

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

O.A NO. 46 of 2018

IN THE MATTER OF:-

NUGGEHALLI JAYASIMHA

VERSUS

APPLICANT(S)

GOVT. OF NCT DELHI

RESPONDENT(S)

INDEX

SL NO.	PARTICULARS	PAGE NO.
1.	STATUS REPORT REGARDING INVENTORY OF DAIRIES AND GAUSHALAS IN COMPLIANCE OF HON'BLE NGT ORDER DATED 08.07.2019.	
2.	ANNEXURE-I COPY OF CPCB LETTER DATED 25.09.2019 ALONG WITH INVENTORY PERFORMA FOR DAIRIES AND GAUSHALA IN THE STATES/UTs.	
3.	ANNEXURE-II & III CONSOLIDATED STATUS RECEIVED FROM ALL STATES/UTs TILL DATED 17.01.2020.	
4.	ANNEXURE-IV HON'BLE TRIBUNAL ORDER DATED 08.07.2019.	

(AJAY AGRAWAL)  
SCIENTIST 'E'  
CENTRAL POLLUTION CONTROL BOARD  
PARIVESH BHAWAN, EAST ARJUN NAGAR  
DELHI- 110032

PLACE: - DELHI  
DATED: 22.01.2020

## Central Pollution Control Board, Delhi

### **Status Report regarding Inventory of Dairies and Gaushalas in the matter of O.A. No. 46/2018, Nuggehalli Jayasimha Vs Government of NCT of Delhi**

#### **1.0 Background:**

The Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi, issued the following directions to CPCB and SPCBs/PCCs vide order dated 8.7.2019 in the matter of O.A. No. 46/2018, Nuggehalli Jayasimha Vs Government of NCT of Delhi :

“...Let the CPCB undertake a study in the matter and lay down appropriate guidelines for management and monitoring of environmental norms by the dairies throughout India and furnish a report in the matter by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) before the next date. The local bodies in all the States/UTs be required to file inventory of dairies in their respective jurisdiction so that state PCB can compile such information in their respective reports furnished to CPCB...”

#### **2.0 The status of actions taken by CPCB & SPCBs/PCCs:**

In order to comply above directions, the following actions have been taken:

- i. CPCB constituted an Expert Group, comprising of the members from National Dairy Research Institute (NDRI), Karnal, Indian Institute of Technology (IIT), Delhi and CPCB, Delhi, to lay down guidelines for management and monitoring of environmental norms in dairies. The Expert Group, in its two meetings, held on 4.9.2019 and 16.9.2019 discussed the issues thoroughly & also interacted with a few stakeholders such as Dairies, Gaushalas, NDDB, SPCBs/PCCs, etc. for their views/feedback on the subject and finalized the “Guidelines for Environmental Management of Dairy Farms and Gaushalas” during September, 2019 and submitted the same to Hon'ble NGT on 18.9.2019 for consideration.
- ii. CPCB vide letters dated 8.8.2019, 9.9.2019 and 25.9.2019, communicated the directions of Hon'ble NGT along with inventory performa (as finalized by the Expert Group as a part of the aforesaid guidelines) about dairies and gaushalas operating in the States/UTs to all SPCBs/PCCs, with the request to provide information at the earliest. A copy of CPCB letter dated 25.9.2019 along with inventory performa is provided at **Annexure-I**.
- iii. CPCB, in this regard, received communications from 31 States/UTs and no responses have been received from 5 States/UTs (Andhra Pradesh, Maharashtra, Manipur, Uttarakhand and Delhi). Out of the aforesaid, 31 States/UTs only 20 States/UTs provided the inventory details, however, the remaining 11 States/UTs informed that they are still in the process of getting desired information from the local bodies.
- iv. CPCB had reminded, again, to the remaining SPCBs/PCCs, vide letter dated 25.11.2019, for expediting the matter and furnishing the desired information in the prescribed inventory performa.

- v. The consolidated status of the information, as received from all the States/UTs till 17.1.2020, about dairies and gaushalas is given at **Annexures-II&III**, respectively.

