

क्र.नपा/११/जा.क्र ४३४/१२

दिनांक १०/१२/२०१२

ज्ञातः

१. जिल्हाधिकारी नाशिक.
२. आयुक्त, नाशिक महानगरपालिका नाशिक तर्फे
श्री. यु. बी. पवार, अधीक्षक अभियंता, नाशिक महानगरपालिका.
३. शिक्षण उपसंचालक, नाशिक विभाग नाशिक.
४. डॉ. अश्विनी वैद्य, प्राचार्या, एन.बी.टी. लॉ कॉलेज, नाशिक
५. श्री. राजेश आर. पातारे, सचिव, जिल्हा विधी सेवा प्राधिकरण नाशिक
६. श्री. राजेश पंडीत, नाशिक
७. श्री. निशिकांत पगारे, नाशिक


विषय - जनहित याचिका क्र.१७६/२०१२

मा. उच्च न्यायालय, मुंबई यांनी दि. ३१/१२/२०१२ रोजी दि. २९/३/२०१४ रोजी बैठक घेण्यात आली.
कार्यवाही करणेकामी अभ्यास गट गठीत करणे बाबत..

जनहित याचिका क्र.१७६/२०१२ प्रकरणी मा. उच्च न्यायालय, मुंबई यांनी दिनांक ७/३/२०१४ रोजी दिलेल्या निकाला नुसार विविध निर्देश दिलेले आहेत. त्याचप्रमाणे मा. उच्च न्यायालयाने वेळोवेळी दिलेल्या निर्देशांचे अनुषंगाने विविध यंत्रणांकडून होणा-या अंमलबजावणीचे संनियंत्रणासाठी विभागीय आयुक्त यांचे अध्यक्षतेखाली दि.२९/३/२०१४ रोजी बैठक घेण्यात आली.

सदर बैठकीमध्ये मा. उच्च न्यायालयाने दिलेल्या निर्देशाप्रमाणे गोदावरी नदी पात्रातील प्रदुषण कमी करणेकामी जनजागृती बाबत चर्चा करणेत आली. जनजागृती साठी वेगवेगळ्या उपाययोजना तयार करून प्रभावीपणे अंमलबजावणीसाठी एक स्वतंत्र अभ्यास गट स्थापन करणेत आलेला आहे. या अभ्यास गटामार्फत आपण जनजागृती बाबत आपल्या शिफारशी व उपाययोजना समितीस लवकरात लवकर कळवाव्यात ही आपणांस विनंती.

या अभ्यास गटाचे समन्वयक म्हणून श्री. यु. बी. पवार, अधीक्षक अभियंता, महानगरपालिका नाशिक हे काम पाहतील. त्यांनी आवश्यक बैठका, चर्चासत्र, स्थळपाहणी इ. बाबत आवश्यकते नुसार आयोजन करावे.


अध्यक्ष तथा विभागीय आयुक्त
नाशिक विभाग नाशिक

Minutes of the Committee Meeting on 29/3/2014

As per the direction of Hon High Court , Mumbai in PIL 176/2012, the committee under the chairmanship of Divisional Commissioner , Nashik is constituted. The meeting of committee was held on 29/3/2014 to review the various action taken by concerned departments as per the direction given by Hon high Court. The copy of directions given by Hon High Court was given to concerned department well in advance before review meeting. The minutes of meeting is as follow;

	Directions given by Hon. High Court	Action Taken and concerned Department
Para No 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.	Instructions were given to Nashik Municipal Corporation, MIDC, MPCB and NEERI to complete the work mentioned in the order of the Hon. High Court and submit the report before 30th April, 2014, so that action taken report will be submitted to Hon High Court
Para No 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.	Nashik Municipal Corporation has assured to make arrangements to provide vehicles to the members, provide needed Staff stationary, computers, printers etc. to the Commissioner Office immediately.
Para No 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	A separate letter No. NP/1/2/3935/2014, dt 20/3/2014 has been send to ACS Home Dept for necessary action. During review meeting

