

अण्डमान तथा
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अण्डमान तथा निकोबार प्रशासन
ANDAMAN & NICOBAR ADMINISTRATION
प्रदूषण नियंत्रण समिति
POLLUTION CONTROL COMMITTEE
DEPARTMENT OF SCIENCE AND TECHNOLOGY

NOTIFICATION

Port Blair, dated the 05th March, 2018

No. 22/2018/F. No. 9-4/PCC/Idol Imm./2014.— Whereas pursuant to the Judgement of the Hon'ble High Court of Mumbai in PIL W.P. No. 1325/2003, directions were given to the Central Government to frame guidelines of Idol Immersion.

And, whereas, the Central Pollution Control Board (CPCB) vide PROBES/136/2010 has framed the Guidelines for Idol Immersion in June, 2010.

And, whereas, in the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in its the order dated 06.10.2017 in O.A. 51/2016/EZ, has directed the States to frame rules incorporating the guidelines of CPCB and the directions contained in its order dated 06.10.2017 in the O.A. aforementioned.

Now, therefore, in pursuance of the directions of the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, the Lieutenant Governor of the Union Territory of Andaman and Nicobar Islands is pleased to make the following rules for Idol Immersion and related issues in the Union Territory of Andaman and Nicobar Islands, namely :

1. **Short title, extent and commencement :**

- (i) These rules may be called the Andaman and Nicobar Idol Immersion Rules, 2018.
- (ii) These rules shall be applicable in whole of the Union Territory of Andaman and Nicobar Islands.
- (iii) These rules shall come into force on the date of their publication in the Official Gazette.

2. **Application :**

These rules shall apply to every notified and urban and rural local bodies, places of pilgrimage, religious and historical importance within the Union Territory of Andaman and Nicobar Islands.

3. **Definitions :**

In these rules, unless the context otherwise requires—

- i. **“ANPCC”** means Andaman Nicobar Pollution Control Committee constituted under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 vide Gazette of India, Notification No. S.O. 39(E) dated 16-01-1992.

- ii. "**CPCB**" means Central Pollution Control Board (Statutory Organisation), constituted in September, 1974 under the Water (Prevention and Control of Pollution) Act, 1974 and entrusted with the powers and functions under the Air (Prevention and Control of Pollution) Act, 1981.
- iii. "**PBMC**" means Port Blair Municipal Council.
- iv. "**authorisation**" means the permission given by the District Authority to the puja committees or any other such body responsible for making, transporting, installing and involved in any other way in immersion of idols in water bodies of Andaman and Nicobar Islands.
- v. "**District Authority**" means Deputy Commissioner of concerned Revenue District.
- vi. "**biodegradable waste**" means any organic material that can be degraded by micro-organisms into simpler and stable compounds.
- vii. "**bye-laws**" means regulatory framework notified by any local urban or rural body, for facilitating the implementation of these rules effectively in their jurisdiction.
- viii. "**disposal**" means the final and safe disposal of residual solid and/or liquid waste and inert street sweepings, including structural items like wood, bamboo frames, straw, *vastra* (clothing, ornaments, all adornments), of the idols, all offerings, and clay to prevent contamination of ground water, surface water, ambient air quality and attraction of animals or bird.
- ix. "**facility**" means any establishment wherein the solid waste management processes namely segregation, recovery, storage, collection, recycling, processing, treatment or safe disposal are carried out.
- x. "**local body**" for the purpose of these rules means and includes the Port Blair Municipal Corporation, Zilla Parishads (South Andaman) and Zilla Parishad (North & Middle Andaman) and Gram Panchayats in Andaman and Nicobar Islands;
- xi. "**non-biodegradable waste**" means any waste that cannot be degraded by micro organisms into simpler stable compounds;
- xii. "**puja committee**", for the purpose of these rules, means any committee/association/group/religious board involved in the activities of arranging, making, transporting, including taking out processions, installation and immersion of idols or otherwise in erection of pandals for worship purpose that leads to congregation of public.
- xiii. "**segregation**" means sorting and separate storage of various components of solid waste namely biodegradable wastes including agriculture and dairy waste, non-biodegradable wastes including recyclable waste, non-recyclable combustible waste, sanitary waste and non recyclable inert waste, domestic hazardous wastes, and construction and demolition wastes.
- xiv. "**solid waste**" means and includes solid or semi-solid domestic waste including structural items like wood, bamboo frames, straw, plastic, *vastra* (clothing, ornaments, all adornments), of the idols, all offerings, and clay, sanitary waste, commercial waste, institutional waste, catering and related market waste, street sweepings, silt removed or collected from the surface drains, horticulture waste, agriculture and dairy waste, generated in the area under the local authorities during puja and festivities leading to immersion of idols.