### **3.0 Observations:**

Following are the observations based on the information as received from SPCBs/PCCs about dairies and gaushalas operating in the States/UTs:

- i. The total number of dairies operating in 19 States/UTs is 93,033 (ninety three thousand & thirty three) and total number of animals in these dairies is 7,04,127 (seven lakh, four thousand, one hundred & twenty seven).
- ii. There are 960 dairy colonies/clusters in 19 States/UTs.
- iii. The total number of gaushalas operating in 20 States/UTs is 6,462 and total number of animals in these gaushalas is 3,51,592.
- iv. The total amount of dung generated/produced by animals in dairies and gaushalas in the 20 States/UTs is 2,58,688 ton/day and 13,698 ton/day, respectively.
- v. In general, the methods used in States/UTs for disposal/utilization of cattle dung include using dung as manure in fields, vermi-composting, biogas generation, etc.
- vi. SPCBs/PCCs have not provided the information about disposal/utilization of wastewater.

### **4.0 Conclusion:**

- i. The local authorities/corporations should carry out inventory of all the dairy farms and gaushalas located in their jurisdiction in the prescribed performa. The same should be updated and shared with the concerned SPCB/PCC on regular basis.
- ii. The dairies and gaushalas operating in the States/UTs should follow the "Guidelines for Environmental Management of Dairy Farms and Gaushalas".

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केन्द्रीय प्रदूषण नियंत्रण बोर्ड  
CENTRAL POLLUTION CONTROL BOARD

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

Speed Post

CPCB/IPC-IV/NGT/Dairy/2019

Dated: 25.9.2019

To

The Member Secretary  
All SPCBs/ PCCs  
(list enclosed)

Annexure - I

**Subject: The Hon'ble NGT, Principal Bench, Order dated 8.7.2019 in the matter of OA No. 46/2018 regarding inventory of dairies operating in the States/ UTs-modified inventory performa.**

Sir,

This has reference to our earlier letters of even no. dated 8.8.2019 & 9.9.2019 on the above subject. The Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi, issued the following directions to CPCB and SPCBs/PCCs vide order dated 8.7.2019 in the matter of O.A. No. 46/2018, Nugehalli Jayasimha Vs Government of NCT of Delhi :

*"...Let the CPCB undertake a study in the matter and lay down appropriate guidelines for management and monitoring of environmental norms by the dairies throughout India and furnish a report in the matter by e-mail at judicial-ngt@gov.in before the next date. The local bodies in all the States/UTs be required to file inventory of dairies in their respective jurisdiction so that state PCB can compile such information in their respective reports furnished to CPCB..."*

In order to comply above directions an Expert Group, comprising of the members from NDRI-Karnal, IIT-Delhi & CPCB, has been constituted to lay down guidelines for environmental management of dairy farms and gaushalas.

The Expert Group in its second meeting held on 16.9.2019, further modified the inventory performa for getting the required information/data about dairies and gaushalas in the States/UTs.

In view of above, it is requested to provide the required information about Dairies and Gaushalas, operating under your jurisdiction, in the enclosed **modified inventory performa** to CPCB by 15.10.2019.

Yours faithfully

*A Aggarwal*

(Ajay Aggarwal)

AD & Div. Head IPC-IV

(Mob:9868210860)

Encl.: as above

Copy to:

All Regional Directorates  
Central Pollution Control Board  
(list enclosed)

With the request to follow up.

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

4

(Modified on 16.9.2019)

