

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

IA No. 646 of 2023

IN

ORIGINAL APPLICATION No. 879 OF 2022 (PB)

IN THE MATTER OF: -

Gauri Maulekhi
.....Applicant

VERSUS

Union of India & Ors.
Respondents

....

INDEX

S.No.	Particular	Page No.
1.	Additional Affidavit on behalf of MoEF&CC (UOI)	1-6
2.	ANNEXURE/1 – A copy of the OM issued by Ministry of Fisheries, Animal Husbandry and Dairying.	7-12
3.	ANNEXURE R/2 – A copy of the relevant portion of the 107 th EAC meeting held on 25/07/2023.	13-18
4.	ANNEXURE R/3 – A copy of the order of the constitution of the working group.	19-20

5.	ANNEXURE R/4 – A copy of the Order dated 01/08/2023 of the Hon'ble NGT in IA No. 646/2023 in OA No. 879 of 2022.	21-23
6.	Proof of Service	24

Through



Pratyaksh Gupta

(Counsel For MoEF&CC-UOI)

Place: New Delhi

Date: 08-08-2023

+91-9911780606

BEFORE THE HON'BLE NATIONAL GREEN
TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

IA No. 646 of 2023

IN

ORIGINAL APPLICATION No. 879 OF 2022 (PB)

IN THE MATTER OF: -

Gauri Maulekhi

... Applicant

VERSUS

Union of India
&Ors

...Respondent

ADDITIONAL AFFIDAVIT ON BEHALF OF MINISTRY OF
ENVIRONMENT AND FORESTS

I, Sundar Ramanathan S/o S. Ramanathan aged about 41 years, presently working as Scientist 'E' in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC), New Delhi do hereby, in my official capacity, solemnly affirm and state on oath that I am acquainted with the facts and circumstances of the instant case and am duly competent to swear the present affidavit on behalf of the MoEF&CC on the basis of the official records maintained therein.

2. That, the original application has been filed before the Hon'ble NGT seeking that slaughter houses and meat processing units must be brought within the ambit of EIA Notification, 2006.

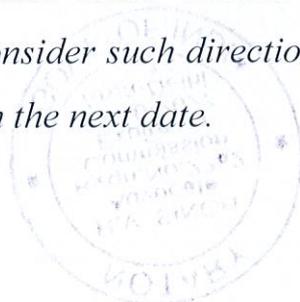


3. That, the MoEF&CC has already filed its counter- affidavit in the original application stating that all the requisite guidelines/safeguards are already in place for regulating the slaughterhouses/meat processing units from an environment perspective.

4. That, the Hon'ble Tribunal vide order dated 03/05/2023 in the original application observed and directed the MoEF&CC that,

“14....MoEF&CC needs to take a call on the recommendations of the Expert Committee headed by Dr. S.R. Wate in the light of its minutes dated 02.05.2017 within two months from 03/05/2023 and the interested stakeholders to represent their view point to the Secretary, MoEF&CC within two weeks from 03/05/3023.”

15. We further direct that if no decision is taken by MoEF&CC within two months as directed above, the requirement for EC will apply to all large slaughter houses as per classification in the 'Revised Comprehensive Industry Document on Slaughter Houses' i.e. "Large: More than 200 large animal i.e. bovines per day, or more than 1000 small animal i.e. goat and sheep per day (any day in a week)" with effect from 01.08.2023. Thereafter, no 'Large' slaughter house can be established or expanded without EIA as per procedure applicable to B category project in terms of EIA Notification dated 14.9.2006. This direction is being issued under Section 15 of the NGT Act. The Tribunal may consider such directions in respect of medium slaughter houses on the next date.



16. An action taken report may be filed by the MoEF&CC by 31.08.2023 by e-mail.”

5. It is humbly submitted that subsequent to the order dated 03/05/2023 of the Hon’ble Tribunal in the instant matter, the answering respondent herein has received eight representations from the various interested stakeholders which inter-alia include representations from academic institution, farmers and exports association etc.

6. It is humbly submitted that the Ministry of Fisheries, Animal Husbandry and Dairying also conducted a meeting with many stakeholders on the matter and vide OM dated 31/05/2023 submitted their comments for consideration of the Ministry. A copy of the same has been annexed as **ANNEXURE R/1**.

7. That the answering respondent herein in compliance of the order of the Hon’ble Tribunal dated 03/05/2023 forwarded the matter, the representations/comments received to the concerned sectoral Expert Appraisal Committee (EAC) for due deliberation on the issue.

8. It is humbly submitted that the matter was placed before 105th meeting of the EAC (Infra-II) on 06/06/2023 wherein EAC chairman desired that relevant documents be circulated to EAC members so that they can examine the matter and discuss in the next EAC meeting.

9. That, the matter was placed before the EAC (Infra-II) in its 106th meeting held on 30/06/2023. During the deliberations, the Member Secretary pointed out that looking at the concerns expressed by APEDA and other applicants, the issue of enforcement of environmental safeguards through consent mechanism vis-a-vis proposed EC needs to

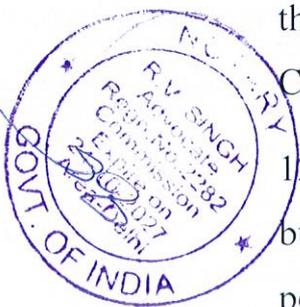


be examined in detail. Accordingly, the EAC decided to invite the subject matter expert/institution to further deliberate in the matter. Hence the matter remained inconclusive.

10. Subsequently, the matter was deliberated by the concerned EAC in its 107th meeting held on 25/07/2023 wherein the representatives of the Central Pollution Control Board (CPCB) also participated. The representatives of CPCB pointed out that slaughterhouses are 'red' category industries due to their potential adverse impact on environment expressed in terms of the "Pollution Index". However, a majority of the bigger slaughterhouses in the country geared towards export are in the public sector which are bound by the environmental safeguards as outlined in the consent mechanism. Further, it was pointed out that not all red categories Projects/Activities require prior clearance under EIA Notification, 2006.

