

Item No. 05

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 610/2022

Meenu Devi

Applicant

Versus

State of Hayana & Ors.

Respondent(s)

Date of hearing: 25.07.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant:

Respondent: Mr. Rahul Khurana, Adv. for R - 1 to 5

ORDER

1. The issue raised in this application is emersion of religious offerings in the water bodies (River Ghaggar) and violation of The Water (Prevention and Control) Act, 1974. By way of filing this petition the application seeks direction to prohibit emersion of non-ecofriendly idols in water bodies. Reliance is placed on instruction of the Central Pollution Control Board to this effect. The Central Pollution Control Board has issued the guidelines for idol emersion on 18.06.2010. The guidelines referred to an order of the Bombay High Court in dated 22.07.2008 in PiL/WP (C) No. 1325/2003, Janhit Manch Vs. The State of Maharashtra and Ors. which directed the Central Government to laid down the guidelines.

2. The Central Pollution Control Board constituted the committee and suggested that the barricaded spaces in a river stretch should be identified for idol immersion. Waste generated should be separately disposed of. Eco-friendly

colours should be explored, natural material should be used, awareness programme should be initiated. The contents of the guidelines are quoted below:

“1.0 INTRODUCTION

To worship God and Goddess generally natural things like Milk, Curd, Ghee, Coconut, Betel leaves and river water are used. Generally, Idols are made with clay or locally available materials and then coloured with natural materials like Chandan, Turmeric etc. The religious scripts, mythology and religious rituals have attempted to drive the importance of preserving nature by adoring it through the centuries. Bhagavadgita (9.26) states:

**“Patram Pushpam phalam toyam, yo mey bhaktya prayachhati
Tadaham bhakt yupahrutam asnaami prayataatmanaha” which means**

*“ If one offers me in pure consciousness with love and devotion a fruit, a flower, a leaf or even water, I delightfully partake of that offered article”
Traditionally, clay is used to make Ganesh idols. Over the years however, plaster of Paris (POP), which is lighter and cheaper, has become the favoured material to mould idols. POP contains chemicals such as gypsum, sulphur, phosphorus, and magnesium. The dyes used to colour these idols may also contain mercury, cadmium, arsenic, lead, and carbon. Plastic and thermocol accessories are used to decorate these idols. Such materials are not biodegradable, hence are toxic when immersed in water bodies. Hence, need was felt to develop guidelines for idol immersion.*

In the matter of Public Interest Litigation (PIL) / W.P.(C) No. 1325/2003 in the matter of Janhit Manch Vs. The State of Maharashtra & Ors., Hon’ble High Court of Mumbai in its order dated 22/07/2008 has given the following directions to the Central Government:-

“We expect that the Central Govt. will consider laying down of guidelines for immersion of idols and would also consider related matters with regard to pollution of water bodies. Both the Union Government as well as the State Government shall consider it expeditiously because the time lost involving the pollution might prove dangerous for environment of the country in long run”

In pursuance to the directions of Hon’ble High Court, Central Pollution Control Board (CPCB) constituted a Committee under the Chairmanship of Chairman, Central Pollution Control Board, vide order No. A-22011/1/90-Mon, dated February 10, 2009. In the year 2009. The constituted Committee held meetings with the concerned stakeholders and discussed the issues including designated identification of places for idol immersion in the river stretch, use of natural materials in “Pooja”, mass awareness programmes to be initiated every year before commencement of all activities of worship and idol immersion. Subsequently, based on the recommendations of the Committee, in the year 2010, CPCB has finalized “Guidelines for Idol Immersion” and circulated to all the stakeholders for ensuring its implementation. These guidelines have been prepared with a view to ensure environmental friendly idol immersion without affecting the quality of water bodies while ensuring religious observance. These guidelines emphasize the need for restriction on single use plastic materials for making idols, use of naturally occurring colors for coloring

idols, imposing restrictions on size of the idol, construction of temporary synthetic lined ponds of adequate capacity, etc.

During the last few years, there has been some developments in terms of substitutes for various materials used for idols making as well as disposal of idol immersions in temporary artificial designated ponds/tanks, earlier guidelines circulated by CPCB in the year 2010 has been revised after taking views of stakeholders specially emphasizing use of naturally occurring clay, colors in place of synthetic paints and chemicals for coloring idols, arrangement for the provision of temporary confined ponds or tanks for immersion of idols, imposing spot fine for violation of guidelines, safe disposal of solid wastes generated during visarjan/immersion activities, development of market system whereby manufacturers or craftsman or artisans themselves can buy back the idols for reuse and other aspects have been considered and incorporated appropriately as felt necessary. The revised guidelines for idol immersion are detailed in subsequent paras:

2.0 GUIDELINES FOR IDOL MAKERS- CRAFTSMAN OR ARTISANS

- (i) Idols made up of only natural, bio-degradable, eco-friendly raw materials without any toxic, inorganic raw materials [such as traditional virtuous clay and mud as well as free from Plaster of Paris (PoP), plastic and thermocol (polystyrene)] should be encouraged, allowed and promoted and Idols made up of Plaster of Paris (PoP) shall be banned.
- (ii) Only dried flower components, straw etc. for making ornaments of idols and natural resins of trees may be used as a shining material for making idols attractive.
- (iii) Use of Single use plastic and thermocol materials shall not be permitted strictly and only eco-friendly materials as straw structure should be used in making idols or decoration of idols/pandals/tazias in order to prevent pollution in recipient water bodies.
- (iv) Use of toxic and non-biodegradable chemical dyes/oil paints for painting idols should be strictly prohibited. Enamel and synthetic dye based paints on idols should be discouraged instead eco-friendly water-based, bio-degradable and non-toxic natural dyes should be used.
- (v) For beautification of idols, removable and washable decorative clothes made only with natural materials and dyes shall be used in place of disposable material containing paints and other toxic chemicals. Only naturally occurring colors from plants (flowers, barks, stamens, leaves, roots, seeds, whole fruits), feathers of different birds, mineral or colored rocks shall be used for coloring.
- (vi) Craftsmen or artisans or manufacturer involved in making idols should be registered with the civic bodies, and should involve in making eco-friendly idols in accordance with these guidelines. In case of Large Scale Idol manufacturers (at least involved in making more than 100 idols in a day) shall obtain registration from the concerned ULBs (registration fee along with a deposit as decided by the ULB depending on the idol making capacity) and failing to comply with these guidelines or any violation of registration conditions, the deposit shall be forfeited by the ULBs apart from prohibition of idol making at least for two years.
- (vii) In the interest of protection of the environment, the craftsman or artisans prefer to adopt innovative approaches (Eg., use of natural clay, pyramid of sugarcane sticks that represents the pandals, natural clay mixed with alum for making idols (on disintegration of idol made out of mud mixed with alum in water, then alum act as a coagulant) in consultation with the concerned State Pollution Control Board (SPCB)/Pollution Control Committee (PCC).

