

SYNOPSIS AND LIST OF DATES

The present Special Leave Petition has been filed under Article 136 of the Constitution of India against the Interim order dated 28.09.2018 passed by the Division Bench of Hon'ble High Court of Karnataka at Bengaluru in Writ Petition (Civil) No. 25087 of 2018 whereby the High Court has modified the Interim Order dated 24/07/2018 and permitted the respondents to pump the secondary treated water from the sewage treatment plants of Bangalore City to the Minor Irrigation Tanks situated in Kolar District of Karnataka State for the purpose of recharging the ground water table through the project named as K&C valley project. Earlier the Hon'ble High Court had by order dated 24/07/2018 restrained the respondents from restarting the pumping of the secondary treated water in relation to the projects in question. The Petitioner has submitted a report dated 27/09/2018 by the Energy and Wetlands research Group, Centre for Ecological Sciences, Indian Institute of Science, Bangalore. The said report explicitly pointed out that the water quality from the pumping point outlet of Bellandur Sewage Treatment Plant and the Lakes of Kolar (Lakshmisagara and Narasapura Lake), which received the secondary treated water have been contaminated with higher heavy metals, high nutrients, higher Biochemical Oxygen Demand and Chemical Oxygen Demand. The Hon'ble High Court did not take cognizance of the said report and without considering the impact of the project on the drinking water sources of the region, modified the earlier order by accepting the water quality analysis report submitted unilaterally by the respondents and passed the impugned order.

That the Petitioner is a social worker located in Chikballapur District. He is the President of the organization called Shashwatha Neeravari Horata Samithi formed with an intention to fight for the right of safe drinking water and Irrigation facilities to the people of

draught affected districts of Kolar, Chikballapur and Bangalore Rural.

The Hon'ble High Court in its order said that:

“So far the report relied upon by learned counsel for the petitioner is concerned, the value to be attached to that report shall be considered at the time of final hearing but, at this stage, looking to the materials placed on record, it is seen that steps are being taken by the Government to ensure quality of water and as submitted by the learned Senior Advocate Sr D.L.N. Rao, the BWSSB has also taken steps for construction of the bund to ensure that the contaminated water does not mix up with treated water.”

“Learned Advocate General has made the submissions that pumping of water is mainly for the purpose of recharging the groundwater and other arrangements have been made, including installation of RO for the purpose of drinking water.”

That the Hon'ble High Court had earlier taken a view that it was necessary that the respondents submit specific reports as regards the availability of drinking water in the areas in question referred in these Writ Petitions and the effect on the quality such water upon pumping of the secondary treated water by way of the projects in question. The Hon'ble High Court has completely ignored the above said view and passed the impugned order without considering the need to address the drinking water and its contamination due to pumping of partially / secondary treated urban sewage water cum effluent. The Hon'ble High Court also not considered the fact that it is impractical to install RO in every household. Further the water contamination affects not only human health of about 50 lakhs population and edible agricultural products, but also the livestock of the region which numbers more than 10 lakhs due to contaminated drinking water.

The Sewage Treatment Plants established by the Bangalore Water Supply and Sewerage Board (BWSSB) are not equipped with the technology that would neutralize the Industrial effluents and harmful chemicals that flows into the STPs from various corners of Bangalore city. The chemical contaminants remains as toxic as it was and harmful even in the secondary treated/ reclaimed water.

It is submitted that if the Respondents are allowed to fill the tanks of Kolar, Chikkaballapura and Bangalore Rural District with secondary treated polluted and contaminated water, the right to good health, good environment and clean drinking water of the large population of the said region would be subjected to jeopardy by the arbitrary and unreasonable action of the Government of Karnataka which is impermissible in law as the same is against the provisions of Air and Water pollution Act and Environmental Protection Act 1986.

