

BEFORE THE HON'BLE HIGH COURT OF MADHYA PRADESH
AT INDORE

W.P. No. 247 of 2026

Prabhat Pandey vs. State of Madhya Pradesh & Others

**SUBMISSION OF FINAL REPORT OF THE ONE-MAN INQUIRY
COMMISSION**

May it please Your Lordships,

I have the honour to submit, with utmost respect, the **Final Report of the One-Man Inquiry Commission** constituted pursuant to the directions of this Hon'ble Court in the above-mentioned writ petition concerning the incident of contamination of drinking water in the **Bhagirathpura area of Indore**.

In pursuance of the mandate entrusted to the Commission, an inquiry was undertaken into the circumstances leading to the contamination of drinking water, the source and causes thereof, the public-health consequences, the response of the concerned authorities, the adequacy of the measures taken, and the responsibility, if any, of the concerned departments, authorities and officers. The Commission has also examined the relevant documentary material, official records, reports, statements and other evidence placed before it.

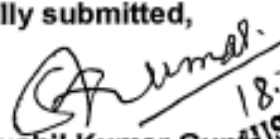
The Commission has considered the material available on record in its entirety and has recorded its findings and conclusions on the issues falling within the terms of reference. The Report also contains recommendations concerning corrective, preventive and long-term measures considered necessary for ensuring the safety of drinking water and preventing recurrence of such an incident.

The **Final Report, along with its annexures and supporting material**, is respectfully submitted before this Hon'ble Court for its kind consideration and such further orders as this Hon'ble Court may deem appropriate.

I respectfully place the Report before Your Lordships in discharge of the responsibility entrusted to the Commission by this Hon'ble Court.

Submitted with profound respect.

Respectfully submitted,


(Justice Sushil Kumar Gupta)
Former Judge, High Court of Madhya Pradesh
One-Man Inquiry Commission
Constituted by the Hon'ble High Court of Madhya Pradesh

18.08.2026
JUSTICE SUSHIL KUMAR GUPTA
FORMER JUDGE OF MADHYA PRADESH HIGH COURT
ONE-MAN ENQUIRY COMMISSION

FINAL REPORT
OF THE ONE-MAN INQUIRY COMMISSION

CONSTITUTED BY THE HIGH COURT OF MADHYA
PRADESH IN WRIT PETITION NO. 247 OF 2026
*PRABHAT PANDEY v. STATE OF MADHYA PRADESH &
OTHERS*

[REGARDING THE INCIDENT OF CONTAMINATION OF
DRINKING WATER AND THE RESULTANT OUTBREAK
OF WATER-BORNE ILLNESS AND DEATHS IN
BHAGIRATHPURA, INDORE]

Submitted by:

Justice Sushil Kumar Gupta (Retd.)
One-Man Inquiry Commission

Date: 18.08.2026

Indore, Madhya Pradesh

GKumar
18.08.2026
JUSTICE SUSHIL KUMAR GUPTA
FORMER JUDGE OF MADHYA PRADESH HIGH COURT
ONE MAN ENQUIRY COMMISSION

**BEFORE THE HON'BLE HIGH COURT OF MADHYA
PRADESH, BENCH AT INDORE**

[In the Matter of: W.P. No.247 Of 2026]

Subject: Final Report of the one-member Judicial Commission (JUSTICE SUSHIL KUMAR GUPTA) on the contamination of drinking water supply in Bhagirathpura area, Indore, Madhya Pradesh, resulting in outbreak of water-borne diseases and multiple deaths.

PREAMBLE

Pursuant to the responsibility entrusted to me to inquire into the Bhagirathpura water contamination incident, it is incumbent upon me to discharge the said mandate with utmost fairness, independence, and judicial objectivity, keeping in view the gravity of the allegations and the public importance of the matter.

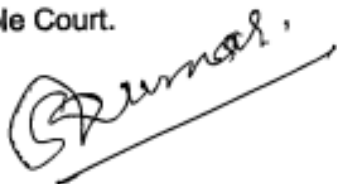
Scope of Inquiry and Submission of Findings

The present inquiry has been conducted in accordance with the mandate assigned, and with due regard to the following aspects:

1. To ascertain, on the basis of documentary as well as oral evidence, the precise cause and circumstances that led to the contamination of the drinking water supply in the affected area;
2. To examine the adequacy and efficacy of the existing water supply infrastructure, including its installation, maintenance, monitoring, and testing mechanisms;
3. To scrutinize the records pertaining to water quality testing, tender processes, pipeline installation, sewage systems, and overall administrative supervision;
4. To determine whether there existed any negligence, dereliction of duty, omission, or failure on the part of any officer, official, elected representative, or agency responsible for ensuring the supply of safe potable water;
5. To assess the extent of the impact upon public health, including the number of affected persons, reported illnesses, and fatalities, if any and to determine whether the same bear a casual nexus with the contaminated water supply.

Submission

Upon conducting a detailed inquiry into the aforesaid aspects, this Commission has examined the entire material on record, including documentary evidence, oral testimonies, and expert reports, and has arrived at its findings. Accordingly, this Final Report is being respectfully submitted before this Hon'ble Court.



Constitutional Position

Article 21 – Right to Life

Under Article 21 of the Constitution of India, the right to life and personal liberty is guaranteed.

In **Subhash Kumar v. State of Bihar, the Hon'ble Supreme Court** clearly held:

"Right to life includes the right of enjoyment of pollution-free water and air for full enjoyment of life."

Thus, the right to clean water and a clean environment is an integral part of the right to life.

Legal Duty of the State

It is the duty of the State to:

- Provide safe and pure drinking water to citizens;
- Ensure regular testing and quality control of water sources;
- Take effective administrative and punitive measures to prevent water pollution;
- Fix responsibility in cases of negligence.

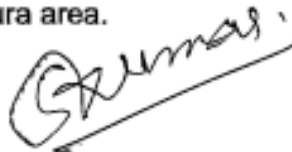
If the State fails to provide clean water and such failure adversely affects public health, it may amount to a violation of Article 21.

“अप्सु शुद्धिः जीवनस्य मूलम्।”
(अर्थ – जल की शुद्धता ही जीवन का आधार है।)

“आपो हि ष्ठा मयो भुवनानि विश्वा” (ऋग्वेद)
अर्थ – जल समस्त विश्व का पोषण करने वाला है।

(1) MANDATE

Pursuant to the directions of this Hon'ble Court dated 27/01/2026, this Commission was tasked to investigate the causal factors, administrative lapses, and extent of casualties resulting from the consumption of contaminated water in the Bhagirathpura area.



(2) INTRODUCTION AND SCOPE OF ENQUIRY

1. This Judicial Enquiry was undertaken pursuant to grave public concern regarding contamination of drinking water supplied to residents of Bhagirathpura, Indore, leading to serious illness and reported deaths of several residents.
2. The enquiry aims to ascertain the cause of contamination, assess the public health impact, evaluate the adequacy of administrative and medical response, fix responsibility upon erring officials, and recommend remedial, preventive and compensatory measures.
3. The enquiry is conducted keeping in view the constitutional mandate under Article 21 of the Constitution of India, which guarantees the right to life, including the right to safe and potable drinking water.

(3) METHODOLOGY ADOPTED BY THE COMMISSION

The enquiry was based upon:

- Inspection of water supply infrastructure in Bhagirathpura area.
- Examination of municipal water supply records and maintenance logs.
- Reports of the Public Health Department and Municipal Corporation.
- Hospital admission records and death summaries of affected persons.
- Statements of residents, local representatives and officials.
- Applicable statutory provisions and judicial precedents.

Points for Inquiry as Directed by the Hon'ble High Court vide Order dated 27.01.2026:

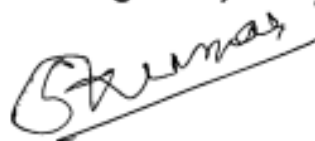
Accordingly, we appoint Justice Sushil Kumar Gupta, Former Judge of Madhya Pradesh High Court, a one-man commission of inquiry into the issues relating to water contamination in Bhagirathpura, Indore, and its impact on other areas of the city.

Terms of reference: The Commission shall inquire into and submit a report on the following:

[1] Cause of contamination ::

[i] Whether the drinking water supplied to Bhagirathpura was contaminated?

[ii] Source and nature of contamination (sewage ingress, industrial discharge, pipeline damage etc.).



[2] Public Health Inputs

[iii] Number of actual deaths of affected residents on account of contaminated water.

[iv] Nature of disease reported.

[v] Adequacy of medical response and preventive measures.

[vi] Immediate steps required to ensure safe drinking water.

[vii] Long-term infrastructural and monitoring reforms.

[viii] To identify and fix responsibility upon the officers and officials found prima facie responsible for the Bhagirathpura water contamination incident.

[ix] Suggest guidelines for compensation to affected residents, particularly vulnerable sections.

The present inquiry report has been prepared on the basis of the oral and documentary evidence adduced before the Commission, statements of witnesses recorded during the course of inquiry, official records and documents produced by the concerned departments and authorities, technical reports, inspection reports, correspondence, and all other material available on record.

The Commission has carefully examined, scrutinized, and appreciated the entire record in a thorough and comprehensive manner, including the evidence placed before it, in order to arrive at its findings and conclusions on the points of inquiry referred by the Hon'ble High Court of Madhya Pradesh.

The following witnesses have been examined during the course of the inquiry:

Shri Kamal Waghela Local Corporator, Nirmala Bhagoria, Digamber Wade, Sadhna Sahu, Satish Sahu, Kalpana Gaikwad, Prerit sen Advocate, Anil Ojha Advocate and Komal Prasad, Additional Commissioner Rohit Sisonia, Commissioner Dilip Kumar Yadav, Mayor Pushyamitra Bhargav, Former Commissioner Pratibha Pal, Former Commissioner Harshika Singh, Former additional Commissioner Santosh Tagore, Former Additional Commissioner Virbhadra Sharma, Former Additional



Commissioner Sandeep Soni, Former Additional Commissioner Siddharth Jain, Former SE NS Tomar, Former SE Ashok Kumar Rathore, Former EE Dilip Singh Chauhan, Former EE Kamal Singh, Former EE Sunil Kumar Gupta, Former EE Vivesh Kumar Jain, Present EE Ashvin Janvade, Present EE NK Bhaskar, Present Additional Commissioner Abhay Rajangaokar,, Additional Commissioner Abhilash Mishra, CM and HO Dr. MP Hassani, Former Additional Commissioner Smt. Bhavya Mittal, Former Additional Commissioner Abhishek Gehlot, Regional Officer Pollution Control Board Satish Kumar Chaukse, Former Commissioner Ashish Singh, Former Commissioner Manish Singh, CEO IDA Parikshit Jhade, Dean M.G.M. Medical College Dr. Arvind Ghanghoria, Former Commissioner Shivam Verma, Present Commissioner IMC Kshitij Singhal.

POINT-WISE REPORT

[1] Cause of contamination ::

[i] Whether the drinking water supplied to Bhagirathpura was contaminated?

The medical records indicate that a large number of patients from the Bhagirathpura area were admitted to various hospitals during the relevant period with symptoms of Acute Gastroenteritis, Acute Diarrhea, Vomiting, and Severe Dehydration, which are commonly associated with water-borne infections.

As per the records collected by the Commission, 35 deaths were reported up to 12 February 2026, out of which 22 deaths appear to be probably related to the present epidemic, as reflected in the hospital records. The remaining 13 deaths were reported to have occurred due to causes other than the present epidemic. [Ex IR-1]

Further, the records submitted by Chacha Nehru Bal Chikitsalay, Indore indicate that 38 patients (all below the age of 14 years) were admitted and later discharged after being diagnosed with Acute Gastroenteritis, Dehydration, and Acute Diarrhea. Similarly, according to the records provided by the Dean, MGM Medical College, Indore, 43 patients were admitted and subsequently discharged after being diagnosed with Acute Gastroenteritis. [Ex IR-2]

The clustering of a significant number of such cases within a short span of time in the same locality prima facie indicates the occurrence of a water-borne outbreak.

In addition, complaints were received from residents of the Bhagirathpura area alleging foul smell, discoloration, and suspected mixing of sewage



water in the drinking water supply pipeline, which further raises serious concerns regarding the safety and quality of the water supplied.

Permanent residents of Bhagirathpura, namely Nirmala Bhagoria, Digambar Wade, Sadhana Sahu, Satish Verma, Kalpana Gaikwad, Anita Gurav, Tina Thakur, Vishal, Pooja Repuria, Prerit Sen, etc., stated in their testimonies that contaminated water was being supplied in Bhagirathpura, and they had also complained about the same to the local Councillor, Kamal Waghela and nagar nigam zone.

The local Councillor, Kamal Waghela, also stated that complaints regarding supply of contaminated water were being received from Bhagirathpura, and he had reported the matter to the officials of the Municipal Corporation. He further stated that drainage contamination was getting mixed into the water supply pipeline.

Upon consideration of the material placed on record, including documentary evidence, inspection reports, expert opinion, and oral testimonies, the following findings are recorded:

1.Laboratory Evidence:

Report of Madhya Pradesh Pollution Control Board[Ex IR-3]

After the Bhagirathpura incident, the **Madhya Pradesh Pollution Control Board** collected groundwater samples on 3 January 2026 and thereafter conducted laboratory analysis of the said samples. Upon testing, the following findings were reported.

The Madhya Pradesh Pollution Control Board, in its report, concluded that contaminated water was found in the Bhagirathpura area. Thus, according to the sample analysis conducted by the Board, contaminated water was being supplied in the Bhagirathpura locality.

[A] Ground water sampling and analysis. Groundwater samples were collected by the MP Pollution Control Board, Indore on January 3, 2026. Following the suspension of the Indore Municipal Corporation's borewell water supply, the MPPCB collected drinking water samples from private borewells.

The analysis of these samples[attached as **Anneexure-1**] reveals the presence of **Total coliform** and **E.coli**. out of the 52 samples collected:

* **50 samples** tested positive for total coliform with values ranging from **1.8 to 430**.

* **40 samples** tested positive for **E.coli** with values ranging from **1.8 to 26**.

All other parameters were found to be within the prescribed limits.



[B] Regulatory standards A copy of the IS 10500 drinking water standard is attached as **Annexure-2** for ready reference.

Report of Chief Medical and Health Officer, District Indore[Ex IR-4]

After the Bhagirathpura incident, the **Chief Medical and Health Officer, District Indore**, collected 24 water samples from the Bhagirathpura area during the period from 29 December 2025 to 6 February 2026. These samples were tested at the District Public Health Laboratory.

Upon examination, it was found that 18 water samples were unsatisfactory, whereas 6 samples were found to be satisfactory. Thus, this report also establishes that contaminated water was being supplied in the Bhagirathpura area, and such contaminated supply continued up to 6 February 2026.

Report of Department of Microbiology M.G.M. Medical College[Ex IR-5]

The Department of Microbiology of MGM Medical College collected 24 water samples from the Bhagirathpura area during the period from 29 December 2025 to 6 February 2026. The said samples were examined by the Bacteriological Section for assessment of water quality. Upon completion of the analysis and testing, out of the 24 samples examined, 19 samples were found to be unfit for drinking purposes.

Report of Indore Municipal Corporation[Ex IR-6]

Summary of Bhagirathpura[Zone 4 ward 11]Water analysis report for the year 2023,2024 & 2025.

The water testing laboratory analyzing physio-chemical NABL accredited parameters as per method IS 10500-2012. i.e color, odour, turbidity, TDS, total hardness, Alkalinity, chloride, nitrate, sulphate, iron, sulphate, ammonia test and coliform test in received samples as per customer request.

In 2023, the four samples are analyzed for physio chemical test parameter. The tested parameters having values within the permissible limit except residual chlorine permissible/required value specified in IS for drinking water.

In 2024, only two samples were analyzed for a physico-chemical test. The tested parameters having value within permissible limit.

Permissible/required values specified in IS for drinking water.

In 2025 on 73 samples were analyzed and 54 samples having tested value more than the permissible/required value specified in IS for drinking water.



In 39 samples the presence of fecal coliform is observed. The 19 samples having color, 28 samples turbidity and 1 sample having nitrate value more than permissible limit.

The Indore Municipal Corporation collected water samples for testing during the years 2023, 2024, and 2025, and the same were analyzed accordingly.

In the year 2023, the tested parameters were found to be within the permissible limits. Similarly, in the year 2024, the samples analyzed for physico-chemical tests also showed that the tested parameters were within the permissible and obligatory required values specified under the IS standards for drinking water.

However, in the year 2025 [Samples taken on 30/12/2025] , 73 samples were analyzed, out of which 54 samples showed tested values exceeding the permissible/required limits specified under the IS standards for drinking water. In 39 samples, the presence of fecal coliform was detected. Further, 19 samples showed colour values beyond the permissible limit, 28 samples showed excessive turbidity, and 1 sample showed nitrate values exceeding the permissible limit.

This clearly shows that prior to the year 2025 [in the year 2023 & 2024], no contamination in the water supply was found, and contaminated water was not being supplied by the Indore Municipal Corporation. However, it stands proved that in the year 2025, specially at the time of incident, contaminated water was supplied by the Indore Municipal Corporation.

Water sample reports obtained from competent authorities/laboratories reveal the presence of contaminants, including coliform bacteria and other impurities, which render the water unfit for human consumption. Such scientific evidence clearly establishes that the quality of supplied drinking water did not conform to prescribed safety standards.

Thus, the laboratory testing and analysis of the water samples conducted by the aforesaid institutions and departments clearly and conclusively establish that, at the time of the incident, contaminated water was being supplied in the Bhagirathpura area, and that the said water was unfit for human consumption and drinking purposes.



2. Inspection and Technical Reports:

Evidence of the Indore Municipal Corporation officials and technical experts[Engineers] indicate multiple deficiencies in the water supply system, including leakages in pipelines and proximity/overlapping of sewage and drinking water lines. The possibility of sewage ingress into Potable water pipelines stand substantiated.

3. Expert Opinion:

Technical evaluation of the pipeline layout and installation process demonstrates that due to faulty execution and lack of proper safeguards, contamination of drinking water was not only possible but probable under the prevailing conditions.

4. Medical Evidence:

Medical witnesses Dr. Madhav Prasad Hasani, Chief Medical and Health Officer, Indore, and Dr. Arvind Ghanghoria, Dean of Maharaja Yeshwantrao Hospital, admitted in their statements that a large number of citizens from the Bhagirathpura area were admitted in the hospitals after suffering from complaints such as vomiting, diarrhoea, abdominal pain, and infection. They further stated that the patients had been admitted with gastroenteritis disease.

These witnesses also acknowledged that the symptoms observed in the majority of the admitted patients were indicative of water-borne diseases. They further admitted that the admission of patients from the same locality with similar symptoms clearly indicated that they were cases of water-borne disease.

The witnesses also accepted that contaminated drinking water can cause gastroenteritis, diarrhoea, and severe infections.

Health records and medical data placed on record show an increase in cases of water-borne diseases in the affected locality during the relevant period, lending corroboration to the allegation of contaminated water supply.

5. Residents' Testimonies:

Statements of residents, as stated above, consistently describe supply of foul-smelling, discolored, and visibly contaminated water. Though such testimonies are corroborative in nature, they support the scientific and



documentary evidence on record.

6.Official Correspondence and Complaints:

Numerous complaints and communications addressed to the Indore Municipal Corporation and other authorities demonstrate that the issue of contaminated water supply was within the knowledge of the concerned authorities, yet effective remedial action was not taken in a timely manner.

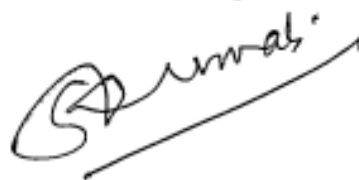
It was further reported that a septic tank situated behind the Police Chauki, near the Overhead Tank, had overflowed, resulting in the accumulation of sewage on the surrounding ground surface. The old drinking-water pipeline is reportedly laid beneath or in close proximity to this location. In view of the age and condition of the said pipeline, the possibility of leakage, damage, or failure of joints cannot be ruled out. Consequently, sewage from the overflowing septic tank may have entered the drinking-water pipeline through a leak or other defect, thereby constituting a potential point of contamination of the municipal water-supply system.

However, the aforesaid localized incident, by itself, does not adequately explain the extent and distribution of the fecal contamination detected in the borewell water in the affected area. The contamination of groundwater may have resulted from one or more additional sources or pathways. Accordingly, the precise source, mechanism, and extent of contamination require further technical investigation, including examination of the alignment and condition of the water-supply and sewerage pipelines, the hydrogeological conditions of the area, the flow and migration of contaminated water, and the possibility of other sources of fecal contamination.

Conclusion:

In view of the aforesaid evidence, this Commission records a clear and categorical finding that:

The drinking water supplied to Bhagirathpura during the relevant period was contaminated and unfit for human consumption.



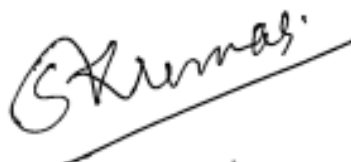
The contamination is attributable to deficiencies in the water supply system, including faulty pipeline installation, leakage, and probable ingress of sewage into drinking water lines. The concerned authorities failed to exercise due diligence and adequate supervision, thereby resulting in supply of unsafe drinking water to residents.

[ii] Source and nature of contamination (sewage ingress, industrial discharge, pipeline damage etc.).

Before examining the specific evidence relating to the source and nature of contamination, it is necessary to assess the overall condition, alignment, maintenance, and operational integrity of the water supply and sewage/drainage network in the affected area. The issue requires consideration of various possible causes of contamination, including sewage ingress through damaged or leaking pipelines, illegal or improper cross-connections, pipeline corrosion and cracks, negative pressure conditions in water supply lines, overflow or choking of drainage systems, and possible industrial or other external discharge into the surrounding environment. Particular attention is also required to be given to whether the water supply pipelines and sewage lines were laid in conformity with the prescribed engineering and public health norms, including the standards contained in the Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual. The determination of the exact source and nature of contamination is essential for fixing responsibility, identifying systemic failures, and assessing the extent of negligence, if any, on the part of the concerned authorities and officials.

It is reported that the water supply pipeline and the sewage/drainage line in the affected area were laid running parallel to each other and at certain places were also crossing each other contrary to the norms and standards prescribed under the Central Public Health and Environmental Engineering Organisation (CPHEEO) Manual. Such improper laying of pipelines creates a serious risk of contamination, particularly where the sewage line is damaged, leaking, choked, or maintained under higher pressure conditions. In these circumstances, ingress of sewage and contaminated material into the drinking water pipeline through leakages, cracks, joints, or negative pressure situations cannot be ruled out. Therefore, the possibility of mixing of sewage material in the drinking water supplied to the residents appears highly probable and requires thorough technical examination and accountability fixation.

As per the norms prescribed in the CPHEEO Manual on Water Supply and Treatment and the CPHEEO Manual on Sewerage and Sewage Treatment issued by the Central Public Health & Environmental Engineering Organisation (PHE/CPHEEO), Government of India, the



following are the important technical norms governing installation of drainage/sewer lines and drinking water pipelines:

1. Separate Alignment of Water and Sewer Lines

Water supply pipelines and sewer/drainage pipelines should not ordinarily be laid close to each other. Adequate horizontal and vertical separation must be maintained to prevent sewage contamination of drinking water.

2. Sewer Line Must Be Below Water Pipeline

The CPHEEO Sewerage Manual specifically provides that sewer lines should always run below the drinking water pipelines so that, in case of leakage, sewage may not enter the water supply system through gravity or negative pressure.

