

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MAY, 2025

PRESENT

THE HON'BLE MR. N. V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No.9911 OF 2024 (GM-RES-PIL)

BETWEEN:

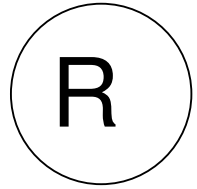
- 1 . RAMESH NAIK L.,
S/O. LATE LAKSHMAN NAIK. R,
AGED ABOUT 42 YEARS,
KADARANAHALLI THANDYA,
URDIGERE HOBLI,
TUMKUR TALUK AND DISTRICT-572 140,
ADVOCATE BY PROFESSION AND AGRICULTURIST,
AADHAAR 755392714477,
MOBILE 9538631572,
EMAIL:iramnaik@gmail.com,
PAN ACFPL5708F.

...PETITIONER

(BY SRI RAMESH NAIK L., PARTY-IN-PERSON)

AND:

- 1 . STATE OF KARNATAKA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT OF KARNATAKA,
ROOM No. 320,
3RD FLOOR, VIDHANA SOUDHA,
BANGALORE-560 001,
PHONE NO. 080 22252442,
EMAIL:cs@karnataka.gov.in.
- 2 . STATE OF KARNATAKA,
THROUGH ITS ADDITIONAL CHIEF SECRETARY
TO GOVERNMENT,



URBAN DEVELOPMENT DEPARTMENT,
GOVERNMENT OF KARNATAKA,
ROOM No. 436, VIKASA SOUDHA,
BANGALORE-560 001,
PHONE:080 22253958.

- 3 . STATE OF KARNATAKA.
THROUGH ITS PRINCIPAL SECRETARY
TO THE GOVERNMENT
DEPARTMENT OF RURAL DEVELOPMENT
AND PANCHAYAT RAJ,
GOVERNMENT OF KARNATAKA,
3RD GATE, 3RD FLOOR,
M.S. BUILDING, Dr. AMBEDKAR VEEDHI,
BENGALURU-560 001,
PHONE:080 2032754.
EMAIL:prs-pr@karnataka.gov.in
prs-rdpr@gov.in.
- 4 . DEPUTY COMMISSIONER,
RAICHUR DISTRICT,
DC OFFICE, SAATH KACHERI,
RAICHUR-584 101.
PHONE:08532-229011.
- 5 . DEPUTY COMMISSIONER,
CHITRADURGA DISTRICT,
DC OFFICE, ONAKE OBAVVA CIRCLE,
CHITRADURGA-577 501,
PHONE:08194-222538.
- 6 . DEPUTY COMMISSIONER,
TUMKUR DISTRICT,
DC OFFICE, MINI VIDHANA SOUDHA,
TUMKUR-572 101,
PHONE:0816-2272480.
- 7 . CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT,
TUMKUR DISTRICT, B.H. ROAD,
TUMKUR-572 102,
PHONE:0816 2272898.

...RESPONDENTS

(BY SMT. NILOUFER AKBAR, AGA FOR R1 TO R6;
R7 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE APPROPRIATE WRIT/ DIRECTION/ ORDER TO THE RESPONDENTS TO TAKE APPROPRIATE AND NECESSARY ACTION TO ADDRESS THE RECURRING CONTAMINATION OF DRINKING WATER ISSUE IN THE MIDDLE AND NORTHERN DISTRICTS AND TUMKUR DISTRICT OF KARNATAKA AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE
N. V. ANJARIA
and
HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. JUDGMENT

(PER: HON'BLE MR. JUSTICE K. V. ARAVIND)

Heard Sri. L. Ramesh Naik - petitioner/party-in-person and learned Additional Government Advocate Smt. Niloufer Akbar for respondent Nos.1 to 6.

2. The present writ petition has been filed styling it as a public interest litigation, seeking a direction to the respondents to take appropriate and necessary action in respect of the contamination of drinking water in Tumakuru District, Karnataka. A further prayer has been made for issuance of a direction to the respondents to undertake a review of the drinking water sources and to ensure timely maintenance of pipelines and water storage facilities.