**Inventory Performa for Dairies and Gaushalas in the State/UT**

Sl. No.	Description	Urban Area	Peri-urban Area	Rural Area
1.	Total no. of dairies <ul style="list-style-type: none"> <li>• Category-I (upto 25 animals)</li> <li>• Category-II (26-50 animals)</li> <li>• Category-III (51-75 animals)</li> <li>• Category-IV (76-100 animals)</li> <li>• Category-V (above 100 animals)</li> <li>• Total</li> </ul>	• • • • • •	• • • • • •	• • • • • •
2.	Total no. of animals in <ul style="list-style-type: none"> <li>• Category-I dairies</li> <li>• Category-II dairies</li> <li>• Category-III dairies</li> <li>• Category-IV dairies</li> <li>• Category-V dairies</li> <li>• Total</li> </ul>	• • • • • •	• • • • • •	• • • • • •
3.	Total amount of cow/buffalo dung produced (ton per day) by <ul style="list-style-type: none"> <li>• Category-I dairies</li> <li>• Category-II dairies</li> <li>• Category-III dairies</li> <li>• Category-IV dairies</li> <li>• Category-V dairies</li> <li>• Total</li> </ul>	• • • • • •	• • • • • •	• • • • • •
4.	Methods of disposal/utilisation of cattle dung and wastewater by dairies (to be enclosed)			
5.	Total no. of dairy colonies/clusters (list of such dairy colonies/clusters along with the details of no. of dairies, no. of cattles, method of disposal/utilisation of cattle dung & wastewater, etc. to be enclosed)	•	•	•
6.	Total no. of Gaushalas <ul style="list-style-type: none"> <li>• Category-I (upto 25 animals)</li> <li>• Category-II (26-50 animals)</li> <li>• Category-III (51-75 animals)</li> <li>• Category-IV (76-100 animals)</li> <li>• Category-V (above 100 animals)</li> <li>• Total</li> </ul>	• • • • • •	• • • • • •	• • • • • •
7.	Total no. of animals in <ul style="list-style-type: none"> <li>• Category-I Gaushalas</li> <li>• Category-II Gaushalas</li> <li>• Category-III Gaushalas</li> <li>• Category-IV Gaushalas</li> <li>• Category-V Gaushalas</li> <li>• Total</li> </ul>	• • • • • •	• • • • • •	• • • • • •

8.	Total amount of cow dung produced (ton per day) by <ul style="list-style-type: none"> <li>• Category-I Gaushalas</li> <li>• Category-II Gaushalas</li> <li>• Category-III Gaushalas</li> <li>• Category-IV Gaushalas</li> <li>• Category-V Gaushalas</li> <li>• Total</li> </ul>	• • • • • •	• • • • • •	• • • • • •
9.	Methods of disposal/utilisation of cattle dung and wastewater by Gaushalas (to be enclosed)			

**Note:**

Urban area: As per the Census of India 2011, the urban area is defined as follows:

- i. All places with a municipality, corporation, cantonment board or notified town area committee, etc.
- ii. All other places which satisfied the following criteria:
  - a. A minimum population of 5,000;
  - b. At least 75 per cent of the male main working population engaged in non-agricultural pursuits; and
  - c. A density of population of at least 400 persons per sq. km.

Peri-urban area: It is an area or habitation located on the perimeter of the urban area having partial or complete influence of urbanization. It undergoes dramatic changes over a given period of time.

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## Inventory of Dairies in the States/UTs

Sl. No.	States/Union Territories	No. of Dairies (No. of animals in dairies)					Total amount of dung produced (ton/day)	Total no. of dairy colonies/clusters	Method of disposal/utilization of cattle dung and wastewater by dairies	
		Category-I (0-25 animals)	Category-II (26-50 animals)	Category-III (51-75 animals)	Category-IV (76-100 animals)	Category-V (above 100 animals)				Total
	States									
1.	Andhra Pradesh	SPCB has not provided any response/information, so far.								
2.	Arunachal Pradesh	--	8 (325)	--	--	1 (137)	9 (462)	≥1	--	Dung collected in pits and allowed to dry-up for using as manure in fodder fields
3.	Assam	SPCB vide its letter dated 15.10.2019, informed that the local bodies have not provided any information, so far.								
4.	Bihar	SPCB has not provided the required information, however, vide email dated 11.12.2019 informed that 22 dairies are operating in the state.								
5.	Chhattisgarh	734 (9600)	67 (2378)	86 (660)	9 (800)	283 (2601)	1179 (16039)	166	--	Dung being utilized for manufacturing of compost
6.	Goa	4799 (40452)	213 (7165)	11 (873)	29 (1479)	6 (1009)	5058 (50978)	989	873	Dung being utilized as manure for agriculture, bio-gas, compost and wormi-compost
7.	Gujarat	SPCB has not provided the required information, however, vide its letter dated 27.8.2019 informed that 79 milk processing and dairy products industries are operating in the state and also, vide its letter dated 10.12.2019, informed that the local bodies have not provided any information, so far.								

