

NASCENT MOOT PROBLEM

1. Billi is one of the geographically defined National Capital Territory (NCT) in the map of Hindia spread over the banks of river Yamuna. Water supply is taken care by Billi Jal Board (DJB) an exclusive department under the Government of NCT of Billi. They have facilities of earthen water extraction and water purification facilities at various location across the territory. During the last couple of years there has been substantial seasonal rain shortfall and increasing demand of water due to population influx and ascending unauthorized colonies later notified for authorization in 2015 post elections.
2. Billi faces a demand-supply gap of 265 MGD (million gallons a day) of drinking water, and is perennially at war with Haryana over Yamuna water shares. About 20 per cent of Billi is not connected with drinking water supply lines. Half of Billi is out of a piped sewerage network. This coupled with a creaking clean-up infrastructure means nearly half of the 850 MGD sewage which Billi generates flows into the Yamuna untreated. Ensuring a 100 per cent sewerage network may take ₹ 25,000 crore and 15 year.
3. Submersible pumps, hand pumps and Jet pumps are common source of household water needs in Billi. Yamuna has been droughty by unregulated religious ceremonies, unrestricted waste dump, illegal encroachment, unauthorized colonization etc. ground water levels have gone down considerably in last many year. There arises acute water crisis in the territory. State began to buy it from neighboring states of Haryana, Rajasthan, Punjab, Uttrakhand and Uttar Pradesh. Neighbor states feeling the heat wave cut down water supply to Billi. During the just concluded elections Bhartiya Aam Aadmi Party (BAAP) received clear mandate with one of the promise to provide 20 liters water a day free to every residence proof household of Billi beginning from Feb. 1, 2016.
4. Billi government claims to have found a panacea to overcome the crises of depleting water resources in CM's pilot sewage-project 'Toilet-to-Tap' waste water treatment plant at Keshopur, Billi. Bio-filtration nano membrane filtration technology has been used in the plant which was set up at a cost of Rs 55 Crore. Four kinds of water shall be treated to different degrees at the plant. The plant will run on solar power and has a capacity of 25 million litre per year. Raw sewage will be screened and then pumped through the biofilter. This comprises five layers of organic and inorganic material including earthworms, cotton extracts, bacteria, organic sand, pebbles, stones, etc. The treated sewage will then be pumped into the membrane system which has a size of 0.001 micron where water will be chlorinated and made available for drinking. The plant will produce 66,000 litres of drinking water daily. The technology is in use in Belgium, the USA (Arizona, California & Washington D.C.) and Singapore. Water from this plant will be bottled and supplied to Billi Secretariat and offices of Billi Jal Board. Gov't will set up six more Public Private Partnership (PPP) plants by the end of the year. They may not work on the same technology but they have specified output parameters and hope to get drinking and bathing quality water from these.
5. Water activist Meka, who visited the pilot plant at Keshopur in north Billi, was surprised to see absolutely raw sewage being turned into crystal clear water. After screening, raw sewage is pumped into a five-layered bio-filter comprising earthworms, cotton extracts, bacteria, sand and stones. The water at this stage is fit for horticulture purposes. The treated water is then pumped into a membrane system, measuring 0.001 micron, where

it is chlorinated. This makes 85 per cent of the entire water good enough to drink. Even the reject 15 per cent water is fit for horticultural use. The Keshopur pilot generates 4,000 litres of water per day.

