

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

Original Application No. 58/2013 (CZ)

CORAM:

**Hon'ble Mr. Justice Dalip Singh
(Judicial Member)**

**Hon'ble Mr. P.S.Rao
(Expert Member)**

BETWEEN:

Dr. Subhash C.Pandey,
G.SEED, HIG-1/8, Shivani Complex,
6 No. Stop, Shivaji Nagar,
Bhopal – 462016 (MP).

.....Applicant

Versus

1. State of Madhya Pradesh
Through Chief Secretary,
Government of Madhya Pradesh,
Mantralay, Bhopal, MP.
2. State of Chhattisgarh,
Through Chief Secretary,
Government of Chhattisgarh,
Mahanadi Bhawan, Mantralay,
Naya Raipur, Chhattisgarh.
3. State of Rajasthan
Through Chief Secretary,
Government of Rajasthan,
Government Secretariate,
Jaipur, Rajasthan.

.....Respondents

Applicant :

Shri Anil Kumar Mahendre on behalf of Dr. Subhash C.Pandey

Counsel for Respondent no. 1:

Shri Sachin K.Verma, Advocate with Shri Ayush Dev Bajpai, Advocate

Counsel for Respondent no. 2:

Shri Siddharth Singh Chouhan, Advocate

Counsel for Respondent no. 3:

Shri Sandeep Singh, Advocate

Counsel for MP Pollution Control Board :

Shri Shivendu Joshi, Advocate & Shri Vishal Vijayvargiya, Advocate for Shri Purushaindra Kaurav, Advocate, Shri R.R.Singh Sengar, AE

Counsel for Chhattisgarh Environment Conservation Board :

Shri Shivendu Joshi, Advocate & Shri Vishal Vijayvargiya, Advocate for Shri Purushaindra Kaurav, Advocate, Dr. S.Chandra, CCHO, CECB, Raipur

Counsel for Rajasthan Pollution Control Board :

**Shri Sandeep Singh, Advocate with Shri Suman Mandal, Advocate,
Shri Rakesh Gupta, Environment Engineer**

Dated : December 19th, 2013

**Delivered in the open Court by
Hon'ble Mr. Justice Dalip Singh, Judicial Member**

1. Misc. Application No. 170/2013 has been filed on behalf of the applicant Dr. Subhash C. Pandey with a request that the matter may be adjourned as he is out of station for attending an International Conference at Aurangabad in which he is one of the Organizers. However, in view of the proposed order that we intend to pass, the representative of the applicant does not wish to press the Misc. Application and the same is accordingly disposed as not pressed. The Misc. Application No. 170/2013 stands disposed of.

Original Application No. 58/2013

2. Dr. Subhash C. Pandey filed this application stating that though the Central Pollution Control Board (CPCB), New Delhi issued guidelines in June, 2010 on immersion of Idols and Taziyas in the water bodies, the State Governments of Madhya Pradesh, Chhattisgarh & Rajasthan as well as the respective State

Pollution State Control Boards are not taking effective steps for preventing pollution of the water bodies caused due to the immersion of idols during festivals and the idols of Gods and Goddesses are continued to be made with Plaster of Paris (PoP) instead of eco-friendly clay. Hazardous chemicals, paints and colours are used in decorating the idols during the festivals and no concrete action is being taken by the respondents to prevent immersion of such idols in the water bodies. It is estimated that in the Upper Lake and Lower Lake of Bhopal city alone about 14,400 idols are immersed every year resulting in deposition of about 400 tons of PoP and clay causing enormous pollution to these two lakes. Almost 70% of idols are made with PoP and for making each idol of 5 feet height, about 50 Kg of PoP and about 2 Kg of toxic colours are used. Metals, ornaments, oily substances, synthetic colours, chemicals are used to make polish and decorate idols for worship and when these idols are immersed in the water bodies aquatic and surrounding environment gets severally affected.

