

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 58/2013

Dr. Subash C. Pandey Vs. State of MP &Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Dr. Subhash C.Pandey
Respondent No. 1 : Shri Sachin K.Verma, Advocate
Shri Ayush Dev Bajpai, Advocate
Respondent No. 2 : Shri Siddharth Singh Chauhan, Advocate
Shri Shardul Bajpai
Respondent No. 3 : Shri Sandeep Singh, Advocate
Shri Suman Mandal, Advocate
MP Pollution Control Board : Shri Shivendu Joshi, Advocate
Chhattisgarh Environment : Shri Shivendu Joshi, Advocate
Conservation Board
Rajasthan Pollution Control Board: Shri Sandeep Singh, Advocate
Shri Rakesh Gupta, Env. Engineer

Date and Remarks	Orders of the Tribunal
Item no.1 25 th October, 2013	<p>The matter has been taken up today post Ganesh and Durga Festivals and the Learned Counsel appearing for the State of Madhya Pradesh, Chhattisgarh and Rajasthan as well as their respective State Pollution Control Boards have filed their returns and Action Taken Reports in pursuance of the directions (dated 16.09.2013) of the Tribunal to comply with the guidelines issued by the Central Pollution Control Board in this behalf. The data collected from the designated spots of immersion of idols at various places in the States has also been furnished alongwith the Action Taken Report. The efforts made in this regard by the State Governments and more particularly the PCBs are appreciated but they have to go a long way in achieving the objective of keeping the water bodies free from pollution and relentless action is required to be taken by them.</p> <p>The applicant, Dr. Subhash C.Pandey stated that the requirement under the statute is for the State Pollution Control Boards to upload the aforesaid data on the website and display the same for the knowledge of the public at large which according to him has not been</p>

**O.A.No.
58/2013**

**25th October,
2013**

done so far. The Learned Counsel appearing for the respective Pollution Control Boards submit that in case the same has not been done so far, they will ensure compliance of the aforesaid within four weeks from today and also ensure regular uploading of the data after collection of the samples and their analysis is made, as required by law.

From the Action Taken Report and the data submitted, we find that the respondents have not actually given the details regarding the distance from where the samples were collected from the designated immersion spots, more particularly in respect of the river bodies and we would accordingly direct that the samples be taken from the immersion spots as well as 1 Km. downstream. So far as the lakes are concerned, the sample be collected from the designated site of the immersion as well as minimum 100 mtrs. away from the spot.

We also find from the Action Taken Report that in the absence of the averments with regard to the removal of debris/left over material post immersion as per the guidelines of the CPCB of June, 2010, all the three State Pollution Control Boards shall furnish additional affidavit to this effect whether the local authorities and the District Administration to whom directions have been issued by the respect Chief Secretaries, have ensured compliance that the debris has been removed completely post immersion ceremony.

The Pollution Control Board authorities through their respective State Governments shall ensure that in keeping with the guidelines issued by the CPCB, the debris, if not already removed from the designated spots and at other places near the water bodies, be removed and for this purpose, the Chief Executive Officer (CEO) of the concerned Municipality or the Commissioner of the concerned Municipal Corporation as the case may be, shall be personally

**O.A.No.
58/2013**

**25th October,
2013**

accountable and in case any matter is brought to the notice of the Tribunal that at a particular water body within the jurisdiction of the authority or local authority where the guidelines of the CPCB have not been complied, action against the concerned CEO/Commissioner not only by way of prosecution as provided under the statute, but also on the basis of 'Polluter Pay Principle' shall be liable to be initiated and the cost is liable to be recovered from the officers concerned. The State Pollution Control Boards shall submit a list of all the designated spots within the State and indicate by way of report, whether debris has been removed from all such spots. Such report shall be counter signed by the Ward Member of the Municipality or the local authority where such designated spot is located as well as by 10 responsible citizens who may be residing in the vicinity of the area giving their names, parentage, address duly certifying the fact that the designated spot has been cleared of all the debris. After completing the aforesaid exercise, the State Pollution Control Board shall take the samples and get the same analysed and submit the report before this Tribunal.

The matter be listed after 08 weeks. Copy of this order be sent to the Chief Secretaries of the State of Madhya Pradesh, Rajasthan and Chhattisgarh. It shall be the duty of the Member Secretaries of the respective State Pollution Control Boards to apprise the Chief Secretaries in this behalf and get necessary directions issued to the concerned authorities.

List the matter on **19.12.2013**.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)