

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 728 OF 2023

IN THE MATTER OF:

In re: News item appearing in Hindustan Times dated 30.11.2023 titled "Arsenic found in groundwater in 25 States, fluoride in 27 States: Govt."

REPLY BY WAY OF AFFIDAVIT ON BEHALF OF
STATE OF CHHATTISGARH IN COMPLIANCE OF ORDER DATED
07.08.2024

ADVOCATE FOR STATE OF CHHATTISGARH

VINAYAK SHARMA
(STANDING COUNSEL)
(STATE OF CHHATTISGARH)



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07.08.2024

MOST RESPECTFULLY SHOWETH:

1. That the present reply is filed on behalf of State of Chhattisgarh before this Hon'ble Tribunal in compliance of the Order dated 07.078.2024 in the instant matter.
2. That this Hon'ble Tribunal was pleased to take suo moto cognizance of a newspaper report published in Business Standard under the heading "*Arsenic found in groundwater in 25 States, fluoride in 27 States: Govt.*".
3. That this Hon'ble Tribunal vide Order dated 20.12.2023 observed that the newspaper item states that studies indicate occurrence of arsenic and fluoride in ground water beyond permissible limits set by the Bureau of Indian Standards



for human consumption in isolated pockets of various States and Union Territories.

4. That this Hon'ble Tribunal vide Order dated 20.12.2023 was pleased to implead State of Chhattisgarh. The Hon'ble Tribunal also observed that the issue raised in the present matter with regard to presence of arsenic and fluoride in ground water in such large number of States and Districts is very serious and requires urgent preventive and protective steps by all concerned authorities.
5. Vide Order dated 26.04.2024, this Hon'ble Tribunal was pleased to observe as follows:

“Report dated 20.04.2024 has been filed by Central Ground Water Authority (CGWA) disclosing that CGWA vide letters dated 15.03.2024 and 18.03.2024 had directed concerned Principal Secretaries/ Secretaries of States/Union Territories to ensure supply of arsenic/fluoride free drinking water and had called for the action taken report but the action taken report from only 12 States/Union Territories have been received and from others it is awaited. We find from the earlier report of CGWA dated 06.12.2023 and present report (dated 20.04.2024) that there are methods known for removal of arsenic and fluoride but they have not been put to use on a larger scale or in the form of package modules for adoption at household level. CGWA should file very categorical report to this effect.

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10. Hence, we direct as under:- i. Remaining States to file the response within 8 weeks. ii. CGWA to file the report in terms of observations made above and specifically covering status of commissioning and operation of Arsenic and Fluoride remediation system at household level in areas having excessive Arsenic and Fluoride beyond permissible level and also tabulated status on Fluoride.”

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6. It is most humbly submitted that the State of Chhattisgarh is a newly created developing state and has plenty of groundwater resources. The wide variety and complexity in nature and composition of geological formations, geological structures and variety in geomorphological features and hydrogeological conditions have given rise to the widely varying occurrence of groundwater in different parts of the State. That as per the administrative set-up as of March 2023, there are three (3) Revenue Divisions in the State *viz.*, 33 Districts comprising 146 Development Blocks with 20306 numbers of villages and 168 towns. That the State of Chhattisgarh has fairly developed irrigation facilities. The net irrigated area is just 33% of the net sown area. Among the districts, Raipur has the highest net irrigated area (77%) out of the net-sown area.
7. The Respondent's responsibilities concerning water quality monitoring and testing are clearly defined by the operational protocols, emphasizing the critical nature of ensuring safety and accuracy in testing. The RO system installed has a capacity of 1000 liters per hour, necessitating routine sampling at frequencies adjusted based on operational data, risk levels, and anomalies observed in regular monitoring. The manpower allocated for this task includes field technicians responsible for sample collection and in-field testing, laboratory technicians tasked with chemical analyses using calibrated equipment, and administrative officers overseeing testing programs and coordinating



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interventions when contaminant levels, such as fluoride and arsenic, exceed safe limits. The sampling process mandates the use of acid-washed containers to prevent contamination, with samples collected only after operating hand pumps for 2-5 minutes to ensure representative groundwater samples. The Respondent's obligations are underscored by the requirement to uphold these standards.

