

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH NEW DELHI

OA NO. 394 OF 2022

IN THE MATTER OF:

PUSHPENDRA KUMAR

...APPLICANT

VERSUS

BLOCK DEVELOPMENT OFFICER, KADAURA &

ORS

...RESPONDENTS

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Dated 02.12.2024

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH NEW DELHI****OA NO. 394 OF 2022****IN THE MATTER OF:****PUSHPENDRA KUMAR****...APPLICANT****VERSUS****BLOCK DEVELOPMENT OFFICER, KADAURA &****ORS****...RESPONDENTS.****OBJECTIONS BY APPLICANT TO THE REPORT OF UPPCB DATED 14/11/2024 IN OA NO 394/2022. (ALONG WITH AFFIDAVIT).****The Applicant most respectfully Sheweth:**

1. That pursuant to the direction given by this Hon'ble tribunal in its order dated August 13, 2024, UPPCB submitted a report dated November 14, 2024. the applicant, at this stage, is filing objection to the response/report of UPPCB dated November 14, 2024.

PRELIMINARY OBJECTIONS:

2. That in the para 49 of the order dated August 13, 2024, UPPCB was required to inspect all the Gaushalas/Nirashrit Goashray Sthals for compliance with the Guidelines of Environmental Management of Dairy Farms and Gaushalas issued by CPCB and Manual on Management of Gaushalas issued by ICAR and take appropriate action including order for closure and imposition of environmental compensation in accordance with law for non-compliance/violations and to file Action Taken Report within three months. But UPPCB submitted the compliance report of only one district i.e. Jalaun while in para 47 of the order dated 13/08/2024 the tribunal widened the scope of this proceeding to entire state of UP. no

report was submitted by UPPCB on compliances status of directions of para 49 in rest 74 districts of UP.

3. The report of UPPCB dated 14/11/2024 consists of only old compliance status of 7 gaushalas of Jalaun as on date 17/07/2023, so the report of Oversight Committee dated 30/11/2023 presided over the report of UPPCB dated 14/11/2024 as the report of oversight committee consists of latest, accurate and reliable compliance status of 43 gaushalas of Jalaun till November 2023.
4. No inspection and No action, has been taken by UPPCB post the order dated 13/08/2024 to comply with the directions issued by this hon'ble tribunal in para 49 of the order dated 13/08/2024.
5. That in para 49 of the order dated August 13,2024 the hon'ble tribunal issued the direction to UPPCB as stated below...

“49. We also direct the UPPCB to inspect all Gaushalas/Nirashrit Goashray Sthals for compliance with the Guidelines for Environmental Management of Dairy Farms and Gaushalas issued by CPCB and Manual on Management of Gaushalas issued by ICAR and the environmental norms particularly the Water Act 1974 and Air Act 1981 and take appropriate action including order for closure and imposition of environmental compensation in accordance with law for non-compliance/violations and to file Action Taken Report within three months.”

Para Wise Objections

6. That **Para 3** of the UPPCB response/report dated 14/11/2024 is *“the Uttar Pradesh Pollution Control Board, here in after referred as UPPCB, had issued Consent to Operate'CTO' to 10 Gaushala of district Jalaun. They are complying 'Guidelines for Environmental Management of Dairy Farms*

and Gaushalas' issued by CPCB. The CTO's copies are attached here with as Annexure-1. & details of which are given below as below”

