

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL

Original Application No. 107/2014 (CZ)
Dr. Subhash C. Pandey Vs. Union of India & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S. RAO, EXPERT MEMBER

PRESENT : Applicant : Ms. Swapnil Gupta, Advocate
Respondent No. 1: Shri Om S. Srivastav, Advocate
Respondent No.2,4 & 6 : Shri Sachin K. Verma, Advocate
Respondent No. 7 : Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.
Respondent No. 8 : Shri Deepesh Joshi, Advocate
Respondent No. 10 : Shri R.C. Tiwari, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 7 18th September, 2014	<p>Pursuant to our order, a meeting of Experts was convened on 25.07.2014 and on the issues discussed therein, the Farmer Welfare & Agriculture Development Department of the State has taken certain decisions with regard to the problem of crop / residue burning and alike issues. Shri Sachin K.Verma appearing for the State is directed to place on record the steps and action taken by the State Government in pursuance of the aforesaid decision recorded on 25.07.2014 with regard to purchase of reapers and use of reapers alongwith harvester combined as also the manner in which they shall be made available / distributed throughout the State for the availability of farmers. It is necessary that the information should be made available to the targeted persons i.e. the farmer who is ultimately expected to use the same.</p> <p>Apart from the above, the manner in which the State intends to implement the aforesaid decision particularly to ensure that no harvesting is done mechanically without the attachment of reaper, should be reported to this Tribunal. Thus, it shall be required to be filed by the State by way of the compliance report.</p> <p>It has been submitted by Shri Sachin K.Verma as well as by the Learned Counsel appearing for Government of India and Agriculture</p>

Insurance Company that the assessed amount of Rs. 2187.43 Crores has been received and within the next 15 days, the same would be credited to the respective accounts of the farmers through the Nodal Agency. The aforesaid amount pertains to the damage and loss that occurred to the Kharif crop for the year 2013. As regards the loss to the Rabi crop for the year 2013, which is also one of the reasons for filing this application, the issue still remains pending. It was pointed out by the Learned Counsel appearing for the Insurance Company that the Government of India has already drawn up a comprehensive scheme by the name of National Agriculture Insurance Scheme (NAIS) and all issues are required to be dealt with under the aforesaid scheme.

As per Para 10 of the aforesaid scheme, it was submitted that cut-off date for receipt of proposals in respect of damage/loss to the crop for the Khariff season is 31st January and for the Rabi Season it is 31st July. It was pointed out that under Para 18 dealing with the management of the scheme, a review system has been developed according to which every State forming part of the aforesaid scheme, is required to have District Level Monitoring Committees. The provision in this behalf reads as follows:

“The Scheme will be implemented in accordance with the operational modalities as worked out by the IA in consultation with the Department of Agriculture and Co-operation.

During each crop season, the agriculture situation will be closely monitored in the implementing State / Union Territories. The State / UT Department of Agriculture and District Administration shall set up a District Level Monitoring Committee (DLMC), who will provide fortnightly reports of Agricultural situation with details of area sown, seasonal weather conditions, pest incidence, stage of crop failure (if any), etc.”

It was submitted by the Learned Counsel for the Applicant that in fact, it is only after the issue with regard to crop failure is raised and then only the concern for assistance is taken up and then the surveys with regard to the crop damage, etc. are conducted. It was submitted that in case the DLMC which are required to provide fortnightly reports

of the agricultural situation including reviewing the seasonality, weather conditions, pest incidence, stage of crop failure, are performing their duty such a situation of carrying out the surveys and asking for Central teams to come to conduct the same would not be necessary if the aforesaid data which is required to be provided fortnightly is already available.

We would therefore, direct the State to submit whether such DLMCs have already been constituted within the State and whether they are providing the aforesaid data as mentioned in the scheme to the concerned authorities. In case such reports are being prepared, Shri Verma shall file before us such reports from any of the 5 Districts for the month of August 2014. In case such committees have not been constituted so far, the Agriculture Department of the State shall take necessary action in this behalf for constitution of such committees which may be beneficial in the event of any such crop failure.

We may also point out, as was brought before us earlier that a similar matter is also pending by way of *O.A.No. 118/2013 in case of Vikrant Kumar Tongad Vs. Environment Pollution Authority & Ors.* before the Principal Bench, NGT, New Delhi. In the last order of 10th September, 2014 it was directed as under:

“It is submitted on behalf of the Ministry of Agriculture that the Guidelines have been prepared as a National Policy for controlling and preventing the pollution arising from crop burning and the same were prepared in consultation with the Central Pollution Control Board.

The Learned Counsel appearing for MoEF submits that MoEF was not invited to any of the meetings that have finalised the stated Guidelines / National Policy.

We must notice it with regard that the inter-relation between the Ministry and Corporation on such National issues is expected to be more effective and result oriented. One cannot even think of a reason why the Ministry of Agriculture should not have involved the Ministry of Environment and Forests in the process of finalizing the National Policy. It was equally the duty of the MoEF to be vigilant in furtherance to the orders of the Tribunal. Be that as it may, we will refrain from stating anything further in this regard. However, to ensure that this important matter is

finalised at the earliest and receives the attention of all stakeholders, as it should be and, we pass the following directions:

- a) Addition Secretary, Ministry of Agriculture shall call a meeting within one week from today.*
- b) Invitees to this meeting would be Officers not below the rank of Joint Secretary, assisted by the Scientist Grade – A', MoEF and Member Secretary of the Central Pollution Control Board.*
- c) This Committee shall finalize the draft National Policy as afore-stated and submit the final draft to the Tribunal.*
- d) The MoEF shall clearly take a stand before the Tribunal as to why it is not beneficial and in the interest of environment that the National Policy be notified as directions of the Ministry in terms of Section 3 of the Environment (Protection) Act, 1986 and Rule 5 of the Environment (Protection) Rules, 1986.*

The Central Pollution Control Board is directed to be impleaded as one of the party in this matter.

Liberty to all the States who are present before the Tribunal to represent before the Committee which shall inform the date of the meeting to all the States including the State of Haryana and State of Uttar Pradesh State of Jharkhand and the State of Punjab.”

While a perusal of the above order goes to show that for dealing with the environmental issue arising from the crop / residue burning, the Ministry of Agriculture, Govt. of India is reported to be framing the policy / guidelines in consultation with the CPCB and the MoEF, we would accordingly direct that the Government of Madhya Pradesh shall also look into the same and based upon the steps taken as notified in the Memorandum dated 25.07.2014, if any additional requirements are required to be incorporated in accordance with National Policy in this behalf, the State Government shall take the same into account.

List on **2nd December, 2014.**

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)