

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. 3 : Shri Sandeep Singh, Advocate**

Date and Remarks	Orders of the Tribunal
Item no.2 16th September, 2013	<p>Shri R.K. Jain, Member Secretary and Shri Shivendu Joshi, Advocate appear for Madhya Pradesh Pollution Control Board.</p> <p>Shri P.V. Narsinga Rao, Member Secretary and Shri Shivendu Joshi, Advocate 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>We have heard the applicant in person as well as the Counsel and Member Secretaries from the three States. The response and the action taken in pursuance of the order dated 06.09.2013 has also been filed by the respondents from Madhya Pradesh, Chhattisgarh and Rajasthan. It has been submitted by the Learned Counsel and the Member Secretaries that as directed, meetings were convened and instructions issued to the local bodies for carrying out the immersion of the idols in accordance with the Guidelines issued by the Central Pollution Control Board and various steps have been taken in the three States, as mentioned in the Action Taken Report.</p> <p>Media reports have also been brought to our notice showing that efforts made by the respective State Pollution Control Boards has received wide publicity and designated spots have also been identified</p>

**Appl. No.
58/2013**

**16th
September,
2013**

for the immersion of the Ganesh idols after the Ganesh Utsav concluding on 18.09.2013 and steps have also been taken in accordance with the CPCB Guidelines.

As to what is the impact and how well the Guidelines are being followed would only be known after the immersion of the Ganesh idols that takes places on or about 18.09.2013 at various places in the three States. We direct the respective PCBs to submit their report on the impact that is taking place in response to the present proceedings and results of the efforts made by the respective PCBs and District Administration in this behalf. The response to be filed by 24.10.2013.

It has also been brought to our notice that during the festival of Dussehra similar idols of Goddess Durga are also prepared, decorated and kept for worship in the houses and in public arena and then after Dussehra, the same are taken for immersion in water bodies. The applicant submits that steps being taken on immersion of Lord Ganesh idols must also be taken in respect of the immersion of Goddess Durga idols. Learned Counsel for the respondents alongwith the Member Secretaries submitted that in accordance with the Guidelines of CPCB issued for the purpose of immersion of idols, steps would be taken well in advance in so far as Durga Puja is concerned. It was also suggested that since at many places idols of Goddess Durga are yet to be made, the artisans making the idols may be sensitized not to prepare idols with Plaster of Paris (PoP) and instead use bio degradable material like clay and papier mache. In this behalf, the Learned Counsel for the PCBs submitted that they would make all out efforts to approach the makers of the idols and apprise them of the hazards as a result of use of PoP and their consequent immersion including the use of toxic chemicals, dyes and paints which are used

**Appl. No.
58/2013**

**16th
September,
2013**

to give finishing touches and decorate to the idols.

We are of the opinion that timely action in this behalf starting now onwards would help so that money and material of the idol makers are not wasted who make these Goddess Durga idols and instead if they are persuaded to use biodegradable materials like clay and papier mache.

The applicant, in his petition, has also prayed that similar directions may be issued even in the case of immersion of Tazias. Member Secretaries from all the three States submitted that they would approach the concerned religious heads before preparation of the Tazias and point-out to them the hazards of using the non biodegradable matter for the preparation of Tazias and as far as possible, restrict the use of non-biodegradable material and carry out the immersion in accordance with the Guidelines of CPCB.

So far as the immersion of idols and Tazias, etc. is concerned, we are of the view that ultimately it is the awareness amongst the people at large with regard to hazards of the use of non bio-degradable material and chemicals and dyes in the preparation of idols and Tazias and their decoration thereon. The impact on the environment more particularly on the water bodies, as a result of the immersion of the same has to be realised by the people themselves. However, a good beginning has been made in all the three States, as mentioned in the Action Taken Report and we find that concerted effort on the part of the Administration has been made to contain the pollution as a result of large scale immersion of idols and objects in various water bodies. We may also point out that apart from restricting the use of non-biodegradable material in making the idols there is also a need to

**Appl. No.
58/2013**

**6th
September,
2013**

contain the size of the idols in accordance with the Guidelines issued by the CPCB, both for worship at home and at public *Pandals* to be later immersed in the water bodies. These Guidelines should be given wide publicity for creating awareness amongst people and any adverse publicity in this behalf must also be contained.

Let the matter be listed before the Tribunal on 25.10.2013.

.....JM
(DALIP SINGH)

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