

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 66 OF 2022 / EZ

IN THE MATTER OF:

Sri Nimai Chandra Patel

...Applicant

VERSUS

State Pollution Control Board, Odisha
& Others.

...Respondents

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SPCB Odisha, R.No.3

Through

Sri Dipanjan Ghosh,
Advocates for the Respondent No.3
(State Pollution Control Board, Odisha)
e-mail: dpnjnghsh0@gmail.com
Phone No.:9903080977

Kolkata
Date:

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 66 OF 2022 / EZ

IN THE MATTER OF:

Sri Nimai Chandra Patel ...Applicant

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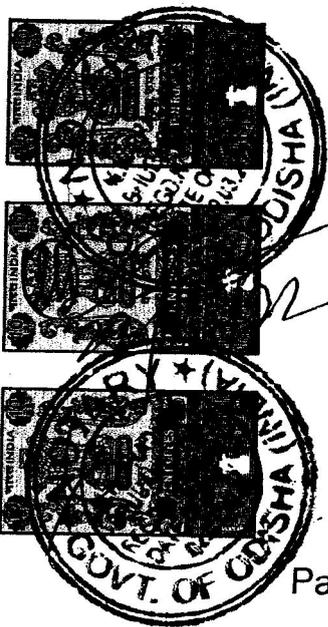
State Pollution Control Board, Odisha & Others. ...Respondents

AFFIDAVIT ON BEHALF OF STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.1, 3 & 9.

I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 54 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.3 Board and, as such, am well-acquainted with the facts

22 JUL 2022



[Handwritten signature]

and circumstances with the case and competent to swear this affidavit.

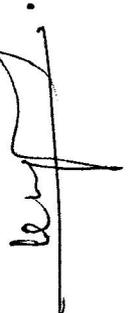
2. That this Hon'ble Tribunal in their order dtd.31.05.2022 at para-7 directed the R.No.3 Board to cause an inspection of the site in question in presence of the applicant and the R.No.12 and submit the inspection report on affidavit before this Hon'ble Tribunal.
3. That in compliance to the aforesaid direction of this Hon'ble Tribunal, the officials of Regional Office of this R.No.3 Board at Jharsuguda have carried out inspection of the site on dtd.07.07.2022 in presence of the applicant and R.No.12 and submitted the enquiry report. Copy of the same along with its annexures is annexed to this affidavit and marked as ANNEXURE-R3/1 Colly.
4. That this Hon'ble Tribunal also directed the R.No.3 Board to take into consideration whether the direction of NGT, Principal Bench as well as the latest guidelines issued by the Central Pollution Control Board dtd.10.01.2022 has been complied with or not.

[Handwritten signature]





5. That the R.No.3 Board after receipt of the revised guidelines of CPCB on environmental guidelines for poultry farms published in January, 2022 which has been communicated by the CPCB vide their letter dtd.10.01.2022 has been implemented by the R.No.3 Board vide office order No.3395 dtd.04.03.2022. A copy of the said office order is annexed to this affidavit and marked as ANNEXURE – R3/2.
6. That the copy of enquiry report at Annexure-R3/1 Copy discloses that the poultry farm of R.No.12 is under construction stage and rearing of broiler chickens has not yet started. It is coming under small category of capacity of 15,000 birds at any point of time at a single location. As per the latest guidelines of CPCB, January 2022, the poultry farm handling more than 5000 birds at a given time in single location shall obtain Consent to Establish and Consent to Operate under Water (PCP) Act, 1974 and Air (PCP) Act, 1981 from the R.No.3 Board w.e.f. 01.01.2023 and for the present only poultry farms handling more than 25,000 birds at a given time in single location is coming under consent administration of the Board. Copy of the revised guidelines of January, 2022





22/07/22

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has already been annexed as Annexure-III of the Enquiry Report at Annexure-R3/1 Colly of the present affidavit. However, a copy of order dtd.16.09.2020 of the Hon'ble NGT, Principal Bench, New Delhi passed in OA No.681/2017 – Gauri Maulekhi v. Union of India & Others and order dtd.10.12.2021 of the Hon'ble NGT, PB, New Delhi in OA No.320/2021 – Gauri Maulekhi v. Union of India & Others are annexed to this affidavit and marked as **ANNEXURE-R3/3** and **ANNEXURE-R3/4** respectively.

7. That the revised guidelines of CPCB, January 2022 deals with the siting criteria at SI.No.7, which are as follows:

7. Siting Criteria

New Poultry Farms (Set up after issuance of Guidelines) should preferably be established

- 500m from residential zone in order to avoid nuisance caused due to odour & flies
- 100 m from major water course like River, lakes, canals and drinking water source like wells, summer storage tanks, in order



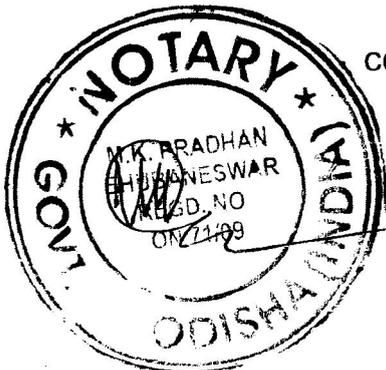
MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)

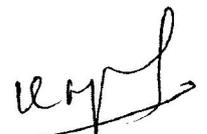
22/02/22

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to avoid contamination due to leakages / spillages, if any.

- 100 m from National Highway (NH) and 50 m from State Highway (SH) in order to avoid nuisance caused due to odour & flies.
 - 10-15m from rural roads/internal roads/village pagdandis.
 - The Poultry sheds should not be located within 10 m from farm boundary for cross ventilation and odour dispersion.
8. That the Respondent No.3 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.
9. That the annexures annexed to the present affidavit are true and correct copies of their originals.
10. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.




DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)

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VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 22nd day of July, 2022.

SWORN BEFORE ME


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar




MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)

Enquiry Report on the alleged pollution caused by the establishment of Poultry Farm by Smt. Sukesini Patel, At: Jhariabahal (Talmunda), PO: Pakelpada, PS: Laikera, Dist: Jharsuguda

In response to the order of Hon'ble NGT, Eastern Zone Bench, Kolkata, vide OA No.66/2022/EZ, a field visit was conducted on dtd.07.07.2022 in & around the alleged poultry farm in presence of the applicant (Sri Nimai Chandra Patel, S/o Late Pankaja Patel, Village- Talamunda (Jhariabahal)) and Respondent No.12 (Smt. Sukesini Patel, W/o Poulasti Patel, Village- Talamunda (Jhariabahal)) as per the complaint filed by Sri Nimai Chandra Patel regarding alleged pollution caused by the establishment of Poultry Farm by Smt. Sukesini Patel, At: Jhariabahal (Talmunda), PO: Pakelpada, PS: Laikera, in the district of Jharsuguda. The following observations were made.

Observations:

- The unit is not yet established. It is a proposed poultry farm (rearing broiler chickens for the purpose of farming meat).
- The alleged poultry farm is under construction stage and rearing of broiler chickens has not yet started. It is coming under small category of capacity of 15,000 birds at any point of time at a single location. The proprietress has obtained Go-ahead Letter from the Department of Agriculture and Farmer's Empowerment for establishment of commercial broiler farming unit (15000 capacity) under Mukhyamantri Krishi Udyog Yojana (MKUY) scheme on dtd.24.08.2021 (Copy enclosed as Annexure-I).
- Earlier a joint inspection on the alleged poultry farm was conducted on dtd.16.03.2022 consisting of BVO & AVAS, Pakelpada, Officials of Regional Office, State Pollution Control Board, Odisha, RI, Pakelpada and Police personals in compliance to the Letter No.FE-ENV-0019-2017321/FE&CC, Dtd.11.02.2022, received from Department of Forest, Environment & Climate Change, Govt. of Odisha. The inspection report of the CDVO, Jharsuguda is enclosed as Annexure-II.
- As per the new environmental guideline of poultry farm laid by the Central Pollution Control Board(CPCB) in January 2022 and the directions of Hon'ble NGT dated 10.12.2021 (O.A. No. 320/2021: Gauri Maulekhi Vs. Union of India & Ors.), poultry farms handling above 5,000 birds and below 25,000 at single location shall also obtain Consent to Establish (CTE) and Consent to Operate (CTO) under the Water Act, 1974 & Air Act 1981 from State Pollution Control Board/Pollution Control Committee w.e.f. 01.01.2023. Copy of the new environmental guideline of poultry farm is enclosed for reference as Annexure-III.
- The directions of Hon'ble NGT dated 25.12.2015 in O.A. No.23/2014/EZ, Deepak Mondal Vs. Pollution Control Appellate Authority about sitting criteria of all Poultry and Hatchery units the distance measured by the

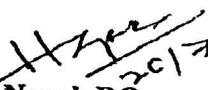
concerned authority is enclosed as Annexure-IV. As per the report of RI, Pakelpada, vide Letter No.72, dtd:-22.03.2022, the distance measures are as follows:-

1. Residence of complaint Sri Nimai Chandra Patel, Talmunda-232 meters
 2. Weekly (Wednesday) Market-248 meters
 3. Anchalik Mahila Higher Secondary School, Talmunda-365 meters.
- At present, the alleged under-constructed poultry farm is not coming under the Consent Administration of State Pollution Control Board, Odisha.
 - Further, as per the new environmental guideline laid by the CPCB in January 2022, Animal Husbandry Department of the State/Districts shall assist the poultry farms for implementation of Guidelines. In regard to the aforesaid complaint, Chief District Veterinary Officer, Jharsuguda has submitted a detail report which is enclosed for reference as Annexure-II.

In view of the above, as per the new guidelines of CPCB vide letter no-CPCB/IPC-V/NGT/Poultry/2022, dtd:-10.01.2022 at para 8.0 the alleged under-constructed poultry farm is of small capacity of 15,000 birds at any point of time at a single location and presently not coming under the Consent Administration of State Pollution Control Board, Odisha and also at para no 8.0, Animal Husbandry Department of the State/Districts to assist the poultry farm for implementation of the new environmental guideline.