8. It is submitted that water sources are tested regularly for arsenic to monitor safety levels and ensure that the water remains within the acceptable limits for livestock as well. It is submitted that it is common practice in Chhattisgarh from ancient time to construct water tank separately for cattle use, in rural areas. The Government of Chhattisgarh has established water testing lab in every district and every sub-division where common people and farmers can test their water sources by sending water sample to the lab.
9. It is submitted that a Suo Motu Public Interest Litigation was registered by the Hon'ble High Court Chhattisgarh at Bilaspur bearing WP PIL No. 58/2024 where the issue of providing safe drinking water was flagged by the Hon'ble Court. In the said PIL, the present Respondent had taken necessary steps and filed an affidavit demonstrating the steps taken. The relevant portion of the said affidavit is extracted hereinafter:



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“Status of Providing Safe Drinking Water to The Rural Population of Chhattisgarh State
Gariyaband district have 5 Blocks, 336 Panchayats and 710 Villages. Total rural
population as per census 2011 are 557199. Sufficient safe drinking water to the people in
rural area of the district is provided through 10060 hand pumps, 180 piped water supply
schemes, 85 spot source schemes, 400 solar power pump based water supply schemes,
742 single phase power pumps, 3 Arsenic removal plants and 68 No. of piped water
supply schemes have been certified as HarGhar Jal (HGJ) and safe drinking water
provided to villagers through FHTC.

In Gariyaband district 43 fluoride removal plants (FRPs) out of which, 40 FRPs are
installed under Jal Jeevan Mission as short-term mitigation measures and in due course
it has to be covered under traditional method of water supply system i.e. through running
water/ tap connection.

xxx

It is submitted that, presently 42 FRPs (Fluoride Removal Plants) are in working
condition, out of 43 FRPs, as reflected from the above table. As per census 2011, the
rural population of Chhattisgarh state is 19607961. The Public Health Engineering
Department is looking after supply of safe drinking water in rural area of the state
through various means as stated below :-

1. Hand Pump Scheme Safe drinking water is provided through 270697 Hand Pumps
installed in rural habitations of villages. Regular operation and maintenance carried out
by the department, with the help of 439 hands pump technicians. Disinfection of all HP
sources is being carried out through chlorination, every year before and after rainy
season by the department to provide safe drinking water.



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2. *Spot Source Scheme (Scheme with Small Length Pipeline without over-head tank & with direct pumping)* Safe drinking water is provided through 1486 Nos of spot source schemes. Drinking water is being provided through these schemes where sufficient source is not available in the village. These schemes are handed over to Gram Panchayat for operation and maintenance. Every year Rs. 5000/- per spot source scheme grant in aid is given to the Panchayats by the department. Panchayats can levy the water tax on consumers according to their O&M cost. Panchayat can also use the finance commission grant given them as tied fund for improving village water supply.

3. *Piped Water Supply Scheme (Scheme with over- head Tank through Pipeline)* Piped water supply schemes of 4406 Nos were operational in the State before launching of Jal Jeevan Mission in 2019. They are handed over to Gram Panchayat for operation and maintenance. Every year Rs. 15,000/- per piped water supply scheme grant in aid is given to the Panchayats by the department. Panchayats can levy the water tax on consumers according to their O&M cost. Panchayat can also use the finance commission grant given them as tied fund for improving village water supply. For supplying quality water chlorination is used for disinfection.

4. *Multi-village water supply scheme (Bulk Water- Supply Scheme providing water with surface source like river, dam, anicut etc. after thorough sedimentation, filtration & chlorination)* At present 14 nos. Multi-village water supply schemes are completed and operational. Department is taking care of O&M of head works of these schemes. These schemes serving 351 No. of villages having water quality issues like Salinity, Fluoride and Arsenic in ground water along with insufficient yield in ground water sources.

5. *Solar Based Water Supply Scheme (Solar Powered Pump)* Solar power pump based

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scheme installed in farthest hilly, forest and difficult terrain where the electricity supply problem persist. Before Jal Jeevan Mission 7426 solar power pump based water supply schemes implemented and operational in rural areas. O&M of the solar schemes are carried out by CREDA for which funds given by department through state budget.

