

**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 : Shri Deepesh Joshi, Advocate  
Respondent No. 7 : Shri Shivendu Joshi, Adv. for Shri  
Purushaindra Kaurav, Advocate with  
Dr. Reeta Kori OIC.  
Shri Ravindra Tiwari, Adv. for AIC  
with K.K. Badgaiyan.  
G.D. Mishra, AMD, IMD, Bhopal.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.5 25<sup>th</sup> April, 2014</b>	<p>Shri Ravindra Tiwari, Advocate has appeared on behalf of the Agriculture Insurance Company(AIC) of India Ltd. Though initially notice had been issued to the General Insurance Corporation(GIC) of India in this matter, since it has been brought to our notice that the Agriculture Insurance Company of India Ltd. has amongst its the promoters i.e. GIC, National Bank for Agricultural &amp; Rural Development(NABARD), National Insurance Company, New India Assurance Company, United India Insurance Company, Oriental Insurance Company, we deem it proper that in place of General Insurance Corporation of India Ltd. the name of Agriculture Insurance Company of India be substituted as Respondent No. 10.</p> <p>Learned counsel appearing for the AIC has submitted his reply to the points raised in the petition. We find from the petition that two major concerns have been raised by the Applicant one with regard to the fall out and the adverse impact it is creating on</p>

the standing crops of the farmers in the agricultural sector as also the disposal of the crop residue both as a result of climate change and such other calamities as well as from crop residue particularly as seen after the harvesting is done particularly in case of wheat crop in Northern India through mechanised methods. It is the submission of the Applicant that the farm residue spread over lakhs of acres of farm lands is being burnt as there is no other manner to deal with the same as any other method would require financial expenditure and labour input and it is therefore simpler and cheaper for the farmers to burn the crop residue which is creating an enormous impact on the environment.

It has also been brought to our notice that the Principal Bench of the National Green Tribunal is seized of the matter in a similar case dealt in OA No. 118/2013 titled *Vikrant Kumar Tongad Vs. State Environment Pollution Authority*. It was brought to our notice that under the orders of the Principal Bench of NGT a Committee was ordered to be constituted to submit its report before the NGT and the aforesaid report has been filed before the Principal Bench in the aforesaid matter on the last date of hearing i.e. on 21<sup>st</sup> March, 2014 and the matter is now posted for hearing on 5<sup>th</sup> May, 2014.

We would accordingly direct learned counsel for the parties to bring to our notice after obtaining a copy of the aforesaid report from the Principal Bench for the aforesaid purpose.

The learned counsel for the AIC shall produce before us a copy of its memorandum and articles of association with their objects so that the role of the insurance company vis-à-vis crop insurance in the case of natural calamities such as the one in the form of hailstorms faced in the Northern India particularly

Madhya Pradesh in recent months of February and March, can be ascertained and their role so far as payment of compensation to the farmers as a result thereof and educating them with regard to what should be done in the case of crop being damaged and the residue thereof so as to avoid environmental degradation.

The representative of the Meteorological Department Shri. G.D. Mishra, Assistant Meteorologist is present in the Court and prays time to submit report on the next date of hearing.

Learned counsel for the M.P. State Biodiversity Board suggested that a Committee may be constituted with the officials of the State Government in the Agriculture and Animal Husbandry Departments as both these Departments have a major role to deal with the aforesaid issue as the basic issue arises out of agriculture and its fallout affects the livestock in as much as fodder is not available to the livestock as a result of the damage and burning of the crop residue. He has also submitted that along with the aforesaid two departments the Pollution Control Board as well as Biodiversity Board be made part of the team to examine the aforesaid issues and suggest means to deal with the same. It was also submitted that some amount of technical knowhow and R&D should also be made available and for the aforesaid purpose representatives of the Jawaharlal Nehru Krishi Vishwavidhalaya, Jabalpur of the rank of Senior Scientific Officer may be involved for the aforesaid purpose. It was also submitted that on the social media and internet lot of information is available with regard to commercial utilization of huge quantity of biomass in the form of farm residue which can be utilized more particularly for making fuel in the form of billets which can supplement the fuel requirement and more particularly in the rural areas.

We, therefore, direct Shri Sachin Verma, learned Standing Counsel for the State to inform the Principal Secretary, Agriculture, Government of Madhya Pradesh to call for a meeting with the representatives of the above named departments/organizations and consider the aforesaid aspects for dealing with the aforesaid issue in a practical manner.

We are informed that the Principal Bench is to take up the issue in OA No. 118/2013 on 5<sup>th</sup> May, 2014. The Applicant shall apprise this Tribunal of the proceedings of the Principal Bench that takes place on 5<sup>th</sup> May, 2014.

**M.A. No. 168/2014**

The Applicant has submitted this M.A. copy of which has been furnished to the learned counsel for the Respondents. By way of this application, the Applicant has submitted certain information with regard to the extent and quantity of the crop residue that is estimated to be burnt by the farmers and the estimated release of pollutants into the atmosphere. He has prayed that the aforesaid information may be ordered to be taken on record.

While taking the aforesaid information on record, we direct that the MPPCB shall constitute a team of scientists to carryout research and collect data on a pilot basis so that some data may be available with regard to the assessment of impact of burning crop residue on the environment and the local ecosystem. The aforesaid team shall be constituted within three days from today and they shall carry out the study and the PCB submit their report on the next date of hearing.

With the above directions, the M.A. stands disposed of.

**M.A. No. 191/2014**

This application has been submitted by the Applicant with the prayer to implead the Indian Institute of Forest Management, Bhopal as party to the present application.

We are of the view that as far as the present application is concerned, at this stage, we do not find any reason to issue notice to the IIFM, Bhopal. Thus, the prayer as sought is denied.

This application is dismissed and stands disposed of.

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**(DALIP SINGH)**

.....EM

**(P.S.RAO)**