Sri A.K. Bhoi, DES


Smt. A. Ekka, DES

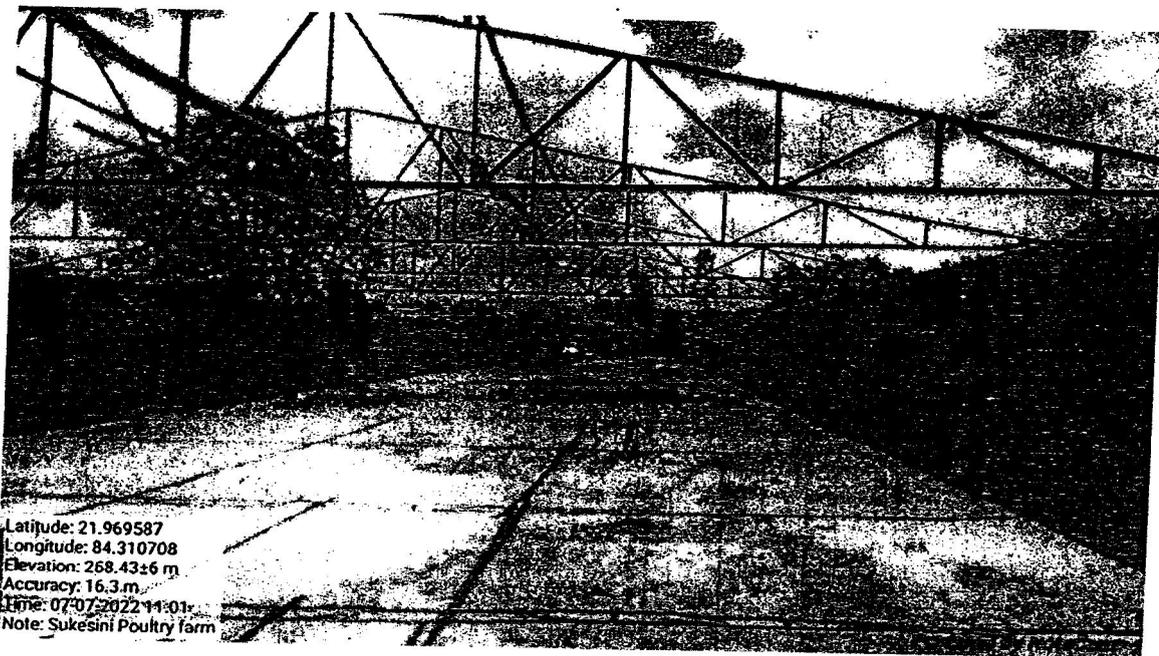

Er. H.K. Nayak, RO

Photographs

Site visit to the alleged poultry farm in presence of the applicant and respondent no-12



Present Status of the alleged poultry farm



ANNEXURE - 1

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OFFICE OF THE CHIEF DISTRICT VETERINARY OFFICER; JHARSUGUDA
AT:- NEAR BIG BAZAR. PO/DIST :- JHARSUGUDA
EMAIL ID _____ Mobile No.9437305599

Letter No. 2021/CDVO (J) Dt. 24.8.2021

To.

The Branch Manager. State Bank of India, Laikera.

Sub: - Go-Ahead Letter in favour of Smt Sukesini Patel for the Project Commercial Broiler farming under MKUY Scheme.

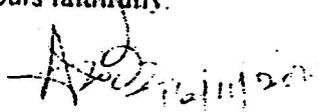
Sir.

With reference to the subject cited above I would like to inform you that Go-Ahead letter has been issued to the Beneficiary Smt Sukesini Patel At-Talmunda (Jhariabahal). P O-Pakelpada. Block-Laikera. Dist-Jharsuguda for establishment of Commercial Broiler Farming Unit (15000 capacity) under MKUY scheme on dt.24.8.2021

The Said Go-Ahead letter is enclosed herewith for needful action at your end

Encl:-As above

Yours faithfully.


Chief District Veterinary Officer.
Jharsuguda.



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Department of Agriculture and Farmers'
Empowerment



Go-Ahead Letter



(APICOL COPY)

Go-Ahead No.: MKUY/JHA/ARD/2021-22/1

Date of Issue: 2021-08-24

Valid till: 2023-08-24

Sri/Smt. SUKESINI PATEL of , Category General, S/O D/O W/O POULASTI PATEL AT - TALMUNDA District - JHARSUGUDA and Pincode - 768221 is allowed for an establishment of the Commercial Broiler Farming Project under Animal Resources Development sector in his/her field at Village Talmunda, GP/Ri Circle PAKELPADA, Block/Tehsil LAIKERA, Dist JHARSUGUDA After the successful establishment and trial of the Project, he/she will be entitled to the Subsidy of 50 % of the Project Cost (Fixed Capital) limited to Rs. 50,00,000 (in words: Rupees Fifty Lakhs only). He/She will execute the project through Bank finance. The project has to be completed by 2023-08-24.

General male : ₹ 480000 for 4000 numbers as capping.

SC,ST,female,Agri and Allied graduate : ₹ 600000 for 4000 numbers as capping.

Name: Dr Aloka Kumar Das

Signature of the DNO, JHARSUGUDA

ANNEXURE-11

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OFFICE OF THE CHIEF DISTRICT VETERINARY OFFICER, JHARSUGUDA

Letter No 378/CDVO

Date 21/4/2022

To

The Collector & District Magistrate, Jharsuguda.

Sub:- Submission of compliance on E-Grievance of Kiran Hota, Nimain Ch Patel, Nirmal Kumar Patel, Welfare Members of Jhariabahal Talmunda, Laikera.

Ref:- Letter no 2488/ CDVO dt. 21.12.2021, 92/CDVO dt. 10.01.2022, 776/CDVO dt 07.04.2022 & 778/CDVO dt 08.04.2022.

Sir,

With reference to the subject cited above, I am herewith submitting the compliance for favour of your kind information & necessary action that :-

On dt 16.03.20222 with RI, Pakelpada, BVO & AVAS, Laikera, officers Regional Pollution Control Board, Jharsuguda & Police Staff of Laikera Police Station I have physically visited to this spot i.e proposed EC Poultry farm of Smt Sukeshini Patel of Talmunda, Laikera, District- Jharsuguda.

As per the grievance of above complaints, it is stated that, as reported by RI, Pakelpada the distance from EC Broiler farm of Smt Sukesini Patel, W/o Poulasti Patel, village- Talmunda, Laikera to the residence of Sri Nirmal Patel & Nimai Patel is 232 meters, & distance to the weekly market is 248 meters & Anchalik Mahila Higher Secondary School is 365 meters. Regarding this grievance CDVO, Jharsuguda had reported vide his letter no 2488 dt.21.12.2021 & letter no 328 dt. 31.01.2022. The CDVO, Jharsuguda have stated that the complaint (Nirmal Patel) staying within 500 meters i.e 232 meters is not a residential zone.

The EC Broiler unit is an intensive method of rearing of chicks in an automatic temperature & humidity control in a closed confined chamber. It is a new concept of poultry farming in Jharsuguda district. Hence, there will be least chance of pollution.

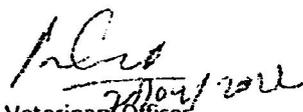
As per the information collected from the beneficiary Smt Sukesini Patel that she has already made an agreement with Indian Broiler(IB) as contract farming & hence the product will not be sold in the local market.

The proposed farm is coming under small capacity of 15,000 birds at any point of time at a single location with environmental control facilities. So there may be least possibility of environmental nuisance like odour, cases & dust emerging out of the proposed poultry farm.

There is no violation of environmental guideline laid by the Central Pollution Control Board(CPCB) vide circular no 6302/2020-21 IPC -V-HO. Moreover, in the mean time team of Technical Expert had paid a visit to the above spot & made an enquiry on dt 02.12.2021 against the violation of pollution control norms as alleged by Sri Nirmal Kumar Patel. As per their report there is no violation of the environmental pollution guideline as the proposed farm is coming under small category which does not come under the purview of Regional Office State Pollution Control Board of Odisha, Jharsuguda vide L.No. 1642 dt. 20.12.2021(copy enclosed).

Hence, after careful examination of above fact that the proposed broiler farm of Smt Sukeshini Patel at Jhariabahal, Talmunda under Laikera block is not violating the pollution rules as per the State Pollution Control Board guideline & enquiry report of Regional Office State Pollution Control Board. So the grievances of Sri Nirmal Kumar Patel has got no merit for consideration.

Encl:- Scanned copy of above cited letters.


Chief District Veterinary Officer,
Jharsuguda



ANNEXURE - III

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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

CPCB/IPC-V/NGT/Poultry/2022

Speed Post

Dated: 10.01.2022

To

The Member Secretary
All SPCBs/PCCs
(List enclosed)

Sub: Environmental Guidelines for poultry farms in light of Hon'ble NGT order dated 10.12.2021 in the matter of O.A. No. 320/2021 of Gauri Maulekhi Vs. Union of India & Ors.

Sir,

Kindly refer to Environmental Guidelines for poultry farms issued by CPCB vide letter dated 17.08.2021 in light of Hon'ble NGT order 16.09.2020 in the matter of O.A. No. 681 of 2017 (Gauri Maulekhi Vs. Union of India & Ors).

Further Hon'ble NGT vide its order dated 10.12.2021 in the matter of O.A. No. 320/2021 (Gauri Maulekhi Vs. Union of India & Ors) has directed to make these guidelines applicable for poultry farms having birds above 5000. Accordingly a copy of Environmental Guidelines is attached in compliance of Hon'ble NGT Order for implementation.

These Guidelines are also available on CPCB website at the following link:

<https://cpcb.nic.in/openpdffile.php?id=TGF0ZXN0RmlsZS8zNDFfMTY0MTgwNzgyMjI1I19tZWVpYXBob3RvMjg2MjgucGRm>

This is issued with the approval of Competent Authority.