6. Single phase power pump Villages where the fluctuation in ground water level is such that the hand pumps becomes defunct in summer season, then HPs are replaced by Single Phase Power Pumps. At present there are 24581 single phase power pumps installed and operational in such villages.

7. Provision of Running Water in School and Aanganwadies (Tap Connection) In School & Aanganwadies safe drinking water provided through running water systems. At present, 43925 running water systems in schools & 41668 running water systems in Aanganwadies have been installed & operational.

8. Installation of Fluoride removal plant, Reverse osmosis plant and Arsenic removal plant Fluoride removal plant, Reverse osmosis plant and Arsenic removal plant have been installed for providing safe drinking water in the villages where contaminants have been found more than prescribed limits. At present 596 Fluoride removal plants installed where the fluoride contamination in ground water source is more than 1.5 mg/litre, 153 Reverse osmosis plants installed where the total dissolve solid is more than 500mg/litre and 04 Arsenic removal plant installed where the Arsenic contamination in ground water source is more than 0.05mg/l.

xxx

9. Jal Jeevan Mission (Providing every home with tap connection in Rural areas) Implementation of Jal Jeevan Mission started in the year 2019. The vision of the mission



is that every rural household has drinking water supply in adequate quantity on regular and long term basis at affordable service delivery charges leading to improvement in living standards of rural communities. In the State there are 50.05 lakhs rural households to be covered under JJM to provide drinking water through Functional household tap connection through Single village schemes, Retrofitting schemes, Multi-village schemes and Solar based schemes. At present schemes completed under Jal Jeevan Mission as under:-

- 1. 9358 Nos Solar power pumps based water supply schemes and water supplied through Functional household tap connection.*
- 2. Installation of 124 Nos Electro de-fluoridation plants in fluoride affected area as short term mitigation measures.*
- 3. 948 Nos of HarGhar Jal (HGJ) certified village and water supplied through Functional household tap connection.*
- 10. Water quality monitoring and surveillance Safe drinking water supply to the people is a mandate of the department. To full-fill that water quality testing is done once in a year for chemical parameters of each source & twice for bacteriological contamination by field test kit. If traces of contamination found in any sample the confirmatory test carried out in State/District/Sub-divisional water testing laboratory. The functional status of water quality testing laboratories are as under:-*
 - 1. State level laboratory- 1 (NABL Accredited)*
 - 2. District level laboratory-28 (NABL Accredited)*
 - 3. Sub divisional laboratory- 24 (17 NABL Recognized)*
 - 4. Mobile laboratory- 18 Nos.*



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11. Grievance Redressal System To monitor the functioning of water supply systems, a dedicated Toll Free No. 1800 233 0008 has been created for public use. The grievances received through public has been normally addressed within 72 hours and informed the status of grievance to the complainants through SMS.”

10. Thereafter, the Hon'ble High Court was pleased to observed that “it is evident that effective measures have been taken by the concerned authorities for providing safe drinking water to the rural population of the State of Chhattisgarh and in this regard, various schemes have also been floated.” A true copy of the Order dated 11.09.2024, passed by the Hon'ble High Court is annexed hereto and marked as ANNEXURE R/1.

11. PRESENT STATUS:

- i. Respondent State of Chhattisgarh has already taken remedial action for fluoride and arsenic in ground water. As per IMIS report, Format C-17 of Department of Drinking Water & Sanitation Ministry of Jal Shakti only 159 habitation were affected by fluoride and none by arsenic in ground water as on 01/04/2022. Format C-17, as on 01/04/2023 reflect that no sources affected by fluoride and arsenic as action has been taken by Respondent State of Chhattisgarh.