This is not just confined to the city of Bhopal but it is going on in almost all the cities and towns in the above three states and the Local Administration and the Pollution Control Boards failed to regulate and control immersion of such idols and Taziyas in the water bodies. Even those places where designated / notified immersion spots are created they are highly inadequate and no large scale publicity has been done in this regard and citizens are not educated and persuaded to immerse the idols and Taziyas in the designated sites in an orderly manner resulting in pollution of water bodies some of them being drinking water sources, with non biodegradable material and toxic chemicals. The situation has gone up to dangerous levels and may create very serious health hazard if such polluted water is used for drinking purpose and if firm action is not taken by the concerned

authorities in protecting the water bodies from getting polluted, the situation may deteriorate further. Immersion of such idols not only pollutes the water bodies but leads to deposition of the material reducing their water holding capacity particularly in case of lakes & ponds. He further stated that as many as 35 elements are found in the synthetic colours / dyes used for decorating the idols out of which 23 are heavy metals such as Lead, Mercury, Cadmium, Arsenic, Cobalt, Copper, Zinc, Iron, Manganese, Nickel, Chromium etc. These heavy metals are highly hazardous to the health of human beings as well as the cattle, even though the natural colours and vegetable dyes are available in the market hardly any effort is made by the respondents in educating / persuading the idol makers to go for natural, biodegradable colours and dyes rather than synthetic chemicals and artificial dyes which are highly toxic.

3. The applicant further averred that none of the above three States have notified the designated places near the water bodies for immersion of idols and Tazias and not displayed such sites on their official website. They are also not displaying the analysis reports of water samples collected from the water bodies including lakes, reservoirs & rivers particularly those from where the drinking water is drawn. He further contended that respondents have failed to educate the people in making the idols and Tazias with eco-friendly, biodegradable substances and no awareness programmes are being conducted and before immersion of idols and Tazias in the water bodies decorating material made up of plastic and paper as well as clothes and flowers and garlands used for worshipping the idols and Taziyas, are not removed and not segregated causing more pollution. The respondents were also not collecting and analyzing the water samples regularly before, during and after

the immersion takes place and not taking up the pre and post immersion precautions suggested by the Central Pollution Control Board (CPCB). If such situation is continued to be allowed there will be irreversible damage to the ecology of the water bodies some of which are precious drinking water sources. Therefore, the applicant stated that he approached this Tribunal with a prayer to direct the respondents to take strict action to prevent making of idols and Tazias with PoP and baked clay and decorated with colours consisting toxic chemicals and dyes and also direct the respondents to prevent immersion of idols & Tazias in the water bodies without following the CPCB guidelines and direct the respondents to analyse the samples of the water during pre and post immersion stages and keep all the particulars in public domain by uploading on their website.

4. Having gone through the issues raised by the applicant, notices were issued to the State Governments and Pollution Control Boards of all the aforesaid three States coming under the jurisdiction of this Bench vide order dated 22.08.2012 and thereafter the matter was taken up by the Bench for hearing with directions to submit detailed replies.

5. We have heard the applicant and the Learned Counsel appearing on behalf of the respondent State of Madhya Pradesh, State of Chhattisgarh & State of Rajasthan as well as the Pollution Control Boards of the three States, respectively. The Original Application under Section 14 read with Section 15, 16, 17 & 18 of the National Green Tribunal Act, 2010 has been filed with the prayer that as a result of the religious activities of immersion of idols and Taziyas, the debris left in the water bodies becomes a source of pollution and as such directions may be

issued that the same may be collected by the local authorities, within a reasonable time and the water bodies be accordingly cleared of the debris and left over material. Likewise, the worship material like flowers/garlands and other ornamental and decorative material such as *vastram* (cloth), paper and plastic be also ordered to be removed and be transferred to the landfill sites by the local authorities. It was also prayed that the local authorities be directed to construct temporary confined ponds for the aforesaid purpose so that the main water bodies are not polluted in any manner due to the aforesaid activity. It has also been prayed that the respondents be directed to conduct mass awareness programme so that the people are educated and made aware of the effects of pollution as a result of the aforesaid activity as most of the idols that are immersed are made up of Plaster of Paris (PoP) and other non-degradable material which does not dissolve in the water and remain present for a considerably long period.