Yours faithfully

(S.K. Gupta)

AD & Div. Head IPC-V

Encl.: as above

Copy to:

- 1 PS to CCB : for information of CCB, please.
- 2 PS to MS : for information of MS, please.
- 3 The Regional Directorates
Central Pollution Control Board,
(List enclosed) ; for information & follow-up, please.

(S.K. Gupta)

'परिवेश भवन' पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

Environmental Guidelines for Poultry Farms



Central Pollution Control Board
(Ministry of Environment, Forest and Climate Change, Govt. of India)
Parivesh Bhawan, East Arjun Nagar
Delhi-110032

(January 2022)

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1.0 Background

Guidelines for Poultry farms were developed in the year 2015, which was applicable to poultry farms handling above 1.0 lac birds. As per CPCB classification of industrial sectors, 'Poultry, Hatchery and Piggery' are categorized into 'Green'.

In the matter of O.A. No. 681 of 2017, Hon'ble NGT, passed the following order on 16th September, 2020:

"...Accordingly we allow this application and direct CPCB to revisit the guidelines for categorizing the poultry farms as Green category and exempting their regulation under Air, Water & EP Act. CPCB may issue fresh appropriate orders within three months and in if no further order is issued, all the State PCBs/PCCs will require enforcement of consent mechanism under the above acts after 01.01.2021 for all Poultry Farms above 5000 birds in the same manner as is being done for farms having more than one lac birds. Till then, even without such consent mechanism, the state PCBs/PCCs may strictly enforce the environmental norms and take appropriate remedial action against the any violation of water, air and soil standards statutorily laid down."

Subsequent to the aforesaid order, Hon'ble NGT (PB) in the matter of O.A. No. 320/2021 (Gauri Maulekhi Vs. Union of India & Ors) passed the following order on 10.12.2021

"...Accordingly, we direct that while the impugned guidelines be immediately enforced, all poultry farms above 5000 birds will also be covered by the said guidelines latest from 1.1.2023. The siting criteria should apply to all consents/renewals hereafter for the above size of the poultry farms. CPCB may issue revised guidelines to all the State PCBs/PCCs in terms of the above order within one month."

2.0 Poultry farming

Poultry farms refers to breeding, hatcheries, layer and broiler farms. Poultry farming is the rearing of domesticated birds such as chickens, turkeys, ducks, goose etc. for the purpose of farming meat or eggs for food. Chickens raised for eggs are usually called laying hens or layers while chickens raised for meat are often called broilers. Chicken are most numerous and popular domesticated poultry species, while other species, e.g. duck, goose form a very small proportion of activities in comparison. Poultry farming in India has witnessed a spectacular growth and transformed itself into a vibrant agri- industry. The leading states having poultry farms are Tamil Nadu, Andhra Pradesh, Telangana, West Bengal followed by Maharashtra, Karnataka, Assam, Haryana, Kerala and Odisha.

As per the 20th livestock census carried out by Department of Animal Husbandry & Dairying, Ministry of Fisheries, Animal Husbandry & Dairying, the state-wise number of poultries (birds) are given below:

Sl.No.	States/UTs	Nos of Poultry (birds) in millions
1	Andhra Pradesh	107.863
2	Arunachal Pradesh	1.599
3	Assam	46.712
4	Bihar State	16.525
5	Chhattisgarh	18.711
6	Goa State	0.349
7	Gujarat	21.773
8	Haryana State	46.24
9	Himachal Pradesh	1.341
10	Jammu & Kashmir	7.366
11	Jharkhand	24.832
12	Karnataka State	59.494
13	Kerala State	29.771
14	Madhya Pradesh	16.659
15	Maharashtra	74.297
16	Manipur	5.897
17	Meghalaya	5.379
18	Mizoram	2.047
19	Nagaland	2.838
20	Odisha	27.439
21	Punjab	17.649
22	Rajasthan	14.622
23	Sikkim State	0.580
24	Tamil Nadu	120.781
25	Telangana State	79.999
26	Tripura	4.168
27	Uttar Pradesh	12.515
28	Uttarakhand	5.018
29	West Bengal	77.322
30	Andaman & Nicobar Islands	1.289
31	Chandigarh	0.048
32	Dadra Nagar Haveli	0.089
33	Daman & Diu	0.018
34	Delhi	0.043
35	Lakshadweep	0.226
36	Pondicherry	0.236
Total		851.809

3.0 Poultry Farming Process

The poultry farming consist of the following unit operations.

- Breeder Farms (Breeding)

- Hatchery Farm (Hatching)
- Layer farm &
- Broilers

3.1 Breeder Farms(Breeding)

Breeder farms specialize in the production of fertilized eggs for either broiler or egg production. Specific ratios of male/female breeders are used to ensure the fertility of hatching eggs. In India both layer and broiler breeders are predominantly housed in cages and the fertile eggs are obtained by artificial insemination. The eggs are collected daily, assessed for quality and stored in plastic / pulp trays in a controlled environment before being transferred to the hatchery for the production of commercial chicks. At the end of their productive phase, breeders are removed and sold for meat processing or byproducts.

3.2 Hatchery farms (Hatching)

The eggs collected from Breeder farms are hatched at special hatcheries. These are centralized facilities and receive fertilized eggs from its own or several other breeder farms. The eggs are stored for a period of 4 to 10 days before being placed in incubators that control temperature and humidity to stimulate embryonic development. Hatching typically takes 21 days. The chicks are vaccinated, graded for uniform quality and dispatched to destinations for further rearing. The day-old broiler chicks are delivered to broiler farms straight run (un-sexed). Chicks from egg laying stock are gender sorted and the female chicks alone are delivered for egg production while male chicks are killed and disposed-off.

3.3 Layer (Egg production)

In the layer farms, egg laying hens are reared for egg production. Typical egg laying cycle starts around 18 weeks age of the bird and continues upto 72–75 weeks of age and thereafter diminished gradually to become uneconomical. Birds less than six months of age are termed as pullets and are raised either on floor or on the cages little away from adult farms located in the same or at different premises. The birds are kept and raised in three different houses based on its age i.e. a) Chick house: 0 to 45 days, b) Grower House: 45 days to 18 weeks and c) Layer House: 18 weeks to 72 to 75 weeks. The birds start laying eggs from 18 weeks onwards.

There are two phases of growing period i.e. brooding and growing phase. The brooding phase extends from day one to three to four weeks depending upon the season of rearing. During this period, the birds are provided extra warmth in an enclosed quarter by means of gas brooders, electric hovers, infra-red bulbs or coal brooders. After this initial period, the birds are moved to growing establishments which are typically open houses. The brooding and growing houses may be deep litter type or cage type. After the completion of the growing phase, the birds are moved to laying cages where they remain there till the end of their laying cycle (72 to 75 weeks of age).

3.4 Broiler (Meat Production)

Broiler birds are raised especially for meat production for 40 to 45 days or up to weight gain of 2.5 to 3.0 Kg. Most of broiler birds gain slaughter weight (2.5 kg to 3.0 kg) within 40 to 45 days. Broilers are most commonly reared in deep litter shed, where feed and water is given by hanging feeder and watering. After cleaning of the deep litter shed, rice husk, saw dust, groundnut hulls, wood shavings, and dried leaves bed of 3" thickness is prepared by scratching. Chicks are moved in the shed freely. Depending on the weight of the bird, the birds are sold for slaughtering from 40th to 45th days.

The rearing of birds is of two types:

3.4.1 Deep Litter System

Birds are kept on litter floor which is covered with different kinds of agro materials like rice husk, saw dust, groundnut hulls, wood shavings and dried leaves etc. depending on their availability. Initially, the depth of the agro material is approx 5 to 6 cm and then topped up by another 5 to 6 cm as the birds grow in size. The birds may remain on this system upto six weeks in case of broilers from where they go for slaughtering. In case of layer, they remain upto 18 weeks of age or may be shifted to cages. The majority of broilers are housed in deep litter sheds. Feed and water are provided manually in small farms and with automatic equipment in large farms.

3.4.2 Cage System

This is widely practiced system for housing commercial layers, breeder layers and of late even broiler breeders. The birds are generally housed in cages erected on raised platforms in open sheds. These cages are arranged in rows. Three or four birds are accommodated in each cage with provision of drinking water and feeding. The water is provided through a nipple fitted to a closed pipe running at head height of the bird. Feed is placed in a trough attached to the front of the cage and distributed often manually or by automation. The droppings of birds slip through perforations instantaneously and are collected on the floor.

4.0 Classification of Poultry Farms

Backyard poultry is typically owned by small and marginal farmer and comprises of few birds, largely for self-consumption and very small quantities get commercially sold. The poultry farming practiced by the rural and tribal farmers under free range or backyard or semi-intensive systems is usually referred to as rural poultry farming.

Based on the number of handling of birds, Poultry farms may be classified into three categories.

- Small (5,000-25,000 bird)
- Medium (above 25,000-1,00,000 birds).
- Large (above 1,00,000 birds)

The poultry farms under small category are in un-organized sector run by economically weaker farmers and are of rural background.

5.0 Environmental Issues & Current practices to address the environmental issues in Poultry Farms

Environmental nuisance arising from poultry farms is due to the generation of NH_3 & H_2S gases causing odor, dust from feed mill, storage & management of Solid Waste (Manure, Dead Birds and Hatchery Waste) also causing odour & water from cleaning operations. Breeding of flies and rodents etc. are the other issues in poultry farms.

(i) Gaseous emission (NH_3 & H_2S) and Feed Mill Dust

- The gaseous emission viz Ammonia (NH_3) and Hydrogen Sulphide (H_2S) are emanated from the excreta generated from the birds causes odour. The odour is produced due to anaerobic conditions in the litter occurs due to its storage at one place for longer period. The general practice followed by poultry farms to control odour is by maintaining good ventilation and free flow of air.
- Dust is generated from the feed mill operation during mixing and grinding of various ingredients of feed. The feed mill operations are typically located inside the mill buildings. Dust extraction systems are generally used to collect the dust and to improve the shop floor environment.