3. Minimum Horizontal Separation

A minimum lateral offset/separation is required between sewer lines and water mains. The manual recommends a minimum offset equal to half the width of the manhole plus 30 cm, and adequate distance should be maintained to avoid cross contamination and permit safe maintenance.

4. Protection Against Cross-Connection

The manuals prohibit cross-connections between sewerage and drinking water systems. Water mains are required to be protected from contamination by:

- leak-proof joints,
- corrosion protection,
- proper encasing/sleeving at crossings,
- periodic leak testing,
- regular maintenance and inspection.

5. Water Quality and Pressure Standards

The water distribution system must maintain adequate residual pressure to prevent back-siphonage or ingress of sewage through cracks/leaks in pipelines. Low pressure or intermittent water supply increases risk of contamination.

6. Regular Inspection and Maintenance

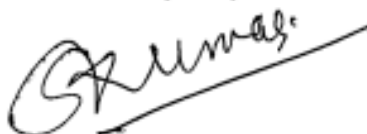
The PHE/CPHEEO manuals mandate periodic inspection, preventive maintenance, leakage detection, chlorination, flushing of pipelines, and water quality testing to ensure safe potable water supply. Failure to conduct such monitoring may result in contamination incidents.

7. Protection at Crossing Points

Where water pipelines and sewer/drain lines intersect, special protective measures such as encasing pipes, maintaining vertical clearance, and use of non-corrosive materials are required to prevent contamination.

8. Public Health Responsibility

The manuals treat safe drinking water supply as a public health obligation of the municipal authority. Any failure in maintenance,



inspection, repair, or monitoring leading to contamination may amount to serious negligence affecting public health and safety.

These CPHEEO/PHE norms may be relevant in examining whether the drainage and water supply infrastructure in Bhagirathpura was installed and maintained according to prescribed public health engineering standards, and whether any deviation or negligence contributed to sewage contamination of drinking water.

During the course of the inquiry, the Commission examined the witnesses, perused the available records, complaints from residents, and preliminary information provided by the concerned departments regarding the water supply system in the Bhagirathpura area.

At the outset, this Commission is required to consider whether the drainage system installed in the Bhagirathpura area was laid in accordance with the norms and standards prescribed under the CPHEEO Manual or not.

For this purpose summons dated 18/02/2026 were issued to the Commissioner, Indore Municipal Corporation, seeking complete information regarding the laying and installation of the water supply pipelines and sewerage pipelines in the Bhagirathpura area. Detailed information was also sought regarding the engineers, officers-in-charge, and other officials who were responsible for supervision, monitoring, and execution of the said work at the relevant time. Further, complete particulars were called for regarding the contractor(s), executing agency/agencies, and all other entities involved in the execution of the said project.[Ex IR-7]

Even after issuance of the aforesaid summons, when the Indore Municipal Corporation failed to furnish the required information, the Commission apprised the Hon'ble High Court of the said fact in its interim report.

Thereupon, dated 05/03/2026 Indore Municipal Corporation informed the Hon'ble High Court that certain records relating to the matter were available with the Indore Development Authority. Accordingly, the Hon'ble High Court directed the Chief Executive Officer of the Indore Development Authority to treat the request of the Indore Municipal Corporation on top priority and to make available the requisite records to the Officer-in-Charge of the Indore Municipal Corporation.[Ex IR-8]

Despite the order dated 05.03.2026 passed by the Hon'ble High Court, when the Indore Municipal Corporation still failed to furnish the requisite records in compliance with the Commission's communication dated 18.02.2026, the Indore Municipal Corporation, while referring to the aforesaid correspondence, submitted its reply dated 16.03.2026 stating as under:[Ex IR-9]



"No such record is available in the Water Supply Department of the Indore Municipal Corporation. The drinking water supply pipeline network in the Bhagirathpura area was initially laid during the period from 1999 to 2004 under the HUDCO Project undertaken for augmentation and distribution of municipal water supply in Indore City. During the said period, pipelines of different diameters were laid in Bhagirathpura and adjoining localities for providing municipal drinking water supply to the residents. However, it is submitted that the original layout drawings and detailed alignment maps of the pipelines laid during the aforesaid period are presently not available in the municipal records. As the works were executed more than two decades ago and the records maintained at that time were mostly in physical form, over the years, due to administrative restructuring, shifting of offices, and aging of records, the original maps and detailed drawings could not be traced."

In the said letter dated 16.03.2026, the Indore Municipal Corporation once again reiterated that, with regard to the sewer pipelines laid in the Bhagirathpura area, the said sewer infrastructure did not fall within the records or executional jurisdiction of the Indore Municipal Corporation. It was further stated that the concerned records and details relating to the planning, design, and execution of the sewer pipelines pertained to the Indore Development Authority.

the Indore Municipal Corporation, by Letter No. 350/IMC/2025-26 dated 16.03.2026[**Ex/IR-9**], informed the Commission that, according to the records available in the Water Supply Department, the drinking water supply pipeline network in the Bhagirathpura area was initially laid during the period **1999 to 2004** under the HUDCO Project undertaken for augmentation and distribution of municipal drinking water supply in Indore City. It was further stated that pipelines of different diameters were laid during the said period in Bhagirathpura and adjoining localities for providing municipal drinking water supply to the residents.

IMC further informed the Commission that, after examining the available files and secondary records, it could only confirm that the existing drinking water distribution network supplying Bhagirathpura forms part of the system created under the HUDCO Project during the period 1999–2004 and that the same network has continued to be used with periodic maintenance and repairs undertaken by the Municipal Corporation. Copies of the available record extracts and secondary documents were enclosed with the said communication.

The Commission finds that, despite specific directions, IMC failed to produce the original layout plans, blueprints, design drawings, alignment maps, cross-sectional details, technical approvals, or other engineering records relating to the execution of the water supply network. The non-production of these vital records has deprived the Commission of the



opportunity to undertake a comprehensive technical examination of the original design, alignment and execution of the water supply pipeline system.

At the same time, the material available on record indicates that the sewerage network in the Bhagirathpura area had been laid earlier, during the period **1990 to 1995**, whereas the existing municipal drinking water supply network was admittedly laid subsequently during **1999 to 2004** under the HUDCO Project. Thus, the evidence on record establishes that the present water supply pipeline network was installed after the sewerage pipeline network.

The Indore Municipal Corporation further informed that it had formally requested the Indore Development Authority vide Letter No. 4039 dated 02.03.2026 to furnish the relevant records and technical details relating to the sewer pipelines laid in the Bhagirathpura area. However, despite the aforesaid request, the said information had not been made available by the Indore Development Authority till that date.

Accordingly, this Commission issued a letter dated 13.03.2026 to the Chief Executive Officer, Indore Development Authority, directing him to furnish the requisite records. In the said communication, it was specifically pointed out that the Hon'ble Madhya Pradesh High Court, by order dated 05.03.2026, had also directed production of the relevant records. It was further mentioned that the Commissioner, Indore Municipal Corporation, in response to the queries relating to the water supply pipelines and sewerage pipelines in the Bhagirathpura area, had informed that the said works had been executed under the control and supervision of the Indore Development Authority during the period from 1986 to 1993.[Ex IR-10]

Accordingly, the Chief Executive Officer, Indore Development Authority, was directed to furnish, within five days, all records relating to the water supply pipelines, sewerage pipelines, and all connected documents pertaining to the Bhagirathpura area, together with certified copies and authenticated records, so that the inquiry proceedings could be completed expeditiously and the report could be submitted before the Hon'ble High Court.

Despite the aforesaid directions, the Indore Development Authority failed to furnish the required records. Thereupon, a reminder letter dated 25.03.2026 was issued. Even thereafter, the requisite records were not supplied. Subsequently, another reminder dated 02.04.2026 was issued, yet the records were still not furnished. Consequently, this Commission issued a strict communication to the Chief Executive Officer, Indore Development Authority, directing that in case the required records were not produced, necessary legal action would be initiated.[Ex IR-11 &12]



Thereafter, vide Letter No. 1896 dated 30.04.2026, the Indore Development Authority informed the Commission that under the Overseas Development Administration Project, works had been executed between 1990 and 1995 in approximately 183 colonies/slums, one of which included Bhagirathpura. It was further stated that after completion of the works, the said scheme, along with the as-built drawings, had been duly transferred to the then Municipal Corporation.[Ex IR-13]

The Indore Development Authority further informed that during examination of the records, it came to notice that in the year 2010, proceedings for destruction/weeding out of records had been carried out after obtaining approval from the competent authority under the rules prevailing at that time. Thus, the Indore Development Authority informed the Commission that the required records were no longer available in its record room.

After receipt of the aforesaid communication from the Indore Development Authority, this Commission, vide letter dated 06.05.2026, forwarded a copy of Letter No. 1896 dated 30.04.2026 issued by the Indore Development Authority to the Commissioner, Indore Municipal Corporation, and called upon him to furnish the requisite records.[Ex IR-14]

In the said communication, it was specifically pointed out that the Indore Development Authority had categorically stated in its letter that upon completion of the works, the said scheme had been duly transferred to the then Indore Municipal Corporation and that thereafter the operation, maintenance, and preservation of the said works had been carried out by the Municipal Corporation. Accordingly, the Commissioner, Indore Municipal Corporation was directed to furnish all relevant records to this Commission within two days.

Thereafter, on 15.05.2026, a further reminder was issued to the Commissioner, Indore Municipal Corporation, once again directing him to mandatorily furnish the required records to this Commission within two days. However, despite repeated communications and reminders, no records whatsoever have been furnished till date.[Ex IR-15]

Thus, despite repeated summons and directions, no records, blueprints, maps, designs, layouts, or any other relevant documents have been produced before this Commission to establish the manner in which the water supply pipelines and sewerage pipelines were laid in the Bhagirathpura area. In the absence of such records, this Commission has been deprived of the opportunity to examine whether the said pipelines were laid in conformity with the norms and standards prescribed under the CPHEEO Manual.

Parikshit Jhade, Chief Executive Officer of the Indore Development Authority, has categorically admitted in his statement that records relating



to the drainage/sewerage pipeline project executed in the Bhagirathpura area under the ODA (Overseas Development Administration) Project during the period from 1990 to 1995 are presently not available with the Indore Development Authority.

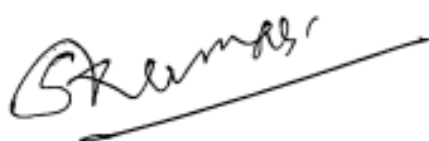
The witness stated that the relevant records, along with the drawings, had been duly transferred to the Indore Municipal Corporation. However, he further admitted that, as on date, not a single document relating to the said project is available with the Indore Development Authority. He specifically admitted that no work orders, tender documents, agreement papers, contractor details, completion certificates, inspection reports, supervision records, measurement books, or quality control reports relating to the said works are available.

The witness further admitted that he is unable to produce the approved maps, layout plans, cost estimates, and technical sanction documents pertaining to the ODA Project, as no such documents are presently available with the Authority. He also admitted that no documents are available regarding transfer of the drainage or sewerage system to any other authority or agency.

The said witness further admitted that the list of note-sheets relating to destruction/weeding out of records does not contain any specific reference to destruction of records pertaining to the ODA Project. He also admitted that such records are not available even in the archives/record room of the Authority. However, the witness expressed inability to explain as to where the records relating to the said project have gone.

It is indeed a matter of great surprise that records of such vital importance relating to the installation of a drainage system have not been produced before this Commission for the purpose of inquiry, and it is being stated that the same have been weeded out. As regards the question of weeding out of records, no authority has clarified the rules or procedure under which such records were destroyed. However, it is a matter of common understanding that records pertaining to such important installations and public works are ordinarily not weeded out casually. Moreover, in the present era of digitization, even where original records are destroyed, their blueprints, summaries, or scanned copies are generally preserved in digital or computerized form. Nevertheless, no such record has been produced by any of the concerned authorities.

It was of utmost importance for this Commission to ascertain whether the sewerage pipelines and water supply pipelines in the Bhagirathpura area had been laid in accordance with the CPHEEO norms, because if such norms are properly followed, then even in the event of leakage, seepage, perforation, rupture, or damage in either the sewerage pipeline or the water supply pipeline, there ordinarily remains no possibility whatsoever of



sewage water or contaminated material entering into the potable water supply pipeline. This was, therefore, a crucial issue requiring proper examination.

The deposition of Shri Sanjeev Kumar Srivastava, who was posted as Executive Engineer in the Indore Municipal Corporation since November 2013, assumes considerable significance in determining the circumstances leading to the contamination of drinking water in the Bhagirathpura area.

The witness has made a significant admission with regard to the physical configuration of the water supply and sewerage pipelines in Bhagirathpura. He acknowledged that the two pipelines run parallel to each other and, at certain locations, intersect or cross each other. He further admitted that the prescribed separation between the two systems, as contemplated under the CPHEEO Manual, was not maintained in Bhagirathpura. The explanation that the prescribed distance could not be maintained because of narrow lanes cannot, by itself, absolve the concerned authorities of their responsibility, particularly when the witness himself accepted that, in such circumstances, the sewerage pipeline should be laid below the water supply pipeline as a protective measure.

This aspect assumes importance because the object of prescribing separation between potable-water and sewerage pipelines is to prevent the ingress of contaminated water into the drinking-water system. Where the prescribed horizontal separation is not practicable, the obligation to adopt an alternative protective arrangement becomes even more significant. Therefore, the mere existence of narrow lanes cannot be treated as a sufficient justification for permitting a configuration that creates a continuing risk of cross-contamination.

The witness has further admitted that, from a technical standpoint, leakage in the water supply pipeline coupled with negative pressure can result in the entry of sewerage water into the drinking-water pipeline. This admission provides an important technical link between the defective proximity of the two pipeline systems and the possibility of contamination of the potable-water supply.

The significance of this admission is enhanced by the further evidence that leakage and overflow were present in the sewerage line in the vicinity of the water supply pipeline in Bhagirathpura. Thus, the risk of contamination was not merely theoretical. The physical conditions necessary for such contamination—namely, close proximity of the pipelines, inadequate separation, leakage/overflow in the sewerage system and the possibility of negative pressure in the water supply system—were admittedly present.

The subsequent detection of coliform bacteria in the water samples provides further corroborative evidence. The presence of coliform bacteria



in drinking water is indicative of contamination and, when considered together with the admitted physical condition of the pipelines and the possibility of ingress of sewerage water under negative pressure, constitutes a material circumstance supporting the conclusion that contamination of the water supply system could have occurred through leakage and ingress from the adjoining sewerage system.

The fact that the last inspection of the pipelines had been carried out in October-November 2025 and that no complaint of contaminated water was detected at that time does not, by itself, rule out subsequent contamination. Pipeline leakage, sewerage overflow, changes in pressure conditions and deterioration of infrastructure are dynamic conditions and may arise after an earlier inspection. Nevertheless, the existence of a structural configuration that did not conform to the prescribed separation norms created a continuing vulnerability in the water supply system and required effective and periodic monitoring.

Shri Yogesh Joshi, who was posted as the In-charge Assistant Engineer for the Bhagirathpura area, in his deposition admitted and affirmed several material facts concerning the laying, maintenance and condition of the water supply and sewerage pipelines in the area.

The witness stated that, in the Bhagirathpura area, the sewerage pipelines and water supply pipelines had been laid in parallel alignment and within the same or adjoining service corridors. He admitted that the prescribed separation between the two pipelines, as required under the applicable technical standards, had not been maintained at several locations. According to the witness, this was primarily because of the narrow lanes and congested nature of the area, where maintaining the prescribed distance was not considered practicable.

Significantly, the witness further admitted that, at certain locations, the sewerage pipeline had been laid above the drinking-water pipeline and that, at several other locations, the sewerage and water supply pipelines intersected or crossed each other. Such an arrangement is of particular significance from the standpoint of public health and water safety because it creates a potential pathway for the entry of contaminated sewerage water into the potable-water distribution system in the event of leakage or failure of either pipeline.

The witness also acknowledged that, at the time of laying of the pipelines, the prescribed technical standards and norms relating to the proper separation and alignment of the sewerage and water supply pipelines were not complied with. His admission is significant because the requirement of maintaining adequate separation between sewerage and potable-water pipelines is intended precisely to prevent the possibility of cross-contamination.



The witness further stated that he was aware of the fact that the close proximity of sewerage and water supply pipelines could result in contamination of drinking water. He also affirmed that improper laying and inadequate maintenance of the pipelines could result in contamination of the water supply.

Most significantly, the witness accepted that, in his opinion, the incident of contamination could have been avoided had the prescribed technical standards and norms relating to the laying and maintenance of the pipelines been properly followed.

Thus, the deposition of Shri Yogesh Joshi contains material admissions regarding: (i) the parallel and, at certain locations, intersecting alignment of the sewerage and water supply pipelines; (ii) failure to maintain the prescribed separation between the two systems; (iii) instances where the sewerage pipeline was laid above the drinking-water pipeline; (iv) non-compliance with the prescribed technical standards at the time of laying of the pipelines; (v) his knowledge that close proximity of the two systems could lead to contamination; and (vi) his specific admission that proper compliance with the prescribed technical standards could have prevented the incident.

The testimony of the witness is therefore material in establishing that the risk of contamination was not merely a theoretical possibility but was inherent in the manner in which the two pipeline systems had been laid and subsequently maintained. His admission that compliance with the prescribed technical standards could have prevented the incident further strengthens the inference that the failure to maintain the required technical safeguards constituted a significant contributing factor to the contamination of drinking water in the Bhagirathpura area.

Shri Shubham Srivastava, Sub-Engineer, Indore Municipal Corporation, stated in his deposition that he was posted in the Bhagirathpura area in March 2024.

The witness further acknowledged that, in the Bhagirathpura area, the sewerage pipelines and water supply pipelines had been laid parallel to each other. Significantly, he also admitted that, at the relevant locations, the sewerage pipeline had been laid above the water supply pipeline.

The admission of the witness is material from the standpoint of the safety of the drinking-water supply system. The laying of a sewerage pipeline above a potable-water pipeline, particularly in close proximity and without adequate protective separation, creates a potential risk of contamination in the event of leakage, seepage, overflow or failure of either pipeline.

The deposition of Shri Shubham Srivastava therefore corroborates the evidence of the other concerned technical officers regarding the physical



configuration of the sewerage and water supply systems in the Bhagirathpura area. His statement further establishes that the two systems were laid parallel to each other and that, at certain locations, the sewerage pipeline was positioned above the water supply pipeline. This circumstance is relevant to the Commission's assessment of the structural and technical vulnerabilities in the water supply system and the possibility of ingress of contaminated sewerage water into the potable-water pipeline.

It is, however, relevant to note that Shri Shubham Srivastava joined the Bhagirathpura area only in March 2024. His evidence is primarily relevant to establishing the existing physical condition and configuration of the pipeline network during the period of his posting and to corroborating the evidence regarding the proximity and relative positioning of the sewerage and water supply pipelines.

Sunil Kumar Gupta admitted that the drainage lines were running parallel to the water supply pipelines.

Witness Vivesh Kumar Jain also admitted the fact that the drainage lines and water supply lines were running close and parallel to each other.

Further, Ashwin Anand Janvade, Executive Engineer of the Indore Municipal Corporation, categorically admitted that in the Bhagirathpura area, the sewerage lines and drinking water pipelines were intersecting and overlapping each other at several places. The witness also clearly admitted that the provisions and norms prescribed under the CPHEEO Manual had not been followed in the Bhagirathpura area. It is pertinent to note that the said witness is presently posted as Executive Engineer in the Indore Municipal Corporation.

Further, Shri Naresh Kumar Bhaskar, presently serving as an Executive Engineer, Indore Municipal Corporation, categorically stated and admitted in his deposition that, at the time he assumed charge of his office, the work of replacing the water supply pipelines was already in progress. He further stated that the water supply pipelines which had not yet been replaced were in a damaged condition and that, at several locations, the sewerage lines and the drinking water supply pipelines were laid parallel to each other.

He further admitted that, if the sewerage lines and water supply pipelines in the Bhagirathpura area had originally been laid in accordance with the prescribed norms, standards, and the guidelines contained in the CPHEEO Manual, the present problem of contamination of drinking water would not have arisen. He expressly agreed that non-compliance with the prescribed engineering standards was a contributing factor to the occurrence of the water contamination problem.



It is noteworthy that several witnesses examined before this Commission have admitted that in the Bhagirathpura area, the drainage/sewerage pipelines and water supply pipelines were running parallel to each other, overlapping each other at several places, and crossing each other. Evidence has also come on record to show that in certain locations the sewerage pipelines were laid above the water supply pipelines. This, in the considered opinion of the Commission, constituted a major factor which resulted in sewage and contaminated material entering into the water supply pipelines, thereby causing contamination of drinking water.

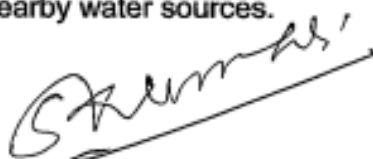
For the purpose of fixing responsibility, it was necessary to ascertain as to by whom the water supply pipeline network under HUDCO scheme and sewerage pipelines were laid under the ODA Scheme, who were the officers, engineers, and Commissioners responsible at the relevant time, and upon whom the duty of supervision, monitoring, and execution rested. However, due to non-availability of records, the relevant documentary evidence could not be brought before this Commission.

Nevertheless, from the oral and circumstantial evidence which has come on record, it stands sufficiently established that when the sewerage pipelines were laid under the ODA Scheme during the period between 1990 and 1995 or water supply pipeline during the 1999 to 2004 under HUDCO scheme were not laid in accordance with the CPHEEO norms and standards. This, in the opinion of the Commission, was one of the principal causes which led to the contamination of the water supply in the Bhagirathpura area.

Several witnesses, including local residents as well as officials examined during the course of the inquiry, have categorically stated that in the Bhagirathpura area, the drainage/sewerage lines were laid parallel to the water supply pipelines, and at several places the sewerage lines were crossing and overlapping the water supply pipelines.

This circumstance clearly indicates that whenever any damage, leakage, seepage, or rupture occurred in the sewerage lines, the contaminated sewage material escaped therefrom and entered into the adjoining water supply pipelines through leakage points, perforations, cracks, or damaged portions of the water pipelines, thereby contaminating the potable water supply.

The material placed before the Commission indicates that the outbreak of Acute Gastroenteritis, Diarrhea, and related water-borne diseases in the locality is consistent with contamination of drinking water. Such contamination may occur due to various factors, including ingress of sewage into drinking water pipelines, leakage or damage in the water supply network, cross-connection between water supply and sewer lines, or discharge of untreated waste into nearby water sources.

A handwritten signature in black ink, appearing to be 'S. Kumar', written over a horizontal line.

From the complaints and preliminary inspection reports received from the locality, it has been alleged that in certain areas of Bhagirathpura the water supply pipelines run in close proximity to sewer lines, and in some places the pipelines are reported to be old, damaged, or leaking. In such circumstances, particularly when the water supply pressure is low, sewage water may enter the drinking water pipelines through cracks or leakages, thereby contaminating the water supplied to households.

Further, residents have reported foul smell, discoloration of water, and the presence of suspended impurities in the drinking water, which are commonly indicative of possible sewage ingress or contamination within the distribution network.

The groundwater quality reports of the Indore Municipal Corporation dated 30.12.2025 and 01.01.2026 revealed the presence of faecal coliform in the drinking-water samples, thereby confirming bacterial contamination of the water.

The groundwater analysis conducted by the Madhya Pradesh Pollution Control Board also confirmed contamination. Out of 52 samples collected, 50 tested positive for Total Coliform, with values ranging from 1.8 to 430, while 40 samples tested positive for E. coli, with values ranging from 1.8 to 26. The other parameters were found to be within the prescribed permissible limits.

