

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO.176 OF 2012

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|----|---|----------|-------------|
| 1. | Mr. Rajesh Madhukar Pandit, |) | |
| 2. | Mr. Nagsen (Nishikant) Murlidhar
Pagare, |)
) | |
| 3. | Mr. Jagbir Nirmal Singh. |).. | Petitioners |
| | Versus | | |
| 1. | The Nashik Municipal Corporation, |) | |
| 2. | Commissioner,
The Nashik Municipal Corporation. |)
) | |
| 3. | Maharashtra Pollution Control Board, |) | |
| 4. | Government of India,
Through Director, Control of Pollution, |)
) | |
| 5. | State of Maharashtra, |) | |
| 6. | Maharashtra Industrial Development
Corporation. |)
).. | Respondents |
| | - | | |

Shri Pravartak S. Pathak for the Petitioners.

Shri M.L. Patil for Respondent Nos.1 and 2.

Shri R.B. Raghuvanshi i/by Ms. Rutuja Ambekar for the Respondent No.3.

Shri D.A. Nalawade along with Shri R.A. Lokhande for Respondent No.4.

Shri A.B. Vagyani, Additinoal Government Pleader along with Shri Prashant Darandale, Assistant to the Government Pleader for Respondent No.5.

Shri PP. Chavan along with Ms. Shyamli Gadre i/by M/s. Little and Co for Respondent No.6.

Ms. Komal Kalawapudi, Technical Assistant, CSIR-NEERI, present in Court.

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CORAM : A.S. OKA & S.C. GUPTE, JJ

DATE ON WHICH SUBMISSIONS WERE HEARD : 24TH DECEMBER 2013

DATE ON WHICH ORDER IS PRONOSUNCED : 7TH MARCH 2014

ORDER : (PER A.S. OKA, J)

1. Godavari is the second longest river in India after the river Ganges. It is popularly known as "Dakshin Ganga". This Petition raises important issues in relation to rejuvenation of River Godavari. The river Godavai is one of the main sources of water supply in Nashik. It is also used for industrial and domestic waste disposal.

2. Considering the questions raised in the Petition, we issue Rule.

3. Learned counsel Shri M.L. Patil waives service for Respondent Nos. 1 and 2. Learned counsel appearing for Respondent No.3 Shri R.B. Raghuwanshi waives service. Learned counsel appearing for Respondent No.4 waives service. The learned Additional Government Pleader waives service for Respondent No.5 and learned counsel appearing for Respondent No.6 waives service.

4. From time to time, various directions in the nature of ad-interim orders have been issued by this Court. We have heard the parties at length on question of issuing interim directions. The representatives of National Environmental Engineering Research Institute (for short "NEERI") were also present.

5. The Petitioners are citizens of India who are residents of Nashik. The substantive relief claimed in the Petition is for issuing directions to the Respondents to clean the polluted Godavari river. Various other consequent reliefs have been claimed in this Petition. From the material on record, it appears that the river flows from West to South. The river has its catchment area in six States of India i.e. Maharashtra, Chhattisgarh, Madhya Pradesh, Andhra Pradesh, Karnataka and Odisha. The rivers like Indravati, Pravara, Wainganga, Kanhan, Pench, Wardha and Penuganga pour a huge quantity of water into Godavari River System. By the year 2012, there were 350 major or medium dams and barrages constructed in the Godavari river basin. There are several holy places located on the banks of the said river at Nashik. After every 12 years, Kumbh Mela is held on the banks of the River Godavari at Nashik which attracts millions of devotees. The mega event of Kumbh Mela is now scheduled between July-September 2015.

6. There is no dispute between the parties that the river water has been polluted to a great extent. There are various factors which have led to the extensive water pollution. On the bank of the river, there are many holy places like Someshwar Temple, Navsha Ganapati Temple, etc. There are well-known religious places like Laxman Kund, Ram Kund etc. Lacs of devotees visit the said places and ghats on river Godavari in or around Nashik. Many of them do "asthi visarjan" (immersion of ashes) in the river. Many of them undertake mass bathing. Obsequious ceremonies such as "dashkriya vidhi" are being performed. There are two industrial areas at Nashik known as 'Satpur' and 'Ambad'. It is alleged that there is no CETP constructed for the treatment of the industrial waste generated in the MIDC areas. The river is being used for industrial as well as domestic waste disposal. Beyond the limits of Nashik City, on a large scale, there are agricultural activities carried out on both the sides of the river. Moreover, the City of Nashik is ever growing. There are large number of industries which are set up in or around Nashik. There has been population explosion at Nashik. Apart from these several factors which are the causes for pollution, even the activities of common people have made adverse impact on the eco-system of the river.