(ii) Solid Waste

Sources of solid waste are (i) Poultry droppings/Manure/Litter (ii) Dead Birds & (iii) Hatchery Waste.

- In case of cage system, excreta are collected just below the bird cages directly on ground, made of stone slabs or concrete or impermeable compacted clay. Litter is collected and kept dry by maintaining good ventilation and free air flow to undergo aerobic composting. The manure is removed once in four to six months & sold to the farmers. In deep litter system, excreta are collected in bed made up of agro residue (rice husk, saw dust, groundnut hulls, wood shavings, and dried leaves) itself. Once in a day or two days the bed is scratched for mixing of litter. Once the chicken is sold for meat, the bed (rice husk, saw dust, groundnut hulls, wood shavings, and dried leaves) is removed once the cycle of 42 to 45 days gets over along with the excreta and sold as

manure. The shed is washed and lime is applied as disinfectant and allows the area for quarantine period.

- Death of the birds in poultry farms is a common phenomenon and their disposal is an issue. Dead birds cause nuisance, odor and aesthetic problems like disease, insect, rodent and predator problems if the birds are not disposed immediately. Dead birds are either burned at relatively high temperatures using different fuels which causing atmospheric pollution and also odour nuisance or buried in the burial pit in the premises.
- During hatching operation, large quantity of solid waste comprising of egg shells, unhatched eggs, dead embryos and chickens and a viscous liquid from eggs etc is generated. This waste is disposed through open burning or through rendering plant.

(iii) Waste water generation from cleaning operation

- Water in poultry farms is used for drinking of birds, sprinkling during the summer and for cleaning sheds and equipment in between batch replacement.
- As such there is no process waste water generation from the poultry farming. However, wastewater is generated during cleaning operations. The waste water is collected in holding tank and utilized in gardening in the premises.

(iv) Other issues:

- Breeding of flies and rodents, etc. are the other issues in poultry farms

6.0 Environmental Guidelines for Poultry Farms farms:

Following are the revised guidelines addressing environmental issues of Poultry Farms.

6.1 Gaseous emission (NH₃ & H₂S) and Feed Mill Dust

(i) Minimization of odour/gaseous pollution

- Proper ventilation and free flow of air over manure collection points to keep it dry shall be ensured.
- Manure should be protected from Run-off water and from unwanted pests/insects.
- Well-designed storage facilities should be provided to contain manure /litter.
- Carcasses of dead birds shall be promptly collected on regular basis and disposed appropriately without damaging the environment as per the prescribed methods under section 6.2 (iii) of the guidelines.

(ii) Dust from Feed Mills

- Feed mill and Go-down should be located on a well elevated ground preferably near the entrance of the farm and isolated from other poultry sheds.
- Dust collector system should be installed to control emissions from mixing and grinding section of the feed mill.
- Workers in the feed mill shall be provided with dust masks to protect them from dust.
- Provision for vehicle tyre dip shall be made at the entrance to remove impurities/dust carried by vehicle tyres;
- Floor of the feed mill and Go-down shall be concrete and raised above the ground level by a minimum of 2 feet.

6.2 Management of solid wastes (Solid Wastes contains Manure/litter, Hatchery Debris and Dead Birds)

(i) Manure handling and disposal

- Proper ventilation and free flow of air over manure collection points to keep it dry (by blowing dry air over it or by conveying ventilation air through the manure pit) shall be ensured to prevent obnoxious odour in the area.
- Poultry housing shall be ventilated allowing sufficient supply of fresh air to remove humidity, dissipate heat and prevent build-up of gases such as methane, carbon dioxide, ammonia, etc.
- Excreta shall be scratched at least once in two days as needed for mixing of litter and to keep bedding material (rice husk, saw dust, wood shavings etc.) dry in case of deep litter houses the waste material. This waste shall be utilised for composting after completion of the cycle.
- Manure collected under cages on high raised platforms shall be stored for further processing and utilized by using following options:

Sl. No.	Poultry Farms	Methods for Disposal/Utilization of manure
1.	Small Poultry Farms	• Composting
2.	Medium & Large Poultry Farms	• Composting or Biogas production for disposal/utilization of manure/litter • Combination of any of the methods for disposal/utilization of manure/litter
3.	Poultry Farms in Cluster	• Common facilities for Biogas production or Composting or their combination

- Land application of manure to the nutritional requirements of soil and crop shall be balanced.
- The litter / manure storage facilities shall be minimum 2 m above the water table and of adequate size based on type and number of birds handled. Its base should be constructed with stone slabs or concrete or impermeable compacted clay.

- Manure shall be protected from run off water and cover it to avoid dust and odours in storage pits. The dry manure dump shall be covered with permanent roof or with plastic / similar material to prevent air emissions and the precipitation falling on it.
- Mortalities on farm by proper animal care and disease prevention program shall be reduced.
- Proper facilities (Burial Pit/Composting/Incineration) shall be provided for Collection, storage, transport and disposal of dead birds
- Domestic hazardous wastes (vaccines, vials, medicines, syringes, etc.) shall be disposed as per provisions of "Solid Waste Management Rules, 2016".

Composting of Manure:

- Proper mixing the waste with a carbon rich material (e.g., paddy straw / husk, wood shavings) should be done in the pits. Carbon to nitrogen ratios of 20-25:1 is usually recommended. Pure manure can also be composted following the procedure and monitoring all parameters. The composting facilities may be designed through expert institutions in the field as per the size of poultry farms.
- Periodic stirring of compost material should be done for its proper mixing.
- Moisture levels should be maintained between 35 to 50%.
- Temperature monitoring should be done to determine composting conditions.

(ii) Hatchery Waste

- Efforts shall be made in converting the shells to animal feed to supply as a source of calcium, especially for poultry feeds.
- Extrusion with soya bean meal can be used to make a shell/hatchery meal.
- Un-hatched eggs shall be disposed of by composting or rendering.

(iii) Dead Birds Disposal

The dead birds arising from day to day farm activity shall be separated from other live birds promptly and stored in closed containers and disposed off within 24 hours by following any of the disposal methods.

A) Burial Method:

- The dead birds arising from day to day farm activity should be separated from other live birds promptly and should be stored in closed containers \ disposed off within 24 hours
- The dead bird burial pit shall be of minimum 3 to 4 m in depth and 0.8 to 1.2 m diameter and this size may vary as per the capacity of poultry farm and shall be located above minimum 3 m from the ground water table.

- The dead bird burial pit shall be provided with a vermin/fly proof cover made up of wooden / metal / concrete having a central operable lid of proper size for day to day dropping of carcasses.
- Carcasses shall be covered by a thin layer of soil (at least 40 cm deep) along with calcium hydroxide.
- When the pit is full, a compacted soil cover of 0.5 m shall be provided with the top of the covered soil well above the ground level.
- The distance between any two burial pits should not be less than 1 m.

B) Composting

- The composting facility shall not be located within 300 m from the nearest dwelling and 100 m from any well or water course.
- The capacity of the composting facility shall be sufficient to handle the average mortalities on the farm.
- The roof of the composting facility shall be permanent with concrete bottom.
- The composting facility shall be secured with link mesh all around raised to a height of 1.5 m above the ground level to avoid the predation by straw dogs etc.
- A proper mixture of smaller and larger particle sizes to obtain an optimum air exchange within the mixture and build-up of temperature.
- Moisture content of the composting pile shall be approximately 60%. More than this may result in odour problems and less than this will reduce the efficiency of the composting process.
- Carbon and nitrogen are vital nutrients for the growth and reproduction of bacteria and fungi. The carbon-to-nitrogen ratio shall be in the range of 20:1 and 25:1 for proper composting. This is obtained by carefully balancing the dead bird and carbon sources.
- The optimum temperature for composting is 54 to 66°C which pasteurizes the compost. If temperature falls below 49°C after a week or so, the material should be moved to the secondary stage unit. To facilitate the easy transfer of the first stage material to the secondary stage, the proper designing of the primary stage (first stage) facility is desirable as illustrated in figure 5.5. Failure to do so will result into poor compost. The temperature in the secondary stage unit will begin to raise as beneficial bacterial activity begins and will peak in 5 to 10 days.

6.3 Waste water Management

- The waste water generated from the cleaning operations (after each batch removal) shall be collected in appropriate holding tank and put to use in the green belt. Efforts may be made for dry cleaning of the sheds with use of disinfectant so as to avoid use of water.

- Water use and spills from drinking devices shall be reduced by preventing overflow or leakages and using calibrated, well-maintained self-watering devices;
- Improve drainage, reduce standing water and water ditches to control mosquitoes and flies
- Use of pressure pumps, hot water or steam in cleaning activities instead of cold water and plain water scrubs may be encouraged to improve sanitation and reduce the quantities of wash water.

