

1. PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS MADE:

(i) SUBJECT MATTER IN BRIEF:

The Petitioner is aggrieved by the action of the Respondents for non-compliance and lack of response of the respondent government in taking up the massive cleanup of the river Musi although lot of money was already spent in the name of “Abatement of pollution of river Musi” where the efforts made by water board too did not yield the desired results. In spite of Government of India directing the state to take up further works (Phase II) the state government did not pursue the matter. Hence the Writ Petition (PIL).

2. PARTICULARS OF PETITIONER:

2.1 I submit that Petitioner organization is a nonprofit organization registered vide Registration No. 653 on 19-10-2009 founded by a few retired All India Service Officers and social activists who have all come together under the leadership of a Retired High Court Judge, with an objective to secure good governance at all levels, to resist the state abdicating its primary responsibility in providing good quality education and health services for all, build public opinion for the overdue electoral reforms, strive for enabling the various constitutional and autonomous institutions of the State to function effectively, campaign for the much-needed decentralization and reforms in administration etc. Copy of registration is filed as **Annexure P1** and it is prayed that the same may be treated as part and parcel of this affidavit. The organization runs on the contributions from its founder members and other persons interested in furthering the cause of the forum. I had already collected the relevant documents and filing this Writ Petition (PIL) before this Hon’ble Court.

LOCUS STANDI:

I hereby affirm and state on oath that the petitioner(s) herein has/have no personal interest in the subject matter of this petition. The petitioner(s) hereby undertake(s) to pay exemplary costs and/or compensatory damages as directed by this Court in the event of a contrary finding upon adjudication by the Court that the writ petition is filed for extraneous/personal considerations or with an oblique motive. This petition is being filed by the Petitioner for non-compliance and lack of response of the respondent government in taking up the massive cleanup of the river Musi although lot of money was already spent in the name of "Abatement of pollution of river Musi" where the efforts made by water board too did not yield the desired results. In spite of Government of India directing the state to take up further works (Phase II) the state government did not pursue the matter, therefore this Hon'ble Court has got both territorial and pecuniary jurisdiction to entertain the above Public Interest Litigation Petition under the Public Interest Litigation Rules, 2015, since the cause of action arose in the State of Telangana, which is well within the jurisdiction of the Hon'ble Court.

2.2. I further submit that the Petitioner had not involved any Civil, Revenue, and Criminal Litigation in any, capacity before any Court or Tribunal. However, the Petitioner in its capacity as a Non-Governmental organization has filed Public Interest Litigations before this Hon'ble High Court, some of which are as follows:

1. PIL No. 25998/2010

Forum for Good Governance filed a PIL in the High Court for not holding elections to the Municipalities and Municipal Corporations in the state and appointing special officers to such Municipalities and Municipal Corporations.

2. PIL No. 39/2012

Forum for Good Governance filed a PIL against the increase of water tariff for the water supplied by HMWS&SB. Case is pending in the high court. Listing date is 1-12-2015

3. PIL No. 132/2012

Forum for Good Governance filed a PIL requesting to direct the GHMC and Water board to construct RWHS in GHMC area. The above authorities agreed to take up the RWHS in the city. Accordingly PIL disposed off.

4. PIL No. 236/2013

Forum for Good Governance filed a PIL requesting to direct the HMWS&SB to replace all damaged and rusted pipelines to prevent contamination and leakage of drinking water supplied by water board. The case is pending. Listing date is 1-6-2015

5. PIL No. 3/2015

Forum for Good Governance filed a PIL requesting to direct Government of Telangana to conduct elections to GHMC. The Hon'ble High Court directed the Government /State Election Commission to complete the elections by end of January 2016.

6. PIL No. 155/2015

Forum for Good Governance filed a PIL requesting to direct the Govt. of Telangana to take steps to fill up all the vacant posts of Vice chancellors in the state of Telangana. The court agreed the submissions made by the Advocate General agreeing to complete the procedure for appointing the Vice Chancellors within 3 to 4 months. PIL is accordingly disposed off.

7. PIL No. 233/2015

Forum for Good Governance has filed a PIL requesting the Government to complete all the incomplete houses taken up under Indiramma Indlu programme to avoid wastage of funds. The case is pending in Hon'ble High Court.