7. We have perused the ad-interim directions issued by this Court from time to time. The issue will have to be tackled at different

levels. The parties appearing before the Court could not dispute that the major factor which is contributing to the pollution is the human factor. Various religious and other activities are contributing to the pollution of the river for years. There is a lack of sensitivity as regards maintaining the pollution free environment.

8. Article 48A of the Constitution of India was made a part of Directive Principles of State Policy in the year 1976 which lays down that the State shall endeavour to protect and improve the environment. In the year 1976, Part IV-A dealing with Fundamental Duties was included in the Constitution of India. Article 51-A of the Constitution of India provides for the fundamental duties of the citizens. Clause (g) of Article 51-A of the Constitution of India reads thus:

“51A. Fundamental duties.-- It shall be the duty of every citizen of India--

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g) To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.”

9. The Apex Court has time and again held that the public law doctrine is applicable to India. The Apex Court in the case of *M.C.*

*Mehta v. Kamal Nath*¹ held thus:

“34. Our legal system — based on English common law — includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. **Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources.** These resources meant for public use cannot be converted into private ownership.

35. We are fully aware that the issues presented in this case illustrate the classic struggle between those members of the public who would preserve our rivers, forests, parks and open lands in their pristine purity and those charged with administrative responsibilities who, under the pressures of the changing needs of an increasingly complex society, find it necessary to encroach to some extent upon open lands heretofore considered inviolate to change. The resolution of this conflict in any given case is for the legislature and not the courts. If there is a law made by Parliament or the State Legislatures the courts can serve as an instrument of determining legislative intent in the exercise of its powers of judicial review under the Constitution. But in the absence of any legislation, the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership, or for commercial use. The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use unless the courts find it necessary, in good faith, for the public good and in public interest to encroach upon the said resources.”

1 (1997)1 SCC 388

In another decision in the case of *Fomento Resorts & Hotels Ltd. v. Minguel Martins*², the Apex Court held thus:

“59. The Indian society has, since time immemorial, been conscious of the necessity of protecting environment and ecology. The main motto of social life has been “to live in harmony with nature”. Sages and saints of India lived in forests. Their preachings contained in vedas, upanishadas, smritis, etc. are ample evidence of the society’s respect for plants, trees, earth, sky, air, water and every form of life. It was regarded as a sacred duty of everyone to protect them. In those days, people worshipped trees, rivers and sea which were treated as belonging to all living creatures. The children were educated by their parents and grandparents about the necessity of keeping the environment clean and protecting earth, rivers, sea, forests, trees, flora, fauna and every species of life.

60. The Constitution of India, which was enforced on 26-1-1950 did not contain any provision obligating the State to protect environment and ecology, but the people continued to treat it as their social duty to respect the nature, natural resources and protect environment and ecology. After almost three decades of independence, the legislature recognised the importance of protecting and improving environment and safeguarding forests and wildlife and Article 48-A was inserted in Part IV of the Constitution by the Constitution (Forty-second Amendment) Act, 1976 whereby a duty was imposed on the State to “endeavour to protect and improve the environment and safeguard forests and wildlife of the country”. By the same amendment Article 51-A was inserted in the form of Part IV-A which enumerates fundamental duties of every citizen. Article 51-A(g) declares that it shall be the duty of every citizen of India

“to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures”.

Thereafter, the courts repeatedly invoked Articles 48-A and 51-A for protecting environment and ecology and several orders were passed in public interest litigation mandating the State to take action for protecting forests, rivers and anti-pollution measures.

61. The importance of the public trust doctrine was also recognised by this Court and the same was applied for protecting natural resources which have been treated as public properties and are held by the Government as trustee of the people.”

10. The Respondents viz. The Municipal Corporation of City of Nashik, the Maharashtra Pollution Control Board, the State of Maharashtra and the Maharashtra Industrial Development Corporation are the State within the meaning of Article 12 of the Constitution of India and, therefore, it is their duty to protect and improve the environment. There is a corresponding duty in the citizens to protect and improve the natural environment including the lakes and rivers.

