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Vishala Kochi Kudivella Sam. Samithi vs. State of Kerala, 2006

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Case Note: The public interest litigation has been filed highlighting the grievance of people of West Kochi regarding non-supply of potable drinking water for the past three decades. The Court directed the respondents to ensure the supply of potable drinking water within six months of this judgment.

IN THE HIGH COURT OF KERALA AT ERNAKULAM OP No. 12701 of 2001(K)

Vishala Kochi Kudivella Sam. Samithi

Vs.

State of Kerala

Decided on 20.2.2006

JUDGMENT

S. Siri Jagan, J.

1. These Original Petitions are in the nature of public interest litigation ventilating the grievances of the people of West Kochi who have been clamoring for supply of potable drinking water to them, for the last more than three decades. They have approached this Court as a last resort, their lamentations before the powers that be having fallen on deaf ears.

2. The pleadings in these Original Petitions give no room for any doubt that the grievances ventilated by the petitioners representing the people of West Kochi is a genuine and eminently deserving appropriate orders from this Court. Respondents do not dispute the necessity to provide drinking water to the people of West Kochi. These Original Petitions have been pending since April, 2000. Although the respondents have been submitting before this Court that steps are being taken to complete projects for the supply of water to people of West Kochi, nothing concrete in the form of actual supply of water has emerged so far. In the above circumstances, by order dated 1-2-2006, we directed the learned Government Pleader to get instructions as to when it would be possible to give regular water supply to the residents of West Kochi and granted time till 8-2-2006 for that purpose. Of course, pursuant to the same, the 1st respondent has filed a statement detailing the steps taken by them and the difficulties in completing the works relating to the project undertaken for the purpose. Paragraph 9 of the statement reads thus:

1. The work of construction of 110 KV Sub Station will be completed by 31st March, 2006.
2. Laying 600 mm CI pumping main - out of 850 m pipe line, 415 m laid balance supply, and laying is in progress and expected to be completed by 25th of February, 2006.
3. Distribution system-I and III Zone - nearing completion and expected to be finished by the end of this month.

However, the statement also does not give any concrete proposal as to when exactly the people of West Kochi would actually get regular supply of drinking water.

3. Water is one of the primary needs of man, second only to air. Water is in fact the elixir of life. Any Government whether proletarian or bourgeois and certainly a Welfare State committed to the cause of the common man, is bound to provide drinking water to the public which should be the foremost duty of any Government. When considering the priorities of a Government, supply of drinking water should be on the top of the list. However, for the past more than three decades, successive Governments who have ruled this State have given scant attention to the need for potable drinking water of the residents of West Kochi. This is indeed a callous and deplorable attitude of the Government, which needs to be deprecated in very strong terms. We have no hesitation to hold that failure of the State to provide safe drinking water to the citizens in adequate quantities would amount to violation of the fundamental right to life enshrined in Article 21 of the Constitution of India and would be a violation of human rights. Therefore, every Government, which has its priorities right, should give foremost importance to providing safe drinking water even at the cost of other development programmes. Nothing shall stand in its way whether it is lack of funds or other infrastructure. Ways and means have to be found out at all costs with utmost expediency instead of restricting action in that regard to mere lip service. The Government having failed in that respect for the past three decades, the need of the hour is to issue urgent and definite orders to the respondents in this regard.

4. In the above circumstances, we direct the respondents herein to take and complete all steps necessary for supplying drinking water to the people of West Kochi within six months from today. We categorically make it clear that on completion of six months from today, the people of West Kochi should be getting potable water in sufficient quantities through an efficient water supply system without fail.

With the above direction, we dispose of the Original Petitions.