6. During the course of hearing we have noted that directions were issued by the Principal Bench, National Green Tribunal, New Delhi in Application No. 65/2012 in the matter of Sureshbhai Keshavbhai Waghvankar and Others Vs. State of Gujarat & Others under the judgement dated 09.05.2013 to all the State Pollution Control Boards in this behalf. Having noticed the directions contained in the aforesaid order dated 09.05.2013 during the hearing on 05.09.2013, the Learned Counsel for the respondents sought time and submitted that they are not aware of the order of the Principal Bench of National Green Tribunal dated 09.05.2013. Looking to the fact that the ensuing Ganesh festival was to commence from 09.09.2013, the matter was ordered to be listed on 06.09.2013. On 06.09.2013, it was submitted on behalf of the Learned Counsel for the State of Madhya Pradesh

that a similar matter was pending before the Hon'ble High Court of Madhya Pradesh at Jabalpur. Accordingly the Learned Counsel were advised to bring to the notice of the Hon'ble High Court the judgement of the Principal Bench, National Green Tribunal at New Delhi and the directions issued therein.

7. The matter was taken up on 06.09.2013. On the aforesaid date, the action taken report of the three States was placed before the Tribunal along with media reports in this behalf for observing and complying with the guidelines issued by the CPCB in the year 2010. In the Action Taken Report we found that efforts were made on behalf of the respondents to create awareness in this behalf among the general public and it was brought to our notice that the local people cooperated with the local Administration to a large extent. At many places people agreed not to use the idols made with PoP and instead there was a good demand for the idols made out of clay.

8. The Learned Counsel for the State of Rajasthan Pollution Control Board submitted Action Taken Report on 06.09.2013 indicating therein the steps taken by the State Pollution Control Board in this behalf which were noticed by the Bench and recorded in the said order.

9. The Learned Counsel for the State of Chhattisgarh appearing on behalf of the Chhattisgarh Environment Conservation Board (CECB) also listed out the steps taken in this behalf within the State of Chhattisgarh. Since the Central Pollution Control Board (CPCB) had already issued the guidelines in the year 2010 in detail dealing with the aforesaid issues, the representatives of all the three States as well

as Pollution Control Boards submitted that they would ensure that the aforesaid guidelines of the CPCB are observed in this behalf and necessary directions would be issued by the State Governments to the District Administration and the Local Authorities in all the districts in the state. Copy of the order was sent to the Chief Secretaries of all the three States for compliance.

10. Looking to the fact that soon after the aforesaid Ganesh festival, Durga Puja festival was to follow and later on, immersion of Taziyas on the occasion of Moharram was to be followed, directions were issued to the authorities by the Tribunal to ensure that the idols of Goddess Durga are made with biodegradable material instead of PoP which is being commonly used and likewise Taziyas were also ordered to be prepared with biodegradable material. With the issuance of the aforesaid directions for observance of the guidelines of the Central Pollution Control Board the matter was ordered to be listed on 25.10.2013.

11. On 25.10.2013, the Learned Counsel for the three States and the Pollution Control Boards filed their Action Taken Report in pursuance of the directions dated 06.09.2013 as well as the reports indicating the data analyzed from the water samples collected from the designated sites where immersions have taken place. The applicant submitted that the aforesaid data was required to be uploaded on the website for keeping it in public domain which has not been done so far. The Learned Counsel appearing for all the three State Pollution Control Boards agreed that the data needs to be placed on the website but due to paucity of time, they were unable to do so and directly brought the report before the Tribunal and sought four weeks' time for uploading the aforesaid data on the website. From the data

that was collected, it was found that the samples were mostly taken from the sites where immersion has taken place. Since most of the sites were located on the river front, it was directed to collect the samples downstream also. In case of lakes, samples are to be collected not only at the immersion spots but at a distance of about 100 meters away from the immersion site. The respondents were accordingly directed to collect the samples and place the information before the Tribunal. At the same time, in accordance with the guidelines issued by the CPCB, it was directed that the debris, if not already removed from the designated spots and other places near the water bodies, be removed and the concerned Chief Executive Officers and Commissioners of the local bodies were made responsible for carrying out the aforesaid activity. After having done so, it was directed that the concerned Municipal authorities should involve atleast ten responsible citizens residing in the locality and certify whether the debris and left over material has been removed from the immersion sites and disposed. The matter was ordered to be listed today i.e. 19.12.2013.