3. As stated, the petitioner is a public-spirited individual and an Advocate by profession. It is submitted that the petitioner was previously employed as a Software Engineer and is also engaged in agricultural activities. He is a resident of Tumakuru District. However, he asserts that he has no personal interest, individual gain, or private motive in filing the present public interest litigation. The petition is stated to have been filed in the interest of the public, for the welfare and benefit of the residents of various districts in the State of Karnataka who are allegedly affected by the contamination of drinking water.

4. It is stated that there is neither proper maintenance nor adequate supply of drinking water and related facilities. The residents of various districts are facing acute hardship due to the lack of access to safe drinking water. It is alleged that the drinking water being supplied contains excessive levels of fluoride and is otherwise contaminated. Such contamination is stated to have adversely affected the health of the local population. Despite representations made to the concerned authorities, no effective response or remedial action has been forthcoming. The petitioner, having no other efficacious remedy due to the inaction of the

respondent authorities, has approached this Court by way of the present writ petition.

5. Learned party-in-person, Mr. Ramesh L. Naik, submits that several districts in the State are suffering due to the inadequate and unsafe supply of drinking water. It is submitted that the water being supplied by the respondent authorities is not suitable for human consumption, as it is neither properly treated nor free from contamination. The contamination, it is contended, is primarily due to improper treatment and either non-maintenance or poor maintenance of the water supply infrastructure, including pipelines and water storage facilities.

6. Learned party-in-person submits that every individual has a fundamental and statutory right to safe and clean drinking water. It is contended that the failure of the State to ensure the supply of quality drinking water amounts to a violation of the fundamental right to life guaranteed under Article 21 of the Constitution of India. The respondent-State, by its inaction, has failed to discharge its constitutional obligations. In light of the above submissions, the learned petitioner prays for issuance of appropriate directions to the respondent authorities.

7. Learned Additional Government Advocate, Ms. Niloufer Akbar, referring to the statement of objections, submits that Tumakuru District comprises ten taluks. It is submitted that the District faces water scarcity due to the absence of a direct water source. To address this, water is drawn from the Hemavathy Canal into feeder lakes, from where it is lifted and pumped to the treatment plant using jack wheels. The raw water is scientifically treated at these plants to make it suitable for drinking and human consumption. Thereafter, the treated water is stored in underground tanks and pumped to overhead tanks for distribution. However, it is stated that the aforesaid arrangement is currently in place only within Tumakuru Urban District.

8. Insofar as Tumakuru Rural District is concerned, it is submitted that there is no source of surface water, such as a river or lake, available in the region. Consequently, drinking water is supplied through borewells. The water drawn from borewells is pumped to overhead tanks and subsequently distributed, with such arrangements being facilitated by the respective Grama Panchayats. It is further submitted that, in order to ensure the quality of drinking water, Reverse Osmosis (RO) plants with a capacity of 5,000 litres have been installed. Members of the public

are permitted to collect drinking water directly from these RO plants.

9. It is further submitted that in the six taluks of Chitradurga District, drinking water is supplied from Shanthisagara and Vanivilas Dams, which have been constructed across the Vedavathy River. It is submitted that in the event of any shortfall in water supply from the dams, the deficit is supplemented through borewells.

10. Insofar as the Chitradurga Rural District is concerned, it is submitted that, in addition to the supply of water from Shanthisagara Lake, water is also sourced through borewells. These borewells are connected to the respective villages and are maintained by the concerned Grama Panchayats. Depending on the requirement, overhead tanks have been constructed, from which water is distributed to individual households.

It is further stated that Reverse Osmosis (RO) plants have been installed in rural areas to purify the water drawn from borewells. These RO plants have a filtration capacity of 1,000 litres per hour.

11. Insofar as Raichur Rural District is concerned, it is submitted that, in addition to reiterating the sources of water supply, the water treatment plants and storage tanks are maintained periodically and in a scientific manner. Learned Additional Government Advocate further submits that, whenever instances of contamination are reported, sufficient guidelines are in place for testing the water quality and initiating appropriate remedial measures. It is further submitted that the supply of drinking water and treatment of wastewater are governed by the State Water Policy, 2022, which is presently under implementation.