3.0 GUIDELINES FOR POOJA ORGANISING COMMITTEES

- (i) *As far as possible, low height and eco-friendly idols (made with natural clay, idols stuffed with eco-friendly food materials such as corn, spinach, wheat and vegetable powder), idols decorated with biodegradable, organic colours such as turmeric, chandan and gerua etc., (list of natural, bio-degradable and non-toxic annexed as Annexure-I) only should be used for offering poojas to avoid impact on environment.*
- (ii) *Use of cleaned multi-use metallic or glass or plastic utensils is ideal choice, especially when such material is available from utensil banks. Only biodegradable plates such as Patravali or Pattal or Vistaraku or Vistar or Khali or trencher made with broad dried leaves such as Areca/Banana/Banyan/Sal leaves, biodegradable paper cups/plates and earthen pots may be used in place of single use plastic and polystyrene (Thermocol) for prasad distribution and other purposes.*
- (iii) *Worship material like flowers, Patri (leaves), vastras (clothes), decorating materials (made of paper and bio-degradable or compostable plastic but not single use plastic) etc. should be ensured to remove before immersion of idols and segregated in colour coded bins provided at the designated idol immersion areas/spots.*
- (iv) *In the interest of protection of the environment, Pooja Organizing Committees should procure eco-friendly idols only from the respective ULBs registered or authorised craftsman or artisans.*
- (v) *Pooja Organising Committees should seek prior permission from concerned ULB as the case may be by providing management plan and the required provisions (as per the format to be issued by the ULBs) for ensuring safe idol immersion during festival season well at least one month in advance for making necessary arrangements in consultation with the concerned departments.*

4.0 ROLE AND RESPONSIBILITIES OF THE LOCAL AND URBAN AUTHORITIES

- (i) *Licenses/permits may be granted by the Local and Urban Bodies within the respective jurisdiction to only those Idol manufacturers or makers or craftsman or artisans who uses only eco-friendly natural clay materials (but not PoP or baked clay) in making idols, prior to festive times. Revised Guidelines for Idol Immersion 5 Also, large scale manufacturers (involved in making idols more than 100 in a day) shall obtain registration from the concerned ULB along with the prescribed fee and a deposit (as decided by the ULB depending on the idol making capacity). Registered idol manufacturer or maker or craftsman or artisan failing to comply with these guidelines or any violation of registration or permission conditions, registration or permission granted shall be cancelled apart from prohibition of idol making manufacturer at least for two years and in case of idol manufacturer, the deposit shall be forfeited by the respective ULB.*
- (ii) *While granting licenses or permits to the idol makers a list of permitted and non-permitted substances to be used for making/coloring/decorating idols may be provided to the Idol makers or craftsman or artisans.*
- (iii) *Only registered or licensed idol maker or craftsmen or artisans should be strictly allowed to make idols within the jurisdiction of the respective Urban and Local Bodies as the case may be, in accordance with these guidelines.*
- (iv) *As far as possible, instead of immersion of idols in water bodies, all the resident welfare associations or individual households in a city or town should be encouraged to create temporary ponds/tanks of suitable size and adequate capacity with necessary provision for*

- collection and storage of segregated waste prior to immersion, and public should be involved for immersion of idols in such temporary/artificial ponds/tanks made by the resident welfare association or individual household within their campus itself. The waste generated from designated idol immersion activity sites shall be collected and disposed of safely by the ULBs within 24 hours of completion of the idol immersion activity.*
- (v) *Arrangements for temporary artificial idol immersion ponds or tanks in close vicinity of the public or on the banks of water bodies with all necessary safety provisions and waste collection centres prior to idol immersion should be arranged for ensuring safe idol immersion during festive season, by the concerned ULBs in association with the other departments as well as Pooja Organizing Committees.*
- (vi) *The temporary 'Idol Immersion Ponds/Tanks with the liner made with well graded/highly impervious clay or eco synthetic liner should be arranged at suitable locations including on the banks of rivers or stagnant water Revised Guidelines for Idol Immersion 6 bodies such as ponds or lakes shall be cordoned off and barricaded by ULBs and with all other necessary provisions keeping in view safety of the public (such as proper access, approach roads, sign boards, fire safety measure, barricades, designated space for keeping idols prior to immersion, suitable plat form with crane provision for idol immersion).*
- (vii) *In the interest of protection of environment, Urban and Local bodies (ULBs) shall impose restrictions on height of the idol to the idol making agencies or manufacturer or craftsman or artisans (as lesser the size of the idol better would be the immersion process and less consumption of materials required for making idols) depending on the availability of water bodies, provisions made for idol immersions by the ULBs.*
- (viii) *Waste collection centre in the vicinity of the designated temporary/artificial idol immersion sites or locations should be arranged for ensuring collection of segregated materials (such as flowers, leaves, decorating materials etc.) prior to idol immersion. All waste collection centres should have a provision of colour coded bins of adequate size for collection and storage of segregated materials.*
- (ix) *Also, all the collected and segregated materials should be transported and disposed of periodically or within 24 hours of completion of idol immersion in accordance with the prevailing provisions of Solid Waste Management Rules 2016, as amended notified under the Environment (Protection) Act, 1986 (i.e., Reusable clothes may be sent to local orphan homes for reuse, bio-degradable materials for composing and non-biodegradable materials for ultimate disposal in sanitary landfills by the concerned Urban or Local Authorities, as the case may be).*
- (x) *After completion of the idol immersion ceremony, within 24 hours, the liner material shall be removed and the temporary pits or tanks should be filled with native soil and levelled properly. Other disposable materials shall be managed in accordance with these guidelines (i.e., Clay, Bamboo and wooden logs, if any may be reused). The straw structure materials recovered from designated temporary or artificial immersion areas or spots shall be retrieved and processed for converting into organic manure.*
- (xi) *Public should be educated on aspects relating to procurement of ecofriendly idols only from the licensed or permitted idol makers or craftsman or artisans, location details of idol makers, type of materials to be used for ill effects of immersion of idols/Tazias in the holy water bodies Revised Guidelines for Idol Immersion 7 and the existing guidelines for idol immersion through mass awareness programme.*

