Item No.02 & 03

BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)

Original Application No.05/2026(CZ)

Mr. Rashid Noor Khan — Applicant(s)

Vs.

Collector, Indore & Ors. — Respondent(s)

WITH

Original Application No.06/2026(CZ)

Kamal Kumar Rathi — Applicant(s)

Vs.

State of Madhya Pradesh & Ors. — Respondent(s)

Date of Hearing: 15.01.2026

CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE MR. ISHWAR SINGH, EXPERT MEMBER

For Applicant (s): Mr. Harshwardhan Tiwari, Adv.(in O.A No. 05/2026)
Mr.Harpreet Singh Gupta, Adv.(in O.A NO. 06/2026)
with Mr. Pratipal Singh Gupta, Ms. Nancy Chaturvedi, Mr. Chinmay Singh Kulhara and Mr. Srajan Jain, Advs.

For Respondent(s) :

ORDER

1. Both the applications raises a substantial question relating to the environment and public health concerning the systemic contamination of potable drinking water supplied to urban populations across the State of Madhya Pradesh. The issue has assumed alarming proportions in light of recent incidents of mass illness and loss of life attributed to consumption of contaminated drinking water, which have exposed serious deficiencies in water supply infrastructure, sewerage management, monitoring mechanisms, and regulatory oversight.

Despite drinking water being sourced from surface water bodies such as rivers, reservoirs, and dams, repeated water quality assessments have revealed the presence of pathogenic contaminants including faecal coliform, E. coli, Vibrio species, and protozoa in treated water supplied for human consumption. Such contamination clearly indicates sewage intrusion into potable water distribution systems, a situation that could not have arisen without persistent infrastructural failures, poor maintenance, and noncompliance with established public health engineering norms.

2. Across multiple urban centres, drinking water pipelines and sewerage lines are laid in close proximity, often intersecting or running parallel to each other. In several instances, drinking water pipelines are laid below sewer lines or drains, increasing the risk of contamination in the event of leakage, pressure fluctuations, or pipeline damage. Intermittent water supply systems further aggravate the situation by creating negative pressure within pipelines, thereby facilitating ingress of contaminated water.

3. The gravity of the issue is compounded by the lack of continuous water quality monitoring, inadequate maintenance of overhead tanks and sump wells, and failure to adopt preventive surveillance measures, despite clear guidance provided under national technical manuals issued by the Government of India. The Central Public Health And Environmental Engineering Organization Manual on Water Supply and Treatment Systems explicitly recognises that contamination frequently occurs within distribution networks and storage infrastructure and mandates preventive monitoring and regular maintenance, which have not been effectively implemented.

4. Further, the statutory framework under the Water (Prevention and Control of Pollution) Act, 1974 casts specific obligations on local authorities and regulatory bodies to disclose contamination incidents, take immediate preventive action, and prevent pollution of water resources. However, repeated instances of delayed disclosure, reactive response, and continued supply of contaminated water demonstrate violations of Sections 31(1), 31(2), 42 and 43 of the Act. The recent regulatory notification dated 10.11.2023 issued by the Ministry of Environment, Forest and Climate Change further reinforces the requirement of transparency, monitoring, and accountability in matters relating to drinking water quality.

5. According to the report titled "Comprehensive Water Management Index" published by the Ministry of Water Resources, it has been estimated that nearly 2,00,000 persons die every year in India due to consumption of contaminated drinking water, underscoring the direct and fatal consequences of water pollution on public health. It has also been reported by the International Centre for Sustainability, in a study published in the preceding year, that by the year 2030, the demand for water in India is projected to be nearly double the available supply, which may result in a severe water crisis affecting millions of people. The said report further cautions that such a crisis could lead to an economic loss of up to 6% of the national Gross Domestic Product (GDP).

6. Data compiled at the national level further reveals that between the years 2005 and 2022, India recorded more than 209.8 million cases of waterborne diseases, including diarrhoea, cholera, typhoid, and viral hepatitis. Among these, diarrhoea accounted for approximately 86% of the reported cases, making it the most prevalent waterborne illness.

Certain States have recorded disproportionately high numbers of cases and deaths, and the Ministry of Health and Family Welfare collects and maintains year-wise and State-wise data relating to incidence and mortality associated with these diseases.

