

Taken up as Suo-Moto

Court No. 2

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

Original Application No. 531/2019

Suo Moto
Versus
Union of India & Ors.

Date of hearing: 31.05.2019

CORAM:

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

ORDER

In recent past air pollution in relation to stubble burning (Parali) has become a menace. This Tribunal had taken cognizance of this issue on several occasions and had passed various orders from time to time. Initially the Tribunal had taken note of pollution on account of stubble burning in the case of Vikrant Kumar Tongad. Vs. Environment Pollution (Prevention and Control Authority) & Ors. (O.A. No. 118/2013). The matter was again considered in the case of Smt. Ganga Lalwani Vs. Union of India & Ors. (O.A. No. 451/2018). In the said application it was alleged that directions of the Tribunal are not being enforced. Subsequently, the matter of Smt. Ganga Lalwani was taken up in a separate original application (O.A. No. 666/2018). Likewise, this Tribunal had taken cognizance of the issue on the news item published in 'Indian Express' titled as "All fiddle as crop stubble burns, farmers say solutions out of reach" and another news item published in "Times of India,

titled as “Day after Dussehra, air quality dives, slight haze over city”. In those matters this Tribunal had issued appropriate directions to all the officers concerned upto the level of the Chief Secretaries of States, which included State of Rajasthan to review the situation by calling an appropriate meeting and to submit a report to the Tribunal.

It is rather shocking to the core of our conscience when we came across a news item in daily newspaper “Bhaskar” of 30.05.2019 wherein it mentions about burning of Parali after harvesting the crops at Agricultural Research Institute, Durgapura, Jaipur. It has also been mentioned in the news that despite of stay orders having been passed by National Green Tribunal, prohibiting burning of Parali in the States, the Agricultural Research Institute has in its campus burned down the stubble after harvesting the crop. The news paper clips are marked as ‘x’ and ‘y’ and they be placed on record. Here is a case where not our farmers but government and its instrumentalities are themselves are taking the steps which had been of serious concern for the public at large and the State is duty bound to prevent/prohibit such practices. Moreover, several orders have been passed by the Tribunal in the past with the directions to the States for taking appropriate steps.

Therefore, we deem it proper to take suo-moto cognizance. The office is directed to register the same as an original application.

Issue notice to all the concerned as to why action, in accordance with law, may not be taken against them, including the principle of 'polluters pays'.

Notices be issued to the following:

1. Union of India, Ministry of Agriculture through its Secretary, New Delhi;
2. State of Rajasthan through its Chief Secretary;
3. Agriculture University, Bikaner through its Registrar;
4. Director Agricultural Research Institute, Durgapura, Jaipur;
5. Rajasthan State Pollution Control Board, through its Secretary;
6. Central Pollution Control Board, New Delhi, through its Secretary.

The notices made returnable within two weeks.

The Registrar Agriculture University, Bikaner shall remain present before the Tribunal on the next date.

A copy of this order be sent to the Registrar Agriculture University, Bikaner by e-mail, forthwith.

List the matter on 26th June, 2019.

Raghuvendra S. Rathore, JM

Dr.Satyawan Singh Garbyal, EM

May 31, 2019
JG