It was reported that a septic tank situated behind the Police Chauki, near the Overhead Tank, had overflowed, resulting in the accumulation of sewage on the surrounding ground surface. The old drinking-water pipeline is reportedly laid beneath or in close proximity to this location. In view of the age and condition of the said pipeline, the possibility of leakage, damage, or failure of joints cannot be ruled out.

Consequently, the possibility that sewage from the overflowing septic tank entered the drinking-water pipeline through a leak, damaged portion, defective joint, or other structural defect cannot be excluded. This location, therefore, constitutes a potential point of contamination of the municipal water-supply system and requires detailed technical examination.

However, the aforesaid localized incident, by itself, does not adequately explain the extent and distribution of the fecal contamination detected in the borewell water in the affected area. The contamination of groundwater may have resulted from one or more additional sources or pathways.

Accordingly, the precise source, mechanism, and extent of contamination require further technical investigation. Such investigation should include examination of the alignment, depth, and physical condition of the water-supply and sewerage pipelines; the possibility of leakage or ingress at joints and damaged portions; the hydrogeological conditions of the area;



the direction and movement of groundwater; the flow and migration of contaminated water; and the possibility of other sources of fecal contamination.

Therefore, on the basis of the material presently available, the overflowing septic tank near the Overhead Tank may be treated as a **potential source or point of contamination**, but a conclusive finding that it was the sole or exclusive source of the contamination cannot be recorded without further technical investigation and scientific evidence.

The evidence further establishes that after damage, leakage, seepage, or deterioration occurred in the sewerage lines, the sewage, filth, and contaminated material escaping therefrom entered and mixed with the water supply pipelines. Consequently, contaminated water came to be supplied through the drinking water supply network in the Bhagirathpura area.

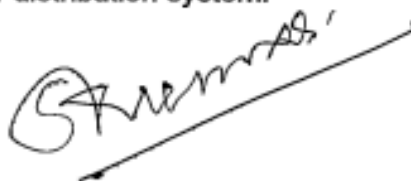
Finding Regarding the Cause of Contamination

The Commission is of the considered view that the deposition of Shri Sanjeev Kumar Srivastava provides an important technical and factual link in determining the probable source of contamination.

The following circumstances emerge from his deposition and the material available on record:

1. The water supply and sewerage pipelines in Bhagirathpura were running in close proximity and, at certain places, were crossing each other.
2. The prescribed separation between the two systems was not maintained.
3. Even where narrow lanes prevented maintenance of the prescribed horizontal separation, an alternative protective arrangement was required, namely, laying the sewerage pipeline below the water supply pipeline.
4. Leakage and overflow were present in the sewerage system in the vicinity of the water supply pipeline.
5. The witness admitted the technical possibility of ingress of sewerage water into a drinking-water pipeline in the event of leakage coupled with negative pressure.
6. Coliform bacteria were subsequently detected in the water samples collected after the incident.

Taken cumulatively, these circumstances establish a credible and technically plausible mechanism by which contaminated sewerage water could have entered the potable-water distribution system.



The Commission therefore finds that **ingress of contaminated sewerage water into the water supply system constitutes a strong and technically plausible source of the contamination in Bhagirathpura.**

The evidence relating to the defective proximity and configuration of the pipelines, the existence of leakage and overflow, the possibility of negative pressure, and the subsequent detection of coliform contamination is mutually corroborative.

Thus, upon consideration of the entire facts, circumstances, oral evidence, and documentary material available on record, this Commission holds that the cause and source of contamination was the laying of the water supply pipelines and sewerage pipelines in violation of the norms and standards prescribed under the CPHEEO Manual, resulting in ingress of sewage and contaminated material into the water supply pipelines. The improper laying of the water supply and sewerage lines, contrary to the provisions of the CPHEEO Manual, created the conditions which ultimately led to contamination of the drinking water supply in the Bhagirathpura area.

[2] Public Health Inputs

[iii] Number of actual deaths of affected residents on account of contaminated water.

It is now necessary to examine the post-mortem reports of those deceased persons whose post-mortem examinations were conducted, particularly the viscera examination reports, to ascertain whether any chemical poison or toxic substance was detected which could indicate that the deaths were caused by chemical poisoning rather than by the consumption of contaminated water.

Accordingly, the viscera examination reports were called for. The reports in respect of deceased **Arvind[Ex/V-1], Sunita[Ex/V-2], and Manjula[Ex/V-3]**, issued by the Regional Forensic Science Laboratory, Indore, revealed that no chemical poison or toxic substance was detected in the viscera of any of the three deceased persons. These findings clearly establish that their deaths were not caused by any chemical or toxic poison.

On the contrary, the medical evidence on record shows that the deceased were suffering from gastroenteritis caused by *Escherichia coli* (E. coli) and



other pathogenic bacteria detected in the contaminated drinking water. The absence of any chemical poison in the viscera, read together with the medical and scientific evidence, leads to the conclusion that the deaths were attributable to gastroenteritis resulting from the consumption of contaminated water and not to chemical poisoning.

In these circumstances, the only issue that now remains for determination is whether sewage or other contaminated water had entered and mixed with the water supply pipeline, thereby contaminating the drinking water supplied to the affected area.

Dr. Madhav Prasad Hasani, Chief Medical and Health Officer, Indore, and Dr. Arvind Ghanghoria, Dean of Maharaja Yeshwantrao Hospital, stated in their testimonies that a large number of residents from the Bhagirathpura area were admitted to hospitals with complaints of vomiting, diarrhoea, abdominal pain, and severe infection. These witnesses further stated that the condition of the patients was indicative of symptoms of water-borne diseases.

The said witnesses also stated that the patients admitted to the hospitals were exhibiting similar symptoms and were suffering from gastroenteritis. They further explained that contaminated drinking water can cause gastroenteritis (intestinal inflammation), diarrhoea, and severe infections.

These witnesses also informed the Commission that the Death Audit Committee constituted by MGM Medical College had assessed 36 deaths, out of which 22 deaths were found to have occurred due to the gastroenteritis epidemic, while the remaining 14 deaths had occurred due to other causes.[Ex IR-1]

It was further stated that post-mortem examinations of the deceased persons were conducted at the M.Y. Hospital, wherein gastroenteritis was confirmed. The witnesses clarified that gastroenteritis is a water-borne disease caused by bacteria present in contaminated water. The witnesses also stated that the water testing reports had indicated the possibility of infection, and that harmful bacteria had been detected in the contaminated water samples collected during the initial stage of the incident.

As per the records collected during the course of the inquiry, a total of 35 deaths were reported up to 12 February 2026.[Ex-IR-1]

Out of the said deaths, 22 deaths appear to be probably related to the present epidemic(on account of Contaminated Water), as reflected from the records maintained by the concerned hospitals.

As per the hospital records, 14 deaths were reported to have occurred due to causes other than the present epidemic.



Further, according to the records submitted by Chacha Nehru Bal Chikitsalay, Indore, 38 patients (all under the age of 14 years) were admitted to the hospital and subsequently discharged after being diagnosed with Acute Gastroenteritis, Dehydration, and Acute Diarrhea.

Similarly, as per the records provided by the Dean, MGM Medical College, Indore, 43 patients were admitted and later discharged after being diagnosed with Acute Gastroenteritis.

These figures are based on the hospital records made available to the Commission at this stage of the inquiry.

The above medical data, as gathered from the records of the concerned hospitals, prima facie indicates the occurrence of a significant number of cases of Acute Gastroenteritis, Acute Diarrhea, and severe Dehydration within a short span of time in the affected locality. These diseases are commonly associated with contaminated drinking water and poor sanitation conditions. The clustering of such cases, along with the reported deaths during the relevant period, suggests the possibility of a water-borne epidemic in the area.

[iv] Nature of disease reported.

[A] Acute gastroenteritis

[B] Diarrhea

[C] Dysentery

[D] Persistent Vomiting

GASTROENTERITIS EPIDEMIC

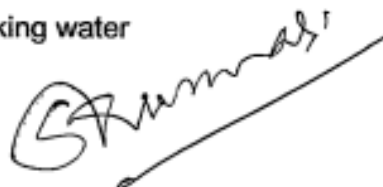
I. What is Gastroenteritis?

Gastroenteritis is an inflammation of the stomach and intestines leading to:

- Acute diarrhea
- Vomiting
- Abdominal pain
- Fever
- Dehydration

In epidemic form, it affects multiple persons in a localized area within a short time, usually due to:

- Contaminated water supply
- Food poisoning
- Sewage mixing with drinking water

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II. Causes of Gastroenteritis Epidemic

A. Infectious Causes

1. Viral

- Norovirus
- Rotavirus

2. Bacterial

- E. coli (fecal contamination indicator)
- Salmonella
- Shigella
- Vibrio cholerae

3. Parasitic

- Giardia
- Entamoeba histolytica

B. Most Common Cause in Urban Outbreaks

In municipal outbreaks, primary cause is:

Sewage ingress into drinking water pipelines

Mechanism:

- Leakage in underground water pipeline
- Sewer line running parallel
- Crack or joint failure
- Intermittent supply causing negative pressure suction
- Entry of contaminated sewage water

III. Clinical Effects on Individuals

Mild Cases

- 3–5 loose motions
- Weakness
- Recovery in 2–3 days

Moderate Cases

- 10–15 stools per day
- Vomiting
- IV fluid required

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Severe Cases

- Continuous watery diarrhea
- No urine output
- Hypovolemic shock
- ICU admission

Cause of Death

Most common immediate cause:

Hypovolemic shock due to severe dehydration resulting from acute infective gastroenteritis

Gastroenteritis epidemic in an urban locality is most commonly caused by sewage contamination of municipal drinking water due to pipeline leakage or cross-connection. The disease leads to acute dehydration which may result in hypovolemic shock and death, particularly among vulnerable populations. Determination of liability requires medical, epidemiological, and engineering evidence establishing a direct nexus between contaminated water supply and resultant fatalities. Failure of maintenance, inadequate chlorination, and delayed response may constitute administrative negligence and violation of constitutional duty to provide safe drinking water.

[v] Adequacy of medical response and preventive measures.

During the course of the inquiry, the Commission examined the medical records, hospital data, and information provided by the Health Department regarding the response to the outbreak of Acute Gastroenteritis, Acute Diarrhea, and related illnesses reported from Bhagirathpura and adjoining areas.

1. Hospital Admissions and Treatment

The records collected from the concerned hospitals indicate that a significant number of patients from the affected locality were admitted and treated during the relevant period.

- As per the records submitted by Chacha Nehru Bal Chikitsalay, Indore, 38 patients (all below the age of 14 years) were admitted and later discharged after being diagnosed with Acute Gastroenteritis, Dehydration, and Acute Diarrhea.
- As per the records submitted by the Dean, MGM Medical College, Indore, 43 patients were admitted and subsequently discharged after



being diagnosed with Acute Gastroenteritis.

- The hospital records also indicate that 35 deaths were reported up to 12 February 2026, out of which 22 deaths were probably related to the epidemic, while 13 deaths were reported due to other causes.
- The available records indicate that patients received medical treatment including rehydration therapy, administration of antibiotics where necessary, and supportive care.

2. Availability of Medical Facilities

The information received indicates that the following medical facilities were involved in providing treatment:

- Government hospitals including MGM Medical College and associated hospitals
- Chacha Nehru Bal Chikitsalay for pediatric cases
- Other nearby public health facilities and clinics

The hospitals reportedly made arrangements for additional beds, intravenous fluids, oral rehydration solutions (ORS), and essential medicines to treat the patients suffering from dehydration and gastrointestinal infections.

3. Preventive and Public Health Measures

The Health Department and Municipal authorities reportedly undertook the following preventive measures in the affected area:

- Medical camps and health check-up camps organized in the locality
- Distribution of ORS packets and essential medicines to affected residents
- Door-to-door health surveys to identify symptomatic patients
- Chlorination of drinking water sources
- Public advisories to residents to boil drinking water before use

4. Monitoring and Disease Surveillance



The available information suggests that health authorities initiated monitoring of cases of diarrhea and gastroenteritis in the area and maintained records of patients reporting to hospitals and medical camps.

[vi] Immediate steps required to ensure safe drinking water.

1. Alternative Safe Water Supply

- Immediate provision of clean drinking water through water tankers in the affected area
- Establishment of temporary "Safe Water Points" at public places
- Distribution of bottled water, if required

2. Immediate Shutdown of Contaminated Source

- Suspected/contaminated pipelines or borewells must be shut down immediately
- Water supply from such sources must be completely stopped until declared safe after testing

3. Water Testing

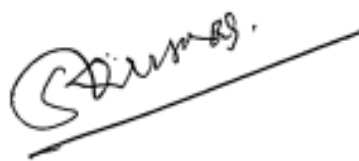
- Water samples must be collected and sent for bacteriological and chemical testing in laboratories
- The source should not be used until test reports confirm safety
- Regular (daily/weekly) water testing must be initiated

4. Pipeline Cleaning and Repairs

- Complete flushing and chlorination of pipelines must be carried out
- Leakages and cross-connections (sewage mixing) must be immediately repaired

5. Chlorination and Disinfection

- Adequate chlorination of water must be ensured
- Water tanks and reservoirs must be cleaned and properly disinfected

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6. Health Department Preparedness

- Deployment of medical teams in the affected area
- Organization of medical camps for water-borne diseases (such as diarrhea, typhoid, etc.)
- Ensuring adequate availability of medicines

7. Public Information and Awareness

- Advisories should be issued to boil water before drinking
- Information should be disseminated through SMS, public announcements, and pamphlets
- A dedicated helpline number should be issued

8. Fixing Responsibility

- Accountability of concerned officials must be determined
- Immediate action should be taken in cases of negligence

9. Monitoring

- Daily review of the situation by senior Officers.
- Continuous monitoring of water quality and supply

Specific Duties Related to Water Supply in Bhagirathpura

Due to the **water contamination crisis in Bhagirathpura**, the responsibilities of the Commissioner — particularly relating to that area — have been highlighted and reinforced by both administrative actions and judicial directions.

a. Ensuring Safe and Continuous Water Supply

- The Commissioner must **provide safe, drinkable water** to Bhagirathpura residents.
- Where tap supply is unsafe, the Commissioner oversees alternate provision such as **municipal water tankers** to meet immediate needs.



- Chlorination of water lines and public borewells falls under municipal supervision to prevent contamination.

b. Monitoring and Restoring Infrastructure

- Inspecting damaged or contaminated **Narmada water supply lines and drainage systems** to identify possible causes of contamination.
- Directing **repair, replacement, and maintenance of pipelines** and related infrastructure so potable water supply can be restored safely and promptly.
- Ensuring proper separation of **sewage and water distribution lines** to prevent future contamination.

c. Quality Assurance & Testing

- Overseeing **testing and monitoring of water quality** to confirm safety standards are met before distribution.
- Taking corrective actions immediately in case tests show contamination.

d. Implementation of Court / Administrative Directions

- Following directives from the **Madhya Pradesh High Court** and the district administration to ensure interim compliance with safe water supply and testing protocols.
- May be required to **coordinate with other departments** like the health department, pollution control board, and Public Health Engineering Department for comprehensive action.

e. Community Interaction & Crisis Management

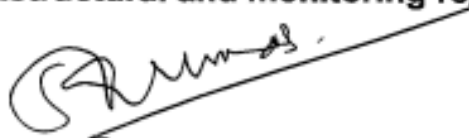
- Interacting with residents to assess on-ground issues and feedback about water supply and distribution.
- Communicating action plans and timelines for water restoration works.

3. Broader Responsibilities That Support Water Supply Work

Although not limited to Bhagirathpura, the Commissioner also oversees general citywide water supply functions which include:

- **Planning and execution of water schemes** and infrastructure improvements.
- **Coordination with engineering and health departments** to maintain clean water access.
- **Emergency preparedness and response**, especially during contamination or natural events.

[vii] Long-term infrastructural and monitoring reforms.



Long-Term Infrastructural and Monitoring Reforms

In view of the serious public health consequences arising from the contamination of drinking water in the Bhagirathpura area, the Commission considers it necessary to recommend certain long-term infrastructural improvements and monitoring mechanisms to prevent recurrence of such incidents in the future. These measures are aimed at strengthening the safety, reliability, and accountability of the urban water supply system.

1. Comprehensive Mapping and Modernization of Water Supply Network

The Indore Municipal Corporation should undertake a comprehensive technical survey and mapping of the entire water supply network, particularly in older and densely populated areas. Aging pipelines should be systematically replaced with durable and corrosion-resistant materials, and the network should be modernized to reduce the risk of leakage and contamination.

2. Separation of Water Supply and Sewer Infrastructure

- i. A minimum horizontal distance of **3 meters** shall be maintained between sewer pipelines and potable water pipelines.
- ii. Water pipelines shall always be laid **at a higher level**, maintaining a minimum vertical separation of **0.5 to 1 meter** above sewer lines.
- iii. Under no circumstances shall sewer pipelines be laid **above or intersecting water pipelines**, except in unavoidable situations where **protective encasing and concrete shielding** is provided.

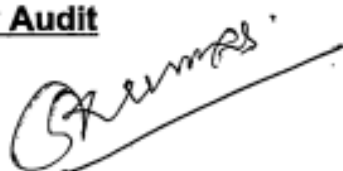
3. Engineering Design & Approval

- i. All pipeline works shall be based on **pre-approved technical designs**, supported by GIS-based mapping.
- ii. Pipeline material shall be **leak-proof, corrosion-resistant**, and conform to prescribed quality standards.
- iii. Sewer lines shall be designed with **adequate slope** to ensure no stagnation or backflow.

4. Pre-Commissioning Testing

- i. No water supply system shall be made operational without:
 - Hydrostatic pressure testing
 - Leak detection tests
- ii. Mandatory **water quality testing** shall be conducted as per BIS drinking water standards (IS 10500).

5. Independent Quality Audit



- i. A **third-party inspection agency** shall certify compliance before commissioning.
- ii. No financial payment shall be released to contractors without such certification.

6. Digital monitoring and transparency

- i. A **GIS-based digital mapping system** shall be maintained for all underground utilities.
- ii. Real-time monitoring systems shall be deployed to detect leakage and contamination.
- iii. Public access to non-sensitive infrastructure data shall be ensured for transparency.

7. Tender & Contractual Safeguards

- i. All tenders shall mandatorily include **technical safety specifications and separation norms**.
- ii. Strict penal clauses, including **blacklisting**, shall be invoked for violations.

8. Preventive Maintenance and Infrastructure Audit

A system of regular preventive maintenance should be institutionalized. The Municipal Corporation should conduct periodic technical inspections and infrastructure audits of water pipelines, pumping stations, valves, and distribution networks. Detailed records of inspection and maintenance activities should be maintained and made subject to administrative oversight.

9. Continuous Water Quality Monitoring System

A robust water quality monitoring system should be established to ensure that water supplied to residents meets prescribed public health standards. Water samples should be collected regularly from multiple points in the distribution network, including source points, storage reservoirs, and end-user locations. The testing should be carried out in accredited laboratories, and the results should be properly documented.

10. Installation of Real-Time Monitoring Mechanisms

Where feasible, the Municipal Corporation may consider the installation of modern sensor-based monitoring systems capable of detecting changes in water pressure, leakage, and possible contamination within the pipeline network. Such systems can provide early warning signals and enable prompt corrective action.

11. Strengthening Disease Surveillance Mechanism



The Health Department should establish a strengthened disease surveillance system for early detection of outbreaks of water-borne diseases such as diarrhea, gastroenteritis, cholera, and typhoid. Hospitals and health centers should be required to promptly report unusual clusters of such cases to the health authorities and municipal administration.

12. Integrated Coordination Between Departments

Effective coordination between the Municipal Corporation, Public Health Engineering authorities, and the Health Department is essential. A structured mechanism for sharing information, joint inspections, and coordinated response should be institutionalized to address issues relating to water supply and sanitation.

13. Emergency Response Protocol

A clearly defined emergency response protocol should be established to deal with incidents of suspected water contamination. The protocol should include immediate inspection of pipelines, temporary suspension of contaminated water supply, alternative water arrangements, and public health advisories to affected residents.

14. Strengthening Public Complaint and Reporting Mechanism

The Municipal Corporation should maintain an accessible and responsive grievance redressal system through which residents can report complaints regarding foul-smelling or discolored water, pipeline leakage, or sanitation issues. Such complaints should be promptly investigated and resolved, and records should be maintained for accountability.

15. Public Awareness and Community Participation

Public awareness programs should be conducted to educate residents regarding safe drinking water practices, sanitation, and the importance of reporting irregularities in water supply. Community participation can significantly enhance early detection and prevention of contamination incidents.

16. Fixation of Responsibility

i. Clear accountability shall be fixed upon:

- Designing Engineer
- Supervising Engineer (AE/EE)
- Approving Authority

ii. Any violation shall attract **individual liability**, and not merely collective responsibility.



17. Legal Enforcement

- i. These guidelines shall be incorporated into **municipal by-laws and statutory framework.**
- ii. Non-compliance shall invite **departmental action and criminal liability,** where public health is endangered.

Observation

The Commission is of the view that implementation of the above long-term infrastructural and monitoring reforms will substantially strengthen the safety, transparency, and accountability of the municipal water supply system, thereby minimizing the risk of future outbreaks of water-borne diseases and ensuring protection of public health.

Since the provision of safe, clean, and potable drinking water is intrinsically linked to public health and forms an integral part of the right to life guaranteed under Article 21 of the Constitution of India, every citizen is entitled to receive safe drinking water as a matter of fundamental right.

In view of the findings recorded in the present inquiry and considering the constitutional obligation of the State to protect public health and ensure access to safe drinking water, the Commission considers it appropriate to make the following recommendations for the consideration of the Hon'ble High Court:

The Commission respectfully submits that, in view of the findings recorded herein and considering the paramount importance of safeguarding public health and ensuring the uninterrupted supply of safe and potable drinking water to urban residents, the Hon'ble High Court may, if it deems fit and proper, consider issuing appropriate directions to the State Government for the establishment of an independent and dedicated institutional mechanism or department exclusively entrusted with the planning, regulation, operation, monitoring, quality assurance, maintenance, and overall management of urban drinking water supply systems.

The Commission is of the considered opinion that the creation of such a specialized entity would facilitate greater accountability, professional oversight, timely maintenance of water supply infrastructure, effective monitoring of water quality standards, and prompt response to public health risks arising from contamination or failure of the drinking water distribution network. Such an institutional framework would substantially strengthen the protection of public health and reduce the likelihood of recurrence of incidents similar to those examined in the present inquiry.



Recommendation Regarding Urban Drinking Water Supply Management

Safe and pure drinking water is an essential component of the right to life guaranteed under Article 21 of the Constitution of India. It is the obligation of the State and its instrumentalities to ensure that every citizen has access to potable water that meets prescribed health and safety standards.

At present, in urban areas, the responsibility for installation, operation, maintenance, and monitoring of water supply pipelines generally rests with the Municipal Corporation. However, experience shows that Municipal Corporations are often entrusted with numerous civic functions, including sanitation, solid waste management, roads, street lighting, building regulation, public health, and other municipal services. As a result, adequate attention is not always devoted to the maintenance, inspection, and monitoring of the water supply infrastructure.

Leakages, aging pipelines, illegal connections, proximity of water and sewer lines, inadequate monitoring, and delayed repairs may result in contamination of drinking water, posing serious risks to public health. Incidents of water-borne diseases and contamination highlight the need for a more specialized and accountable institutional mechanism.

It may therefore be considered appropriate that the State Government examine the feasibility of establishing a separate and dedicated **Urban Water Supply Department/Authority**, staffed with qualified engineers, water quality experts, and technical personnel, exclusively responsible for planning, operation, maintenance, surveillance, and quality control of urban drinking water systems.