Words and expressions used herein but not defined, but defined in the Water (Prevention and Control of Pollution) Act, 1974, the Water (Prevention and Control of Pollution) Cess Rules, 1978, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986, and related Rules, Regulations and Bye-Laws shall have the same meaning as assigned to them in the respective Acts, Rules, Regulations and Bye-laws.

4. General Rules for Idol Immersion :

- (i) Idols should be made from natural materials as described in the holy scripts. Use of traditional clay for idol making rather than baked clay, Plaster of Paris (POP) etc. shall be encouraged, allowed and promoted.
- (ii) There shall be a complete ban on the use of POP in idol making till it is established that the POP has no negative impact on the water quality and aquatic bio-diversity.
- (iii) Painting of idols should be discouraged. In case idols are to be painted, water soluble and non-toxic natural dyes are to be used.
- (iv) There shall be a complete ban on the use of synthetic colour for painting of idols that would require immersion as part of final ritual of the festival.
- (v) The height of the super structure of the idol shall be less than 40 ft. and the idol also shall not exceed 20ft in height.
- (vi) Materials used in worship like flowers, *vastras* (clothes), decorative materials (made of paper and plastic) etc. should be removed before immersion of idols. Biodegradable materials should be collected separately for recycling or composting at designated sites whereas the non-biodegradable materials should be collected separately for disposal in sanitary landfills or as prescribed by the local Municipal Authority or Local Body. Clothes may be sent to local orphanage(s).
- (vii) Public should be educated on ill effects of immersion in the water bodies through mass awareness programme.
- (viii) The identified 'Idol Immersion Spots' shall be cordoned off and properly 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 such as bamboo and wood, if any, could be salvaged for reuse or disposal as permitted under the rules when the idols are immersed in the rivers or ponds.

5. Rules for Idol Immersion in Lakes & Ponds :

In case immersion of idols takes place in lakes or ponds, all the flowers, leaves and artificial ornaments used shall be removed by the Puja Committee before the idols are immersed into a corner of the pond by laying removable synthetic liners in the bottom. The liners shall be removed along with remains of idols and line should be added to the pond water for settling of the solids after the last immersion and de-sludging of the pond shall be undertaken afterwards by the local body or the municipal authority.

6. Rules for Idol Immersion in Rivers :

Temporary ponds having earthen bunds along river bank shall be created as Idol Immersion spots. Removable synthetic liner shall be placed well in advance at the bottom of pond which along with remains of idols shall be removed from the spot within 48 hours of immersion of idols.

7. Rules for Idol Immersion in Sea :

In case the immersion of Idols is done in the sea or creek, such immersion shall be done in inter-tidal zone (area between Low Tide Line and High Tide Line) irrespective of its depth. The Low-Tide Line and High Tide Lines shall be identified and marked well in advance by the District Authority and the Motor Boats with security personnel/home guards/police force with adequate safety equipment shall be deployed to supervise the immersion.

8. Role of Andaman & Nicobar Pollution Control Board (ANPCC) :

- (i) ANPCC shall carryout water quality assessment of the water body, in Port Blair (having population of more than one lac), at pre-immersion, during immersion and post immersion stages. It shall also determine the number of sampling points to get a fairly representative assessment of water quality depending upon the size of water body and carryout physico-chemical assessment of the water quality, such as pH, DO, BOD, COD, Conductivity, Turbidity, TDS, Total Solids and Metals (Chromium, Lead, Zinc and Copper) and the data so collected be analyzed and results uploaded on the official website.

- (ii) ANPCC shall assist the Administration in preparing the materials for creating mass awareness for effective implementation of these rules.
- (iii) ANPCC, through its authorised officers shall carryout inspections of puja pandals, temples and other places of worship to ensure proper implementation of these rules and take appropriate action as per the procedure laid down for the purpose in accordance with law.

9. **Duties and Responsibilities of the Administrative Secretaries in the Department of Urban Development and the Department of Rural Development of Andaman and Nicobar Administration :** The Administrative Secretary in the Department of Urban Development and the Department of Rural Development shall to their satisfaction get the plan prepared for Idol immersion and the issues connected therewith for protection of the environment and safeguarding the water bodies from getting polluted keeping in view the provisions made in these rules and other rules, as applicable.