11. It is humbly submitted that CPCB, during the meeting while referring to their Revised Comprehensive Industry Document on Slaughterhouses issued on 23/10/2017 has stated that their latest guidelines are capable of dealing with the pollutants referred therein effectively which need to be effectively implemented and monitored by the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs).

12. Further, during the meeting the EAC recommended that the building parameters may not be used for appraising the pollution potential of this industry and hence the Policy Division of the MoEF&CC may be requested to conduct detailed consultations with domain experts and institutions for developing an acceptable and



effective mechanism in this matter. A copy of the relevant portion of the Minutes of the Meeting dated 25/07/2023 has been placed as **ANNEXURE R/2.**

13. It is humbly submitted that subsequent to the recommendations of the EAC regarding conducting detailed consultations with domain experts and Institutions, it has been decided by the Competent Authority at the MoEF&CC for constituting a Working Group comprising Director NEERI (or) his nominee, representatives of CPCB, CSIR-Central Food Technological Research Institute (CFTRI), Ministry of Fisheries, Animal Husbandry and Dairying, Andhra Pradesh Pollution Control Board and Uttar Pradesh Pollution Control Board. The Working Group will be chaired by Shri Raghu Kumar Kodali, Scientist 'G' of MoEF&CC and will have a time limit of three months to submit its recommendations to the Ministry. A copy of the Order regarding the constitution of Working Group is annexed herewith as **ANNEXURE R/3.**

14. That in view of the above facts and circumstances, the answering respondent vide IA No. 646 of 2023 in OA no. 879 of 2022 has sought an extension of six months for the MoEF&CC to take an appropriate decision in the matter and for not making 01/08/2023 as the binding date for large slaughterhouses to attract EC under the EIA Notification, 2006.

15. That in view of the urgency, on mention, the aforesaid interim application was taken by Hon'ble Tribunal on 01/08/2023 and Hon'ble Tribunal was gracious enough to direct the following:



" 6. The interim application be listed for hearing before three-member bench headed by Hon'ble Chairperson on 09.08.2023

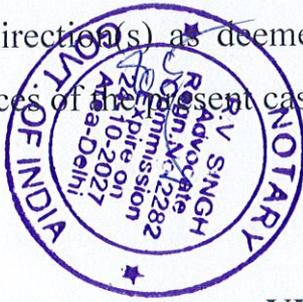
7. In the meanwhile, in view of the facts and circumstances and the urgent nature of relief involved, the operative part of order dated 03.05.2023 as to applicability of the requirement of EC to all large salughter houses as mentioned therein shall remain inoperative."

A copy of the above-said order dated 01/08/2023 is placed as ANNEXURE R/4.

16. That the answering respondent has highest regards for law and acts in a prudent manner with regard to the cases pending before this Hon'ble Court.

17. That the present additional affidavit may kindly be taken on record and into consideration and this Hon'ble Court may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

I identify the deponent's execution who has signed in my presence



[Signature]
DEPONENT

(सुन्दर रामानाथन)
(SUNDAR RAMANATHAN)
वैज्ञानिक 'ई'/Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION

Verified at 7 on 7 AUG 2023 this day of August, 2023 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed there from.

[Signature]



Solemnly affirmed before me, read over & explained to the deponent.
[Signature]
Notary Public, DELHI

[Signature]
DEPONENT

(सुन्दर रामानाथन)
(SUNDAR RAMANATHAN)
वैज्ञानिक 'ई'/Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

7 AUG 2023

590

File No. L-110110/25/2018-Trade (E-10948)

भारत सरकार

Government of India

मत्स्य पालन, पशुपालन और डेयरी मंत्रालय

Ministry of Fisheries, Animal Husbandry and Dairying

पशुपालन और डेयरी विभाग

Department of Animal Husbandry and Dairying

कृषि भवन, नई दिल्ली- 110 001,

Krishi Bhawan, New Delhi-110 001,

दिनांक / Dated the 19th May, 2023.**OFFICE MEMORANDUM**

Subject: National Green Tribunal (NGT) Order dated 3rd May 2023 for inclusion of slaughterhouses under Environment Impact Assessment (EIA) Act, 2006- reg.

This Department has received a letter dated 15th May, 2023 from the Secretary, APEDA forwarding a representation dated 8th May, 2023 from All India Buffalo and Sheep Meat Exporters Association (AIMLEA) on the subjected cited above.

2. The slaughterhouses already need Consent to Establish (CTE) and Consent to Operate (CTO) from Pollution Control Board (PCB) of respective State under relevant provisions of The Water (Prevention and Control of Pollution) Act, 1974 and The Air (Prevention and Control of Pollution) Act, 1981.
3. Bringing of slaughterhouses under the ambit of EIA Act, 2006 in addition to license also from State PCB may impose unnecessary compliance burden on these establishments and may cause implications on export of meat and meat products.
4. Hence, this Department will communicate its detailed comments by 31st May, 2023 after stakeholder's consultation in this regard.
5. This issues with the approval of the competent authority.

Gagan Garg
19.05.2023
(डॉ गगन गर्ग)

(Dr. Gagan Garg)

उप-आयुक्त (व्यापार)

Deputy Commissioner (Trade)

To,

The Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi.
Email: secymoef@nic.in

Copy to;

- Dr. Sudhanshu, APEDA, 3rd Floor, NCUI Building, 3, Siri Institutional Area, August Kranti Marg, New Delhi.