8. Haryana vide its letter dated 27.9.2019, informed that the local bodies have not provided any information, so far.

9.	Himachal Pradesh	6667 (24748)	83 (2837)	--	2 (188)	4 (482)	6756 (28255)	500	--	Dung being utilized as manure in field, fertilizer in agriculture and vermi-compost
10.	J&K	308 (2255)	--	--	--	Nil	308 (2255)	34	--	Dung being utilized for biogas generation and as fertilizer in agriculture
11.	Jharkhand	42906 (122030)	--	--	--	11 (1266)	42917 (123296)	1687	--	Vermi-compost & Biogas
12.	Karnataka	25109 (218276)	--	--	--	2555 (50533)	27664 (268809)	3724	--	The dung being utilized for farm yard manure in agriculture lands
13.	Kerala	419 (5467)	80 (2845)	16 (1655)	8 (1709)	3 (844)	526 (12520)	19880	Nil	Dung being utilized in bio gas plant & as manure for agriculture purpose
14.	Madhya Pradesh	585 (7741)	579 (17509)	214 (8731)	78 (2252)	149 (24439)	1605 (60672)	187460	18	Dung utilized for making Kande and composting
15.	Maharashtra	SPCB has not provided any response/information, so far.								
16.	Manipur	SPCB has not provided any response/information, so far.								
17.	Meghalaya	266 (2091)	73 (1898)	--	--	2 (300)	341 (4289)	39853	--	Dung being utilized as manure/fertilizer in agriculture

18.	Mizoram	294 (6318)	--	--	--	--	294 (6318)	127	Nil	--
19.	Nagaland	Nil	2 (95)	Nil	Nil	Nil	2 (95)	3	--	Dung being utilized as manure for fodder and crops
20.	Odisha	96 (840)	45 (40)	--	--	495 (875)	636 (1755)	20	--	Dung being utilized as farm yard manure in fodder & paddy cultivation
21.	Punjab	SPCB vide its letter dated 10.12.2019, informed that the local bodies have not provided any information, so far.								
22.	Rajasthan	SPCB vide its letter dated 10.12.2019, informed that the local bodies have not provided any information, so far.								
23.	Sikkim	SPCB vide its letter dated 15.10.2019, informed that no dairy exist within the urban area, and, for peri-urban & urban area, the local bodies have not provided any information, so far.								
24.	Tamil Nadu	SPCB vide its letter dated 9.12.2019, informed that milk procurement for the dairy processing units are focused from societies, wherein, cattle owners after their domestic needs sell their excess milk to the nearby societies and the societies in turn collect and sell the milk to chilling centres/dairy processing units.								
25.	Telangana	SPCB has not provided the required information, however, vide its letter dated 22.8.2019 informed that 41 milk processing and dairy products industries are operating in the state.								
26.	Tripura	603 (3161)	6 (183)	--	--	--	609 (3344)	34	--	Dung being utilized as manure
27.	Uttar Pradesh	2298 (43930)	940 (34503)	187 (11049)	145 (12488)	37 (4815)	3607 (106785)	3981	69	Dung being utilized as manure
28.	Uttarakhand	SPCB has not provided any response/information, so far.								
29.	West Bengal	SPCB has not provided the required information, however, vide its letter dated 24.8.2019 informed that 57 milk processing and dairy products industries are operating in the state.								
	UTs									
30.	Andaman & Nicobar	PCC has not provided the required information, however, vide its email dated 10.12.2019 informed that 96 milk dairies are operating in the UT.								

31.	Chandigarh	729 (9122)	121 (4238)	24 (1403)	7 (597)	0 (0)	881 (15360)	158	--	Dung being utilized for making cakes & manure for agriculture
32.	Dadar Nagar Haveli	PCC vide its letter dated 18.12.2019, informed that the local bodies have not provided any information, so far.								
33.	Daman and Diu	22 (107)	--	--	--	--	22 (107)	4	--	Dung being utilized as agriculture farm manure
34.	Delhi	PCC has not provided any response/information, so far.								
35.	Lakshadweep	--	2 (93)	--	--	--	2 (93)	1	--	Dung being utilized as manure to fodder plot
36.	Puducherry	262 (1755)	4 (140)	--	--	351 (800)	617 (2695)	66	--	Dung being utilized for preparation organic manure and biogas generation
<b>Total</b>		<b>86097 (497893)</b>	<b>2223 (74249)</b>	<b>538 (24371)</b>	<b>278 (19513)</b>	<b>3897 (88101)</b>	<b>93033 (704127)</b>	<b>258688</b>	<b>960</b>	--