6.4 Other issues

- *Control of Flies:* Proper treatment and disposal of manure, ventilation of sheds, control of temperature, good sanitation, swift repairs of leaks, avoidance of feed spills, prompt removal of broken eggs and dead birds shall be ensured for control of flies in the poultry farms. The farm should have provisions of wire nettings, traps, fly-repellents, insecticides etc.
- *Control of Rodents:* Methods for the control of rodents may include: i) Exclusion ii) Trapping Glue boards iii) Tracking powder iv) rodent proof doors and windows to eliminate rodents/pest infestation.
- As per Bureau of Indian Standards 1374: 2007, on poultry feed specifies that the use of antibiotic growth promoters is not recommended in poultry feed, hence use of antibiotics should not be mixed with feed or administered for non-therapeutic purposes without prescription for diseased birds. ***Regulation for use of antibiotics shall be regulated as per the advisory/directions issued by Department of Animal Husbandry, Dairying and Fisheries and Ministry of Health and the Drug Controller General of India.***

7 Siting Criteria

New Poultry Farms (Set up after issuance of Guidelines) should preferably be established

- 500 m from residential zone in order to avoid nuisance caused due to odour& flies
- 100 m from major water course like River, Lakes, canals and drinking water source like wells, summer storage tanks, in order to avoid contamination due to leakages/spillages, if any.
- 100 m from national Highway (NH) and 50 m from State Highway (SH) in order to avoid nuisance caused due to odour& flies.
- 10-15 m from rural roads/internal roads/village pagdandis
- The Poultry sheds should not be located within 10 m from farm boundary for cross ventilation and odour dispersion

8.0 Regulatory/ Monitoring Mechanism for Poultry Farms

- SPCBs/PCCs shall upload Environmental Guidelines on their website.
- Guidelines shall be applicable to all the category of Poultry Farms.
- Poultry Farms handling birds above 25,000 at single location will have to obtain consent to establish (CTE) and consent for operate (CTO) under the Water Act, 1974 & Air Act 1981 from State Pollution Control Board/Pollution Control Committee.
- As per the directions of Hon'ble NGT dated 10.12.2021 (O.A. No. 320/2021: Gauri Maulekhi Vs. Union of India & Ors, poultry farms handling above 5,000 birds at single location shall also obtain consent to establish (CTE) and consent for operate (CTO) under the Water Act, 1974 & Air Act 1981 from State Pollution Control Board/Pollution Control Committee w.e.f. 01.01.2023
- The Poultry Farms are categorized under "Green" Category, therefore validity of consent will be 15 yrs.
- Animal Husbandry Department of the State/Districts to assist the poultry farms for implementation of Guidelines.

E-mail: paribesh1@ospcbboard.org

Website: www.ospcbboard.org



STATE POLLUTION CONTROL BOARD, ODISHA
 [DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
 Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - VIII
 Bhubaneswar - 751 012, INDIA

No 3395 / IND-I-CON- (Misc)1505Dt 04-03-2022

By Speed Post /Email

OFFICE ORDER

In pursuance of the order dtd. 10.12.2021 of the Hon'ble NGT- Principal Bench passed in O.A. No. 320/2021 Gauri Maulekhi Vs. Union of India & Ors. read with the Environmental Guidelines for Poultry Farm published by the Central Pollution Control Board in January, 2022, the revised classification of Poultry Farm under Green category is as follows;

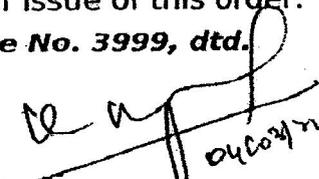
Sl. No	Description	Category
1.	<p>Poultry, Hatchery and Piggery</p> <ul style="list-style-type: none"> • Poultry farms handling more than 5,000 birds at a given time in single location shall obtain Consent to Establish (CTE) and Consent to Operate (CTO) Under Water Act, 1974 and Air Act, 1981 from the Board w.e.f. 01.01.2023. • Till such time Poultry farms handling birds more than 25,000 at a given time in single location will have to obtain Consent to Establish (CTE) and Consent to Operate (CTO) Under Water Act, 1974 and Air Act, 1981 from SPCB. 	Green - 33

This order will be given immediate effect from the date of issue of this order.

This office order supersedes the earlier office order vide No. 3999, dtd. 17.03.2021

Memo No. 3396 /dtd. 04-03-2022

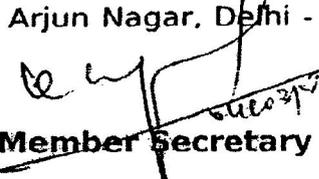
Copy forwarded to the Member Secretary, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 110032 for information.


 Member Secretary

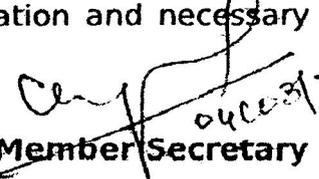
By Email

Memo No. 3397 /dtd. 04-03-2022

Copy along with Environmental Guidelines of Poultry Farm (January, 2022) forwarded to the Additional Chief Secretary, Forest, Environment & Climate Change Dept., Govt. of Odisha for kind information and necessary action.


 Member Secretary

Encl : As above

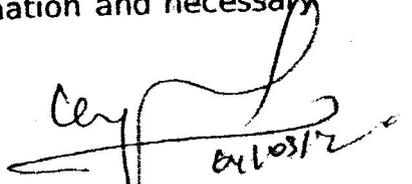

 Member Secretary



// 2 //

Memo No. 3398 /dtd. 04-03-2022

Copy along with Environmental Guidelines of Poultry Farm (January, 2022) forwarded to the Principal Secretary, Industries Deptt./ MSME Dept./ Animal Husbandry Dept., / Housing and Urban Development Dept./ Health & Family Welfare Deptt./ Agriculture Deptt./ Water Resources Deptt./ F&ARD / Director, Factory and Boilers, Govt. of Odisha for information and necessary action.

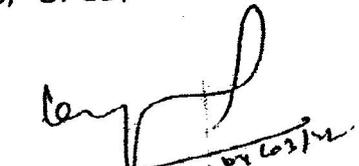
Encl : As above


04/03/22

Member Secretary

Memo No. 3399 /dtd. 04-03-2022

Copy along with Environmental Guidelines of Poultry Farm (January, 2022) forwarded to all Branch Officers, SPCB, Odisha, Bhubaneswar / Sr. Law Officer-II, SPC Board, Odisha / All Regional Officers, SPCB, Odisha for information and necessary action.

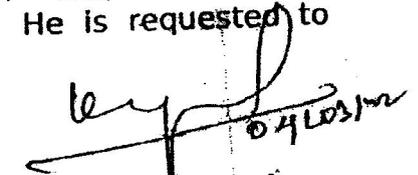
Encl : As above


04/03/22

Member Secretary

Memo No. 3400 /dtd. 04-03-2022

Copy along with Environmental Guidelines of Poultry Farm (January, 2022) forwarded to Addl. Chief Env. Engineer, IT Cell, SPC Board, Bhubaneswar for information and necessary action. He is requested to upload the Office order in the website of the Board.

Encl : As above


04/03/22

Member Secretary

Item No. 09

Court No. 1

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

(By Video Conferencing)

Original Application No. 681/2017

Gauri Maulekhi

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.09.2020

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

Applicant(s): Mr. Raj Panjwani, Senior Advocate with Ms. Priyanka Bangari,
Advocate
Respondent(s): Mr. Thakur Sumit, Advocate for MoEF&CC
Mr. Amit Mahajan, Advocate for R-3
Mr. Sameer Sinha, Advocate for R-5
Ms. Inderjeet Sidhu, Advocate for intervenor

ORDER

1. Grievance in this Application is against the CPCB guidelines dated 20.10.2015 regarding poultry farms. Objection of the applicant is to the following part of the Guidelines:-

“The poultry farms which are handling 1,00,000 or more birds at a given time in single location need to approach State Pollution Control Board to obtain necessary consent for operation under the Water (Prevention and Control of Pollution) Act, 1974”

.....

“The hatcheries of any size which are performing the exclusive operation, feed mills of any capacity and the

commercial poultry farms which are handling more than 5,000 birds at a given time on any single location need to be got registered with local bodies”

Further grievance is against the direction dated 29.02.2016 issued by the CPCB to categorize commercial poultry farming as green industry.

2. Basis of the grievance is that poultry farms with less than one lac birds have been wrongly left out of the regulatory regime of the Stat PCBs/PCCs against the concept of sustainable principle and to that extent defeating the object of setting up of such regulatory mechanism. Classifying poultry farms as ‘green’ is arbitrary, based on no possible logic.

3. Case of the applicant is that chickens destined for the egg industry are artificially incubated and hatched at commercial hatcheries. At the age of approximately 16 weeks, most hens are then transferred into small, barren wire cages called ‘battery cages’ placed side by side. Every layer contains thousands of cages, lined in multiple rows, stacked 3-5 tiers high. The battery cages are so small that the hens are unable even to spread their wings. The floor space available to each hen is 450 cm which is less than the area of a single sheet of A4 size paper. Battery cages prevent all forms of natural behavior including perching and roosting, scratching and foraging, comfort behavior and exploring.

4. Poultry farms cause extensive pollution to the areas that surround them. As poultry farms have thousands of birds in intensive confinement in each farm, the level of waste is high. This waste is seldom disposed of scientifically, in accordance with law. Pests such as flies, ticks, lice,

mites, maggots, scavenging birds and even stray dogs are routinely attracted to the poultry farms. There is an intense odor that emanates from these farms which affects the entire neighborhood and is a source of blatant nuisance.

5. The built up fecal matter in the battery cage facilities makes for an environmental hazard and a health hazard for both people and the birds which are constantly exposed to pathogens. In order to keep these birds alive in such intensive and filthy environs, the poultry farm owners regularly administer non-therapeutic antibiotics. The administration of these non-therapeutic antibiotics causes antibiotic resistance in the human beings who consume eggs or meat of such birds.

6. Poultry farms impact the ecology and standard of living of those who surround the farms. Pests which are attracted to the farms make it difficult for the people living in the vicinity to such farms to eat, work or to perform their day-to-day activities. There are several instances where poultry farms situated near various establishments have made it difficult for the residents of those establishments to live normal lives.