File No. L-110110/25/2018-Trade (E-10948)

भारत सरकार

Government of India

मत्स्य पालन, पशुपालन और डेयरी मंत्रालय

Ministry of Fisheries, Animal Husbandry and Dairying

पशुपालन और डेयरी विभाग

Department of Animal Husbandry and Dairying

कृषि भवन, नई दिल्ली- 110 001,

Krishi Bhawan, New Delhi-110 001,

दिनांक / Dated the 31st May, 2023.

OFFICE MEMORANDUM

Subject: National Green Tribunal (NGT) Order dated 3rd May 2023 for Inclusion of slaughterhouses under Environment Impact Assessment (EIA) Act, 2006- reg.

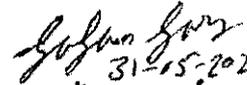
In continuation of this Department's O.M. dated 19th May, 2023 (copy enclosed) on the subject cited above, the undersigned is directed to communicate that a meeting with relevant stakeholders was done under the chairmanship of Shri G.N. Singh, Joint Secretary (Admn., Trade and IC), Department of Animal Husbandry and Dairying (DAHD) on 22nd May 2023 to discuss the issue of exemption of export oriented abattoirs from ambit of EIA Act, 2006 through virtual mode. The Record of Discussions of said meeting is annexed herewith.

2. Based upon discussions and deliberation in said meeting, the following is commented for consideration;

- (i) Export oriented slaughter houses are complying all the regulations to control pollution and to address the environment concerns of slaughter houses, hence, Expert Committee of MoEF and CC may consider to re-look the requirement of bringing the export oriented abattoirs under ambit of EIA Act, 2006.
- (ii) Expert Committee of MoEF and CC may also consider the adverse environmental effects caused by spent animals/unproductive animal, if any.
- (iii) MoEF and CC may consider include the representation from Department of Animal Husbandry and Dairying in the Expert Committee of MoEF and CC to take the holistic view, in the matter.

3. This issues with the approval of the competent authority.

Encls: As above.


31-5-2023

(डॉ गगन गर्ग)

(Dr. Gagan Garg)

उप-आयुक्त (व्यापार)

Deputy Commissioner (Trade)

To,

The Secretary,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan, Jorbagh Road,
New Delhi.
Email: secy-moef@nic.in

Copy to;

- Dr. Sudhanshu, APEDA, 3rd Floor, NCUI Building, 3, Siri Institutional Area,
August Kranti Marg, New Delhi.

Record of Discussion on stakeholder consultation to discuss the issue regarding exemption of export oriented abattoirs from ambit of EIA Act, 2006 held on 22nd May 2023 through virtual mode.

The list of participant is annexed.

2. A meeting with relevant stakeholders was held under the chairmanship of Shri G.N. Singh, Joint Secretary (Admn., Trade and IC), Department of Animal Husbandry and Dairying (DAHD) on 22nd May 2023 to discuss the issue of exemption of export oriented abattoirs from ambit of EIA Act, 2006 through virtual mode.

3. Shri G.N. Singh, Joint Secretary, DAHD welcomed all the participants and requested Agricultural and Processed Food Products Export Development Authority (APEDA) to explain the issue.

4. Dr. Sudhanshu, Secretary, APEDA informed that NGT has passes an Order date 3rd May 2023, regarding the inclusion of slaughterhouses and meat processing under "EIA Notification, 2006. He further explained that meat & meat products are scheduled products of APEDA established under "The Agricultural & Processed Food Products Export Development Authority Act, 1985". Under the Foreign Trade Policy by Directorate General of Foreign Trade (DGFT), the export of meat and meat products from India is allowed subject to the condition that these products have been sourced from an APEDA registered meat processing unit. The export oriented meat production facilities are inspected and registered by APEDA. The meat processing plants are registered after a detailed physical inspection of the plant by a committee of experts in food safety and veterinary science drawn from Department of Animal Husbandry and Dairying, Ministry of Food processing Industries, Food Safety and Standards Authority of India, Export Inspection Council of India and representatives from State Veterinary Departments. Present regulation is adequate to address pollution and other environment concerns of slaughter houses.

5. Mr. G. Rambabu, Scientist-D, Central Pollution Control Board (CPCB) mentioned that this issue is being dealt by Expert Committee under the Ministry of MoEF and CC.

6. Mr. R.K. Boyal, AIMLEA mentioned that NGT has directed MoEF and CC needs to take a call on the recommendations of the Expert Committee headed by Dr. S.R. Wate in the light of its minutes dated 02.05.2017 within two months from 3rd May, 2023..

7. Dr. N. Kondaiah, AIMLEA mentioned that all the export oriented slaughter houses, registered with APEDA, are under strict Govt. controls at every stage starting from procurement of animals to export. The exporters are operating most modern and state- of- the -art integrated export-oriented meat processing units which are certified for Food safety and Environment Management systems. The existing control and monitoring are adequate to prevent/control pollution and adverse environmental effects in APEDA registered abattoirs. The operations of export oriented abattoirs are licensed and monitored by several Central and State Government agencies.

He further mentioned that any slaughter house establishment requires permissions from Gram Panchayat/ District Authorities followed by Consent to Establish (CTE) and Consent to Operate (CTO) from Pollution Control Board of respective state under relevant provisions of "The Water (Prevention and Control of Pollution) Act, 1974" and "The Air (Prevention and Control of Pollution) Act, 1981". The export abattoirs and meat plants follow the rules under the "Prevention of Cruelty to Animals Act, 1960" of Animal Welfare Board of India under the Ministry of Fisheries, Animal Husbandry and Dairying Therefore, these projects comply with the stringent standards of state PCB and other Government Departments. Covering all export oriented slaughter houses under ambit of EIA act, 2006, leads compliance burden as all precautionary measures are already in place.