S.N.	Name and address of the Gaushala	Complying Status	
		CTO Valid upto dated	Status
1.	Gau Sampada Sanrakshan Shodh Sansthan, Village-Aunta, Orai, District-Jalaun	31.07.2025	complying
2.	Nagar Panchyat Kadaura, Jalaun	31.07.2027	complying
3.	Nagar Panchyat Nadi Gaon, Jalaun	31.07.2027	complying
4.	Nagar Palika Parishad, Jalaun	31.07.2027	complying
5.	Nagar Panchyat Rampur, Jalaun	31.07.2027	complying
6.	Nagar Palika Parishad, Konch, District-Jalaun	31.07.2027	complying
7.	Nagar Panchyat Umri, Jalaun	31.07.2027	complying
8.	Gaushala Nagar Palika Parishad Orai, Jalaun	31.07.2027	complying
9.	Tempororay Gaushala, Nagar Panchayat Madhogarh, Jhansi	31.07.2027	complying
10.	Hiraman Baba Gaushala Seva Samiti, Dakore, Jalaun	31.07.2025	complying

Objections: The Oversight Committee inspected the Gaushala at Sr No 9 of above table i.e. Nagar Panchayat, Madhogarh on 25/09/2023 approximately after two months of grant of CTO by UPPCB Under the Water Act 1974 and the Air Act 1981 and made observation in its report dated 30/11/203 as “*the location of Gaushala at Nagar Panchayat Madhogarh are absolutely inappropriate as established in water-logging area or near a water body*”.

The Oversight Committee inspected the Gaushala at Sr no 2 of of above table i.e Nagar Panchayat, Kadaura on 24/09/2023, approximately after two months of grant of CTO by UPPCB and made observation as “*inappropriate disposal of cow dung is causing foul smell and polluting the environment, liquid waste of gaushala is being discharged into the waterbodies*”.

The Oversight Committee inspected the Gaushala at Sr No 6 i.e Nagar Palika Parishad, Konch on 26/09/2023, made observation as

inappropriate disposal of cow dung and urine. This shows that UPPCB is distributing CTO to Gaushalas by compromising with environmental norms and made wrong submission that Gaushalas are complying with *Guidelines for Environmental Management of Dairy Farms and Gaushalas issued by CPCB and Manual on Management of Gaushalas issued by ICAR.* The relevant part of the report of oversight committee dated 30/11/2023 is annexed hereto and marked as **Annexure A-1.**

7. That **Para 4 of the** UPPCB report dated 14/11/2024 is “UPPCB has imposed environmental compensation against the 07 Gaushala/Gauashraysthal for the past violation period after approval from competent authority vide letter dated 17.07.2023.”

Objections: There are than 440 Gaushalas running in district Jalaun without CTO from UPPCB for last 4 years but environmental compensation has been imposed on 7 Gaushalas merely for a period of 49 days vide dated 17.07.2023 by UPPCB just to show that action is being done. During the inspection of 43 gaushalas of district Jalaun by Oversight Committee in month of September/October of 2023 the committee found 42 gaushalas as non-compliant with CPCB guidelines and manual on management on gaushala by ICAR. But no action has been taken by UPPCB on these 42 non-compliant gaushalas and other non-compliant gaushalas of Jalaun.

In para 49 of order 13/08/02024 UPPCB was instructed to visit all gaushalas of UP but Since 17.07.2023 UPPCB has not inspected any gaushala of Jalaun. The relevant part of the report of oversight committee dated 30/11/2023 is annexed hereto and marked as **Annexure A-2.**

8. That **Para 6 of the** UPPCB report dated 14/11/2024 is “That Meat Shops are not covered in Red, Orange, Green and White category industrial activities, which are categorized and issued by Central pollution Control

Board vide letter no. F77184/C-2/SAMANYA NODAL-347/2016 Dated 18.04.2016.”