7. In support of its averments, the applicant has relied upon several Newspaper and other Articles, article published on 07.05.2017 in "The Tribune" titled 'Children can't eat, study here, courtesy houseflies-Poultry Farm adjacent to Zirakpur school makes their stay miserable, an article published on 29.04.2011 in "The Hindu" titled "Unhygienic conditions in poultry farms result in fly menace", an article published in "The Indian Express" on 01.07.2016 titled "Flies in the face of a Karnal village", an article published in Poultry, Fisheries and Wildlife sciences, volume 1, issue 1 titled "Environmental Impacts of Poultry Production"

and an article published in “Indian Journal of Community Medicine” titled “Association of Poultry Farms with Housefly and Morbidity: A comparative Study from Raipur Rani, Haryana”. In short, findings in the said articles are that breeding of houseflies takes place in the poultry farms in the dumped waste. Poor manure management is not only a major cause of pollution of soil and water but it is also a source of highly offensive odor and houseflies and is capable of affecting the life of people living in the vicinity. Extensive use of antibiotics on regular basis adversely affects health of the persons living around the farms, in violation of the Drugs and Cosmetic Act, 1940. Antibiotic resistance has become a big issue as per several studies, a National Action Plan on Antimicrobial Resistance (NAP-AMR) 2017-2021, a study of Antibiotic Resistance in Poultry Environment, Spread of Resistance from Poultry Farm to Agricultural Field, a study dated 20.07.2017 done by Bloomberg¹ article titled “Indian Poultry Farms Are Breeding Drug Resistant Superbugs” by Natalie Obiko Pearson, highlights that the Indian poultry farms have become a breeding ground for drug resistant superbugs, a study dated 20.07.2017 titled “The Prevalence of Extended - Spectrum Beta-Lactamase-Producing Multidrug-Resistant Escherichia Coli in Poultry Chickens and variation according to farming practices in Punjab, India, a report on “Environmental Status of Some Poultry Farms in India” by CSIR-National Environmental Engineering Research Institute (NEERI), Delhi Zonal Centre, Ministry of Science and Technology and 269th Law Commission Report on Transportation and

¹ <https://www.bloomberg.com/news/articles/2017-07-20/poultry-farms-in-india-resemble-superbug-reservoirs-study-finds#:~:text=Indian%20poultry%20farms%20aren't,most%20potent%20antibiotics%2C%20researchers%20found.&text=Of%20tested%20birds%20destined%20for,journal%20Environmental%20Health%20Perspectives%20showed>

House-keeping of egg-laying hens (layers) and broiler chickens dated July, 2017. Further, reference has been made to the report by CSIR-National Environment Engineering Research Institute ('NEERI') titled 'Environmental Status of Some Poultry Farms in India', recommending cage free farming for hygienic environment.

8. The decision of the CPCB exempting the poultry farms with less than one lakh birds from registration with the Pollution Control Boards under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 (Air Act, 1981) and Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 (Water Act, 1974) has been questioned as not being conducive to the clean environment which is part of right to life. The exemption is hit by 'sustainable development' concept to be enforced by this Tribunal under Section 20 read with Section 15 of the National Green Tribunal Act, 2010. It is submitted that poultry farms are a source of odor, attract flies, rodents and other pests that carry disease. The emissions therefrom include gases like ammonia, volatile organic compounds (VOCs), and Hydrogen Sulphide (H₂S) that affect the life of the people living in that vicinity. The poultry farms use large quantity of pesticides and antibiotics in their feeds that contaminate the soil and ground water thereby compromising public health. The reports show that unregulated poultry farming causes pollution of soil and groundwater. The intensive battery cage factory farming facilities pose unacceptable risks to public health and the environment. The studies show that the crowded, stressful and unsanitary conditions of these facilities give rise to disease, including avian influenza. Use of antibiotics is so rampant that they are being administered as a precautionary measure rather than as a last resort in the case of medical needs. Misuse of antibiotics in poultry farms is leading to multi-drug resistant bacteria, which is

spreading into the environment through unsafe disposal of poultry litter and waste in agricultural fields, with the potential of spreading drug resistant infections to humans. Giving of non-therapeutic antibiotics in poultry farms is leading to drug resistance amongst the consumers of such meat and eggs and is causing tremendous financial loss to the nation. Non-therapeutic antibiotics are only needed to be given in poultry farms because the housing conditions of birds in poultry farms are so unhygienic. If better and more hygienic cage free methods of farming were utilized, as recommended by NEERI-CISR, then there would be no need to administer non-therapeutic antibiotics to the animals. The only way to ensure cleanliness is to give the animals space and keep the facilities clean. Unhygienic conditions in the poultry industry is a major health hazards for both humans and animals and has serious negative implications on the animal's health and also on humans who work and live in and near such unhygienic conditions. This certainly calls for effective regulation and not exempting regulatory mechanism provided for such farms with more than one lac birds.

9. The application was filed on 07.11.2017. On 13.11.2017 the Tribunal issued notice to Respondents, including MoEF&CC, CPCB and Central Drug Standard Control Organization. M.A. No. 1049/2018 was filed by an association of poultry farms for being party which was rejected on 25.07.2018. However, in the light of orders of the Hon'ble Supreme Court dated 16.08.2019 in Civil Appeal No. 9154 of 2018, the said association was permitted to intervene.

10. Response has been filed by the CPCB. In the said reply no justification has been shown as to why poultry farms with less than one lakhs birds have been exempted from the ambit of the Water Act, 1974

and the Air Act, 1981. However, it is stated that the use of antibiotics is an issue under the purview of Animal Husbandry and the Drug Control and Food Safety Departments. Reply filed by the MoEF&CC also does not in any manner give any justification for the impugned action. The reply of the Ministry of Health and Family Welfare also does not deal with the issue except to state that use of antibiotics is governed by the Drugs and Cosmetics Act and Antibiotic Policy of the Ministry. Food Safety and Standards Authority of India ('FSSAI') has also filed a counter affidavit which does not deal with the central issue, except to say that standards have been laid down for various types of foods. The association of poultry farmers have highlighted the importance of eggs and poultry and need for antibiotics. It is stated that the poultry farms are established far away from the residential areas and, thus, residents are not affected by the activities of the poultry farms. Such activities help the rural areas by providing jobs and source of livelihood. Cheap source of protein is provided by eggs and chickens. A copy of Notification dated 29.04.2019 issued by the Ministry of Agriculture and Farmers Welfare has been placed on record which deals with responsibilities of the poultry farm owners to comply with the rules as per given environmental conditions for the welfare of layer hens which require registration with the Department of Animal Husbandry, Dairying and Farming. Ministry of Animal Husbandry has also filed an affidavit to the effect that PILs are pending before the Delhi High Court on the subject of compliance of the provisions of the prevention of Cruelty Animals Act, 1960 and Rules framed thereunder.

11. We have considered the above pleadings and also heard learned counsel for the parties who have mainly relied upon the pleadings referred to above at length.

12. Main contention on behalf of the applicant is that unregulated disposal of waste and operation of poultry farms is detrimental to the environment. Waste generated in the natural course on account of fecal matter etc. harms the environment unless safeguards are adopted and use of pests antibiotics has great potential for diseases among the animals and the humans as mentioned in the study undertaken by the NEERI, referred to above and observations made by the Law Commission in its 269th Report. Thus, leaving the field of poultry farm below one lakhs birds unregulated is failure to protect environment, as required under the Water Act, 1974 and the Air Act, 1981. Mere requirement for poultry farms with more than 5000 birds to register with the local bodies could be no substitute for the said statutory regulation nor CPCB has any statutory Authority to delegate its powers to the local bodies. The categorization of poultry industry as green by the MoEF&CC is also arbitrary and not based on any logic. Reference has been made to the report of the NEERI as follows:-

“Poultry production is associated with a variety of environmental pollutants, including oxygen-demanding substance, ammonia, solids, besides the poultry attracts flies, rodents, dogs and other pest that create local nuisances and carry diseases. Poor management of manure, litter and waste water etc. adversely affects the living in the vicinity. Odour is generated for fresh and decomposed waste products such as manures, carcasses, feathers and bedding litter. Furthermore, intensive poultry production may be responsible for green houses gasses, acidification and eutrophication.”

13. It was submitted non-therapeutic use of antibiotics and anti-microbial resistance to keep birds alive, overcrowded and unsanitary conditions build up drug-resistant bacteria in the birds which transmits to the consumers to the poultry products.

14. In view of such serious ramifications and potential for deteriorating the environment, it is imperative that the CPCB reconsiders this Policy

and require applicability of consent mechanism under the Air Act, 1981 and Water Act, 1974, instead of exempting it. Reliance has been placed on an order of this Tribunal dated 08.07.2019 in O.A. No. 46/2018, *Nuggehalli Jayasimha vs. Government of NCT of Delhi* dealing with compliance of environmental norms by dairies. The Tribunal directed the DPCC to perform its responsibility under the Water Act, 1974 and the Air Act, 1981 of enforcing environmental norms against the dairies, rejecting the plea that there is provision in the Municipal laws to address the issue. The Tribunal held that overlapping provisions in the Municipal laws do not discharge the environmental authorities of their statutory responsibilities.

15. There is no meaningful response to the above contentions on behalf of the applicant either in the pleadings or in oral submissions.

16. On due consideration of the matter, we find substance in the submissions of the applicant. Sustainable development is part of right to life.² The State Authorities are under obligation to protect environment as per sustainable development concept. Responsibilities of the States to the environment are by Public Trust Doctrine³. The Water Act, the Air Act, and the Environment (Protection) Act have been enacted in the wake of international conventions and override all other legislations. They create obligation on the regulatory authorities to enforce the environmental measures. There is no discretion to exempt the mandate of mandate of Water Act for activities having potential to cause water pollution⁴. It has not been disputed that the operation of poultry farms has potential to damage to the environment which needs to be regulated.

² (1996) 5 SCC 647 *Vellore Citizens' Welfare Forum v. UOI*

³ 1997 (1) SCC 388 *M.C. Mehta v. Kamal Nath*

⁴ (1999) 2 SCC 718 & (2001) 2 SCC 62 *A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.) & Ors.*

Leaving out poultry farms below one lakh birds unregulated by the State PCB and merely requiring registration with the local bodies or treating them at par with the agricultural farms will be against the mandate of sustainable development, which principle is to be enforced by this Tribunal. Likewise, in view of pollution potential in operation of poultry farms except small ones, say upto 5000 birds cannot fall in the 'Green' category as has been done by the CPCB.