	<p>assisting the Civic Authorities and the Committee appointed by this Court for implementation of the orders passed by this Court</p>	<p>representative of Police Commissioner Nashik told that necessary police personnel will be provided till the creation of separate cell Government. The Police Commissioner should take follow up with Home Department for creation of separate cell.</p>
Para No 22	<p>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.</p>	<p>The representative of Police Commissioner Nashik told that necessary police personnel will be deployed within two days.</p>
Para No 23	<p>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.</p>	<p>The Nashik Municipal Corporation has deposited Rs. 53 Lakhs with NEERI and will deposit the amount as when required by NEERI from time to time. The representative of NEERI told that there is no issue regarding bill payment. NEERI should submit the final action plan within time as directed by Hon High Court.</p>
Para No 24	<p>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</p>	<p>Divisional Commissioner Nashik held meeting on 18/3/2014 to review the land acquisition proceeding with Collector Land Acquisition Officer, Superintendent Land Records and Officers from Nashik Municipal Corporation. Necessary instruction were given to concerned officer to expedite Land</p>

	expeditiously as possible and in any event within a period of six weeks from today	acquisition proceeding. During meeting the progress of the acquisition was reviewed and instructed to follow the time limit given by Hon' High Court.
Para No 25	The acquisition of the land for STPs at as regards 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 and within a period of six months from today.	Land Acquisition Officer told that the proposal of the Gangapur STP will be submitted in two days for the sanction of section 6 to the Divisional Commissioner office.
Para No 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.	Nashik Municipal Corporation was asked to deposit the said amount to the PLA account of Land Acquisition Officer within a week.
Para No 27	We have already adverted to the report of NEERI dated 5 th 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.	MIDC, NEERI and MPCB should collect the samples of the affluent and analyse the sample earliest and submit the report within fifteen days.
Para No 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	Regional Officer MPCB should take follow up with Principal Secretary, Environment and expedite the matter.

	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	
Para No 29	The State Government shall take a decision on the proposal dated 20 th 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.	Divisional Commissioner had send letter No. NP/1/2/3935/2014, dt. 20/3/2014 to ACS Urban development Dept for necessary action
Para No 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.	NEERI pointed out that there are 49 major industries of which samples are to be taken by MPCB and NEERI jointly. It was decided to take samples within 10 days and submit the report according to the directions given by the Hon. High Court
Para No 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.	Executive Engineer (MIDC) pointed out that a detail report regarding CETP has been submitted to the CEO, MIDC. Executive Engineer (MIDC) should take follow up of the project with Chief Executive Officer (CEO) MIDC

<p>Para No. 32 & Para No. 33</p>	<p>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.</p>	<p>A Study group of members from Nashik Municipal Corporation, NGO's schools, Law Colleges and District Legal Services Authority will be formed to study and implement the programmer for public awareness at a large.</p>
<p>Para No 34</p>	<p>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</p>	<p>A study group of members from Nashik Municipal Corporation, Purohit Mahasangh, Nashik and NGO's will be set up to identify sites for more artificial ponds for this purpose.</p>

	available. The boards shall contain a fervent appeal to use the artificial ponds.	
Para No 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.	It was informed that immersion of Ganesh Idols during the Ganesh festivals and the immersion of Durga Idols during Navratri festivals was carried out in temporarily created artificial ponds during year 2013. Commissioner NMC told that a same will be implemented during 2014 on large scale.
Para No 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.	Nashik Municipal Corporation will submit a detail report within 15 days.
Para No 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.	Nashik Municipal Corporation will submitted a detail report with in 15 days.

Para No 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 NEERI shall be also implemented. We direct all concerned authorities to take steps to to be implemented. We are also of the view that the immediate measures suggested in the second report of implement suggestions of NEERI.	All authorities i.e. 1.Nashik Municipal Corporation, 2.MIDC 3.Maharashtra Pollution Control Board (MPCB) will study the two reports of NEERI and implement the suggestions made there in and submit the report with in a month.
Para No 40	As regards the Kumbhmela in the year 2015, the State Government has sanctioned funds for carrying out work of various catagories. The State Government will have to take into consideration the report submitted by NEERI containing various recommnadations. We direct the Collector file and affidavit for bringing on record the decision taken by Government in the light of the third report of NEERI. The said affidavit shall be filed before 30 June, 2014.	Collector Nashik to take necessary action.

