

**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 2 to 6: Mr. Sachin K. Verma, Advocate
BMC: Mr. Neel Choudhary, Advocate for
Mr. Vijay Choudhary, Advocate
MPPCB : Mr. Sachin K. Verma, Advocate for
Ms. Parul Bhadoria, Advocate
State of Rajasthan: Mr. Dharamvir Sharma, Advocate for
Mr. Sandeep Singh, Advocate
State of Chattisgarh: Mr. Siddhartha Singh Chouhan, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 4 11th September, 2015	<p>We have heard the Applicant, Counsel for State of Madhya Pradesh, Bhopal Municipal Corporation, State of Chhattisgarh and State of Rajasthan.</p> <p>The Application raised the issue of pollution as a result of Visarjan of idols after various religious festivals Ganesh Puja and Durga Puja. In the main judgement directions had been issued for compliance in the light of the CPCB guidelines of 2010 relating to the Visarjan of idols. Since it was felt by the Applicant that sufficient compliance has not been made the matter was again reopened.</p> <p>After the previous hearing the State Government of all three States have in fact, as has been reported before us by the Learned Counsel appearing for the State, taken effective measures for curbing the problem arising from the preparation of PoP idols wherein the States have taken effective steps this year to prohibit the use of PoP idols for this purpose. It has also been brought to our notice that the media both print and electronic have made valuable contribution in creating public awareness and the use of PoP idols. It has also been brought to our notice that many organisations have contributed towards helping the people in making their own eco-friendly idols to be used during the festivals and their immersion in accordance with CPCB guidelines of 2010 and the directions given by this</p>

Tribunal.

We are of the view that all these steps which are being taken would ultimately help in bringing about a public opinion against the use of polluting material for such purposes and the impact such polluting materials like PoP and chemical paints have on the water bodies and aquatic life. While these idols made out of eco-friendly material are being permitted there is need also to understand that their decoration and colouring must also be of eco-friendly material and use of chemicals etc. needs to be discouraged.

Learned Counsel for the State as well as the BMC submitted that arrangements have been made for creating the designated sites for immersion of the idols. It has submitted that such sites are being developed in accordance with the guidelines of the CPCB.

While preparation of such sites is a good sign for compliance of the CPCB guidelines, the need is also to ascertain the number of such sites to be provided looking to the mass popularity of these festivals and the number of idols which are being brought for immersion.

During the course of hearing it was suggested that at such places adequate measures by either laying such sites with plastic material or at least plastic nets so that immediately the immersed idols can be taken out so as not to pollute the water body by allowing to remain in the water body for long. Moreover, sometimes the capacity of such designated sites may also be inadequate looking to the number of idols and their sizes being brought for immersion. To facilitate the aforesaid, on a regular basis the immersed idols should be removed.

It was also felt that sometime people carrying idols use to proceed to different locations other than the designated spots.

So far as this issue is concerned, we are of the view that local authority and the District Administration should take steps to ensure that wherever such pandals are erected for establishment of such idols, permission from the local body be obtained and such permission may contain the condition that the idol from such pandal must be taken for immersion to a

particular designated spot only. The rule for the same must also be notified in the condition granted for pandal. The District Administration shall convey a copy of such permission granted to local authorities which would ensure that the idol is taken on the designated route for immersion.

At the point of immersion, the local authority and the District Administration should ensure that there is a responsible Officer Incharge available on the spot to oversee all the arrangements and also make sure that systematic immersion of the idols takes place. To ensure the removal of the idols from the water body on a regular basis, the infrastructure required including cranes etc. for taking out the nets should also be made available as sometime the idols are of very big sizes even exceeding the prescribed limits. For transportation of the immersed idols from the immersion sites to the disposal sites, transportation arrangements and vehicles shall be provided by the local administration/District Administration so that no debris is allowed to remain either in the water or nearby so as to cause any pollution. The MPPCB shall conduct test on water sample from the places where immersion takes place and adjoining places in the lake both before and after immersion and submit water quality test report on the next date.

As regards the issue pertaining to the Shahpura Lake, the Learned Counsel appearing for the BMC submitted that tenders have been issued for carrying out the necessary repair works along the nallah and filtration plant that were discussed on the previous date. It is also submitted that application to the Electricity Department for relocation of the fountain have also been made.

For reporting the further progress, Let the matter be listed on **7th October, 2015.**

.....JM
(DALIP SINGH)

.....EM
(BIKRAM SINGH SAJWAN)