That the K & C Valley project which has been commissioned envisages pumping of 400 Million Liters per day (mld) secondary treated water or reclaimed water from Koramangala and Challaghatta Valley and Belanduru Sewage Treatment Plants (STP) to fill 126 Minor Irrigation Tanks of Kolar and Chikballapura Districts. It is proposed to lift 400 mld of treated/ reclaimed water mechanically from the Sewage Treatment Plants (STPs) of BWSSB and Bellandur Lake and pump it in to intermediate Delivery Chambers and subsequently pump the water to the Minor Irrigation Tanks situated in the Districts of Kolar and Chikballapur. It is aimed to provide the said supplied water for irrigation and for ground water recharge of the region.

The H & N Valley project which is under implementation envisages pumping of 210 mld of secondary treated water or reclaimed water from Nagavara, Hennur and Horamavu STPs to Amani Gopal Krishna Kere and onwards to fill 65 tanks in Bangalore Rural, Bangalore Urban and Chikkaballapura Districts. Both the projects

are subject matter of challenge under the above said Writ Petition. But the interim order is for K & C Valley project only.

That Kolar, Chikballapur and Bangalore Rural Districts are drought prone Districts of Karnataka State and are frequently affected by erratic rainfall. Since there are no perennial source of drinking water like rivers and lakes, ground water has been used as the only source of drinking water. Due to industrialization, encroachment of existing tanks and over exploitation, the ground water levels of these regions have depleted to alarming depths and contaminated with harmful salts like Fluoride, Nitrate and other harmful chemicals.

That the Comptroller and Auditor General of India (CAG) in their report of March 2017 on economic sector has clearly laid out the sub-par efficiency of sewage treatment plants of Bangalore (Annexure P-5). Additional Statement of Objections filed by the Respondent No. 1 and 2 in the Hon'ble High Court on 10.09.2018 stated that after foaming was observed at the Discharge point of Lakshmisagar Lake and thus hazardous contaminants and raw effluents entered the receiving lakes and on 18-07-2018 the pumping of the water from the Sewage Treatment Plant to the lakes were suspended after the media reports and severe objections by the villagers.

That on 31.07.2018 the Narasapura Grama Panchayath, issued a cautionary appeal (Annexure P-11) by way of pamphlet circulation to the General public not to use the water supplied by the Panchayath from its bore wells situated in the lake beds of Narasapura Lake as the said water has become contaminated and smell odor. The general publics were also informed that the water shall not be given to the cattle for drinking.

The Government of Karnataka has brought in Yettinahole Integrated Drinking Water Project at the cost of about Rs. 13,000

Crores intending to divert west flowing tributaries of river Nethravathi from the Western Ghats area, mainly to supply drinking water to Kolar and Chikkaballapura Districts and to fill some Minor Irrigation Tanks of the region for recharging the ground water table to improve the quality of water. Yettinahole Project proposes tapping and diverting of about 24 TMC Feet of water during the monsoon season from the Western Ghats belt. The Indian Institute of Science has opined after a detailed study on the Hydrology of the Catchment area of Yettinahole Project that the available divertible water from Yettinahole Project could be less than 1 TMC Feet of water. The project proponents have quantified the availability of water erroneously and projected an inflated statistics in the DPR of the project. However the project is under implementation by Vishweshwarayya Niravari Nigam Ltd and it is learnt that about 50% of the project has been completed.

In the meantime, the Government of Karnataka, proposed to supply treated secondary effluents from the Bangalore Water Supply and Sewerage Board (BWSSB) Sewage Treatment Plants to the identified Minor Irrigation Tanks of Kolar, Chikkaballapura and Bangalore Rural Districts as a transitory measure till the major water supply schemes are materialized. For the said purpose they have identified two projects namely K & C Valley and H & N Valley project and prepared Detailed Project Reports and started implementing the project on war footing by providing budgetary allocations.

That the Bangalore Water Supply and Sewerage Board (BWSSB) supplies water to the Bangalore City for its domestic and Industrial needs. The water used for domestic and Industrial purpose is recollected through various small and large drainage canals which are called nalahs and kaluves and flown in to Sewage Treatment Plants (STPs) and treated for removal of contaminations in the sewage water. After treating/ reclaiming, the water is flowed out of

the STPs to various lakes and water bodies situated in and around Bangalore City. Normally, the excess discharge from these water bodies is released through large drainages which are called rajakaluves and drained in to larger water bodies or rivers. By this two projects, namely K & C Valley and H & N Valley projects, the Government of Karnataka is rerouting the drainage water to the Minor Irrigation Tanks situated in Kolar, Chikkaballapura and Bangalore Rural Districts.