Such an authority may be entrusted with:

1. Continuous monitoring of water quality through modern testing laboratories.
2. Periodic inspection and maintenance of water supply pipelines.
3. GIS-based mapping and monitoring of water distribution networks.
4. Real-time detection and reporting of leakages and contamination.
5. Independent audits of water quality and infrastructure safety.
6. Emergency response mechanisms for contamination incidents.
7. Fixation of responsibility and accountability in cases of failure.
8. Public disclosure of water quality reports and consumer grievance redressal.

A dedicated institutional framework of this nature would enhance accountability, improve technical supervision, and significantly reduce the risk of contamination. It would further strengthen the State's ability to fulfil

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its constitutional obligation under Article 21 by ensuring the supply of safe, clean, and wholesome drinking water to urban residents.

RECOMMENDATIONS FOR ESTABLISHMENT OF A DEDICATED URBAN DRINKING WATER AUTHORITY

1. Constitutional Basis

The right to safe and wholesome drinking water is an integral part of the Right to Life guaranteed under Article 21 of the Constitution of India. The State is under a constitutional obligation to ensure that citizens are supplied with potable water free from contamination and health hazards.

The present incident demonstrates that contamination of drinking water can have catastrophic consequences, including large-scale illness, hospitalization, and loss of human life. Such incidents reveal systemic deficiencies in monitoring, maintenance, supervision, accountability, and emergency response mechanisms within the existing framework of urban water supply management.

Accordingly, structural reforms are necessary to safeguard public health and prevent recurrence of similar incidents.

2. Establishment of Madhya Pradesh Urban Water Supply Authority (MPUWSA)

The State Government may consider establishing a statutory body to be known as the “**Madhya Pradesh Urban Water Supply Authority**” (**MPUWSA**) through appropriate legislation.

The Authority should function as an independent technical body responsible exclusively for urban drinking water management throughout the State.

3. Objectives of the Authority

The Authority shall be responsible for:

- (a) Ensuring uninterrupted supply of safe drinking water.
- (b) Maintaining water quality in accordance with national and international standards.
- (c) Preventing contamination within water distribution systems.
- (d) Establishing accountability mechanisms for failures in water supply management.



(e) Protecting public health through scientific monitoring and risk management.

4. Separation from Municipal Functions

At present, Municipal Corporations are entrusted with numerous civic functions including sanitation, drainage, roads, waste management, building control, public health, and water supply.

The Commission recommends that drinking water management be treated as a specialized technical function and be separated from routine municipal administration.

Municipal Corporations may continue to assist the Authority, but technical control, supervision, monitoring, testing, and maintenance of drinking water systems should vest in the dedicated Authority.

5. Organizational Structure

The Authority may consist of:

1. Chairperson (retired High Court Judge/Chief Secretary level officer).
2. Chief Executive Officer.
3. Chief Water Engineer.
4. Director (Water Quality).
5. Director (Pipeline Safety and Maintenance).
6. Director (Technology and Surveillance).
7. Director (Emergency Response and Disaster Management).
8. Regional Offices in all major urban centers.
9. District Water Safety Units.

6. Water Quality Surveillance System

The Authority shall establish:

- (a) State Water Quality Laboratory.
- (b) Regional laboratories.
- (c) Mobile water testing laboratories.
- (d) Continuous online monitoring systems.
- (e) Independent third-party audits.

Water quality testing shall be conducted at regular intervals and reports shall be publicly available.

7. GIS-Based Mapping and Digital Monitoring

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Every water supply line, valve, pumping station, overhead tank, filtration plant, and consumer distribution network should be digitally mapped through GIS technology.

The Authority shall maintain a digital database identifying:

- Age of pipelines.
- Material used.
- Repair history.
- Leakage records.
- High-risk contamination zones.
- Areas requiring replacement.

8. Replacement of Aging Pipelines

The Authority shall prepare a State-wide inventory of pipelines.

Pipelines crossing or running adjacent to sewer lines, drains, or contaminated zones should be identified and replaced on priority.

No pipeline should remain in service beyond its prescribed technical life without safety certification.

9. Mandatory Safety Audit

An annual safety audit shall be mandatory.

The audit should include:

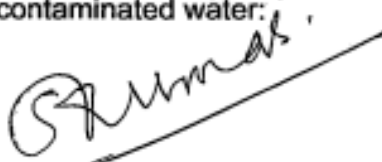
- (a) Physical inspection.
- (b) Water quality testing.
- (c) Pressure testing.
- (d) Leakage assessment.
- (e) Contamination risk assessment.

Audit reports shall be submitted to the State Government and placed in the public domain.

10. Early Warning and Emergency Response System

A dedicated emergency response mechanism shall be established.

Upon receipt of any complaint regarding contaminated water:

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- (a) Water samples shall be collected within 24 hours.
- (b) Testing shall be completed immediately.
- (c) Alternative drinking water arrangements shall be made.
- (d) Public advisories shall be issued.
- (e) Emergency medical teams shall be deployed where necessary.

11. Accountability Framework

In every contamination incident:

- (a) Responsibility shall be fixed within a specified period.
- (b) Departmental proceedings shall be initiated against negligent officers.
- (c) Criminal action shall be considered where negligence results in death or serious injury.
- (d) Failure to conduct inspections, monitoring, or timely repairs shall constitute misconduct.

12. Citizen Complaint and Grievance System

A centralized complaint platform shall be established.

Citizens should be able to report:

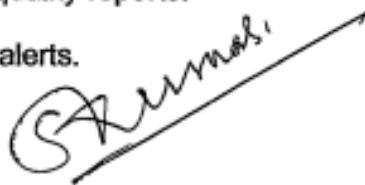
- Foul-smelling water.
- Discoloured water.
- Muddy water.
- Low pressure.
- Pipeline leakages.
- Suspected contamination.

Every complaint should receive a unique tracking number and be resolved within prescribed timelines.

13. Public Transparency Measures

The Authority shall publish:

- (a) Monthly water quality reports.
- (b) Contamination alerts.

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- (c) Audit findings.
- (d) Pipeline replacement schedules.
- (e) Corrective actions taken.

Such information shall be accessible to all citizens.

14. Compensation Mechanism

The State Government may establish a Drinking Water Disaster Relief Fund.

Where contamination results in illness, hospitalization, disability, or death, compensation may be awarded through a simplified procedure without compelling affected citizens to undertake prolonged litigation.

15. Legislative Reforms

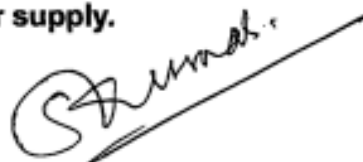
The State Government may enact a comprehensive Urban Drinking Water Safety Act providing:

- (a) Statutory duties of authorities.
- (b) Water quality standards.
- (c) Monitoring obligations.
- (d) Accountability provisions.
- (e) Citizen rights.
- (f) Penalties for non-compliance.

16. Concluding Recommendation

The Commission is of the considered opinion that safe drinking water cannot be treated merely as a municipal service. It is a fundamental public health obligation flowing directly from Article 21 of the Constitution. The establishment of a dedicated, professionally managed, technologically equipped, and legally accountable Urban Water Supply Authority would significantly reduce the risk of contamination incidents and would ensure effective protection of the life, health, and dignity of citizens.

Accordingly, the Commission strongly recommends establishment of an independent Urban Drinking Water Supply Department with exclusive responsibility for planning, operation, maintenance, monitoring, quality control, emergency response, and accountability relating to urban drinking water supply.



[viii] To identify and fix responsibility upon the officers and officials found prima facie responsible for the Bhagirathpura water contamination incident.

CHAPTER – FIXATION OF RESPONSIBILITY

Responsibility of Officers and Officials in Relation to the Bhagirathpura Water Contamination Incident

1. Introduction

The Commission has carefully examined the oral and documentary evidence placed before it, including the statements of officers of the Indore Municipal Corporation, health authorities, technical officers, and other witnesses. The material available on record establishes that the incident was not the result of an isolated event but appears to have been caused by systemic failures in the planning, maintenance, monitoring, supervision, and operation of the drinking water distribution and sewerage network in the affected area.

The Commission is conscious that the purpose of the inquiry is not merely to identify the immediate cause of contamination but also to ascertain the administrative and technical failures that contributed to the occurrence of the incident and its consequences.

2.The Issue Requiring Determination

The material placed before the Commission establishes, prima facie, that the water supplied to the residents of Bhagirathpura became contaminated as a result of the ingress or mixing of sewage-contaminated material into the drinking-water supply system. The presence of bacteriological contamination, including faecal contamination, Total Coliform and *E. coli*, in the water samples collected from the affected area is a significant circumstance in this regard.

However, the mere establishment of the fact that the drinking-water supply system was contaminated does not, by itself, determine the point of time at which the contamination first commenced, nor does it automatically establish the responsibility of every person who had any connection with the water-supply or drainage system during the preceding years.

The Commission is, therefore, required to examine a further and equally important question:

When did the contamination of the drinking-water supply system actually commence, and from what point of time did such contamination become sufficiently serious to cause the



outbreak of illness and the deaths reported in the Bhagirathpura area?

This question assumes particular significance for determining individual responsibility.

3. Distinction Between the Existence of a Defect and the Commencement of the Causal Event

It is necessary to distinguish between:

1. the existence of an old, defective, damaged, leaking, or improperly aligned pipeline;
2. the existence of a potential pathway through which sewage or contaminated material could enter the water-supply pipeline;
3. the actual commencement of ingress or mixing of sewage-contaminated material into the drinking-water pipeline;
4. the degree and quantity of contamination entering the drinking-water system;
5. the distribution of contaminated water to consumers; and
6. the commencement of illness, hospitalisation, and deaths.

These are not necessarily simultaneous events.

The fact that a water-supply pipeline may have been old or structurally defective for several years does not, by itself, establish that the same pipeline continuously caused fatal contamination throughout that entire period. Similarly, the fact that bacteriological contamination may have been detected in earlier samples does not necessarily establish that the same degree, concentration, or volume of contamination that caused the December 2025 outbreak existed continuously during the earlier period.

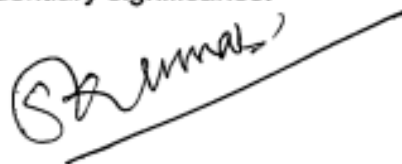
Accordingly, **the existence of an old defect and the occurrence of the fatal contamination event must be examined separately.**

4. Significance of the Absence of an Earlier Comparable Outbreak

The Commission has examined the material available regarding the period preceding the Bhagirathpura incident.

The available record does not establish that, during the two, three, or four years preceding the incident, there had been a comparable outbreak of illness or deaths in the affected area attributable to contamination of the municipal drinking-water supply on the scale subsequently witnessed in December 2025 and thereafter.

This circumstance is of considerable evidentiary significance.



If it is established that:

- no comparable outbreak occurred during the preceding several years;
- no similar cluster of deaths was reported during that period;
- no comparable epidemic of water-borne illness was recorded;
- the serious illness and deaths began only around the end of December 2025; and
- the contamination was detected at a level capable of causing the observed consequences during the relevant period,

then the Commission must carefully examine whether the **actual and substantial ingress of sewage-contaminated material into the drinking-water pipeline commenced only shortly before the outbreak.**

The absence of an earlier comparable outbreak does not, by itself, prove that there was no contamination whatsoever during the earlier period. However, it is a relevant circumstance in determining whether the earlier condition of the pipeline was the same in nature, intensity, and consequence as the condition existing immediately before the outbreak.

5. The Critical Question of the Time of Commencement of Sewage Ingress

The central issue is not merely whether a pipeline defect existed. The critical issue is:

When did the defect, leakage, perforation, damaged joint, or other point of ingress actually begin to permit sewage-contaminated material to enter the drinking-water pipeline in a quantity and concentration sufficient to cause the subsequent outbreak?

A pipeline may remain old or defective for a considerable period without causing a large-scale outbreak. The actual contamination event may commence only when one or more additional circumstances arise, such as:

- development or enlargement of a perforation;
- failure of a joint;
- leakage from a sewage or drainage pipeline;
- change in pressure conditions;
- reduction in pressure in the water-supply pipeline;
- increase in pressure in the sewerage system;
- physical displacement or damage to the pipeline;
- obstruction or overflow in the drainage system;
- accumulation of contaminated material around the water-supply pipeline; or
- any other condition permitting the ingress of sewage into the drinking-water pipeline.

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Therefore, the fact that the water-supply pipeline or drainage system may have existed in a defective condition for a long period does not necessarily establish that the fatal contamination event had commenced during the entire period of such defect.

6. Correlation Between the Commencement of Contamination and the Outbreak

The Commission must, therefore, correlate the following events:

- (A) the first evidence of significant contamination;
- (B) the first evidence of leakage, perforation, pipe failure, or sewage ingress;
- (C) the first complaints regarding abnormal water quality, illness, vomiting, diarrhoea, gastroenteritis, or other water-borne symptoms;
- (D) the first cluster of cases requiring medical treatment or hospitalisation;
- (E) the commencement of deaths attributable, prima facie, to the outbreak; and
- (F) the date on which the contamination was scientifically detected and confirmed.

The fact that the first major consequences were reported around **28 December 2025** is an important temporal circumstance. However, the precise date of commencement of contamination cannot be determined merely from the date on which the first death or first formal complaint was recorded.

The contamination may have commenced:

- shortly before the first illness;
- several weeks before the first hospitalisation;
- or at some earlier point, depending upon the incubation period, exposure pattern, quantity of contamination, and the medical and epidemiological evidence.

The Commission must, therefore, determine the earliest date supported by reliable evidence and not merely assume that the date of the first reported death is the date on which contamination began.

7. The Evidentiary Principle Relevant to Fixation of Responsibility

Responsibility cannot be fixed merely because a person held an office during a period when a defective pipeline existed.

For fixing individual responsibility, the following must be established:



- (i) the person had a specific duty;**
- (ii) the person was in office during the relevant period;**
- (iii) the person had knowledge, or ought reasonably to have had knowledge, of the relevant defect or risk;**
- (iv) the person had the authority and opportunity to take corrective action;**
- (v) the person failed to take such action; and**
- (vi) such omission had a proximate causal connection with the contamination event and the consequences arising therefrom.**

A person cannot be held responsible for a fatal contamination event merely because:

- the person was posted in the department several years earlier;
- the pipeline was old during his or her tenure;
- the person was associated with the water-supply or drainage system;
- the person was responsible for general administration without knowledge of the specific defect; or
- the person occupied an office at a time when a potential risk existed but the actual contamination event had not commenced.
- There must be a legally and factually sustainable connection between the person's specific omission and the actual contamination event.

8. Relevance of Earlier Bacteriological Contamination

The Commission also considers the significance of any earlier reports showing the presence of Total Coliform, Faecal Coliform, or *E. coli* in water samples.

Such reports are undoubtedly relevant. They may indicate that contamination had occurred at some earlier point in time. However, the evidentiary value of such reports must be assessed carefully.

The mere detection of bacteria in an earlier sample does not automatically establish:

1. that the same source of contamination existed continuously thereafter;
2. that the contamination was of the same intensity;
3. that the contamination was caused by the same physical defect;
4. that the same volume of sewage entered the water-supply pipeline;
5. that the earlier contamination was sufficient to cause the later outbreak; or
6. that every officer responsible during the period of the earlier sample must be held responsible for the subsequent deaths.



Earlier bacteriological contamination may establish the existence of a prior contamination risk. It does not, without further technical and epidemiological evidence, establish the precise commencement of the contamination that caused the December 2025 outbreak.

The Commission must, therefore, distinguish between:

historical evidence of contamination and evidence establishing the commencement of the specific contamination event that resulted in the outbreak and deaths.

9. The Four-to-Five-Month Period: A Matter Requiring Technical Correlation

If the technical, medical, epidemiological, and documentary evidence collectively indicates that the substantial ingress of sewage-contaminated material into the drinking-water pipeline commenced approximately four or five months before the outbreak, and that no comparable contamination-related outbreak occurred before that period, then the period immediately preceding the incident becomes particularly relevant for determining responsibility.

However, this conclusion must be based on evidence and not merely on assumption.

The following evidence should be correlated:

- the date of the first complaint regarding water quality;
- the date of the first complaint regarding illness;
- records of water-supply breakdowns;
- records of leakage or pipe repair;
- records of drainage overflow or sewerage leakage;
- complaints received by the Municipal Corporation;
- records of emergency repairs;
- water-quality testing results;
- hospital and public-health data;
- epidemiological evidence regarding the onset and progression of illness;
- records of pipeline pressure and supply conditions, if available;
- technical inspection reports; and
- expert opinion regarding the likely period during which sewage ingress could have commenced.

Only after considering this material can the Commission determine whether the contamination pathway was established months, weeks, or days before the outbreak.

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10. Causation Must Be Examined as a Chain of Events

The relevant causal chain may be stated as follows:

Physical defect or failure in the water-supply/drainage system → creation of a pathway for sewage ingress → actual ingress of contaminated material → contamination of the drinking-water supply → distribution of contaminated water to residents → exposure of the population → outbreak of illness → hospitalisation and deaths.

Each link in this chain must be supported by evidence.

The existence of the first link for several years does not necessarily prove that the entire causal chain existed for the same period.

For example, a pipeline may have been old for several years, but the actual causal chain may have been completed only when:

- a perforation developed;
- a joint failed;
- a leakage occurred;
- the surrounding sewage-contaminated material entered the pipeline;
- or
- a change in pressure conditions caused contaminated material to be drawn into the drinking-water system.

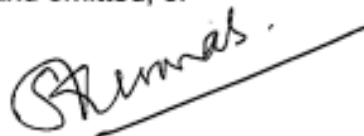
Therefore, the period of responsibility must ordinarily be determined by reference to the period during which the **actual causal mechanism of contamination was in operation**, and not merely by reference to the age of the infrastructure.

11. Responsibility of Officers During Earlier Periods

The Commission must, therefore, exercise caution before fixing responsibility upon officers who were posted several years before the outbreak.

If there is no evidence that, during the earlier period:

- actual sewage ingress had commenced;
- the specific defect responsible for the later contamination existed in its relevant form;
- the officer had knowledge of the defect;
- a complaint or technical warning was received;
- a corrective measure was required and omitted; or



- the officer's omission materially contributed to the continuation of the contamination pathway,

then responsibility for the subsequent outbreak cannot be fixed merely because the officer was associated with the system during an earlier period.

The principle is particularly important in the case of officers who were posted several years before the incident. The Commission must not treat the existence of an old pipeline as equivalent to the continuous existence of the actual contamination event.

12. Responsibility During the Period Immediately Preceding the Outbreak

Conversely, if the evidence establishes that, during the period immediately preceding the outbreak:

- the actual leakage or perforation had occurred;
- sewage-contaminated material had begun entering the water-supply pipeline;
- complaints or warning signs were available;
- the concerned officers had knowledge or ought reasonably to have detected the risk;
- the officers had authority to inspect, repair, isolate, replace, or otherwise rectify the defective system; and
- no timely corrective action was taken,

then the responsibility of such officers becomes directly relevant. In such a situation, the officers responsible during the period in which the actual contamination pathway was operating may bear greater responsibility than officers associated with the system several years earlier, when the physical defect may have existed only as a potential risk and had not yet resulted in the specific contamination event.

13. Responsibility of Executive and Field-Level Officers

The primary responsibility for inspection, maintenance, repair, and monitoring of the water distribution system rests upon the field-level engineering staff, including the Executive Engineer, Assistant Engineer, Sub-Engineer, and other technical personnel entrusted with operation and maintenance of the water supply network. Overall administrative control and supervision of the Water Supply Department of the Indore Municipal Corporation rests with the Additional Commissioner (Water Supply).

[Ex/ IR-15-A]

The evidence indicates that:

- (a) Adequate inspection of the water supply network was not undertaken;



(b) Timely identification and rectification of vulnerable locations was not carried out;

(c) Effective monitoring of leakages and possible cross-contamination points was lacking;

(d) Preventive maintenance measures were not implemented with due diligence.

Accordingly, the Commission is of the prima facie view that the concerned engineering officers responsible for operation and maintenance of the water supply system failed to discharge their duties with the degree of care expected from public officials entrusted with a function directly affecting public health.

14. Responsibility of Supervisory Officers

The supervisory officers responsible for oversight of the water supply system were under an obligation to ensure:

(a) Regular inspections;

(b) Preventive maintenance of pipelines;

(c) Monitoring of water quality;

(d) Prompt response to complaints received from residents;

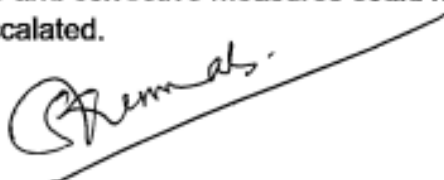
(e) Compliance with public health and safety standards.

The evidence indicates deficiencies in supervision and monitoring. The Commission finds prima facie material suggesting failure of supervisory control, which contributed to the continuation of unsafe conditions within the distribution network.

15. Responsibility Relating to Water Quality Monitoring

The officers responsible for water quality surveillance were required to conduct regular testing and ensure that potable water supplied to the public met prescribed safety standards.

The material on record indicates deficiencies in the system of water quality monitoring and surveillance. Had an effective and robust monitoring mechanism been in place, the contamination could have been detected at an earlier stage and corrective measures could have been initiated before the situation escalated.



The Commission therefore finds prima facie lapses in the performance of duties relating to water quality monitoring and public health protection.

16. Responsibility of Senior Administrative Authorities

Senior administrative authorities exercising control over the water supply system were responsible for ensuring:

- (a) Adequate infrastructure maintenance;
- (b) Availability of technical manpower;
- (c) Risk assessment and preventive planning;
- (d) Effective response to complaints and warnings;
- (e) Protection of public health.

The Commission is of the view that the incident reflects broader institutional shortcomings and administrative failures extending beyond the field level. The available evidence suggests deficiencies in planning, oversight, and enforcement of accountability mechanisms.

17. Institutional Responsibility

Apart from individual lapses, the Commission finds prima facie evidence of institutional failure in the management of the urban water supply and sewerage infrastructure.

The following deficiencies emerge from the evidence:

- (a) Aging infrastructure without systematic replacement;
- (b) Inadequate documentation and record preservation;
- (c) Absence of a comprehensive asset management system;
- (d) Inadequate coordination between agencies responsible for water supply and sewerage management;
- (e) Deficiencies in emergency response mechanisms;
- (f) Absence of an effective early-warning system for contamination incidents.

The Commission is of the view that these institutional shortcomings materially contributed to the occurrence of the incident.

18. Prima Facie Findings

On the basis of the evidence presently available, the Commission records the following prima facie findings:

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1. The Bhagirathpura water contamination incident could not have occurred in the absence of failures in inspection, maintenance, monitoring, and supervision of the water distribution system.
2. The officers responsible for operation and maintenance of the water supply network appear to have failed to take adequate preventive measures to safeguard the integrity of the drinking water system.
3. Supervisory officers appear to have failed to ensure effective monitoring and timely corrective action.
4. The system of water quality surveillance appears to have been inadequate and ineffective.
5. The incident reflects both individual lapses and broader institutional failures.

19. Recommendation

The Commission recommends establishment of a dedicated urban drinking water management authority with clearly defined responsibilities, accountability mechanisms, and continuous water quality monitoring systems so that similar incidents do not recur in future.

Although statements made by certain residents indicate that complaints regarding the supply of dirty or foul-smelling water in the Bhagirathpura area had been received intermittently over the preceding two to three years and that several officials had allegedly been informed in this regard, it is necessary to examine such assertions in their proper context.

