

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 666/2018
(Earlier O.A. No. 451/2018)

WITH

Original Application No. 835/2018

WITH

Original Application No. 860/2018

Smt. Ganga Lalwani

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

WITH

News item published in "Indian Express" Authored by Mallica Joshi
Titled

"All fiddle as crop stubble burns, farmers say solutions out of reach"

WITH

News item published in "The Times of India" Authored by Jasjeev.
Gandhiok

Titled

"Day after Dussehra, air quality dives, slight haze over city"

Date of hearing: 15.11.2018

CORAM : HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

For Applicant(s):

Mr. Vasdev Lalwani, Mr. Vinod Gautam and
Mr. Mohit Gautam, Advocates

For Respondent(s):

Mr. Naginder Benipal and Mr. Naveen
Chaudhary, Advocates for PPCB

Mr. Biraja Mahapatra, Advocate and Mr.
Dinesh Jindal, LO

Mr. Amit Tiwari and Mr. Pradeep Mishra,
Advocates

Mr. K.S. Pannu, Secy. Agriculture, Manmohan
Kalia, Joint Director

Mr. Ardhendumauli Kr. Prasad, Mr. Shashank
Saxena and Mr. Ritesh Gera, Advocates

Mr. Anil Grover, AAG and Mr. Mishal Vij,
Advocate

ORDER

1. The issue under consideration is that the mitigation of air pollution caused on account of crop burning in the States of Punjab, Haryana and Uttar Pradesh. In the last order, we referred to news items on the subject and directions earlier issued to the

Chief Secretaries of the States of Punjab, Haryana, Uttar Pradesh and Delhi to monitor the situation.

2. Since the problem remains unresolved and affects public health and the environment, we required the presence of the Secretary, Agriculture, Government of India and the Chief Secretaries of the States of Punjab, Haryana, Uttar Pradesh and Delhi vide order dated 12.01.2018. It was also observed that the Central Government is free to organize a meeting on the subject.
3. A meeting on the subject was accordingly organized by the Ministry of Agriculture on 14.11.2018 with the Chief Secretaries of the States of Punjab, Haryana, Uttar Pradesh and Delhi. As per minutes of the said meeting, the Central Government released Rs. 577.11 crores under the Crop Residue Management Scheme, out of which Rs. 328.01 has been spent on procurement of machinery and operating Custom Hiring Centres. As a result of such efforts, fire incidents reduced to the extent of 12.39%. Fire incidents have mainly taken place from 1st November to 12th November. The statistics show that in the State of Punjab fire incidents this year are more than the fire incidents in the last year, during the 1st November to 12th November, though, overall number of incidents are less than last year.
4. The steps considered in the meeting are that the report of the incidents of fire were required to be verified with reference to the satellite data; Information, Education and Communication (IEC) activities by way of scrolls on TV channels, advertisements in the electronic and print media, radio jingles, short films on television, demonstrations, training, school and college student motivation will be carried out in 'massive campaign mode' in the concerned area. *Ex-situ* use of paddy will be explored as source of energy in brick kilns or as source for electricity generation. Custom Hire Centres will be linked through mobile App to enable farmers to

hire equipment at cheaper rate. Incentives and dis-incentives with reference to MSP will not be practical.

5. A Committee has been formed under the Chairmanship of Shri Nagesh Singh, MIRD-MoRD as follows:

1. Shri Nagesh Singh, MIRD, MoRD – Chairman
2. DDG (Engg.) – ICAR – member
3. Principal Secretaries of Agriculture from State Agriculture Departments of Punjab, Haryana and Uttar Pradesh – Members
4. Joint Secretary (M&T), DAC&FW – Convener

6. Terms of the reference of the Committee will be as follows:

- Assessment of the Nos. of Machinery distributed in States
- Assessment and impact of the machinery use by the farmers
- Assessment of the benefits accrued to the farmers.
- Recommendation of area specific varieties of crops where crop burning is higher.
- Suggesting alternative more remunerative and advantageous industrial use of crop residue in respective States.
- Recommending other inputs, for making long term policy.

7. The Tribunal had a chamber meeting, before the hearing, attended by all the members of the Tribunal, Chief Secretaries of the States of Punjab, Haryana, Uttar Pradesh and Delhi, Secretary, Agriculture Department, Govt. of India and also the representative of Ministry of Environment, Forests and Climate Change (MoEF&CC) and the Chairman of Central Pollution Control Board (CPCB), wherein the issue was discussed for about two hours to emphasize the need for monitoring at highest level, in view of seriousness of the issue, impacting to the public health and environment.

