

### Brief Note

Andhashradha Nirmulan Samiti has filed a Writ Petition bearing No. 5644/2005 against the State of Maharashtra & ors before the Hon'ble High Court at Aurangabad bench. Maharashtra Pollution Control Board was Respondent no. 4 in the above matter.

In the aforesaid matter, petitioner prayed that the provisions of the Water Act 1974 & provisions of Environmental law in connection with the pollution of water should be directed to be strictly implemented during the next Ganpati Festival which was celebrated during the period 7/9/2005 to 17/9/2005 & furthermore, the Govt. & all local bodies & pollution control Board should be directed to take all possible measures prevent the water pollution within the State during the Ganpati festival.

The Govt. & all above mentioned authorities & institutions should be directed to construct artificial water tanks for immersion of Ganpati idols & for disposal of the immersed idols & nirmaiya (lifting, transportation & disposal). The Govt. & local Authorities should be directed to bear the cost of the same.

The Hon'ble High Court at Aurangabad bench has passed the following order dated 8/2/2011, which is reproduced as under:

It appears that this court had an occasion to deal with similar prayer, as in the present petition, in writ petition No. 1325/2003 Janahit Manch V/s State of Maharashtra & ors. The petition was disposed of vide order dated 22/7/2008, while disposing the writ petition, the following observations were made:

'We expect the Central Govt. will consider laying down of guidelines for immersion of idols & would also consider related matters with regard to pollution of water bodies. Both the union Govt. as well as the State Govt. shall consider it expeditiously because the time lot involving the pollution might prove dangerous for environment of the country in long run'

"In view of the directions issued by this Hon'ble Court, the Central Pollution Control Board constituted the committee, vide order dated 10/2/2009, to frame guidelines for idol immersion. The said Committee has framed the guidelines are placed for perusal of the Hon'ble Court. The Hon'ble Court are sure that these guidelines would be helpful to the concerned agencies including the State Govt. against whom the directions are sought in the present writ petition, in formulating action plan/strategies for maintaining cleanliness & preserving the environment. In other words, these guidelines would be useful to prevent pollution of water bodies. We hope & trust that the State Govt. & the concern agencies would follow the guidelines for idol immersion for preserving the environment before the pollution might prove dangerous for environment of the country in long run. It is also open for them to formulate action plan for implementation of the guidelines.

Hon'ble High Court satisfied that prayers in the writ petition, in view of the guidelines for idol immersion, framed & published by the Central Pollution Control Board, Ministry of Environment & Forests, stand satisfied. Hence the Writ petition disposed off.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.5644 OF 2005

Andhashraddha Nirmulan Samity  
Maharashtra, through its Chairman  
Dr.Narendra Achut Dabholkar  
and another

Petitioners

Versus

State of Maharashtra & others

Respondents

Mr. P.P.Chavan, advocate for the petitioners.

Mr. R.P.Phatke, A.G.P. for respondents no.1 to 3.

Ms.Sarika Deshpande, advocate for Respondent No.4.

Mrs.Kutti, advocate holding for Mr.P.N.Kutti, advocate for Respondents No.5 to 8.

Mr.R.T.Rathod, advocate for Respondent No.9.

Mr.S.M.Kulkarni & Mr.Virendra Ichalkaranjekar, advocates for Respondent No.11-intervener.

**CORAM : D.B.BHOSALE AND  
R.M.BORDE, JJ.**

**DATE : 08<sup>th</sup> February, 2011**

**ORAL ORDER (Per D.B.Bhosale, J.):**

1 The principal prayers, according to the petitioners, in the writ petition, are as under:

AA) Respondent No.1 may be directed to give directions to the Idol makers to prepare the idol of Lord Ganpati in clay and to paint them only in herbal colours and ban on sale of Lord Ganesh Idol made by plaster of parish and

further more, the Government and all other local authorities including the Municipal Corporation, Municipalities, Zilla Parishad, Panchayat Samiti, Gram Panchayat and Water Pollution Control Board may be directed to take all possible measures to prevent the water pollutions and to control over the idol makers and it may be further directed that defaulters be prosecuted, punished and fined.

AB) By issuing writ of mandamus or any other appropriate writ the respondent may please be directed to give directions to the idol makers to prepaid the idol of Lord Ganpati not more than 6 inch x 6 inch i.e. 6<sup>th</sup> inch in height and 6 inch in width.

B) The Government and all local authorities including the Municipal Corporations, Municipalities, Zilla Parishad, Village Panchayats and Pollution Control Boards should be directed to take all possible measures to prevent the water pollution within the State during the Ganpati festival.

2 In India, idol worship has been a practice since ancient times. On festive occasions, such as Ganesh Chaturthi, Durga Pooja, etc., it has been a tradition to immerse idols in water bodies like rivers, lakes, ponds, well, etc. The consequent pollution of such water bodies has been a matter of concern. It is also a common knowledge that synthetic colours, chemicals are used in making the idols for worship and when these idols are immersed, our aquatic and surrounding environment get affected.

3           It appears that this Court had an occasion to deal with similar prayers, as in the present writ petition, in Writ Petition No. 1325/2003-**Janhit Manch Vs. The State of Maharashtra & others**. That petition was disposed of vide order dated 22.07.2008. While disposing of the writ petition, following observations were made:

“We expect that the Central Government 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 view of the directions issued by this Court, the Central Pollution Control Board constituted a Committee, vide order dated 10.02.2009, to frame guidelines for idol immersion. The said Committee has framed the guidelines and they are published in June-2010 by the Central Pollution Control Board, Ministry of Environment & Forests. The said guidelines are also placed on record for our perusal. We have perused the guidelines. We are sure that these guidelines would be helpful to the concerned agencies including the State Government against whom the directions are sought in the present writ petition, in

formulating action plan/strategies for maintaining cleanliness and preserving the environment. In other words, these guidelines would be useful to prevent pollution of water bodies. We hope and trust that the State Government and the concerned agencies would follow the guidelines for idol immersion for preserving the environment before the pollution might prove dangerous for environment of the Country in long run. It is also open for them to formulate action plan for implementation of the guidelines.

4 We are satisfied that the prayers in the writ petition, in view of the guidelines for idol immersion, framed and published by the Central Pollution Control Board, Ministry of Environment and Forests, stand satisfied.

5 Hence the writ petition is disposed of in terms of this order.

The petitioners are allowed to withdraw the amount deposited by them in pursuance of the order dated 29.07.2005.

**R.M.BORDE**  
**JUDGE**

**D.B.BHOSALE**  
**JUDGE**