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ii. FLUORIDE AFFECTED AREA:

- Out of 33 districts of Chhattisgarh only 718 villages of 22 District has been affected by fluoride in ground water.
- In these 718 villages, total government water sources are 7559 out of which 5906 sources are safe, only in 1653 sources fluoride found in excess.
- Out of 1653 sources, 1018 sources caped and fluoride removal plant installed in 635 sources.
- Villagers are getting safe water through 294 solar pumps installed, 61 spot water supply scheme, 174 piped water supply scheme.

iii. ARSENIC AFFECTED AREA:

- Similarly, Out of 33 districts of Respondent State of Chhattisgarh only 17 villages of 2 Districts were affected by arsenic in ground water.
- In these 17 villages, total government water sources are 279 out of which 214 sources are safe, only in 65 sources arsenic is found in excess.
- Out of 65 sources, 61 sources were caped, and arsenic removal plants were installed in 4 sources.
- Villagers are getting safe water through 7 solar pump installed by the Respondent State of Chhattisgarh



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12. That it is most respectfully submitted that the State of Chhattisgarh recognizes the importance and gravity of the situation of arsenic and fluoride in the ground water and acknowledges the need for urgent action to mitigate the issue in the State. It is further most humbly submitted that the State of Chhattisgarh is fully committed to cooperating and adhering to directions passed by this Hon'ble Tribunal to address the present issue comprehensively.

13. In view of the facts enumerated above, it is, therefore, most respectfully prayed that the instant Reply filed by State of Chhattisgarh may kindly be accepted and taken on record in compliance with this Hon'ble Tribunal's Order.

Samit Shek
Executive Engineer
Public Health Engg. Dn.
Rajnandgaon (C.G.)

RESPONDENT
(STATE OF CHHATTISGRH)
(OFFICER-IN-CHARGE)

THROUGH,

VINAYAK SHARMA
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Supreme Court of India
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FILED ON: 18.11.2024
PLACE: NEW DELHI

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 728 OF 2023



IN THE MATTER OF:

In re: News item appearing in Hindustan Times dated 30.11.2023 titled "Arsenic found in groundwater in 25 States, fluoride in 27 States: Govt."

AFFIDAVIT

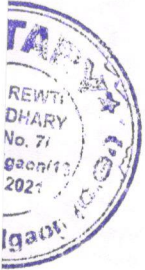
I, Samir Sharma aged about 59 years, working as Executive Engineer, Public Health Engineering Department, Division Rajnandgaon, Chhattisgarh-491441, do hereby solemnly affirm and state on oath as under:

1. That I am the Executive Engineer/OIC of the Respondent State of Chhattisgarh herein. I am well conversant with the facts and circumstances of the present case and am capable of deposing the same.
2. That the contents of the accompanying reply/response have been drafted under my instructions by my advocate and I have read and understood the contents of the same and I state that the contents therein are true and correct to my personal knowledge and belief and as per the records.



Samir Sharma
Executive Engineer
Public Health Engg. Dn.
Rajnandgaon (C.G.)

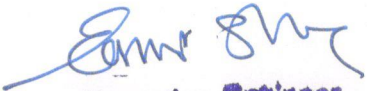
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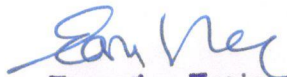
13

3. That the Annexures are true/typed/translated copies of their respective originals and the contents of this affidavit have been explained to me in the vernacular.


Executive Engineer
Public Health Engg. Dn.
Rajnandgaon (C.G.)
DEPONENT


VERIFICATION:

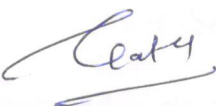
Verified at Raipur, Chhattisgarh on this 18th day of November, 2024, that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.


Executive Engineer
Public Health Engg. Dn.
DEPONENT (C.G.)

