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NOTIFICATION

No.C.18014/249/2016-FST, the 5th November, 2019. In exercise of the powers conferred by sub section (1) and clause (p) of sub section (2) of section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) and in compliance with the direction of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in the matter of O. A No. 51/2016 (AmbarnathSengupta – Vs- The state of West Bengal &Ors), the Government of Mizoram, in consultation with the Mizoram Pollution Control Board, is pleased to make the following rules namely:-THE MIZORAM PREVENTION AND CONTROL OF WATER POLLUTION (PROCEDURE FOR IMMERSION OF IDOL) RULES, 2019.

1. Short title and commencement:-

- (1) These rules may be called the Mizoram Prevention and Control of Water Pollution (Procedure for Immersion of Idol) Rules, 2019.
- (2) They shall come into force from the date of their publication in the official Gazette.

2. Definitions:- In these rules, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);
- (b) "bio-degradable" means any organic material that can be degraded by micro-organisms into simpler stable compounds;
- (c) "board" means the Mizoram State Pollution Control Board constituted under section 4 of the Act;
- (d) "district authorities" means the Office of the District Magistrate, the office of the Commissioner of Police or the Superintendent of Police in each district of Mizoram and includes an authority having vital role during immersion of idol as the State Government may, by notification in the *Official Gazette*, specify;
- (e) "idol" means an image or representation of a god made of clay, bamboo etc, used for the worship;
- (f) "local body", for the purpose of these rules, means and includes the Municipal Corporation or Municipality and any *Village Council*;
- (g) "police administration" means the office of the Commissioner of Police or the Superintendent of Police in a district and includes the local police station;
- (h) "Puja Committee" means Registered and unregistered Puja Committees/committees and shall include individuals or organizations that organises the festivals and makes the idols in pandals raised by it;

- (i) "section" means a section of the Act;
- (j) "stream" includes
 - (i) river,
 - (ii) water course (whether flowing or for the time being dry).
 - (iii) inland water (whether natural or artificial)

- 3. Functions of puja committee :-** Every puja committee shall ensure-
- (a) that the idols shall be made from natural materials i.e. traditional clay, bamboo etc;
 - (b) that no idol made of Plaster of Paris (POP) is used
 - (c) that no use of toxic and non-biodegradable chemical dyes and synthetic colour for painting of the idols;
 - (d) that the idols shall be painted by water soluble and non-toxic natural dyes;
 - (e) that height of the idol proposed to be installed should not exceed 15 feet including the base and the dais
 - (f) that worship material like flowers, clothes, decorating material (made of paper and plastic) etc. should be removed before immersion of idols. Biodegradable materials should be collected separately for recycling or composting. Non-biodegradable materials should be collected separately for disposal in sanitary landfills. Clothes may be sent to local orphan house(s).
 - (g) that public be educated on ill effects of immersion in water bodies through mass awareness programme.
 - (h) that the 'Idol Immersion Points' shall be cordoned off and barricaded. Synthetic liner may be placed in the bottom, well in advance. The said liner shall be removed on completion of immersion ceremony so that remains of idols would be brought to the bank. Bamboo and wooden logs, if any would be reused. Clay, etc may be taken to sanitary land fill for disposal.
 - (i) that a declaration be made before the respective Municipal Corporation, Municipality or Village Council, as the case may be, specifying on sl No 3(a) to (e) 2 months before immersion.
 - (j) that immersion spot be identified thereafter in consultation with respective Municipal Corporation, Municipality or Village Council, as the case may be.
 - (k) that specifications of idols as specified sl No 3(a) to (e) with designated immersion site/spot be given to the Mizoram State Pollution Control Board 1 month before immersion
- 4. Liability of puja committee:-** Every puja committee who organises the festivals and makes the idols in *pandals* raised by it, shall be liable for violation of any of the provisions of these rule and the Board may impose penalty for such violation in accordance with the provisions of rule 9.
- 5. Functions of local body and district authority:-** the concerned local body or the district authority shall have the functions-
- (a) to identify and also notify designated immersion spots to reduce pollution load on water bodies and inform the same to public and every puja committee through awareness programme preferably a month before such events of idol immersion;
 - (b) to prohibit burning of solid wastes, so generated comprising of used flowers, clothes, decorating materials, etc, at the immersion site;
 - (c) to ensure that within 24 hours of the immersion of the idols, the remains of the idols, accumulated debris, straw or jute strings etc. and all other waste materials related to the immersion of idols have been removed from the banks of river, water body and are transported to the solid waste dumping sites of the concerned local body for ultimate disposal, unless the same is collected by idol makers or others for recycling;
 - (d) to ensure that within 48 hours of the immersion of idols, remaining left over materials at idol immersion points on the banks of rivers, lakes, artificial ponds, etc. have been collected by the concerned local body for disposal;