There are thousands of Industries around Bangalore City and its periphery, which discharges effluents in to the main drainage system of the BWSSB without any primary/ secondary treatment (Direct Discharge). These discharges from the Industries contains harmful chemicals such as Dye, Chromium, Cadmium, Zink, Copper, Lead, Mercury, Phosphate, Ammonia, Nitrate, Sulphates, Chloride, Aluminum etc.

The Industrial discharge carries various types of contaminants to the water bodies. The quality of water is very important as it is highly consumed by human for domestic, agricultural and drinking purpose. The presence of contaminants from Industrial effluents within the water may reduce the yield of crops and the growth of plant and it will be harmful to the aquatic living organism.

The Ground Water is regarded as the largest reservoir of drinkable water of mankind. Poor groundwater quality brings negative impact to human health and plant growth. It is estimated that around 80% of all deceases are directly related to poor drinking water quality and unhygienic conditions. Industrial discharges are responsible for the deterioration of ground water quality, ground water contamination and spread of contaminant materials are amongst the major factor lead to human hazards.

Filling of tanks with contaminated water consisting of heavy metals and industrial chemicals would cause serious repercussions on the

human health, aquatic life and environment across Kolar, Chikkaballapura and Bangalore Rural Districts. The contaminated water stored in the Minor Irrigation Tanks for the purpose of ground water recharge would travel even 30- 40 kms through the red sandy/ loamy soil of Kolar/ Chikkaballapura Districts through seepage and percolation process and thus mixes in to the ground water sources used for drinking. Percolation and seepage of contaminated water in to the ground water sources from the recharged tanks would cause serious problems on the human health which needs to be prevented for the welfare and protection of large population.

That being aggrieved by the activities of the respondents, the Petitioner filed a Writ Petition in Public Interest in the Hon'ble High Court of Karnataka at Bangalore seeking a review of the impugned project and sought to ensure that the polluted Industrial chemical contaminated effluents and contaminated water from the STPs are not supplied to the Minor Irrigation Tanks of Kolar, Chikkaballapura and Bangalore Rural Districts.

August 2012 The Central Ground Water Board, Government of India submits report and recommended remedial measures to overcome and improve the water table and quality in Kolar region. But the respondents have not carried out the recommendations and ignore the said report. A copy of the report of August 2012 of Central Ground Water Boards is produced herewith as **Annexure P-1**

09.08.2014 The Government of Karnataka envisages K & C Valley and H & N Valley project and in furtherance of the same convenes a meeting at the home office of the Chief Minister. Decisions taken to supply 400 MLD of secondary treated water from K & C Valley and 210 MLD of secondary treated water

from H & N Valley of Bangalore City to the Minor Irrigation tanks of Kolar, Chikkaballapura and Bangalore Rural Districts exclusively for the purpose of recharging the depleting ground water table. A copy of the minutes of the meeting held on 9.8.2014 at the Home Office of the Hon'ble Chief Minister of Karnataka is produced herewith

as **Annexure P-2**

21.04.2015

The Central Pollution Control Board issues notification to the Chairman, Karnataka Pollution Control Board and reported that the sewage treatment capacity of Karnataka State is 1340.16 MLD in contrast to sewage generation of 3777 MLD. 2472.84 MLD untreated sewage discharged to water bodies that is responsible for deteriorating its water quality. Further the Central Pollution Control Board issued directions to the Karnataka Pollution Control Board for compliance of sewage treatment requirements. A copy of the notification of Central Pollution Control Board to the Chairman, Karnataka Pollution Control Board dated 21.04.2015 is produced herewith as

