

No. Z-20011/2/2020-FM
Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR

Shram Shakti Bhayan, New Delhi
Dated 9th August, 2020

ORDER

Whereas the Hon'ble High Court of Karnataka at Bengaluru in Writ Petition bearing No.7615 of 2020 titled as Mallikarjuna A. vs. Government of India & Ors. vide its Order dated 24th July, 2020 has directed that the National Executive Committee of the National Disaster Management Authority consider exercising the powers under clause(l) of sub-section(2) of Section 10 of the Disaster Management Act, 2005 (hereinafter referred to as DM Act) by issuing directions to the State Governments and the State authorities mandating them to give an intimation to the adjacent States immediately after a decision is taken by the authorities of the State to release water from the reservoirs/dams. This should be done so that mitigating measures can be taken by the State Governments which are likely to be affected and they will be in a state of preparedness;

And whereas, in exercise of powers conferred under section 69 of the DM Act, the Chairperson, National Executive Committee vide Order No. 40-30/2020-NDM-I dated 8th August, 2020 has delegated its power under clause(l) of sub-section(2) of section 10 of the Act *ibid* to Secretary, Department of Water Resources, RD & GR, Ministry of Jal Shakti to issue necessary directions as is considered expedient to comply with the aforesaid direction of the Hon'ble High Court of Karnataka;

Now, therefore, the undersigned issues the following directions to the Ministry of Power, Government of India (in respect of Dam Authorities under the Ministry of Power, Government of India), State/Union Territory Governments and State/Union Territory Authorities, for strict and immediate implementation:

1. Whenever a decision is taken by a State/Union Territory Government/ Authority/ Dam Authority to release water from the reservoirs/ dams within its limits, an immediate intimation thereof has to be issued to the State/UT Government/ Authorities/ Dam Authorities which are adjacent to the said State and/ or are likely to be affected by the release of water from the reservoirs or dams.

2. The said decision should be communicated sufficiently in advance by the concerned State/ UT Government/ Authority/ Dam Authority in order to allow mitigating measures to be set up by the downstream State/ UT Governments/ Authorities/ Dam Authorities against any impending flood situation which could be caused due to the release of water from the dams/reservoirs.

The aforesaid directions are issued only in the context of object, intent and purpose of the Disaster Management Act, 2005 with a view to forewarn the receiving State/ UT Government/ Authorities/ Dam Authorities of release of water to pre-empt a possible disaster. These directions are not intended to interfere or seek to regulate the respective rights and liabilities of the State/UT Government/ Authorities/ Dam Authorities with regard to the quantum of water entitlement either as per their claims or as per the directions of competent body, tribunal and/or Court.


Secretary
DoWR, RD & GR
Ministry of Jal Shakti

To,

1. Chief Secretaries of all States/UTs/Administrators of Union Territories of India.
2. Secretary, Ministry of Power, Government of India- in respect of Dam Authorities under the administrative control of Ministry of Power.

Copy to:

1. Union Home Secretary, Government of India.