6. In the second round with PPP projects, six licenses are issued by auction with a base price as security deposit per license fixed for ₹ 25 crore, to Bebsi Beverages, Rola Cola Beverages, Unified Breweries, Manmohan Meakins Distilleries, Jack Denied Beverages, and Foster Fathers Beverages, work has started to build sewage treatment plants in six districts of Billi and reuse the daily excreted water locally for various purposes, including drinking. This is to address spiraling water demand, reduce clean-up budgets, and revive the Yamuna. ₹ 1,500 crore spent since the mid-1990s to clean up the dying Yamuna in Billi has gone down the drain because of faulty planning and shoddy execution. The river meets Billi's 70 per cent drinking water needs. More than ₹ 3,500 crore is being spent under various heads, while a similar amount is needed to execute a plan unveiled by the National Green Tribunal. Large establishments like hotels and hospitals, schools, malls and government offices could greatly benefit from this technology and spare the river of their pollutants.
7. Desh Prem Society (DPS), A group of therapeutics religious scholars like Jorge Mario, Swami Nityanand, Shigao Bhikkhu, Guru Harke Sang, Nasim Shahnameh, Hakim Jallad Khan have convened a conference "watershed" dated Jan. 1st 2016, and communicated the briefing to the central government, government of Billi, Supreme court of Hindia, National Green Tribunal among the many. A press release, general awareness posters and pamphlet were issued by the society in lieu of the conference. They says;
"Supply of clean, healthy and useful water is our inalienable right. This DJB water can never be useable as per religious parameter We cannot use it to attain '*paki*' / '*pavitrata*' for daily use of humans like drinking, bath, laundry, lavatory or washing idols and scrubbing mandir, masjid, girja, gurdwara even houses etc. because it is (in)directly coming from toilet. This process is defying natural ground and soil process of distillation of sewer and river into ground water, which is naturally made to be useful. This DJB supply water could not be used for any purpose as it is highly infectious for human consumption. No biological or chemical process can clean sewer and contaminated water except natural process such as mineral and RO procedures are useful once water has passed the natural membranes. Like, when we extract water from fruits that can never be turned into water rather it is a fruit water. This is an established view of Ayurvedic, Unani, Homoeopathic and all other traditional pharmacological and medical sciences. Therefore, we unanimously reject utility of DJB water absolutely."
8. Due to rising compression of water scarcity and continuous ground water extraction causing depletion of ground water to alarmingly emergency levels, Billi government passed 'Ground Water Conservation Act, 2016' (Act). The Act provides imposing criminal punishment on extraction of ground water by any means for any public or private purposes. Ground well, jet pump, submersible, hand pump etc. all are banned for use and sale in Billi. Anybody found violating the said Act shall be punished with immediate electricity cut to the said premises, imprisonment up to six months or fine to the extent of ₹ 100,000. Act also states that the authorities are constituted under this Act which shall regulate the use and distribution of ground water as per licensing process and norms as the Act permits.

9. Desh Prem Residential Society, Jasola Vihar (DPRS/DPS) announced the public breach of this draconian law and appealed the public at large to continue to use ground water. Notice of electricity supply break for 24hrs is served to DPS beginning 12 noon next day. DPS refers to unaccounted extraction of ground water by Rola Cola Pvt. Ltd. beverage plant at Badarpur, Billi as the main cause of depletion of water levels in the city during last many year. Rola Cola Pvt. Ltd. have their other plants in Mehdiganj-Varanasi; Kala Dera-Jaipur; Thane-Maharashtra; Plachimada-Kerala and Sivaganga-Tamil Nadu where similar problems are reported to the local authorities. In only Badarpur-Billi Rola Cola drew around 510,000 litres of water each day from boreholes and open wells. For every 3.75 liters of water used by the plant, it produced one liter of product and a large amount of waste water.
10. Public Interest Litigation is filled by DPS against Rola Cola Pvt. Ltd. for the overuse (abuse) of basic natural resource on which court issued orders for temporary shutdown of their Badarpur-Billi plant. Rola Cola Pvt. Ltd. approaches court of competent jurisdiction with appropriate measures pleading for refund of license security deposits ₹ 25 crore and advance tax deposited for the year 2016-17 amounting to ₹ 100/- Crore. DPS also filled a Public Interest Litigation against DJB for supply of useless water and claims refund of money paid over connection, security deposit and water supply bills. A petition is also filled by DPS in the Billi High Court challenging the Act being outreach of legislative power of Billi NCT and violative of fundamental rights. All the said litigation is clubbed on the orders of the Supreme court of Hindia under the powers vested in it and put up for hearing before a division bench on March 20th, 2016 on the following issues;
 - a. Whether the citizen's right to water is to have a religious quality of water?
 - b. Whether state by law making has power to profit by licensing (privatize) scarce public utility natural resources?
 - c. Whether the state has an obligation to refund the money received from claimants?

The laws of Billi and Hindia are *pari-materia* with laws of NCT of Delhi and Union of India.

*****©symbiosis*****