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SIKKIM



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**STATE POLLUTION CONTROL BOARD-SIKKIM
FORESTS, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT
GOVERNMENT OF SIKKIM
DEORALI - GANGTOK -737102**

No. 63/SPCB

Dated: 6.4.2019

NOTIFICATION

WHEREAS, Article 48A of the Constitution of India, inter-alia envisages that the State shall endeavour to protect and improve the natural environment for safeguarding human being, wildlife including all living creatures, forests, lakes, rivers etc.;

AND WHEREAS, the Government of Sikkim after considering the adverse effects of Plaster of Paris (PoP), baked clay, synthetic, non-biodegradable items etc. which are used for making idols, on the environment and local ecology felt that these have detrimental effect on the environment;

AND WHEREAS, it is observed that the Synthetic/Plastic colour used for painting of idols, puja pandal and decoration purpose comes down to the water bodies and soil thereby causing water pollution as well as soil pollution resulting in unhygienic environmental and public health related problems, and degrade the natural quality of soil;

AND WHEREAS, it is observed that Plaster of Paris, Synthetic/Plastic Colour, are non-biodegradable and after long time break to toxic plastic particles polluting soil; produce toxic gases and ash while burning;

AND WHEREAS, it is observed that the Plaster of Paris, Synthetic/Plastic Colour and other non-biodegradable items cause aquatic and terrestrial animals to die by ingestion, their litters arrest the recharging of ground water aquifers; harmful chemicals and colours of plastic contaminate soil and water; they choke the living organisms of the soil etc. causing harmful effects on the environment;

AND WHEREAS, Plaster of Paris, Synthetic/Plastic Colour and other non-biodegradable items adversely affect percolation of water to ground levels, hamper the quality of soil layer and drinking water, affect the growth of plants and creature etc. which causes long term bad effect on ecology and environment;

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AND WHEREAS, in compliance with the Judgement dated 06.10.2017 passed by National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. 51/2016/EZ (Ambar Nath Sengupta Vrs. State of West Bengal & Others), the State Government has deemed it necessary to impose complete ban on the use of Plaster of Paris and Synthetic/Plastic Colour and other non-biodegradable items for making idols, decoration of pandal etc. in the whole state;

Now, therefore, with a view to achieve the above objectives and in exercise of the power conferred by section 64 of the Water (Prevention and Control of Pollution) Act, 1974, the State Government hereby makes the following rules, namely:-

Short title,
extent and
commencement

1. (1) These rules may be called the Sikkim Idol Immersion Rules, 2019.
- (2) They shall extend to the whole of Sikkim.
- (3) They shall come into force on the date of their publication in the Official Gazette.

Definition

2. In these rules, unless the context otherwise requires:-
 - (a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974;
 - (b) "bio-degradable waste" means any organic matter which decomposes on its own in environment by micro-organisms and other living things which includes flower, leaves, paper etc.;
 - (c) "Block Development Officer" means the Block Development Officer designated by the State Government;
 - (d) "idol user" means and includes any puja committee, religious organization or individual who procures idol or idols for worship within their institution or house;
 - (e) "idol maker" means and includes those persons who make idols as well as those persons who paint the idol;
 - (f) "Local Authority" or "Local Body" means a Municipal Corporation, Municipal or Panchayat within whose territorial jurisdiction an idol user or idol maker used, displayed or made idols;
 - (g) "Non-biodegradable item" means any material or items which are not biodegradable which are not capable of being destroyed by an action of living beings, which includes plastics, metals, plaster of paris, paints etc. which are used in the manufacture or covering of an idol;
 - (h) "Puja Pandal" means any shed or any structure housing the idol and within which such event is organized.
 - (i) "Sub-Divisional Magistrate" means the Sub-Divisional Magistrate designated by the State Government;
 - (j) "super structure" means huge manmade temporary shed or enclosure constructed using iron scaffolding or bamboos etc. for organizing such events;
 - (k) "toxic heavy metals" means any poisonous or very harmful metals such as mercury, cadmium, arsenic, lead and chromium etc.



