

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

SUO MOTU PUBLIC INTEREST LITIGATION (SMPIL) NO.3/2021

Court on its own Motion

-Vs.-

Union of India and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.P. Bhandarkar, *Amicus Curiae*.

Mr. N.S. Deshpande, Assistant Solicitor General of India for respondent
Nos.1 and 2.

Mr. S.V. Manohar, Senior Advocate with Mrs. K.S. Joshi, In-charge
Government Pleader for respondent No.3.

Mr. C.S. Kaptan, Senior Advocate with Mr. S.S. Sanyal, Advocate for
respondent No.4.

Mr. Harshit Khandar, Advocate for the intervenor.

CORAM : A.S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : 29.8.2022

Heard.

2. Pursuant to the order dated 13.07.2022 by which the State Government was directed to frame a suitable policy containing requisite regulations, prohibitions, machinery for implementation of the policy, mechanism for dealing with the policy, its non-compliances and consequences, the State Government through its Environment and Climate Change Ministry has on 10.8.2022 constituted a Committee comprising of five members. This committee was directed to frame a policy in the light of aforesaid order. On 23.8.2022 the time to submit the report was

extended. Today learned Senior Advocate for the State Government has placed before us the Policy for Environmentally Safe Making and Immersion of Idols/Tazia and its Enforcement. In the said policy the manner in which the idols are to be immersed preferably in artificial water bodies rather than rivers, lakes and ponds has been enumerated. The role and responsibilities of the local and urban authorities have been stipulated therein. The said policy is to operate till a comprehensive policy pursuant to the communication dated 2.8.2022 is framed.

3. We have perused the aforesaid policy.

4. According to the learned Senior Advocate for the State Government this policy is to operate for this year. He submits that by Government Resolution dated 2.8.2022 a Technical Committee consisting of six members including representatives of the Central Pollution Control Board and other experts has been constituted to frame a policy that would operate from 2023. The Technical Committee constituted is required to submit its report to the State Government within a period of three months from 2.8.2022.

5. According to the learned Senior Advocate for the State Government it would be open for the *Amicus Curiae* as well as those interested in submitting their suggestions to the State Government for being incorporated in the policy that is to be framed. The learned Senior Advocate for the State Government, on instructions, submits that suggestions would be invited from

persons interested as well as those concerned in environment and those suggestions would be considered by the Committee constituted under the Government Resolution dated 2.8.2022. That stand of the State Government is accepted. We accept this suggestion and observe that parties interested are free to submit their suggestions in that regard.

6. Insofar as the policy for the present year is concerned, suffice to observe that the State Government would give adequate publicity to the aforesaid policy so as to create greater awareness amongst the members of the public. Similarly, it is expected that the local bodies, urban authorities and district authorities would take all necessary steps at their level to ensure that the policy as framed achieves the desired results as intended, this year.

7. Put up for further consideration on 21.9.2022.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)