It shall also be their responsibility to ensure that provisions made in these rules and the CPCB Guidelines of June, 2010 are effectively implemented and the directions of the National Green Tribunal, Eastern Zone Bench contained in its order dated 06.10.2017 in O.A. 51/2016/EZ in the matter of Ambarnath Sengupta vs. Government of West Bengal & Ors. are complied with by all concerned.

10. **Duties and Responsibilities of Deputy Commissioner :** It shall be the duty of the Deputy Commissioner to –

- (i) Identify adequate number of designated immersion spots well in advance to avoid overcrowding and also to reduce pollution load on the water body.
- (ii) notify the designated immersion spot and inform the Public and Puja Committees, well in advance in consultation with all the stakeholders such as the Port Authority, Department responsible for supply of water, Agriculture Department, Police Department, Health Department, etc.
- (iii) get the sound limiter compulsorily installed in the Public Address/ Speaker/ Audio System used by the Puja Committees by way of inserting this condition while granting permission for use of these systems.
- (iv) have a Co-ordination Committee comprising Police, Non-Government Organizations, Local Bodies, Representatives of Puja Committees and other Stakeholders constituted for effective implementation of these rules.
- (v) arrange meeting with the Puja Committees atleast one month before the start of the puja to make them aware of the provisions of these rules and the implications of their non-compliance.
- (vi) furnish a report on the measures taken by the District Administration for implementation of these rules to ANPCC within a month of the immersion of the idols for onward submission to CPCB.

11. **Duties and Responsibilities of Local Bodies :** It shall be the responsibility of the Local Bodies to -

- (i) dispose of waste generated during idol immersion and the activities associated therewith including regulating the height of the pandals/ superstructures and idols.
- (ii) create awareness for dissuading the Puja Committees from use of harmful toxic and non-biodegradable materials in idol making and to ensure their safe disposal during and after the immersion so as to abate pollution of the surrounding soil and water.
- (iii) make proper arrangements for collection of wastes from the pandals on daily basis during pujas.
- (iv) issue notice to all the Puja Committees prohibiting burning of solid wastes, so generated comprising of used flowers, clothes, decorative materials at pandal and immersion sites.
- (v) collect, remove and dispose the left out materials/ salvaged wastes from the idol immersion spot within 48 hours from the last immersion.

12. **Duties and Responsibilities of Police** : It shall be the responsibility of the Police to monitor the noise level during the festival at puja sites and during immersion at immersion site and transit and its regulation as provided under rules.
13. **Duties and Responsibilities of Puja Committees** : The Puja Committees shall ensure that -
- (i) the idols are made from natural materials as prescribed in the holy scripts encouraging use of traditional clay for idol making rather than baked clay. In no case, idols made out of POP shall be permitted for immersion in water bodies.
 - (ii) the height of the super structure of the idol shall be less than 40 ft. and that of the idol shall not exceed 20 ft.
 - (iii) proper arrangement should be made in the pandals for collection, segregation and storage of waste and handing over the same to the local bodies/municipal authorities for final disposal.
 - (iv) the noise level should be maintained within the permissible limits as prescribed under the Noise Pollution (Regulation and Control) Rules, 2000.
14. **Cognizance of Offence** : Contravention to any of the Rules specified above shall be treated as an offence and be taken cognizance of by the Revenue Authority in the District not below the rank of Tehsildar or Police Authority not below the rank of Inspector or any other Authority as may be authorized by the Port Blair Municipal Council for the municipal limits and in areas outside the municipal limits, the concerned Local Bodies shall take cognizance through their authorized officers as provided under the provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, and related Rules and Regulations, including Amendments and Bye-Laws, as in force in this Union Territory of Andaman and Nicobar Islands in accordance with the procedure laid down therein.
15. **Penalty** :
Whosoever fails to comply with or contravenes any of the provisions of this Rule or Orders or Directions issued thereunder, shall in respect of each such failure or contravention be proceeded against as per the provisions contained in the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, and related Rules and Regulations, including Amendments and Bye-Laws, as in force in the country and in this Union Territory of Andaman and Nicobar Islands as per the procedure laid down for the purpose.

**By order and in the name of the Lieutenant Governor,
Andaman and Nicobar Islands.**

Sd./-

(D.M. Shukla)

Principal Secretary (Science & Technology)

