

P R E S S R E L E A S E

CSE welcomes Supreme Court notice to government on the 'right to clean and safe drinking water'

New Delhi, August 25, 2003: Is clean drinking water a fundamental right of all Indians? The issue came to the fore with a public interest litigation that was filed *suo moto* in the Supreme Court (SC) today on behalf of the Centre for Science and Environment (CSE). Chief Justice V N Khare served notices to three Union ministries in this regard.

CSE Director Sunita Narain welcomed the action of the Court. Pointing to the fact that the Court had taken cognizance of the key issue – that of drinking water quality and availability – Narain reiterated her demand for “legally enforceable safe drinking water standards” for every Indian.

The genesis of this PIL lay in a letter written by Narain five months ago -- on February 5, 2003 -- to key members of the judiciary informing them about the findings of laboratory results on pesticide residues in bottled water and raising issues of groundwater and surface water contamination.

Pointing out that the issue had “important and severe implications for public health in the country”, the letter explained how lax and inadequate norms had led to this scenario. “It is clear that we need urgent action,” says Narain in the letter.

The letter was turned into a PIL by Justice Dharmadhikari, who was one of its recipients; the Union of India was made the respondent. The SC issued notices to the Union ministries of Food and Civil Supplies, Health and Environment and Forests. The case will again come up for hearing after four weeks.

Says Sunita Narain, “Even after 55 years of Independence, India does not have legal standards that would help to clearly define ‘clean’ and ‘potable’ water. Municipalities can supply water that is neither potable nor drinkable, but there’s precious little a citizen can do. Under the law, no institution can be ultimately held responsible for quality, because nobody has defined standards that can be legally enforced.”

The Central Public Health and Environmental Engineering Organisation (CPHEEO) under the Union ministry of urban development and poverty alleviation sets guidelines for drinking water quality. But these are merely guidelines. To make matters worse, municipalities are free to choose and supply as they will. For instance, section 42 of the Rajasthan Water Supply and Sewerage Corporation Act absolves the department of not supplying water in case of accidents, obstruction in supply during summer or a labour strike. Section 234 of the Calcutta Municipal Corporation Act, 1980 says the municipality should take steps to provide, “as far as

possible”, a supply of wholesome water. Tripura Municipality Act says it will “try to supply”.

In 1996, a parliamentary Committee on Subordinate Legislation suggested that water treated and supplied by local authorities should be included under ‘food’ as “the agency responsible for supplying drinking water to the public has to ensure purity and the statute should bind it to do so”. But in its deposition before the committee, the ministry of urban development (which is responsible for drinking water quality in cities) averred that the inclusion of water under food would impose, on the agencies that supply water, a legal commitment to adhere to recognised standards. The agencies, it surmised, could not possibly meet such standards as they lacked the necessary financial resources.

Clearly, with dirty water becoming the single largest killer of babies in the country, it is vital that standards for what constitutes safe and potable water are defined and legislated.

If you have questions, e-mail us at media@cseindia.org or call us on 9810098142.

P R E S S R E L E A S E

CSE Welcomes SC Decision on Drinking Water

New Delhi, August 25, 2003: Is clean drinking water a fundamental right of all Indians? The issue came to the fore with a public interest litigation that was filed *suo moto* in the Supreme Court (SC) today on behalf of the Centre for Science and Environment (CSE). The Court accepted the PIL and served notices to three Union ministries in this regard.

CSE Director Sunita Narain welcomed the verdict of the Court. Pointing to the fact that the Court had taken cognizance of the key issue – that of drinking water quality and availability – Narain reiterated her demand for “legally enforceable safe drinking water standards” for every Indian.

The genesis of this PIL lay in a letter written by Narain five months ago -- on February 5, 2003 -- to eminent citizens, including members of the legal profession. The letter informed its recipients that CSE had tested leading brands of bottled water marketed in Delhi and Mumbai and found pesticide residues in most samples.

Pointing out that the issue had “important and severe implications for public health in the country”, the letter explained how lax and inadequate norms had led to this scenario. “It is clear that we need urgent action,” says Narain in the letter. “This is a massive and growing business... it is a health-related industry and the quality of its products must be assured to consumers. Government regulatory agencies like the BIS must update and revise their standards and monitoring procedures.”

The letter was turned into a PIL and filed by Justice Dharmadhikari, who was one of its recipients; the Union of India was made the respondent. The SC issued notices to the Union ministries of Food and Civil Supplies, Health and Environment and Forests; the case will again come up for hearing after four weeks.

Says Sunita Narain, “Even after 55 years of Independence, India does not have legal standards that would help to clearly define ‘clean’ and ‘potable’ water. Municipalities can supply water that is neither potable nor drinkable, but there’s precious little a citizen can do. Under the law, no institution can be ultimately held responsible for quality, because nobody has defined standards that can be legally enforced.”

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“Clearly,” says Narain, “Everyone is busy absolving themselves of any responsibility, if it at all exists.”

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