7. The aforesaid data and reports collectively demonstrate that contamination of drinking water has long been recognised as a serious environmental and public health challenge at the national level, with well-documented human, economic, and ecological consequences. The persistence of such conditions further highlights the need for strict enforcement of statutory obligations, preventive monitoring, and regulatory oversight at the State and local authority level.

8. In O.A. No. 05/2026(CZ) the issue highlighted is grave public health and environmental crisis caused by contamination of municipal drinking water supply in the city of Indore, Madhya Pradesh, and the existence of similar systemic risks in other cities across the State. During the last week of December 2025, residents of the Bhagirathpura area of Indore were exposed to severely contaminated drinking water supplied through municipal pipelines, resulting in a large-scale outbreak of water-borne diseases. The incident led to mass hospitalisation of affected residents, with several patients requiring intensive care, and resulted in multiple fatalities, including infants and elderly persons. Laboratory testing confirmed the presence of pathogenic organisms such as Vibrio cholerae, faecal coliform and E. coli, clearly establishing that sewage and polluted wastewater had infiltrated the potable water supply.

9. Media reports and subsequent disclosures revealed that the contamination was caused by a combination of ageing and poorly maintained pipelines, unsafe alignment of drinking water lines running

beneath or alongside sewer lines and drains, and prolonged administrative inaction despite repeated complaints from residents regarding foul and unsafe water. It further emerged that tenders for replacement of compromised pipelines had been issued years earlier but were not executed, and that routine water quality monitoring and preventive maintenance were grossly inadequate.

10. The crisis exposed serious governance failures, including delayed emergency response, inconsistent disclosures regarding the number of affected persons and fatalities, and lack of transparency and accountability. The incident was not an isolated occurrence but reflective of a broader and systemic failure in urban water management, as similar conditions and contamination risks have been reported in other cities of Madhya Pradesh such as Bhopal, Khargone, Ujjain, Gwalior, Rewa and Satna, demonstrating a continuing and state-wide environmental and public health threat.

11. The contamination of drinking water constitutes water pollution in clear violation of the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986, and the constitutional guarantee of the right to life under Article 21, which includes the right to clean and safe drinking water. The continued existence of unsafe water infrastructure and absence of uniform safeguards pose an imminent risk of recurrence of similar water-borne epidemics.

12. By means of filing this application the Applicant seeks directions for immediate remedial measures in the affected areas of Indore, assessment and payment of environmental and victim compensation, fixation of responsibility upon erring authorities and officers, and issuance of binding, state-wide guidelines and standard operating procedures to ensure safe, contamination-free drinking water supply

across the State of Madhya Pradesh, in order to prevent recurrence of such incidents and to protect public health and the environment.

13. The News reporting Pradesh Today on 14.01.2026 highlighted the supply of contaminated water and the water quality of the all 05 ponds in the city of Bhopal and it is reported that fecal coliform was found to be 1600 ml and it is highly contaminated. The water quality was examined by the State PCB taking samples from Chhota Talab Shahpura, Motia Talab Munshi Hussain Khan and Siddique Hassan Talab from where the water is being supplying for more than five lakhs population and DO, FC and TC was found not according to the parameters laid down by the rules.

14. Learned Counsel for the applicant Mr. Harshwardhan Tiwari has moved an I.A. No. 15/2026 in O.A. No. 05/2026 with the prayer that for cause of injuries and death the interim environmental compensation applying the Polluter Pay Principle and the doctrine of strict and absolute liability upon the respondent authorities and agencies responsible for contamination of municipal drinking water supply may be imposed.

15. Mr. Harpreet Gupta, Learned Counsel for the applicant (in O.A. No. 06/2026) has further argued that the guidelines and directions were issued from the Government of India, Ministry of Housing and Urban Affairs manually on water supply and treatment system (drinking from tap) has not been complied with in letter and spirit and perhaps the officials of the administration have not taken care of the guidelines issued by the Central Government. He has further quoted the notification dated 10.11.2023 issued by the Ministry of Environment, Forest and Climate Change where notification in para 3 & 6 provides as follows :

*3**. Regulation of use**. (1) The user of domestic water purification system and commercial water purification system shall comply with the guidelines issued by the Board in this regard.*

(2) The guidelines shall be published by the Board for handling, storage, management and utilisation of reject water and discarded elements generated from the domestic water purification system and commercial water purification system within a period of six months from the date of publication of these rules in the Official Gazette.