11. After having perused the various reports on record, we must observe that the controlling pollution in the River Godavari is going to be a task of highest magnitude. On one hand, there is a failure

of the State to perform its duty and on the other hand, there is generally a failure on the part of the citizens to perform their fundamental duty incorporated in Clause (g) of Article 51-A of the Constitution of India. As a part of fundamental right guaranteed under Article 21 of the Constitution of India, every citizen has a right to live in a pollution free environment. The quality of such right will also depend on the performance of fundamental duties by the citizens and especially the duty incorporated in Clause (g) of Article 51-A of the Constitution of India.

12. We must note here that this Court has appointed the NEERI for formulating a comprehensive action plan for the purposes of cleaning of the River Godavari and proper maintenance of the said river. There is a Preliminary Assessment Report filed by NEERI. There is a supplementary report file by the NEERI recording specific observations and recommendations for taking immediate action. Considering the forthcoming Kumbh Mela in July-September 2015, this Court directed the NEERI to submit an action plan to tackle with Kumbh Mela. Accordingly, a third report has been filed by NEERI. The said report of the NEERI also deals with the status of implementation of its earlier report.

13. With a view to understand the magnitude of the problems, a reference will have to be made to the first report submitted by NEERI. The report deals with all aspects such as Sanitation in the City of Nashik, Sewerage System and Waste Water Treatment, Underground Sewerage System, etc. It also deals with Solid Waste Management Plan for the City of Nashik. It will be necessary to make a reference to the recommendations of NEERI in the said Report.

“Recommendations--

- * Allotment of water from Gangapur dam should be rescheduled so that the minimum ecological or environmental flow is maintained downstream of the dam.

* In the light of minimum availability of flow in the river, the expected dilution, dispersion and decomposition of the treated wastewater is not occurring. This has resulted in non-compliance of the water quality standards for designated use as A-II. More stringent standards for discharge of treated effluent should be imposed by MPCB.

- * Efforts to stop misuse of river by people for washing of clothes or vehicle should be strengthened.

- * Effective collection of wastewater and its transfer to STPs should be taken up on priority basis.
- * Functioning of the Sewage Treatment plants should be improved.
- * The treated effluent from the STPs should be reused either by industries or for irrigation. By improving the quality of effluent, the water can also be used for gardening and other related activities. This will also restrict the inputs of pollutants in the river stream.
- * Recycle and reuse of treated effluents from STPs for irrigation and transfer the equivalent flow into the river is recommended.
- * The list of industries generating wastewater in the MIDC zone along with the details of individual ETPs installed should be made available to NEERI by MIDC authorities.
- * MIDC should construct a common effluent Treatment Plant for water polluting industries and its performance should be regularly monitored.
- * The ETPs constructed and operated by individual industries within MIDC area should be monitored by MPCB.

- * The sanitation facilities for the devotees need to be increased. Sulabh Sauchalaya type facility should be created in the areas where open defecation is rampant.
- * Artificial pond for conducting “Dashkriya” ritual activities should be generated so that the organic material used during the religious practice will not get into the river flow. The water in the artificial pond should be replaced and separate treatment should be provided to this polluted water.
- * Awareness programme to stop the throwing of Nirmalya or other organic pollutants should be well-organized and made more efficient for protecting the ecology of river.
- * Small Audio visuals can be prepared and relayed through mass communication like TV, Radio etc. Repeated announcements of “Good Practices of Environmental Protection” can be made near Panchavati which is visited daily by lacs of devotees.
- * In schools, the participation of children in maintaining “Clean Environment” should be enhanced.

- * In highly polluted areas in Nallas tributaries or river with marginal flows, a recent technology of “Phytorid” or “Floating Wetland” can be adopted to restrict entry of pollutants in the river”.

14. The report is accompanied by a Project Proposal which contains the scope of work and time frame. The total time frame for preparation of action plan is of 12 months and the cost involved is Rs.80 lacs plus taxes.

15. In the second report of NEERI, various recommendations for immediate action are provided which read thus:

- The disposal practices adopted contribute toxic industrial pollutants either through nallas or through land application. The effluent disposal practices within MIDC area should be strictly monitored by MPCB.
- There is need to create an intercept point along the nalla which carries industrial effluent so that it can be either lifted and treated or treated at the site.
- Water hyacinth should be removed effectively.