As far as the scientific study of the impact of PoP made idols on immersion thereof, in relation to water quality of rivers, lakes, ponds or other sources and examining whether it is an environment pollutant is concerned, the Madhya Pradesh State PCB has carried out a laboratory study. The Board submitted that the laboratory experiments were carried out in simulated conditions to assess the impact of PoP, clay and other idols on immersion in water on physiochemical parameters, heavy metals etc. Two experiments have been carried out to assess the impact of idol immersion on water. The first experiment was conducted using only PoP idols for immersion and the second experiment was conducted using both PoP and clay idols for immersion. The results primarily reveal that the

immersion of both the types of idols creates pollution which may be due to synthetic colours used in decorating the idols. A detailed report was annexed as Annexure R-2.

12. In the meanwhile, Misc. Applications No. 117/2013 and 125/2013 were filed by the Akhada Tajiya Committee, Jhabua District, Madhya Pradesh with the prayer that the site chosen by the local authorities for immersion of the Taziyas in Jhabua town may be ordered to be altered as the aforesaid site may result in contamination of the water in the river *Anas* and instead the original site at Bahadur Sagar Talab (Tank) of Jhabua town may be permitted to be used for the aforesaid purpose. It has been pointed out in the Misc. Application that the *Anas* river is the only source of drinking water for Jhabua town and the immersion of Tajiya and idols in the aforesaid river is liable to pollute the water body and as such the Tajiya may be allowed to be immersed in the Bahadur Sagar Talab as done in the past.

From the averments made in the application, we are happy to note that the Tajiya Committee on whose behalf the Misc. Application has been filed have taken the decision to maintain and prepare the Tajiya only out of bio-degradable material and keep them environment friendly by using paper, *lae* (paste of wheat flour and water), bamboo to be tied with the help of string made of San (a type of grass) which is also a natural material. The aforesaid decision of the Tajiya Committee is laudable keeping in view that the people have started to realize the importance of water bodies to be kept clean and free from pollution and not to pollute them with material which is not environment friendly.

What was heartening to notice in the aforesaid Misc. Application was that the efforts were made by the local religious leaders in making the people in Jhabua town aware of preparing the Taziyas only with the bio-degradable material which is environment friendly and not out of such material which is non-biodegradable. This decision on the part of the religious leaders in the aforesaid town goes to show the impact which the awareness can create in the minds of the general public and if more such people come forward to make the public understand the importance of preserving and protecting the environment rather than polluting it and instead insisting upon for observance of their religious rights by using eco-friendly material which they have been traditionally using before switching over to the recent trend of using PoP, plastics, synthetic colours/dyes which results in pollution of the environment, would in the long run go a long way in case there is more of people's participation in the protection and preservation of environment.

13. In terms of our directions issued on 25.10.2013, compliance reports have been filed by the States of Rajasthan, Chhattisgarh and Madhya Pradesh and the respective state Pollution Control Boards which have been ordered to be taken on record. From the sample data collected from the rivers in the state of Chhattisgarh at Raigarh, Durg, Korba, Ambikapur and Jagdalpur we find that the readings are more or less within the permissible limits both at the sites where immersion took place as well as 1 km downstream. It was also submitted that in Chhattisgarh, the aforesaid data has been uploaded on the website and in future such aforesaid requirement, would be complied with. The Learned Counsel appearing for the State of Chhattisgarh and CECB submitted that for future the sites have been identified and the local administration has been informed to ensure that immersion

of the idols takes place only at the notified sites for which preparation of the site shall be made in accordance with the June, 2010 guidelines of the CPCB, beforehand. It has also been stated in the report by the CECB that the debris and other left over material pursuant to the immersion was collected and removed from the immersion sites and disposed of at the landfill sites.