During the discussion, expert member of committee Dr. Prajakta Baste pointed out the recommendation of NEERI that " *Normal ecological flow of water should be maintained which can we delineated through detailed study*". With reference to this recommendation it is decided that a 'study group' under the Guidance of Dr. Prajakta Baste should be formed to study the ecological flow of Godawari river in Nashik. Members from Irrigation Department, Ground Water Survey and Development Authority (GSDA), NEERI and other members should be incorporated in study group.

A field visit will be taken on 16.04.2014 and the next meeting will be held on 17.04.2014 at 3.00 at Divisional Commissioner's office, Nashik.


Divisional Commissioner Nashik

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

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

Shri P.P. 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.

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.

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.*

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

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.

- * 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.

- * In highly polluted areas in Nallas tributaries or river with marginal flows, a recent technology of "Phytoid" 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.

- 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.

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.

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, phytorid 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

(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.

- 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

- (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;

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.

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

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

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.

**Studies on rejuvenation of River Godavari and integrated action plan for
improvement of Environmental status for Nashik region, Maharashtra
(PIL 176/2012)**

Minutes of Meetings

Venue: Divisional Commissioner Office, Nashik Road, Nashik

Date: 29 March 2014

Time: 12.00 noon to 3.00pm

The following persons were present during the meeting:

1. Mr. Davle, Divisional Commissioner, Nashik
 2. Mr. Sanjay Khandare, Commissioner, NMC
 3. Mr. Waghmude, Deputy Commissioner, Nashik
 4. Mr. A.S. Fulse, Regional Officer, MPCB, Nashik
 5. Ar. Prajakta Baste, Principal, College of Architecture & Centre for Design, Nashik
 6. Mr. U.B. Pawar, Superintending Officer, NMC
 7. Representative from Police Dept.
 8. Representative from MIDC
 9. Representative from District Legal Services Authority
 10. Representative from Law college
 11. Representative from Land Acquisition office
 12. Mr. Rajesh Pandit, Petitioner
 13. Mrs. Komal Kalawapudi, Technical Asst. NEERI
-
- The meeting was conducted as per the orders of Hon'ble High Court dated 7 March 2014, in order to monitor the progress made by various departments in implementation of NEERI's recommendation both general and on Kumbh mela.
 - Mr. Davle, Div. Commissioner, Nashik gave a brief introduction and started the discussion on each para of court order w.r.t. compliance of various departments till 29 March 2014.

- Mr. Davle asked the committee members to conduct a site visit and Nashik Municipal Corporation to make internal adjustments and organise the visit.
- Mr. Davle mentioned that NEERI has to submit the final action plan by the end July 2014 (Para 23). NMC has paid 53 lakhs to NEERI as the consultancy fee and hence, complying this order.
- Mr. Khandare asked whether the project cost include TA as well as DA for NEERI team which was clarified by Mrs. Komal Kalawapudi that only TA is included in the project cost and NMC has to bear the logistics. On this, Mr. Davle asked the NMC to make accommodation arrangements for NEERI teams in guest house.
- Regarding land acquisition for STP at pimpalgaon khamb (para 24), the court has ordered to take the acquisition of land to logical end by 18 april 2014. The Land acquisition officer told that they have received the maps of the site and further process is in progress
- Land Acquisition officer told that the acquisition proceedings for Gangapur STP (para 25) are almost nearing the end and very soon they will complete the formalities.
- Mr. Davle asked NMC to comply with the implementation of recommendations made by NEERI in report dated 05 july 2013 by 07 may 2014 (para 27). Mr. Sanjay Khandare told that NMC has submitted an affidavit to court in which they have mentioned the compliances made by NMC to NEERI's recommendation and most of the recommendations have been attended to and others are in progress.
- With regards to industries, Mr. Fulse told that MPCB has defaulted 25 industries in Satpur and Ambad MIDC till 29 March 2014 and they will submit the report to the committee and court.
- Mr. Davle has asked NEERI to conduct sampling in Satpur MIDC immediately and produce the report in next meeting.

Dr. Prajakta Baste.

