

Before The National Green Tribunal**Principal Bench , New Delhi**

In the matter of: OA no.-745 of 2023

Mamta Sharma

.....Applicant

Versus

Gram Panchayat Arrana and others

Through its Gram Pradhan

.....Respondents

Rejoinder to the Reply submitted by Uttar Pradesh Pollution Control Board.**Index**

<u>S.NO.</u>	<u>Particulars</u>	<u>Page</u>
1	Rejoinder/reply to the report submitted by UPPCB	1-12
2	Annexure-1 Page reference by CPCB to CPHEEO	13
3	Annexure-2 CPHEEO distance criteria	14
4	Annexure-3 BIS 5611 Distance criteria	15
5	Annexure-4 CPCB Dairy guidelines and definition relevant page	16-18

Date: 15.10.2024

M Sharma
Mamta Sharma

Place : Arrana , Aligarh, UP

Applicant

Before The National Green Tribunal

Principal Bench , New Delhi

In the matter of: OA no.-745 of 2023

Mamta SharmaApplicant

Versus

Gram Panchayat Arrana and others

Through its Gram PradhanRespondents

**Rejoinder to the Report submitted by Uttar Pradesh
Pollution Control Board .**

I, Mamta Sharma , aged about 53 years, residing at Village and Post: Arrana, Tahsil – Khair , Aligarh-202138, do hereby solemnly affirm and say as follows:

Most respectfully showeth:

Preliminary objections and submissions:

1. That the applicant of the instant case is well conversant with facts and circumstances of the above case.
2. There are 3 reports submitted by Uttar Pradesh pollution Control Board (Herein after called UPPCB).
 - a. **Report dated 13.07.2024:** Out of 5 descriptive points, 4 points are the narratives by

MSharma

Gram Pradhan as per the report and are factually incorrect. There was no any information given to applicant and no input taken from Applicant. Also the sample of the sewage and drinking water were willfully not collected on 13.07.2024, as it would resulted into - a data of "Extremely Polluted water". The report does not bring out any new information as an agency responsible for preventing pollution in the state except it acted as a mouth piece of Respondent-1 , Gram Pradhan. Also there was more than 300 tons of solid waste lying in the this land including more than 200 tons of dung but it did not found a place in the report. Hence this report is a biased report prepared on behest of respondent number-1, that is Gram Pradhan Village Arrana. It is also worth to mention that UPPCB submissions does not provide the action taken based on this report.

- b. **Report dated 02.08.2024:** The purpose of this inspection is not clear. The timing of this inspection and collection of sample was willfully chosen to be after continuous rains of two days and the polluted water got diluted with storm water so that it can provide an unpolluted status to the sewage stored in the pond. It is nothing but repeat of all the points mentioned in report dated 13.07.2024 on behest of Gram Pradhan. Cross verification of statement from the applicant could have given the correct status. The positive development of the site visit was the collection of samples of sewage water and drinking water from the house of Smt Shakuntala Devi.

m. Sharma

e. Report dated 07.08.2024:

- i) Chief Development officer while ordering for committee to find out solution to the situation has directing that Applicant should be present while inspection and the solution to be devised with the consent of applicant. But Applicant was not informed about the inspection and no inputs were taken from applicant.
- ii) Whereas Respondent no.-1, Gram Pradhan and Respondent no.-3, District Panchayati Raj Officer(DPRO), were present during the entire inspection and have influenced the entire inspection and have personal interest . Hence it is totally a biased report.
- iii) The Report is factually wrong report and incomplete. The drinking water sample report and sewage water sample reports have been mentioned to be attached in the report but not provided. There is no mention about even the results of the drinking water sample taken from the hand pump of adjacent house of Smt Shakuntala Devi, which are very crucial about health of the inhabitants. Neither the results been provided/analysed nor the report has been attached for drinking water.
- iv) There is element of casual approach and contradictions in the report and many hearsay information has been made part of report. The Respondent -1 has mentioned that the size of pond is half of 0.2300 Hectare i.e. 1150 square Meter (para 9 of WS filed by respondent no.-1)

M Sharma

. Report dated 13.07.2024 mentioned is 200-300 yards i.e. 160-243 square Meters. Report dated 02.08.2024 mentions 243 square meter but the report dated 07.08.2024 mentioned it 480 square meters.

- v) It is a biased, manipulated report and a blatant lie and concerned officers are liable for perjury. In the page 4/4 of the report, it is mentioned that

➤ निरीक्षण के समय शिकायतकर्ता द्वारा गाटा संख्या-38 पर निर्मित तालाब में आसोँधत घरलू उल्लवाह का निस्तारण किये जाने एवं उनके घर के सामने कूडे के निस्तारण से गन्दगी, की समस्या से अवगत कराया गया।

The fact is that the applicant was never part of this inspection though applicant wanted to be part of it. This is to mislead the hon'ble tribunal and other superior officers.

