

DRAFT

In the High court of Judicature of A.P. at HYDERABAD

W.P. No. of 2012

BETWEEN

FGG represented by its Secretary, M. Padmanabha Reddy ,
S/o M. Ganga Reddy aged about 71 years office at Flat No.204,
G.K. R. Mansion, Lakdikapool, Saifabad, Hyderabad – 500 004.

PETITIONER

AND

1. Prl. Secretary to Government, M.A. & U.D. Department,
Government of A.P., Secretariat, Hyderabad
2. Vice Chairman and Managing Director,
Hyderabad Metro Water Supply & Sewerage Board, Hyderabad

RESPONDENTS

AFFIDAVIT

1. I am the Secretary of the petitioner Association and as such I am well acquainted with the facts of the case.
2. I submit that the Forum for Good Governance is registered in accordance with the provisions of the Societies Registration Act bearing Regn. No.653/2009. (The certificate of registration and Bye-laws are filed herewith as Annexure I) It seeks to provide a platform for all well-meaning, public spirited citizens to come together, voice their concerns and agitate for good governance. Suffice to state that the petitioner's objectives are to secure good governance at all levels. It is having its registered office at Flat No.204, G.K.R. Mansion, Saifabad, Lakdikapool, Hyderabad – 500 004. It is stated that the present writ petition is being filed by way of a Public Interest Litigation and the Petitioner stands to gain nothing out of the present litigation.
3. Petitioner in the present writ petition is assailing the failure of the first respondent to provide clean drinking water to people of Hyderabad by not taking action on comprehensive project report to prevent contamination of drinking water.
4. It is submitted that the office bearers of the petitioner are persons, who have worked in various capacities either in the judiciary or the State and Central Government and they are known for their eminence in their respective fields.
5. H.M.W.S.&S.B. (the 2nd respondent) is a statutory authority, incharge of providing and maintaining water supply and sewerage facilities within GHMC, The H.M.W.S &S.B. obtains water from four surface water sources, treat them and supply to citizens. The details are as follows.

S.No.	Name of the source	Year of Commission	Normal supply (Million Gallons per day)
i)	Osman Sagar (on musli river)	1920	25
ii)	Himayat Sagar (On Esa river)	1927	20
iii)	Manjeera Phase – I (Manjeera Barrage)	1965	15
iv)	Manjeera Phase – II (Manjeera Barrage)	1981	30
v)	Manjeera – Phase III (Singur dam)	1991	30
vi)	Manjeera – Phase IV (Singur dam)	1993	30
vii)	Krishna Project Phase – I (Nagarjuna Sagar)	2005	90
viii)	Krishna Project Phase – II	2007	90
			----- 330 (M.G.D.) -----

Apart from these surface sources, Ground Water to the extent of 25 M.G.D. is also availed through bore wells owned and operated by the 2nd respondent. Further many residents extract ground water by sinking bore wells in their premises as the water provided by the 2nd respondent is inadequate and irregular.

- To ascertain the quality of drinking water, the 2nd respondent has constituted Quality Assurance & Testing Wing with 6 laboratories for testing the quality of water. The monitoring is also done in co-relation with labs like Institute of preventive Medicine (I.P.M.) Narayanguda and others.

7. Contamination of water in distribution is posing a major problem in many areas in the city. Defective and rusted pipes with leakages running in the drains are the main cause for water contamination.
8. Ideally, piped water system should be designed to provide water under pressure for 24 hrs. per day. Intermittent supplies such as in Hyderabad city are likely to lead to poor water quality due to leakages / seepage of contaminated water entering into distribution pipes.
9. After the incident of Bholakpoo where many people died and large number of people were affected due to consuming contaminated water, Government of A.P. have instructed the water Board to take effective steps to prevent drinking water contamination. There upon, in the year 2010-11 water board appointed a consultant M/s Arvee, Hyderabad for preparation of a water safety plan. Accordingly the consultants have prepared a water safety plan.
10. The water safety plan suggested the following
 - i) Replacement of rusted and defective pipe lines at a cost of Rs.74 crores.
 - ii) Replacement of old pipelines at a cost of Rs.1152 crores.
11. Based on said report the 2nd respondent has requested the 1st respondent to provide budget to enable them to replace defective and damaged pipelines which are causing contamination. The 2nd respondent further informed the government that proposal for replacement of Old pipes at a cost of Rs.1152 crores submitted to JNNURM did not materialize. The 2nd respondent has finally requested the Government of A.P. to provide sufficient funds for replacement of Old pipelines. (Copy of the water safety plan is here with enclosed as Annexure II.)
12. The project was taken up during the year 2010-11 and so far an amount of Rs.13.44 crores only was spent as per the report of Dy. Chief Engineer water board. (report of the Dy. Chief Engineer is enclosed as Annexure III)
13. Contamination in distribution system will affect the quality of water, however good the quality of water that enters the distribution system. In slum areas people are suffering from water born diseases.
14. It is further submitted that Osmania University research wing has taken up study on contamination of drinking water.

A total of 50 water samples were tested from water supply system of Hyderabad city from different localities including areas with high, intermediate and low Socio-

Economic Conditions (SEC). Out of 50 samples, 20 (40%) water samples were positive for bacterial contamination. Bacterial contamination was maximum in areas with Low SEC (52%) , followed by 40% in Intermediate SEC and 10% in areas with High SEC.

Bacterial contamination among water samples collected from areas with different Socio-economic conditions (SEC) of Hyderabad City.

Areas	No. of Samples	Bacterial Contamination	
		Present	Percentage
High SEC	10	01	10
Intermediate SEC	15	06	40
Low SEC	25	13	52
Total	50	20	40

(A Copy of research article on drinking water quality surveillance in Hyderabad is filed here with as Annexure IV)

15. It is submitted that the 2nd respondent is expected to supply clean drinking water to people of Hyderabad. He has failed in his duty. He was addressed in this regard vide our letter no. FGG/HMWS&SB/REP/295/2012, dated 19-4-2012 but there is no response from him, except stating that he has submitted a comprehensive project Report to prevent contamination of water in July 2010, and the matter is pending with the Government. (copy of letter enclosed as Annexure V)
16. It is submitted that the 1st respondent having received the project report has done nothing for last 2 years and in the mean time contaminated drinking water is affecting the health of people of Hyderabad. The 1st respondent was requested by the petitioner to take action on the project report vide our letter No. FGG/MAUD/REP/325/2012, dated 8-6-2012 but no action has been taken. (copy of representation is enclosed as Annexure VI)
17. The petitioner has submitted a representation to Hon'able Chief Minister of A.P. requesting him to implement the project report to prevent contamination of drinking water. Our letter No.FGG/CM/REP/368/2012., dated 23-8-2012. But no action has been taken by hon'able Chief Minister who incidentally is the chairperson of water board. (Copy of petition is enclosed as Annexure VII)

18. In the circumstances explained above, the petitioner organization has no other alternative remedy except to invoke the extraordinary jurisdiction of this hon'able court under Article 226 of constitution of India.
19. It is submitted that the petitioner has not filed any other writ or suit before any other court or authority for the same relief as claimed in this writ petition.

Deponent

Sworn and signed on

This day of December 2012.

Before me