Technical Expert,
Godavari Rejuvenation Committee,
Nashik

Date- 16-4-14, 4:00pm

Minutes of the Meeting

Sub Committee for **Ecological Flow of water in Godavari** held under the chairmanship of Dr. Prajakta Baste, at Meeting Hall Rajiv Gandhi Bhavan, Nashik.

Ref: Decision of the meeting held under the Chairmanship of Hon. Divisional Commissioner, Nashik, 29-3-2014

- Executive Engineer Shri S.R.Vanjari- NMC introduced the subjects of discussion for the Meeting.
- Dr Prajakta Baste inquired about the Ecological flow for the River in Genaral, its necessity, the quantification, and its expected Environmental benefits.
- Indrani Gupta – Senior Principal Scientist from NEERI explained that **Tennant** method is the widely accepted method for calculating the Ecological flow of water. The work had not begun for the calculation for river Godavari. She further briefed that according to the Thumb rule 30% of the mean Annual Flow is the required Ecological flow for the River. NEERI would consider the Mean Annual flow records for the last 30 years for the purpose of calculating the Ecological flow.
- Adhikshak Abhiyanta, Shri M.K. Pokale briefed about the Water allotment and the release of water in the Godavari River.
- He explained that according to the National Water Policy of 2011 the allotment of water is prioritised in the following manner 1) Drinking ,2) Irrigation, 3) Industry. Accordingly among the water available and stored in all the dams on the roughly 15% is allotted for the drinking purpose, 75% for irrigation purpose, 7% for Industrial use.
- He mentioned a very important aspect that till 2003, majority of the dams and reservoirs were built for the provision of water for irrigation and drinking purpose. Hence there was no consideration for the storage of Environmental flow of the river while calculating and

designing the Dams and their capacities. Currently 1674 Major dams are constructed across the country which have no reservation for the ecological flows in the river beds.

- According to the factual conditions of allotment of water from all the major, minor irrigation schemes that the study region¹ has, it is not possible to allot water for the Environmental flow within the river bed.
- Discussing about the second issue of the release of water from Gangapur dam, he informed that the release is majorly determined by requirements of crops – especially summer crops or the pollution levels and the requirement from Eklehara Thermal Power station. On an Average the release takes place in the month of February-March and April-May, depending upon the above criterias. Some emergency release is also done if the pollution in the river bed is found to be high and dangerous for the public health. Approximately 1200mcft of water in total is released for the irrigation purpose² and 650 mcft for Thermal Power station in these two releases.
- Further discussion with the WRDA officials is necessary to find out whether this flow of 1850mcft can be regulated for a consistent availability of water in the Riverbed.
- Assistant Geologist Shri- G.K. Bhore informed that recording of the observation wells in the study Region are available. As far as the extraction of Ground water by various methods was concerned within the city the GSDA did not have any guideline for the same.
- Executive Engineer Shri S.R.Vanjari cited the example of Shirpur pattern for the Rejuvenation of Nallahs which is the most relevant and successful example. Shri G.k Bhore was of the opinion that Geologic conditions are different from those in the Godavari Basin and the same solution cannot be applicable in the Godavari Basin.
- Dr. Prajakta Baste suggested that a study of the Geology of the Study Region should be undertaken so as to work out the possibilities and the solution for the Godavari Basin.
- As an immediate step to begin with It was decided that Gitanjali Pawar, Radhika Deore and Leena Vachsidh- Reresentatives from NEERI would visit the GSDA office and collect the necessary data from the office on 17th April for the study region.
- It was also decided that NEERI should approach the concerned necessary departments such as the Divisional office GSDA at Nashik road, MRSAAC Nagpur , NRSA- Hyderabad for seeking the necessary information such as the aquifer maps, the details of the Geologic

¹ Study Region- the upper Godavari Basin excluding the Mula-Pravara subbasin till Jayakwadi Dam.

² Irrigation requirement downstream of Nandurmadhmeshwar weir.

conditions such as the faults fractures, joints, weathered zones, permeable dykes etc, Satellite images for the topography details of the region, Vegetation cover etc.

- The Meeting concluded at 6:00pm with vote of Thanks from the Chairman and Shri Vanjari to all the members present.

Dr. Prajakta Baste,

Encl-List of the Members present.