Learned Counsel appearing on behalf of the State of Madhya Pradesh as well the Madhya Pradesh Pollution Control Board (MPPCB) has also filed compliance report. The Counsel for the MPPCB submitted that with a view to comply with the directions of the Tribunal as well as the guidelines issued by the CPCB, the debris from the designated sites has been ordered to be removed. However, it was submitted that inspection has again been carried out after immersion of Goddess Durga idols on 17.10.2013 and 21.10.2013 by Regional office, Bhopal. It was found that the post immersion residue as well as ancillary worship material had not been cleaned up at some designated spots. On the basis of the aforesaid inspection, the MPPCB has directed the Municipal Corporation, Bhopal to clean up the designated places in accordance with the CPCB Guidelines vide letters dated 17.10.2013 and 21.10.2013.

The MPPCB further submitted that the Board has appointed all its 12 Regional Officers as Nodal Officers to coordinate with the District Administration and local authorities in their areas for ensuring compliance of the guidelines. All Regional Officers have been directed to conduct a pre-immersion, during-immersion and post-immersion monitoring as well as submit a comparative analysis of parameters of pollution during and after immersion. The results of the post-immersion monitoring are under analysis. However, the results

of pre-immersion and during immersion analysis reports have been annexed as Annexure C-5.

From the perusal of the data analysed from the water samples collected in the state of Madhya Pradesh it reveals glaring facts that the pollution levels in stagnant water of the lakes is much higher as a result of immersion activity of the idols and Taziyas as against the water in the rivers where such immersions have taken place. In view of the above, the State Government and the local authorities shall have to take stringent measures so far as the immersion of idols and the Taziyas in the lakes in the State of Madhya Pradesh are concerned.

Shri Sachin K.Verma, Learned Counsel appearing on behalf of the State of MP submitted that the community in Jhabua was persuaded by its religious leaders; firstly, only to use biodegradation material and secondly, in many cases, instead of immersing the Taziyas in the water bodies, a symbolic gesture was made by sprinkling the same with water rather than immersing them in the water bodies itself. As a result thereof, pollution of water bodies could be avoided. He submits that more no. of such awareness programmes with the help of the religious leaders would be organized so that people may be persuaded to take similar steps and the quality of water bodies will be kept free from pollution as a result of the aforesaid immersion activity.

14. The Learned Counsel appearing for the Rajasthan state Pollution Control Board has also submitted an Action Taken Report wherein we find that in compliance of our orders, necessary instructions have been issued by the Pollution Control Board inviting the attention of the State Government and the District Administration in all the districts in the State to the interim directions issued by

this Tribunal. The analysis report of the quality of water in various water bodies has also been filed. Since most of these water bodies are lakes/ponds having stagnant water with limited capacity, the water quality remains a matter of concern as large scale immersion of idols year after year in these bodies leads to not only pollution but also shrinkage in their size reducing their water holding capacity. In these circumstances, the steps which have been indicated hereinabove while discussing the Action Taken Report filed by the State of Madhya Pradesh and the CPCB guidelines, 2010 and steps which have been enumerated therein with respect of the lakes and water bodies are more applicable to the water bodies in the State of Rajasthan particularly the lakes and tanks. The other steps which we have outlined regarding creating the awareness, etc. also need to be observed in all the three States.

15. We still feel, looking to the vast difference in the quality level of the water in the lakes and rivers, the State Governments and the District Administration as well the local authorities in all the districts in all the three states shall take steps in advance for creating designated immersion sites at the lakes and rivers as far as possible for the immersion and no immersion should be permitted directly within the lake/river itself. We find that the CPCB in its 2010 guidelines has made the following recommendations :

“2.0 GUIDELINES

2.1 *General Guidelines for Idol Immersion:*

- (i) *Idols should be made from natural materials as described in the holy scripts. Use of traditional clay for idol making rather than*

baked clay, Plaster of Paris, etc. may be encouraged, allowed and promoted.