Annexure P-3

28.08.2015

The Energy and Wetlands Research Group, Centre for Ecological Sciences, Indian Institute of Science, Bangalore, on meticulous examination and scientific research on the water quality discharges from the STPs and concerned tanks, issued a negative report on the proposal of these projects. The said report was prepared by the Indian Institute of Sciences (IISc) on the request of the Government of Karnataka. A copy of the report of Energy & Wetlands Research Group

dated 28.08.2015 is produced herewith as

Annexure P-4

March 2017

The Comptroller and Auditor General of India (CAG) in their report of March 2017 on economic sector have clearly laid out the sub-par efficiency of sewage treatment plants of Bangalore. A copy of the report of Comptroller and Auditor General of India (CAG) dated March 2017 is produced

herewith as **Annexure P-5**

16.03.2018

One of the members of Shashwatha Neeravari Horata Samithi filed an application under the Right to Information Act before the Information Officer of Respondent No. 4 seeking clarity on the industrial units having sewage treatment plants, quality reports on the discharged effluents and the studies conducted by the KSPCB in respect of the heavy metals in the industrial discharges etc. But information Officer of the KSPCB has not issued any reply on the said query. A copy of the RTI application dated 16.03.2018 filed by members of Shashwatha Neeravari Horata Samithi is produced herewith as **Annexure P-6**

18.04.2018

Petitioner submitted a detailed representation to the Chief Secretary, Government of Karnataka explaining all the above mentioned circumstances and the anomalies of these two projects and specifically requested to stop the projects as they are unscientific and harmful to the human health of the large population. He has specifically pointed out that the project does not bring its desired results and thousands of public money is being wasted in the pretext of providing water to the people of arid region. Further the Petitioner sought for an investigation in to the illegalities of

these faulty projects by a national agency. A copy of the representation dated 18.04.2018 submitted by the Petitioner to the Chief Secretary, Government of Karnataka is produced herewith as

Annexure P-7

11.06.2018 The Petitioner has filed Writ Petition No. 25087/2018 in the Hon'ble High Court of Karnataka seeking review of the impugned project on the grounds of the fundamental rights of the citizen for safe drinking water. A copy of the Writ Petition No. 25087/ 2018 filed with the Hon'ble High Court of Karnataka is produced herewith as

Annexure P-8

12.07.2018 In response to the above Writ Petition, the Karnataka State Pollution Control Board, through its Chief Scientific Officer, filed affidavit along with water quality analysis report of the representative samples collected on various dates, from the four lakes which received secondary treated water from the project. The Water Quality Index (WQI) is found to be Unsatisfactory even to class D and E. Copy of the affidavit dated 12.07.2018 filed by Chief Scientific Officer along with 16 analysis reports are produced herewith as **Annexure P-9**

24.07.2018 The Hon'ble High Court of Karnataka passes interim order observing that Having regard to the facts and circumstances of the case, it seems necessary that the respondents submit specific report as regards the availability of drinking water in the areas in question referred in these writ petitions and the effect on the quality of such water upon pumping of the water by way of the projects in question. Having regard to the

circumstances, an opportunity is extended to the respondents to file their further affidavits adverting to the basic questions relating with the quality of drinking water in the areas in question. Until then, it appears appropriate and in the interest of justice that the respondents do not restart pumping of the water in relation to the projects in question and Ordered accordingly. A copy of the order dated 24.07.2018 passed by the Hon'ble High Court of Karnataka in Writ Petition No. 25087/ 2018 is produced herewith as

Annexure P-10

31.07.2018

The Narasapura Grama Panchayath, issued a cautionary appeal by way of pamphlet circulation to the General public not to use the water supplied by the Panchayath from its bore wells situated in the lake beds of Narasapura Lake as the said water has become contaminated and smell odor. The general public were also informed that the water shall not be given to the cattle for drinking. A translated copy of the cautionary notice dated 31.07.2018 issued by Narasapura Grama Panchayath is produced herewith as

Annexure- P-11

10.09.2018

Additional Statement of Objections filed by the Respondent No. 1 and 2 in the Hon'ble High Court stated that on 16.07.2018 foaming was observed at the Discharge point of Lakshmisagar Lake and thus hazardous contaminants and raw effluents entered the receiving lakes and on 18-07-2018 the pumping of the water from the Sewage Treatment Plant to the lakes were suspended after the media reports and severe objections by the villagers. A

copy of the Additional Statement of Objections filed by the Respondent No. 1 and 2 on 10.09.2018 confirming the froth foaming in the Lakshmisagar Lake is produced herewith as