It is noteworthy that, even assuming that complaints relating to dirty or foul-smelling water had been made prior to the present incident, no material has been brought on record to show that, during that period, any person died, was hospitalized, or suffered from gastroenteritis, vomiting, diarrhoea, or any other serious water-borne illness attributable to the water supplied in the area. No evidence has been produced to establish the occurrence of any public health emergency or outbreak similar to the present incident.

In these circumstances, it cannot be concluded that contaminated water, in the sense in which that expression is understood in the present inquiry, had been supplied in the Bhagirathpura area prior to the incident under investigation. There is a significant distinction between dirty or foul-smelling water and microbiologically contaminated water capable of causing widespread illness and fatalities. The mere existence of complaints regarding the quality, appearance, or odour of water cannot, by itself, establish the presence of contamination of the nature and magnitude that resulted in the present tragedy.

The evidence on record clearly demonstrates that, during the period immediately preceding and contemporaneous with the present incident, the

water supplied in the Bhagirathpura area was contaminated, resulting in a large number of residents suffering from vomiting, diarrhoea, gastroenteritis, and other related illnesses, necessitating hospitalization of numerous persons and causing fatalities. It is, therefore, this specific episode of contaminated water supply that has a direct nexus with the consequences under investigation.

Accordingly, responsibility for the present incident can only be fastened upon those officers and employees who were entrusted with, or were exercising control over, the water supply system at the relevant time and whose duties included ensuring the supply of safe and potable drinking water to the residents of Bhagirathpura. In the absence of evidence connecting earlier complaints with the present outbreak and its consequences, officers who were not responsible for the water supply system during the relevant period cannot be held liable for the incident under inquiry.

Fix Departmental Responsibility (Primary Liability)

The primary responsibility lies with:

- Indore Municipal Corporation (IMC) (as the statutory body responsible for water & sewage)
- Under municipal laws, IMC has a non-delegable duty to provide safe drinking water.

The evidence on record indicates that the Bhagirathpura water contamination incident was not merely the result of an isolated act or omission by any single officer but reflected a broader failure of the municipal water supply and public health protection system. The statutory responsibility for providing safe and potable drinking water to the residents of the city rests upon the Indore Municipal Corporation (IMC), which is the authority entrusted under the relevant municipal laws with the establishment, operation, maintenance, supervision, and regulation of the water supply and sewage systems within its jurisdiction.

The duty to provide safe drinking water is a non-delegable statutory obligation of the Municipal Corporation. While the Corporation necessarily performs its functions through elected representatives, officers, engineers, and employees, the ultimate institutional responsibility for ensuring that potable water reaches citizens rests upon the Corporation as a public body. Consequently, where contaminated water is supplied to citizens on such a scale as to result in widespread illness, hospitalization, and loss of human life, the incident constitutes, in the first instance, a failure of the municipal system itself.



The material on record suggests failures at multiple levels, including monitoring, inspection, maintenance of infrastructure, detection of contamination risks, grievance redressal, supervision, and emergency response mechanisms. The occurrence of contamination on such a scale demonstrates that the safeguards and checks which ought to have existed within the municipal administration either failed to function effectively or failed to function in a timely manner. The incident, therefore, cannot be viewed solely as the failure of an individual officer but must also be regarded as a systemic failure of the institutional framework responsible for protecting public health.

Accordingly, the primary responsibility for the incident rests upon the Indore Municipal Corporation as the statutory authority entrusted with the duty of supplying safe drinking water and maintaining the integrity of the water distribution and sewage systems. The determination of individual responsibility is a separate exercise and relates to identifying those officers and employees whose acts, omissions, negligence, lack of supervision, or failure to discharge their duties contributed to the systemic failure. However, the existence of individual lapses does not dilute the institutional responsibility of the Corporation itself.

The Commission is, therefore, of the view that the Bhagirathpura incident represents a failure of the municipal water supply system under the control and management of the Indore Municipal Corporation. Such failure attracted not only individual accountability of the concerned officers and employees but also institutional accountability of the Corporation as a whole, which bears the statutory obligation to ensure the supply of safe and potable drinking water to the public.

Fix Individual Responsibility (Chain of Liability)

(A) Field-Level Officers (Direct Negligence)

These are first line responsible persons:

- Assistant Engineer (AE)
- Sub-Engineer
- Site Supervisor

If pipelines were laid wrongly (parallel/overlapping), technical officers are directly liable.

Ground:

- Violation of engineering norms
- Failure to report defects
- Negligent supervision

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(B) Executive Authorities (Supervisory Liability)

- Executive Engineer (EE)
- Additional Commissioner Water Supply (if supervising project)

Liable if:

- They approved faulty layouts
- Ignored complaints
- Failed to inspect

(C) Additional Commissioner, IMC(Incharge of Water Supply Section)

He is the final executive authority

Liability arises if:

- Work was approved during their tenure
- Funds were sanctioned without verification
- Complaints were ignored

The Bhagirathpura incident is not an isolated act but a result of systemic failure. The illegal and unsafe laying of sewage and water pipelines, in violation of prescribed engineering norms, clearly establishes negligence at multiple levels.

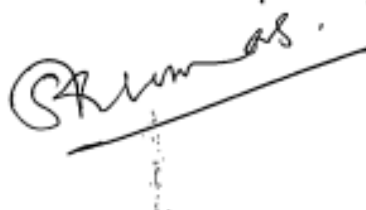
Layout Plans of pipelines and sewerage lines

Findings regarding non-availability of records relating to drainage and underground sewerage line work executed in Bhagirathpura area under the ODA Scheme

As per the records and information provided by **Indore Municipal Corporation** and **Indore Development Authority**, the work relating to laying drainage and underground sewerage lines in the **Bhagirathpura area** was executed under the **ODA Scheme** during the period between **1990 and 1995**.

So far as the availability of records is concerned, **Indore Municipal Corporation** has stated by letter no.101,Indore dated 29/06/2026 **[Ex IR-16]** that no records concerning the said work are available with it, as the work had originally been executed by **Indore Development Authority** under the ODA Scheme.

On the other hand, the Chief Executive Officer of **Indore Development Authority, Parikshit Jhade**, in his statement, stated that no records relating to the laying of drainage and underground sewerage lines in the Bhagirathpura area during the period 1990–1995 are presently available



with the Authority. He further stated that all such records had been duly transferred at the relevant time to **Indore Municipal Corporation**, along with the **as-built drawings**, and thereafter the operation and maintenance of the said infrastructure has been carried out by the Municipal Corporation.

The witness further stated that, as on date, not even a single document relating to the said work is available with the Authority. He also stated that documents such as the **work order, tender documents, agreement papers, contractor details, and completion certificates** are not available.

Further, it was stated that **inspection reports, supervision records, measurement books, and quality control reports** relating to the said work are also neither available nor preserved.

When the witness was asked whether he could produce the **approved drawings, layouts, plans, cost estimates, and technical memorandum** relating to the work, he replied that he was unable to produce any such documents.

When asked to provide details of the officers who were posted and responsible for execution and supervision of the said work during the relevant period, the witness stated and provide information later on that:

- Executive Engineer **J P Pathak** retired from service.
- Assistant Engineer **Raman Mahajan** retired in 2020.
- Deputy Engineer **Yashwant Verma** retired in 2024.
- Chief Engineer **R P Gupta**[Deceased]
- Project Director (ODA)**C M Dagaonkar** [Deceased]

The witness also stated that no documents relating to correspondence between ODA and other departments or agencies regarding the drainage and sewerage infrastructure of Bhagirathpura are available.

The witness further stated that in **2010**, record destruction (weeding out of records) proceedings were undertaken in the Authority's office. However, he could not state whether the documents relating to the present work were included in those destroyed records.

When confronted with **IDA Letter No. 1896 dated 30 April 2026[Ex-IR-17]** wherein it had been mentioned that during record examination it came to notice that in the year 2010, destruction of records was carried out after obtaining competent approval under the prevailing rules, the witness was asked to clarify the meaning of that statement.

In response, the witness stated that although record destruction proceedings were indeed carried out in 2010, he was unable to say



whether the documents relating to the sewerage work in question formed part of those destroyed records.

The witness further admitted that **no note-sheet or supporting record** is available to indicate which documents were actually destroyed during the said record destruction proceedings.

When asked whether it should therefore be inferred that records relating to the laying of sewerage lines under the ODA Project during 1990–1995 were destroyed, the witness stated that he could not say so conclusively, but reiterated that no records relating to the said project are presently available with the Authority.

When further questioned that in the absence of any note-sheet or documentary record concerning destruction of records, how he could explain the disappearance of such records, the witness replied that he was unable to explain the same.

The witness categorically admitted that **no documents whatsoever relating to the said work are presently available with the Authority.**

Observations

1. Both **Indore Municipal Corporation** and **Indore Development Authority** have failed to produce any original records relating to the drainage/sewerage work executed in Bhagirathpura between 1990–1995.
2. Essential public records including:
 - Administrative approvals
 - Tender documents
 - Agreements
 - Work orders
 - Measurement books
 - Inspection reports
 - Completion certificates
 - As-built drawings

are completely unavailable.

3. The explanation regarding destruction of records in 2010 is unsupported by documentary evidence.
4. No note-sheet, destruction register, or approval record has been produced to establish that the missing records were lawfully destroyed.
5. The absence of foundational technical records makes it impossible to verify:
 - Scope of original work
 - Quality of execution



- Contractor accountability
- Supervisory responsibility
- Subsequent maintenance obligations

Prima Facie Findings

Prima facie, the following serious irregularities emerge:

- Gross failure in preservation of public records
- Administrative negligence in custody and transfer of records
- Failure to maintain statutory engineering records
- Possible unauthorized loss, misplacement, or destruction of records

The non-availability of every primary and secondary record over a major public infrastructure project raises serious concerns regarding **record management, institutional accountability, and possible suppression of material evidence.**

Conclusion

In view of the above facts, it is evident that neither **Indore Municipal Corporation** nor **Indore Development Authority** is able to satisfactorily explain the disappearance of records relating to the Bhagirathpura sewerage project.

The explanation regarding destruction of records in 2010 remains unsubstantiated due to complete absence of supporting documentation. Consequently, the loss of records appears unexplained and warrants deeper departmental scrutiny to determine responsibility for non-preservation, loss, or possible destruction of official records.

However, neither the Indore Municipal Corporation nor the Indore Development Authority has produced any record relating to the planning, design, or execution of the sewerage network during the relevant period. Nevertheless, the evidence adduced before the Commission, the records produced by the concerned authorities, and the circumstances that have emerged during the course of the inquiry unequivocally establish that the sewerage pipelines laid under the ODA Scheme between 1990 and 1995 were installed, at several locations.

Non-Availability of Records Regarding the Installation of Water Supply

During the course of the inquiry, summons were issued to the Indore Municipal Corporation (IMC) directing it to produce the complete records relating to the laying of the drinking water supply pipelines and sewerage pipelines in the Bhagirathpura area, including the original layout plans, alignment drawings, blueprints, design documents, technical approvals,



estimates, and all other relevant records indicating the exact dates, manner of execution, and technical specifications of the works.

In response, the Indore Municipal Corporation, by Letter No. 350/IMC/2025-26 dated 16.03.2026[**Ex/IR-9**], informed the Commission that, according to the records available in the Water Supply Department, the drinking water supply pipeline network in the Bhagirathpura area was initially laid during the period **1999 to 2004** under the HUDCO Project undertaken for augmentation and distribution of municipal drinking water supply in Indore City. It was further stated that pipelines of different diameters were laid during the said period in Bhagirathpura and adjoining localities for providing municipal drinking water supply to the residents.

However, IMC also categorically stated that the original layout drawings, alignment maps, blueprints, design drawings and other technical records relating to the said pipeline network are no longer available. According to IMC, the works had been executed more than two decades ago, the records were maintained primarily in physical form, and owing to administrative restructuring, shifting of offices and the passage of time, the original drawings and technical records could not be traced. IMC further informed the Commission that, after examining the available files and secondary records, it could only confirm that the existing drinking water distribution network supplying Bhagirathpura forms part of the system created under the HUDCO Project during the period 1999–2004 and that the same network has continued to be used with periodic maintenance and repairs undertaken by the Municipal Corporation. Copies of the available record extracts and secondary documents were enclosed with the said communication.

The Commission finds that, despite specific directions, IMC failed to produce the original layout plans, blueprints, design drawings, alignment maps, cross-sectional details, technical approvals, or other engineering records relating to the execution of the water supply network. The non-production of these vital records has deprived the Commission of the opportunity to undertake a comprehensive technical examination of the original design, alignment and execution of the water supply pipeline system.

At the same time, the material available on record indicates that the sewerage network in the Bhagirathpura area had been laid earlier, during the period **1990 to 1995**, whereas the existing municipal drinking water supply network was admittedly laid subsequently during **1999 to 2004** under the HUDCO Project. Thus, the evidence on record establishes that the present water supply pipeline network was installed after the sewerage pipeline network.



Nevertheless, in the absence of the original layout plans, blueprints, alignment drawings, design documents and other technical records relating to both the sewerage and water supply systems, the Commission is unable to scientifically verify the exact alignment of the respective pipelines, the horizontal and vertical clearances maintained between them, the locations of crossings, or whether the pipelines were planned and laid in conformity with the engineering standards prescribed in the CPHEEO Manual and other applicable technical specifications.

Consequently, although the chronology of installation can be ascertained from the available records, the Commission is unable to conclusively determine, on the basis of the evidence presently available, whether the sewerage pipeline or the subsequent water supply pipeline was laid in violation of the prescribed engineering standards or to fix individual responsibility upon any particular officer or authority for such alleged deviation. Such a determination would necessarily require the original engineering records, layout plans, blueprints and technical drawings, which have admittedly not been produced by IMC.

The failure of the Indore Municipal Corporation to preserve and produce these essential technical records has substantially constrained the Commission in undertaking a complete technical assessment of the original planning and execution of the pipeline systems and in identifying, with certainty, the officers or authorities responsible, if any, for any deviation from the prescribed CPHEEO norms.

If the facts are established by evidence that:

1. **The sewer line was laid during 1990–1995, and**
2. **The water supply pipeline was laid during 1999–2004 under the HUDCO Project, and**
3. **The alignment of the two pipelines was contrary to the CPHEEO Manual** (for example, inadequate horizontal/vertical separation, parallel laying without prescribed clearance, or improper crossings),

then responsibility has to be fixed according to the role played by each authority. It should not automatically be fastened on one set of officers alone.

As per information given by Indore Municipal Corporation and Indore Development Authority the evidence on record establishes that the drainage network in the Bhagirathpura area, along with several other parts of Indore, was laid by the Indore Development Authority (IDA) under the ODA Project during the period 1990–1995. The evidence further establishes that the present water supply pipeline network in the Bhagirathpura area was laid subsequently during the period 1999–2004 by the Indore Municipal Corporation (IMC).

As a matter of common knowledge, it is evident that the residents of Bhagirathpura were receiving drinking water even prior to 1999. This position also finds support from the statement of Shri Yashwant Verma, the then Deputy Engineer, who has categorically stated in answer to question no. 3 that, at the time when the drainage pipeline was laid under the ODA Project in Bhagirathpura, an old water supply pipeline already existed in the area. This evidence gives rise to an important issue requiring determination by the Commission. His testimony prima facie establishes that the area was already served by a water supply pipeline before the execution of the sewerage project.

The principal question is whether the drainage pipeline laid during 1990–1995 was constructed in violation of the norms prescribed in the CPHEEO Manual by being laid parallel to, crossing, or passing over the existing water supply pipeline; or whether the subsequent water supply pipeline laid during 1999–2004 was itself installed in violation of the CPHEEO Manual by being laid parallel to, crossing, or otherwise coming into impermissible proximity with the existing drainage pipeline. In the absence of the relevant technical records, it is not possible to conclusively determine at which stage the deviation from the prescribed standards occurred.

Despite repeated requisitions, neither the Indore Development Authority nor the Indore Municipal Corporation produced the original blueprints, layout plans, engineering drawings, design documents, or any other technical records relating to the laying of the drainage network during 1990–1995 or the water supply pipeline network during 1999–2004. The non-production of these essential records has materially impeded the Commission's ability to ascertain the precise sequence of construction and to determine which agency was responsible for any departure from the mandatory standards prescribed in the CPHEEO Manual.

Accordingly, the question as to whether the violation of the CPHEEO Manual occurred at the time of laying the drainage pipeline by the IDA engineers or at the time of laying the water supply pipeline by the engineers of the Indore Municipal Corporation is a matter requiring detailed technical investigation. In the absence of the original engineering records and technical drawings, no definitive finding fixing exclusive responsibility upon either agency can presently be recorded.

However, on a prima facie appreciation of the evidence available on record, it appears that due care and technical diligence were not exercised during the execution of one or both of the works. Therefore, at this stage, a prima facie responsibility can be attributed to the engineering and technical authorities responsible for the planning, design, supervision, and execution of both the drainage network and the water supply pipeline works, subject



to the outcome of a comprehensive technical investigation based upon the original engineering records, if and when they become available.

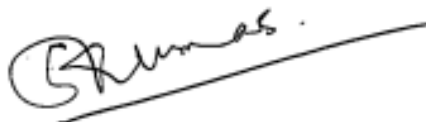
The responsibility may be analysed as follows:

Stage	Officers/Authority primarily responsible
Planning and design of sewer line (1990–1995)	Project Director/Chief Engineer, Superintending Engineer, Executive Engineer, Design Engineer who approved the sewer alignment
Planning and design of water supply line (1999–2004)	Chief Engineer/Project Director, Superintending Engineer, Executive Engineer and Design Consultant who approved the water supply alignment
Technical scrutiny and approval	The officers who granted the technical sanction and approved the drawings and alignment
Execution at site	Executive Engineer, Assistant Engineer and Sub-Engineer supervising the work, together with the contractor, to the extent they failed to follow the approved design or permitted deviations
Quality control and completion	Executive Engineer and Superintending Engineer who recorded measurements, inspected the work and certified completion

Legal and technical position

If the **water supply pipeline was installed several years after the sewer line already existed**, the officers responsible for the **later project** had a specific duty to:

- conduct a site survey,
 - identify the existing sewer alignment,
 - prepare a safe alignment for the new water pipeline, and
 - ensure compliance with the CPHEEO Manual and accepted engineering practice before approving and executing the work.
- CPHEEO manuals are the standard technical guidance documents



used by municipal engineering authorities for planning, design and implementation of urban water supply and sewerage systems.

Therefore, **if the sewer line already existed and the water supply pipeline was subsequently laid too close to it or in violation of CPHEEO norms, the primary technical responsibility would ordinarily lie with the officers who planned, designed and approved the later water supply project**, unless the evidence shows that the earlier sewer alignment itself was defective or was subsequently altered.

At the same time, if the **original sewer line (1990–1995) itself had been designed or laid in violation of the applicable engineering standards**, the officers responsible for that project would also bear responsibility for the defective sewer infrastructure. Liability in such a case may therefore be **concurrent**, depending upon the evidence.

NOTE-

During the course of the inquiry, the Commission examined the issue of responsibility for the execution of the drainage network laid between 1990 and 1995 and the water supply pipeline network laid between 1999 and 2004. However, the Commission has been unable to identify the officers responsible for the planning, design, approval, and execution of these works due to the complete absence of essential official records.

The Commission specifically sought records indicating the officers who prepared the alignment plans, engineering designs, blueprints, technical drawings, and "as-built" drawings, as well as those who approved and supervised the execution of the projects. However, no such documentary evidence has been produced either by the Indore Development Authority (IDA) or by the Indore Municipal Corporation (IMC).

The IDA has categorically stated that no records relating to the drainage project executed during the period 1990–1995 are available in its custody. According to the IDA, the relevant blueprints, engineering designs, layout plans, "as-built" drawings, and other technical records are not available.

Similarly, the Indore Municipal Corporation has informed the Commission that the records pertaining to the water supply pipeline network laid during the period 1999–2004, including maps, blueprints, engineering designs, layout plans, and other technical documents, are also not available.

Consequently, both departments have expressed their inability to produce the records necessary for identifying the officers responsible for the planning, design, approval, supervision, and execution of the respective projects. In the absence of such fundamental documentary evidence, it is not possible for the Commission to conclusively determine the identity of



the officers who were responsible for laying the drainage pipeline between 1990 and 1995 or the water supply pipeline between 1999 and 2004.

The complete non-availability of these vital public records is, in itself, a matter of serious concern. The absence of engineering drawings, approved plans, design documents, and "as-built" records relating to major public infrastructure projects reflects a significant failure in institutional record management and accountability.

Accordingly, the Commission is constrained to observe that, on the basis of the material presently available on record, no definite finding can be recorded regarding the individual responsibility of the officers concerned. The Commission is of the considered opinion that the disappearance or non-availability of these records warrants a separate and detailed investigation to ascertain the circumstances under which the records became unavailable, to identify the persons responsible for their custody and preservation, and to determine whether any negligence or deliberate suppression of official records has occurred.

TENDERS

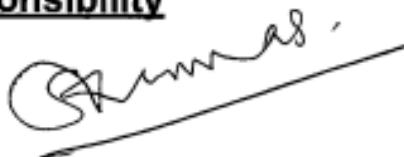
Analysis of the Delays in Major Tenders Relating to Water Supply and Pipeline Works in the Bhagirathpura Area

Upon a careful examination of the records made available, the administrative and technical approvals, official correspondence, and the information furnished by the concerned authorities, the Commission has undertaken a comprehensive analysis of the major tenders floated for the augmentation of the water supply system, laying of new pipelines, replacement of old and damaged pipelines, and other allied works in the Bhagirathpura area.

The purpose of this analysis is to ascertain the stages at which delays occurred during the tendering, approval, award, and execution processes; to determine the duration and causes of such delays; and to identify the officers and authorities who were responsible for the delay or who failed to discharge their statutory or administrative obligations with due diligence. The Commission has also examined whether such delays were avoidable, whether they reflected administrative inefficiency, negligence, or systemic deficiencies, and the extent to which they contributed to the deterioration of the water supply infrastructure and the events that ultimately culminated in the Bhagirathpura contaminated water supply incident.

A tender-wise analysis of the relevant facts, the chronology of events, and the responsibility of the concerned officers and authorities is set out hereinafter.

TENDER [1] Delay & Responsibility



Analysis regarding the tender issued for the execution of work in Zone No. 4, Ward No. 11, Bhagirathpura Tank area, for resolving the problem of sewage/wastewater in residential areas falling under this region, by providing, laying, jointing, testing, commissioning, and completing all allied works of pipeline-less areas with 400 mm and 500 mm diameter MSM pipelines, and 110 mm, 160 mm, 200 mm, 250 mm, 280 mm, and 315 mm diameter HDPE pipelines, for a contract amount of ₹2,24,87,516 (Rupees Two Crore Twenty-Four Lakh Eighty-Seven Thousand Five Hundred Sixteen only), excluding GST.

Based on the facts provided by IMC Indore[Ex-IR-18] , the stage-wise analysis of the entire tender process is as follows:

1. From Technical/Administrative Approval to Invitation of Tender

- Approval granted: 27.05.2022 [By Resolution No.55]
- Received in office: 13.06.2022[Water Supply]
- EE sent in Tender Branch: 13.06.2022
- Tender invited: 22.07.2022

Delay: From 13.06.2022 to 22.07.2022 = 39 days

Prima Facie Responsibility:

After receipt of the proposal on 13.06.2022, the Tender Branch was expected to initiate the tender process without undue delay. However, the tender was invited only after 39 days. No satisfactory explanation has been furnished for this delay. Therefore, the Tender Branch is responsible for this avoidable delay.