- (xii) *Immersion of Tazia during Muharram should be performed in Eco-friendly manner.*
- (xiii) *Local Bodies / Urban Bodies/ District Authorities should make efforts to identify and arrange adequate number of designated temporary or artificial immersion ponds or tanks in consultation with River/Pond Authority, Port Authority, Water Supply Board, Irrigation Department and other concerned State/UT Departments, in the close vicinity of the public colonies (such as open grounds) to avoid overcrowding at the water bodies and also to reduce pollution load on receiving water bodies. In case, the designated temporary artificial ponds or tanks are required to be arranged on the bank of the river, in such a case, it should be arranged at suitable places where flow of river/ stream is not harmful to the public, does not inundate in case of increase in flow of river during idol immersion period and river is cordoned off and barricaded suitably to avoid any loss of life specially during immersion activities.*
- (xiv) *A co-ordination Committee comprising local Police Department, Non-Government Organizations, Local Authorities, SPCB/PCC, representatives of pooja organizing committees and other concerned stakeholders may be set up for guiding the public in carrying out the immersion without affecting environmental damages to the water bodies.*
- (xv) *To ensure safe immersion of idols during festive season, ULBs should deploy adequate number of staff at all the designated idol immersion spots under overall supervision of the nodal officer to be designated by the concerned ULBs. The Nodal Officers also should coordinate with the coordination committee constituted by the ULBs.*
- (xvi) *Details regarding arranged designated temporary or artificial immersion spots or areas need to be notified and public as well as pooja organizing committees preferably at least one week in advance of idol immersion through electronic and local media in vernacular language.*
- (xvii) *Sanitary workers shall also be deployed at all the temporary immersion sites for ensuring removal of bio-degradable items like flowers, leaves, clothes, ornaments etc. prior to idol immersion at the designated areas. ULBs shall provide separate colour coded bins for collection and Revised Guidelines for Idol Immersion 8 segregation of biodegradable and non-biodegradable wastes at immersion spots.*
- (xviii) *Littering or burning of solid wastes comprising of used flowers, clothes, decorating materials, recovered material such as Bamboo and wooden logs, straw structures etc. so generated at the immersion sites or on the banks of water body should be prohibited strictly.*
- (xix) *In case of immersion of idols in rivers, lakes and ponds is inevitable, arrangement may be made for construction of adequate capacity temporary confined areas at designated places with earthen bunds for the purpose of immersion of idols atleast 50 m away from the waterbody. Temporary immersion ponds shall have a free board of at least 50 cm. Temporary ponds should be constructed with impervious liner (made with well graded/highly impervious clay or eco synthetic liner) with a provision of adequate landing platform for keeping the crane for idol immersion. Water in the temporary or artificial immersion ponds or tanks may be drawn from the nearby water body. After completion of immersion, only supernatant water may be allowed to flow into river/pond/lake, as the case may be, after checking for colour and turbidity as per BIS specification for Drinking Water IS 10500:2012. Natural coagulants shall be used for pretreatment of wastewater mainly composed of polymers of natural origin extracted from plants, algae or animals. Among these are*

- polysaccharides and water soluble substances that act as coagulation and / or flocculation agents. include microbial polysaccharides, starches, gelatin galactomannans, cellulose derivatives, chitosan, glues, and alginate.*
- (xx) *Concerned ULB Authorities also should consider option of construction of permanent cemented large sized artificial tanks for immersion of idols/Tazias at suitable places for a village or town or city to avoid direct immersion of idols into lakes/rivers/ ponds/ sea.*
- (xxi) *Proper Sign Boards showing location of temporary idol immersion ponds/tanks, route charts to be provided at all salient points and also create awareness through local newspapers/electronic media in vernacular language, atleast one week in advance at all the salient points. by the ULBs.*
- (xxii) *The Pooja Organizing Committees/Local or Urban Bodies/ District Authorities be involved in organizing a public campaign on the ill effects of Revised Guidelines for Idol Immersion 9 the toxic components of coloring materials, not only of the idols, but also other decorating materials used during the festive season, for immersing (visarjan) the idol or 'pratima' or tazias only in designated temporary artificial ponds or tanks. Specific leaflets and poster for mass awareness may be prepared in vernacular languages and displayed at salient points. Further, the Pooja committees/Local or Urban Bodies/ District Authorities also be persuaded to display such posters and distribute leaflets among worshippers involving Eco Clubs, NGOs, Education Institutes/Universities and Schools.*
- (xxiii) *Idol makers, pooja Committees may also be awarded for promotion of clay idols made with natural colors, consistent awareness for ensuring compliance to these rules. Imposing Spot fine for violation of these guidelines also be practiced by the Local and Urban Authorities.*
- (xxiv) *ULBs also shall make arrangements for movable artificial tanks to reach residential welfare societies where people can do idol immersion without crowding and polluting the water bodies to avoid uncontrolled crowd conditions at Ghats during idol immersion and also to avoid accidents that may likely to happen at the time of idol immersion in rivers, lakes and ponds.*
- (xxv) *Management of idol waste and treatment of polluted water from the designated temporary Idol Immersion ponds or tanks should be carried out as detailed below:-*
- (a) *Practices that would lead to some economic benefits like returning the visarjit idols to the idol maker or management of solid wastes generated during visarjan activities in different localities for household as well as large community festivals shall be ensured in accordance with the prevailing rules by the Local/Urban bodies. As far as possible, only non-recyclable/non-biodegradable/non-recoverable materials should be disposed of in sanitary landfills by the Local/Urban bodies.*
- (b) *Community festivals with large idols should be given permission by ULBs only when the organisers submits a detailed management plan prepared in line with the prevailing rules or by the guidelines issued from time to time on environmental management charge basis to be decided by the Local/Urban Bodies. The bamboo scaffolding/metal sub structure on which large idols are built shall be reused as far as possible and may be collected separately from the degradable remains.*
- (c) *The charges of hiring/outsourcing agencies to clean-up the wastes from the designated idol immersion sites should be collected as 'visarjan charges' from every individual citizen*

or community. The visarjan charges collected should be utilized to clean-up the visarjan sites, to manage polluted water from the artificial temporary tank/ponds and for environmentally sound management of the solid remains of idol, etc. The waste water collected from the designated temporary artificial ponds/tanks after ensuring on-site pre-treatment shall be discharged into or public sewers leading to the Sewage Treatment Plants (STPs)/ Common Effluent Treatment Plants (CETPs).

- (d) Disintegrated material/Non-biodegradable materials shall be dealt as per provisions of the Solid Waste Management Rule 2016, as amended.

