

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

M.A. No. 356/2014

AND

M.A. No. 357/2014

In

Original Application No. 117/2014 (CZ)

Dr. Subhash C. Pandey Vs. Union of India & Ors.

**CORAM : HON'BLE MR. JUSTICE U. D. SALVI, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Applicant in person.
Respondent No. 1: Shri Om S. Srivastav, Advocate
Respondent No. 3-7 & 9 : Shri Sachin Verma & Sh. Ayush Dev Bajpai,
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
Dr. A.M. Sharma, Project Director, FW&AD**

Date and Remarks	Orders of the Tribunal
Item No. 6 22nd July, 2014	<p>Heard. Perused.</p> <p style="text-align: center;"><u>M.A. No. 356/2014</u></p> <p>This application has been moved by the Applicant with the prayer to take action against the Respondents for their alleged failure to comply with the order dated 20th May, 2014.</p> <p>Issue notice of this M.A. to the Respondents returnable on 12th September, 2014.</p> <p>The Applicant has raised a material issue regarding the public health being affected as a result of consumption of vegetables and agricultural crops grown by using the untreated sewage water for irrigation. The Applicant has identified six sites in Madhya Pradesh namely (i) Laharpur reservoir, Bhopal (ii) Patra Nalah, near coach factory, Bhopal (iii) Patra River, Bhanupur, Bhopal (iv) Lakha Banjara Lake, Sagar (v) Municipal sewage pond, Nalsa Mata Mandir Road, Mandsour and (vi) Shakya Sagar Lake, Shivpuri as</p>

the source of untreated sewage water available to the nearby farmers for the purposes of irrigation. What is, therefore, important is an urgent concern about the source of untreated sewage feeding the sites.

The Respondent No. 8/MPPCB in its reply dated 21st July, 2014 has revealed that the Pollution Control Board has undertaken a study for knowing the chemical and biological composition of sewage water and evolving methods for utilization of sewage water at 3 places namely Parta Nala, Sahpura lake and lower lake.

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This application is for taking on record the additional documents in compliance of the order dated 20th May, 2014 of this Tribunal.

The application is allowed. The documents, as prayed for, are taken on record. M.A. No. 357/2014 stands disposed of.

We have, therefore, before us the action taken report filed by the Respondent No. 4/Department of Farmer Welfare & Agricultural Development in M.A. No. 357/2014 and the reply of Respondent No. 2/Central Pollution Control Board dated 26th June, 2014. The Respondent No. 1/Union of India adopts the said reply of Respondent No. 2. Broadly, the Respondent No. 2 submits that the CPCB has already developed specific standards and general standards for sewage/effluents and it is the Respondent No.8/MPPCB being fully empowered under the provisions of Water(Prevention & Control of Pollution) Act, 1974 to initiate appropriate action in respect of the issues agitated in the present case. However, it is admitted by the Respondent No.2/CPCB that consumption of farm produce grown with untreated sewage is

injurious to consumers i.e. human beings and animal world at large.

The action taken report filed by the Respondent No. 4 reveals that the State Government had issued directions to all the District Collectors in accordance with the observations/suggestions brought about in the course of proceedings before us, particularly the order dated 20th May, 2014. A letter dated 5th June, 2014 addressed to all Collector & District Magistrates within the State of Madhya Pradesh reveals that the following directions were issued : -

- (a) To earmark the areas irrigated with sewage discharged in the urban areas and to collect samples of the farm produce grown in such areas and to sensitize the farmers about the ill-affects on human health of the farm produce grown with sewage water and not to use untreated sewage for irrigation.
- (b) To send samples so collected to the established laboratories for determination of heavy metals such as Cadmium, Mercury, Nickel, Chromium and Arsenic and urging the Collectors to destroy the farm produce grown on sewage and to stop the sale of such farm produce; further to invoke the provisions of Section 133 of the Food Security Act, 2006 and to remove the encroachments on Government lands utilized for growing such farm produce by invoking the provisions of Madhya Pradesh Land Revenue Code. The State, however seeks time to file a detailed reply to the present Application and to revert back with the outcome of the directions given to the Collectors. In the meanwhile, we pass the following directions : -

- (i) The Madhya Pradesh State Pollution Control Board shall undertake study of the sewage water at the sites indicated

by the Applicant in his petition and shall revert back to the Tribunal with the analysis report of the water samples collected from such sites including the analysis reports of the farms produce grown in the vicinity of such sites. The analysis report shall reveal not only the heavy metals but also the concentrations of other elements such as Sulphur, Nitrogen and Halogen etc. in such farm produce. State and the CPCB shall provide necessary assistance to the MPPCB in the study that is undertaken of the water samples and the farm produce.

(ii) (ii) The State shall also file its reply along with the report of the outcome of the directions issued by the State to the Collectors on the next date of hearing.

(iii) (iii) The Madhya Pradesh State Pollution Control Board shall also identify the source of untreated sewage at the sites indicated by the Applicant.

.....,JM
(U. D. SALVI)

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