

Case Note: Case concerning release of water Bhakra Beas Management Board to the treatment plant in the state of Delhi.

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2000(5)SCALE122, (2000)8SCC368

IN THE SUPREME COURT OF INDIA

Decided On: 10.05.2000

Comdr. Sureshwar D. Sinha and Ors.

v.

Union of India (UOI) and Ors.

Hon'ble Judges:

B.N. Kirpal and Ruma Pal, JJ.

ORDER

1. Pending further consideration, we direct that 125 cusecs of less of water which may be arranged by the National Capital Territory of Delhi from Bhakra Beas Management Board shall be carried through the States of Punjab and Haryana to Delhi for the purposes of treatment of the said water by the water treatment plant at Nangloi which was completed in 1998 and still remains unused. Further, it is made clear that the water so released by the Bhakra Beas Management Board shall not be out of the quota of the State of Haryana or Rajasthan. This 125 cusecs should be in addition to water which is being released now. We further direct that the Central Water Commission shall see that there is no danger to the breach of the canal which carries the said water and the said Commission will have the right to regulate the flow by reducing the same if it was of the opinion that carrying this water is likely to result in a breach of the canal. The Chief, Secretaries of the States of Punjab and Haryana will ensure compliance of this order.

2. This interim order will be operative till the 31st of August, 2000. For further consideration, list this application in the first week of August, 2000. This order be complied within a week.

3. The Additional Solicitor General states that the Delhi Jal Board is taking steps for the purpose of water harvesting.

4. It is quite evident that water harvesting is the need of the hour even though it may only be able to supplement and not replace the traditional sources of water supply. While the Delhi Jal Board should take all steps necessary and execute the projects for the purposes of water harvesting, we do not find any cogent steps having been taken by the authority

which should have been in the forefront to do so, namely, the Delhi Development Authority. There has in fact been no development in this regard. As far as the said authority is concerned, we can take judicial notice of the fact that the residential colonies established by the D.D.A. are some of the worst affected areas as far as the shortage of water is concerned.

5. We, accordingly, are compelled to and we have no other alternative but to issue directions in this behalf keeping in view that not too long, even the Prime Minister of the country has emphasised on the need of water harvesting for the purpose of supplementing the water supply. This water harvesting will also recharge the ground water which is depleting at an alarming rate because of the unregulated use of the same by the borewells.

6. We appoint a Committee of three persons - of the D.D.A. consisting of Mr. Lakshman Rao, Member (Finance) as the Chairman, Member (Engineering), and an NGO Ms. Sunita Narain of C.E.R.C. as its Member. The D.D.A. and the Delhi Administration will make such funds available to them as they may require for executing, in the first phase water harvesting projects in the DDA colonies like Vasant Kunj and the adjoining areas, in which the DDA colonies are facing acute water shortage. The said Committee will be at liberty to take assistance from other NGOs and expert bodies like INTAC etc.. The Committee shall immediately take steps and undertake execution of this work for implementing this order so that the benefit of the next monsoon is not lost. The Committee shall submit an interim report before the Vacation Bench in the second week of June 2000 indicating the work done till then.

7. A copy of this order be sent immediately to the Vice Chairman, DDA for implementation. A copy be also given to Mr. K.N. Raval, ASG. This Committee will also involve the Residents Welfare Associations in the execution of the task and will be at liberty to ask those associations to volunteer donations both in cash or in kind.

8. Mr. V.B. Saharya accepts notice on behalf of DDA.

9. Matter relating to water harvesting only to be listed before Vacation Bench.