8. It was unanimously agreed that multi pronged approach will be adopted for *in-situ* and *ex-situ* management with a view to stop burning of crop residue in the light of experience, apart from the management strategies. IEC activities will be appropriately reviewed and strengthened. The amount collected by way of penalties in pursuance of orders of this Tribunal dated

10.12.2015 in *Original Application No. 118/2013, Vikrant Tongad Vs. Environment Pollution (Prevention and Control) Authority & Ors.*, will be utilized by making an action plan for IEC activities. The collection will be done through the Revenue Department and the Agriculture Department, instead of Pollution Control Boards as the Pollution Control Boards do not have sufficient manpower. In the State of Punjab the incentives for free electricity partly or fully will be reviewed with regard to those who are indulging in crop burning.

9. We have heard learned counsel for the parties.

10. On behalf of the State of Uttar Pradesh, it is stated that as a result of Sustained Awareness Generation Programme, number of fire incidents has come down. The District Magistrates have been sensitized. Crop burning residue will be used in a commercially viable manner such as permitting vermin-composting, requiring brick kiln/furnaces/boilers to use 20% of bio-briquettes on the basis of availability. *In-situ* and *Ex-situ* strategies will be used. *In-situ* strategy will be to convert crop residue into manure and *ex-situ* management will be setting up industrial units to convert crop residue and other biomass into bio-fuel/bio briquettes. As a part of the awareness, the State of Uttar Pradesh has organized a painting competition of the school children and taken other initiatives.

11. We are informed that the Government of India has also initiated awareness programmes through Krishi Vikas Kendras. The State of Punjab has introduced a lesson on stubble burning awareness in the education curriculum. Youth clubs have also been involved. Rallies of school children have also been promoted by the Government of India. In Delhi, farmers have been trained on the subject. In the State of Haryana, similar awareness

programmes have been undertaken and farmers have also been trained which has also been done in the State of Uttar Pradesh.

12. It has also been pointed out that in Haryana, the Haryana Bio Energy Policy, 2018 has been notified on 09.03.2018 which provides for bio-based power projects. Live demonstrations of *in-situ* crop residue management have been given at village level. Crop burning is monitored through satellite. Monitoring is also done at Chief Secretary level regularly through field visits and Video Conferencing. MoU has been signed between the Department of Agriculture and the Indian Oil Corporation for use of crop residue for bio-refinery. State Level Monitoring Committee has been constituted to prevent crop residue burning.

13. With a view to permit exploring of best practices, we clarify that the order with regard to recovery of penalties and the machinery for collection will be open to be applied in such way as found viable in respect of manner of collection, machinery for collection and spending of the amount. We also expect that the situation will be reviewed at the level of Chief Secretaries periodically. The States or Haryana & U.P. may strengthen the system of compiling data appropriately through revenue entries as we are informed that in the States of Haryana and Uttar Pradesh such entries are not being made as are being made in the State of Punjab.

14. We also expect that the funds be disbursed by the Central Government well in time and utilized by the States accordingly, for the next year. IEC programme be strengthened. There should be a continuous process by coordinating with the para legal volunteers of the Legal Service Authorities. Steps taken by different States may be put on the respective websites. The Committee already constituted may look into the source apportionment of different pollutants in the air with a view to

devise appropriate strategies for mitigation. The Committee may also consider whether it is possible to adopt mitigation measures at local level itself where crop burning takes place so that the impact outside is minimized.

15. We are informed that the Secretary, Agriculture holds video conference meetings weekly with the Principal Secretaries of the Uttar Pradesh, Punjab, Haryana and with the District Collectors/District Magistrates of the Districts where the issue is relevant. The Director General of ICAR holds review meetings every month with all the stakeholders. The Principal Secretary to the Prime Minister also reviews the issue from time to time. Five meetings have been held in this regard with the Secretary, Agriculture, Secretary, Environment, Secretary, Road and Transport and with the Secretaries of the concerned States from January to October 2018. Satellite images are sent to the States in respect of the area in question on daily basis.
16. Ministry of Agriculture may place its efforts on its website for information of all concerned.
17. We direct the Ministry of Agriculture, Govt. of India, to continue to monitor the steps in continuation of its meeting held on 14.11.2018 and furnish a status report to this Tribunal on or before 30.04.2019 by e-mail at ngt.filing@gmail.com.
18. The applications stand disposed of.
19. The status report furnished by the Ministry of Agriculture may be put up for consideration on 9th May, 2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

November 15, 2018

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