

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

Original Application No. 34/2013 (CZ)

Subhash C. Pandey vs. Municipal Corporation, Bhopal & 6 Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

PRESENT : Applicant : Dr. Subhash C Pandey
Respondent No. 1 Mr. Neel Choudhary, Advocate for
Mr. Vijay Choudhary, Advocate
Respondent 2 to 6: Mr. Sachin Verma, Advocate
MPPCB : Ms. Parul Bhadoria, Advocate for
Mr. Purushaindra Kaurav, Advocate

| Date and Remarks | Orders of the Tribunal |
|---|---|
| Item No. 10 18th August, 2015 | <p>This matter was taken up after it was reported that despite our judgement in the matter pertaining of idols with respect of festival of <i>Ganesh Chaturthi</i> and latter <i>Durga Pooja</i> as subsequently the observance of <i>Taziya</i> by the muslim community, there is need for adhering to the guidelines issued by the Central Pollution Control Board, Ministry of Environment & Forest, Government of India. In our judgement relying upon the earlier judgement of the Principal Bench of the National Green Tribunal at Delhi and the guidelines of the CPCB, we had emphasized that the State Government must act to ensure the compliance of the CPCB guidelines as their non-observance and paying scant regard to the same by use of plaster of paris idols and other non-soluble substance like plastic and baked clay for preparation of such idols which further are decorated with synthetic colours and dyes and other materials which on being immersed in lakes, ponds, rivers and water bodies are causing severe pollution not only to the water but also the debris lying in the water body being insoluble is causing permanent problem. We had therefore directed the three State Government of Rajasthan, Chhattisgarh and Madhya Pradesh falling within the jurisdiction of the Central Zone Bench of the National Green Tribunal to ensure that the guidelines issued by the CPCB should be complied with in letter and spirit.</p> <p>It was reported in the sections of the press that this year unchecked PoP idols are being prepared for the festival. In many cases, such idols of</p> |

PoP are even much beyond the sizes specified in the CPCB guidelines and such activities is going on unchecked at several places with the use of synthetic chemicals, colours and dyes. All these materials being non-biodegradable are impermissible for the use in making of such idols on account of their eventual immersion during the *Ganesh* and *Durga* festivals.

We would accordingly therefore direct the State Governments of Madhya Pradesh, Rajasthan and Chhattisgarh to take immediate steps to ensure the compliance of the CPCB guidelines and earlier judgement of this Tribunal in this behalf. Today, the Secretary (Homes), Government of MP is present before us and he has submitted that the State Government has issued directions in this behalf. Be that as it may, we would direct that :

- (1) All State Governments to issue fresh guidelines and directions to the District Administration as well as the local authorities to ensure that no synthetic or PoP material used idols is utilised for worship and subsequent immersion during the *Ganesh* and *Durga* festivals.
- (2) Wherever such idols have been prepared, the persons preparing the idols shall be warned that such idols shall be liable to be confiscated in the event the same is kept for sale.
- (3) The use of synthetic chemical paints and dyes is prohibited and cannot be used by the manufacturer of such idols.
- (4) That it would be the responsibility of the District Administration to ensure the compliance of the aforesaid directions and CPCB guidelines in this behalf.
- (5) That the immersion of such idols shall take place only at the designated spot prepared by the local authorities in accordance with the CPCB guidelines which we had highlighted in our earlier orders and judgement.
- (6) In case the local bodies have so far no prepared or arranged for immersion of such idols and tazyas at designated place for the said purpose, they would take immediate steps to identify and

prepare such sites and thereafter also in accordance with the CPCB guidelines empty out such sites by removal of the debris and taking it to the designated site for such purpose.

In order to ensure compliance and creating awareness with regard to the same, wide publicity both in print and electronic media as well as through radio shall be given by all State Government dealing with the public at large with regard to the hazards which such PoP idols covered with synthetic paints cause to the water bodies as well as to the life therein. As well as at the same time all efforts should be made to comply with the directions to the size of idols in that behalf as prescribed in the CPCB guidelines. All State Government shall report compliance and steps taken by each of the States in this behalf within two weeks to be sent to this Tribunal on 11th September, 2015.

Copy of this order be sent to the Chief Secretaries for the State of Madhya Pradesh, Rajasthan and Chhattisgarh.

Let the matter be listed on **24th August, 2015.**

.....,JM
(DALIP SINGH)

.....,EM
(BIKRAM SINGH SAJWAN)