Annexure P-12

25.09.2018

The Respondents filed Memo along with 3 Water Quality Analysis reports from the Karnataka State Pollution Control Board and Environmental Health and Safety Research and Development Centre (Private Laboratory) for the water samples from Jack Well cum pump house of K & C Valley project. The analysis was conducted for 7 contents and the report shows higher faecal colliform which suggests that the treated water is hazardous for human and animal health. Copy of the Memo dated 25.09.2018 along with 3 analysis reports from the Karnataka State Pollution Control Board and Environmental Health and Safety Research and Development Centre (Private Laboratory)

produced herewith as **Annexure P-13**

25.09.2018

The Respondents have filed Analysis report of Water Quality collected from CCT Tank Outlet of K & C Valley certified by Environmental Health and Safety Research and Development Centre (Private Laboratory) for 33 chemical contents, which shows the existence of Heavy Metals in the water though below detectable level. A Copy of the Analysis report of Water Quality collected from CCT Tank Outlet of K & C Valley certified by Environmental Health and Safety Research and Development Centre (Private Laboratory) dated 25.09.2018 is produced herewith as **Annexure P-**

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27.09.2018

The Energy and Wetlands Group, Centre for

Ecological Sciences, Indian Institute of Science, Bangalore, published ENVIS Technical Report 148 on the water quality of Bellandur STP and lakes of Kolar (Lakshmisagara Lake and Naraapura Lake) highlighting that the water samples contained higher heavy metals, higher nutrients, higher BOD and COD. The Petitioner has submitted the copy of Report in the Hon'ble High Court. A copy of the report dated 27.09.2018 published by the Energy and Wetlands Group, Centre for Ecological Sciences, Indian Institute of Science, Bangalore is produced herewith as **Annexure P-15**

__.12.2018

Hence the present SLP

IN THE SUPREME COURT OF INDIA

(SCR XXI RULE 3(1) (a))

(Under Article 136 of the Constitution of India)

SPECIAL LEAVE PETITION (C) No. /2018

(Arising out of the Interim Order dated 28/09/2018 passed by the Hon'ble High Court of Karnataka at Bangalore in Writ Petition No. 25087/2018 (GM-POL))

BETWEEN

POSITION OF PARTIES

High Court

Supreme Court

R. ANJANEYA REDDY,
AGED ABOUT 48 YEARS,
S/O A.RAMAIAH,
R/AT NAYANAHALLI,
PATRENAHALLI POST,
CHIKKABALLAPURA TALUK
AND DISTRICT-562101,
KARNATAKA STATE.

Petitioner

Petitioner

VERSUS

1. STATE OF KARNATAKA
REPRESENTED BY THE
CHIEF SECRETARY,
VIDHANASOUDHA,
BANGALORE.

Respondent No.1

Respondent No.1

2. DEPARTMENT OF
MINOR IRRIGATION,
GOVERNMENT OF
KARNATAKA
REPRESENTED BY
IT'S SECRETARY,
VIDHANASOUDHA,
BANGALORE.

Respondent No.2

Respondent No.2

3. CENTRAL GROUND WATER
BOARD, REPRESENTED BY
IT'S DIRECTOR, CGWB
27TH MAIN,
SECTOR 1, 7TH CROSS
ROAD, HSR LAYOUT,
BANGALORE.

Respondent No.3

Respondent No.3

4. THE KARNATAKA STATE
POLLUTION CONTROL BOARD,
REPRESENTED BY ITS
MEMBER SECRETARY,
PARISARA BHAVAN,
NO.49, 4TH AND 5TH FLOOR,

Respondent No.4

Respondent No.4

CHURCH STREET,
BANGALORE.

5. ENERGY AND WETLANDS Respondent No.5 Respondent No.5
RESEARCH GROUP,
CENTRE FOR ECOLOGICAL
SCIENCES, INDIAN INSTITUTE OF
SCIENCE, C.V. RAMAN NAGAR,
BANGALORE.

