(1997) 07 GAU CK 0002

In the Gauhati High Court

Case No : Civil Rule No. 229 of 1995

D.K. Biswas — APPELLANT

Vs

State of Tripura and Others — RESPONDENT

Date of Decision : 31-07-1997

Acts Referred:

Citation : (1998) 1 GLT 341

Hon'ble Judges : N.G. Das, J;N. Surjamani Singh, J

Bench : Division Bench

Advocate : Party in Person, for the Appellant; A. Chakraborty, A.G., P.K. Pal and A. Gon Choudhury, for the Respondent

Judgement

N.S. Singh, J.—On the basis of a letter sent by one of the practising Advocates Sri D.K. Biswas to this Court on 13.4.1995, this Court took up the matter and the said letter has been treated as writ petition. According to Shri D.K. Biswas, a practising Advocate of this Court, hereinafter referred to as writ Petitioner, the water supply by the Public Health Engineering Department and Agartala Municipality is of substandard quality containing elements hazardous to human life. He also cited and referred to a news item published in the local daily "Dainik Sambad" dated 8.4.95 which contained a complaint of one Shri Adinath Ganguly, who claims deplorable and preposterous consequences of the quality of human life consuming the water supplied by the State authorities, namely Public Health Engineering Department and Agartala Municipality. The other information which the writ Petitioner high-lighted is that the water supplied by the Public Health Engineering Department and Agartala Municipality does not maintain minimum level of purification and does not contain hazard free elements of iron or minerals inasmuch as the water received through the pipe lines is found infected and contaminated with detrimental elements to health and consumption of which may lead to various kinds of diseases apart from the hazard of death. According to him the said complainant Sri Adinath Ganguly deposited the animal received while collecting the drinking water from the supply point. The writ Petitioner

urged that the authority concerned under the law has to create appropriate environment for healthy living and cannot force citizens to live a life which is detrimental and hazardous. In this said letter the writ Petitioner sought for appropriate remedy against the laches, negligence and inaction of the authority concerned in order to protect everyone''s general right to live in a hazard free and healthy environment.

2. Since a complaint has been made regarding pollution of water supplied to the Public. In the interest of public health at large and without meaning any insinuation against and without causing any aspersion on the Municipal and Public Health Authorities of the Government of Tripura, this Court by order dated 9.11.95 constituted an Expert Committee comprising of Sri B. Nandi Majumder, Superintending Engineer, Pollution Control Board, Mr. S.C. Goon, Scientific Officer, PHE Laboratory College Tilla, Agartala and Mr. P.K. Roy, retired Chief Public Analyst with Sri B. Nandi Majumdar as the convenor to investigate into the matter regarding pollution of water supplied to the public and to submit a report to the Court. In compliance with the Court''s order, the said Expert Committee had investigated into the matter and submitted a report on the quality of water supplied to the public from the water supply system in Agartala.

3. We have perused the report of the Expert Committee dated 26.2.1996 submitted to this Court. On perusal of the said Report, it has been revealed that as per 1991 census the total population of Greater Agartala Town is 1,57,358. The drinking water supplied within the Agartala Municipal area is provided and maintained exclusively by Public Health Engineering Wing of the P.W.D., Govt. of Tripura for and on behalf of Agartala Municipality. Around 4.4 million Gallons per day (in short MGD) is being supplied to the Municipal Consumers of Agartala town daily. Of this 4.4 MGD supply of drinking water only 1.5 MGD is surface water of river (Howrah) supply from the treatment Plant at College Tilla and the rest around 2.9 MGD is underground water supplied from 26 numbers of Deep Tube Wells scattered through whole Municipal Area. According to the said report the Agartala Water Supply system caters 4.4 MGD to its consumers is broadly divided in zones by the PHE, namely:

i) Central Zone i.e. Zone 1 located between Howrah and Katakhal embankment,

ii) South zone i.e. Zone II located sought of Jawahar Bridge, and

iii) North zone, i.e. Zone III located North of the Katakhal river.