3. DECLARATION AND UNDERSTANDING OF THE PETITIONER:

I, M. Padmanabha Reddy, S/o M Ganga Reddy, aged about 75 years, Occ: Retired Government Officer, and presently functioning as the Secretary of the Petitioner organization, resident of Plot No. 91, Amar Society, Madhapur, Hyderabad- 500 033, do hereby swear under oath and sincerely affirm as follows:

- 3.1 That the present petition is being filed by way of Public interest Litigation and the Petitioner does not have any personal interest in the matter.

I am a retired All India Services Officer, presently functioning as the Secretary of the Petitioner organization herein and as such I am well acquainted with the facts of this case and able to depose as follows:

- 3.2 That the entire litigation cost including the Advocate's fee and other charges are being borne by the Petitioner. The PAN number of the Petitioner is already mentioned above.
- 3.3. That thorough research has been conducted in the matter raised through this petition. All the relevant documents pertinent to the subject are discovered by the Petitioner to this petition. The Petitioner collected the information through following the procedure stipulated by the Authorities.
- 3.4 That to the best of Petitioner's knowledge and research, the issue raised was not dealt with or decided and that a similar or identical petition was not filed earlier by the Petitioner.

I submit that, I am filing this PIL after obtaining the relevant documents and after submitting oral representations, consequently after having been completely satisfied that there is no action on the part of the Respondent as the non-compliance and lack of interest of the respondent government in taking up of the cleaning the river Musi is abrogating its responsibility to protect the health of the people and to direct the respondent government to constitute a body having a similar mandate as the Sabarmathi River Front Development Corporation or any other such special purpose vehicle for speedy cleaning of river Musi.

- 3.5 That the Petitioner understood that in the course of hearing of this Petition, this Hon'ble Court may require any security to be furnished towards costs or any other charges and the petitioner shall comply with such requirements.

This issue was not dealt with or decided earlier and I have not filed any similar or identical petitions earlier.

I also understood that in the course of hearing of this petition, I may be required to furnish any security towards any cost or any other charges and I will comply with such requirement.

4. FACTS IN BRIEF:

- a) I submit that river Musi originates in Ananthagiri hills near Vikarabad, travels about 90 KM, before reaching Hyderabad near Rajendra Nagar. It travels about 28 KM., in the city and in the process bifurcates the city into South (old city) and North (new city). The river then flows about 150 KM., before joining river Krishna at Wazeerabad, Nalgonda district.
- b) I submit that pursuant to heavy floods in river Musi in 1908, Osman Sagar and Himayat Sagar dams on river Musi, and Easa were constructed in the year 1920 and 1927 respectively. The water supply scheme from these dams to Hyderabad locally known as 'Gandipet' water was commissioned in the year 1923. Subsequently, due to the increase in population and expansion of the city, water supply had to be expanded by drawing water from Manjira, Singur, Krishna and Godavari rivers.
- c) I submit that the sewerage system for Hyderabad and Secunderabad cities was first constructed at Amberpet in the year 1931 with 12 million gallons per day (MGD) capacity to serve a population of about 5 lakh people and subsequently the system was remodeled. I further submit that the existing sewerage system is over loaded due to increase in population and growth of the city, with the result, excess flows were diverted into natural nalas which join river Musi on either side within the city, thus resulting in heavy pollution of the river.
- d) I submit that with a view to clean up Musi, the state government in the year 2001 had prepared a project for "Abatement of Pollution of river Musi," and submitted to National River Conservation Directorate (NRCD) Government of India. The project envisages diversion of sewage entering into river Musi, treatment in sewerage treatment plants (STPs) and release of the treated water back into river. I further submit that the estimated

cost of the said project was Rs.344 crores to be shared by Central and State governments in the ratio of 70:30. The state government vide G.O.M.S 561 accorded administrative sanction for the project in November 2001. The Hyderabad Metro Water board (3rd respondent) was entrusted with the execution of the work.

- e) I submit that from the inception, the scheme did not run on expected lines. Lack of inter departmental co-operation delayed the execution leading to cost escalation and derailment of the scheme. I further submit that to a query instituted under the Right to Information Act (R.T.I.), the 3rd respondent informed the petitioner that an amount of Rs. 405.31 crores were spent for construction of 4 STPs and 16 Interception and diversion (I.D.) works. The reply is being filed as **Annexure P2** and it is prayed that the same may be treated as part and parcel of this affidavit.