17. Accordingly, we allow this application and direct the CPCB to revisit the guidelines for categorizing the poultry farms as green category and exempting their regulation under the Air Act, Water Act and the EP Act. The CPCB may issue fresh appropriate orders within three months and in if no further order is issued, all the State PCBs/PCCs will require enforcement of consent mechanism under the above Acts after 01.01.2021 for all poultry farms above 5000 birds in the same manner as is being done for farms having more than one lac birds. Till then, even without such consent mechanism, the State PCB/PCCs may strictly enforce the environmental norms and take appropriate remedial action against the any violation of water, air and soil standards statutorily laid down.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 16, 2020
Original Application No. 681/2017
A

Item No. 04

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 320/2021

Gauri Maulekhi

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.12.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Raj Panjwani, Senior Advocate with Ms. Priyanka Bangari, Advocate

ORDER

1. Grievance in this application is against inadequacy of regulatory regime by way of Consent mechanism under the Water and the Air Acts to prevent degradation of environment on account of unregulated operation of poultry farms. The matter was earlier governed by Guidelines of the CPCB to all State PCBs/PCCs under the Water and the Air Acts dated 20.12.2015. The applicant approached this Tribunal pointing out the adverse impact of operation of unregulated operation of poultry farms on the environment. This Tribunal, after noting the pollution potential in running of the poultry farms, found the earlier guidelines issued by the CPCB, limiting the regulatory regime only to poultry farms handling more than one lakh birds at a single location, inadequate and need to revisit the same so as to extend such regulatory regime to poultry farms with more

than 5000 birds. Order of this Tribunal dated 16.09.2020 in OA No. 681/2017, *Gauri Maulekhi v. Union of India & Ors.*, is as follows:-

"16. On due consideration of the matter, we find substance in the submissions of the applicant. Sustainable development is part of right to life.¹ The State Authorities are under obligation to protect environment as per sustainable development concept. Responsibilities of the States to the environment are by Public Trust Doctrine². The Water Act, the Air Act, and the Environment (Protection) Act have been enacted in the wake of international conventions and override all other legislations. They create obligation on the regulatory authorities to enforce the environmental measures. There is no discretion to exempt the mandate of Water Act for activities having potential to cause water pollution³. It has not been disputed that the operation of poultry farms has potential to damage to the environment which needs to be regulated. Leaving out poultry farms below one lakh birds unregulated by the State PCB and merely requiring registration with the local bodies or treating them at par with the agricultural farms will be against the mandate of sustainable development, which principle is to be enforced by this Tribunal. Likewise, in view of pollution potential in operation of poultry farms except small ones, say upto 5000 birds cannot fall in the 'Green' category as has been done by the CPCB.

17. Accordingly, we allow this application and direct the CPCB to revisit the guidelines for categorizing the poultry farms as green category and exempting their regulation under the Air Act, Water Act and the EP Act. The CPCB may issue fresh appropriate orders within three months and in if no further order is issued, all the State PCBs/PCCs will require enforcement of consent mechanism under the above Acts after 01.01.2021 for all poultry farms above 5000 birds in the same manner as is being done for farms having more than one lac birds."

2. In pursuance of above, CPCB undertook study of the environment issues in th context of processes involved in the operation of the poultry farms and need to regulate the same. Accordingly, revised guidelines were issued in March, 2021 vide letter dated 2.4.2021, inter alia, as follows:

"6.0 Environmental Issues in Poultry Farms

¹(1996) 5 SCC 647 *Vellore Citizens' Welfare Forum v. UOI*

²1997 (1) SCC 388 *M.C. Mehta v. Kamal Nath*

³(1999) 2 SCC 718 & (2001) 2 SCC 62 *A.P. Pollution Control Board v. Prof. M.V. Nayudu (Retd.) & Ors.*

The environmental issues associated with poultry farms are as follows:

- i. Solid waste (litter, dead birds & hatchery waste)
- ii. Air Emissions : Odour due to Gaseous emission (NH₃& H₂S)& dust generation
- iii. Breeding of flies, rodents, etc.

6.1 Solid Waste

In poultry farms, the major source of solid generation are as under:

- i. Poultry droppings/ Manure/Litter
- ii. Dead Birds &
- iii. Hatchery Waste

6.1.1 Poultry Droppings/Litter/manure

Two types of waste are produced by poultry farms depending on the rearing system adopted.

- Poultry litter – Waste from deep litter systems includes, different kinds of litter materials like rice husk, saw dust, groundnut hulls, wood shavings and dried leaves along with birds droppings.
- Poultry droppings – Excreta collected under the cages, spilled feed and feathers.

Estimation of litter generation in poultry

Details	Approx feed/day in gm	Approx water/day in ml	Litter generation/day/bird	Litter generation/ 5k birds/day	Litter generation / 25 k birds/day	Litter generation / 1.0 lacs birds
One bird (Layer house)	120-150	360-450	On avg. Basis 40 gm litter generated	200 Kg on wet basis	01 T on wet basis	04 T on wet basis 3.2 T on One bird dry basis
One bird (Broiler house)	150-180	450-550				

Calculated on 20% moisture in litter.

In the layer farms the average poultry litter generated per bird/ day estimated is 30 to 40 grams (Calculated on 20% moisture in litter). On average basis litter contains 20% to 40% of moisture. Poultry farms having 5000, 25,000 and 1,00,000 lacs birds generates approx. 0.2 T, 1 T and 4 T litter/day respectively on wet basis.

In case of Layer and Breeding farms, excreta is collected just below the bird cages directly on ground, made of stone slabs or concrete or impermeable compacted clay. Litter is collected and kept dry by maintaining good ventilation and free air flow to undergo aerobic

composting. Once in four to six months, the manure is removed & sold.

In Broiler farm excreta is collected in bed made up of agro residue (rice husk, saw dust, groundnut hulls, wood shavings, and dried leaves) itself. Once in a day or two days the bed is scratched for mixing of litter. Once the chicken is sold for meat, the bed (rice husk, saw dust, groundnut hulls, wood shavings, and dried leaves) is removed once the cycle of 42 to 45 days gets over along with the excreta and sold as manure. The shed is washed and lime is applied as disinfectant and allows the area for quarantine period.

6.1.2 Dead Birds:

Death of the birds in poultry farms is a common phenomenon and their disposal is an issue. Open burning of dead bird is one of the common methods of disposing, especially among small-scale poultry operator. In this disposal method, dead birds are either fully burned at relatively high temperatures using different fuels causing atmospheric pollution and odour nuisance or buried in the burial pit in the premises.

6.1.3 Hatchery Waste:

Hatchery is important part of poultry industry and also produces large quantity of solid waste which comprises egg shells, unhatched eggs, dead embryos and chickens and a viscous liquid from eggs. Hatchery waste is disposed through open burning or through rendering plant to convert hatchery waste to poultry or pet feed.

6.2 Odour due to Gaseous emission

The main issues in the Poultry are gaseous emission viz Ammonia (NH₃), Hydrogen Sulphide (H₂S) & VOCs which is emanated from the excreta generated from the birds. The odour is produced due to anaerobic conditions in the litter occurs due to its storage at one place for longer period.

The general practice is to maintain good ventilation and free air flow to control odour & gaseous emissions i.e. Ammonia, Hydrogen Sulphide, VOCs to avoid the nuisances. Further, open burning of dead birds is one of the common methods, especially among small-scale poultry operator causing air emissions.

From the field study it is observed that litter is removed from the floor in layer farms once in six months in the Southern states whereas litter is removed twice in six months in Northern states due to climatic conditions.

6.3 Feed Mill Dust

Poultry farms may also install feed mills for preparation of feed for birds. It involves mixing and grinding of various ingredients of feed. The process results in dust emissions. The feed mill operations are typically located inside the mill buildings. Dust extraction systems

are generally used to collect the dust and to improve the shop floor environment.

6.4 Water runoff & Waste water generation

Water in poultry farms is used for drinking of birds, in coolers/curtain cooling/roof sprinkling during the summer and for cleaning sheds and equipment in between batch replacement.

As such there is no process waste water generation from the poultry farming. However, wastewater is generated only during the cleaning operations in between batch replacements once in a year in case of layer farms, which is collected in holding tank and is utilized in the gardening.

Whereas in broiler farm the cycle is of 42 to 45 days and after completion of every cycle, the floor is washed with water and disinfection of the shed is carried out. Here also the wastewater generated from floor washing is utilized on land within the poultry premises. In breeder farm, one cycle is about 55 weeks sheds are cleaned and washed with water only after completion of the cycle. In hatchery operation, regular mopping and washing floor is carried out.

6.5 Other issues:

Breeding of flies, rodents, etc and use of antibiotics in feed are the other issues in poultry farms. Antibiotics used in feed grade are known as **Non therapeutic antibiotics**, which is a cause of concern, as it is used in both the layer and broiler farm. Other use of antibiotics in poultry farms are for disease control, which are known as **therapeutic antibiotics**.

7.0 Environmental Guidelines for Poultry Farms:

CPCB has framed the guidelines for Poultry Farms in the year 2015. Following are the revised Guidelines in compliance to Hon'ble NGT order applicable for poultry farms having capacity above 5 000 birds .

7.1 Management of solid wastes (Solid Wastes contains Manure/litter, Hatchery Debris and Dead Birds)

7.1.1 Poultry droppings (Layer/Breeder farms)

- Droppings should be kept as dry as possible to avoid its anaerobic decomposition resulting in odour. Proper ventilation and free air flow should be maintained to keep the manure in dry condition.
- Dropping should be removed at regular interval (quarterly) from the floor & stored in scientifically developed storage facilities for further processing and utilization.

- *The poultry droppings/litter may be further converted into compost by adopting proper techniques by engaging expert institutes for its further use in the agricultural fields.*
- *A conveyor belt removal system may be used to avoid the accumulation of droppings from caged layers.*

7.1.2 Poultry litter (Broiler Farms)

- *In broiler farms, birds are grown on floor laid with bedding material like rice husk, saw dust, etc, the excreta is discharged by the birds on the bedding material itself. The bed should be frequently scratched for mixing of litter.*
- *The bedding material along with excreta should be kept dry as possible.*
- *The litter along with the bedding material should be removed at regular interval & stored in scientifically developed storage facilities for further processing and utilization.*
- *Litter may be further converted into compost by adopting proper techniques by engaging expert institutes for its further use in the agricultural fields.*

7.1.3 Litter/ Manure handling and storage

- *The litter removed from the Broiler/ Layer/ Breeder farms should be stored at a place in a covered shed having impervious flooring. The stored litter should be kept dry as far as possible. The litter may be further converted into compost by adopting proper techniques by engaging expert institutes for its further use in the agricultural fields.*

7.1.4 Hatchery Waste

- *The waste from hatchery which includes egg shells, unhatched eggs and liquid generated from hatchery may be collected scientifically and converted to poultry feeds in a rendering plant.*
- *The hatchery waste may be mixed with soyabean and extruded to pet food*

7.1.5 Dead Birds Disposal

The dead birds arising from day to day farm activity should be separated from other live birds promptly and should be stored in closed containers and disposed off within 24 hours by following any of the disposal methods.

