plan 2016.

National Disaster Management Plan Floods 2008.

Environment Act.
Indian Penal Code.

Respected Lordship,

I wish to bring to your notice the most unfortunate and severe floods and water logging in Maharashtra which has devastated the district of Kolhapur, Sangli and Satara where there was 8-15 feet's of water (1-2 floors) was logged in parts of districts and does not show any signs of improvement in this worst situation and which will take days for water to completely recede from the parts of districts. This has affected millions of people who were in first 1-8 days surviving without Electricity, Water, Food and no communication and no resources for daily needs of people in affected areas, after which State and District Administration woke up from their "Kumbhakarna" sleep after high and loud hue and cry from common people of all other parts of Maharashtra and Media, Social Organization and all opposition Political parties and started to help and coordinate with the Military, Navy, Army, NDRF but this help came very late. The people, community, animals, forest, environment, biodiversity, farm and farming, and artisan suffered like never before in the 100 years. Crops and houses of these people are damaged, thousands of mulching animals like cows, buffalos, calf's, goats, poultry and rural and small industries of people of these districts is tremendously damaged. Even after almost 12 days there

is no proper co-ordination between all the Government agencies and local administration working towards help and assistance of people. Unfortunately and surprisingly Chief Minister of State, Mr. Devendra Fadnavis who is Chairman of State Disaster management authority took a meeting after almost a week in wake of incessant rain and flood playing havoc in Maharashtra, on Sunday i.e. 11/09/2019 took a detailed review meeting with Chief Secretary, Senior officials from Resettlement and Rehabilitation (R&R), Disaster Management Department and other concerned officials at Ministry Control Room which was a very late response to this severe calamity.

Events of Consequences:

- I] IMD (Indian Metrological Department) predicted heavy to very heavy rainfall in those districts between 1-8 August and issued a warning.
- II] Before that there was above the level storages in all upper dams of basin.
- III] Hippargi Dam in Taluka Jankhandi District Bijapur and Almatti dam which are below side of Maharashtra Karnataka border were above the level which created back waterlogging up to Irwin Bridge Sangli.

- IV] The Collector of Kolhapur who is also a Chairman of District Disaster Management Authority contacted State Disaster Management Authorities Officials on 1/07/2019 after pouring of very heavy rains and brought in notice the future consequences that water released from upper dams including Koyna not synchronized properly with growing water level and with the release of water from Hippargi and Almatti dam which are downside on border and boundary of Karnataka State. The Collector of Kolhapur also said that the water and floods from upper dams and rivers and backwater from lower dams i.e. Almatti and Hippargi Dams will come together and get logged in the Kolhapur, Sangli and Satara districts and will cause devastating and disastrous situation and will put the lives of people in danger if the water in Almatti and Hippargi dams is not discharged heavily. He spoke to local newspapers and media about his concerns and informed them about his communication and updated them about his request to the State Disaster Management Authorities to contact immediately to the concern Authorities in Karnataka about the serious consequences if the water is not discharged from Almatti and Hippargi Dam.
- V] But unfortunately and forgetting mandatory duties under emerging disaster either the collector of Kolhapur, Sangli and Satara did not issue any proper and clear Alerts to the people of whole districts nor did they evacuate people, animals from the vulnerable area under or

near flood line or flood zone of the emerging flood. Surprisingly no sufficient time was given/declared to the people to reach in safe place in large this is blunder and unforgivable act of these officers in which they forgot their own duty under Disaster Management Act.

- VI] Unfortunately no heed was given to the serious request made by the collector of Kolhapur by the State Government, Chief Minister and Chief Secretary who are the Officials in State Disaster Management Authority & Water Resources Department, Resettlement and Rehabilitation Department, Revenue and Forest Department of Government of Maharashtra.
- VII] No one from State Government took initiative to co-ordinate for synchronize the discharge of water from upper dams including Koyna with the lower dams i.e. Almatti and Hippargi Dam in Karnataka.
- VIII] Chairman of State Disaster Management Authority whose mandatory responsibility was to give top most priority to these emerging/emerged grave occurrence and destruction but he was busy in first phase of his political agenda and rallies for upcoming elections and a political "Rathayatra" starting from Mozri (district Amravati) to Chandrapur and Yevatmal in whole Nagpur division of Maharashtra up to 9th of August. Unfortunately Ex-Foreign Minister Sushma Swaraj passed away on 6th August late night and then he

temporarily halted his “Mahajanadesh” Yatra on 7th of August (as per public declaration from his political office) and on 7th he went to Delhi instead of visiting these flood affected districts, then after huge hue and cry from media, people and political parties on 8th August he finally visited Kolhapur and Sangli the most affected places by flood and took a stock and review of the situation and called for Military, Army, Navy for rescue operation. But that was a very late call (nearly after a week) and this delayed response resulted in disaster of the century and caused deaths of many people.

