

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 :

Applicant in person.

Respondent No.1 :

Shri Om S. Shrivastav, Advocate

Respondent No. 2,4,6:

Shri Sachin Verma, Advocate

Respondent :

Ms. Anjum Feroz, Adv. for Shri
Deepesh Joshi, Advocate

Respondent No. 7 :

Shri Ayush Bajpai, Adv. For Shri
Purushendra Kaurav, Advocate

Respondent :-

Mr. Rajeev Jain, Adv. For
Meteorological Deptt. Along with Sh.
G.D. Mishra, AM
Mr. Rajesh, Asst. Manager, AIC and
Mr. Vishal, Manager, AIC.

Date and Remarks	Orders of the Tribunal
<p>Item No. 8 19th May, 2014</p>	<p><u>M.A. No. 231/2014</u></p> <p>This M.A. has been filed with the prayer to take on record the facts mentioned in the said application as well as the documents annexed therewith as part of the main O.A. Copy of the M.A. has been furnished to the learned counsel for the Respondents.</p> <p>Having considered the averments made therein, we deem it just and proper to allow the same and order that the documents filed along with M.A. shall be taken on record.</p> <p>This M.A. stands disposed of.</p> <p><u>Original Application No. 107/2014</u></p> <p>We find from the document No. 1 filed along with M.A. order dated 5th May, 2014 passed by the Principal Bench, NGT in OA No. 118/2013 titled <i>Vikrant Kumar Tongad Vs. State Environment Pollution Authority</i> which is an identical matter and it was brought to our notice on the last date of hearing that a report had been</p>

sought from the Committee constituted by the Principal Bench, NGT however the order mentions that the report has not been filed and the matter has now been posted for hearing on 2nd July, 2014.

The State Pollution Control Board has submitted their compliance report in terms of our order dated 25th April, 2014 wherein they have stated that a pilot project was carried out at village Rondiya, Barasia and Village Samnapur. Copy of the study of the pilot project on burning of agricultural residue has been filed as Annexure P/1 to the said compliance report. In Para No. '5' of the same observations and the recommendations have been mentioned.

Shri Sachin Verma, learned Standing Counsel for the State of M.P. submits that he would submit the aforesaid recommendations as well as the copy of the entire report prepared by the pilot project before the Principal Secretary, Agriculture who was directed on 25th May, 2014 to constitute a Committee for this purpose. He submits that that Committee has not met so far and he would impress upon the Principal Secretary, Agriculture to do the needful within a week.

The Meteorological Department has also put in their appearance. Shri Rajeev Jain, learned Advocate for Meteorological Department submits that they have also carried out various experiments and studies and have found that there is considerable adverse impact on the environment and climate and have made their observations in this behalf. He submitted that they are making required studies and observations and even it was submitted that when the farmers contacted them they have expressed their views that as a result of the burning of the residue in the fields the yield in the succeeding crops has gone down as a result thereof.

With regard to our previous order of 25th April, 2014 we

modify the same and direct the representative of Meteorological Department Shri G.D. Mishra, Assistant Meteorologist-II shall also be invited to represent and put the things in correct perspective way from climatic point of view before the said Committee. The Principal Secretary, Department of Agriculture shall also invite the Applicant Shri Subhas C. Pandey to put his point of view in the meeting. As already directed, the said meeting shall preferably be held within a week and submit their report along with its recommendations and proposed action plan before this Tribunal.

Both the representatives namely Shri Rajesh, Asst. Manager, AIC and Shri Vishal, Manager on behalf of the Agricultural Insurance Company/Respondent No. 10 have submitted their reply. They have submitted that after the survey was conducted, an assessment report assessing the damage to the extent of Rs. 2976 crore has been sent to the Head Office of the Insurance Company where the same is under scrutiny by the Claims Committee. It is stated that the aforesaid assessment report was sent about 15 days back and the same is under active consideration of the Head Office and they expect the approval in about a week's time.

When enquired whether there was any provision for grant of provisional compensation based upon such assessment even to the extent of 50 per cent of the damage assessed, both the officers showed their inability and submitted that at present there is no such provision in the existing scheme.

We also find in Para No. '18' of the scheme dealing with the management of the scheme, monitoring and review there is also provision which reads as follows :-

“The operation of the scheme will be reviewed annually, and modifications as may be required would be introduced. Periodic Appraisal Reports on the scheme would be prepared by the Ministry of Agriculture, the Government of

India / Implementing Agency”.

We are also of the view taking into consideration the kind of damage which has been caused to the agriculture sector this year where crop damage has been assessed amounting to Rs.2976/- crores the scheme may be modified suitably for incorporating grant of provisional compensation to enable the farmers to tide over the crisis for both their family ad as well as for providing assistance for the succeeding crop. This is something which the Review Committee of the management implementing the scheme may take into consideration.

Let the matter be listed before the Principal Secretary, Agriculture, Govt. of Madhya Pradesh who shall ensure the meeting as directed.

List of 27th May, 2014.

.....JM

(DALIP SINGH)

.....EM

(P.S.RAO)