- (ii) *Painting of idols should be discouraged. In case idols are to be painted, water soluble and nontoxic natural dyes should be used. Use of toxic and non-biodegradable chemical dyes for painting idols should be strictly prohibited.*
- (iii) *Worship material like flowers, vastras (clothes), decorating material (made of paper and plastic), etc. should be removed before immersion of idols. Bio-degradable materials should be collected separately for recycling or composting. Non-biodegradable materials should be collected separately for disposal in sanitary landfills. Clothes may be sent to local orphan house(s).*
- (iv) *Public should be educated on ill effects of immersion in the holy water bodies through mass awareness programme.*
- (v) *The 'Idol Immersion Points' shall be cordoned off and barricaded. Synthetic liner may be placed in the bottom, well in advance. The said line shall be removed on completion of immersion ceremony so that remains of idols would be brought to the bank. Bamboo and wooden logs, if any would be reused. Clay, etc. may be taken to sanitary landfill for disposal.*

2.2 General Guidelines for Local Bodies/Authorities:

- (i) *Local bodies/District Authorities generally make efforts to identify adequate number of designated immersion spots to avoid overcrowding and also to reduce pollution load on water bodies,*

such spots need to be notified and public and pooja committees be informed of such designated sites through awareness programme preferably a month before such events of idol immersion. All the stakeholders such as River Authority, Port Authority, Water Supply Board, Irrigation Department, etc. be consulted for identification of the Immersion Ghats, where flow in stream is naturally available.

- (ii) A co-ordination Committee comprising Police, Non-Government Organizations, Local Authorities, SPCBs, representatives of pooja committees and stakeholders may be set up for guiding the public in carrying out the immersion with minimal impact on water bodies.*
- (iii) At the immersion sites, burning of solid waste, so generated comprising of used flowers, clothes, decorating materials, etc. should be prohibited.*
- (iv) Within 48 hours of the immersion of idols, the left over material at idol immersion points of the banks of the rivers, lakes, beaches, etc. should be collected by the local bodies for disposal as per point 2.1(iii) above.*
- (v) In case of immersion of idols in river and lakes, arrangement may be made for construction of temporary confined ponds with earthen bunds for the purpose of immersion of idols. After the completion of immersion, supernatant water may be allowed to flow in river, pond and lake, as the case may be, after checking*

for colour and turbidity. Lime may be added in temporary confined ponds.

- (vi) *The pooja organizers be involved in a campaign on the ill effects of the toxic components of colour materials, not only of the idols, but also other decorating materials used during the festive season. Specific leaflets and posters for mass awareness maybe prepared and the pooja committees persuaded to display such posters and distribute leaflets among worshippers.*

2.3 Guidelines for Idol Immersion in lakes:

In case of immersion of idols in lakes or ponds, all the flowers, leaves and artificial ornaments of idols should be removed and idols may be immersed into a corner of pond using removable synthetic liners in the bottom. Post immersion, liners may be taken out along with with remains of idols and lime should be added to the pond water for settling the solids. Desludging of the pond should be undertaken afterwards.

2.4 Guidelines for Idol Immersion in Rivers:

Temporary ponds having earthen bunds along river bank should be created as idol immersion spots. Removable synthetic liner may be placed well in advance in bottom of pond. The said liner along with remains of idols should be removed from the point within 48 hours of immersion of idols.”

Though, we have quoted the aforesaid guidelines, we would still insist that massive awareness programmes be carried out against the extensive use of idols

and instead such activity should be minimized to community level as far as possible.

16. People should be encouraged to go for smaller size idols. Larger sized idols not only consume huge quantity of raw material including decorative material for their making, their immersion also requires huge machinery such as heavy duty cranes. Immersion of such idols results accumulation of huge quantity of solid waste even if the CPCB guidelines are followed and they are immersed in the designated spots with synthetic liners. Removal of accumulated material from the bottom of the designated immersion spots is a time consuming and costly task. Further, to immerse such large sized idols in the designated sites near the water bodies requires retention of huge quantity of water of considerable depth which always may not be possible particularly when there is a deficit rainfall. Therefore people have to be sensitised on this issue and once demand for such large sized idols comes down, the idol makers will be left with no option except to make smaller size idols.

