

BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION, THIRUVANANTHAPURAM

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 22nd April, 2009.

H.R.M.P.No.317/2009

Petitioner : Sathi.V.V, Valiya valappil,
Nut street,
Vadakara,
Respondent :

ORDER

The grievance of the petitioner is that her well water is polluted due to the waste water flowing from the nearby hospital. According to her, Vadakara Municipality collected water for sampling on 19-11-2008 and sent it to the Regional Laboratory, Kozhikode, and the Laboratory sent the report stating that the water is not fit for consumption. It is further stated that the Quality Control Laboratory, Kerala Water Authority, had also given a similar opinion after testing the water.

According to the petitioner, the hospital authorities are collecting waste water in a well without treating it and as a result of this there is foul smell and water pollution in her well.

In the report submitted by the Secretary, Vadakara Municipality, it is stated that an inspection was conducted by the employees of the Health Department and water was collected for sampling. According to the report, the Kerala Water Authority certified that "High iron content and COD detected. Suspecting intrusion of organic waste. Not fit for drinking". It is also stated in the report that Pollution Control Board tested the water in the Asha Hospital and certified that "within tolerable limits". The Secretary further stated that since the Municipality Engineering Department and Health Department have no facility to verify the actual nature of pollution of the well water the Municipality has requested the Pollution Control Board to submit a detailed report and that after getting the

report from the Pollution Control Board necessary steps will be taken to prevent water pollution in the petitioner's well.

The petitioner appeared along with her brother Sudheerkumar and states that till date no action had been taken by Vadakara Municipality to prevent pollution of her well water.

The averments in the complaint and the report submitted by the Vadakara Municipality show that water in the well situated in the property of the petitioner is polluted. The report also shows that the hospital authorities are collecting waste water in a well. In fact the Kerala Water Authority gave a report showing that the water in the well in the petitioner's property is not fit for drinking. In the above background it is for the Municipality to find out the source of pollution more so when the petitioner has a specific case that the water in the well is polluted on account of the hospital authorities collecting waste water. In the report the Secretary has not ruled out or denied the said allegation and in fact the report is totally silent on this allegation made by the petitioner.

In the above circumstances, it is for the Secretary, Vadakara Municipality to conduct a detailed enquiry by not only examining the petitioner and any other witness produced by her and others who are necessary and during such enquiry the hospital authorities will also be given an opportunity to put forth their side of the version and thereafter pass appropriate orders to see that the water in the well of the petitioner is not polluted for any reason.

With the above direction the petition is closed. Send a copy of this order to the petitioner and the Secretary, Vadakara Municipality.

Justice N. Dhinakar,
Chairperson