8. Dr. Sujeet Kumar Dutta, Joint Commissioner, NLM Division, DAHD mentioned that presently the permissions of slaughter houses are being granted on the basis of area, however, the Expert Committee of MoEF and CC has recommended to categorized slaughter houses on the basis of number of animal slaughter per day. DAHD is one of the stakeholders for meat industry, however there is no representation from this Department in the Expert Committee of MoEF and CC.

9. Dr. Santhil Kumar, AIMLEA reiterated that presently, the regulations are adequate to control pollution and to address the environment concerns of slaughter houses. Slaughter houses are important functional units in the livestock production and utility aspects. Effective culling of unproductive animals and excess animal for meat production is important for sustaining livestock production. Removal of such animals from the system also results not only economic and livelihood benefits but also results environmental and public health benefits.

10. Based upon discussions and deliberation, Shri G.N. Singh, Joint Secretary (Admn., Trade and IC) concluded the meeting as below;

- (i) Export oriented slaughter houses are complying all the regulations to control pollution and to address the environment concerns of slaughter houses, hence, Expert Committee of MoEF and CC may consider to re-look the requirement of bringing the export oriented abattoirs under ambit of EIA Act, 2006.
- (ii) Expert Committee of MoEF and CC may also consider the adverse environmental effects caused by spent animals/unproductive animal, if any.
- (iii) MoEF and CC may consider include the representation from Department of Animal Husbandry and Dairying in the Expert Committee of MoEF and CC to take the holistic view, in the matter.

The meeting ended with a vote of thanks to the Chair.

LIST OF PARTICIPANTS

Sr. No.	Name	Designation and Department/Organization
1.	Shri G. N. Singh	Joint Secretary (Admn., Trade and IC), DAHD
2.	Dr. S. K. Dutta	Joint Commissioner, DAHD
3.	Dr. Sudhanshu	Secretary, Agricultural and Processed Food Products Export Development Authority
4.	Dr. Gagan Garg	Deputy Commissioner, DAHD
5.	Shri G. Rambabu	Scientist-D, Central Pollution Control Board
6.	Dr. Lokendra Kumar	Joint Director, Food Safety and Standards Authority of India
7.	Dr. Aniruddha Udaykar	Assistant Commissioner Department of Animal Husbandry
8.	Shri. Manoj Kumar Gupta	Deputy Director, Export Inspection Council
9.	Ms. Pushpinder	Deputy Director, Food Safety and Standards Authority of India
10.	Shri. R. K. Boyal	All India Buffalo and Sheep Meat Exporters Association
11.	Dr. Kondaiah	All India Buffalo and Sheep Meat Exporters Association
12.	Dr. Senthil Kumar	All India Buffalo and Sheep Meat Exporters Association
13.	Shri. Ajay Mittal	All India Buffalo and Sheep Meat Exporters Association



सत्यमेव जयते

Government of India
Ministry of Environment, Forest and Climate Change
IA Division
(INFRA-2)



Minutes of 107th Meeting of Expert Appraisal Committee (Infra-2) to be held on
25-26 July, 2023 at MoEF&CC, New Delhi Expert Appraisal Committee meeting Date: 04/08/2023
INFRA-2 held from 25/07/2023 to 26/07/2023

MoM ID: EC/MOM/EAC/832025/7/2023
Agenda ID: EC/AGENDA/EAC/832025/7/2023
Meeting Venue: Narmada Conference Hall, Indira Prayavaran Bhawan, Jorbagh Road, New Delhi - 110003
Meeting Mode: Hybrid
Date & Time:

25/07/2023	11:00 AM	05:30 PM
26/07/2023	11:00 AM	05:30 PM

1. Opening remarks

The Chairman of the Expert Appraisal Committee (Infra-2) welcomed all the Members and stated briefly the agenda items of the meeting. He then requested the Member Secretary to initiate deliberations.

2. Confirmation of the minutes of previous meeting

The Expert Appraisal Committee (Infra-2), hereinafter referred to as EAC (Infra-2) or EAC or committee, confirmed the minutes of 106th meeting of EAC held on 30th June, 2023 after noting the typographical corrections as mentioned in table below: Typo errors, if any, noticed during the processing of these cases may be corrected appropriately in the light of relevant facts and figures.

3. Details of proposals considered by the committee

Day 1 -25/07/2023

3.1. Agenda Item No 1:

3.1.1. Details of the proposal

REVISION OF IT/ITES SEZ PROJECT, AT PLOT NO.-21, TECHZONE-IV, GREATER NOIDA (WEST), GAUTAM BUDHA NAGAR, UTTAR PRADESH by ARTHA INFRA TECH PRIVATE LIMITED located at GAUTAM BUDDHA NAGAR, UTTAR PRADESH

Proposal For

Fresh EC

7	STP Capacity	235 KLD	180 KLD
8	ETP Capacity	80 KLD	15 KLD
9	Population	4948 Nos.	4890 Nos.
10	Total cost of the project	INR 23.46 Crores	INR 165 Crores
11	Freshwater requirement	158 KLD	114 KLD
12	Electric Load	2269 kVA	2270 kVA
13	Solid waste	1388 kg/day	1260 kg/day
14	Non-Biodegradable	555 kg/day	756 kg/day
15	Biomedical waste	90 kg/day	78 kg/day

The EAC, based on the information submitted and clarifications provided by the Project Proponent and detailed discussions held on all the issues, **recommended** granting environmental clearance to the project subject to specific and Standard conditions stipulated by SEIAA vide EC letter No. SIA/UP/MIS/254673/2021 (F. No. 6911) dated 8th April, 2022.

3.3.5. Recommendation of EAC

Recommended

3.3.6. Details of Environment Conditions

3.3.6.1. Specific

N/A

3.3.6.2. Standard

8(a)	Building / Construction
	null
1.	All specific and standard conditions as stipulated by SEIAA vide EC letter No. SIA/UP/MIS/254673/2021 (F. No. 6911) dated 8 th April, 2022 shall be strictly adhered.