- Action against open defecation and cloth washing should be strengthened through provision of more public toilets with water supply. Cloth washing is due to non-availability of water. In these areas, water supply augmentation and awareness campaign should be undertaken.
- In the light of forthcoming Kumbh Mela, the sanitation facilities for the devotees need to be enhanced. The number of Sulabh Sauchalaya needs to be increased in the areas where open defecation is rampant.
- The intercepted sewage should be treated in-situ before the retaining wall using natural wetland based “Phytoid technology”.
- The nalla should be connected to the intercepting sewer line constructed along the river bank.
- In highly polluted nallas and tributaries with inputs of domestic waste and marginal flows of fresh water adequate dilution is not occurring. Recent technologies like “Phytoid” or “Floating wetland” can be adopted to minimise entry of pollutants in the river. This treatment can be a polishing step even when wastewater treatment facilities are functional.

- Dumping of Construction and solid waste near Chopda Bridge should be restricted as these wastes flow into the river with rain water.
- Removal of water hyacinth should be carried out effectively. The plant should be cut and removed completely out of the river.
- Water hyacinth should be removed effectively with weed removal system and taken away from the river banks.
- Nirmalya Kalash should be placed near the bridges.
- Formation of community groups is recommended for adoption of river stretches along the river banks for prevention of disposal of waste and maintenance of environmental status of the river.
- Police should strictly restrict disposal of Nirmalya, Washing of clothes, solid waste disposal in Ramkund and adjacent river stretches.
- Accumulated solid waste should be removed.

- In Gandhi Talav, activities which exposes one's body to the water like swimming, drinking, washing vessels or clothes should be restricted as the algal booms may be toxic. The water should not be stagnant.
- Algal blooms should be removed by mechanical means.
- Awareness campaign should be further strengthened and its effective implementation should be monitored. The awareness programme budget must include a set of workers/volunteers to dissuade people from polluting and damaging activities.
- Accumulated solid waste and vegetation should be removed.
- Normal ecological flow of water should be maintained which can be delineated through detailed study.
- Needs further study pertaining to cause of foam formation.
- The master plan implementation will bring down the quantities of untreated sewage reaching the river. However, many areas which are not connected and sewage & solid waste

flowing into nalla would continue to harm the river quality. It is recommended that grid wise assessment of sewage collection, conveyance and treatment is undertaken so that no gap is left in future where possible untreated wastewater may enter the River Godavari.”

16. The third report of NEERI deals with the action plan to tackle the issues which may arise in forthcoming Kumbh Mela. The recommendations and suggestions of NEERI are as under:

“Water supply arrangements :

- (a) Provision of Additional disinfection practices as and when required to ensure the quality of water supply and control the chances of contamination vis a vis epidemic, if any, through Electrolytic chlorinators/improved in situ pot chlorinators in ESR at Nilgiribag and Lunge Mangal Karyalaya.
- (b) Provision of alternative disinfectant if the shortage of chlorine cylinders is faced during the special event such as Sodium dichloroisocyanurate (NaDCC), Sodium hypochlorite and odium troclosene, are different types of chlorine that are available.

- (c) Electrolytic chlorinators may be provided at the tanks erected for floating population or for the supply by the tankers.
- (d) Purification of water source generated through “NEERI ZAR” technology developed by NEERI as a batch portable arrangement for supplying safe drinking water to the group of people gathering in the areas of temporary settlements. This will minimize the quantitative load on conventional treatment facilities planned in multiple places.

Wastewater treatment facilities :

- (a) There is some dispute and delay in acquiring land for proposed WWTF at Gangapur and Pimpalgaon. Moreover the waste water generated in Sadhugram (about 24 MLD) is planned to reach Tapovan STP through old and new Kapila SPS. This will result in overloading the Tapovan WWTF which is presently running at its full capacity. This may also lead to malfunctioning and current problem of foam formation and pollution of river can become acute.
- (b) Hence construction of new WWTF is recommended which will avoid further overloading of existing WWTF at Tapovan and also produce the effluent which will meet the

recommended MPCB standard of BOD less than or equal to 10 mg/L. In-situ Nalla WWTF should be implemented to restrict input of pollutants at multiple places along the river stretch deteriorating the river water quality.

(c) To achieve better effluent quality from the existing WWTF, and meet the recent MPCB consent of 10 mg/L BOD, eco friendly technologies like wetland, phytoid can be added as polishing or as a tertiary stage treatment. Experiments have already been initiated by NEERI at Tapovan WWTF to establish its viability. Preliminary results show that the lower standards of 10 mg/L of BOD can be achieved along with problem solving of foam formation.