- f) I submit that there are 12 industrial development areas within 30 KM. of Hyderabad which include synthetic organic chemicals (bulk drugs and intermediates), electro plating, oil mills, lead extraction / battery units, leather, distilleries, textile, dairies, soap and jewelry industries. The common effluent treatment plants (CETPs) constructed to treat the effluents in 'situ' are not able to treat the effluents adequately due to varying nature of effluents and lack of proper treatment facility the CETPS are discharging their effluents into the nearby water ways which ultimately drain into Musi.

- g) I submit that due to indiscriminate urbanization and lack of planning the river is a receptacle to all the untreated domestic and industrial waste water in the city and is an eyesore. I further submit that due to failure of Phase I project, Government of India in a review meeting on 26-6-2009 suggested that the Hyderabad Metro Water Supply & Sewerage Board (Water Board), Greater Hyderabad Municipal Corporation (GHMC) and Hyderabad Metropolitan Development Authority (HMDA) may jointly prepare a holistic project report having a common strategy for Musi river development plan and Government of India will consider enhancing financial assistance under river Musi action Plan (Phase II), provided the state government comes up with a holistic project that is pragmatic and implementable.

h) I submit that as per the suggestions of Government of India the Water board (3rd respondent) has appointed consultants (Aarvee Associates) to prepare a Detailed Project Report (DPR) for Phase II. Accordingly the consultants prepared a plan costing Rs. 750 crores. Filed as **Annexure P3** and it is prayed that the same may be treated as part and parcel of this affidavit. I pertinently submit that the D.P.R. prepared for the 3rd respondent due to various reasons could not be sent on time to Government of India. Due to delay in submission, the Government of India has informed that it will not be possible to consider the project due to paucity of funds during XII five year plan.

i) I submit that simultaneously, HMDA has separately prepared two projects.

i) Conservation and River front development of river Musi from Osman Sagar – Himayat Sagar to Bapughat with an estimated cost of Rs.580 crores.

ii) Conservation and river front development of river Musi from Nagole (Internal ring road) to Gowrelli (Outer ring road) with an estimated cost of Rs.160 crores.

The two projects (in brief) are filed as **Annexure P4** and it is prayed that the same may be as part and parcel of this affidavit. I submit that the above two project reports of HMDA are pending with state government since one year without any action. Since then no action is being taken to improve the Musi River.

j) I submit that the untreated Musi water with poisonous chemicals is being used for growing vegetables and food grains on the out skirts of Hyderabad and sold in the city. Therefore the poisonous chemicals are thus seeping into the different varieties of vegetables and fruits sold in the city causing enormous health problems to the people of Hyderabad.

k) I submit that we have in the country many successful projects like the Sabarmathi River Front Project in Ahmedabad and Gomati River Front project in Lucknow. For Sabarmathi project Gujarat government has constituted a special purpose vehicle (SPV) called 'Sabarmathi River Front Development Corporation Ltd.' The SPV model was being used

to avoid delays in raising resources and to give implementation efforts a definitive thrust and focus. The SPV took up works like Rehabilitation of slum dwellers (staying on the river bed) Dhobighats, creation of event area, Urban forestry, flower gardens, water recreation etc. Today Sabarmathi river front is a tourist spot and people of Ahmedabad own it as 'their' project.

- l) I submit that I have submitted a representation to the Chief Secretary of the Government of Telangana with a request to clean and develop the Musi river as a tourist spot, but there is no action from the government. The said representation is being filed as **Annexure P5** and it is prayed that the same may be treated as part and parcel of this affidavit.
- m) I submit that Central Pollution Control Board (CPCB) report following a nationwide survey of pollution in rivers, Musi ranks among the top 15 most polluted rivers in the country and also holds the dubious distinction of being one of the most polluted rivers in the state. Copy of the CPCB report titled 'Polluted River Stretches in India- Criteria and Status,' is herewith filed as **Annexure P6** and the same may be read as part and parcel of this Affidavit. Copy of press report of Times of India dated 13th March 2015 is being filed as **Annexure P7** and it is prayed that the same may be treated as part and parcel of this affidavit.
- n) I submit that the National Green Tribunal appointed by Supreme Court of India have inspected the river Musi and observed that due to release of industrial waste into Musi, the river is getting contaminated. There is therefore an urgent need to constitute a body similar to the one constituted for the completion of the Sabarmathi project to successfully take up the work of cleansing river Musi.
- o) It is pertinently submitted that pursuant to the suggestion of the Government of India it is imperative that all the 3 authorities i.e., the Water Board, GHMC and the HMDA, instead of working at cross purposes with each other, come together to jointly work on a Plan of Action to clean the river Musi, as the pollution levels have reached dangerous levels and people of the twin cities face severe health hazards owing to the escalating pollution.