## Inventory of Gaushalas in the States/UTs

Sl. No.	States/Union Territories	No. of Gaushalas (No. of animals in gaushalas)					Total amount of dung produced (ton/day)	Method of disposal/utilization of cattle dung and wastewater by gaushalas
		Category-I (0-25 animals)	Category-II (26-50 animals)	Category-III (51-75 animals)	Category-IV (76-100 animals)	Category-V (above 100 animals)		
	States							
1.	Andhra Pradesh	SPCB has not provided any response/information, so far.						
2.	Arunachal Pradesh	Nil	Nil	Nil	Nil	Nil	Nil	--
3.	Assam	SPCB vide its letter dated 15.10.2019, informed that the local bodies have not provided any information, so far.						
4.	Bihar	SPCB has not provided the required information, however, vide its email dated 11.12.2019 informed that 3 gaushalas are operating in the state.						
5.	Chhattisgarh	95 (1035)	30 (1134)	3 (210)	5 (425)	10 (2235)	143 (5039)	70 Dung being utilized for manufacturing of compost
6.	Goa	0 (0)	2 (73)	0 (0)	0 (0)	5 (1758)	7 (1831)	40 Dung being utilized as manure for agriculture, bio-gas, compost and wormi-compost
7.	Gujarat	SPCB vide its letter dated 10.12.2019, informed that the local bodies have not provided any information, so far.						
8.	Haryana	SPCB vide its letter dated 27.9.2019, informed that the local bodies have not provided any information, so far.						
9.	Himachal Pradesh	22 (332)	47 (1963)	29 (1678)	9 (926)	46 (9492)	153 (14391)	197 Dung being utilized as manure in field, fertilizer in agriculture, vermi-compost and in biogas plant

10.	J&K	--	6 (200)	--	--	--	1 (450)	7 (650)	10	Dung being utilized for biogas generation and as fertilizer in agriculture
11.	Jharkhand	--	--	14 (1007)	--	13 (6715)	27 (7722)	206	Vermi-compost & compost	
12.	Karnataka	1483 (20029)	265 (10582)	--	--	--	1748 (30611)	1197	The dung being utilized for farm yard manure in agriculture lands	
13.	Kerala	4 (90)	0 (0)	0 (0)	0 (0)	0 (0)	4 (90)	2	Dung being utilized in bio gas plant and cow dung pit	
14.	Madhya Pradesh	9 (95)	13 (522)	19 (989)	17 (1813)	94 (16837)	152 (20256)	318	Dung being utilized for making Kande and manure	
15.	Maharashtra	SPCB has not provided any response/information, so far.								
16.	Manipur	SPCB has not provided any response/information, so far.								
17.	Meghalaya	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
18.	Mizoram	1219 (6318)	--	--	--	--	1219 (6318)	127	Dung and urine are collected in pit and mixed with saw/hay to produce organic manure for use in horticultural, agricultural and floriculture sector	
19.	Nagaland	Nil	Nil	Nil	Nil	Nil	Nil	Nil	--	--
20.	Odisha	--	1 (40)	--	--	10 (1566)	11 (1606)	10	Dung being utilized as farm yard manure in fodder & paddy cultivation	
21.	Punjab	SPCB vide its letter dated 10.12.2019, informed that the local bodies have not provided any information, so far.								