4. Any Other Item(s)

4.1.1. Details of the proposal

The inclusion of Slaughter houses and meat processing units under EIA Notification, 2006 located at N/A,N/A,N/A		
Proposal For		N/A
Proposal No	File No	
N/A	N/A	

4.1.2. Project Salient Features

The inclusion of Slaughter houses and meat processing units under EIA Notification, 2006.

4.1.3. Deliberations by the EAC in current meetings

In the 106th meeting of the EAC (INFRA2) this matter had remained inconclusive with the following observations: "In view of the orders of the Hon'ble National Green Tribunal (NGT), the Ministry received eight representations from the various stakeholders stating that the Ministry might not include such units in the purview of the EIA, Notification, 2006 as amended. Further, authorities such as APEDA and Department of Animal Husbandry and Dairying also forwarded representations made before them by the stakeholders for not including such units under purview of the EIA Notification, 2006 as amended. In view of the above, IA policy Division sought comments/inputs from the IA (Infra II) Division for the inclusion of Slaughter houses and meat processing units under EIA Notification, 2006. Therefore, this matter has now been placed on EAC Meeting (Infra II) for comments/inputs. After detailed deliberation, the committee noted that the activity under question comes under the highest polluting Red category as per the CPCB's classification of polluting industries and in many areas across the country it is a major source of pollution of both groundwater and surface water. Further, in thousands of sites it presents a major challenge of disposal of biological solid wastes. This clearly suggests the inadequacy of existing measures. Therefore, it is imperative to bring the industry under appropriate levels of environmental regulations. The Ministry may, therefore, accept the Waste Committee report and bring the slaughterhouses under purview of the EIA Notification, 2006 as amended. The concerns of APEDA regarding the possible disruption of export of meat from the country can be addressed by allowing a three year or even longer time span for the changeover to a more regulated pollution control regime in the industry. However, the Member Secretary pointed out that looking at the concerns expressed by APEDA and other applicants, the issue of enforcement of environmental safeguards through consent mechanism vis-à-vis proposed EC needs to be examined in detail. Accordingly, it was decided to invite the subject matter expert/institution to further deliberate in the matter."

In taking the matter further the representatives of Central Pollution Control Board (CPCB) were invited to throw light on the reasons as to why the slaughterhouse industry has been kept out of the ambit of the EIA Notification 2006 even when classified as the highest polluting Red category industry under the CPCB classification of the industries. Two representatives of the CPCB, namely, Shri Ajay Agrawal and Smt. Anamika Sagar took part in the meeting and presented their views in the matter. They explained that as per 'Revised classification of industrial Sectors under Red, Orange, Green and White categories report published by CPCB in 2016', slaughter houses are 'red' category industries due to their potential adverse impact on environment expressed in terms of the "Pollution Index". A total of 64 industries have been classified under this Red category. The next category with relatively lower Pollution Indices is the Orange category with a total of 91 industries.

When asked how many of the industries classified as Red category have been brought under the EIA Notification of 2006 necessitating prior Environmental Clearance (EC) the CPCB stated that of the 64 Red category industries 47 industries require EC and the remaining 17, including the Slaughterhouses and Meat Processing units, do not require EC before the establishment of the industry. Further out of the 91 industries listed in Orange category also 8 industries currently require EC.

The CPCB was then requested to clarify as to why 17 industries under Red category with higher Pollution Indices have been exempted from the requirement of EC when 8 industries under the Orange category with lower Pollution Index ratings require EC. To this question the CPCB representatives responded by saying that purpose of CPCB's classification was to determine the frequency of monitoring of industries by SPCBs depending upon the intensity of pollution load. Those with red category needs to be monitored more frequently. This system has come into force from 2012. However, the mechanism of EC has been in practice since 14.09.2006 and is independent of CPCB's classification of polluting industries. The decision to place an industry under the EIA Notification requiring prior EC is entirely the prerogative of the Ministry.

In response to a specific query whether the CPCB is satisfied with the outcome of the current pollution control regime for the slaughterhouses and meat processing units which is limited to requiring Consent to Establish and Consent to Operate by the SPCBs and whether they have received serious complaints of pollution by this industry the CPCB representatives stated that the slaughterhouse and meat processing industry is essentially a cause for water pollution with only a limited contribution to other aspects of pollution since all parts of the slaughtered animals are put to commercial use and little is wasted and, for this reason, the provisions of the Water (Prevention and Control of Pollution) Act, 1974 are adequate to deal with the pollution caused by this industry. They further stated that they have been taking a very proactive stand in the matter by constantly revising operational guidelines for the industry in response to various complaints and studies and the latest in the series is the Revised Comprehensive Industry Document on Slaughterhouses issued on 23.10.2017.

The CPCB representatives also said that the status of pollution in the industry is essentially linked to the quality of monitoring of pollution control measures mandated under the Consents to Establish/Operate granted by the SPCBs and this quality may differ from place to place. In their opinion a majority of the bigger slaughterhouses in the country

geared towards export are in the public sector and almost all of them are reasonably well managed from the pollution perspective and the problem essentially lies in the unorganized small butchereries spread across the country and which are also not covered in recommendations of the Waste Committee.

The attention of the CPCB was then drawn to their Revised Comprehensive Industry Document on Slaughterhouses issued on 23.10.2017 which, inter alia, states that solid waste generated from slaughterhouses includes cow-dung, intestine, and solids from effluent treatment plant which may attract flies, dogs and other vermin, and lead to leachate problem, contamination of surface and ground water accompanied by danger of spreading disease. Besides, odors from blood storage and handling, slurry, lairages and inedible offal storage are reported to be most problematic. Yard areas, unwashed by-products containers and treatment plants, including the initial screening of solids, are also potential problem sources of foul odors. Refrigerant gas release from chilling and freezing plants and CO₂ from energy use are also significant contributions to air pollution. The CPCB representatives admitted these as facts but stated that their latest Guidelines are capable of dealing with all these pollutants also effectively provided the implementation is assured by the state authorities and monitoring is done properly.