Copy of a journal article titled '*Musi River Pollution Its Impact on Health and economic Conditions of Down Stream Villages-A Study*,' by Dr. Pullaiah Cheepi, Vol 1, Issue 4, (Sep-Oct.2012), pp 40-51 is hereby annexed as **Annexure P8** and the same may be read as part and parcel of this Affidavit. It is further submitted that the right to health is an inseparable aspect of the Right to life, enshrined under Article 21 of the Constitution of India that is being abrogated due to the severe health hazards that area direct consequence of the polluted river Musi. In view of the careless attitude of the respondents in taking corrective steps while cleaning the Musi River, it is the general public that are suffering the most, more particularly severe health complications, hence it is expedient to hear this issue as a Public Interest Litigation.

5. SOURCE OF INFORMATION:

The Petitioner collected the information through following the procedure stipulated by the Authorities as well as, through the R.T.I. Act and Internet.

6. NATURE OF EXTENT OF INJURY CAUSED/APPREHENDED:

I state that severe health hazards and accompanying complications are caused due pollution of river Musi.

7. ANY REPRESENTATION ETC., MADE:

I submit that, the Petitioner made representations to the Respondents, but no action has been taken in respect of the above issue. Press meet was conducted and the problem was identified in the public domain.

8. DELAY IF ANY:

I submit that there is NO DELAY in filing this Petition between last representation and the filing of this PIL instant, as this is a continuous cause of action. Therefore, in the event of this Hon'ble Court coming to a conclusion that there is any delay in approaching this Hon'ble High Court, the same may be condoned:

9. DOCUMENTS RELIED UPON ARE:

- a) G.O. Ms. No. 339, M.A. & U.D. , dated 1-9-2012

- b) Chief General Manager, Water Board letter No. DB1/CGM(E)/243,
dated 7-9-2015
- c) Holistic D.P.R. Chapter X cost estimates.
- d) Spl. Chief Secretary, M.A. & U.D. letter No. 13344/11/2015-1,
dated 24-11-2015

In the circumstances stated above that the lackadaisical attitude of the respondents to take up any kind of cleaning up of the river Musi, has left the Petitioner with no other alternative remedy except to invoke the Extraordinary Jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India. I have not filed any other writ, suit or any other proceedings before any Court of Law or authority for the relief or reliefs sought for hereunder.

10. RELIEF PRAYED IS AS FOLLOWS:

It is respectfully prayed that this Hon'ble Court, in the interests of justice be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus

- i) Declaring the non-compliance and lack of interest of the respondent government in taking up of the cleaning of the river Musi as abrogating its responsibility to protect the health of the people.
- ii) To direct the respondent government to constitute a body having a similar mandate as the Sabarmathi River Front Development Corporation or any other such special purpose vehicle for speedy cleaning of river Musi.
- iii) Pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case and in the interest of justice.

11. INTERIM PRAYER:

It is hereby prayed that this Hon'ble Court may be pleased to direct the respondent authorities to submit their holistic plan of action and the steps proposed to be taken by them towards fulfilling the task of cleaning up of the river Musi, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

12. CAVEAT:

I submit that no notice has been received of lodging a Caveat by the Respondents.

PLACE: HYDERABAD
DATE: 22.02.2016

SIGNATURE OF PETITIONER

Advocate for Petitioner

VERIFICATION STATEMENT

I, M. Padmanabha Reddy, S/O Sri M Ganga Reddy, aged about 75 years, Occ: Retired Government Officer, and presently functioning as the Secretary of the Petitioner organization, resident of Flat No. 204, G. K. R. Mansion, Lakdi – Ka–Pul, Hyderabad, the Petitioner herein whatever facts stated above in the above affidavit are true to the best of my knowledge and belief. Hence, verified on this the 22nd day of February, 2016 at Hyderabad.

PLACE: HYDERABAD
DATE: 22.02.2016
Before me

SIGNATURE OF PETITIONER

Advocate for Petitioner