6. THE BANGALORE WATER Respondent No.6 Respondent No.6
SUPPLY AND SEWERAGE
BOARD, REPRESENTED BY
IT'S MANAGING DIRECTOR,
1ST FLOOR, CAUVERY BHAVAN,
KEMPEGOWDA ROAD,
BANGALORE 560009.

(RESPONDENT NO. 1 TO 6 ARE CONTESTING RESPONDENTS)

To,

**THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA**

THE HUMBLE PETITION ON BEHALF
OF THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The present Special Leave Petition has been filed under

Article 136 of the Constitution of India against the

Interim order dated 28.09.2018 passed by the Division

Bench of Hon'ble High Court of Karnataka at Bengaluru

in Writ Petition (Civil) No. 25087 of 2018 whereby the

High Court has modified the Interim Order dated

24/07/2018 and permitted the respondents to pump

the secondary treated water from the sewage treatment plants of Bangalore City to the Minor Irrigation Tanks situated in Kolar District of Karnataka State for the purpose of recharging the ground water table through the project named as K&C valley project. Earlier the Hon'ble High Court had by order dated 24/07/2018 restrained the respondents from restarting the pumping of the secondary treated water in relation to the projects in question. The Petitioner has submitted a report dated 27/09/2018 by the Energy and Wetlands research Group, Centre for Ecological Sciences, Indian Institute of Science, Bangalore. The said report explicitly pointed out that the water quality from the pumping point outlet of Bellandur Sewage Treatment Plant and the Lakes of Kolar (Lakshmisagara and Narasapura Lake), which received the secondary treated water have been contaminated with higher heavy metals, high nutrients, higher Biochemical Oxygen Demand and Chemical Oxygen Demand. The Hon'ble High Court did not take cognizance of the said report and without considering

the impact of the project on the drinking water sources of the region, modified the earlier order by accepting the water quality analysis report submitted unilaterally by the respondents and passed the impugned order.

2. QUESTIONS OF LAW:

A. Whether the High Court was right in passing the impugned order dated 28/09/2018 giving an effect of modification to the interim order by ignoring its own previous order dated 24/07/2018 by which it restrained pumping of secondary treated water to the lakes of Kolar Districts from K & C Valley Project.

B. Whether the High Court was right in passing the impugned order dated 28/09/2018 by ignoring the precautionary principles of law and the right of the large population to safe, clean and healthy drinking water guaranteed under Article 21 of the Constitution of India?

C. Whether the High Court was right in accepting the water quality analysis reports submitted by the respondents unilaterally without examining the truthfulness of the contents of the said reports?

D. Whether the High Court was right in not considering the scientific report prepared by the Indian Institute of Science which explicitly shows that the treated water from the STPs and the water samples collected from the lakes of Kolar contains higher heavy metals, high nutrients and higher Bio Chemical Oxygen Demand (BOD) and Chemical Oxygen Demand (COD) which is harmful to human, animals, plant and aquatic life?

3. DECLARATION IN TERMS OF RULE 3 (2):

The petitioner states that no other petition seeking Special Leave to Appeal has been filed by him against the impugned order dated 28.09.2018 passed by the Hon'ble High Court of Karnataka at Bangalore in Writ Petition (Civil) No. 25087 of 2018.

4. DECLARATION IN TERMS OF RULE 5:

The petitioner states that the Annexures produced along with the Special Leave Petition are true copies of the pleadings/documents which form part of the records of the case in the courts below against whose orders the

Special Leave Petition to Appeal is sought for this petition.

5. GROUNDS:

That the present special leave to Appeal is being filed on the following, amongst other, grounds without prejudice to each other:

- i. Because the Hon'ble High Court failed to appreciate that the right to safe drinking water is a fundamental right guaranteed under Article 21 of the Constitution of India. By supplying water containing hard metals and pollutants harmful to the living being, a large population of Kolar, Chickkaballapura and Bangalore Rural District are curtailed of the above fundamental right guaranteed under the Constitution of India.
- ii. Because the Hon'ble High Court failed to appreciate that the State is duty bound not only to provide adequate drinking water but also to protect water sources from pollution and encroachment. Any act of the State that allows pollution of water body must be treated as arbitrary and contrary to public interest and in violation of the right to clean water under Article 21.