5.0 GUIDELINES FOR IDOL IMMERSION IN RIVERS, LAKES AND PONDS

- (i) As far as possible idol immersion in Rivers/Ponds/Lakes shall be encouraged only at specific designated artificial confined tanks/ponds with liner made with well graded/highly impervious clay or eco synthetic liner, on the banks shall be promoted.
- (ii) A temporary artificial tank or pond with liner made with well graded/highly impervious clay or eco synthetic liner (HDPE), and having earthen bunds on the bank of the river/lake/pond shall be created for Idol Immersion by the concerned ULBs. Temporary artificial tank or pond.
- (iii) In case of immersion of idols in rivers, lakes or ponds is inevitable, a designated location (having proper approach, access, corner portion of a river/pond/lake, having shallow depth of water in river or lakes or ponds) should be identified and safety provision preferably steel or wooden barricades shall be made by concerned ULBs.
- (iv) All the flowers, leaves and artificial ornaments of idols should be removed prior to immersion of idols and only such idols may be immersed in a designated place provided with safety provisions.
- (v) Lime or alum or any other equivalent coagulant should be added in designated temporary lined pond/tank as pre-treatment option for ensuring settling of solids. After completion of immersion, only Revised Guidelines for Idol Immersion 11 supernatant water may be allowed to flow into river/pond/lake, as the case may be, after checking for colour and turbidity as per BIS specification for Drinking Water IS 10500:2012.
- (vi) Post immersion, with remains of idols and activities such as desludging of the designated area should be undertaken and ensured its disposal as per Solid Waste Management Rules 2016 as amended thereafter, within 24 hours by the concerned ULBs, as per these guidelines.

6.0 GUIDELINES FOR IDOL IMMERSION IN SEA

- (i) In case of Idol immersion in sea, immersion may be done between low tide line (LTL) and high tide line (HTL) (irrespective of its depth) and only at designated areas identified by the Coastal Zone Management Authorities in the States/UTs. The low-tide line and high tide lines may be identified and marked well in advance by the ULBs in consultation with the concerned authorities.
- (ii) Immersion of Idols in High Tide Line (HTL) & Low Tide Line (LTL) into the sea may be permitted only in Non-Eco-Sensitive Areas earmarked previously in consultation with

- all the concerned agencies approved by Govt. of India for demarcation of HTL, LTL, Eco-sensitive area etc.*
- (iii) *Concerned authorities in State Govt./UT Administration dealing with safety & security in coastal areas shall take care of the necessary arrangements such as Motor Boats with security personnel/home guards with adequate safety equipment be deployed to supervise idol immersion activities during festive season.*

7.0 GUIDELINES FOR IDOL IMMERSION BY HOUSEHOLDS

- (i) *Individual households should be encouraged to use only eco-friendly idols made of natural clay and bio-degradable materials as decorative and pooja materials.*
- (ii) *As far as possible, immersion of small idols should be done at their homes in eco-friendly manner i.e., in a bucket filled with water and idol be kept in immersed state until it dissolves completely. After settlement of settleable and colloidal solids (if required alum powder or any other equivalent coagulant may be mixed and stirred vigorously using a stick at least for 30 seconds and thereafter slow mixing at least for 30 seconds and Revised Guidelines for Idol Immersion 12 then allowed to settle), the supernatant liquid may be used either in gardening or discharged in a drain. Settled mud can be dried and then reused further for future idol making or may be used in gardening as soil).*
- (iii) *In case, individual households intend to perform idol immersions, then idols should be immersed only in the designated on-land temporary artificial ponds or tanks located nearby or artificial movable tanks arranged by the ULBs.*

3. Accordingly, the guidelines contain that idols should be made from natural materials, painting of the idols should be discouraged, worship material should be removed before immersion. Non-biodegradable material should be separately collected and disposed, public should be educated on ill effects of idol immersion in water bodies. The direction has also been issued by this Tribunal in Original Application No. 06 of 2012, Manoj Mishra vs. Union of India prohibiting worship material being dumped into the river Yamuna except on a designated site with a further direction that the person disobeying the same will be liable to pay environmental compensation of Rs. 5000/- on 'Polluters Pays' principle). There can be no doubt that for protection of environment statutory authorities have to take appropriate steps and non-eco-friendly idols should not be immersed in the water bodies. Whether a particular individual is engaged in doing so and is liable to be prosecuted is to be

considered in a fact situation based on tangible material. General allegations that the law is violated may be ground to alert the authorities or direct the authorities to take steps in the matter. The guidelines of Central Pollution Control Board are already in existence. Such guidelines will statutorily bind the State Pollution Control Boards. Wherever, there is an apprehension of violation, an individual can certainly approach the concerned State Pollution Control Board.

4. In the matter of Dhondiba S/O Irba Namwad vs State of Maharashtra, decided on 27 February, 2020, it was held that:

“11. Ganesh idols were dumped at the garbage yard after day long immersion proceedings were held on the last day of ten days Ganesh festival. Every year Hindus celebrate Ganesh festival which starts on the day called "Shri Ganesh Chaturthi" and it falls in the month of "Bhadrapada" as per Hindu calendar. It is believed that on the day of Shri Ganesh Chaturthi, which is forth day of 15 days of waxing moon or brighter lunar cycle of Bhadrapada month, Lord Ganesh, present as attributeless and formless Supreme reality in the area of Kailash Parvat (a mountain peak in celestial Himalaya) descends on earth along with his mother Goddess Parvati/Gauri. Hindus believe that with him Lord Ganesh brings happiness, prosperity and peace on earth and stays on earth, occupying houses of various Hindu householders and receiving worship and hospitality from devotees and showering His blessings on devotees for 10 days. Hindus also believe that after completion of 10 days of stay and hospitality, time of departure of Lord Ganesh to His heavenly abode arrives and this day is called "Anant Chaturdashi", which is the fourteen day of 15 days of waxing moon or brighter lunar cycle. 3 On this day, Hindus believe, Lord Ganesh bids adieu to them, after granting their wishes and promises to return to them, as and when invited.

For some Hindus departure day could be earlier as well although arrival day is the same day for all Hindus.

12. The arrival of Lord Ganesh on the day of " Shri Ganesh Chaturthi" and departure of Lord Ganesh on the day of "Anant Chaturdashi" are announced formally and made complete by instilling prana or life force into idol of Lord Ganesh on the arrival day and withdrawing it from the idol on the departure day. For this purpose an idol of Ganesh is made, usually of clay or some other organic eco-friendly material, made at home or brought from a market which lends a physical form to Lord Ganesh and it is ceremonially installed at some holy place, already designated for the purpose, on the arrival day. Similarly, the idol is ceremonially de

installed on the day of departure of Lord and immersed in some clean and pure water body. Such ceremonial installation and deinstallation of idol of Lord Ganesh have their own significance as these two events signify assuming of life form, which is sagun or full of three basic attributes and sakar or having a form perceptible to senses and faculties, by Lord Ganesh and giving up or shedding of life form by Lord Ganesh respectively.