(d) In-situ treatment system should be implemented as a temporary measure for nullas carrying untreated waste water eg. Lendi Nalla, Chopda lawns nalla, Someshwar nalla etc. till these sources are joined to WWTF.

Sanitation and Solid Waste Management :

(i) For providing toilets for defecation, various schemes are designed.

(a) Instead of construction of new sewer line for combined collection of human

waste from, sulabh souchayalaya, temporary toilets, mobile toilets generating night soil and the waste water from bathrooms, waste can be separately collected as gray water and night soil.

- (b) Use of Bio-Digester IIT technology of PSRT for treatment of night soil from moving toilets, sulabh souchayalaya and temporary toilets should be undertaken. The effluent from these digesters can be further treated through “Phytorid” technology as polishing step and then dispose into the river. This will minimize the additional load on WWTF which will malfunction due to high loads.
- (c) Safe and ecologically-friendly toilets are developed and available in the market, which are nearly maintenance-free and are efficient without dependence on conventional energy sources. The effluent of Toilet is clear, virtually pathogen-free, and can be used as an excellent fertilizer.
- (d) The concept of eco-friendly toilets was used in Allahabad Kumbh Mela.

(ii) For maintaining hygienic and clean environmental conditions, NMC proposes following arrangements:

- (a) Prohibiting all devotees visiting holy places for short duration from carrying Nirmalya beyond parking place. NirmalyaKalash should be installed at the parking areas to the entry way for public transport along with volunteers to implement the scheme. Carrying of any Nirmalya ahead of parking areas should be banned. This will also avoid disposal of plastic carry bags used to carry Nirmalya up to water course.
- (b) Placing of nets across the river flow downstream of holi places such as Ramkund, Tapovan to collect Floating Nirmalya disposed by the devotees. Volunteers should be available for effective collection and disposal of such material.
- (c) The Nirmalya collected from various places can be segregated and processed separately for its medicinal use (Hibiskas flowers for medicinal oil preparation) and vermicomposting instead of disposing it along with domestic solid waste.

- (d) Use of plastic should be banned and use of jute or paper bags must be promoted.

iii. Social awareness :

- (a) Temple authorities, private organisations, NGOs, school children and individuals should be encouraged to form their own group having enthusiasm and creativity to develop and execute their themes of awareness, publicity and promotion. Young people should be involved in this work.
- (b) Promote a protective attitude in society towards the planet eg. Minimize water consumption, implement Environment related projects in schools like collection of house hold Nirmalya and handing over to school authorities for proper disposal, preparation of paper, cloth bags to replace plastic ones.
- (c) High-profile individuals and celebrities should be approached to endorse the Plan.
- (d) Adopt Sustainable practices :
- A] Bio-degradable plates and cups for serving food while dining

- B] Use recycled paper for printing promotional materials
- (e) Hoardings, posters, banners, etc. with environmental messages and knowledge for the masses should be put up all over the Kumbha area in Nashik.
- (f) Mass awareness campaign and communication should be adopted through Web media, printed materials and advertisements, local announcements and television clips. Each state of India should be sent with promotional video, printed matter etc. so that atleast 6 months before the event, the care for water and Kumbh traditions are shared with pilgrims. Messages in all Indian languages should be shared on each railway station, bus stand and public places.
- (g) To keep the Kumbh Mela site-free from polythene and plastic litters, Paper or cotton bags should be handed over to visitors and tourists with logo of green event.
- (h) Train a group of people of story tellers and highlight stories relating to the

environment with the aim of an increased understanding of Hindu perspectives on the environment. The group can include Hindu priests who can be more influential in convincing the devotees and exhibit new angles of vision to stimulate the current significance of traditional kathas.

- (i) Inclusion of ecological awareness and standards in temple worship will generate positive impact, over time, influence and change the practice of those who worship at home.
- (j) Seek corporate to adopt river stretches for maintenance and awareness”.

Though the Municipal Corporation has some reservations on few recommendation, we have no manner of doubt that all concerned will have to make an endeavour to implement the suggestions.

17. As far as interim directions are concerned, broadly the directions are required on the following aspects:

- (1) Implementation of recommendations of NEERI both general and on Kumbh Mela;

- (2) Implementation of directions issued by the Pollution Control Board from time to time;
- (3) Various steps to be taken by Nashik Municipal Corporation;
- (4) Various steps to be taken by Nashik Municipal Corporation for ensuring participation of members of public in awareness campaign; and lastly
- (5) Security measures including availability of sufficient police personnel.