Since the file had already been forwarded on 13.06.2022, the tender should have been invited promptly, but it was not.

2. From Opening of Technical Bid to Opening of Financial Bid

- Technical bid opened: 26.08.2022
- Financial bid opened: 05.09.2022

Delay: No Significant Delay

This period is generally consumed in technical evaluation and eligibility verification.

3. Approval by Tender Committee

- Sent to Tender Committee: 05.09.2022
- Approval granted: 13.09.2022

Delay: 8 days



This may be considered normal administrative time.

No significant lapse appears at this stage.

4. From Tender Committee Approval to Forwarding to MIC by Additional Commissioner

- Tender Committee approval: **13.09.2022**
- Sent to MIC by Additional Commissioner: **23.09.2022**

Delay: 10 days

Prima Facie Responsibility:

After approval by the Tender Committee, the proposal should have been forwarded immediately for further approval. Instead, there was an unexplained delay of 10 days. Accordingly, Executive Engineer Sanjeev Kumar Srivastava and Additional Commissioner Bhavya Mittal [IAS] , who processed the proposal, are responsible for this delay.

5. Pending for Discussion before MIC

- Sent to MIC: **23.09.2022**
- MIC meeting held: **25.11.2022**

Delay: 63 days

This is one of the most significant administrative delays.

Prima Facie Responsible:

- Mayor-in-Council (MIC)
- Secretariat of the Mayor-in-Council

The matter remained pending for nearly two months before being placed for discussion. In the absence of any valid explanation on record, prima facie, the concerned officers responsible for placing the matter before the Mayor-in-Council, as well as the authority with whom the file remained pending for signature after the resolution was passed, may be held responsible for the delay.

6. From MIC Approval to Mayor's Signature

- MIC meeting: **25.11.2022 [By Resolution No.106 sent to Mayor]**
- Mayor's signature: **30.01.2023 [after signature sent to commissioner office]**

Delay: Approximately 66 days



However, there is no material on record to suggest that the delay was attributable to the Mayor personally or that the file remained pending with him for the entire period of 66 days.

The process of placing the approved proposal before the Mayor for obtaining his formal signature was an administrative function . Therefore, the mere fact that the Mayor's signature was obtained after 66 days cannot, by itself, be construed as negligence or delay on the part of the Mayor.

In the absence of specific evidence showing that the file was actually placed before the Mayor and remained pending with him without any justification, no personal responsibility for the said delay can fairly be fastened upon the Mayor.

7. From Commissioner's Office to Executive Engineer

- Commissioner's office: 30.01.2023
- Received in Executive Engineer's office: 06.02.2023

Delay: 7 days

This appears to be normal office processing time.

8. Issuance of Letter of Acceptance (LOA)

- Received: 06.02.2023
- LOA issued: 08.02.2023

Delay: 2 days

No significant delay.

9. Execution of Agreement after LOA

- LOA issued: 08.02.2023
- Reminder to contractor: 12.05.2023
- Agreement executed: 15.05.2023

Delay: 96 days (approximately 94 days)

This is a substantial delay.

Prima Facie Responsibility:

The agreement ought to have been executed immediately after issuance of the Letter of Acceptance. Instead, it was executed only after approximately 96 days. The delay is attributable to both the **contractor[Malwa Engineering Indore] **,who failed to execute the agreement promptly, and Executive Engineer Sanjeev Kumar Srivastava.



who failed to take timely and effective steps to secure execution of the agreement and enforce the contractual timeline.

Liability at Two Levels

(A) Contractor

- Failed to execute the agreement within the prescribed time.

(B) Executive Engineer – Sanjeev Kumar Srivastava

- Failed to take effective action for 94 days
- Did not issue timely notice or initiate forfeiture / blacklisting proceedings

10. Scheduled Completion vs Actual Completion

- Agreement executed: **15.05.2023**
- Scheduled completion: **14.05.2024**
- Actual completion: **January 2026**

Delay: Approximately 20 months (about 600 days)

This constitutes the largest delay in the entire project.

Prima Facie Responsibility:

The work remained incomplete for nearly 20 months beyond the stipulated period. This constitutes the most significant delay in the entire project. The primary responsibility lies with Malwa Engineering, Indore, for failure to complete the work within the prescribed time. Simultaneously, Executive Engineer Sanjeev Kumar Srivastava, being the Project Monitoring Officer and Supervising Engineer, is responsible for inadequate monitoring, failure to enforce the contractual conditions, and failure to initiate timely corrective measures to ensure completion of the work within the stipulated period.

Primarily: Contractor [Malwa Engineering Indore].

If extension orders were granted without adequate justification, then the following are also accountable:

- Executive Engineer
- Project Monitoring Officer
- Supervising Engineer



Total Delay (Approximate)

Stage	Delay
Tender invitation	39–49 days
Pending before MIC	63 days
Mayor's signature	66 days
Contract execution	94–96 days
Work completion	~600 days

Total abnormal delay: Approximately 859+ days

Conclusion (Liability Analysis)

1. Tender Branch

Responsible for unjustified delay in issuing the initial tender.

2. Executive Engineer – Sanjeev Kumar Srivastava

Prima Facie Responsible for:

- Delay in technical/financial processing
- Failure to take timely action against the contractor
- Poor monitoring of execution

The **highest departmental responsibility appears to lie with the Executive Engineer**, particularly during the execution phase.

3. Additional Commissioner – Bhavya Mittal

Responsible for administrative delay in file processing.

4. MIC / Mayor's Office

Responsible for approximately **four months' delay** in approval and decision-making.

5. Contractor [Malwa Engineering Indore]

Prima Facie Responsible for:

- Delay in execution of agreement



- Additional delay of nearly **20 months** in completing the work

Note- As per information given by the IMC by letter no.346/IMC/25-26 indore dated 16/03/2026 [Ex/ IR 18-A]this was the first tender invited for replacement /repair of the drainage system and/or drinking water supply pipeline in the Bhagirathpura area.

Prima facie the most serious responsibility appears to rest upon the contractor and the Executive Engineer. However, responsibility for the delay cannot be attributed to a single individual and requires examination of the roles of the contractor, supervising engineers, and the competent administrative authorities who were responsible for approval, supervision, and enforcement of contractual timelines.

Composition of the Mayor-in-Council and Officers Posted in the Water Supply and Tender Branches

As per the information furnished by the Indore Municipal Corporation (IMC), the composition of the Mayor-in-Council (MIC) during the relevant period from 25.11.2022 to 16.05.2023 was as follows:[Ex/IR-18 B]

1. Shri Pushyamitra Bhargav – Mayor.
2. Shri Rajendra Rathore – Member, Mayor-in-Council.
3. Shri Ashwini Shukla – Member, Mayor-in-Council.
4. Shri Niranjan Singh "Guddu" Chauhan – Member, Mayor-in-Council.
5. Shri Rajesh Udawat – Member, Mayor-in-Council.
6. Shri Abhishek "Bablu" Sharma – Member, Mayor-in-Council.
7. Shri Nand Kishore Pahadia – Member, Mayor-in-Council.
8. Smt. Priya Dangi – Member, Mayor-in-Council.
9. Shri Manish "Mama" Sharma – Member, Mayor-in-Council.
10. Shri Jitendra "Jeetu" Yadav – Member, Mayor-in-Council.
11. Shri Rakesh Jain – Member, Mayor-in-Council.

Secretary to the Mayor-in-Council:

- Shri Rajendra Garothia.

The Indore Municipal Corporation has further informed the Commission that, during the aforesaid period, the following officers and employees were posted in the Water Supply Department and the Tender Branch and were associated with the processing, execution, and monitoring of works relating to the water supply system:[Ex/IR-18-C]

1. Smt. Bhavya Mittal – Additional Commissioner (Water Supply).
2. Shri Sanjeev Kumar Srivastava – Executive Engineer, Water Supply.
3. Shri Saroj Kumar Prajapati – Assistant Engineer, Water Supply.
4. Shri Vidhya Niwas Bagri – Sub-Engineer, Water Supply.
5. Shri Sharad Soni – In-charge Technical Officer, Water Supply.
6. Smt. Neeti Chourasia – Tender Branch Officer, Water Supply.



7. Shri Pragya Tiwari – Tender Clerk, Water Supply.

Further, Shri Sunil Gupta was posted as Executive Engineer, Drainage Department during the relevant period.

The above particulars have been recorded on the basis of the information and records supplied by the Indore Municipal Corporation during the course of the inquiry.

In the present tender process, no role of Smt. Pratibha Pal, the then Municipal Commissioner, has been found. The tender file was not pending at her level, nor was any approval, decision, or action required from her in relation to the relevant stage of the tender process. The records do not indicate that the delay occurred due to any inaction or omission on her part. Accordingly, in the absence of any direct role or responsibility in the processing of this tender, no responsibility for the delay can be fastened upon Smt. Pratibha Pal.

TENDER [2] Delay & Responsibility

Analysis regarding the tender issued for providing, laying, jointing, testing, commissioning, and completing all allied works of 500 mm diameter MS pipeline and 315 mm diameter HDPE pipeline from Topiwala Square to Rafalli Square in Bhagirathpura, falling under Zone No. 4, Ward No. 11, for the contract amount of ₹97,11,106 (Rupees Ninety-Seven Lakh Eleven Thousand One Hundred Six only), excluding GST.

Based on the facts provided by IMC Indore[Ex-IR-19] , the stage-wise analysis of the entire tender process is as follows:

1. Delay in issuing the second tender after cancellation of the first tender

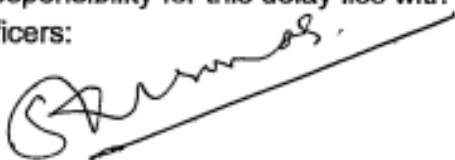
- Administrative approval: 13.03.2024
- First tender invitation: 14.03.2024
- Tender cancelled due to technical reasons
- Second tender invitation: 18.06.2024

Delay

Approximately 94–96 days

Prima Facie Responsible parties

Prima facie, the responsibility for this delay lies with the following authorities and officers:



1. **Technical Branch of the Water Supply Department**, for not promptly rectifying the technical deficiencies that resulted in cancellation of the first tender.
2. **Tender Branch**, for not processing and reissuing the second tender within a reasonable time after cancellation of the first tender.
3. **Concerned Executive and Administrative Officers**, with whom the proposal or file remained pending during the intervening period, for failure to ensure timely movement and processing of the case.
4. **Supervisory Officers responsible for monitoring the tender process**, to the extent they failed to oversee and expedite the re-tendering process despite the urgency of the work.

The delay of approximately **96 days** between the grant of administrative approval and issuance of the second tender appears to be excessive and administratively unsatisfactory. In the absence of any cogent and contemporaneous justification on record, the delay reflects administrative inaction, procedural laxity, and lack of effective monitoring.

However, the precise individual responsibility can be conclusively determined only after examining the file movement register, note sheets, and records indicating the period during which the file remained pending with each concerned officer or authority.

Observation

This delay appears abnormal and unsatisfactory.

2. Delay in opening the technical bid in the second tender

- Second tender invitation: 18.06.2024
- Technical bid opened: 14.08.2024

Delay

56 days

in the absence of any justification on record for the extended period, prima facie responsibility for the delay rests with:

1. **The Tender Branch**, which was responsible for scheduling and conducting the tender process within a reasonable time.
2. **The Bid Opening Authority/Tender Opening Committee**, which was entrusted with opening the technical bids on the scheduled date and ensuring timely progress of the procurement process.
3. **The officers responsible for processing and monitoring the tender**, to the extent the tender schedule was unnecessarily



extended or the opening of bids was deferred without sufficient administrative or technical reasons.

Accordingly, unless the respondents establish that the period of 56 days was prescribed under the tender conditions or was otherwise justified by unavoidable circumstances, the delay appears to be administratively prolonged and indicative of procedural laxity. The precise responsibility of individual officers can, however, be conclusively determined only after examining the tender conditions, file movement, note sheets, and the reasons recorded for fixing the date of opening of the technical bids.

3. Delay between opening of financial bid and recommendation for re-tender

- Financial bid opened: 22.08.2024
- Recommendation for re-tender: 26.12.2024

Delay

Approximately 126 days (more than 4 months)

This constitutes a significant delay.

Prima facie, responsibility for this delay lies with:

1. **The Tender Evaluation Committee**, for not completing the scrutiny of the financial bid and making its recommendation within a reasonable period.
2. **The Executive Engineer and other concerned technical officers**, who were responsible for examining the financial bid, analysing the quoted rates, and promptly placing their recommendations before the competent authority.
3. **The Competent Approving Authority**, to the extent the proposal remained pending before it without timely consideration and decision.
4. **The officers with whom the file remained pending** during the period from **22.08.2024 to 26.12.2024**, if the records disclose that the delay was caused by prolonged file retention or failure to process the matter expeditiously.

The delay of approximately **126 days** constitutes one of the most significant administrative delays in the entire second tender process. In the absence of any cogent and contemporaneous justification recorded in the official files, the delay appears to be the result of administrative indecision, procedural laxity, and inadequate monitoring of the tender process.

However, the precise individual responsibility can be conclusively determined only after examination of the file movement register, note



sheets, and departmental records showing the period during which the proposal remained pending with each concerned officer or authority.

Analysis

This constitutes a significant delay.

If the quoted rates were found excessive, the decision to re-invite the tender ought to have been taken promptly.

Observation

This is a major and unsatisfactory delay.

4. Delay in revised estimate and fresh tender invitation

- Recommendation for re-tender: 26.12.2024
- Fresh tender invitation: 24.02.2025

Delay

Approximately 60 days

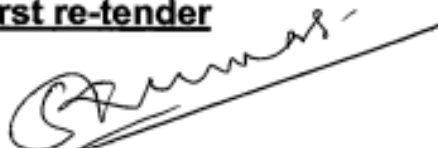
Prima facie, responsibility for this delay lies with:

1. **The Executive Engineer and the engineers responsible for preparation of the revised estimate and tender documents,** for not completing the technical revisions within a reasonable time.
2. **The Technical Branch,** responsible for scrutiny, approval, and processing of the revised estimate and technical specifications.
3. **The Tender Branch,** for not issuing the fresh tender promptly after completion of the necessary departmental formalities.
4. **The officers with whom the proposal remained pending** during the period from **26.12.2024 to 24.02.2025**, if the departmental records reveal avoidable delay in processing or movement of the file.

While some time for revision of estimates and tender documents may be administratively justified, a delay of approximately **60 days** appears to be on the higher side unless supported by adequate reasons recorded in the official files. The delay, therefore, reflects prima facie administrative inaction and lack of expeditious processing.

The final determination of individual responsibility should, however, be made only after examination of the file movement register, note sheets, and other departmental records indicating the period during which the proposal remained pending with each concerned officer or authority.

5. No bidder participated in first re-tender



- Tender invited: 24.02.2025
- No bidder participated

This is largely an external factor; therefore, direct responsibility of officers is limited.

6. Second re-tender up to cancellation

- Second re-tender: 22.04.2025
- Technical bid opened: 17.05.2025
- Financial bid opened: 19.05.2025
- Malwa Engineering quoted 2.90% above estimated rates
- Tender cancelled: 01.07.2025

Responsible parties

This stage appears broadly normal.

7. Third tender process

- Third tender invitation: 01.07.2025
- Technical bid opened: 18.07.2025
- Financial bid opened: 19.07.2025
- Malwa Engineering quoted 1.49% above estimated rates

This stage was completed expeditiously.

8. Major delay between Additional Commissioner and Tender Committee approval

- File submitted to Abhilash Mishra: 24.07.2025
- Approved by him: 28.07.2025
- Matter placed before Tender Committee for approval: 30.10.2025

Delay

Approximately 94 days (or 92 days as stated)

Prima facie, responsibility for this delay lies with:

1. The Tender Committee Secretariat, for not placing the proposal before the Tender Committee promptly after approval by the Additional Commissioner.
2. The Administrative Branch responsible for processing the file, for allowing the proposal to remain pending for an inordinate period without justification.



3. The officers entrusted with movement and processing of the file, who failed to ensure timely submission of the proposal before the Tender Committee.
4. The authority responsible for convening the meetings of the Tender Committee, if the delay was caused by failure to convene the Committee within a reasonable period.

The records indicate that Shri Abhilash Mishra approved the proposal within four days of its submission. Therefore, no abnormal delay is attributable to him. The delay occurred after his approval and before the matter was placed before the Tender Committee.

The delay of approximately 94 days is excessive and administratively unsatisfactory. It reflects prima facie procedural laxity, delayed file movement, and inadequate administrative supervision. However, the precise responsibility of individual officers can be conclusively determined only after examination of the file movement register, note sheets, and other departmental records indicating the period during which the file remained pending with each concerned officer or office.

This delay appears excessive and unsatisfactory.

9. Delay between Tender Committee approval and competent approval

- File received from Tender Committee: 07.11.2025
- Competent approval granted by Rohit Sisonia: 12.11.2025

Delay

5 days

This appears normal.

10. Issuance of Letter of Acceptance (LOA)

- LOA issued by Sanjeev Kumar Srivastava: 17.11.2025

Delay

5 days

This appears normal.

11. Execution of contract

- LOA issued: 17.11.2025
- Agreement executed: 16.12.2025



Delay

Approximately 29 days

This may reasonably be attributed to contractor compliance formalities.

Responsible parties

- Contractor
- Contract administration branch

Total Delay Summary

Stage	Delay	Nature
First tender cancellation to second tender	94 days	Major
Financial bid to re-tender recommendation	126 days	Major
Revised estimate to fresh tender	60 days	Moderate
Additional Commissioner to Tender Committee approval	92–94 days	Major
Contract execution	29 days	Minor / Normal

Persons / Authorities Prima Facie Responsible

[A]

- For delay in rectifying technical issues — the Water Supply Department / concerned technical officers
- For delay in reissuing the second tender — the administrative officers handling the tender process
- For delay in taking a decision on the financial bid — the Tender Committee and the competent approving authority

If the matter is under inquiry or determination of accountability, it would be necessary to examine during which period and with which officer the file remained pending, as actual responsibility can only be determined on that basis.

[B]



Based on the facts presented, it is evident that the first tender invitation was issued on 14.03.2024, whereas after various intervening proceedings, the third tender invitation was issued only on 01.07.2025, i.e., after approximately 15–16 months. This period appears to involve an inordinate delay, particularly when no clear reason or explanation for such delay is available on record.

In such circumstances, responsibility for the delay may be determined as follows:

1. Concerned Departmental / Executive Officers

The officers entrusted with the responsibility of conducting the tender process in a time-bound manner appear to be primarily responsible. If necessary action was not taken promptly at their level, such delay would amount to administrative negligence.

2. Tender Committee

If the Tender Committee failed to take timely decisions, conduct scrutiny, or make recommendations, the delay in the process may also be attributable to the Committee.

3. Competent Approving Authority

If the matter remained pending before the competent approving authority for sanction or approval and no timely decision was taken, the concerned authority would be responsible for the delay during that period.

4. Officers with whom the file remained pending

The actual responsibility can only be determined by examining which officer or office retained the file during the relevant period and why the required action was not taken.

Conclusion

Since no reasonable explanation has been provided for the delay in issuing the third tender invitation between 14.03.2024 and 01.07.2025, the delay reflects administrative negligence, decision-making delay, and procedural laxity. Accordingly, all officers and authorities under whose control the matter remained pending during the relevant period may be held responsible for such delay.

The final determination of responsibility, however, can only be made after examining the file movement and note sheets.

[C]

Inordinate delay at the level of the Tender Committee

After the matter was forwarded to the Tender Committee on 28.07.2025, the Committee granted approval of the tender rates only on 30.10.2025,



i.e., after approximately 92 days.

This period appears to be unusually long, particularly when no reasonable explanation for such delay is available on record.

Individual responsibility

- Abhilash Mishra — No delay appears at his approval stage
- Sanjeev Kumar Srivastava — Responsible for file movement during execution stage
- Officers with whom the file remained pending during prolonged periods

Final Opinion

The principal abnormal delays in this tender occurred at three major stages:

1. From cancellation of the first tender to issuance of the second tender (94 days)
2. From opening of the financial bid to recommendation for re-tender (126 days)
3. During Tender Committee approval process (92–94 days)

Overall, the delay is not satisfactory.

In the absence of any clear, written, and unavoidable justification on record, such delay would amount to administrative negligence, procedural laxity, and avoidable delay.

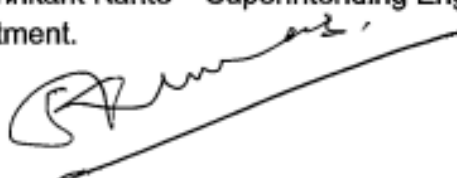
Prima facie, responsibility lies with the technical branch, tender branch, evaluation committee, and the officers who retained the file during the prolonged periods of pendency.

Officers and Employees Posted During the Processing, Monitoring and Finalization of Tender No. 2

As per the information furnished by the Indore Municipal Corporation (IMC), the following officers and employees were posted in the concerned departments and the Tender Committee during the period when **Tender No. 2** was processed, scrutinized, monitored, evaluated, and finalized. These officials were discharging their respective official duties in connection with different stages of the tender process: **[Ex/IR-19-A]**

Officers Associated with the Tender Committee

1. Shri Sanjeev Kumar Srivastava – Executive Engineer, Water Supply.
2. Shri Shrikant Kante – Superintending Engineer, Public Works Department.



3. Shri Devdhar Darwai – Additional Commissioner (Finance).
4. Shri Abhay Rajan Gaonkar – Additional Commissioner and Chairman, Tender Committee.

The question of the individual responsibility or accountability of any officer or employee has been examined separately on the basis of the documentary evidence, official records, witness testimonies, and the statutory duties attached to the respective posts. Accordingly, the mere inclusion of the name of any officer or employee in the above list shall not, by itself, be construed as a finding of negligence, misconduct, or liability.

TENDER [3] Dealy & Responsibility

Analysis of the tender relating to the approved amount of ₹2,40,08,297 for providing, laying, jointing, testing, commissioning, and completing all allied works of HDPE pipelines of diameters 110 mm, 160 mm, 200 mm, 250 mm, and 315 mm at various locations in Zone No. 4, Ward No. 11, Bhagirathpura area. Based on the complete facts available, the tender relating to laying 110 mm, 160 mm, 200 mm, 250 mm and 315 mm diameter HDPE pipelines in various locations of Bhairatpura Area, Zone No. 4, Ward No. 11 may be analyzed as follows:

Based on the facts provided by IMC Indore[Ex-IR-20] , the stage-wise analysis of the entire tender process is as follows:

1. From Administrative Approval to First Tender Invitation

- Administrative and financial approval: 25.07.2025
- First tender invitation issued: 30.07.2025

Time taken: 5 days

This is a normal administrative period.

Delay: None.

Responsible: No one.

2. From First Tender Invitation to Opening of Technical Bid

- Tender invitation: 30.07.2025
- Technical bid opened: 19.09.2025

Time taken: Approximately 51 days

If such a period was prescribed under the tender conditions, this may be treated as normal.

Delay: Prima facie, none.



3. From Opening of Technical Bid to Inviting Claims/Objections

- Technical bid opened: 19.09.2025
- Matter placed before Sanjeev Kumar Srivastava: 25.09.2025
- Approval granted: 26.09.2025

Delay: Prima facie, none.

4. Decision on Claims/Objections

- Approval for objections: 26.09.2025
- Matter re-submitted: 10.10.2025
- Forwarded to Rohit Sisonia: 10.10.2025
- Decision on technical eligibility: 13.10.2025

Time taken: Approximately 14–17 days

This appears to be within a reasonable administrative timeframe.