22.	Rajasthan	SPCB vide its letter dated 10.12.2019, informed that the local bodies have not provided any information, so far.									
23.	Sikkim	SPCB vide its letter dated 15.10.2019, informed that no gaushalas exist within the urban area, and, for peri-urban & urban area, the local bodies have not provided any information, so far.									
24.	Tamil Nadu	26 (276)	19 (574)	7 (429)	8 (685)	25 (10295)	85 (12259)	62	The dung collected in the livestock farms are either sold as manure to farmers or used as fertilizers for fodder development		
25.	Telangana	SPCB vide its letter dated 22.8.2019, not provided the required information about gaushalas, so far.									
26.	Tripura	--	--	--	--	1 (630)	1 (630)	6	The dung being utilized as manure		
27.	Uttar Pradesh	706 (10886)	576 (18219)	503 (28796)	363 (29415)	743 (158716)	2891 (246032)	11520	The dung being utilized as manure		
28.	Uttarakhand	SPCB has not provided any response/information, so far.									
29.	West Bengal	SPCB vide its letter dated 24.8.2019, not provided the required information about gaushalas, so far.									
	UTs										
30.	Andaman & Nicobar	PCC vide its email dated 10.12.2019, not provided the required information about gaushalas, so far.									
31.	Chandigarh	0 (0)	0 (0)	1 (65)	0 (0)	6 (3461)	7 (3526)	121	Dung being utilized for making rods, & divas/ganesh parvati idol and in horticulture purpose		
32.	Dadar Nagar Haveli	PCC vide its letter dated 18.12.2019, informed that the local bodies have not provided any information, so far.									
33.	Daman and Diu	--	--	2 (149)	--	2 (315)	4 (464)	6	Dung being utilized as agriculture farm manure		
34.	Delhi	PCC has not provided any response/information, so far.									

35.	Lakshadweep	Nil	Nil	Nil	Nil	Nil	Nil	Nil	NA	NA
36.	Puducherry	1 (20)	--	1 (61)	1 (86)	--	3 (167)	3	3	Preparation of "Viboothi"
<b>Total</b>		<b>3565</b> <b>(39081)</b>	<b>959</b> <b>(33307)</b>	<b>579</b> <b>(33384)</b>	<b>403</b> <b>(33350)</b>	<b>956</b> <b>(212470)</b>	<b>6462</b> <b>(351592)</b>	<b>13895</b>		<b>--</b>

Item No. 02 & 03

Court No. 1

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

Original Application No. 46/2018  
(M.A. No. 1474/2018, M.A. No. 1539/2018)  
WITH  
Original Application No. 1083/2018

Nuggehalli Jayasimha Applicant(s)  
Versus

Government of NCT of Delhi Respondent(s)

WITH

Residents of C2 Block Aya Nagar Applicant(s)

Versus

Govt. of NCT of Delhi Respondent(s)

Date of hearing: 08.07.2019

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

For Applicant(s): Mr. Nuggehalli Jayasimha, Ms. Priyanka, Chesta  
Jetly for Mr. Aditya Singh, Ms. Supriya Juneja,  
Advocates

For Respondent (s): Mr. Shlok Chandra, Mr. Harshvardhan Sharma,  
Advocates for DDA  
Mr. Abhitosh Pratap Singh, Ms. Gunjan Singh,  
Advocates for R-13  
Mr. Arunesh Sharma, Harpreet Singh, Advocates  
for DUSIB  
Mr. Ajay Jain, Ms. Smaridhi, Advocates for  
GNCTD  
Mr. Sanjay Dewan, Advocate for R-2&3  
Mr. Balendu Shekhar, Advocate for EDMC  
Ms. Puja Kaira, Advocate for SDMC, North MCD  
Ms. Sakshi Popli, Advocate for NDMC  
Mr. M.C. Sharma, Advocate for R-11  
Mr. Raj Kumar, Advocate for DPCC

**ORDER**

1. The issue for consideration is remedial action for non compliance of environment norms by the dairies operating in Delhi.

2. Vide order dated 01.04.2019, the Tribunal considered the allegation of air, water and soil pollution by the dairy industries. It is alleged that solid, liquid and gas waste is generated and dumped into the drains which are meeting the river Yamuna and thus, this activity results in contamination of river Yamuna. The waste clogged the drainage system which was becoming breeding ground for mosquitoes and other insects and thus creating health hazard. Waste generated was also resulting in discharge of ammonia and nitrogen oxides in the air and nitrate in soil and ground water. The odour from dairies negatively impacts the air quality. Ammonia wafts into the air from manure lagoons, and gases known as volatile organic compounds were created by the huge piles of feed. The foul smell from the dairy causes migraine, severe headache and people have no option but to inhale the impure-foul air present in the atmosphere.
3. In the light of inspection reports under the directions of this Tribunal dated 11.04.2018, and the recommendations of the inspection reports dated 04.12.2015 and 15.12.2015 prepared by the Animal Welfare Board of India it was noted that there was rampant use of Schedule H drugs, oxytocin injections, syringes, plastic bottles and other veterinary drugs etc. which are disposed of improperly and in unscientific manner, in violation of Bio-medical Waste Management Rules, 2016. The dairies were not following waste management practices. There was also violation of Food Safety and Standards (Licence and Registration of Food Businesses) Regulations, 2011.
4. The Tribunal also noted various articles on the subject<sup>1</sup> which highlights adverse consequences on the environment due to illegal