18. The directions issued by this Court to the concerned Respondents will require continuous monitoring. Therefore, we hereby constitute a Committee headed by the Divisional Commissioner of Nashik. The Divisional Commissioner shall be the Chairman of the Committee which shall consist of following members;

- (a) The Commissioner of Nashik Municipal Corporation;
- (b) The Collector of District Nashik;
- (c) A representative nominated by the Maharashtra Pollution Control Board;

- (d) An expert in the field appointed by the Divisional Commissioner after consulting the Petitioners and the Municipal Corporation;
- (e) A representative of NEERI nominated by NEERI.

19. The Divisional Commissioner of Nashik shall appoint any Revenue Officer in his office not below the rank of Deputy Collector to act as the Coordinator/Secretary of the Committee. The Divisional Commissioner shall complete the constitution of the Committee within a period of three weeks from today. The Divisional Commissioner shall be entitled to appoint Sub-Committees for assisting the Committee.

20. We direct the Nashik Municipal Corporation to ensure that necessary secretarial and other staff is made available to the Committee on permanent basis as per the requisition issued by the Divisional Commissioner. The Nashik Municipal Corporation shall make arrangements for providing vehicles to the members of the Committee for site visits. Necessary stationary, computers, printers etc shall be made available by the Nashik Municipal Corporation to the said Committee.

21. The State Government shall create a separate Cell consisting of adequate number of Police Officers and the Police Personnel for maintaining law and order and for assisting the Civic Authorities and the Committee appointed by this Court for implementation of the orders passed by this Court.

22. The Commissioner of Police, Nashik, will appoint an officer not below the rank of a Deputy Commissioner of Police, who shall be the incharge of the Cell of the police force deployed for the protection of Godavari River, as above. For the time being, the minimum staff of atleast one Inspector of Police, four Sub-Inspectors of Police and 30 Police Constables shall be made available. During the Kumbh Mela, obviously large number of police personnel will have to be deployed for which directions will be issued subsequently.

23. The Municipal Commissioner of City of Nashik shall ensure that the amounts as demanded by NEERI are paid from time to time. The NEERI shall submit the bills directly to the Municipal Corporation. In case of difficulty, both the Nashik Municipal Corporation and the NEERI can apply to this Court for seeking necessary directions. NEERI shall submit final action plan by the end of July 2014.

24. As far as the constructions of STPs at Gangapur and Pimpalgaon Khamb are concerned, the acquisition needs to be completed as expeditiously as possible. As far as the land for the STPs at Pimpalgaon is concerned, the Notification under Sub-section (1) of Section 4 of the Land Acquisition Act, 1894 has been already issued. The acquisition shall be taken to the logical end as expeditiously as possible and in any event within a period of six weeks from today.

25. As regards the acquisition of the land for STPs at Gangapur is concerned, the Petition filed by Nashik Municipal Corporation before the Apex Court for challenging the order of this Court has been disposed of. Even in the said case, the State Government shall complete acquisition proceedings end within a period of six months from today.

26. To facilitate the completion of acquisition of the lands at Pimpalgaon and Gangapur, the Nashik Municipal Corporation shall ensure that as and when called upon to do so, necessary amount towards compensation is deposited with the Collector and/or concerned Revenue Authorities.

27. We have already adverted to the report of NEERI dated 5th July 2013 which records the recommendations for immediate action.

We direct the Nashik Municipal Corporation, MIDC and Maharashtra Pollution Control Board (MPCB) to scrupulously comply with the said recommendations and implement the same within a period of two months from today, if not implemented till today.

28. We may note that the action plan for control of water pollution of River Godavari is under consideration of the State Government. The State Government shall take appropriate decision on the draft action plan within a period of three months from today. While taking appropriate decision, the State Government shall consider the recommendations made by NEERI in its reports which are on record of this Petition.

29. The State Government shall take a decision on the proposal dated 20th February 2013 in the form of letter bearing No.480/13 submitted by the Nashik Municipal Corporation for approval of staff for the purpose of creating a separate and dedicated Godavari Conservation Department within a period of two months from today.