Prohibition of non-biodegradable items

3. (1) No idol user/idol maker etc. shall use Plaster of Paris for making idol.
- (2) No Puja Committee or organizations or individual shall use Synthetic/Plastic Colour for painting of idols and other decoration purpose including the puja pandal in any festival.
- (3) Sub-Divisional Magistrate/Block Development Officer (BDO) shall constitute a Co-ordination Committee under his /her chairmanship comprising the members from Police, Non-Government Organizations, Local Authorities, representative of Puja Committees, Stakeholders etc. for effective monitoring and control of pollution in his or her jurisdiction. He/she may co-opt any other official/individual as he/she deems fit.
- (4) Non-biodegradable items are strictly prohibited for making idols and pandal decoration in any festival.
- (5) The height of the super structure shall be less than 30 ft. and the idol shall not exceed 10 ft. in height.
- (6) All puja committees or individuals of organization shall submit a declaration before the Local Bodies specifying that in the making of idols and raising super structure stating that:-
 - (a) no Plaster of Paris (PoP) has been used;
 - (b) no synthetic paint or colour containing toxic heavy metals has been used;
 - (c) the height of idol is less than 10 ft.;
 - (d) the height of the super structure is less than 30 ft.
- (7) Local Bodies shall submit copies of all declarations received in this regard to the State Pollution Control Board-Sikkim.
- (8) Both the local bodies and State Pollution Control Board-Sikkim shall make surprise inspection and impose penalty/prohibition from organizing festival in future, either temporarily or permanently as per the provision of the Act and rules in case any violation is detected.
- (9) A suitable idol immersion spot along the river bank shall be created and notified by the local authority.
- (10) The biodegradable materials should be removed before immersion and the concerned local bodies/organization/NGO or any individual may use these materials for composting and other useful purpose.
- (11) The biodegradable wastes/materials generated from temple or house of worship everyday should not be allowed to dispose off to water bodies. Disposal of such biodegradable wastes to water bodies will invite penalty to be imposed by the local authorities on the temple committee.
- (12) The Guidelines dated 18.06.2010 framed by Central Pollution Control Board (CPCB) regarding Idol Immersion and subsequent amended guidelines as issued from time to time in this regard shall strictly be applicable in the State.

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Responsibilities of the Idol makers

4. Idol Makers and its users shall abide by the following:-

- (1) Idol shall be made by using natural and biodegradable items like:- clay, bamboo, jute thread, straw etc.
- (2) No plaster of Paris (PoP), baked clay, synthetic, non-biodegradable items shall be used for making idols.
- (3) The height of idol must be limited/restricted within 10 ft.
- (4) No synthetic paint or colour containing toxic heavy metals like mercury, cadmium, arsenic, lead and chromium shall be used.
- (5) natural colour shall be used for painting of idols & other decoration purpose.
- (6) The height of the super structure shall be limited/restricted within 30 ft.
- (7) All Puja Committees or individual or organizations shall submit a declaration before the Local Bodies, as the case may be, specifying that in the making of idols and raising super structure all the above stated conditions from sl.no.(1) to sl.no. (6) have been complied with.

Responsibilities of the Local Bodies

5. Local Bodies shall abide by the following:-

- (1) Local Bodies shall specify and ensure that in making and use of idols and its super structure the limitations are complied with.
- (2) They shall be responsible to submit the copies of all declaration received in this regard to the State Pollution Control Board (SPCB-Sikkim).
- (3) They shall be responsible for disposal of the wastes as per the Central Pollution Control Board (CPCB) Guidelines dated 18.06.2010 and other related rules existing in this regard.
- (4) They shall make surprise inspection and impose penalty/prohibition from organizing festival in future, either temporarily or permanently as per the provision of the Act and the rules in case any violation is detected.

Responsibilities of the State Pollution Control Board

6. The State Pollution Control Board-Sikkim (SPCB-Sikkim) shall abide by the following:-

- (1) The State Pollution Control Board (SPCB-Sikkim) shall collect all declarations from the Local Bodies which are received by them from the Organizer(s).
- (2) The State Pollution Control Board (SPCB-Sikkim) shall make surprise inspection and impose penalty/prohibition from organizing festival in future, either temporarily or permanently as per rules in case any violation is detected.
- (3) The State Pollution Control Board (SPCB-Sikkim) shall conduct water quality assessment at pre-immersion, during immersion and post immersion as mentioned in the Central Pollution Control Board Guidelines dated 18.06.2010.

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- (4) The State Pollution Control Board (SPCB-Sikkim) shall prepare materials for mass awareness to the common people.
- Penalty** 7 Any idol user or idol maker who violates the provisions of these rules shall be punished under the provision of section 45 A of the Water (Prevention and Control of Pollution) Act, 1974.
- Uses of Penalty Amount collected as "Pollution Cost"** 8 The environmental compensation collected in this regard shall be utilized by the local authority for restoration of the damages/for development / up-gradation of ecology and environment of the surrounding with an intimation to the State Pollution Control Board (SPCB-Sikkim).
- Authorized Officers** 9 The following officers shall be authorized to implement this notification in their respective jurisdiction namely:
- (1) Member Secretary, State Pollution Control Board (SPCB-Sikkim) and Officers at the level of Assistant Environmental Engineer/ Assistant Scientific Officer and above in the whole State.
 - (2) Municipal Commissioner, Gangtok, Municipal Corporation, Gangtok and other Officers nominated by him by notification.
 - (3) District Magistrate and Collectors of all respective Districts of Sikkim.
 - (4) Superintendent of Police, Sub Divisional Police Officer and Officers at the level of Sub-Inspector of Police and above.
 - (5) Divisional Forest Officers (DFOs) and Assistant Conservator of Forests (ACFs) and Range Officers (ROs).
 - (6) Sub-Divisional Magistrates of all respective Sub-Divisions in Sikkim.
 - (7) Block Development Officers of all respective Blocks in Sikkim.
 - (8) Chief Executive Officers of all Municipal Councils in Sikkim.
 - (9) Executive Officers of all respective Nagar Panchayats in Sikkim.
 - (10) Municipal Executive Officers of all respective districts in Sikkim.

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