Delay: Minimal / satisfactory.

5. Major Delay — After “Discuss” Remark

- Rohit Sisonia wrote “Discuss” on file: 15.10.2025
- Discussion by Sanjeev Kumar Srivastava with Additional Commissioner: 18.12.2025
- File re-submitted for approval to open financial bid: 26.12.2025

Time elapsed

- 15 Oct → 18 Dec = 64 days
- 18 Dec → 26 Dec = 8 days

Total delay

Approximately 72 days (2 months and 11 days)

Analysis

This constitutes the principal and abnormal delay in the entire tender process.

Once the Additional Commissioner recorded “Discuss,” it was expected that:

- clarifications would be prepared promptly,
- objections would be resolved, and
- the file would be re-submitted without undue delay.



Instead, the file remained pending for about 72 days.

Responsible persons / offices

Prima facie, responsibility lies with:

1. Office of the Executive Engineer
 - o Sanjeev Kumar Srivastava
2. Tender branch
3. Technical branch staff
4. Concerned subordinate officers handling the file

Duty after recording "Discuss"

- o A remark such as "**Discuss**" is not a final order; it is an interim direction requiring the concerned officer to arrange a discussion and re-submit the file.
- o In normal administrative practice, the dealing officer or Executive Engineer should promptly arrange the discussion and re-submit the file.
- o However, if the file was not re-submitted for nearly **64 days** (15.10.2025 to 18.12.2025), it indicates that the direction was not complied with in a timely manner.

Responsibility of the dealing officer

- o **Executive Engineer Sanjeev Kumar Srivastava**, being the officer processing the case, had the primary responsibility to comply with the "Discuss" direction, arrange the discussion with the Additional Commissioner, and place the file back before the competent authority without delay.
- o Failure to do so constitutes a lapse in file processing and follow-up.

Supervisory responsibility of Rohit Sisonia IAS

- o Although the file may not have remained physically with Shri Rohit Sisonia after he recorded the remark, as the competent approving authority he also had a supervisory responsibility to ensure that important matters pending for his decision were not allowed to remain unattended for an inordinate period.
- o If no follow-up was made by him despite the file not being re-submitted for over two months, it may indicate lack of effective supervision and monitoring.
- o Therefore, while the **primary responsibility** may lie with the officer who failed to re-submit the file, a **limited supervisory responsibility** may also arise on the part of Shri Rohit Sisonia



if he did not call for the file or enquire why his direction had not been complied with.

At the relevant time, Shri Rohit Sisonia was posted as Additional Commissioner, Indore Municipal Corporation, and was entrusted with the charge of the city's water supply system. As the officer directly supervising the concerned department, he was responsible for overseeing the functioning of the Water Works Department, monitoring the performance of subordinate officers and employees, ensuring maintenance of water supply infrastructure, reviewing complaints received from citizens, and taking prompt corrective measures to ensure the supply of safe and potable drinking water.

His responsibilities included ensuring that water supply pipelines were properly maintained, leakages and defects were attended to promptly, water quality was regularly monitored, and any possibility of contamination was immediately investigated and rectified. He was also expected to supervise Executive Engineers, Assistant Engineers, and other departmental staff responsible for operation and maintenance of the water supply network.

Being the officer in charge of the water supply department, he was expected to exercise effective supervision and ensure that citizens received safe drinking water.

Final determination

- The final attribution of responsibility depends on the **file movement register, note sheets, dispatch records, and office procedure.**
- If the records show that the file remained with the Executive Engineer or another processing officer, the primary responsibility would rest with that officer.
- If the records establish that Shri Rohit Sisonia was aware that the file had not been re-submitted and nevertheless took no steps to obtain it or ensure compliance with his direction, he may also bear responsibility for inadequate supervision.

After recording the remark "**Discuss**" on 15.10.2025, the file was not re-submitted for further orders until 26.12.2025, resulting in a delay of approximately 72 days. The primary responsibility for this delay appears to lie with the officer responsible for processing and re-submitting the file, who failed to comply promptly with the direction. At the same time, the competent authority who recorded the "Discuss" remark also had a supervisory obligation to ensure that the file was re-submitted within a reasonable time. The prolonged inaction indicates lack of effective follow-up and administrative monitoring. The



precise extent of individual responsibility should, however, be determined after examining the file movement register, note sheets, and the office procedure governing movement of files after such directions.

Is this delay satisfactory?

No. It is not satisfactory.

A delay of 72 days merely for clarification and discussion appears excessive and unreasonable unless supported by documented compelling reasons.

6. Approval for Opening Financial Bid

- File re-submitted: 26.12.2025
- Approval granted: 28.12.2025

Time taken: 2 days

No significant delay is attributable to Rohit Sisonia.

7. From Financial Bid to Tender Committee Approval

- Financial bid opened: 29.12.2025
- Tender Committee approval: 30.12.2025

Time taken: 1 day

Delay: None.

8. Approval for Issuance of LOA

- Matter placed for LOA approval: 01.01.2026
- Approved by Ashish Pathak: 05.01.2026

Time taken: 4 days

This is a normal administrative period.

9. Execution of Agreement

- LOA issued: 05.01.2026
- Agreement executed: 13.01.2026

Time taken: 8 days

This is reasonable because time is generally required for:

- submission of performance security,
- stamp duty,

A handwritten signature in black ink, appearing to be 'Ramesh', with a long horizontal line extending from the end of the signature.

- documentation, and
- contract formalities.

Approximately 72 days of delay occurred between the return of the file by the Additional Commissioner and its re-submission for approval of opening the financial bid. Prima facie, this delay is not satisfactory. The primary responsibility lies with the Office of the Executive Engineer, particularly Sanjeev Kumar Srivastava and the officers/staff handling the file, unless a valid explanation supported by records is available.

Analysis Regarding Delay in Opening of Financial Bid and Fixation of Responsibility

1. Delay Between Technical Bid Opening and Financial Bid Opening

- Technical Bid Opening Date: 19.09.2025
- Financial Bid Opening Date: 29.12.2025

Thus, there was a delay of 100 days between the opening of the technical bid and the opening of the financial bid.

Prima facie, a delay of 100 days in proceeding from technical evaluation to financial bid opening appears to be excessive and unreasonable, particularly considering that the tender pertained to urgent public utility infrastructure work aimed at resolving serious sewage and sanitation issues in the Bhagirathpura area.

2. Whether the Delay Was Justified

After opening of the technical bids and inviting claims/objections, the normal tender process ordinarily includes:

- (a).Examination of claims/objections raised by bidders;
- (b).Disposal of such claims/objections by the competent authority;
- (c).Finalization of technically qualified bidders; and

3. Grant of approval for opening of financial bids.

Ordinarily, the aforesaid process is expected to be completed within a reasonable time, usually ranging from a few days to a few weeks, unless delayed by exceptional circumstances such as:

- Serious disputes or objections;
- Judicial intervention or stay orders;
- Administrative or policy-related impediments; or



- Requirement of further clarifications from bidders.

In the absence of any such exceptional circumstance reflected on record, the delay of 100 days appears prima facie unjustified and indicative of administrative inaction.

4. Responsibility for Delay

It is stated that, at the relevant point of time, the financial approval powers for tenders up to ₹5 crore vested in Rohit Sisonia, Additional Commissioner (Water Supply).

Responsible level

Primary responsibility

[1] Rohit Sisonia [IAS]

[2] Sanjeev Kumar Srivastava

Secondary responsibility

- Tender branch staff
- Technical scrutiny officers
- Officers who retained the file without prompt action

As per the information furnished by the Indore Municipal Corporation (IMC), the following officers and employees were posted in the concerned departments and the Tender Committee during the period when **Tender No. 2** was processed, scrutinized, monitored, evaluated, and finalized. These officials were discharging their respective official duties in connection with different stages of the tender process: **[Ex/IR-20-A]**

1-Shri Rohit Sisoniya – Additional Commissioner (Water Supply).Shri

2-Sanjeev Kumar Shrivastav- Executive Engineer

3-Shri Saroj Kumar Prajapati – Assistant Engineer, Water Supply.

4-Shri Samyak Jain – Sub-Engineer, Water Supply.

5-Shri Rohit Rai – In-charge Technical Officer, Water Supply.

6-Smt. Shweta Singh – Tender Sub-Engineer, Water Supply.

7-Shri Pragyat Tiwari – Tender Clerk, Water Supply.

The then Municipal Commissioner, Shivam Verma, cannot be held responsible for the delay in the tender process in the present case. He handed over charge on 09.02.2025 before the date of technical bid opening , whereas the delay in the tender process occurred thereafter. Consequently, no responsibility for the delay can be attributed to Shri Shivam Verma, as the relevant period of delay falls after he had



relinquished charge and he was no longer holding the office of Municipal Commissioner.

Role and Responsibility of the Tender Branch Officials (Mr. Pragyat Tiwari and Ms. Neeti Chourasia Khare)

The evidence on record establishes that Mr. Pragyat Tiwari, Assistant Grade-III, has been posted in the Tender Branch of the Indore Municipal Corporation since the year 2016. Similarly, Ms. Neeti Chourasia Khare, Sub-Engineer, has been posted in the Tender Branch of the Water Supply Department since the year 2017.

In his deposition, Mr. Pragyat Tiwari has categorically admitted that he has been continuously working in the Tender Branch from 2016 till date. He further admitted that, after receipt of the approved file, it was his responsibility to invite the tender, conduct the tender process, submit the file for further approvals, issue the Letter of Acceptance (LOA) after approval, and prepare the agreement for execution. He also admitted that once the MIC had approved the proposal for inviting tenders, the entire subsequent tender process up to execution of the agreement remained under the control and responsibility of the Tender Branch.

Ms. Neeti Chourasia Khare, in reply to Question No. 3 of her deposition, also explained the prescribed procedure. She admitted that after the technical evaluation, the file was submitted through the Executive Engineer to the Additional Commissioner for approval to open the financial bids. After such approval, the financial bid was opened, and the proposal of the lowest bidder was again submitted through the Executive Engineer Sanjeev Kumar Shrivastav, along with the opinions of the Sub-Engineer and Assistant Engineer, to the Tender Committee. After approval by the Tender Committee, the file was sent to the competent authority through the Additional Commissioner for final approval. Thereafter, the file again returned to the Executive Engineer, who signed the Letter of Acceptance (LOA). The file thereafter came back to the Tender Branch, where the LOA was prepared and issued, requiring the contractor to execute the agreement within fifteen days. Mr. Pragyat Tiwari has also admitted the same procedure in reply to Question No. 5 of his deposition.

However, significant delays occurring at different stages of the tender process remained unexplained by the concerned officials.

In reply to Question No. 6, Mr. Pragyat Tiwari admitted that the file pursuant to MIC Resolution No. 55 dated 27.03.2022 was received in the Tender Branch on 13.06.2022 for inviting the tender, yet the tender notice was actually issued only on 22.07.2022. He failed to furnish any satisfactory explanation for this delay of more than one month. Instead, she merely



stated that tenders exceeding ₹2 crore required approval of the tender documents and denied any delay on her part.

In reply to Question No. 7, he further admitted that the tender file remained in the Tender Branch from 13.06.2022 until execution of the agreement on 16.05.2023, thereby confirming that the Tender Branch retained custody and processing responsibility throughout this period.

When questioned regarding the delay after the Tender Committee had approved the tender, he was unable to explain why the process was not completed expeditiously. Instead, he stated that the file was submitted to the Additional Commissioner on 15.09.2022, MIC approval was received only on 06.02.2023, and thereafter the Letter of Acceptance was issued on 08.02.2023. This answer does not explain the substantial period consumed between these stages.

Similarly, in reply to Question No. 9, when asked why the agreement was executed only on 16.05.2023 despite issuance of the LOA on 08.02.2023, resulting in a delay of approximately 98 days, he again failed to provide any satisfactory explanation. He merely stated that a letter had been issued to the contractor for execution of the agreement and that the agreement was executed thereafter by the contractor.

Further, when questioned as to when the file for opening the financial bid was submitted after the technical bid had been opened on 26.07.2022, Mr. Pragyat Tiwari admitted that the file was submitted to the Executive Engineer only on 02.08.2022 and remained pending there for about seven days.

The above admissions clearly establish that the Tender Branch was responsible for processing the tender files after receipt of administrative approval and until execution of the agreement. Despite this admitted responsibility, the witnesses have failed to furnish any convincing explanation for the prolonged delays at several crucial stages of the tender process. Their evidence, therefore, establishes not only the procedural responsibility of the Tender Branch but also the existence of unexplained administrative delays, which materially contributed to the overall delay in completion of the tender process.

Finding Regarding the Responsibility of the Tender Branch

So far as the delay in issuing the tender, processing and putting up the tender files before the competent authorities, issuing the Letter of Acceptance (LOA), and other consequential communications is concerned, the evidence on record clearly indicates that these functions were performed by the Tender Branch.



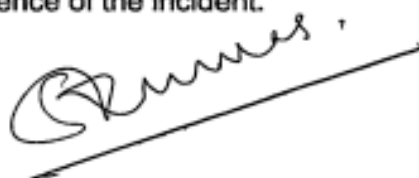
Accordingly, this Commission is of the prima facie view that, to the extent of the delays in processing the tender files and carrying out the functions entrusted to the **Tender Branch, Mr. Pragyat Tiwari, Assistant Grade-III, and Ms. Neeti Chourasia Khare, Sub-Engineer, cannot be absolved of their responsibility.** They are, therefore, **prima facie responsible** for the unexplained delays attributable to the functioning of the Tender Branch during the relevant period. However, their responsibility shall be confined to the functions assigned to the Tender Branch and shall be read along with the corresponding responsibility of the higher authorities wherever approvals or decisions were pending at their respective levels.

Accordingly, the responsibility for delay has to be determined stage-wise. To the extent that any delay occurred while the file remained pending before the MIC for consideration or approval, the responsibility, if any, would lie with the authority competent to take such a decision at that stage. Similarly, where the file remained pending before the Additional Commissioner or the Executive Engineer, the responsibility for such a period would be attributable to the concerned authority.

Upon a comprehensive examination of the records, documentary evidence, and the statements of the concerned officers, the Commission finds that the delay in the finalization of the tender relating to the replacement and repair of the water supply pipeline cannot be attributed to the then Municipal Commissioner, Mr. Dilip Kumar Yadav.

The records clearly establish that the estimated value of the said tender was within the financial limit for which the then Additional Commissioner was the competent authority to accord final approval. Consequently, the tender file was not required to be placed before the Municipal Commissioner for approval. The power to grant final approval in respect of tenders of such value was vested exclusively in the Additional Commissioner Mr. Rohit Sisonia . Therefore, Mr. Dilip Kumar Yadav neither exercised any administrative control nor possessed any decision-making authority over the final approval of the tender or the delay that occurred in its processing. Accordingly, he cannot be held responsible for the delay in the finalization of the tender.

The evidence further establishes that Mr. Dilip Kumar Yadav assumed charge as Municipal Commissioner on 11 September 2025. The Commission also finds from the available records that immediately after the incident came to light, Mr. Dilip Kumar Yadav initiated the necessary administrative and emergency measures to address the situation. No reliable or convincing evidence has been produced before the Commission to establish that he committed any act of negligence, omission, or dereliction of statutory or administrative duty which either directly caused or substantially contributed to the occurrence of the incident.



In view of the foregoing discussion and on an objective assessment of the evidence on record, the Commission concludes that:

1. The delay in the finalization of the tender cannot be attributed to Mr. Dilip Kumar Yadav, as the authority to grant final approval of the tender vested exclusively in the competent Additional Commissioner and not in the Municipal Commissioner.
2. Upon assuming office, Mr. Dilip Kumar Yadav took prompt administrative action after the incident came to his notice.
3. There is no evidence on record establishing any negligence, omission, or breach of duty on the part of Mr. Dilip Kumar Yadav which could justify fastening responsibility upon him for either the delay in the tender process or the occurrence of the incident.

Accordingly, the Commission holds that no direct, administrative, or legal responsibility can be fastened upon the then Municipal Commissioner, Mr. Dilip Kumar Yadav, either for the delay in the finalization of the tender or for the contamination incident arising from the pre-existing defects in the water supply and drainage infrastructure.

Accordingly, responsibility for the delay requires examination at two distinct levels:

(i) Processing Level

If the file remained pending with the concerned departmental authorities, including:

- Executive Engineer;
- Tender Scrutiny Committee; or
- Concerned office staff handling objections and file movement,

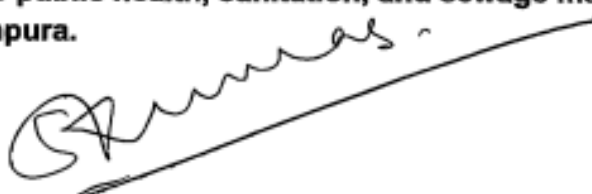
then such officers may be responsible for the delay caused in processing the tender.

(ii) Approval Level

If the technical scrutiny had already been completed and the matter remained pending before Rohit Sisonia for approval to open the financial bid, then primary administrative responsibility may lie upon the said approving authority.

5. Consequences of Delay

The delay assumes grave significance because the tender is related directly to public health, sanitation, and sewage management in Bhagirathpura.



It has been brought on record that fatalities began to be reported by late December 2025. If such fatalities were connected with unresolved sewage overflow, contamination, or waterlogging conditions, the delay in finalization of the tender acquires serious public importance.

Authorities entrusted with such essential civic infrastructure are expected to act with promptness and due diligence, particularly where delay may endanger public safety and health.

Conclusion

In view of the above, the 100-day delay between the opening of the technical bid and the opening of the financial bid constitutes a substantive and prima facie unexplained delay, unless justified by cogent reasons available on record.

Fixation of responsibility would require scrutiny of the complete file movement, noting sheets, and approval records to ascertain the stage at which the matter remained pending.

However, in the absence of any exceptional justification, responsibility may prima facie be attributable to:

- 1. The officers responsible for technical scrutiny and processing of objections; and/or**
- 2. The competent approving authority, namely Rohit Sisonia, if the matter remained pending at his level.**

Such delay, particularly in matters concerning urgent sanitation infrastructure and reported fatalities, warrants serious administrative and judicial scrutiny.

So far as the report dated 08.02.2019 [Ex/IR-21] submitted by the Madhya Pradesh Pollution Control Board is concerned, the Board, by its communication dated 08.02.2019, informed the then Commissioner, Indore Municipal Corporation, that the Regional Laboratory, Indore, had tested the water quality of 60 tube wells/hand pumps located within the municipal limits of Indore city. The report revealed that the water quality of these 60 tube wells/hand pumps did not conform to the prescribed standards under Indian Standard IS 10500 for drinking water. It further stated that the use of such water for drinking purposes was likely to pose health-related risks. Accordingly, the Pollution Control Board recommended that these tube wells/hand pumps should be used only after proper chlorination treatment and requested the Municipal Corporation to ensure compliance.

However, despite receiving this information on 08.02.2019, there is no material or evidence on record to show that the then Commissioner Ashish



Singh IAS[As per the information furnished by IMC Shri Ashish Singh served as the commissioner during the period 02/05/2018 to 04/05/2020] , Indore Municipal Corporation, or the Additional Commissioner Sandeep Soni in charge of the Water Supply Department [As per the information furnished by IMC Shri Sandeep Soni served as the Additional commissioner during the period 02/05/2018 to 04/05/2020] took any immediate or effective steps in compliance with the said report. In the opinion of the Commission, appropriate remedial and preventive measures ought to have been taken promptly upon receipt of the report to safeguard public health.

Field Officers (Critical Direct Liability)

- Executive Engineer(Sanjeev Shrivastav)
- Assistant Engineer (e.g., Yogesh Joshi)
- Sub-Engineer (e.g., Shubham Shrivastava)

Responsibility at the Field and Supervisory Levels

On the basis of the evidence of Shri Sanjeev Kumar Srivastava, the Commission finds that the responsibility for routine inspection, maintenance and monitoring of the water supply pipelines primarily lay with the concerned Sub-Engineer, Assistant Engineer and Executive Engineer of the Water Supply Branch. The Zonal Officer also had a responsibility to coordinate the functioning of the concerned departments at the zonal level.

Where proposals for maintenance and repair were received from the zonal level, the Executive Engineer had the responsibility of technical scrutiny and approval in accordance with the applicable procedure. Accordingly, responsibility for the condition of the water supply infrastructure has to be examined with reference to the respective duties and powers of the officers concerned and cannot be attributed mechanically to one individual merely on the basis of designation.

The Executive Engineer, Assistant Engineer, and Sub-Engineer of the Water Works Department were the field officers directly responsible for the operation, maintenance, inspection, and supervision of the water supply network serving the Bhagirathpura area. Unlike senior administrative officers who exercise overall supervisory control, these officers were entrusted with the day-to-day management of the water distribution system and were expected to ensure that safe and potable drinking water was supplied to the public.

The Executive Engineer was responsible for the overall technical administration of the water supply system within his jurisdiction, including supervision of subordinate engineering staff, monitoring the condition of pipelines, ensuring timely repairs, allocating resources for maintenance



works, and taking immediate corrective action whenever defects or risks to public health were detected or reported.

The Assistant Engineer was responsible for field supervision of water supply operations, inspection of pipelines and related infrastructure, monitoring complaints received from the public, ensuring that maintenance and repair works were carried out effectively, and reporting any serious deficiencies or risks to higher authorities. He was required to maintain close supervision over the areas under his charge and ensure that any likelihood of contamination was promptly addressed.

The Sub-Engineer was the officer closest to the field level and was responsible for regular inspection of the water supply network, detection of leakages, identification of damaged pipelines, monitoring of repair works, verification of complaints received from residents, and immediate reporting of any defects, contamination risks, or unsafe conditions. As the officer directly connected with field operations, he was expected to possess the earliest knowledge of any defects or abnormal conditions affecting the water supply system.

If contaminated water entered the drinking water distribution system due to damaged pipelines, leakage points, cross-connections, ingress of sewage, inadequate maintenance, failure to conduct inspections, delayed repairs, or failure to respond to complaints and warning signs, the primary responsibility would lie upon the officers who were directly entrusted with these duties. Their liability would arise from any omission, negligence, lack of supervision, failure to inspect, failure to report, or failure to take timely corrective action that contributed to the contamination of the water supply.

From the evidence adduced before the Commission, the documents placed on record, and the technical reports produced during the inquiry, it stands established that under the ODA Project, between the years 1990 and 1995, the sewerage network in Bhagirathpura and other parts of Indore was laid by the Indore Development Authority and water supply pipeline was laid by IMC under HUDCO project in the year 1999 to 2004. It is equally established that in several locations the sewerage pipelines and water supply pipeline were laid parallel to, crossing over, or even above the drinking water supply pipelines, contrary to the norms prescribed in the CPHEEO Manual. The prescribed minimum horizontal and vertical clearances between sewerage and water supply pipelines were not maintained. Such execution was technically unsafe and inherently capable of causing contamination of potable water in the event of leakage or failure of either system.

The Commission has further found that due to ageing of the sewerage network, deterioration of the pipelines, perforation, leakage and structural failure occurred over a period of time. Consequently, sewage entered the

adjoining damaged drinking water pipelines through negative pressure and other hydraulic conditions, resulting in contamination of the potable water supplied to the residents of Bhagirathpura. Thus, the immediate cause of contamination was the ingress of sewage into the drinking water distribution system, while the root cause lay in the improper planning and execution of the sewerage network itself.