As desired by the Hon'ble NGT the comments and views received from stakeholders numbering ten in total which have been tabulated by the MoEF&CC were also examined by the Expert Appraisal Committee (EAC). The comments have been received from Animal Husbandry Departments, the Slaughterhouse Industry Associations and Associations of Veterinary and Food Processing scientists and are broadly the same in content and nature. All oppose the requirement of prior EC, state that the existing Consent mechanism is adequate to address the water pollution concerns, and are opposed to public hearings that might be mandated if the industry is brought under the purview of the EIA Notification of 2006. They also fear that the thriving exports in this sector would be greatly affected.

In the ensuing discussion Dr Ashish Kumar, Member-Secretary EAC, strongly supported the stand of the CPCB and stated that the current Consent mechanism under the Water (Prevention and Control of Pollution) Act, 1974 is generally working effectively wherever monitoring is of good quality and the SPCBs are able to enforce the conditions under which Consent to Establish/Operate are granted. The arguments as presented before the Hon'ble NGT and expressed by the Waste Committee point out that water pollution is the major problem in case of the slaughter houses and this is adequately being taken care through existing consent mechanism. He also stated that the real problem lies in the butchereries in the unorganized sector which would remain unaddressed even if Waste Expert Committee report is implemented in its entirety. Further, he emphasized that due to recent technological advancements in food processing industry including butchereries, pollution potential of the slaughter houses needs to be evaluated again and also there is need to re-evaluate the Waste Committee's recommendations and their relevance in present day's context.

Prof. Meenakshi Dhote, Member EAC, felt that the unorganized sector is more to blame for the widespread pollution caused by this industry and also noted that the problem is bigger than water pollution.

Prof. Ashwani Kumar, Member EAC, also felt the unorganized sector is largely responsible for the pollution caused by the slaughterhouses and the organized sector is relatively under better control of its effluents and waste products. He was further of the view the existing mechanism can be made to work more effectively with improved monitoring.

Shri Monish Mullick, Member EAC, said many neighbourhoods are very badly affected by the water pollution caused by the slaughterhouses and while unorganized sector is definitely a problem, the organized sector of this industry is also known to use it as an excuse to transfer blame for its own shortcomings on the unorganized butchereries in their vicinity. He said setting these slaughterhouses away from water sources and from populated areas is of high importance and this is best done through the mechanism of public hearing but there is no provision for public hearing under the Water (Prevention and Control of Pollution) Act, 1974 or the Air (Prevention and Control of Pollution) Act, 1981. This can only be done if the industry is brought under the purview of the EPA 1986 and, more specifically, under the EIA 2006.

In his brief intervention Prof. H C Nainwal, Member EAC, felt that the slaughterhouse activities have direct and indirect impacts on the environment particularly on the water (both surface and the sub-surface) and the air quality. They also affect the health of residents living in its vicinity. Landuse policies for the establishment of slaughterhouses should be framed accordingly. Therefore, public hearing/public participation/public awareness is necessary for the development of policies for slaughterhouse management to minimise its impact on the environment and health of the people.

On the issue of lack of provision for public hearing under the extant consent mechanism, the Member Secretary stated that purpose of public hearing is to learn about the concern of local people in respect of proposed development and incorporate them in the form mitigation measures in environmental planning. Views raised in Public Hearing cannot be used as basis for deciding the siting criteria.

Prof P K Joshi, Member EAC, also was of the view that this industry is a major pollutant not only of water bodies but also of open spaces with the large quantities of biological waste it produces and the foul odors it generates. Its Greenhouse Gas (GHG) emissions is also not insignificant. And the excessive consumption of water that the industry needs to meet the exacting hygiene standards of many meat importing countries also creates an enormous environmental liability on the people who must compete for the same waters.

Dr Satish C Garkoti, Member EAC, stated that the Ministry of Environment, Forest and Climate Change and the Central Pollution Control Board (CPCB) has brought out fresh stringent norms to regulate this industry but the enforcement is not up to the mark. Further, being the most unorganised sector, it warrants strict implementation of the prescribed norms and effective monitoring mechanisms need to be put in place to address the environmental concerns of slaughterhouses.

Dr Garkoti further stated that the representatives of the CPCB during the meeting have stated that the existing

regulatory mechanism is adequate and provides well defined system to address the environmental concerns of this industry. Therefore, instead of adding another layer of regulation it would be better to strengthen the existing system and ensure an effective monitoring mechanism to mitigate pollution from this industry. He also emphasized the importance of the Principle of Absolute Liability in dealing with the pollution arising out of this industry. Dr Garkoti suggested that, considering the inter-ministerial issues involved, it would be appropriate for the Policy Division in the Ministry to conduct a detailed consultation with domain experts in accordance with the directions of the Hon'ble NGT.

The Chairman stated that if, as suggested by the CPCB, Guidelines alone were enough then these should have also sufficed for the more than 50 industries that have already been brought under the prior EC mandated under the EIA. He said the pollution from this industry is not merely water pollution but is all encompassing and it would be best to deal with it under the Environment (Protection) Act, 1986 and the rules framed thereunder which are today the best legal tools available for controlling environmental pollution anywhere in the world in which the best practices from almost everywhere have been incorporated over the years. He further stated that the Environment (Protection) Act, 1986, is premised on 'polluter pays' and the 'precautionary' principles which makes it much more effective in bringing speedy justice to the people affected by severe pollution. This makes the implementation of directions given by statutory bodies like the SPCBs much more effective compared to the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

The Chairman noted that the fear of many industry stakeholders that bringing the industry under EIA Notification 2006 necessitating prior EC would greatly disrupt the meat exports has no basis whatsoever. Firstly, the new regulations would have no retroactive effect and thus can have no bearing on the existing slaughterhouses. Even more importantly, the requirements of the stringent provisions of the EIA Notification would in fact make the product more in demand of the consumers in the highly environment conscious markets of the EU and North America.