A) Burial Method:

- The dead bird burial pit should be of 3 to 4 m in depth and 0.8 to 1.2 m diameter and located above minimum of 3 m from the ground water table.
- The dead bird burial pit should be provided with a vermin/fly proof cover madeup of wooden / metal / concrete having a central operable lid of proper size for day to day dropping of carcasses.
- When the pit is full, lime as disinfectant should be used and a compacted soil cover of 0.5 m should be provided with the top of the covered soil well above the ground level.
- The distance between any two burial pits should not be less than 1 m.

B) Incineration

- The incinerator should be located in down wind direction to the poultry houses and populated areas.
- The incinerator capacity should be of sufficient size such that no un-burnt carcasses are left in a day's operation.
- The guide lines and standards prescribed under Bio-Medical Waste (Management and Handling) Rules, 1998 should be followed for erection and operation of the incinerator

7.2 Air Emission (Includes gaseous emiission, Odour and Dust)

7.2.1 Minimization of odour/gaseous pollution problem

Proper ventilation and free flow of air should be ensured over manure collection points to keep it dry • Provision of a well-designed ventilation system and extractors should be made to attenuate odour nuisances. • Removal of dead birds should be prompt. • Regular disinfection of farm should be carried out . • The farm premises should be kept clean and tidy at all times with good housekeeping. • Plantation around poultry farms should be done to reduce the odour nuisances. • The manure should be protected from runoff water so as to reduce thepossibility of odour nuisance. • Litter should be regularly removed and stored in the well-designed storage pit

7.2.2 Feed Mills

Feed mill and godown should be located on a well elevated ground preferably near the entrance to the farm and isolated from other poultry sheds. • Dust collector system should be installed in the feed mill. • Workers in the feed mill should be

provided with dust masks. • Provision for vehicle tyre dip should be made available at the entrance control gate. • Adequate fire and other accident safety provisions should be provided. • Interaction of feeds with wild birds, rodents, pests, flies etc, should be avoided as a measure of food safety and prevention of spread of diseases. • Spillages should be avoided to discourage habitation for pests and rodents. • Sanitation and cleanliness should be maintained as a routine to ensure quality and safety of feed grains • Antibiotics should not be mixed with feed or administered for non-therapeutic purposes without prescription for diseased birds

7.3 Waste water Management

The waste water generated from the cleaning operations (after each batch removal) should be collected in appropriate holding tank and put to use in the green belt. • Water use and spills from drinking devices should be reduced by preventing overflow or leakages and using calibrated, well-maintained self-watering devices; • The holding tanks should be provided to collect the wastewater generated from the floor cleaning from the layer / broiler farms and hatchery wastes

7.4 Others (Control of Flies, Rodents and Use of Antibiotics in feed)

Control of Flies: Proper treatment and disposal of manure, ventilation of sheds, control of temperature, good sanitation, swift repairs of leaks, avoidance of feed spills, prompt removal of broken eggs and dead birds should be ensured for control of flies in the poultry farms. The farm should have provisions of wire nettings, traps, fly-repellents, insecticides etc. • Control of Rodents: Methods for the control of rodents may include: i) Exclusion ii) Trapping Glue boards iv) Slow killing toxic baits v) Rapid killing toxic baits and Tracking powder. • Regulation for use of antibiotics comes under the purview of Department of animal husbandry and Ministry of Health and the Drug Controller General of India and need to be regulated as per the advisory/directions issued by Department of Animal Husbandry, Dairying and Fisheries and Ministry of Health and the Drug Controller General of India. Bureau of Indian Standards 1374: 2007, on poultry feed also specifies that the use of antibiotic growth promoters are not recommended in poultry feed, hence use of antibiotics should not be mixed with feed or administered for nontherapeutic purposes without prescription for diseased birds

7.5 Good House Keeping Practices in Poultry Farms

The following good management Practices should be practiced in Poultry Farms:

• Proper treatment and disposal of manure, ventilation of sheds, control of temperature, good sanitation, swift repairs of leaks, avoidance of feed spills, prompt removal of broken eggs and

dead birds should be provided for control of odour & flies. The farm should have provisions provision of wire nettings, traps, flyrepellents, insecticides etc. • Poultry farms should be well designed and constructed with proper fencing with barbed wires/link mesh/concrete walls upto 1.5 m height and above. • Green belt all around the farms should be provided with minimum of two rows spaced apart not more than 3 m. • It should be regularly cleaned and disinfected to maintain sanitary conditions, 69 14 • The nutritious meal should be provided to the birds for the their healthy growth. • Spillages of water and feed should be avoided. • Integrated pest control and management should be implement to control pests and limit pesticide use on farm. • Dead birds should be removed and disposed in a scientific way.

8.0 Siting Criteria

The siting criteria shall be applicable for the new establishments. The old establishments shall follow the environmental guidelines.

The poultry farm should not be located within

- 500 m from residential zone in order to avoid nuisance caused due to odour & flies
- 200 m from major water course like River, Lakes and canals and 100 m from any drinking water source like wells, summer storage tanks, in order to avoid contamination due to leakages/spillages, if any.
- 100 m from nearby poultry, dairy or another livestock enterprises or industry to prevent diseases to birds from the nearby livestock.
- 200 m from national Highway (NH) and 100 m from State Highway (SH) in order to avoid nuisance caused due to odour & flies
- The Poultry sheds should not be located within 10 m from farm boundary for cross ventilation and odour dispersion
- The Poultry sheds should be positioned on East to West direction to prevent direct sun shine falling on the birds inside the house

9.0 Administrative mechanism

- The hatcheries of any size which are performing this exclusive operation, feed mills of any capacity and the commercial poultry farms which are handling more than 5,000 birds at a given time on any single location need to obtain consent to operate under the provisions of environmental law.
- The poultry farms which are handling more than 5000 birds at a given time in single location need to approach State Pollution Control Board to obtain necessary Consent for Operation under Air Act, 1981.
- The regulatory mechanism shall be applicable in phase manner as per the details given below:

- i) *Poultry Farms above 50,000: guidelines shall be applicable from the date of issue of guidelines.*
- ii) *Poultry farms above 25,000 to 50000: guidelines shall be applicable after one year from the date of issue of guidelines.*
- iii) *Poultry farms above 5,000 to 25000: guidelines shall be applicable after two year from the date of issue of guidelines.”*

3. The applicant raised objections and suggested further strengthening of mechanism and reducing timelines. The CPCB thereafter issued revised Guidelines in August, 2021, extending the consent mechanism to poultry farms handling more than 25000 birds and exempting others as follows:

“8.0 Regulatory/ Monitoring Mechanism for Poultry Farms

- ***SPCBs/PCCs shall upload Environmental Guidelines on their website.***
- ***Guidelines shall be applicable to all the category of Poultry Farms.***
- ***Poultry Farms handling birds above 25,000 at single location will have to obtain consent to establish (CTE) and consent for operate (CTO) under the Water Act, 1974 & Air Act 1981 from State Pollution Control Board/Pollution Control Committee.***
- ***The Poultry Farms are categorized under “Green” Category, therefore validity of consent will be 15 yrs.***
- ***Animal Husbandry Department of the State/Districts to assist the poultry farms for implementation of Guidelines.”***

4. Only reason for the above change from Guidelines proposed in August, 2021 is that poultry farms upto 25000 birds are small and in unorganized sector. The said observations in the guidelines are quoted below:

“4.0 Classification of Poultry Farms

Backyard poultry is typically owned by small and marginal farmer and comprises of few birds, largely for self-consumption and very small quantities get commercially sold. The poultry farming practiced by the rural and tribal farmers under free range or backyard or semi-intensive systems is usually referred to as rural poultry farming.

Based on the number of handling of birds, Poultry farms may be classified into three categories.

Small (5,000-25,000 bird)

Medium (above 25,000-1,00,000 birds).

Large (above 1,00,000 birds)

The poultry farms under small category are in un-organized sector run by economically weaker farmers and are of rural background”

5. We have heard Mr. Raj Panjwani, Senior Advocate, who submitted that there is no justification for exempting poultry farms below 25000 birds even after this Tribunal held that all poultry farms above 5000 birds were required to be brought under the consent mechanism and even after proposing such regulation in March 2021 guidelines, based on expert study, as noted earlier. Observation that poultry farms with less than 25000 birds are run by small farmers in unorganized sector is untenable and against the Precautionary Principle of environmental law, as already held by this Tribunal vide order dated 16.09.2020, referred to above, that regulation of all poultry farms beyond 5000 birds is necessary. To this extent, decision of CPCB being against the decision of this Tribunal and against precautionary principle. A person running poultry farm of more than 5000 birds cannot be said to be small farmer nor their pollution potential left unregulated. At best some time can be given for regulation in phased manner as proposed in March, 2021 proposed Guidelines. Accordingly, we direct that while the impugned guidelines be immediately enforced, all poultry farms above 5000 birds will also be covered by the said guidelines latest from 1.1.2023. The siting criteria should apply to all consents/renewals hereafter for the above size of the poultry farms. CPCB

may issue revised guidelines to all the State PCBs/PCCs in terms of the above order within one month.

The application is disposed of.

A copy of this order be forwarded to CPCB by e-mail for compliance.

It is made clear that if CPCB is aggrieved by this order, it will be at liberty to move this Tribunal.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

December 10, 2021
OA No. 320/2021
AVT