- iii. Because the Hon'ble High Court failed to appreciate that by supplying reclaimed water from the STPs of Bangalore which contains large amount of Industrial effluents with heavy metals and harmful chemicals, to the Minor Irrigation Tanks of Kolar, Chikkaballapura and Bangalore Rural Districts, the lives of the human being, live stock, aquatic life and agriculture/ farming of these areas in to jeopardy which is against the right to life guaranteed under the Constitution of India.
- iv. Because the Hon'ble High Court failed to appreciate that the drinking water quality from ground water sources available in Kolar, Chikkaballapura and Bangalore Rural Districts are of poor quality. Harmful chemicals such as Fluoride, Nitrate and other unconsumable contents have been found in the ground water sources in all areas of these districts. Supplying of secondary treated effluents and water from the STPs of BWSSB would enhance the chemical contamination in the ground water sources of Kolar, Chikkaballapura and Bangalore Rural Districts which is already overburdened with harmful chemicals.

- v.* Because the Hon'ble High Court failed to appreciate that the project has not been subjected to any Environment Impact Assessment and Social Impact Assessment before its implementation.
- vi.* Because the Hon'ble High Court erred in not considering the report dated 28-08-2015 of the Energy and Wetlands Research Group, Centre for Ecological Sciences, Indian Institute of Science, Bangalore has stated negative remarks on the project. The State is duty bound to consider the said report and ought to have conducted further studies on the repercussions of the project in the light of the recommendations of the report.
- vii.* Because the Hon'ble High Court erred in not considering that the Government of Karnataka has not conducted any scientific studies on the project before its implementation. Haphazard implementation of the project would result in negative impact on the health of the large population which is against the principles of precautionary principles.

viii. Because the Hon'ble High Court erred in not considering that the Government of Karnataka ought to have conducted a scientific study on the project before its actual implementation. Implementation of the project by supplying polluted/ contaminated water without adequate safety measures to the water scarce area is a bad policy of the Government.

6. GROUNDS FOR INTERIM RELIEF

That the K & C Valley and H & N Valley projects are under implementation by the Government of Karnataka and the Minor Irrigation Department. Partially treated water and trade effluents are being pumped from the STPs and 4 of the Minor Irrigation tanks on the alignment have been filled causing pollution of water body and drinking water sources. The project is bad for the reason that the right to clean and safe drinking water of large population of the areas in question is put to jeopardy. Supplying of contaminated water containing heavy metals and un-neutralized chemicals to the Minor Irrigation Tanks of Kolar, Chikkaballapura and

Bangalore Rural Districts would cause serious repercussions on the health of the large population.

7. MAIN PRAYERS

In view of the facts and circumstances as mentioned above, it is most humbly prayed that this Hon'ble Court may graciously be pleased to:

- i. Grant Special Leave to Appeal against the

interim order dated 28-09-2018 passed by the

Hon'ble High Court of Karnataka at Bangalore
in Writ Petition No. 25087 of 2018,
ii. Pass such other or any further order (s) as may
be deemed fit and appropriate by this Hon'ble
Court in the facts and circumstances of the
present case.

8. INTERIM PRAYERS

- i. Stay the impugned order dated 28-09-2018 passed
by the Hon'ble High Court of Karnataka at
Bangalore in Writ Petition No. 25087 of 2018,
- ii. Direct the respondents to stop pumping of
secondary treated water from the K & C Valley STP
to the Minor Irrigation Tanks of Kolar District.
- iii. pass such other and further orders as this Hon'ble
Court may deem fit and proper in the interests of
justice.

FILED BY:

PRASHANT BHUSHAN

ADVOCATE FOR THE PETITIONER

Drawn by: OMANAKUTTAN. K. K.

Drawn on: 05.12.2018

Filed on :