Objections: The grievance raised in Original application is regarding **slaughtering of animal/poultry in meat shops(licenced/unlicenced) and illegal slaughterhouses**. As per the order dated 23.12.2014 passed by this hon'ble Tribunal in **O.A. No 339/2013 (Krishankant Singh Hoon & Anr. Vs Union of India & Ors)**, **no slaughtering is permitted in meat shops**. Unlicenced and licensed meat shops performing slaughtering in the shops are illegal/unlicensed slaughterhouses without having the license of a slaughterhouse which generate substantial quantities of effluents, solid wastes, foul smell due to improper handlings, waste-hooves, horns, hair, bristles, gall bladder, ears, skin thus comes under **Red Category(slaughter houses/meat processing units)**. Moreover, the waste-hooves, horns, hair, bristles, gall bladder, ears, skin etc. generated from these illegal slaughterhouses/meat shops slaughtering animal/poultry in the premises of shops , is thrown in open which attract flies, dogs and other vermin, leads to leachates problem, contamination of surface and ground water, causes public nuisance and danger of spreading diseases. The UPPCB by quoting only “meat shops” cleverly tried to put the curtain on meat shops (licenced/unlicensed) performing slaughtering in the shops without having the license of a slaughterhouse.

9. **Para 7 of UPPCB report dated 14/11/2024** is “That Consent to Operate 'CTO' is not mandatory to obtained for meat shops from State Pollution Control Board under the provision of Air & Water Act due to not covered as industrial activities”

Objections: The CTO is not mandatory for the licenced meat shops which legally meant only for sale of meat not for slaughtering **but CTO is mandatory for slaughter houses for discharge of effluent/emission as per the provisions of The Water (Prevention and Control of Pollution)**

Act, 1974 and The Air (Prevention and Control of Pollution) Act, 1981. meat shops performing slaughtering in the shops are unlicensed illegal slaughter houses where 10 or more than 10 animals are slaughtered par day without any license/CTO of slaughter house from competent central/state agency. The UPPCB has made wrong submission that CTO is not mandatory for meat shops but grievance raised by applicant is about meat shops performing slaughtering of animals in the shops.

PRAYER

In light of the facts stated hereinabove it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to:

1. dismiss the report of UPPCB dated 14/11/2024 which consists of old, and misleading facts and concealed the truth and correct facts;
2. direct MS, UPPCB to strictly comply with the para 49 of order dated 13/08/2024 and submit the compliance report of all gaushalas of state of UP;
3. direct MS, UPPCB to take action on RO, UPPCB, Jhansi for granting CTO to the gaushalas by compromising with the environmental norms as revealed by report of oversight committee dated 30/11/2023;
4. pass any other / further order as this Hon'ble tribunal may deem fit and proper in the interest of justice.

Filed By:



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NEW DELHI

DATED 02.12.2024



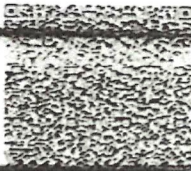
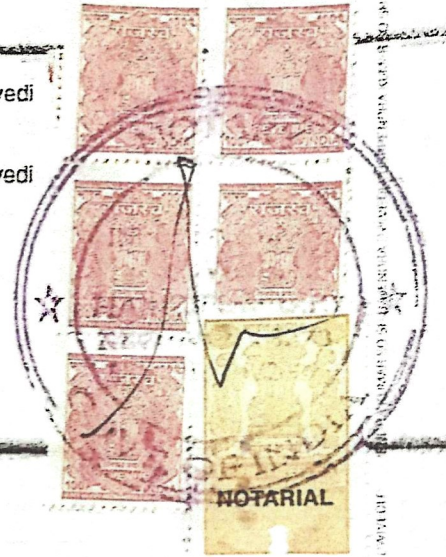
Government of Uttar Pradesh

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Certificate No. : IN-UP85469062080274W
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 Description of Document : Pushpendra Kumar So Sh Rajendra Dwivedi
 Description of Document : Article 4 Affidavit
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 Second Party : Not Applicable
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...RESPONDENT

AFFIDAVIT

I, Pushpendra Kumar, S/o Sh. R. B. Dwivedi, Ages-34, R/o Kadaura, District-Jalaun, UP 285203, presently at Hamirpur the applicant above named do hereby solemnly affirm and state as under: -

Signature of Pushpendra Kumar
Statutory Alert

The address of the issuing authority can be visited at www.e-stamp.gov.in or using the MyStamp Mobile App of Stock Holding Corporation of India Limited who is available on the website. Mobile App provides it ahead.
2. The link of use for the e-stamp is in the user's ID in the certificate.
3. In case of any discrepancy please refer to the Competent Authority.