12. Having considered the submissions made by the learned party-in-person and the learned Additional Government Advocate, it is pertinent to note that Article 21 of the Constitution of India guarantees every person the right to life and personal liberty. The right to life has been judicially interpreted to include the right to basic amenities, including safe and clean drinking water. As enumerated in Schedule VII, List II, Entry 17 of the Constitution, the supply of water is a duty and obligation of the State. It is, therefore, a constitutional function of the State to ensure the provision of drinking water, suitable for human consumption, to all parts of the State. Failure on the part of the State to discharge this obligation

not only constitutes a dereliction of its constitutional duties but also results in the deprivation of the fundamental right to life of citizens. Depriving a citizen of safe drinking water is akin to denying the essence of life guaranteed by the Constitution.

13. The Hon'ble Supreme Court in **Narmada Bachao Andolan Vs. Union of India and Others ([2000]10 SCC 664)** has held that, water is the basic need for survival of human beings and is part of the right to life and human rights as enshrined in Article 21 of the Constitution of India and can be served only by providing source of water where there is none. It is relevant to quote the unanimous resolution of UNO in 1977 to which India is a signatory, during the United Nations Water Conference. The said resolution is 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."

The Hon'ble Supreme Court in **Vedanta Limited Vs. The State of Tamil Nadu and Others in Civil Appeal Nos.276-285 of 2021 [2024 INSC 175]** held as under,

"28. It is an undeniable and fundamental truth that all persons have the right to breathe clean air, drink clean water, live a life free from disease and sickness, and for those who till the earth, have access to uncontaminated soil. These rights are not only recognized as essential components of human rights but are also enshrined in

various international treaties and agreements, such as the Universal Declaration of Human Rights, the Convention on Biological Diversity, and the Paris Agreement. As such, they must be protected and upheld by governments and institutions worldwide, even as we generate employment and industry. The ultimate aim of all our endeavours is for all people to be able to live 'the good life.' Without these basic rights, increased revenue and employment cease to have any real meaning. It is not merely about economic growth but about ensuring the well-being and dignity of every individual. As we pursue development, we must prioritize the protection of these rights, recognizing that they are essential for sustainable progress. Only by safeguarding these fundamental rights can we truly create a world where everyone has the opportunity to thrive and prosper."

14. Learned party-in-person, in the pleadings, has brought before this Court certain instances of water contamination. Additionally, a few instances of improper supply of drinking water have also been pleaded. In response, the State has suitably addressed these grievances by explaining the measures taken to remedy the situation. The State has further elucidated the sources of water supply and the treatment mechanisms employed prior to distribution for human consumption. It is submitted that the process of water supply involves treatment of water sourced from dams, which is thereafter stored in overhead tanks before being supplied to households. In areas where the water supply is dependent on borewells, Reverse Osmosis (RO) plants have been installed in villages and urban localities, from which individuals may draw drinking water. The maintenance of RO plants in rural areas is

entrusted to the Panchayats, while in urban areas, it is overseen by the local bodies.

15. Learned party-in-person has not disputed the factual aspects placed by the State in its reply. However, he submits that the contamination of water is attributable to either non-maintenance or poor maintenance of facilities such as pipelines and storage tanks. Learned party-in-person further submits that, while only a few specific instances have been brought before this Court, similar failures and deficiencies in the supply of pure drinking water persist across the State. Accordingly, he prays that this Court may issue appropriate guidelines to address and remedy the grievances of affected individuals throughout the State.

16. This Court is inclined to accept the said submission and holds that the directions to be issued shall be applicable to and require compliance by the respondent authorities across the State. When the Court is inclined to entertain a cause that is brought in the larger public interest, the Court is duty bound to provide a remedy throughout its territorial jurisdiction, even if the pleadings pertain to a particular locality or district. Failure to undertake such an exercise would lead to multiplicity of proceedings and may result in depriving individuals of their fundamental right to life guaranteed

under Article 21 of the Constitution of India. It is the solemn duty of this Court to safeguard and protect the constitutional rights of every individual.