17. We would also direct that since at most of the public places communities erect *pandals*, no such *pandals* should be allowed to be erected without permission of the local authorities and municipalities and while seeking such permission, guidelines which have been quoted above, should be made as part of the permission and the responsibility in case of non-observance should be fixed on the persons seeking permission for erection of such *pandals* for the aforesaid activities and if necessary, strict action should be taken against those who do not observe and violate the guidelines. The Pollution Control Boards are authorized under Section 5

of the Environment (Protection) Act, 1986 to issue directions and we would direct the State Pollution Control Boards to issue directions to the District Administration, the local authorities including the municipalities for observance of the above guidelines with the stipulation that in case of any breach, prosecution in accordance with Section 15 of the Environment (Protection) Act 1986 can also be initiated. As we have already noticed pollution levels, as a result of the aforesaid immersion, are much higher in the lakes, steps should be taken in accordance with the guidelines quoted hereinabove for creating separate temporary immersion bodies outside the lakes for the aforesaid purpose of immersion and in no event should the District Administration permit direct immersion of idols and Taziyas into the lakes/tanks. For this purpose, it would be the responsibility of the District Administration to create such designated spots. Such designated temporary ponds by the district administration and local authorities including municipalities shall be constructed observing the precautions given in the CPCB guidelines beforehand ensuring removal of the debris within 48 hours in accordance with Para 2.2 (i) to (iv) of the guidelines.

18. In order to ensure compliance and observance of these guidelines and other measures which have been quoted herein, the above the State Governments and the District Administration in all the districts in all the three States shall undertake the task of creating awareness to this effect apprising the people in observing the aforesaid norms as it is in public interest to do so to avoid pollution of the water bodies and ensuring the quality of the water for the benefit of not only human beings but also for other living creatures as envisaged under Article 48(A) of the Constitution. We have been informed that in most of the States certain Citizen Welfare organizations/forums Civil Society groups consisting prominent citizens

of the area as well as some dedicated Non-Government Organizations/Environment support groups are existing. The District Administration should mobilize such bodies/organisations and the people are made aware of the observance of the aforesaid guidelines in the public interest and in their own interest and religious sentiment should not be allowed to be exploited on this account.

19. We would therefore, while disposing of this application, direct the State Governments of Rajasthan, Madhya Pradesh and Chhattisgarh to ensure compliance of the guidelines issued by the Central Pollution Control Board in June, 2010 and comply with the measures that have been indicated by way of precaution and persuasion and creating awareness among the general public as environmental pollution is irreversible since environment deals with basic elements that affects each and every human being and no one can claim that he is not going to be affected as a result of pollution to the environment. In view of the above, creating awareness on the environmental issues would be the main key and such awareness, shall be created beginning right at the school level by including it in the syllabus and curriculum and at the grass root level in the Village Panchayats and more particularly with the help of the religious leaders, as in the instant case we have dealt with the problem of pollution as a result of the religious activities, would go a long way in curbing the problem of pollution of water bodies as a result of the immersion of idols and Taziyas therein.

Though, we have disposed of the present application, we direct that the State Pollution Control Boards which are the watchdogs under various Environment

Acts for ensuring the standards and quality of water, air, etc. shall take samples at regular intervals and analyze them and place the same in public domain and further try to find out the cause for the particular polluting material so that the concerned authorities to whom such recommendations can be made to prevent such pollution, can take effective measures to remedy and curb the same.