13. *Assuming of life form and shedding it by Lord Ganesh has its relevance for the image of Lord Ganesh a Hindu generally understands according to fundamental tenets of Hinduism. In Shri 901-apl 192-16.odt 10/30 Ganpati Atharva Shirsha, a late Upanishadic text 4, Lord Ganesh has been eulogised as Absolute or Supreme reality pervading the whole Universe having omnipresence, omniscience and omnipotence.*

Lord Ganesh is beyond three gunas or qualities, satva (goodness, creative), rajas (action, sustaining) and tamas (darkness, destructive) of which the physical world is made; Lord Ganesh transcends three states of bodily consciousness, jagrut (awake), sushupti (deep sleep) and swapna (dream); Lord Ganesh is formless or beyond the three forms of bodies of human being, sthula sharir (gross or physical body), sukshma sharir (subtle body) and anandmay kosha (causal body); Lord Ganesh is timeless or transcends three states of time, past, present and future. It is this perception of Lord Ganesh by Hindus which underlines the importance of taking on of life like character or form by Lord Ganesh during 10 day long festival and shedding it by Lord at the end of the festival. Assuming the life form and shedding it by Lord Ganesh, who is otherwise for full text see Atha Ganapatyatharvashirsham, given in Shri Vratodypan Chandrika by Shastri Tuljashankar Pandya, pp. 12-14, published by J.B. Boda & Co. Mumbai, Edn. 1996. Nirgun (attributeless) and nirakar (formless), makes a devotee feel near him actual presence of Lord during 10 days of festival thereby enabling him to focus his worship and devotion on an object he could hold sacred to his heart.

14. *Taking on of life form and leaving of life form by Lord Ganesh, however, does not happen just by casting an idol or bringing an idol from the market, placing it at its designated place and then removing it from that place and immersing it in some water body. They are not the processes which take place on their own and automatically. They are the processes induced by invocations made to Lord Ganesh by performing elaborate rituals and chanting suitable hymns or mantras prescribed in Hindu scriptures. Without chanting of specific hymns and performance of elaborate rituals, no idol of Lord Ganesh can be said to have come alive in life form from the day of arrival and onwards till the departure day of Lord Ganesh. On the departure day also, chanting of sacred hymns or mantras and performing of rituals is necessary so as to enable Lord Ganesh shed His life like character. On the day of departure, the idol of Lord Ganesh is required to be deinstalled and disposed of by the last ritual called Visarjan, which is done by chanting prescribed mantras followed by consigning of the idol into a clean water body. On its immersion, what is expected to happen is the disintegration of 901-apl 192-16.odt 12/30 immersed idol into fine particles and its complete merger with the earth elements. Such ceremonial installation of*

physical figure of Lord Ganesh is what makes it sacred for Hindus and similarly such ceremonial deinstallation of the idol of Lord Ganesh along with its immersion in water body is what makes it an object no longer held sacred by Hindus. If this were not so, there would not be any ceremonial installation and de-installation coupled with immersion in water body of the idol of Lord Ganesh.

15. *There are bespoke hymns or mantras for both installation and de-installation ceremonies of Idol of Lord Ganesh given in Hindu texts and they support what we have earlier. On the day of departure, time for giving up of life character by Lord Ganesh comes. On this day, the idol of Lord Ganesh is ceremonially de-installed and its Visarjan done by releasing it into a pure and clean water body. Hymns are chanted and certain rituals are performed and they are called " Devata Visarjan Rituals". They symbolize withdrawal of life force from idol of Lord Ganesh so that Lord can embark upon His celestial journey back to Kailash Mountain after enjoying His stay on earth and whole-heartedly blessing His devotees. There are again bespoke hymns prescribed in Hindu texts for completing de-installation or Visarjan rituals.*

16. *These hymns or mantras clearly show that idol of Lord Ganesh or for that matter idol of any other Hindu God when ritually established and ritually released or consigned back to earth elements is held sacred from the day of its formalistic establishment, remains so as long as the festival lasts and loses its character of sacredness on the last day of festival after Visarjan rituals are performed on the enchantment of purpose-specific mantras in a formal way. Pran- pratishthapana or installation rituals signify assuming of life character by Lord Ganesh and Visarjan or deinstallation rituals mark giving up by Lord Ganesh of His physical body and entering into ethereal form, 901-apl 192-16.odt 15/30 leaving behind His physical remains which are no longer held sacred by the devotees. Visarjan is finally done by releasing the idol of deity, in the present case, Lord Ganesh into a clean and pure water body and as the idol is usually made up of clay, or any other organic and bio-degradable material, the idol, owing to reaction of clay or the bio-degradable material to forces of water, disintegrates into finer particles or dissolves in water and thus, merges with earth elements.*

In this way, upon Visarjan physical form of Lord Ganesh disappears and there remains nothing to be seen as any physical object resembling idol of Lord Ganesh.

17. *Such disappearance of physical form of Lord Ganesh upon Visarjan was the norm in the past when clay material was available in abundance and easily and when other bio-degradable materials also used to be preferred. Modern times, which have brought comfort and convenience to human beings, however, are replete with their own kind of discomforts and disgraces. In the time we are living in today clay idols of any deity including Lord Ganesh have become scarce, and costly and other bio-degradable materials have lost their charm. Now, humans have resorted to those materials which are available easily and cheaply and which make it possible for sculptors to cast more attractive idols. One of the most popular alternate materials for casting of idols of deities is Plaster of Paris*

901-apl 192-16.odt 16/30 (called "PoP" for short). This material has of late become very popular with idol makers and devotees. Now a days, increasingly idols of Lord Ganesh or for that matter idols of any other deity installed temporarily in Ganesh or other religious festivals are being made in PoP and this has given rise to several issues, and one of which is damage to environment. How does it happen? Let us see.

18. PoP is produced by heating gypsum rock at 150 - 165 degree celsius which process makes gypsum partially dehydrated. When PoP is mixed with water, it begins to solidify and quickly sets into a hardened mass of gypsum or calcium sulphate dihydrate. 8 It does not shrink or crack when dry. It is these properties of PoP which have made it a popular material for casting idols and other purposes.9 Before it is turned into a hardened mass, the paste or dough of PoP can be worked on and given different shapes and soon it becomes a hardened mass retaining the shape it is given. In this way idols are made using PoP.