- IX] After visiting flood affected area of Kolhapur and Sangli, Chief Minister who is Chairman of State Disaster Management Authority took a week (5 days) to chair a meeting of State Disaster Management Authority on 11th August 2019 to review the flood situation in the State. Which is unfortunate and unforgivable considering the scale of disaster and destruction
- X] Here it must mentioned that apart from Kolhapur, Sangli and Satara there is heavy floods and devastation and destruction of lives of lakhs of people in another 9-10 districts i.e. Nandurbar, Nasik , Sindhadurg, Pune , Raigadh, Ratnagiri, Palghar, Thane Mumbai suburb and Mumbai City but neither Chief Minister nor Chief Secretary, Minister of Relief and rehabilitation , Revenue Minister visit all these districts and took stock of ground situation and administrative work which is

also a great concern and example of ill efficiency. The Chairman of District Disaster Management Authority (DDMA) also did not chair meetings of DDMA after the flood calamity, and review their respective District nor did SDMA direct them for meetings.

- XI] After 8 days of heavy flood and waterlogging there is no major relief, mitigation, help assistance to the affected people as per the umbrella act i.e. Disaster Management Act and as envisaged under National Disaster Management Plan 2016, National Disaster Management Guidelines Management of Flood of January 2008 prepared by NDMA, GR of input assistance by disaster management division GOI, RBI live directives Natural Calamities.
- XII] i. People in flood area are suffering for shelter, medication, clothes, clean water, milk, vegetable, food along with animals, people are water logged in major area on 2nd and 3rd floors of safe buildings.
- ii. Even after 10 days Pune Bangalore Highway (NH-04) is closed for transportation and which is jammed with 40-45 thousands of vehicle and lakhs of people are stranded and suffering on the Highways who are bus/truck drivers, luxury travel coach, passengers cars without any basic necessities. And administration has miserably failed to reopen a major National Highway then we can predict what might be the position of rural transportation (on 12th evening this

opened partly and one side. The lifeline of transportation NH-04 i.e. Pune-Bangalore highway is closed due to that the people affected by floods in cities like Kolhapur are deprived of petrol, diesel, gas, food, milk, medicines, clean drinking water. To sum up the conditions of those people and animals it can be said that they are living a life in hell.

Hence this application is made to bring in notice the seriousness and lapses in a “Deluge” -Heavy flooding and water logging before Hon’ble Chief Justice of Bombay High Court i.e. Principal bench of Mumbai High Court on the most worst and derogatory situation of the flood affected people, animals, farming and how miserably State Government has failed to act in this grave occurred situation and for disaster management:

- I] Prevention of danger of this flood disaster to mitigation for reduction or its severity of consequences of this flood disaster and waterlogging
- II] Capacity building mechanism to synchronize the upstream and downstream water levels and gauge the floods and water logging situation.
- III] Preparedness to deal with this flood and water logging disaster
- IV] Prompt response to this threatening disaster situation of flood and water logging disaster.
- V] Assessing the severity or magnitude of effects of this flood and water logging disaster

- VI] Accurately and timely evacuation, rescue and relief of humans, families, animals.

Due to all this, this manageable flood situation became severe nature of Man-Made Disaster and lakhs of people suffered because of the blunders and mismanagement of the State Government different department, Chairman and CEO of State Disaster Management Authority and Chairman of Respective District Disaster Management Authorities and MWRRRA. This flood and waterlogging calamity in Kolhapur, Sangli, Karad, Satara in first week of August 2019 is aggravated, caused due to the mismanagement and purely negligence of dams managements to release of water from upper dams to synchronize with very less release form lower dams i.e. Almatti dam which caused heavy backwater and became a death trap for millions of people and animals and agriculture, farm & farming, forest, environment, Bio-Diversity & Sole for this sole responsibility lies with:

- I] The Chief Minister and Chairman of State Disaster Management Authority (SDMA) of Government of Maharashtra - Mr. Devendra Fadnavis
- II] The Chief Secretary and CEO of SDMA of Government of Maharashtra, Mr. Ajay Mehta
- III] Members/Secretary/ Director of State Disaster Management Authority of Government of Maharashtra Authority

- IV] Minister of Revenue of Government of Maharashtra (Mr. Chandrakant Patil)
- V] Minister of Relief and Rehabilitation of Government of Maharashtra (Mr. Subhas Deshmukh)
- VI] The Secretary/Additional Chief Secretary of Relief and Rehabilitation of Government of Maharashtra, Water Resources Department, Revenue Department and Disaster Management Department.
- VII] The collector and Chairman of District Disaster Management Authority of Government of Maharashtra for the district of Kolhapur, Sangli, Satara and all the flood affected above named district.
- VIII] All officials of water resources department including Secretary/Additional CS, Executive Director of Krishna Valley Irrigation Corporation, concerned Chief Executive engineer and dam managers of Government of Maharashtra
- IX] Chairman and members of MWRRDA (Maharashtra water resources development authority)

I say and earnestly submit that all the above are very influential political and bureaucratic persons with large immunity for wrong doings, inaction and timely response in severe nature disaster and who has done mass crime with the community and people of Maharashtra and also respective districts. So I urge and pray for detailed affidavit from each and every district collector and State Government. Regarding the rescue and safety of each

and every human being, animals, and to provide help / assistance of the figures of loss and lost or drown.

