

(2019) 08 MAN CK 0004

In the Manipur High Court

Case No : Public Interest Litigation No. 33 Of 2019

RS Khawungsing And Others

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 28-08-2019

Acts Referred:

Constitution Of India, 1950 — Article 21

Citation : (2019) 08 MAN CK 0004

Hon'ble Judges : Ramalingam Sudhakar, CJ;Kh. Nobin Singh, J

Bench : Division Bench

Advocate : N.Jotendro, M.C.Linthoingambee, N.Kumarjit, P.Tamphamani, S.Suresh

Final Decision : Disposed Off

Judgement

R.S., CJ

[1] Heard Mr. N.Jotendro, learned senior counsel for the petitioners as well as Mr. P.Tamphamani, learned Government Advocate appearing for the State respondents.

[2] The prayer in this PIL is as follows:-

"ii. Writ in the nature of mandamus or any other appropriate writ of the like nature for directing the respondents to provide safe as a part of rehabilitation and resettlement package to the local inhabitants/villagers of Chadong Village who are affected by the Thoubal Multipurpose Project by completing the construction of Water Supply Network system coupled with a prayer to further direct the respondents to include water pumps along with electricity to run the said water supply properly as per the said resettlement work package dated 28/4/2017 so as to enable the said Water Supply Network system to eject the water from the tank/reservoir with the help of the said Pump to the villagers which are now inhabitants in the higher area of the rehabilitation and resettlement site and also who are so far depending on natural stream

originating from the hills to meet their domestic requirements as early as possible within a reasonable period."

[3] The local inhabitants/villagers of Chadong Village who are affected by construction of Thoubal Multipurpose Project stated that they had to shift to higher level and the issue of construction of Dam is an issue which is pending before the Hon'ble Supreme Court. That apart, it is the earnest plea of the villagers that they have relocated themselves to a higher level to avoid being submerged by the Thoubal Multipurpose Project, they have filed this PIL to direct the state authorities to provide them safe drinking water. They are also pleading before the authorities for re-settlement package to sustain themselves consequent to relocation. In this regard, the petitioners rely upon the Government of Manipur Irrigation & Flood Control Department, Thoubal Multipurpose Project, Rehabilitation Plan for the Oustees, 1998, more particularly, para No.(e) which is extracted as follows:-

"e) Water supply arrangement : The villagers are so far depending on natural streams originating from the hills to meet their domestic requirements. Each ousted village will be provided with water supply arrangement at the resettlement site by the deptt. by tapping the natural streams near to the resettlement sites. The water supply arrangement will consist of constructing an impounding weir at the available source of water, storage distribution tanks and laying pipes. The cost of the work is :-

Water supply arrangement for remaining 4 villages to be rehabilitated : Rs. 1,05,300/unit. = Rs. 1,05,300 x4 = Rs. 4.21 lakhs

Cost of work already completed for Phayeng (K) and Louphong (T) villages. = Rs.2.71 lakhs

Total : Rs. 6.92 Lakhs"

[4] They have also annexed some photographs, Annexure-A/3 (series) to show the actual movement of villagers from the Dam site to the higher level. It is stated that the people of the village have been regularly meeting the elected representatives and the Deputy Commissioner to provide them relief package, more particularly, safe drinking water supply.

[5] Water is the essence of life. Hence, any denial of water would imply a denial of right to life. The right to water is not enshrined in the Indian Constitution as an explicit Fundamental Right but the Indian Judiciary, both at the state as well as at the centre, has in several judgments interpreted Article 21 of the Constitution to include a right to clean and sufficient water, a right to a decent and well life, a right to live with dignity and with peace, and a right to a humane and healthy environment which would certainly imply a right to water to all the members of the society be it a human or an animal. The Hon'ble Supreme Court in the case of A.P. Pollution Control Board II, vs. Prof. M.V. Nayudu (Retd.) and

others reported in (2001) 2 Supreme Court Case 62 held as follows:-

"3. Drinking water is of primary importance in any country. In fact, Indian is a party to the resolution of the UNO passed during the United Nations Water Conference in 1977 as under:

"All people, whatever their stage of development and their social and economic conditions, have the right to have access to drinking water in quantum and of a quality equal to their basic needs."

Thus, the right to access to drinking water is fundamental to life and there is a duty on the State under Article 21 to provide clean drinking clean drinking water to its citizens.

4. Advertising to the above right declared in the aforesaid Resolution, in Narmada Bachao Andolan V. Union of India (2000) 10 SCC 664: (Scale at p.124: SCC p.767, para 248) Kirpa, J. observed:

"248. Water is the basic need for the survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitutional of India...."

(emphasis supplied)

[6] The people, who are displaced, require sufficient places to make their dwelling and also need to be provided good water supply for their daily sustenance. Water is an essential component of food and for sustaining life and therefore, the plea of the petitioners to provide safe drinking water cannot be brushed aside. Accordingly, the PIL stands disposed of and direct the respondents to provide safe drinking water to the residents/inhabitants of the Chadong Village.

[6] In view of the above observation, the PIL stands disposed of.