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<sup>1</sup> "Delhi is major contributor of population in Yamuna" published in "The Hindu" dated 17.04.2007, "Feeding on plastic poses high risk to lives, output of stray cattle" published in "Indian Today" dated

and unscientific dairy activities. It was also observed that there was violation of various provisions of the Delhi Municipal Corporation Act, 1957.

5. After quoting the observation from the report of the Committee, the stand of the Delhi Pollution Control Committee (DPCC) that it was not concerned with the subject despite the violation being clearly acknowledged was rejected in view of statutory provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981. It was noted that though various authorities of the Delhi Government were parties and represented by Counsel, no authority came forward to take the responsibility and none of the Counsel made any suggestion for enforcement of law. In this background, the Tribunal in the order dated 01.04.2019 directed the Chief Secretary of Delhi to call a meeting of all concerned and fix their accountability. The Tribunal also noted that the DPCC had failed to perform its statutory duties under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 in preventing polluting activities, prosecuting the polluters and recovering compensation for restoration of the environment from the polluters. The Tribunal also required DPCC, South Delhi Municipal Corporation (SDMC) and North Delhi Municipal Corporation (North DMC) to pay sum of Rs. 10 Lakhs each as an interim compensation and furnish a performance guarantee of

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08.05.2017, "Serious farm population breaches rise in UK-and many go unprosecuted" published in "Guardian" dated 21.05.2017, "How growth in Dairy is affecting the environment" published in "The New York Times" dated 01.05.20015 and "Stray cows clog South Delhi roads" published in "The Times of India" dated 05.08.2012 and research papers titled "Nitrogen pollution by dairy cows and its mitigation by dietary manipulation", "Impact of Dairy Effluent on Environment-A Environmental Science and Engineering (Subseries: Environmental Science)", apart from other documents and photographs.

Rs. 10 Lakhs each with the Central Pollution Control Board for taking necessary steps within three months for restoration of the environment. The amount could be recovered from the erring officer and polluters. The Chief Secretary, Delhi was to furnish an action taken report.

6. An action taken report filed vide e-mail dated 03.07.2019 has been perused. The report states that DPCC has imposed environmental compensation on Municipal Corporations, apart from the dairies concerned. The local authorities are responsible for compliance of the Waste Management Rules. The DPCC has given the responsibility of sealing the borewells to the District Magistrates. The Flood Control Department, Animal Husbandry Department and Delhi Society are to take certain steps, apart from the Municipal Corporations.

7. We find that in spite of observations in the earlier order of this Tribunal as well as repeated orders in large number of cases, the DPCC seems to be avoiding its statutory responsibilities under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and to cover up their inaction, is passing the order of imposition of fines on other statutory bodies, without any jurisdiction. Learned Counsel for the Delhi Government as well as DPCC have not been able to show any legal authority for doing so. While the DPCC may take action on 'Polluter Pays' principle against polluting activities of any statutory body, it has no authority to recover compensation for alleged inaction by such statutory authorities. Such authorities are not authorized to enforce the Water (Prevention and Control of Pollution) Act, 1974 or Air (Prevention and Control of Pollution) Act, 1981 which DPCC itself has to enforce. Even if they have overlapping powers under other statute,

the DPCC cannot avoid its obligation under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981. It is undisputed that the dairies are operating in violation of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 as already noted in the order of this Tribunal dated 01.04.2019. The DPCC is required to ensure that the polluting activities, without consent to operate, are stopped by way of prohibitory order, prosecution and recovery of compensation which has not been done. Just as local bodies cannot fine DPCC for its utter failure, DPCC also cannot shift its onus and responsibility to local bodies and absolve from its responsibility. It has to proceed against polluters which it is avoiding to do.