(3) Every domestic water purification system manufactured, imported, produced or assembled on or after the commencement of these rules shall bear the standard mark under a license from the Bureau as per the Indian Standard IS:16240, under the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018.

(4) Discarded elements from domestic water purification system shall be regulated as per the provisions of the Plastic Waste Management Rules, 2016, the E-Waste (Management) Rules, 2022 and the Hazardous and Other Waste (Management and Transboundary Movement) Rules, 2016.

(5) The State Pollution Control Board or the Pollution Control Committee of the Union territory concerned shall be the nodal agency for ensuring the compliance of the provision of this rule.

*6. **Responsibilities of water supply agencies**. Water supply agency, local bodies, Public Health Engineering Department, Jal Nigam, Municipal Corporation, Jal Board, Municipalities, private and public sector agencies engaged in potable water supply, shall inform the consumers about the water sources and quality, including total dissolved solids concentration of water being supplied through billing instruments and also through public advertisement in newspaper and other mass media means on regular basis.*

16. The Water (Prevention and Control of Pollution) Act, 1974 provides the prohibition of pollution any water in following manner :

24. Prohibition on use of stream or well for disposal of polluting matter, etc*. (1) Subject to the provisions of this section,-*

(a) no person shall knowingly cause or permit any poisonous, noxious or polluting matter determined in accordance with such standards as may be laid down by the State Board to enter (whether directly or indirectly) into any [stream or well or sewer or on land]; or

(b) no person shall knowingly cause or permit to enter into any stream any other matter which may tend, either directly or in combination with similar matters, to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences.

17. It is further provided in Section 31 & 43 are as follows :

31*. Furnishing of information to State Board and other agencies in certain cases.--[(7) If at any place where any industry, operation or process, or any treatment and disposal system or any extension or addition thereto is being carried on, due to accident or other unforeseen act or event, any poisonous, noxious or polluting matter is being discharged, or is likely to be discharged into a stream or well or sewer or on land and, as a result of such discharge, the water in any stream or well is being polluted, or is likely to be polluted, then the person incharge of such place shall forthwith intimate the occurrence of such accident, act or event to the State Board and such other authorities or agencies as may be prescribed.]*

(2) Where any local authority operates any sewerage system or sewage works, the provisions of sub-section (1) shall apply to such local authority as they apply in relation to the person in charge of the place where any industry or trade is being carried on.

43. Penalty for contravention of provisions of section 24*.- Whoever contravenes the provisions of section 24 shall be punishable with imprisonment for a term which shall not be less than [one year and six months] but which may extend to six years and with fine.*

18. The State authorities and District Administration are directed to comply the provisions in letter and spirit.

19. Learned Counsel has further cited the order dated 02.02.2018 passed by the Hon'ble High Court of Madhya Pradesh Bench, Bench at Gwalior wherein certain directions have been issued.

20. We are of the view that this was applicable to the District Gwalior but in view of the facts it is desires that directions and guidelines should be issued throughout the State. Accordingly, we direct the respondent/State of MP and Municipal Corporation of all the districts as follows :

> *(i) develop a water app for hearing complaints and supervising the adequate water supply to the citizen. The Municipal Corporation shall give wide publicity about the app and shall ensure its 24x7 hours work ability.*
>
> *(ii) Eliminate transmission loss of water by taking all measures such as laying pipelines (if not already laid), repair leakages etc.*
>
> *(iii) Remove all encroachments of and around all the water bodies including those from where the water is drawn and stop illegal infiltration by all class of persons.*
>
> *(iv) Municipal Corporation to work out the scheme to stop construction work during summer seasons between March to July each year and regulate water supply ward vise during these months to ensure that each of the citizens gets water for consumption and other use during these months in each alternate days.*
>
> *(v) Municipal Corporation to regenerate water for supply to the locality situated around public Wells/Bawaris and the tubewell. To achieve the same it shall layout a plan to be included in the water app.*
>
> *(vi) Municipal Corporation in association with the State Government shall prepare comprehensive water harvesting*

scheme and implement the same rigorously and make provisions in the bye laws making the non-compliance by the individuals, establishment both State Government/ Union Government, all private and public institutions including Schools/ Colleges, punitive.