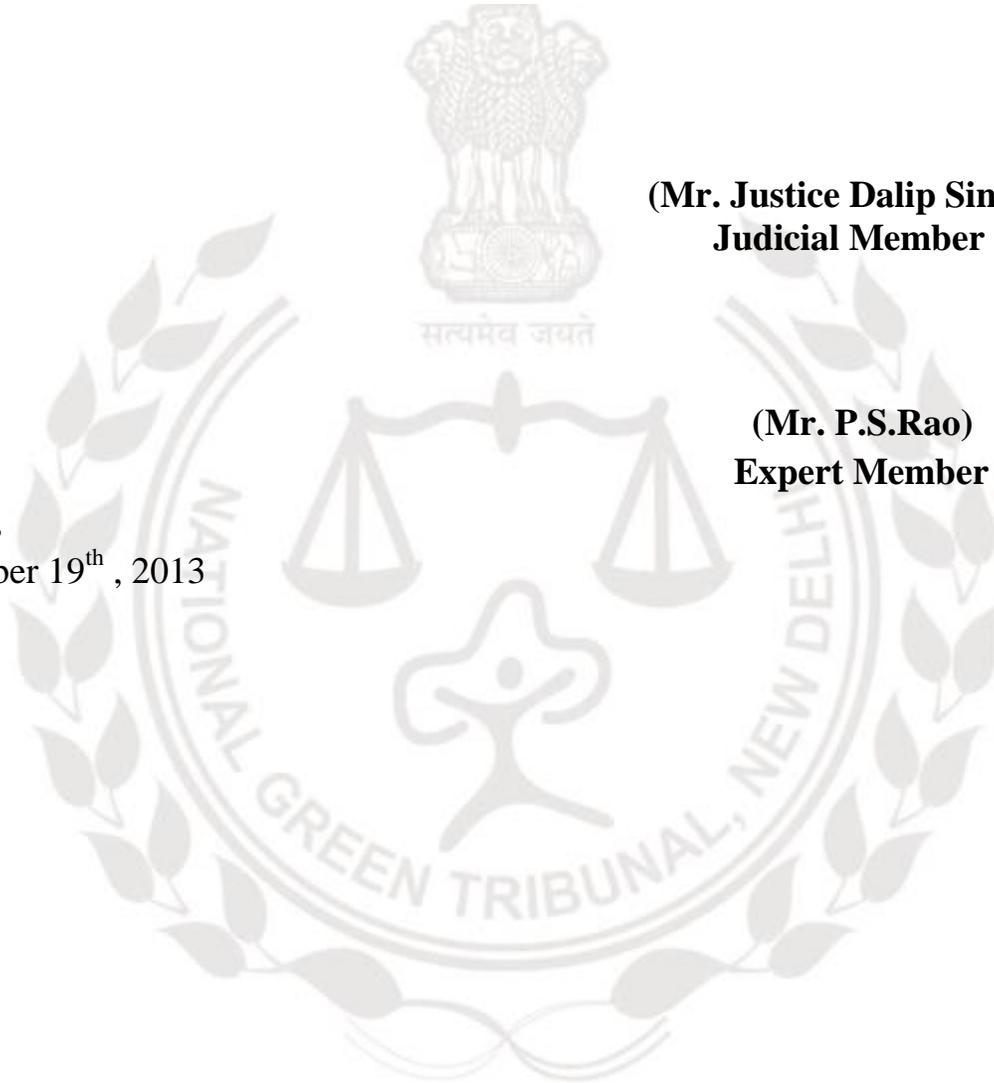
20. The applicant or any other public spirited person, in case finds that the directions that we have issued hereinabove and more particularly, the guidelines issued by the CPCB in this behalf are being flouted or not being observed, would be at liberty to approach this Tribunal by way of a Miscellaneous application for revising, investigation and issue of any further directions as well as taking action for non-observance or violation of the directions given herein in accordance with the provisions of the Act.

The Tribunal records the appreciation on the part of the applicant in bringing forward the issue as well as initiatives taken by the three States in this behalf since it was for the first time probably that such measures were required to be taken by the State and District Administration for the compliance of the aforesaid guidelines issued by the CPCB. We may also add and appreciate the role of the religious leaders in Jhabua town for creating awareness amongst the people particularly in their community in using only biodegradable and environment friendly material in the preparation of the Taziyas and even as we are informed that for performing symbolic immersion by sprinkling water on the Taziyas rather than going in for immersion in the water. This is something which can be followed by other religious leaders by persuading members of their community to observe such measures to protect the environment in accordance with the Fundamental Duties

required to be performed by every citizen of this country under Article 51(A)(g) of the Constitution.

21. The Original Application No. 58 of 2013 accordingly stands disposed of in the facts and circumstances. There shall be no order as to costs.

Bhopal,
December 19th, 2013



(Mr. Justice Dalip Singh)
Judicial Member

(Mr. P.S.Rao)
Expert Member

NGT