8. We find that as per the circular dated 05.03.2016 issued by the MoEF&CC, the dairy industries fall under the 'Orange' category industries. Consent to operate is necessary under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25 of the Water (Prevention and Control of Pollution) Act, 1974. Under the Environment (Protection) Rules, Schedule-I, read with Rule-3, lays down the norms for discharge by various activities or operations. Entry 56 deals with 'dairies' (industrial units) and provides for standards of effluents and violation of such standards.
9. Faced with the above, learned Counsel for the DPCC has undertaken to withdraw the notices issued to other statutory authorities and not to indulge in such illegal activities in future.
10. We find that the action of the DPCC is inadequate. Under Section 15 of the NGT Act, 2010, this Tribunal has to deal with enforcement of statutes mentioned in Schedule-I which include Water (Prevention

and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. Such violations may also be overlapping with the other statutory violations for which concerned statutory authorities have to take action on that ground. The local bodies have the responsibilities under the SWM Rules, 2016<sup>2</sup> but on that ground, the DPCC cannot avoid its responsibility. Local bodies must perform their statutory duties.

11. In view of above, while disapproving the above illegal action of DPCC as well as its inaction, we expect the DPCC now to enforce its concerned statutory obligations by closing polluting activities, prosecuting the polluters and recovering compensation from the polluters in accordance with law and to furnish a further report to this Tribunal by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) before the next date.
12. We may note that livestock is a major source of methane emissions and studies on the subject show that the problem in India is severe. Results of a recent study <sup>3</sup>show that the Indian livestock emitted 15.3 million tonnes of methane in 2012<sup>4</sup>. Enteric methane emission from Indian livestock contributed 15.1% of total global enteric methane emission. In India, contribution of enteric methane was 91.8% of the total GHG emissions, followed by manure methane (7.04%) and manure Nitrous Oxide (1.15%) in the year 2010<sup>5</sup>. The livestock sector in India has the potential to cause surface temperatures to surge up

<sup>2</sup> See Rule 3(46) read with Rule 15 of the Solid Waste Management Rules, 2016.

<sup>3</sup> Study carried out by the Indian Institute of Technology Delhi and the Deenbandhu Chhotu Ram University of Science and Technology, Murthal in Ecotoxicology and Environmental Safety, Climate change impact of livestock CH<sub>4</sub> emission in India: Global Temperature change Potential (GTP) and surface temperature response, <https://www.sciencedirect.com/science/article/pii/S0147651317305766>, Volume 147, January 2018, Pages 516-522.

<sup>4</sup> *Id.*

<sup>5</sup> <https://www.ajas.info/journal/view.php?number=4850>.

to 0.69 millikelvin over 20 year time period which is roughly 14 per cent of the total increase caused by the global livestock sector. Methane has a warming potential 20 times higher than carbon dioxide. Globally, livestock sector generates 65 percent of human-related nitrous oxide, which has 296 times the Global Warming Potential (GWP) of CO<sub>2</sub>. Most of this comes from manure.<sup>6</sup> While the dairy industry is covered by 'Orange category' under the circular dated 05.03.2016 issued by the MoEF&CC, no such guidelines are said to be existing for management and rearing of livestock. Needless to say that such activity have potential of causing air and water pollution as already noted in the context of Delhi. Accordingly, instead of limiting the scope of remedying the compliance of environment norms by dairies to Delhi, we consider it necessary to expand the same for the whole country. Let the CPCB undertake a study in the matter and lay down appropriate guidelines for management and monitoring of environmental norms by the dairies throughout India and furnish a report in the matter by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) before the next date. The local bodies in all the States/ UTs be required to file inventory of dairies in their respective jurisdiction so that state PCB can compile such information in their respective reports furnished to CPCB.

13. The performance guarantee furnished in pursuance of order dated 01.04.2019 will stand forfeited on account of failure of the concerned authorities to perform their duties in terms of the order of this Tribunal. The Tribunal may consider further coercive measures, if the failure continues even on the next date.

List for further consideration on 20.09.2019.

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<sup>6</sup> <http://www.fao.org/newsroom/en/news/2006/1000448/index.html>

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

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Original Application No. 46/2018  
(M.A. No. 1474/2018, M.A. No. 1539/2018)  
WITH  
Original Application No. 1083/2018  
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