The Chairman brought to the attention of the EAC that in para 13 of the NGT orders of 03.05.2023 in OA No. 879/2022 (IA No. 38/2023) the Hon'ble Tribunal has expressly disfavoured the proposition that the EIA of slaughterhouses be conducted on the basis of the parameters of the slaughterhouse buildings as the process does not consider impact of the animal slaughter process and consequences. The Chairman felt that under this proposition there would be no requirement of prior EC for slaughterhouse buildings of sizes less than 20000 sq mtrs which would be big enough space to hold a large sized slaughterhouse, if necessary, by separating some of the non-polluting parts of the production process a little distance away. Such a system would be prone to misuse by unscrupulous sections of this industry and may be avoided.

A detailed discussion on the various possibilities of addressing the environmental concerns in the industry was then held but no clear consensus could emerge on future regulations for mitigating pollution from this industry. In view of the divergence in views, the EAC recommended that even though the extant system of Consent mechanism is deficient in many ways it may be allowed to continue for the time being as the Waste Committee recommendations for enabling appraisal under EIA Notification 2006 also do not address pollution arising from the unorganized slaughterhouses. It further recommended that building parameters may not be used for appraising the pollution potential of this industry, and that the IA (Policy) Division of the MoEF&CC may be requested to conduct detailed consultations with domain experts and institutions for developing an acceptable and effective mechanism for mitigating the polluting potential of this industry.

4.1.4. Recommendation of EAC

Recommended

4.2.1. Details of the proposal

The inclusion of Common Sewage Treatment Plants (CSTPs) under EIA Notification, 2006 located at N/A,N/A,N/A		
Proposal For		N/A
Proposal No	File No	
N/A	N/A	

4.2.2. Project Salient Features

The inclusion of Common Sewage Treatment Plants (CSTPs) under EIA Notification, 2006.

Proposal For		N/A
Proposal No	File No	
N/A	N/A	

4.3.2. Project Salient Features

Any other item

4.3.3. Deliberations by the EAC in current meetings

The Chairman desired that from now onwards CPCB may be requested to nominate a subject matter expert as 'Special Invitee' for attending EAC meetings and provide technical inputs in case of important matters on case of case basis.

4.3.4. Recommendation of EAC

Recommended

5. List of Attendees

Sr. No.	Name	Designation	Email ID	Remarks
1	Mr Ashish Kumar	Scientist E	ashish.k@nic.in	Physical
2	Dr Promode Kant IFS	IFS (Retired)	promode.kant@gmail.com	Physical
3	Shri Monish Mullick IFS	Member (EAC)	mmullick1@rediffmail.com	Physical
4	Dr Satish C Garkoti	Member (EAC)	satishgarkoti@gmail.com	Physical
5	Dr Arun Jyoti Nath	Member (EAC)	arunjyotinath@gmail.com	Physical
6	Prof Inderjit Singh	Member (EAC)	inderjitdu@gmail.com	Absent
7	Prof P K Joshi	Member (EAC)	pkjoshi27@hotmail.com	Physical
8	Prof Arun K Saraf	Member (EAC)	arun.saraf@es.iitr.ac.in	Absent
9	Dr Hema Achyuthan	Member (EAC)	hachyuthan0@gmail.com	Absent
10	Prof Harish Chandra Nainwal	Member (EAC)	nainwal61_1@gmail.com	Virtual
11	Prof Ashwani Kumar	Member (EAC)	ashwani.ks222@gmail.com	Virtual
12	Dr Meenakshi Dhote	Member (EAC)	m.dhote@spa.ac.in	Physical

F. No. IA3-3/151/2022-IA.III [E-198146]
 Government of India
 Ministry of Environment, Forest and Climate Change
 (IA Division)

Indira Paryavaran Bhawan
 Jor Bagh Road, Aliganj,
 New Delhi - 110003

Dated: 7th August, 2023

ORDER

Subject: Constitution of Working Group (WG) for deliberating on the Slaughterhouses and Meat processing units -reg.

The undersigned is directed to refer to the subject mentioned above and to convey that with the approval of Competent Authority, it is hereby decided to constitute a Working Group with the following composition:

S.No.	Details	Designation
i.	Shri Raghu Kumar Kodali, Scientist 'G', MoEF&CC	Chairman
ii.	Director NEERI (or) his nominee	Member
iii.	Representative of CPCB	Member
iv.	Representative of CSIR-Central Food Technological Research Institute (CFTRI)	Member
v.	Representative of Ministry of Fisheries, Animal Husbandry and Dairying	Member
vi.	Representative of Andhra Pradesh Pollution Control Board	Member
vii.	Representative of Uttar Pradesh Pollution Control Board	Member
viii.	Representative of IA - Policy	Convener

2. The Terms of Reference (ToRs) and outcome of the Working Group is as below:

Terms of reference

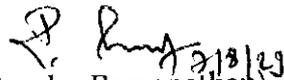
- Review/examination of the comments/inputs on the recommendation of the then Expert Committee headed by Dr.S.R.Wate pertaining to Slaughterhouses and Meat processing units.
- Review/examination of the representations received from stakeholders in pursuance to the Hon'ble NGT Order dated 03/05/2023

- iii. Review/examination of the relevant technical documents pertaining to Slaughterhouses and Meat processing units.