19. Difficulty with PoP is that once it gets hardened completely, it can hardly be dissolved or disintegrated into fine 8 Karni, Joseph." Gypsum in consturction : origin and properties". Materials and Structures 28, no. 2 (1995): 92-100 9 Article Title: Plaster of paris Website Name: Encyclopaedia Britannica Publisher: Encyclopaedia Britannica, Inc. Date Published: 09 February 2018 URL: <https://www.britannica.com/technology/plaster-of-paris> 901-apl 192-16.odt 17/30 particles by its submergence in water as it has a very low solubility in water. Its solubility in water has been calculated to be at the rate 0.067 moles/liter = 9.72505 grams/liter.10 With such low solubility of just about 10 grams/liter it is no surprise that PoP made idols after their formalistic Visarjan or dipping in water body retain their original shape for long periods of time and resemble the form of God which was previously held sacred during festival time by the devotees. These idols having been formally and ceremonially consigned to water by the devotees are already devoid of any character of life and any sacredness and in whatever shapes they continue to appear, they are not any different from usual earth elements. Such objects, though resembling a figure of God, in the present case the objects resembled figure of Lord Ganesh, are not and were not held sacred in any manner by the devotees or any class of persons, with the devotees having released the sacredness alongwith consignment of the idols in a ritualistic manner to water.

28. However, we find it necessary to highlight a larger issue arising from this case. The issue relates to pollution and degradation of our water bodies and natural environment contemporaneously with unpleasant sight of non- disintegrated Ganesh idols lying all over the garbage grounds across Indian cities, towns and villages. These idols even after their ritualistic consignment to water bodies do not dissolve or disintegrate for almost their whole parts retaining substantially their original forms, mostly due to use of PoP, a non-biodegradable material. It is the use of material such as PoP for casting Ganesh idols or any other God's idols, which has created multi layered problems harming sensibilities and sentiments of individuals belonging to a particular religion and also bringing in it's

wake massive damage to our 901-apl 192-16.odt 25/30 water bodies and environment in general. PoP waste on its entering into natural environment such as rivers, lakes, wells and ponds causes water pollution, skin irritation and threat to aquatic life forms like fishes. 1 Wafia Masih, Principal Scientist at CSIR- National Chemical Laboratory, has opined "The immersion of POP idols causes direct harm to the environment. Gypsum is the main ingredient responsible for water hardness and pollution of water bodies." She has also found that these idols get stuck in water work installations, intake wells etc., and they block the natural flow of water bodies leading to stagnation. 13 Stagnation of water bodies is very harmful to environment. Stagnant water bodies are different from still lakes, ponds, wells etc. as in the former oxygen level in water is on depletion and whereas it is not so in the latter kinds owing to live aquatic activity and development of waves and currents. Stagnation affects adversely aquatic life like fishes, shells, crabs, water plants etc., possibly leading to their slow deaths due to suffocation resulting from low dissolved oxygen level. Healthy aquatic life is essential for maintaining steady supply of clean and fresh drinking water as pathogens like malarial or dengue parasites, 11 Rapid and greener method for utilization of Plaster of Paris (POP) waste generated from biomedical samples G.R. Navale^{1,2} K.N. Gohil¹ K.R. Puppala¹ S.S. Shinde^{2,3} - S. Umbarkar⁴ M.S. Dhame¹, International Journal of Environmental Science and Technology (<https://doi.org/10.1007/s13762-018-2070-7>) 12 See article entitled " Ecofriendly Idol Immersions" by Wafia Masih, published in 23 Science Reporter, August 2017, p.22 13 Ibid 12 901-apl 192-16.odt 26/30 coliform bacteria, amoebae etc., are consumed as food by fishes. This helps in keeping our water bodies clean preventing them from turning into mosquito and pathogens breeding grounds. 14 So, now a need has arisen for the appropriate Government to bring in legislation to prohibit use of PoP made idols of deities including of Lord Ganesh in various religious festivals and till this happens, to regulate disposal of PoP idols at the end of these festivals. Dr. Mohan Dongare and Dr. Shubhangi Umbarkar, Scientists, CSIR-NCL, have found an eco-friendly disposal method for PoP made idols. 15 They identified ammonium bicarbonate (ABC for short) as a suitable chemical agent for disintegration of the idols. They also found that when idols are dipped into ABC solution, they disintegrate quickly and the resultant aqueous solution can be directly utilised as plant fertilizer and the sludge can be used as additive for building materials.16 14 Cabral, João (October 10, 2010). "Water Microbiology. Bacterial Pathogens and Water".

International Journal of Environmental Research and Public Health. 7: 3657-703. doi:10.3390/ijerph7103657. PMC 2996186. PMID 21139855. (sourced from Wikipedia) and Article entitled, " Effects of idol immersion on the water quality parameters of Indian water bodies:

Environmental health perspectives"

Sayan Bhattacharya^{1,3,a}, Arpita Bera^{1,b}, Abhishek Dutta², Uday Chand Ghosh³ ¹Department of Environmental Studies, Rabindra Bharati University, Kolkata, India ²Department of Environmental Studies, Visva Bharati University, India ³Department of Chemistry

and Biochemistry, Presidency University, Kolkata, India, International Letters of Chemistry, Physics and Astronomy Online:2014-

10-02 ISSN: 2299-3843, Vol. 39, pp 234-263 doi:10.18052/www.scipress.com/ILCPA.39.234 2014 SciPress Ltd, Switzerland 15 Ibid 12 16 Ibid 12 901-apl 192-16.odt 27/30

29. Apart from prohibiting the use of PoP made idols in religious festivals, it is also necessary for the appropriate government to prohibit use of oil paints and synthetic colours for painting and decorating all kinds of idols, whether made in clay or PoP or some other material as the oil or synthetic paints cause high level of damage to the environment. They pose serious threat to aquatic life and environment. They contain heavy metals like mercury, cadmium and lead which are neurotoxic and nephrotoxic and have bioaccumulative properties, which means once they enter aquatic life forms like fish, they continue to be in the food chain and end up in the food that we eat.¹⁷ The appropriate government, therefore, may give a serious thought to prohibiting use of oil and synthetic paints for colouring and decorating water immiscible idols used in religious festivals by framing suitable rules.