While the drinking water supplies in South Zone and North Zone are 100 per cent Deep Tube well fed from four Deep Tube Wells in South zones and II DTWs (Deep Tube Wells) in North Zone respectively, apart of the Central Zone is provided with the treatment water facilities from the Agartala water supply plant at College Tilla. The Expert Committee tested in all, a total 261 numbers of water samples for different parameters and the result of which are shown and reflected in Annexure-2 series, Annexure -3 series and Annexure - 4 series appended to the Report. In the Central Zone of Agartala Water Supply System, while the water

supplied to the public is a combination of surface water (from the Treatment Plant of College Tilla), and ground water (from about 11 numbers of Deep Tube Wells), out of the total 123 numbers of water samples collected from 41 different locations of this Zone 39 samples had been from the points where water supply is from the Treatment Plant, and rest 74 samples are under ground water from the Deep Tube Wells. The abstract of some important features of analysis of the water collected is shown in Table Nos. 1, 2 and 3 annexed to the report. According to the said Report, the result of analysis of the total 261 numbers of water samples from different zones, in Agartala Water Supply System, there is no contamination/pollution at sources of supply of the Agartala Water Supply System but the Expert Committee found that in a very few cases there are some results showing that bacteriological contamination, which according to the Committee is attributed to the local conditions prevailing at the collection points which are in bad shape in terms of hygienic considerations, and, even though, presence of certain microbes etc. are found in biological examinations of the water samples, in many of the cases those were not sustained on bacteriological analysis. The Committee further concluded that while quality of drinking water supplied from the Treatment Plant at College tilla is very good in terms of physico-chemical and bacteriological parameters, and free from contamination/ pollution and the Deep Tube Well water are predominantly having excess iron problem which gives rise to bad aesthetic quality of drinking water having turbidity beyond normal permissible limit and even the Deep Tube Well waters are free from contamination/pollution except for the isolated locations stated above. We also perused the abstracts of some important features of the analysis of the water quality as shown in Table Nos. 1, 2 and 3 of the Report. Table No. 1 indicates that in all 87 water samples collected from different points from 3 zones, Agartala Water Supply System, were tested of which 25 numbers of samples were found within permissible range of 1 mg/L while 62 numbers were having iron about permissible limit. The committee opined that the effect of iron causes astringent taste discoloration, deposits of rusts and can promote the growth of Iron Bacteria but posses no damage to health, and concentration of 0.05 mgm/L are considered satisfactory and in India maximum permissible level is 1 mgm/L. The report further reveals that 62 numbers of water samples are beyond permissible limit, i.e. upto 2.5 mg/L 15 numbers of water samples ; 20 numbers of water samples were also beyond permissible limits, upto 5 mg/L and 27 numbers of water samples were also found beyond permissible limit, above 5 mg/L. From Table No. 2, presence of biological organism found in the water samples like Crenothix, Algae, Mosquito Larva, Protozoa, Ascaries, and Curstace are detected. Table No. 3 highlighted about the test of bacteriological analysis of 87 number of water samples. In the said test it was found that 13 samples of coliform count of which 3 numbers of samples were found to have Faecal Coliforms and thus considered it unsafe for health inasmuch as the absence of Faecal type coliforms is an absolute requirement for safe drinking water. The Committee further opined that the effect of harmful organisms could be due to presence of one or the other type of pathogenic bacteria such as Salmounela

Typhi, organisms causing Cholera, diarrhea and Gasto-enterotitis or hepatitis virus; and that it is undesirable to have coliform organisms in drinking waster, but non-faecal coliform in low numbers may be tolerated under certain circumstances and the contamination with these organisms can be overcome by chlorination of water sources. We have also perused the physico-chemical analysis report of water samples collected from Central Zone, South Zone and North Zone.

4. After proper application of our mind in this matter and also on perusal of the entire materials including the report of the Expert Committee, we are of the view that the Public Health Engineering Department as well as the Municipality concerned are not regularly and properly observing the system of water supply, which poses a potential threat to the health and safety of the people/citizens of Agartala. It is well settled that life, public health and ecology have priority over unemployment and loss of revenue, and as such, the State Government machinery, namely the Public Health Engineering Department and the Municipality must be held to be under obligation to provide safe drinking water to the public at large and to remove those shortcomings which endanger and make unsafe the public health. This Court, further require the State Government and the concerned machinery namely Public Health Engineering Department and the Municipality to provide good and safe drinking water free from harmful organism as mentioned above through their water supply system, and accordingly, we direct these authorities to remove these sort of pollution at the related sources of water supply of Agartala Municipality Supply system as seen in the report particularly in the related Table Nos. 1, 2 and 3 and provide good and safe drinking water to the public. For die reasons and discussions made above, we allow the petition and make the rule absolute. No costs.