30. The order dated 20th August 2013 passed by this Court records that in case of 10 defaulting industries in Satpur and Ambad, action has been taken by the Maharashtra Pollution Control Board. The Maharashtra Pollution Control Board shall continue action against

defaulting industries and submit a status report to this Court within a period of three months from today.

31. We direct the MIDC to ensure that CETP is set up in Satpur and Ambad Industrial Areas as expeditiously as possible. We make it clear that even if the user industries are not willing to bear the cost of CETP, the MIDC shall take steps on its own for setting up CETP. The Action Taken Report shall be filed by the MIDC within a period of three months from today on the aspect of setting up CETP.

32. The Nashik Municipal Corporation shall prepare and implement a comprehensive awareness programme for citizens to ensure that the citizens perform their fundamental duty as stated in the earlier part of this order. We direct that the Nashik Municipal Corporation to take help of NGOs as well as Schools and Colleges in the City for implementing the public awareness programme. The Nashik Municipal Corporation with the assistance of the Law Colleges and the District Legal Services Authority shall organize seminars/street shows as a part of awareness campaign.

33. We direct that the Nashik Municipal Corporation to display boards of sufficient size at strategic locations calling upon the members of the public not to throw garbage or any material whatsoever in the

river. The boards shall contain an appeal to the public at large to perform their duty to maintain the River Godavari free of pollution.

34. The Nashik Municipal Corporation shall make available the facility of sufficient number of permanent artificial ponds for immersion of ashes and other organic material during the course of traditional obsequies. We are conscious of the fact that the use of artificial ponds for this purpose cannot be made compulsory, but nevertheless the Nashik Municipal Corporation shall create the facility within two months and shall give wide publicity to the fact that the said facility is available. Boards shall be erected at strategic locations around the River Godavari informing the members of the public that the facility of artificial ponds is available. The boards shall contain a fervent appeal to use the artificial ponds.

35. Similarly, at the time of immersion of Ganesh idols during the Ganesh Festival and at the time of immersion of Durga idols during the Navratri Festival, artificial ponds shall be temporarily created. Advance publicity shall be given as regards the availability of the ponds and an appeal should be made to the members of the public to make use of the said ponds. As in case of several other Cities, centres shall be established by the Nashik Municipal Corporation at various places in the City for receiving idols from the devotees for the purposes of

immersion. Thereafter, all the idols can be immersed by the Nashik Municipal Corporation in such a manner that no pollution is caused due to immersion of the idols.

36. As regards Nirmalya and other organic material, large pots shall be kept at the advantageous locations having display boards containing an appeal to the members of the public not to throw Nirmalya and other organic material into the river water and discharge the same in the pots specifically provided for that purpose.

37. The barricades shall be erected along both the sides of the bridges over the river for preventing articles being thrown in the river. The barricades shall be also erected by the Nashik Municipal Corporation at the relevant entry points to ensure that the vehicles are not taken near the riverbed for the purposes of washing.

38. There are affidavits filed on record by the parties dealing with implementation of the suggestions of NEERI in the first two reports. We are of the view that the recommendations in Paragraph 11.0 in the first report of NEERI deserve to be implemented. We are also of the view that the immediate measures suggested in the second report of NEERI shall be also implemented. We direct all concerned authorities to take steps to implement suggestions of NEERI.

39. The Committee appointed under this order shall examine the action taken by all the concerned Authorities as regards the implementation of the recommendations in the first two reports of NEERI and the directions contained in this order. The Committee shall submit a report to this Court on or before 5th May 2014.

40. As regards the Kumbh Mela in the year 2015, we are informed across the bar that the State Government has sanctioned funds for carrying out work of various categories. The State Government will have to take into consideration the report submitted by NEERI containing various recommendations. We direct the Collector to file an affidavit for bringing on record the decision taken by the State Government in the light of the third report of NEERI. The said affidavit shall be filed before 30th June 2014.

41. The Committee appointed by this Court shall submit periodical reports to this Court after every two months as regards implementation of the directions issued by this Court as well as implementation of the recommendations of the NEERI. The first report shall be filed as directed above on or before the 5th May 2014.

42. We make it clear that the directions issued by this Court from time to time which are not inconsistent with these directions shall continue to hold the field.

43. It will be open for the Petitioners and the parties to the Petition to apply for further directions and/or for modification of the directions by taking out appropriate applications.

44. Place this Petition under the caption of "Directions" on 6th May 2014 for considering various reports.

(S.C. GUPTE, J)

(A.S. OKA, J)