30. All said and done, there can be no satisfactory solution without peoples' participation in keeping the environment safe, clean and healthy. Under article 51-A (g) of the Constitution of India, a duty has been cast upon every citizen of India to protect and improve
17 Study of the Impact of Plaster Of Paris (Pop) and Clay Idols Immersion in Water N.P. Shukla¹, P.S. Bundela^{2*}, S.K. Khare³ and S. Sarsaiya⁴ 1,2M.P. Pollution Control Board, Bhopal (M.P.), India 3 Regional office, M.P. Pollution Control Board, Jabalpur (M.P.), India 4 International Institute of Waste Management (IIWM), Bhopal (M.P.), India International Journal of Scientific Engineering and Technology Volume No.3 Issue No.7, pp : 861-864 (ISSN : 2277-1581) 1 July 2014 901-apl 192-16.odt 28/30 natural environment including forests, lakes, rivers and wild life. It would, therefore, be a welcome gesture by citizens of India if they change their mindset and only go for eco-friendly idols made in biodegradable materials like clay, food grains, sandal paste, flour, hay etc., and avoid non-biodegradable idols made in PoP and also avoid those idols which are painted and decorated in toxic oil paints. A large scale awareness is required to be created amongst masses. Central Government can do so by using its power under Section 3 of the Environment (Protection) Act, 1986. Central Government can also take recourse to its powers under the said Act to prohibit and regulate various activities hazardous to environment, which relate to use of non-biodegradable idols decked up in oil and synthetic paints in religious festivals. Awareness campaign can also be launched and regulatory measures taken by the State Governments. We are also of the view that a comprehensive legislation to prohibit and regulate manufacture and use of immiscible idols of various deities in religious festivals is the need of the hour, cry of our pristine water bodies and clarion call of nature.

31. We conclude our discussion on the need for protecting environment by making a formal appeal to the State. We request the

Central Government and also the State Government to take necessary steps in the matter for creating suitable awareness amongst the 901-apl 192-16.odt 29/30 citizenry regarding hazards involved in use of PoP idols and oil painted or synthetically decorated idols of Gods and Goddesses in various religious festivals. We further request appropriate Government to enact a comprehensive legislation putting in place suitable prohibitions and regulations as suggested earlier in the matter of use of PoP made idols and use of oil paints and synthetic colours in shading and decorating all idols, used temporarily in various religious festivals .”

5. We have two things, sovereignty of the State and the doctrine of public trust. We have to make a balance between the two though the State has every authority to utilize the land but Public Trust Doctrine says that the property of the public should be utilized for the public purposes and not for the private purposes. The water bodies, lake, air and land all these are the public properties and should be made available to all for maintaining the health and environment. This Doctrine of public trust and precautionary measures was discussed in public interest litigation no. 87/ 2006; Bombay Environmental Action Group Vs. State of Maharashtra 2018 SCC onlinebombay 2680.2019(1) Bombay CRI and it was held as follows:-

“Apex Court observed thus:

“2. The Indian society has, for many centuries, been aware and conscious of the necessity of protecting environment and ecology. Sages and saints of India lived in forests. Their preachings contained in vedas, upanishads, smritis, etc. are ample evidence of the society's respect for plants, trees, earth, sky, air, water and every form of life. The main motto of social life is to live in harmony with nature. It was regarded as a sacred duty of everyone to protect them. In those days, people worshipped trees, rivers and sea which were treated as belonging to all living creatures. The children were educated by elders of the society about the necessity of keeping the environment clean and protecting earth, rivers, sea, forests, trees, flora, fauna and every species of life.”

“ The ancient Roman Empire developed a legal theory known as the “doctrine of the public trust”. It was founded on the premise that certain common properties such as air, sea, water and forests are of immense importance to the people in general and they must be held by the Government as a trustee for the free and unimpeded use by the general public and it would be wholly unjustified to make them a subject of private ownership. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to

permit their use for private ownership or commercial exploitation to satisfy the greed of a few.”

In the case of M.C. Mehta v. Kamal Nath, in paragraph 34 and 35, the Apex Court held thus:

“34. Our legal system - based on English common law - includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. Public at large is the beneficiary of the sea-shore, running waters, airs, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect the natural resources. These resources meant for public use cannot be converted into private ownership.

35. We are fully aware that the issues presented in this case illustrate the classic struggle between those members of the public who would preserve our rivers, forests, parks and open lands in their pristine purity and those charged with administrative responsibilities who, under the pressures of the changing needs of an increasingly complex society, find it necessary to encroach to some extent upon open lands heretofore considered inviolate to change. The resolution of this conflict in any given case is for the legislature and not the courts. If there is a law made by Parliament or the State Legislatures the courts can serve as an instrument of determining legislative intent in the exercise of its powers of judicial review under the Constitution. But in the absence of any legislation, the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership, or for commercial use. The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use unless the courts find it necessary, in good faith, for the public good and in public interest to encroach upon the said resources.”

In the case of Fomento Resorts & Hotels Limited v. Minguel Martins 4, In paragraphs 53 to 55 and 65, the Apex Court held thus:

53. The public trust doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. This doctrine puts an implicit embargo on the right of the State to transfer public properties to private party if such transfer affects public interest, mandates affirmative State action for effective management of natural resources and empowers the citizens to question ineffective management thereof.

54 The heart of the public trust doctrine is that it imposes limits and obligations upon government agencies and their administrators on behalf of all the people and especially future generations. For example, renewable and non-renewable resources, associated uses, ecological values or objects in which the public has a special interest (i.e. public lands, waters, etc.) are held subject to the duty of the State not to impair such resources, uses or values, even if

private interests are involved. The same obligations apply to managers of forests, monuments, parks, the public domain and other public assets. Professor Joseph L. Sax in his classic article, "The Public Trust Doctrine in Natural Resources Law: Effective Judicial Intervention" (1970), indicates that the public trust doctrine, of all concepts known to law, constitutes the best practical and philosophical premise and legal tool for protecting public rights and for protecting and managing resources, ecological values or objects held in trust.

55. The public trust doctrine is a tool for exerting long-established public rights over short-term public rights and private gain. Today every person exercising his or her right to use the air, water, or land and associated natural ecosystems has the obligation to secure for the rest of us the right to live or otherwise use that same resource or property for the long-term and enjoyment by future generations. To say it another way, a landowner or lessee and a water right holder has an obligation to use such resources in a manner as not to impair or diminish the people's rights and the people's long-term interest in that property or resource, including down slope lands, waters and resources.

