

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 : In person
Respondent No. 1: Sh. Dharamvir Sharma, Adv. vice Shri Om S. Srivastav, Advocate
Respondent No.2,3,4 : Shri Om S. Shrivastav, Advocate
Respondent No. 7 : Ms. Parul Bhadoria, Adv. for Shri Purushaindra Kaurav, Advocate
Respondent No. 8 : Ms. Anjum Feroz, Adv. for Shri Deepesh Joshi, Advocate
Respondent No. 10 : Shri N.C. Das & Sh. R.C. Tiwari, Adv.

Date and Remarks	Orders of the Tribunal
<p>Item No. 6 28th July, 2014</p>	<p>In pursuance of our order, the State had convened a meeting of the concerned officers presided over by the Principal Secretary, Department of Agriculture, Govt. of Madhya Pradesh on 6th June, 2014. On 8th July, 2014 along with an affidavit, the minutes of the meeting dated 6th June, 2014 has been placed on record. As per our order, a committee consisting of Chief Scientific Officer of the MPPCB, (2) the Director, Agriculture, Govt. of M.P., (3) Director, Research Services, Jawaharlal Nehru Krishi Vishwavidyalaya, Jabalpur, (4) Senior Scientist, Jawaharlal Nehru Krishi Vishwavidyalaya, Jabalpur, (5) Principal Scientist, Central Institute of Agriculture Engineering, (6) Joint Director, Agriculture, Govt. of M.P. (7) Dean, Agriculture College, Sehore, (8) Joint Director, Horticulture, Govt. of M.P. and (9) Director, Agricultural Engineering, Govt. of M.P. attended the said meeting presided over by the Principal Secretary, Agriculture.</p> <p>The aforesaid Committee has made certain recommendations</p>

which may be enumerated as follows : -

- (1) To issue directions to all the District Collectors for giving permission for mechanized harvesting of crop only when combined harvester is used along with straw reaper.
- (2) District Collectors/District Magistrates to enforce prohibitory orders under Section 144 Cr.P.C. for discouraging the farmers from burning of Narwai crop (residue) in the fields.
- (3) It was suggested that straw reapers along with combined harvester should be provided to the farmers so that straw residues of Agriculture output may be removed during harvesting itself and therefore, there will be no necessity to the farmers to burn the fields after harvesting.
- (4) It was further suggested that use of happy seeders and zero tillage along with production of vermicompost should be promoted so that the farm residue could be converted into manure.
- (5) Creation and establishment of accustom hiring centres to be established under the State's sponsored schemes wherein aforesaid machines and technology shall be made available to the farmers by the State Government.
- (6) It was also noted that one of the main reasons for using of mechanised harvesters resulting in burning of narwai crop (residue) is non availability of farm labourers.
- (7) It was estimated that if the total estimated production of 332 lakh tons of Narwai in the State of Madhya Pradesh gets effectively converted into biomass, it will not only increases organic carbon in the soil but will be highly productive and

helpful for water conservation.

(8) It was also decided in the meeting to get an appeal issued by the Hon'ble Chief Minister apprising the farmers in the State not to indulge in burning of Narwai and highlighting ill effects of burning as opposed to its potential value and benefits.

(9) Drawing up of a policy for biomass management at the State level.

Today, during the course of hearing, Shri Sachin K. Verma placed before the Court minutes of the meeting conducted on 22nd July, 2014 and drawn up on 25th July, 2014 wherein it has been decided in the meeting convened by the Principal Secretary, Agriculture Department that with a view to encourage and ensure use of straw reaper the Government shall grant subsidy to the farmers and also in the current financial year (2014-15) hundreds of straw reapers are proposed to be distributed to the farmers among other decisions taken in the said meeting.

The Applicant, who is present in person, seeks some time to study the aforesaid decisions taken in the meetings held on 6th June, 2014 and 25th July, 2014 and submit additional proposals/suggestions, if any for making the proposals more effective and meaningful so that the problem of burning of Narwai and farm residue can be taken care of.

Respondent Agricultural Insurance Company submitted that the final assessment for the crop damage during the 2013 Kharif season has been made and assessed to be Rs. 2187.43 crores out of which the share of the Company has been arrived at Rs.262.99 crores.

Shri Sachin K. Verma, learned Standing Counsel for the State also produced an order of the State Government wherein the State's share for the damage to Kharif crop, 2014 has been assessed as Rs. 962.22 crore. It was given out that no sooner the amount from the Centre and the State Government is deposited with the insurance company, the insurance company in accordance with the claims decided by it, shall disburse the amount through the banks.

Learned counsel for the Union of India, Shri Om S. Srivastav is not present in Court today on account of there having been a bereavement in his family and is likely to return on 30th July, 2014.

Shri Dharamvir Sharma, learned counsel appearing on behalf of Shri Om S. Srivastav is directed to apprise the counsel for the Union of India to take instructions on the question regarding the stand of the Union of India and the time frame within which it intends to deposit its share with the Agriculture Insurance Company so that the amount may be disbursed to the farmers for the damage that occurred to their crop during 2014.

List on 1st August, 2014.

.....JM
(DALIP SINGH)

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