

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL

Misc. Application No. 540 & 541/2014

Misc. Application No. 493 to 531/2014

In

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 : Ms. Swapnil Gupta, Advocate
Shri Shivendu Joshi, Advocate
Respondent No. 1: Shri Om S. Srivastav, Advocate
Respondent No. 3-7 & 9 : Shri Sachin Verma, Advocate
Respondent No. 2 : Shri Yadvendra Yadav, Advocate
Respondent No. 8 : Ms. Parul Bhadoria, Adv. for Mr.
Purushandre Kaurav, Advocate
Shri Rajesh Shukla, Advocate
for Intervenors

Date and Remarks	Orders of the Tribunal
Item No. 2 17th September, 2014	<p><u>Misc. Application No. 540/2014</u></p> <p>Shri Sachin K. Verma, Learned Counsel for the Respondent No. 4 has moved Misc. Application No. 540/2014 stating that the issues which have been raised with regard to the sewage farming and submission of the reports with regard to the quality of the Agriculture/vegetable products as also whether they are conducive or harmful for human consumption, can best be answered by the Department of Horticulture and Food Processing. Therefore, a prayer has been made that the Respondent No.4, Department of Farmer Welfare and Agriculture Development (M.P.) may be</p>

substituted with Department of Horticulture and Food Processing. Since the State has come up with the aforesaid application for the direction to implead the Department of Horticulture and Food Processing at this stage, we would not allow to delete from the array of Respondents the Department of Farmers Welfare and Agriculture Development, however the prayer for impleading the Principal Secretary, Department of Horticulture and Food Processing is allowed. Let the Department of Horticulture and Food Processing be impleaded as party Respondent No.10.

Misc. Application No. 540/2014 accordingly stands disposed of.

Misc. Application No. 541/2014

The Learned Counsel for the Respondent No. 4 has moved Misc. Application No. 541/2014 for taking on record the documents by way of compliance report made by the Collectors of Indore, Ashok Nagar, Sidhi, Jhabua, Harda and Dewas Districts. Copies of the documents have been furnished to the Learned Counsel for the Applicant and the Misc. Application is allowed and disposed of. The documents are ordered to be taken on record.

Misc. Application No. 493 to 531/2014

Misc. Applications No. 493 to 531/2014 have been filed by

various farmers who submitted that they will be directly affected as a result of any order that is passed in this petition and as such they may be heard in the matter and allowed to intervene in the case before any final decision is taken in this matter. The aforesaid prayer is not opposed by the Learned Counsel for the Applicant and we also feel that they are the affected parties who are carrying out the activity of sewage farming and using sewage. As such they are allowed to intervene in the matter. Shri R.K. Shukla, Learned Counsel for the interveners submitted that the farmers have approached private laboratory for testing the sewage water that is discharged into the Nallahs which the farmers are utilising for farming and the reports may be allowed to be submitted before the Tribunal. The aforesaid prayer is allowed and as and when such reports are required they may be filed before this Tribunal and will be considered in accordance with law.

O.A. No. 117/2014

The Learned Counsel appearing for the MPPCB prayed that some more time may be allowed for submitting the compliance report in terms of the directions issued on 22.07.2014. The Learned Counsel prays for two weeks further time.

While considering the submissions made before us as well as the documents which have been filed by the Learned Counsel for the

State Government we need to clarify and emphasise that the Respondents as well as the Applicant to be more specific about the place where such sewage farming is being carried out. This assumes importance in view of the fact that the sewage farming being carried out as a result of utilization of treated sewage water is distinct from untreated sewage water and therefore, the aforesaid distinction needs to be kept in mind. Studies must therefore be carried out by the Respondent State Agencies keeping in view the aforesaid distinction.

Even in the case of untreated sewage there is a distinction between the domestic sewage from that of industrial effluents and this must be kept in mind and the study must be carried out with a view to ascertain whether farming with untreated domestic sewage can be allowed or this is also harmful and how it is distinct from sewage from industrial areas which may contain toxic chemicals and may be more harmful.

Shri Sachin K. Verma, Learned Counsel for the State submitted that the newly added Respondents may be issued notices and he would accept notice on behalf of the Department of Horticulture and Food Processing. In view of the above, separate notices need not be issued. Shri Sachin K. Verma would therefore should convey our above order to the concerned departments to

submit before us a detailed report on the above issue as well as specific issue which in the opinion of the department should be relevant on the aforesaid issue pertaining to sewage farming.

We have also gone through the compliance report submitted along with Misc. Application No. 541/2014. We expect from the State Government and the respective District Collectors to inform this Tribunal about the feedback received from the field Officers to whom the directions have been issued by the District Collectors in this behalf which have been filed before us, as to what steps have been taken by the field Officers in this behalf and impact as a result of such directions issued by the District Collectors.

Shri Sachin K. Verma, Learned Counsel for the State submitted that as regards the compliance by the rest of the District Collectors in the State information has been sought and it shall be placed before the Tribunal as soon as it is received. We only need to emphasise that the Learned Counsel for the State shall convey to all the Collectors and District Magistrates throughout the State that they should also submit that as to what impact has been made on the ground after issuance of the aforesaid directions by them in their districts.

It has also been brought to our notice that in our order dtd. 22.07.2014 directions that were issued wherein the MPPCB was

directed to assist the State by providing necessary guidance in the matter based upon the study that may have been conducted by the Central Pollution Control Board (CPCB) on the aforesaid issue as a result of use of untreated sewage water for the purpose of farming particularly on cultivation of vegetables which as per various studies are being found to be harmful for human consumption and if so to ascertain the extent of harmfulness and damage that is caused to human health.

The Learned Counsel for the CPCB submitted that he has not received the feedback on the aforesaid issue. However, he will inform the CPCB for providing necessary inputs in this behalf to be submitted before this Tribunal as also the MPPCB they may carry out the necessary study as directed in our order.

The Learned Counsel for the MPPCB shall also inform the Member Secretary, MPPCB to get in touch with the CPCB on the above issue. In the report which is going to be submitted by the MPPCB with regard to direction no.3 in our order dtd. 22.07.2014 on the 6 sites as mentioned in the said order, shall also be referred in the report submitted in that behalf by way of compliance.

The Learned Counsel for the State Government submitted that he has not received a copy of the Misc. Application No. 356/2014. The Learned Counsel for the Applicant is directed to

supply a copy of the said application to Shri Sachin K. Verma, Learned Counsel for the State who shall file the response to the same.

List the matter on **13th November, 2014.**

.....JM
(DALIP SINGH)

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

