
(2014) 10 RAJ CK 0044

In the Rajasthan High Court

Case No : Civil Writ Petition (P.I.L.) No. 7077 of 2014

Suo Motu

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 08-10-2014

Acts Referred:

Constitution of India, 1950 — Article 51-A(g)

Citation : (2015) 5 FLT 55

Hon'ble Judges : Vijay Bishnoi, J; Govind Mathur, J

Bench : Division Bench

Judgement

Govind Mathur and Vijay Bishnoi, JJ.—The city of Udaipur, nestled in a beautiful valley of Aravali Hills, is well known for its natural as well as artificial beauty. Being situated at the bank of lake of Pichhola and Fateh Sagar, the city is also known as "City of Lakes". The city is attracting a huge number of tourists from every corner of globe. The lakes situated in Udaipur city and in nearby area are not only attracting the tourists but are like life time of the residents of Udaipur. In a well known English Newspaper "The Times of India" (Jaipur edition) dated October 8, 2014, a news item with a title "Dirty lakes, dead fish mark end of festive season" appeared, giving details of the ills suffered by the lakes of Udaipur city due to ignorance of the residents of the city. The news so appear reads as under:

"Udaipur : Turning a deaf ear towards the appeals made by the administration, nature lovers and activists to refrain from performing rituals at ghats, people who hosted Garba functions at various colonies and localities of the city, immersed idols of deities in the lakes.

This resulted into increased level of water pollution here. Hundreds of litres of paint, tonnes of Plaster of Paris and toxic synthetic materials made their way into the water bodies in and around the city in this festive season, intensely damaging the water quality and aquatic health.

With huge amounts of garlands, clothes, glitters, coconut shells seen floating in water bodies such as Lake Pichhola, Rang sagar, Kumharia talab, Gangaur Ghat etc., large number of fishes and other aquatic species too were spotted dead on lake shores in the past two days portraying a grim picture of the beautiful city.

Though many organizations and activists have come ahead for "shramdaan" to clean the lakes to some extent for damage control but experts think that unless an alternative spot for idol immersion is allotted by the authorities, the problem will never mitigate.

During Ganesh Chaturthi celebrations in September and Durga pooja which culminated most recently, hundreds of big and small idols of lord Ganesha and Goddess Durga were immersed at various ghats causing heavy damage to the lake ecology.

"Huge quantity of toxic paints and other synthetic materials are used nowadays to give a fancy touch to the idols. The shining paints are even more dangerous than varnish, cosmetics, have dissolved in the waters which is hazardous not only for the aquatic species, but for us human beings as well as who are consuming the water for daily use", said Nandkishore Sharma, an activist.

"Examination of the water quality after the immersion period, has noted a rise in biochemical oxygen demands in the water bodies, as well as oil and grease levels are posing a serious threat to human and aquatic life. Nitrate and orthophosphate levels rise due to addition of organic constituents to the water body at the time of idol immersion. Among heavy metals, lead and chromium come from paints used to color idols", said Anil Mehta of Jheel Sanrakshan Samiti.

"The trend has been on a continuous surge since compared to last year this time the number of idols immersed have doubled," said Haji Sardar Mohammad of Jheel Hitesh Nagrik Manch, an NGO involved in lake cleaning for a decade now. People drop coconuts, kumkum, even nail polish, decorative items made of non bio-degradable materials, he said.

However, there are some people who are spreading awareness by motivating people to use paper pictures instead of idols during such functions. Kamendra Singh Panwar and his group succeeded in convincing many people to leave the idols at the premises of Meledi Mataji temple instead of immersing them in lakes."

2. From perusal of the facts given in the news authored by Geeta Sunil Pillai, it appears that citizens of Udaipur are failing in observing their fundamental duty enshrined under Article 51-A(g) of the Constitution of India. As per the provision aforesaid every citizen of India is duty bound to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.

3. Hon"ble Supreme Court in M.C. Mehta Vs. Union of India (UOI) and Others, put an embargo on the State (1) to direct all educational institutions throughout India to give weekly lessons in the first 10 classes, relating to protection and

improvement of the natural environment including forests, rivers and wildlife, (2) to get text books written for the purpose of general awakening for improvement of environment and to distribute them free of cost, and (3) book introduce short term course for training a teacher who teach the subject of environment and ecology. A very important direction was given by Hon"ble Supreme Court that the State Governments and the local authorities to introduce cleanliness weeks when all citizens including members of the executive, the legislature and the judiciary, who render free personal service to keep their local areas free from pollution of land, water and air.

4. The Hon"ble Prime Minister of the country has also taken the issue of cleanliness and hygiene as a mission being a fundamental need for a dignified life. The entire executive is taking this task at priority. However, it appears that the citizens of Udaipur city as well as the local bodies at Udaipur are not taking adequate care of the lakes. The facts stated in the news item referred above demands to take suo motu cognizance of the facts stated therein.

5. Let a petition for writ in public interest with title as Suo Motu v. The State of Rajasthan through the Collector, Udaipur; (2) the Chairman/Administrator, Urban Improvement Trust, Udaipur; and (3) the Municipal Corporation, Udaipur through its Chairman be registered and they be called upon by a notice as to why necessary directions be not given to ensure cleanliness of the lakes by prohibiting immersion of idols, garlands, coconut shells, clothes, glitters in the lakes of Fateh Sagar and Pichhola. Further why a direction be not given to take all necessary steps to ensure adherence of fundamental duties as given under Article 51-A(g) of the Constitution of India for protection and improvement of lakes situated in city of Udaipur.

6. The notice alongwith a copy of this order is required to be served upon the respondents through the process server of the District Court, Udaipur. The rule issued is made returnable on 31.10.2014. The notice on behalf of the respondent No. 1, under directions of the Court, is accepted by Dr. Pushpendra Singh Bhati, Additional Advocate General. Put up on 31.10.2014.