श्री/श्रीमती श्रीमती शर्म
 पति का नाम एच. आर. राज शर्मा
 जिसे मैं व्यक्तिगत रूप से जानता हूँ जो सर्व श्री
एन. के. प्रिय द्वारा
 सच/सिद्ध/सत्यता पर राय में लगाये जा रहे हैं
 को मेरे सामने प्रपथ ली
 18.NOV.2024




 श्रीमती शर्म
 (नोटरी)
 राजनांदगांव (छ.ग)

पहचानकर्ता




18



ANNEXURE R/1

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 58 of 2024

In The Matter Of Suo Moto Public Intrest Litigation

versus

The State Of Chhattisgarh

Order on Board

11/09/2024	<p>This is an Office reference.</p> <p>Heard Mr. Prafull N. Bharat, learned Advocate General alongwith Mr. Shashank Thakur, learned Deputy Advocate General for the State.</p> <p>Learned Advocate General would submit that in compliance of the order dated 23.08.2024, an affidavit has been filed by the Secretary, Public Health Engineering Department, Raipur, before this Court on 02.09.2024 to indicate that the State Government has taken necessary steps for providing safe drinking water to the rural population of the State.</p> <p>It would be beneficial to quote the relevant paragraphs of the aforesaid affidavit which reads as under:</p> <p>“5. It is respectfully submitted that, the status of providing safe drinking water to the rural population of the Chhattisgarh State is mentioned hereinbelow:-</p>

"Status of Providing Safe Drinking Water to The Rural Population of Chhattisgarh State"

Gariyaband district have 5 Blocks, 336 Panchayats and 710 Villages. Total rural population as per census 2011 are 557199. Sufficient safe drinking water to the people in rural area of the district is provided through 10060 hand pumps, 180 piped water supply schemes, 85 spot source schemes, 400 solar power pump based water supply schemes, 742 single phase power pumps, 3 Arsenic removal plants and 68 No. of piped water supply schemes have been certified as HarGhar Jal (HGJ) and safe drinking water provided to villagers through FHTC.

In Gariyaband district 43 fluoride removal plants (FRPs) out of which, 40 FRPs are installed under Jal Jeevan Mission as short-term mitigation measures and in due course it has to be covered under traditional method of water supply system i.e. through running water/ tap connection. The installation and functional status of above said 43 FRPs are as under:-

No	Location	No. of FRP	Working	Not Working	Under Scheme
1	Schools	36	36	-	Jal Jeevan Mission
2	Habitations	4	4	-	Jal Jeevan Mission
3	Supebea Village	3	2	1	State Scheme

It is submitted that, presently 42 FRPs (Fluoride Removal Plants) are in working condition, out of 43

	<p>FRPs, as reflected from the above table.</p> <p>As per census 2011, the rural population of Chhattisgarh state is 19607961. The Public Health Engineering Department is looking after supply of safe drinking water in rural area of the state through various means as stated below :-</p> <p>1. Hand Pump Scheme</p> <p>Safe drinking water is provided through 270697 Hand Pumps installed in rural habitations of villages. Regular operation and maintenance carried out by the department, with the help of 439 hands pump technicians. Disinfection of all HP sources is being carried out through chlorination, every year before and after rainy season by the department to provide safe drinking water.</p> <p>2. Spot Source Scheme (Scheme with Small Length Pipeline without over-head tank & with direct pumping)</p> <p>Safe drinking water is provided through 1486 Nos of spot source schemes. Drinking water is being provided through these schemes where sufficient source is not available in the village. These schemes are handed over to Gram Panchayat for operation and maintenance. Every year Rs. 5000/- per spot source scheme grant in aid is given to the Panchayats by the department. Panchayats can levy the water tax on consumers according to their O&M cost. Panchayat can also use the finance commission grant given them as tied fund for improving village water supply.</p> <p>3. Piped Water Supply Scheme (Scheme with over-head Tank through Pipeline)</p>
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Piped water supply schemes of 4406 Nos were operational in the State before launching of Jal Jeevan Mission in 2019. They are handed over to Gram Panchayat for operation and maintenance. Every year Rs. 15,000/- per piped water supply scheme grant in aid is given to the Panchayats by the department. Panchayats can levy the water tax on consumers according to their O&M cost. Panchayat can also use the finance commission grant given them as tied fund for improving village water supply. For supplying quality water chlorination is used for disinfection.

4. Multi-village water supply scheme (Bulk Water-Supply Scheme providing water with surface source like river, dam, anicut etc. after thorough sedimentation, filtration & chlorination)

At present 14 nos. Multi-village water supply schemes are completed and operational. Department is taking care of O&M of head works of these schemes. These schemes serving 351 No. of villages having water quality issues like Salinity, Fluoride and Arsenic in ground water along with insufficient yield in ground water sources.