Accordingly, the first and primary responsibility rests upon those officers, engineers and technical officials, either, of the then Indore Development Authority or Indore Municipal Corporation who were responsible for planning, designing, supervising and executing the sewerage project during the period 1990–1995 or Water supply pipeline project in the year 1999 to 2004. The failure to adhere to the mandatory engineering standards prescribed in the CPHEEO Manual constituted a fundamental lapse, the consequences of which continued for decades and ultimately manifested in the present incident.

However, the inquiry cannot end merely by identifying the original defect in construction. Public infrastructure such as sewerage and drinking water distribution systems requires continuous inspection, preventive maintenance, monitoring and timely replacement throughout its operational life. The responsibility, therefore, shifts over time from the executing agency to the authority entrusted with operation and maintenance of the system.

The evidence before the Commission establishes that after completion of the project, the operation, maintenance and monitoring of both the sewerage network and the water supply system came under the control of the Indore Municipal Corporation. Consequently, the Municipal Corporation and its concerned engineering officers were under a continuing statutory and administrative obligation to ensure that the sewerage and water supply pipelines remained functional, leak-proof and safe for public health.

In this context, the role of Shri Sanjeev Kumar Srivastava, Superintending Engineer, assumes considerable significance. The evidence shows that he remained continuously posted in the Water Supply Department from 2013 till 2026 and was the senior-most technical officer supervising the maintenance and functioning of the water supply system, including the Bhagirathpura area. During this long tenure, it was his duty to periodically inspect the condition of the pipelines, identify vulnerable stretches, monitor leakage and contamination risks, initiate preventive maintenance, recommend replacement of deteriorated pipelines and ensure effective coordination between the sewerage and water supply wings.

The Commission finds that Shri Sanjeev Kumar Srivastava remained posted in the Indore Municipal Corporation continuously from the year 2013 onwards and has served in the Water Supply Department for an uninterrupted period of approximately thirteen years. During such an



extensive tenure, it is difficult to accept that he remained unaware of the deteriorating condition of the water supply and sewerage infrastructure in the Bhagirathpura area.

Being a senior technical officer entrusted with the operation, maintenance and supervision of the water supply system, it was his responsibility to ensure regular inspection of the pipelines, identify leakages, perforations, corrosion, structural failures and other defects, assess the condition of ageing infrastructure, and take timely preventive and corrective measures. Such deficiencies do not ordinarily develop overnight but occur gradually over a considerable period, making them capable of being detected through proper monitoring and maintenance.

Statement and Prima Facie Responsibility of Shri Saroj Kumar Prajapati, then In-charge Assistant Engineer , Indore Municipal Corporation

Shri Saroj Kumar Prajapati, the then In-charge Assistant Engineer Indore Municipal Corporation, categorically admitted in his deposition that he remained posted as the In-charge Assistant Engineer, Zone No. 4 Bhagirathpura , from August 2017 to June 2025. He further admitted that during the entire period of his posting, the Bhagirathpura area fell within his jurisdiction and that he was responsible for the maintenance, supervision, and monitoring of the water supply system in the said area.

The witness further admitted that, during his tenure, complaints regarding leakage and damage to water supply pipelines as well as unauthorized water connections had been received. He also acknowledged that he was aware that the close proximity of the drainage line to the drinking water supply pipeline posed a risk of contamination of potable water.

The witness further admitted that water quality testing had been conducted in the Bhagirathpura area and that, to the best of his recollection, the test reports indicated the presence of harmful bacteria. He further admitted that the water supplied in the locality had become foul-smelling and black in colour and that, even prior to the present incident, complaints had been received regarding the supply of contaminated water, foul odour, and other public grievances.

The witness also admitted that a number of small-scale industrial units were operating in the Bhagirathpura area and that the effluents generated by such units were being discharged into the drainage system.

Significantly, when questioned as to whether he had brought these facts to the notice of his superior officers, the witness stated that he had not reported the matter because he was uncertain whether it was his responsibility or that of the officials of the Drainage Department to communicate such information to the higher authorities.



The aforesaid admissions clearly establish that, despite being posted as the In-charge Assistant Engineer of Zone No. 4 for nearly eight years and despite having knowledge of pipeline leakages, unauthorized connections, the risk of contamination arising from the proximity of drainage and water supply pipelines, complaints regarding foul and contaminated water, the results of water quality testing, and the discharge of industrial effluents into the drainage system, the witness failed to bring these material facts to the notice of the competent senior authorities or to ensure that appropriate remedial measures were initiated.

Being a responsible field-level officer belonging to the technical establishment of the Indore Municipal Corporation and entrusted with the supervision and maintenance of the water supply system within his jurisdiction, Shri Saroj Kumar Prajapati owed a clear duty to promptly report such serious deficiencies and public health risks to the competent authorities. His omission to do so constitutes a serious lapse in the discharge of his official duties. Accordingly, on the basis of his own admissions, he bears **prima facie responsibility** in relation to the incident under inquiry.

In these circumstances, the Commission is unable to accept that the existence of leakage, perforation, deterioration or the need for maintenance of the water supply and sewerage pipelines could have remained completely unnoticed throughout his long tenure. Even assuming that the initial defects were not created during his period of posting, the continuing deterioration of the infrastructure and the consequent need for repair or replacement ought reasonably to have come to his notice in the discharge of his official duties. The failure to detect, report and effectively address such defects, despite prolonged responsibility over the concerned system, constitutes a significant lapse in supervision and maintenance for which he cannot be absolved of responsibility.

The Commission finds no material on record to indicate that adequate preventive measures were undertaken despite the ageing condition of the infrastructure and the known technical vulnerability arising from the proximity of sewerage and water supply pipelines. Had timely inspection, preventive maintenance and replacement of the damaged pipelines been undertaken, the possibility of sewage entering the drinking water network could have been substantially reduced or altogether avoided. Therefore, Shri Sanjeev Kumar Srivastava cannot be absolved of responsibility for failure of supervision, monitoring and preventive maintenance.

The Commission further finds that the Indore Municipal Corporation itself had acknowledged the deteriorated condition of the pipelines and accordingly initiated proposals for replacement of the damaged water supply network. However, despite recognition of the urgency, the replacement works did not commence within a reasonable period because



the tender process suffered repeated delays, cancellations, re-tendering and prolonged administrative inaction. The evidence on record(as mentioned above) clearly demonstrates that substantial time elapsed at various stages of the tender process without any satisfactory explanation.

If the tenders had been finalized within a reasonable time and the replacement work had been completed before the occurrence of the incident, there existed a significant possibility that the damaged pipelines would have been replaced and the contamination incident could have been prevented. Therefore, the delay in execution of the replacement work cannot be treated as a mere procedural lapse but constitutes a contributing factor in the occurrence of the incident.

Accordingly, the Commission is of the considered opinion that responsibility also extends to those officers who were directly concerned with processing, scrutinising, approving and finalising the tenders for replacement of the damaged pipelines and whose unexplained delay, inaction or negligence resulted in postponement responsibility of each such officer has been discussed separately in the preceding chapters dealing with the tender process, and the same stands incorporated herein.

Conclusion

The Commission, therefore, concludes that the Bhagirathpura contaminated water incident was not the result of a single act of negligence but was the cumulative consequence of failures occurring at different stages over several decades. The responsibility is shared by different authorities and officers in different capacities, namely:

1. The officers, engineers and technical officials of the then Indore Development Authority or Indore Development Authority responsible for planning, design and execution of the sewerage project between 1990 and 1995 or water supply pipe line between 1999 to 2004, for laying the sewerage pipelines in violation of the CPHEEO Manual.
2. The officers of the Indore Municipal Corporation entrusted with operation, maintenance and monitoring of the sewerage and drinking water systems, failed to detect, prevent and rectify the deterioration of the infrastructure in time.
3. Shri Sanjeev Kumar Srivastava, Superintending Engineer, who remained continuously posted from 2013 to 2026 and, despite being the senior-most technical officer responsible for maintenance of the water supply system in the concerned area, failed to ensure adequate inspection, preventive maintenance, timely replacement and effective monitoring of the vulnerable pipeline network.
4. The officers responsible for the delayed processing and finalisation of tenders for replacement of the damaged pipelines, whose unexplained administrative delays materially contributed to



postponement of the remedial works and thereby increased the risk which ultimately culminated in the contamination incident.

The Commission is, therefore, of the considered opinion that the liability in the present case is cumulative and concurrent. The original defect in execution, the prolonged failure of maintenance and monitoring, and the subsequent administrative delays in replacing the damaged infrastructure together constituted the chain of negligence that ultimately resulted in the supply of contaminated drinking water to the residents of Bhagirathpura.

The Commission is of the considered opinion that the responsibility for the present incident cannot be confined merely to the officers who originally executed the sewerage project. The obligation to ensure the safety and integrity of the water supply and sewerage systems was a continuing responsibility of the engineering establishment of the Indore Municipal Corporation.

The evidence on record indicates that the damaged and perforated water supply pipelines as well as the deteriorated sewerage lines were not subjected to timely inspection, preventive maintenance, repair or replacement. Regular monitoring of such critical public infrastructure was an essential duty of the engineering officers entrusted with its operation and maintenance. Failure to undertake these measures allowed the defects to continue and progressively worsen, ultimately resulting in contamination of the drinking water supply.

The Commission further observes that, from time to time, different Executive Engineers, Superintending Engineers and other engineering officers remained posted in the concerned departments and exercised supervisory and maintenance responsibilities over the water supply and sewerage systems. Their respective roles, duties and period of posting require detailed examination to determine whether they discharged their statutory and administrative obligations with due diligence.

Accordingly, the Commission is of the view that a detailed departmental inquiry is necessary to identify the officers who were posted during the relevant periods, the responsibilities entrusted to each of them, the action taken or omitted by them, and whether any negligence, inaction or dereliction of duty contributed to the continued deterioration of the water supply and sewerage infrastructure. Subject to the findings of such inquiry, the concerned engineering officers cannot be absolved of responsibility merely because the original construction had been executed decades earlier. Their liability, if established, would arise from failure to ensure proper inspection, monitoring, maintenance and timely remedial action during their respective tenure.



Accordingly, the Commission is of the considered view that the Bhagirathpura incident reveals both governmental and systemic failure. The responsibility, therefore, lies not only in identifying specific acts of negligence by individual officers but also in recognizing the broader structural and procedural shortcomings within the concerned governmental machinery that enabled such an incident to occur.

The Commission therefore concludes that the contaminated water supply incident in Bhagirathpura, Indore, was substantially attributable to lapses in governance, administrative inefficiency, and systemic failure in ensuring effective maintenance and monitoring of public water supply infrastructure. Immediate corrective measures, institutional reforms, and clear accountability mechanisms are essential to prevent recurrence of such incidents and to restore public confidence in the administration.

On the other hand, if the incident occurred solely due to sudden operational failure at the field level without prior notice or without any reasonable opportunity for intervention by senior officers, personal responsibility of the Commissioner or Additional Commissioner may not be directly established.

The Commission is of the considered view that accountability in such matters must be determined not merely by designation but by actual role, authority, knowledge, and omission. Liability of senior municipal officers arises where systemic failures are shown to have persisted due to lack of administrative oversight, ineffective supervision, or failure to enforce accountability within the municipal framework.

The Commission finds that the State Government has an overarching constitutional and statutory obligation to safeguard public health and to ensure the continuous supply of safe and potable drinking water through its instrumentalities, including the Municipal Corporation and other statutory agencies entrusted with the planning, execution, operation, maintenance, monitoring, and regulation of the water supply and sewerage system. This obligation necessarily includes the duty to maintain water supply infrastructure in a safe condition, undertake timely replacement of deteriorated pipelines, conduct regular water quality surveillance, promptly investigate complaints of contamination, and ensure effective coordination among all agencies responsible for public health and civic infrastructure.

The evidence placed before the Commission demonstrates that these obligations were not discharged with the degree of diligence, efficiency, and accountability expected from public authorities. The prolonged existence of vulnerable infrastructure, deficiencies in inspection and preventive maintenance, inadequate monitoring of drinking water quality, delay in taking corrective measures, and lack of effective coordination among the concerned departments collectively created conditions under which contamination of the public water supply became possible. The



Commission is satisfied that these failures substantially contributed to the occurrence of the Bhagirathpura incident.

[ix] Suggest guidelines for compensation to affected residents, particularly vulnerable sections.

Compensation to Affected Persons

1. Legal Basis for Grant of Compensation

Compensation and Relief

Appropriate compensation guidelines may be framed for affected residents, particularly for families of deceased persons, hospitalized victims, children, senior citizens, economically weaker sections, and persons suffering long-term health complications. Compensation may include ex gratia financial assistance, reimbursement of medical expenses, provision of free medical treatment, and other rehabilitation measures depending upon the extent of injury, loss, and hardship suffered due to the contamination incident.

Basis for Determination

Compensation may be determined keeping in view the principles laid down by the Hon'ble Supreme Court relating to public law compensation for violation of the right to life under Article 21 of the Constitution, negligence of public authorities, and failure to provide safe drinking water and public health protection.

2. Usual Amount of Compensation in Different Cases

(A) Natural Disasters

Incident	Compensation
Death	Approximately ₹4,00,000
Serious injury	₹50,000 – ₹1,00,000
House completely destroyed	Up to ₹95,000
Crop loss	As per prescribed rates

Heatwaves have now also been classified as a **natural disaster**, and similar compensation provisions apply.



(B) Road Accidents

Source	Compensation
Motor Accident Claims Tribunal	₹5 lakh – ₹50 lakh or more depending on income
Good Samaritan Scheme	₹25,000 to the person who assists the victim

Recently, in a road accident case, a court awarded **₹46 lakh as compensation.**

(C) Police Excess / Human Rights Violations

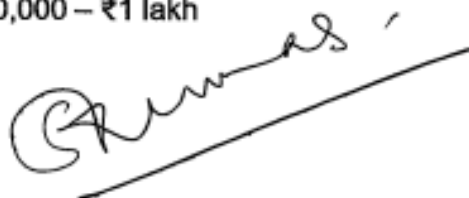
In such cases, the **National Human Rights Commission (NHRC)** or courts may award **₹3 lakh or more as compensation.**

3. Compensation in Cases of Public Negligence or Water Contamination

If it is established that:

- There was **serious negligence on the part of a government agency,**
- Public health was endangered, and
- Deaths or illness occurred among citizens,
- then the High Court or an Inquiry Commission may award **higher compensation under the principle of Public Law Compensation.**
- In such cases, compensation may typically be:

Nature of Damage	Possible Compensation
Death	₹5 lakh – ₹20 lakh
Serious illness	₹1 lakh – ₹5 lakh
Minor illness	₹50,000 – ₹1 lakh



4. Legal Basis of Compensation in Cases of Water Pollution or Government Negligence

In India, compensation in such cases is mainly based on the following principles:

(A) Constitutional Tort (Article 21)

If a person's life or health is harmed due to the negligence of the government, the **High Court** or the **Supreme Court** can directly award compensation.

Main Principles:

- Violation of the **Right to Life (Article 21)**
- State liability for negligence.

(B) Polluter Pays Principle

This principle is applied in environmental law.

The entity responsible for causing pollution must compensate for the damage caused.

The **National Green Tribunal (NGT)** and courts can impose substantial environmental compensation based on this principle.

(C) Public Law Compensation

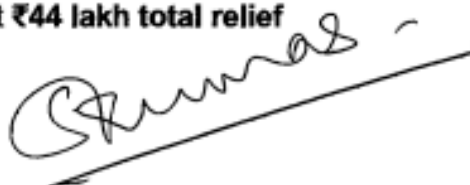
If there is serious negligence by a government agency (such as sewage mixing with the drinking water supply), courts may grant compensation as a **Public Law remedy**.

5. Additional Explanation for Cases Like Water Contamination (e.g., Bhagirathpura)

Examples of Compensation in Water / Environmental Pollution Cases in India

(A) Bhagirathpura Water Contamination (Indore)

- ₹2 lakh per deceased person to families
- Around **18–21 families** received payment
- Several tube wells and water sources were found contaminated
- Government announced about **₹44 lakh total relief**



(B) Raichur (Karnataka) Water Pollution Case

- Death of a child due to contaminated water
- Family given ₹5 lakh compensation

(C) Rajasthan Water Pollution Case

- Court ordered ₹50,000 interim compensation for death caused by contaminated water

(D) Endosulfan Environmental Disaster (Kerala)

- Supreme Court ordered ₹5 lakh compensation to each victim

(E) Beas River Disaster (Himachal Pradesh)

- Death of students due to government negligence
High Court awarded ₹20 lakh compensation per family

6. Factors Considered by Courts While Fixing Compensation

High Courts or Inquiry Commissions generally consider the following six factors:

1. Number of deaths or illnesses
2. Gravity of government negligence
3. Medical reports
4. Income and age of the victim
5. Future financial loss
6. Social impact (public health impact)

7. Possible Compensation in Cases Like Bhagirathpura

If an **Inquiry Commission or High Court** establishes that:

- There was negligence by the municipal authority in water supply
- Contamination occurred due to sewage pipelines
- Adequate monitoring was not carried out

Then courts may generally order compensation approximately as follows:



Damage	Possible Compensation
Death	₹5 – ₹20 lakh
Serious illness	₹1 – ₹5 lakh
Minor illness	₹50,000 – ₹1 lakh
Medical expenses	Full reimbursement

Important Point

Often the government initially gives **ex-gratia relief of ₹2 Lakh** but later the **High Court may enhance the compensation several times.**

Recommendations for the commissions final report

In view of the loss of lives and the health impact on residents ,the commission recommends that the State Government provide compensation to the affected persons in accordance with the following structure:

(A) Death Cases

Category	Recommended Compensation
Family of each deceased person	₹10,00,000
Funeral assistance	₹50,000
Educational assistance for children	Up to ₹5,00,000

If the deceased was the **main earning member of the family**, additional assistance may also be provided.

(B) Seriously ill Persons

Category	Recommended Compensation
Hospitalized patients	₹2,00,000
Long-term illness or permanent health damage	₹3,00,000



(C) Minor Illness

Category	Recommended Compensation
Minor illness	₹50,000
Medical expenses	Reimbursement of actual expenses

(D) Additional Support for Affected Families

- **Free medical treatment for at least 5 years**
- **Regular health check-up camps**
- **Safe drinking water arrangements**
- **New water pipeline / water supply system in the affected area**

Declaration

This Commission has endeavoured to ascertain the truth and to fix responsibility wherever it is found to exist, without fear or favour. Accountability has been determined strictly in accordance with law, and no individual, authority, or institution has been exempted from scrutiny, irrespective of their status, influence, or position.

The present case stands as a stark reminder that where government and public authorities fail in their duty, the consequences are borne by innocent citizens; the law, therefore, must respond with firmness to ensure that such failures do not go unaccounted.

In a constitutional framework governed by the rule of law, the right to safe drinking water is inseparable from the right to life, and any breach thereof demands not only acknowledgment but enforceable accountability.

Commission's Recommendation

The facts brought on record leave no manner of doubt that the incident was preventable; in a constitutional system governed by the rule of law, such failure cannot remain without consequence, and accountability must necessarily follow



FINAL OBSERVATION

The facts brought on record leave no manner of doubt that the incident was preventable; in a constitutional system governed by the rule of law, such failure cannot remain without consequence, and accountability must necessarily follow.

STRONG RECOMMENDATION

Any installation of sewer and potable water pipelines in violation of prescribed separation norms as per CPHEEO manual [see note below] shall be treated as **per se negligence**, making the concerned officer strictly liable for any resulting contamination and public health hazard.

Note-As per the norms prescribed in the CPHEEO Manual on Water Supply and Treatment and the CPHEEO Manual on Sewerage and Sewage Treatment issued by the Central Public Health & Environmental Engineering Organisation (PHE/CPHEEO), Government of India, the following are the important technical norms governing installation of drainage/sewer lines and drinking water pipelines:

1. Separate Alignment of Water and Sewer Lines

Water supply pipelines and sewer/drainage pipelines should not ordinarily be laid close to each other. Adequate horizontal and vertical separation must be maintained to prevent sewage contamination of drinking water.

2. Sewer Line Must Be Below Water Pipeline

The CPHEEO Sewerage Manual specifically provides that sewer lines should always run below the drinking water pipelines so that, in case of leakage, sewage may not enter the water supply system through gravity or negative pressure.

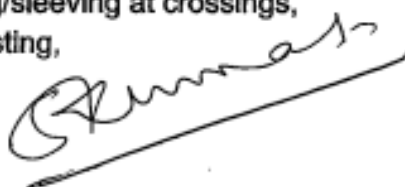
3. Minimum Horizontal Separation

A minimum lateral offset/separation is required between sewer lines and water mains. The manual recommends a minimum offset equal to half the width of the manhole plus 30 cm, and adequate distance should be maintained to avoid cross contamination and permit safe maintenance.

4. Protection Against Cross-Connection

The manuals prohibit cross-connections between sewerage and drinking water systems. Water mains are required to be protected from contamination by:

- leak-proof joints,
- corrosion protection,
- proper encasing/sleeving at crossings,
- periodic leak testing,



- regular maintenance and inspection.

5. **Water Quality and Pressure Standards**

The water distribution system must maintain adequate residual pressure to prevent back-siphonage or ingress of sewage through cracks/leaks in pipelines. Low pressure or intermittent water supply increases risk of contamination.

6. **Regular Inspection and Maintenance**

The PHE/CPHEEO manuals mandate periodic inspection, preventive maintenance, leakage detection, chlorination, flushing of pipelines, and water quality testing to ensure safe potable water supply. Failure to conduct such monitoring may result in contamination incidents.

7. **Protection at Crossing Points**

Where water pipelines and sewer/drain lines intersect, special protective measures such as encasing pipes, maintaining vertical clearance, and use of non-corrosive materials are required to prevent contamination.

8. **Public Health Responsibility**

The manuals treat safe drinking water supply as a public health obligation of the municipal authority. Any failure in maintenance, inspection, repair, or monitoring leading to contamination may amount to serious negligence affecting public health and safety.

These CPHEEO/PHE norms may be relevant in examining whether the drainage and water supply infrastructure in Bhagirathpura was installed and maintained according to prescribed public health engineering standards, and whether any deviation or negligence contributed to sewage contamination of drinking water.

MOST RESPECTFULLY SHOWETH:

1. That the present matter pertains to a serious issue of **public health hazard arising out of contamination of potable water**, allegedly caused due to improper laying of sewerage and water supply pipelines in Bhagirathpura area of Indore.
2. That the incident reflects **systemic failure in planning, execution, supervision, and compliance of engineering norms**, thereby necessitating immediate formulation and enforcement of binding guidelines to prevent recurrence of such incidents.
3. That it is imperative, in the interest of justice and public safety, that this Hon'ble Court may be pleased to **issue directions for adoption of standardized engineering and administrative safeguards** in

line with national norms prescribed by competent authorities including CPHEEO.

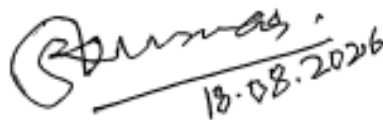


CONCLUSION

In view of the findings recorded herein, this Commission concludes that the contamination of drinking water in the affected area was not an isolated or unavoidable incident, but the result of systemic lapses, negligence, and failure of duty on the part of the government and concerned authorities.

SUBMISSION BEFORE THIS HON'BLE COURT

Accordingly, upon a comprehensive examination of documentary evidence, oral testimonies, and expert material, this Commission respectfully submits this Final Report for the kind consideration of this Hon'ble Court.



18.08.2026

Justice Sushil Kumar Gupta

Former Judge of Madhya Pradesh High Court

One -Man Inquiry Commission

JUSTICE SUSHIL KUMAR GUPTA
FORMER JUDGE OF MADHYA PRADESH HIGH COURT
ONE MAN ENQUIRY COMMISSION