(vii) Municipal Corporation shall prepare a comprehensive scheme to supply water through tankers stipulating precondition to meet out the shortage as and when the occasion so arises.

(viii) Municipal Corporation to ensure chlorination of water supplied for domestic purpose.

(ix) Municipal Corporation shall lay down the stipulations such as Do's and Dont's regarding domestic and non-domestic water use.

(x) Municipal Corporation shall meter all domestic and non-domestic water supply.

(xi) State Government and its functionaries and the Municipal Corporation shall ensure that none of the water bodies including dams, ponds, wells and bawris are used for immersing idols.

(xii) Municipal Corporation and the State and its functionaries shall ensure that all the dairies having more than two milking cattle be moved outside the city at a place earmarked for them within 4 months from the date of communication of this order.

(xiv) Municipal Corporation shall keep all overhead water tanks and sumps utilized for supplying potable water functional all times and get them periodically cleaned and chlorinated.

(xvi) Municipal Corporation shall regularly take recourse to pre-chlorination, post-chlorination and aeration process.

21. Respondents State Urban Development Department and Municipal Corp[oration are to strengthen and operationalize a robust Management Information System (MIS) and a consumer-facing mobile

application for drinking water supply, enabling regular disclosure of water quality parameters, test results from accredited laboratories, supply schedules, alerts in case of contamination, and grievance redressal status, so as to enhance public awareness, transparency, and informed consumer participation regarding the quality of water being supplied on a regular basis and to undertake public awareness programs and ensure public participation with respect to drinking water safety, including dissemination of information regarding water quality, risks of contamination, grievance redressal mechanisms, and preventive measures, through print, electronic, and digital media, in order to promote transparency and informed citizen engagement and also to undertake comprehensive GIS-based mapping of all drinking water pipelines, including Narmada-based supply lines, and sewerage/drainage networks across urban areas of the State, and to identify points of close proximity, intersection, reverse gradients, and vulnerable segments, with a view to preventing sewage ingress into potable water systems and enabling data-driven planning, monitoring, and timely rectification.

22. A substantial issue of environmental has been raised. Issue notice to the respondents. Returnable within four weeks.

23. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.

24. Respondents are directed to submit their reply within six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

25. We deem it just and proper to call a report on the matter in issue, in present application, from a Joint Committee consisting of:

(i) One representative from the Principal Secretary, Environment, State of MP, Bhopal (M.P.)

(ii) One representative from the Principal Secretary Urban Administration and Development Department, State of MP, Bhopal (M.P.)

(iii) One representative from the Water Resources Department, nominated by the head of the department, State of MP, Bhopal (M.P.)

(iv) One representative from the Indian Institute of Technology, Indore nominated by the Director, Indian Institute of Technology, Indore.

(v) One representative from the Regional Director, Central Pollution Control Board, Bhopal (M.P.)

(vi) One representative nominated by the Member Secretary, State Pollution Control Board, (M.P.)

26. The Committee is directed to visit the site and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.

27. The committee is further requested to examine above rules, guidelines and direction and to discuss with the experts and to implement phase wise so that immediate action should be taken to control the situation and to provide the potable drinking water to the citizens

28. Applicant is directed to supply the required documents and copy of the application to the committee and the respondents within a week and after compliance of service, the Applicant has to submit an affidavit that notices and copy of the application have been served upon the committee and respondents.

29. The report in the matter be filed by the Committee by email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

30. Copy of the order be communicated to the (1) Principal Secretary, Environment, State of MP, (2) Member Secretary, Madhya Pradesh State Pollution Control Board and (3) Municipal Commissioners &

District Collectors of all the District headquarters for information and necessary action.

List both the matters on **30th March, 2026**

Sheo Kumar Singh, JM

Ishwar Singh, EM

15th January, 2026,
Original Application No.05/2026(CZ)
Original Application No.06/2026(CZ)
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