

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

Original Application No. 117/2014 (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. 3-7 : Shri Sachin Verma, Advocate
Respondent No. 2 : Shri Yadvendra Yadav, Advocate
Respondent No. 8 : Ms. Parul Bhadoria, Adv. for Mr.
Purushandre Kaurav, Advocate along with
Dr. Pushendra Singh, from PCB**

Date and Remarks	Orders of the Tribunal
Item No. 2 28th May, 2014	<p style="text-align: center;"><u>M.A. No. 280/2014</u></p> <p>This application has been filed by the Applicant seeking the Food & Drug Administration Department be impleaded in the present O.A. The copy of the application has been supplied to the non-applicants who have no objection to the prayer having been allowed.</p> <p>It is reported that the Food Inspectors of the State directly report to the concerned District Collector and thus instead of Food & Drug Administration Department, the concerned District Collector may be impleaded.</p> <p>In view of the above, let the District Collector, Bhopal be impleaded to the present Application as Respondent No. 9 and notice be issued to him to file reply before the next date of hearing.</p> <p>Registry is directed to make necessary amendments. The Applicant shall file amended memo of parties within one week.</p> <p>The above M.A. stands disposed of.</p>

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Learned counsel for the Respondents seek more time to file reply.

The issue which has been raised in this Application is of significant public importance and deals directly with the health of the people in general which is being affected as a result of consumption of vegetables and agriculture crops grown after utilizing sewage water for irrigation. The provision of Section 17 of the Water (Prevention & Control of Pollution) Act, 1974 specifically mandates that the State Pollution Control Board under Clause (i) of Section 17(1) shall *“evolve methods of utilization of sewage and suitable trade effluents in agriculture”*.

To the best of the knowledge as submitted by the Applicant there is no such policy evolved by the State Pollution Control Board in Madhya Pradesh so far. Several newspaper reports have been brought to our notice where officials of the Health Department have taken samples of vegetables grown with sewage water from the market and they were found to be unfit for human consumption. They contain toxic heavy metals and harbour pathogens affecting the human health, if consumed.

We are of the view that the problem cannot be controlled by taking samples in the market but needs to be tackled at source and the areas where such untreated effluents and sewage water is being used for growing agriculture crops and vegetables, should be identified, the cultivators/growers should be sensitized with immediate and after ascertaining the fact that such untreated sewage water is being used, the vegetables should not be allowed to be marketed and destroyed.

We would, accordingly, direct the Secretary, Agriculture Department, Govt. of Madhya Pradesh to issue necessary directions to all the District Collectors to comply with the aforesaid directions. Wide publicity must be given explaining the reasons as to why such steps are being taken and why it is detrimental for human beings to consume such vegetables which are unfit for human consumption.

We may only add that in a similar case such directions have recently been issued by the Hon'ble High Court of Rajasthan and such areas which were under vegetable cultivation by use of such untreated sewage water were ordered to be identified and the vegetables were ordered to be destroyed and compliance reported to the Court. The issues which have been raised are of great significance and public importance and the MoEF, Govt. of India, State Pollution Control Board and the State Government must submit their reply positively by the next date of hearing.

List on 22nd July, 2014.

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(DALIP SINGH)

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(P.S.RAO)