5. Solar Based Water Supply Scheme (Solar Powered Pump)

Solar power pump based scheme installed in farthest hilly, forest and difficult terrain where the electricity supply problem persist. Before Jal Jeevan Mission 7426 solar power pump based water supply schemes implemented and operational in rural areas. O&M of the solar schemes are carried out by CREDA for which funds given by department through state

budget.

6. Single phase power pump

Villages where the fluctuation in ground water level is such that the hand pumps becomes defunct in summer season, then HPs are replaced by Single Phase Power Pumps. At present there are 24581 single phase power pumps installed and operational in such villages.

7. Provision of Running Water in School and Aanganwadies (Tap Connection)

In School & Aanganwadies safe drinking water provided through running water systems. At present, 43925 running water systems in schools & 41668 running water systems in Aanganwadies have been installed & operational.

8. Installation of Fluoride removal plant, Reverse osmosis plant and Arsenic removal plant

Fluoride removal plant, Reverse osmosis plant and Arsenic removal plant have been installed for providing safe drinking water in the villages where contaminants have been found more than prescribed limits. At present 596 Fluoride removal plants installed where the fluoride contamination in ground water source is more than 1.5 mg/litre, 153 Reverse osmosis plants installed where the total dissolve solid is more than 500mg/litre and 04 Arsenic removal plant installed where the Arsenic contamination in ground water source is more than 0.05mg/l.

Detailed status of availability of safe drinking water in Fluoride affected area is annexed as Annexure R-11.

Detailed status of availability of safe drinking water in Arsenic affected area is annexed as ANNEXURE-R-12

9. Jal Jeevan Mission (Providing every home with tap connection in Rural areas)

Implementation of Jal Jeevan Mission started in the year 2019. The vision of the mission is that every rural household has drinking water supply in adequate quantity on regular and long term basis at affordable service delivery charges leading to improvement in living standards of rural communities. In the State there are 50.05 lakhs rural households to be covered under JJM to provide drinking water through Functional household tap connection through Single village schemes, Retro-fitting schemes, Multi-village schemes and Solar based schemes. At present schemes completed under Jal Jeevan Mission as under:-

1. 9358 Nos Solar power pumps based water supply schemes and water supplied through Functional household tap connection.
2. Installation of 124 Nos Electro de-fluoridation plants in fluoride affected area as short term mitigation measures.
3. 948 Nos of HarGhar Jal (HGJ) certified village and water supplied through Functional household tap connection.

10. Water quality monitoring and surveillance

Safe drinking water supply to the people is a mandate of the department. To full-fill that water quality testing is done once in a year for chemical parameters of each source & twice for bacteriological

amita	<p>contamination by field test kit. If traces of contamination found in any sample the confirmatory test carried out in State/District/Sub-divisional water testing laboratory. The functional status of water quality testing laboratories are as under:-</p> <ol style="list-style-type: none"> 1. State level laboratory- 1 (NABL Accredited) 2. District level laboratory-28 (NABL Accredited) 3. Sub divisional laboratory- 24 (17 NABL Recognized) 4. Mobile laboratory- 18 Nos. <p>11. Grievance Redressal System</p> <p>To monitor the functioning of water supply systems, a dedicated Toll Free No. 1800 233 0008 has been created for public use. The grievances received through public has been normally addressed within 72 hours and informed the status of grievance to the complainants through SMS. "</p> <p>From perusal of the above, it is evident that effective measures have been taken by the concerned authorities for providing safe drinking water to the rural population of the State of Chhattisgarh and in this regard, various schemes have also been floated.</p> <p>In view of the above, let the matter be listed for further consideration on 16th of October, 2024.</p> <p style="text-align: center;">Sd/- (Bibhu Datta Guru) Judge</p> <p style="text-align: center;">Sd/- (Ramesh Sinha) Chief Justice</p>
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TRUE COPY

Vinayak Sharma

VINAYAK SHARMA
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 Standing Counsel, Govt. of Chhattisgarh
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