

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

M.A. No. 1126/2017

In

Original Application No.35/2014 (THC)

Ganpat Ram Mirdha

Applicant(s)

Versus

State of Rajasthan &Ors.

Respondent(s)

Date of hearing: 15.05.2019

CORAM:**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

Mr. Rishabh Sancheti and Mr.
Anchit Bhandari, Advocate

For Respondent(s)

Mr. Ankit Anandraj Shah,
Advocate for Stone Crushers
Mr. Adhiraj Singh and Mr,
Sanjay Kothari, Ro, Kishangah,
for RSPCB**ORDER**

In compliance of our order dated 26.04.2019 the Director Medical Health, State of Rajasthan is present in person. It was under compulsion that we had to direct personal appearance of Director Medical Health and the reasons for the same have been given in detail in our earlier orders, particularly on 13.03.2019 and 26.04.2019. In short, it may be mentioned here that the initial direction to the Director Medical Health, State of Rajasthan was for constituting a team of three medical doctors from Jaipur, in consultation with the Principal Medical Colleges, Sawai Man Singh, Hospital, Jaipur, relating to pulmonary

diseases. The said team was to immediately visit four villages namely, Koliya, Naka ke dhani, Nozalo ke Dhani and Bandolai ke Dhani in Tehsil Didwana, District Nagaur. The team, before proceeding, was to inform the Tehsildar concerned about their visit and a joint report was to be submitted within three weeks.

A report was then filed on 09.04.2019 by the Chief Medical & Health Officer, Nagaur, Rajasthan. Therefore, we had pointed out that the report is not coming through proper source and cannot be said to be in compliance of our order dated 13.03.2019. Having been given further opportunity, another report dated 25.04.2019 was filed wherein Chief Medical & Health Officer, Nagaur was still a member in preparing the report. The explanation sought to be given by the Director Medical Health was that the District Medical Officer was there as a nodal officer. In fact no order appointing a nodal officer was passed by us. But the very fact that the District Medical Officer had been again and again made part of the team, the medical report so prepared reflects some ulterior reason, which is best known to the Director Medical Health. Above all, in the affidavit dated 25.04.2019 filed by Dr. Birender Kumar Mathur, the Director Medical Health categorically states, in para 3 that the team was constituted by him. In other words non-compliance of the orders passed by the Tribunal is beyond doubt.

Apart from it, the report submitted along with the affidavit of the Director Medical Health is even more surprising. We had specifically ordered to examine the residents of four villages, particularly in respect of Pulmonary diseases. It is a matter of common knowledge that in such a situation all residents of every age group and gender should have been examined by the medical team. In case of Pulmonary disease, in our opinion, it was more essential to examine elderly residents and children who would be first sufferers of air pollution. A bare look to the list dated 01.04.2019 shows that the medical camp was held only at Koliya. There were only seven women who were examined but no children. All the residents examined are of over 35 years of age.

Moreover the observations made by the team of doctors show that the medical examination was made only in respect of silicosis alone, whereas it was made clear in our order that to see the effect of air pollution on the residents of the area that we had asked for medical report through doctors who are specialized in pulmonary diseases.

It may be noted here that even in the list of 60 persons examined only three of them were found to be having normal health. This clearly shows that residents are largely not of good health and it was all the more necessary for the team of doctors to have examined every and each residents of the area, irrespective of their age and gender.

In the aforesaid facts and circumstances, we have no option but to appoint a Court Commissioner who is a doctor, specialized and having experience of pulmonary diseases. Accordingly, we request Dr. Virendra Singh, Superintendent of SMS Hospital, Jaipur (Retd.) to be the Court Commissioner. He shall have a team of two more doctors. We would request them to visit the aforesaid villages, camp at every village and examine all the villagers. The Directorate of Medical Health shall bear all the expenses of the special team of medical doctors which would include remuneration, boarding and lodging and all other expenses incurred by them. The doctors shall be paid Rs. 1 lakh, each. The arrangements for the lodging, conveyance etc may be made by the Collector District Nagaur. The Superintendent of Police, Nagaur shall make arrangements for safety and security of the team of doctors.

A copy of the order be sent through e-mail to Collector, Superintendent of Police, Nagaur and Dr. Virendra Singh (drvirendrasingh93@gmail.com).

List the matter on 10th July, 2019.

Raghuvendra S. Rathore, JM

Dr.Satyawan Singh Garbyal, EM

May 15, 2019
JG