17. The State has a fundamental duty to supply drinking water fit for human consumption. Access to clean water is not charity, it is a constitutional promise woven into the fabric of fundamental rights. As observed above, every individual's right to life encompasses the right to access pure and safe drinking water. The State, in its statement of objections, has placed on record relevant statistics pertaining to the supply of water. The supply of water and the maintenance of related facilities constitute executive functions involving budgetary concerns, which ordinarily are not subject to detailed scrutiny in the course of judicial review. The mechanism for the supply of water, as explained by the State, appears to be reasonable. No contrary material has been placed before this Court warranting further consideration or directions on this aspect.

18. The contention that contamination of drinking water arises due to failure in maintaining the facilities is a matter of serious concern, which persuades this Court to examine the issue in detail. The mere establishment of infrastructure for the supply of drinking water does not absolve the State of its constitutional obligation

unless such infrastructure is maintained periodically and scientifically to ensure the continuous supply of pure and safe drinking water. The infrastructure for water supply, as stated, includes purification plants, underground tanks, overhead tanks, pipelines, borewells, and Reverse Osmosis (RO) plants. All these facilities require timely and scientific maintenance.

19. While the State has furnished details regarding the existing infrastructure for drinking water supply, there is a conspicuous absence of information or material relating to the maintenance of such facilities. Even if the infrastructure is in place, the failure to maintain it, thereby depriving individuals of access to pure drinking water, amounts to a failure on the part of the State to discharge its constitutional obligations.

20. When the State functionaries fail in the discharge of their constitutional duties, it is incumbent upon this Court to protect and uphold the fundamental rights conferred upon individuals by the Constitution of India and to ensure that the State performs its constitutional obligations effectively. In this regard, this Court is inclined to issue appropriate directions.

21. It is a matter of common knowledge and everyday experience that underground tanks, overhead tanks, and Reverse Osmosis (RO) plants require periodic and scientific maintenance. If similar facilities in individual households necessitate such regular upkeep to remain functional and safe, there is no reason why public facilities of a similar nature should be exempt from periodic scientific maintenance.

22. The infrastructure facilities require regular maintenance, and the directions in respect of each such facility are as follows:

Purification plants.

22.1 It is stated by the State that water lifted from the dam is pumped to treatment plants, where it is treated before being supplied for human consumption. There is no doubt that treatment plants require scientific and periodic maintenance to ensure proper functioning. The treatment of water shall be as per the standard scientific norms and formula. The State Government shall maintain detailed records of the scheduled maintenance activities and the nature of such maintenance. These records shall be preserved systematically and produced before this Court as and when called for. It is needless to emphasize that the foregoing requirements and directions shall apply to all treatment plants across the State.

Underground and Overhead tanks

22.2 There can be no doubt that poor maintenance of underground and overhead tanks used for the storage of drinking water leads to contamination. Such tanks require periodic maintenance, including thorough cleaning and chemical treatment. While the existence of underground and overhead tanks for water supply has been acknowledged by the State in its response, there are no details on record regarding the maintenance of these tanks.

22.3 The State and its authorities shall undertake periodic maintenance of these tanks in a scientific manner to ensure that the water stored therein is not contaminated. Detailed records of such maintenance shall be maintained by the State and its authorities and produced before this Court when called for. Further, the State shall issue guidelines specifying the scientifically determined periodic intervals required for the maintenance of underground and overhead tanks. The maintenance shall be carried out strictly in accordance with these prescribed intervals.

Pipelines and bore wells.

22.4 The contamination of drinking water from pipelines is alleged to be caused by leakages. There can be no doubt, nor does it require further evidence, that leakages in pipelines permit the entry

of foreign substances into the water supply, thereby contaminating it. Pipelines require periodic inspection to ensure a leak-proof and safe supply of water. Furthermore, pipelines must be inspected for erosion, which can similarly compromise the quality of water. Whenever leakages are detected, they must be addressed with the utmost priority and urgency. Any delay by the authorities in rectifying such defects would endanger public health, potentially resulting in serious illness or, in extreme cases, loss of life. Such dereliction of duty by the authorities in maintaining pipelines is nothing short of a criminal act.

