

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 : Shri Subhash C. Pandey  
Respondent No. 1 : Shri Sachin K. Verma, Advocate.

Date and Remarks	Orders of the Tribunal
Item no. 3 6 <sup>th</sup> September, 2013	<p>Pursuant to our order dated <u>05.09.2013</u> Member Secretaries of Madhya Pradesh, Chhattisgarh and Rajasthan Pollution Control Boards are present alongwith their Counsel as listed below.</p> <p>Shri R.K. Jain, Member Secretary, Shri Purushaindra Kaurav, Additional Advocate General, &amp; Shri Shivendu Joshi, Advocate appear for Madhya Pradesh Pollution Control Board.</p> <p>Shri P.V. Narsinga Rao, Member Secretary and Shri Purushaindra Kaurav, Additional Advocate General, appear for Chhatisgarh Pollution Control Board.</p> <p>Shri D.N. Pandey, Member Secretary and Shri Sandeep Singh, Advocate appears for Rajasthan State Pollution Control Board.</p> <p>Learned Counsel appearing for the State of Madhya Pradesh pointed out that an identical matter is pending before the Hon'ble High Court of Madhya Pradesh at Jabalpur in Writ Petition No.5347/2013 (PIL) Narmada Mission Vs. State of M.P. &amp; Others and the matter is likely to come up for hearing on <u>11.09.2013</u>. The Hon'ble High Court has also issued certain directions in the order dated <u>29.08.2013</u>.</p> <p>The Learned Counsel submits that before the Hon'ble High Court at Jabalpur on 11.09.2013, he would place the order passed by the Principal Bench, National Green Tribunal, New Delhi on</p>



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09.05.2013 in this behalf in the case of Sureshbhai Keshavbhai Waghvankar and Others Vs. State of Gujarat & Others wherein taking note of the Environment (Protection) Act, 1986 and Water (Prevention and Control of Pollution) Act, 1974 as well as the Guidelines issued by the Central Pollution Control Board in June, 2010 on immersion of idols had given certain directions which were made applicable through the Ministry of Environmental & Forest, Government of India for all State Pollution Control Boards to follow in their respective States in this behalf. The Learned Counsel submits that he would bring to the notice of the Hon'ble High Court the order of 09.05.2013 as well as the Guidelines issued by the Central Pollution Control Board in June, 2010.

As far as the stand of the Rajasthan Pollution Control Board is concerned, the Learned Counsel appearing on behalf of the State of Rajasthan has submitted an Action Taken Report on behalf of the State of Rajasthan indicating therein the steps that the State Pollution Control Board has taken in this behalf for constituting an Expert Committee and collecting the literature / research findings on the subject as per the directions contained in Judgment dated 09.05.2013 of the Principal Bench of the National Green Tribunal, New Delhi. However, it has been submitted that further research and verification of research findings has to be carried out ~~findings~~ with a view to determine the exact nature of the Plaster of Paris (PoP) used in making the idols and its effect on the water bodies and whether the same can be termed as 'pollutant' as defined under the Water (Prevention and Control of Pollution) Act, 1974 alongwith the paints / chemicals / dyes used for painting / decorating the idols thereon and their effect on water as well on living beings as a result of any pollution that may be caused. The Member Secretary, Rajasthan Pollution Control Board pointed out that the matter would require some more time for coming

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to the conclusion regarding the exact nature of the pollution that is caused as a result of the immersion of the idols.

It was also suggested that after all the State Pollution Control Boards have carried out their respective research in terms of the NGT judgement dated 09.05.2013, it would be advisable that MoEF to have a joint meeting of all the State Pollution Control Boards and come to a single conclusion rather than having different State Pollution Control Boards acting individually based upon their findings. So far as the above suggestion is concerned it is open for the State Pollution Control Boards to approach the Ministry of Environment and Forest for the aforesaid purpose.

The Member Secretary of Chhattisgarh Pollution Control Board submitted that on 14.08.2013 they had appointed the Director, National Institute of Technology, Raipur to carry out a scientific study on the impact of Plaster of Paris (PoP) made idols, as a result of their immersion on the quality of water in the water bodies. He submits that aforesaid study is underway and the findings are awaited.

The Member Secretary, Chhattisgarh Pollution Control Board also submitted that in this behalf steps have been taken to create awareness among the people at large and by and large, people are switching over to the idols ~~of~~ made out of clay in place of PoP. However, so far as the colouring of the idols is concerned chemical paints still continued to be used.

All the three Members<sup>^</sup> Secretaries pointed out that in consultation with the State Administration, District Administration and the Local Authorities in various cities and towns, efforts would be made to have the immersion of the idols as far as possible in accordance with the Guidelines issued in the year 2010 by the CPCB and that they would sincerely carry out the aforesaid task and apprise

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this Tribunal of the efforts made and the steps taken in this behalf by the State Administration, District Administration and the Local Authorities by 16.09.2013, as the immersion of idols of Lord Ganesh is going to take place on 18.09.2013 being *Anant Chaturdashi*.

The respective Action Taken Reports of Madhya Pradesh, Rajasthan & Chhattisgarh are ordered to be placed on record.

Since the respondents in this petition are the respective States through their Chief Secretaries, a copy of this order shall be sent to the Chief Secretaries of all these three States.

Let the matter be listed on 16.09.2013 on which date the respondents shall apprise the Tribunal of the effective steps taken therefore.



Sd .....JM  
(DALIP SINGH) SA

Sd .....EM  
(P.S.RAO) SA