65. We reiterate that natural resources including forests, water bodies, rivers, seashores, etc. are held by the State as a trustee on behalf of the people and especially the future generations. These constitute common properties and people are entitled to uninterrupted use thereof. The State cannot transfer public trust properties to a private party, if such a transfer interferes with the right of the public and the court can invoke the public trust doctrine and take affirmative action for protecting the right of people to have access to light, air and water and also for protecting rivers, sea, tanks, trees, forests and associated natural ecosystems." (emphasis added) 54. Public at large has a right to enjoy and have a benefit of our forests including mangroves forest. The pristine glory of such forests must be protected by the State. The mangroves protect our environment. Therefore, apart from the provisions of various statutes, the doctrine of public trust which is very much applicable in India makes it obligatory duty of the State to protect and preserve mangroves.

PRECAUTIONARYPRINCIPLE

55. In the case of *M.C. Mehta (Badhkal and Surajkund Lakes matter) v. Union of India*, the Apex Court held thus:

"10. In *M.C. Mehta v. Union of India* [(1987) 4 SCC 463] this Court held as under:

"The financial capacity of the tanneries should be considered as irrelevant while requiring them to establish primary treatment plants. Just like an industry which cannot pay minimum wages to its workers cannot be allowed to exist, a tannery which cannot set up a primary treatment plant cannot be permitted to continue to be in existence for the adverse effects on the public. Life, public health and ecology have priority over unemployment and loss of revenue problem."

The “Precautionary Principle” has been accepted as a part of the law of the land. Articles 21, 47, 48-A and 51-A(g) of the Constitution of India give a clear mandate to the State to protect and improve the environment and to safeguard the forests and wildlife of the country. It is the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures. The “Precautionary Principle” makes it mandatory for the State Government to anticipate, prevent and attack the causes of environment degradation. We have no hesitation in holding that in order to protect the two lakes from environmental degradation it is necessary to limit the construction activity in the close vicinity of the lakes.”

6. India is endowed with extraordinarily diverse and distinctive traditional water bodies found in different parts of the country, commonly known as ponds, tanks, lakes, vayalgam, ahars, bawdis, talabs and others. They play an important role in maintaining and restoring the ecological balance. They act as sources of drinking water, recharge groundwater, control floods, support biodiversity, and provide livelihood opportunities to a large number of people. Currently, a major water crisis is being faced by India, where 100 million people are on the frontlines of a nationwide water crisis and many major cities facing an acute water shortage. The situation will worsen as United Nations and NitiAyog reports say that the demand for water will reach twice the available supply, and 40 per cent of India’s population will not have access to clean drinking water by 2030. One of the reasons is our increasing negligence and lack of conservation of waterbodies. Since independence, the government has taken control over the waterbodies and water supply. With a colonial mindset, authorities move further and further away in the quest of water supply, emphasizing more on networks, infrastructure and construction of dams. This, over time, has led to the neglect of waterbodies and catchments areas. As a result, we have started valuing land more than water. In the last few decades, waterbodies have been under continuous and unrelenting stress, caused primarily by rapid urbanisation and unplanned growth. Encroachment of waterbodies has been identified as a major cause of flash floods in Mumbai

(2005), Uttarakhand (2013), Jammu and Kashmir (2014) and Chennai (2015). Further, waterbodies are being polluted by untreated effluents and sewage that are continuously being dumped into them. Across the country, 86 waterbodies are critically polluted, having a chemical oxygen demand or COD concentration of more than 250 mg/l, which is the discharge standard for a polluting source such as sewage treatment plants and industrial effluent treatment plants. In urban India, the number of waterbodies is declining rapidly. For example, in the 1960s Bangalore had 262 lakes. Now, only 10 hold water.

7. Similarly, in 2001, 137 lakes were listed in Ahmedabad. However, by 2012, 65 were already destroyed and built upon. Hyderabad is another example. In the last 12 years, it has lost 3,245 hectares of its wetlands. The decline in both the quality and quantity of these waterbodies is to the extent that their potential to render various economic and environmental services has reduced drastically. Although there are sufficient policies and acts for protection and restoration of waterbodies, they remain insufficient and ineffective.

8. Realizing the seriousness of the problem confronting waterbodies, the Centre had launched the Repair, Renovation and Restoration of Water Bodies' scheme in 2005 with the objectives of comprehensive improvement and restoration of traditional water bodies. These included increasing tank storage capacity, ground water recharge, increased availability of drinking water, improvement of catchment areas of tank commands and others. However, in this regard, not much has been seen on the ground.

9. Action needs to be taken towards:

1. Attaining sustainability. Thus, emphasis on long-term goals, operation and maintenance should be included along with the allocation of budget.
2. Success of the lakes should be tested on all three fronts namely economic, environmental and social. Many studies point that a deliberate effort has to be made on the social front for which better publicity of the environmental benefits of the project and enhancing

environmental awareness, especially among the local community is required.

3. Encouraging local people to collaborate with other stakeholders to successfully utilise resources and ensure the protection and conservation of waterbodies.
4. Traditionally, water was seen as a responsibility of citizens and the community collectively took the responsibility of not only building but also of maintaining the water bodies. This needs to be brought back into the system.
5. Thus, an integrated approach taking into account the long-term sustainability, starting from the planning stage where looking at every waterbody along with its catchment, is required.

10. The natural source of air, water and soil cannot be utilized, if the utilization results in irreversible damage to environment. There has been accelerated degradation of the environment primarily on account of lack of effective enforcement of environmental laws and non-compliance with statutory norms. It has been repeatedly held by the Supreme Court that the right to live is a fundamental right under Article 21 of the Constitution and it includes the right to enjoyment of pollution free water and air for full enjoyment of life. The definition of sustainable development which gave more than three decades back still holds goods. The phrase covers the development that meets the need of the present without compromising the availability of future generation to meet their own needs. Sustainable development means the type or extent of development that can take place and which can be sustained by nature / ecology with or without mitigation. In these matters the required standards now is that the risk of harm to the environment or to human health is to be decided in public interest according to a reasonable person test. Life, public health and ecology has priority over unemployment and loss of revenue.

11. In the report submitted by the Deputy Commissioner, Panchkula, it has been submitted that a police team will be deputed to restrict the idol emersion in the river and to penalize the people who stop the vehicles on the Ghaggar Bridge for throwing of waste in Ghaggar River and directed to submit a plan by the Executive Engineer, HSVP Panckula.

12. In view of the above guidelines of CPCB, we direct the State Authorities and the Collector concerned to ensure, compliance of the guidelines issued by CPCB with regard to emersion of idol and proper mechanism and arrangement should be made for idol emersions in accordance with the directions issued by the CPCB and to ensure the compliance.

13. The application stands disposed of accordingly.

Sheo Kumar Singh, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 25, 2023
Original Application No. 610/2022
HB