22.5 Accordingly, the State and its authorities shall formulate a comprehensive roadmap for the inspection, maintenance, and replacement of pipelines in a periodic and scientific manner. Detailed records of such inspections and maintenance shall be maintained and made available to this Court when called for. A similar exercise shall be implemented for the maintenance of borewells to ensure that water drawn therefrom is fit for human consumption.

Reverse Osmosis Plant (RO)

22.6 According to the State, in areas where the source of water is bore wells, sufficient Reverse Osmosis (RO) plants have been

installed to supply pure drinking water to the localities. Such facilities are made available in both urban and rural areas. It is common household experience that RO plants require sophisticated scientific maintenance, including periodic cleaning and replacement of filters. It is also well-known and widely acknowledged that the supply of drinking water through RO plants is not free of cost. The operation of these plants is automated, requiring the insertion of a five-rupee coin to dispense water, and the quantity dispensed per coin is limited to twenty litres. The collection of this nominal charge is presumably intended to ensure the maintenance of the facility on a 'no profit, no loss' basis, thereby promoting self-reliance and self-governance. These facilities are managed by the local bodies in urban areas and by the Grama Panchayats in rural areas.

22.7 The State has placed on record only the existence of RO facilities in urban and rural areas. However, no details pertaining to their maintenance have been furnished. The grievance of the party-in-person also pertains to the issue of maintenance. While the requirement of periodic maintenance has not been explicitly stated by the State as a scientific mandate, it can reasonably be held, based on common household experience, that RO plants

necessitate sophisticated and periodic scientific maintenance. In light of the absence of any material before this Court regarding the maintenance of RO plants, this Court is inclined to issue the following directions:

- (i) The State shall issue comprehensive guidelines prescribing the intervals at which maintenance of RO plants shall be conducted. The State shall further ensure that such maintenance is carried out strictly in accordance with the prescribed intervals.
- (ii) All non-functional RO plants shall be restored to full working condition within one month from the date of this order to ensure uninterrupted supply of pure drinking water in the respective localities.
- (iii) The State shall ensure that the concerned authorities maintain detailed records of all maintenance activities carried out in accordance with the prescribed intervals. Since water is supplied on payment, the total amount collected at each RO plant, as well as the expenses incurred for periodic maintenance including replacement or cleaning of filters and any other

components of the mechanism shall be systematically recorded and maintained.

- (iv) The maintenance of RO plants shall be witnessed by the concerned Panchayath Development Officer (PDO) in rural areas and by the designated local body officer in urban areas. In addition, such maintenance shall be witnessed and acknowledged by the local elected representative of the Panchayath or local body, as well as by the Headmaster or Headmistress of a nearby Government school. Any manipulation or falsification in this regard shall be viewed with utmost seriousness by the Court. It is needless to emphasize that comprehensive records of maintenance activities and related accounts shall be systematically maintained and produced before this Court when called for.

23. The State Government shall prepare a comprehensive Standard Operating Procedure (SOP) for the maintenance of the facilities as directed hereinabove. The said SOP shall be submitted to this Court for perusal and compliance within two months from the date of this order.

24. Considering the concerns brought before this Court, which it is inclined to examine in view of the larger public interest and the constitutional and statutory rights of the individuals involved, strict and timely compliance is imperative. The responsibility for ensuring such compliance should be fixed on the concerned authorities. Accordingly, this Court deems it appropriate to direct the Deputy Commissioner of the respective District to oversee and ensure compliance with the maintenance of the facilities, as well as the proper upkeep of records documenting such compliance.

25. With the above directions and observations, the writ petition is disposed of.

**Sd/-
(N. V. ANJARIA)
CHIEF JUSTICE**

**Sd/-
(K. V. ARAVIND)
JUDGE**

MV/VBS