1. That I am the applicant in the abovementioned matter, as such, am conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That I have gone through the contents of the accompanying objections and say that the same are true and correct and has been drafted under my instructions. The contents thereof may kindly be read as a part hereof and are not being repeated herein for the sake of brevity.

Pushpendra

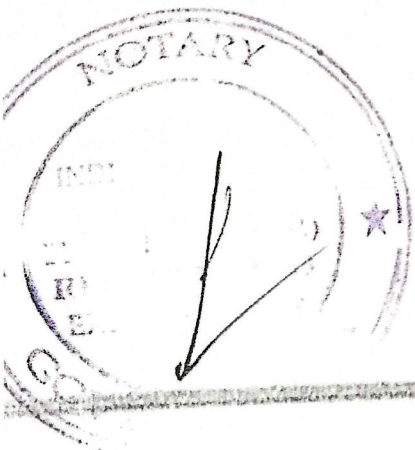
DEPONENT

VERIFICATION:

Verified At Hamirpur on this 2nd day of December 2024 that the contents of paras 1 and 2 of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from.

Pushpendra

DEPONENT



Pushpendra
 In The Court of the District Judge
 At Hamirpur
 21/12/24
 INDIA P. S. YADAV

DISTT. HAMIRPUR (U.P.)

The inappropriate disposal of cow dung is causing foul smell and polluting the environment.

v. In all 42 Gaushalas, there was no proper arrangement for collection and disposal of urine and wastewater. 13 Gaushalas viz. Mae, Bastepur, Udanpur, Kushmara Bawni, Khutmili, Kanha Gaushala-Kadaura, Matra, Garrehi, Sunaya, Jeetamau, Malthua, Khadgui and Kanha Gaushala-Konch have pucca soakpits but due to poor drainage they are disfunctional. 03 Gaushalas viz. Ghilor, Akniwa and Hamirpura have kaccha soakpits. As there was no plan to use the urine for any definite purpose except composting, urine stored in the pucca soakpits was proving more polluting. Mostly they were not being used due to poor drainage but at one or two places where they were being used, they were creating an environmental problem by spreading intense foul smell and also delaying its biodegradation.

vi. Solid and liquid waste of Madaripur, Block-Kuthaund Gaushala was found to be draining towards the water-logged area within the Gaushala premises, which was directly connected with the pond of the village and was also surrounded by the Abadi. Four other Gaushalas, viz. Dhaguakalan-Dakor, Udanpur, Kusumara Bawni and Kanha Gaushala, Kadaura were discharging their liquid waste into public drains which were joining water bodies at some distance. In spite of this, the Oversight Committee was informed in the meeting dated 06.09.2023 held at district headquarters that there is no such discharge in any water body.

IMPROPER SITE SELECTION:

vii. 25 of the 42 Gaushalas, viz. Udanpur, Ghilor, Kanasi, Jaaigha, Akniwa, Mae, Kushmara Bawni, Hamirpura, Madaripur, Dhaguakalan, Matra, Mawai Brahman, Garrehi, Nagar Palika Parishad-Kalpi, Kanha Gaushala-Konch, Malthua, Urkara Kalan, Chitaura, Kursenda, Nagar Panchayat-Madhogarh, Sunaya, Jamrohi Kalan, Pindari, Kanji House-Ait and Bhuwa, have been established within 100 meters of the inhabited area, which is against the prescribed norms.