- (e) in case of immersion of idols in rivers and lakes to ensure that arrangement have been made for construction of temporary' confined ponds with earthen bunds for the purpose of immersion of idols. After the completion of immersion, supernatant water may be allowed to flow in river, pond and lake, as the case may be, after checking for colour and turbidity and lime may be added in temporary confined ponds;
- (f) to ensure the biodegradable materials be removed before immersion and the concerned local bodies may use these materials for composting and other useful purpose;
- (g) to levy fees from the puja committee to clean the banks of river of other water body situated within the appropriate jurisdiction.
- (h) A co-ordination Committee comprising Police, Non-Government Organizations, Local Authorities, SPCBs, representatives of puja committees and stakeholders shall be set up for guiding the public in carrying out the immersion with minimal impact on water bodies.

6. Functions of police authority:-

- (1) The police authority shall ensure the removal, transportation and disposal of the remains of idol and other waste materials with active co-operation of the concerned local body and shall ensure cleaning of the water bodies after immersion.
- (2) The concerned police authority may prohibit the puja committee from organizing festivals in future, either temporarily or permanently in case of non-compliance.

7. Functions of Board:-

- (1) The Board shall conduct water quality assessment of the water body, preferably in Class-I cities (having population more than one lac), at three stages i.e. pre-immersion, during immersion and post immersion. Considering the size of water body, appropriate number of sampling locations may be determined in order to get a fairly representative assessment of water quality. For ascertaining water quality, Physico-chemical parameters such as pH, DO, BOD, COD, Conductivity, Turbidity, TDS, Total Solids and Metals (Chromium, Lead, Zinc and Copper) may be analyzed and results posted on the SPCB's website.
- (2) The Board shall help the local administration (Urban Local bodies) in preparing material for mass awareness for the purpose. Specific leaflets and poster for mass awareness shall be prepared and distributed by the Puja committees.
- (3) The Board, at any time shall carry surprise inspections of the puja committee who organises the festivals and makes the idols in pandals raised by it.
- (4) The Board shall utilized the penalty amount collected from the puja committee who organizes the festivals and makes the idols in pandals raised by it, for upgradation of environment of the State;
- (5) The Board shall issue necessary direction from time to time as need arises.

8. Procedures to be observed at immersion point.-The procedures as mentioned below shall be followed at immersion point.

- (1) In case of immersion of idols in lakes or ponds, all the flowers, leaves and artificial ornaments of idols shall be removed and idols may be immersed into a corner of pond using removable synthetic liners in the bottom and the post immersion, liners may be taken out along with remains of idols and lime shall be added to the pond water for settling the solids and in due course, desludging of the pond shall be undertaken afterwards.
- (2) in case of immersion in rivers, temporary ponds having earthen bunds along river bank shall be created as idol immersion spots and removable synthetic liner may be placed well in advance in bottom of pond and the said liner along with remains of idols shall be removed from the point within 48 hours of immersion of idols.

9. Penalty.

- (1) if any puja committee who organises the festivals and makes the idols in *pandals* raised by it, violates any of the provisions of rule 3, the Board may impose penalty for an amount as follows:-
 - (a) in case of puja committee located in the area of Panchayat - ^ 5000/- ;
 - (b) in case of puja committee located in the area of Municipality - ^ 7,000/-;
 - (c) in case of puja committee located in the area of Municipal Corporation - ^ 10,000/-.
- (2) The penalty amount shall be collected in bank draft in favour of MizoramState Pollution Control Board.

Ajai Saxena,
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