Outcome

The Working Group shall submit the recommendations within three months from the date of constitution. The recommendations shall include whether there is a requirement for bringing slaughter houses and meat processing units under the ambit of EIA, 2006.

3. This issues with the approval of the Competent Authority.


(Sundar Ramanathan)
Scientist 'E'

To

1. Shri Raghu Kumar Kodali, Scientist 'G' MoEF&CC
2. Director, CSIR-National Environmental Engineering Research Institute, Nehru Marg, Nagpur-440 020 (Maharashtra) Tel: +91-712-2249999 Fax: +91-712-2249900 E-mail: director@neeri.res.in
3. Dr. Prashant Gargava, Member Secretary, Central Pollution Control Board, Parivesh Bhawan, Maharshi Valmiki Marg, East Arjun Nagar, Vishwas Nagar Extension, Vishwas Nagar, Shahdara, Delhi - 110 032. Email: mscb@pcb.nic.in
4. Director, CSIR-Central Food Technological Research Institute, Mysuru, Karnataka Email: director@cftri.res.in
5. The Secretary, Ministry of Fisheries, Animal Husbandry and Dairying Krishi Bhawan, New Delhi - 110001. Email: secy@abd.nic.in
6. Member Secretary, Uttar Pradesh Pollution Control Board, Building. No. TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226 010 Email: ms@uppcb.in
7. Member Secretary, Andhra Pradesh Pollution Control Board, Andhra Pradesh Pollution Control Board, Paryavaran Bhavan, APIIC Colony Road, Gurunanak Colony, Vijayawada - 520007. Email: membersecy@appcb.gov.in

Copy for information to:

1. PPS to Secretary (EF&CC);
2. PPS to AS(TK);
3. PPS to JS (SKB); and
4. Guard file.

Item No. 16

Court No. 2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI****(BY HYBRID MODE)**I.A. No. 646/2023
IN
Original Application No. 879/2022

Gauri Maulekhi

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 01.08.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Raj Panjwani, Senior Advocate with Ms. Esha Dutta, Adv. for Original Applicant

Respondent: Mr. Pratyaskh Gupta, Adv. for MoEF & CC

ORDER

1. Interim application registered as IA No. 646/2023 has been filed by Respondent No. 1, Union of India with the following prayers:

- i. *Pass an order for not making 01.08.2023 as the binding date for large slaughter houses to attract EC under the EIA Notification, 2006 and grant an extension of six months to the MoEF&CC to take an appropriate decision on the issue.*
- ii. *Pass such other and further orders as the nature and circumstances of the case may require and thought fit by this Hon'ble Tribunal."*

2. Vide order dated 03.05.2023 passed in OA No. 879/2022, Gauri Maulekhi vs. Union of India & Ors. inter-alia following directions were given by Bench of this Tribunal headed by Hon'ble Chairperson:

“xxxxxx.....xxx
 14. We are, thus, satisfied that MoEF&CC needs to take a call on the recommendations of the Expert Committee headed by Dr. S.R. Wate in the light of its minutes dated 02.05.2017 within two months from today. Any stakeholders interested on the issue will be free to represent their viewpoint to the Secretary, MoEF&CC within two weeks from today.

15. We further direct that **if no decision is taken by MoEF&CC within two months as directed above, the requirement for EC will apply to all large slaughter houses as per classification in the ‘Revised Comprehensive Industry Document on Slaughter Houses’ i.e. “Large: More than 200 large animal i.e. bovines per day, or more than 1000 small animal i.e. goat and sheep per day (any day in a week)” with effect from 01.08.2023.** Thereafter, no ‘Large’ slaughter house can be established or expanded without EIA as per procedure applicable to B category project in terms of EIA Notification dated 14.9.2006. This direction is being issued under Section 15 of the NGT Act. The Tribunal may consider such directions in respect of medium slaughter houses on the next date.

16. An action taken report may be filed by the MoEF&CC by 31.08.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”

3. The applicant, Respondent No. 1 is seeking extension of the period on the ground that in compliance of the order of this Tribunal, Respondent No. 1 is in receipt of several representations and the matter has been forwarded to the concerned sectoral Expert Appraisal Committee and on submission of report by said Committee, the recommendations will be considered by the Ministry for appropriate decision.

4. In view of the urgency, on mention, the interim application has been taken up for hearing today by this (two Member) Bench.

5. Mr. Pratyaskh Gupta, Advocate has appeared for Respondent No. 1 and reiterated his prayer, while Mr. Raj Panjwani, Senior Advocate has appeared on behalf of the Original Applicant and opposed the same.

6. The interim application be listed for hearing before three Member bench headed by Hon’ble Chairperson on 09.08.2023.

7. In the meanwhile, in view of the facts and circumstances and the urgent nature of relief involved, the operative part of order dated 03.05.2023 as to applicability of the requirement of EC to all large slaughter houses as mentioned therein shall remain inoperative.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

August 01, 2023
I.A. No. 646/2023
IN Original Application No. 879/2022
DV

607

Additional Affidavit in IA No 646/2023 in OA No 879/2022 Titled as Gauri Maulekhi vs UOI & Anr

Pratyaksh Gupta <lawquery89_1@hotmail.com>

Tue 8/8/2023 8:38 PM

To:gaurimaulekhi@gmail.com <gaurimaulekhi@gmail.com>

 1 attachments (3 MB)

AddDoc_IA646.pdf;

Hi! Madam Gauri Maulekhi

PFA, additional affidavit on the captioned subject.

Adv Pratyaksh Gupta

Govt Counsel NGT (PB) N.Delhi
(MoEF&CC-UoI)

Standing Counsel Delhi High Court
(CBDT-Ministry of Finance-UoI)

+91-9911780606