viii. The locations of 19 Gaushalas, viz. Dhaguakalan, Mawai Brahman, Garrehi, Nagar Palika Parishad-Kalpi, Jeetamau, Maddeya, Malthua, Khadgui, Ramhetpura, Chitaura, Kursenda, Padkula, Nagar Panchayat-Madhogarh, Sunaya, Nari, Jamrohi Kalan, Kaushalpur, Pindari and Madaripur are absolutely inappropriate as they have been established in water-logging area or near a water body. At the time of inspection, 03 Gaushalas viz. Nari & Jamrohi Kalan of the Block-Konch and Ramhetpura of the Block-Madhogarh were in knee-deep water. There was absolutely no way to go inside the Gaushala leave alone reaching the bovines to verify facts. Cow dung and urine were mixing with the logged water causing pollution. Health of bovines in these Gaushalas was really bad and bovines were having mud on their bodies. Having regard to the prevailing conditions here, the Oversight Committee is of the view that these Gaushalas actually do not function during rainy season. Due to inspection the bovines have been brought here. These Gaushalas are running for last 3-4 years and in spite of that, no effort has been made to raise the ground level of these Gaushalas or to shift the same to some higher places. It was told that every year this situation is repeated but no solution has been found. It appears that the officers responsible for selecting the site for establishing Gaushalas have not taken the desired interest in selecting the sites.

absolutely no planation in spite of the fact that they had sufficient land for the purpose. It appears that no interest has been taken to ensure plantation around or inside the Gaushalas. xxxviii. These Gaushalas are functional for over three years and rampant violations of environmental laws are being committed by them continuously. No action either by way of handholding or invoking punitive provisions of law seems to have been taken against these Gaushalas. At the time of inspection, the RO, UPPCB Jhansi and also the CDO Jalaun mentioned that notices have been issued/received by the Gaushalas for their violations in compliance of the orders of the Hon'ble NGT. The RO, UPPCB Jhansi also informed that an EC of Rs.2,45,000/- has been imposed on the BDO, Kadaura for violation for a period of 49 days. The CDO Jalaun pointed out that notices have been issued to the Gaushalas of this district only whereas no action has been taken in Jhansi and Lalitpur districts which are under her jurisdiction. He also pleaded that this is a welfare scheme of the Government, so no such action should be taken. The action taken against the BDO, Kadaura seems to be a token action to show the Hon'ble NGT that action has been taken because the violations by Gaushala are continuing since its establishment and in the entire district. No information regarding recovery of EC has been received.

No doubt, these Gaushalas are welfare activities of the State Government, but the officers implementing these schemes and the RO as the regulator have to ensure that these Gaushalas do not pollute the environment in the manner they are doing now in the interest of bovines, human beings and environment.

COLLAPSE OF IMPLEMENTATION AND SUPERVISION MECHANISM:

xxxix. GO dated 02.01.2019 regarding the establishment and management of Gaushalas stipulates that there will be Block, Tehsil and District Level Committees, besides the Division and State Level Committees for the monitoring, evaluation and review of this welfare scheme of the State Government. This GO elaborates the tasks to be performed by these committees. When asked about the pathetic condition of these Gaushalas and role played by the Block Level Committee under his leadership to ameliorate their condition, no satisfactory response was given by the BDOs accompanying the Oversight Committee at the time of inspection. Even the CDO, CVO and DDO accompanying the team had no answer for what they had presented to the Oversight Committee at the district level meeting held on 06.09.2023 and what was being observed as the ground reality. The Oversight Committee has no hesitation in stating that the implementation and supervision mechanism of this welfare scheme of the State Government has collapsed totally. The Block as well as the Tehsil and District Level Committees are not functioning effectively. In some of the Inspection Registers, the inspection note recorded by the BDO was available but it did not bring out the deficiencies apparently visible in the Gaushalas. Similar was the quality of notes recorded by other Supervisory Officers, namely, the Veterinary Officer, ADO (Panchayat), ADO (ISB) etc.

xl. Inspections by senior officers are meant to guide the ground level functionaries and provide them the support needed from higher levels for performing the task efficiently and effectively but they were not found to have been done seriously, objectively and truthfully. Deficiencies found in the inspection should be recorded factually and their compliance should be