

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

**Misc. Application No. 117/2013**

&

**Misc. Application No. 125/2013**

in

**Original Application No. 58/2013**

**Dr. Subhash C Pandey Vs. State of M.P. & Others**

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

**PRESENT : Applicant : Shri Enosh George Carlo, Advocate  
State of MP : Shri Sachin K.Verma, Advocate  
MPPCB & CECB : Shri Shivendu Joshi, Advocate  
RPCB : Shri Sandeep Singh, Advocate**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Order No. 1</b>  <b>12<sup>th</sup> November, 2013</b>	<p><b><u>Misc. Application No. 117/2013</u></b></p> <p>M.A.No. 117/2013 has been filed by the intervener Akhada Tajiya Committee, Jhabua requesting for urgent hearing in the matter looking to the fact that festival of Moharram is to be celebrated and immersion of Tajiya is to take place on 15.11.2013. In the light of the above facts and circumstances, we deem it proper to permit urgent hearing. Accordingly, M.A.No. 117/2013 stands disposed of.</p> <p><b><u>Misc. Application No. 125/2013</u></b></p> <p>M.A.No. 125/2013 has been filed by the Akhada Tajiya Committee, Jhabua through its Chairman Shri Syed Ali S/o Late Shri Munaf Ali. The applicant has pointed out that the District Administration Jhabua, keeping in view the directions issued by the Central Zonal Bench, National Green Tribunal in accordance with the CPCB guidelines, 2010 relating to immersion of idols and Tajiya in the water bodies alleging that in the past the Tajiya were being immersed in Bahadur Sagar Talab (lake) of Jhabua, however, with a view to comply with the directions of the NGT and CPCB guidelines, has directed that the Tajiya on the occasion of Moharram on 15.11.2013 be immersed at the designated spot of Anas river. It has been</p>

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pointed out in the Misc. Application that the Anas river is the only source of drinking water for Jhabua city 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 (Tank) as was done in the past.

Notice was given to the Standing Counsel for the State of MP Shri Sachin K.Verma as well as the Learned Counsel for the MP Pollution Control Board, Shri Shivendu Joshi.

We have heard the Learned Counsel for the parties. 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 cannot be dissolved or which is not environment friendly.

Having hearing the Learned Counsel for the parties and keeping in view the directions issued by the CZB, NGT with regard to the immersion of idols and Tajiya in conformity with the guidelines issued by the CPCB in the year 2010, it is not in dispute that the District Administration has dug out a pit alongside the river which was 6 feet deep and 50x50 feet in dimension. The issue which is raised before us is that the pit is not adequate and sufficiently not large enough to accommodate the Tajiya. The Learned Counsel also submits that in case the District Administration fails to line the aforesaid pit as required in the Guidelines, the water of the river Anas is liable to be contaminated and polluted as a result of the

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aforesaid activity as the bund of the pit which has been created for immersion would not be able to prevent the contamination and pollution from percolating into the water body. We would therefore direct the Learned Counsel for the State of MP and MPPCB to ensure full compliance of the CPCB Guidelines in this behalf which include lining of the water body / river and subsequent removal of the articles so immersed within the prescribed time. If these steps are taken and compliance ensured, we hope that the apprehensions which have been raised by the applicant before us with regard to contamination of water source in the city of Jhabua would be taken care of and as such the contamination and pollution would be avoided. Since the festival of Moharram is only few days away i.e. on 15.11.2013, the District Administration, Jhabua shall take immediate steps in this behalf and ensure compliance of the CPCB guidelines, 2010. With the aforesaid clarification, the M.A.No. 125/2013 filed by the Akhada Tajiya Committee, Jhabua stands disposed of.

.....JM  
(DALIP SINGH)

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