

PIL No.12/2017

Date of Order: 23.02.2021

Dr. Tilok Dasgupta Vs. State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Biswanath Somadder, Chief Justice
Hon'ble Mr. Justice H.S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K Ch Gautam, Adv
For the Respondent(s) : Mr. S Sen Gupta, Addl.Sr.GA

i) Whether approved for reporting in
Law journals etc.: Yes/No

ii) Whether approved for publication
in press: Yes/No

Although in terms of our earlier order dated 16th February, 2021, we had directed the respondent No.1, being the State of Meghalaya, represented by the Chief Secretary, to furnish a detailed report in the form of an affidavit on or before the next date stating therein specifically the exact number and names of those villages in the State of Meghalaya who, till date, do not have any access to potable and arsenic free drinking water, the Chief Secretary has filed an additional affidavit, which states the following in paragraphs 3 and 4:-

“3. That for implementation of Rural Water Supply Schemes, the PHE department following the Guidelines issued by the Govt. of India, Ministry of Drinking Water & Sanitation (MoDWS) and other instructions issued by Ministry from time to time.

That infact water is supplied to various villages from the Storage Reservoirs through Piped Water Supply Scheme either by Gravity or Pumping. But in those villages where there are no organised Water Supply Schemes due to non-availability of Surface water source other type of Schemes namely Spot sources like (i) Ring Wells, (ii) Spring Tapped Chambers (iii) Hand Pumps are taken up under erstwhile NRDWP and State Plan Schemes and also provide for construction of ring-wells in the various villages.

4. That in the meantime, Government of India has restructured and subsumed the ongoing National Rural Drinking Water Programme (NRDWP) into Jal Jeevan Mission (JJM), under the

Ministry of Jal Shakti which was launched on August 15, 2019 with an aim to provide “Functional Household Tap Connection (FHTC)” to every rural Household in the State by 2024.”

All that we had asked for was a detailed report from the State of Meghalaya, providing the exact number and names of those villages who, till date, do not have any access to potable and arsenic free drinking water. Paragraphs 3 and 4 of the additional affidavit affirmed by the Chief Secretary as reproduced hereinabove, however, do not reveal any policy of the State Government other than referring to Jal Jeevan Mission programme of the Ministry of Jal Shakti, which is basically a programme of the Government of India. It is quite evident that the State of Meghalaya does not have any scheme/policy of its own in order to ensure that every village in the State of Meghalaya is provided with easy access to potable and arsenic free drinking water.

The State of Meghalaya shall, therefore, formulate a policy which should lay down a roadmap for those people residing in this State, who, till date, do not have any easy access to potable and arsenic free drinking water. The policy of the State shall be placed before this Court on behalf of the State on or before the next date.

List this matter on 2nd March, 2021.

(H.S. Thangkhiew)
Judge

Meghalaya
23.02.2021
“Lam AR-PS”

(Biswanath Somadder)
Chief Justice

WWW.LIVELAW.IN