- 1] Constitution of Independent expert committee for enquiry and suggestions/ framework for prevention of such Man Made Disasters in future to be appointed and monitored and reportable to this Hon'ble Court i.e. Chief Justice of Bombay High Court – Principal bench with time bound schedule, under the Chairmanship of One Ex Bureaucrat who is very senior water, dam safety and management and irrigation expert, One Ex Revenue and One Forest Secretary and also International river, valley, water expert.

Also I will strongly request under the Chairmanship of Hon'ble Madhavrao Chitale, members as Mahesh Zagade (IAS and Ex-Secretary), Shri Ashok Khot (IAS and Ex-Forest Secretary), Shri Krishna Bhoge (IAS and ex divisional commissioner Aurangabad) International river valley expert Parineeti Dandekar and Shri Himanshu Thakkar (both are Expert and part of South Asia Network on Dams, Rivers and People – SANDRP) with immediate effect as Lordship may deem fit.

Further I also suggest the points to be considered by the expert committee:

- 1] State Government is not updated/ competent to/with National Disaster Plan 2016 for flood disaster

- 2] Disaster Management Act, 2005
- 3] National Disaster Management Guidelines Management of Floods of January 2008
- 4] All dams in the State of Maharashtra (specially in Krishna Valley) not operated used for the purpose of flood control/moderation as per stipulation under National Water Policy, NDMA Guidelines on flood, RTIOR and other similar directives.
- 5] Dams in State had/are not maintained effective flood control zone/flood lines and flood cushions as mandated by BIS report, RTIOR and O&M Manual most of the reservoir were full before the extreme rainfall that occurred between 1-6 August 2019 and they did not have the capacity to accommodate the additional flow generated by extreme rainfall in either upper dams including Koyna or the lower dams i.e. Hipparga and Almatti.
- 6] Dams in State are not updated Rule Curves based.
- 7] Dams in State are not operated as per the stipulations in EAP Guidelines mandated as per NDMA- Flood Management. EAP Guidelines (Blue, orange, red are not issued as per NDMA Guidelines)
- 8] The said Enquiry Committee may be directed to enquire and file report inter alia on:

- a. Causes of Floods, 2019 and factors that lead to or aggravated the damages;
- b. Whether high reservoir storage and sudden release of water during extreme rainfall has worsened the floods;
- c. Whether Flood Control Zones in each dams were maintained as per stipulations under National Water Policy, NDMA Guidelines on Floods, RTIOR and other similar directives;
- d. Whether dams in Maharashtra were operated in accordance with Rule Curves properly fixed?
- e. Whether siltation and sedimentation have contributed for aggravation of flood event?
- f. Whether dams in Maharashtra were operated in accordance with the EAP Five Steps Response Process as per EAP Guidelines during the Floods 2019?
- g. Whether proper and effective warning was issued? And if so, whether it has timely reached the people?
- h. Whether proper follow-up action and effective precautionary steps were taken after issuance of Red alert in accordance with EAP Guidelines/Standard practice;

- j. To enquire and investigate the changes in the flood lines of all Districts and specially in the Kolhapur City.

Steps that are required to be taken in Future:

- k. Identify the lessons to be learned from the floods, 2019 and steps that are required to be taken to manage similar future;
- l. Ascertain the stage of implementation of various Policy directions /Guidelines / Reports etc. issued by various authorities and steps, if any, required to be taken in future.
- m. Monitor the progress and various steps taken by the stakeholders in aspects related to flood marking, flood plain zoning, preparation of Inundation Maps, updating Rule Curve; preparing Emergency Action Plans, Flood Forecasting and other similar precautions in accordance with relevant stipulations and mandates;
- n. Steps that are required to be taken to improve water carrying capacity of rivers and removal of encroachment of flood plains;
- o. Steps that are required to be taken for enhancing the diversion of flood water and water logged in drought area of State;
- p. Whether operational control or authority to take final decision regarding release of water from various dams / reservoirs has to be

taken away from Irrigation Department and given to Dam safety Authority and / or District Disaster Management Authority;

- q. Steps those are required to be taken to further strengthen Dam Safety Authority and Disaster Management Authority State and District for flood safety;
- r. How Maharashtra can prepare itself against risk of future extreme flood events? What are the solutions that may be implemented beyond traditional steps such as increasing dam storage, or area under dams and;
- s. Such other aspects that are deemed necessary by this Hon'ble court.
- t. Monitor the and proper formation with exact terms of references (TOR) to expert committee with the implementation of various recommendations and suggestions that are going to be made by Expert Enquiry Committee with time bound manner and without Red-Tape-ism.

This Hon'ble Court may, as it please, give consideration to the above suggestions and issue appropriate directions in this regard.

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(Ex-M.P).