- vi) There are 25 families having total of 78-80 animals mostly buffaloes and as per the guidelines and definition of CPCB, there are 9 dairies with each animal generating 20 KG dung and 20 KG of urine. The total sewage generated shall be 1600 Kg solid waste in form of dung and 1600 litre of urine and 1600 litre of wash water along with residual dung. These are lifelines of the village farmers and cannot be separated. But the quantities of waste mentioned in the report are not matching with the facts/actuals.
- vii) The said land of Gata number-38 is reserved category land as per section 77(1) of UP

M. Sharmu

Revenue code 2006 and the category of such land can not be changed. As per section 77(2) , only allows the change in category in terms of Exchange only. Also as per section 77(3) , The state government has to examine suitability of land before allowing exchange of the land. The relevant sections are reproduced below.

“(2) Notwithstanding anything to the contrary contained in other provisions of this Code, where, any land or part thereof specified in sub-section (1) of this section is, surrounded by or, in between, the plot or plots of land purchased, acquired or resumed for public purpose, the State Government may, change the class of such public utility land, and if the class of such public utility land is changed, any other land equivalent to or more than that of public utility land aforesaid, shall be reserved for the same purpose in the same Gram Panchayat or other local authority, as the case may be or State Government may permit the exchange thereof under section 101 of this Code, in the manner prescribed. Provided that the class of any public utility land may be changed only in exceptional cases on such terms and conditions, as may be prescribed. The reason for changing the class of public utility land shall be recorded in writing.

(3) The State Government, while changing the class of the land or permitting the exchange of the same under section 101 of the Code, shall consider the location, public utility and suitability of the land proposed to be reserved or exchanged.”

A land inside residential area cannot be a suitable land for making sewage pond or for that matter any pond in contradiction to section 77(3). In this case there is no change in category of land from state Government.

M Sharma

Hence the recommendation made in report that dated 07.08.2024 is not as against law. In very similar case of “Gram Panchayat Dungarwas vs Krishan Lal and others, RSA-1935-2011, Punjab and Haryana High court” dismissed the appeal against cancellation of “Conversion of Hadda Rodi site into a pond (Page no.183 to 187), Relevant part reproduced below.

“ *Learned counsel for the respondents/plaintiffs referred to authority Baljinder Singh and others Versus State of Haryana and others, 2012(5) RCR(Civil) 294 by a Co-ordinate Bench of this Court wherein it was observed that user of land vesting in Gram Panchayat cannot be changed without resorting to the procedure prescribed under the Act/Rules.*

“Admittedly no such permission has been obtained by the village Gram Panchayat from the competent authority by adopting due procedure. Therefore, without doing so, the site earmarked for HADA RODI cannot be changed into pond.

Therefore, I do not find any merit in the present appeal and do not see any reason to disturb the legal, valid and well reasoned judgment passed by the Additional District Judge, Rewari.”

viii) Many members of the committee played active/main role in the decision making for creating this sewage pond and They have been acting as judge in their own

MS Sharma

case against the principle of natural Justice “Nemo Judex In Causa Sua”.

- ix) As per CPCB referred guidelines, any such pond shall be at least 300 Meter away from the residential area that not in the direction of wind. Similar distances are mentioned in BIS 5611, Tamilnadu Pollution control Board documents and Central Public Health and Environment Engineering Organization, Ministry of Urban Development, Govt of India.
- x) Any water logging and filling would cause Mosquito nuisance and would like to quote one of the matter whose cognizance has been taken by Hon’ble National green tribunal, principal bench based on News paper Report in original application 606/2024. *“ As per Article , the residents of the area are facing severe hardship as in early and evening hours , there are big clouds of mosquitoes everywhere. All the windows have to be kept sealed. Repellant do not work because of the sheer number of the pests. It states that the situation has deteriorated significantly in the past four months...”*, exactly Similar situation prevail due to this pond.

Filed by

Date : 15.10.2024

Place : Aligarh

M. Sharma
Mamta Sharma
(Applicant)

Verification:

Verified at Arrana, Aligarh on this 15 day of October of 2024, that the contents of the reply are true to the best of my knowledge and nothing material has been concealed therefrom the Hon'ble Tribunal.

Date : 15.10.2024

Place : Aligarh

M Sharma
Mamta Sharma
(Applicant)

*¹APPENDIX -XIV

ENVIRONMENTAL CONDITIONS FOR BUILDINGS AND CONSTRUCTIONS

(CATEGORY 'I': 5,000 to less than 20,000 Square meters)

MEDIUM	S. N.	ENVIRONMENTAL CONDITIONS
Topography and Natural Drainage	1	The natural drain system should be maintained for ensuring unrestricted flow of water. No construction shall be allowed to obstruct the natural drainage through the site. No construction is allowed on wetland and water bodies. Check dams, bio-swales, landscape, and other sustainable urban drainage systems (SUDS) are allowed for maintaining the drainage pattern and to harvest rainwater.
Water Conservation, Rain Water Harvesting, and Ground Water Recharge	2	Use of water efficient appliances shall be promoted. The local bye-law provisions on rain water harvesting should be followed. If local bye-law provision is not available, adequate provision for storage and recharge should be followed as per the Ministry of Urban Development Model Building Bye-Laws, 2016. A rain water harvesting plan needs to be designed where the recharge bores (minimum one recharge bore per 5,000 square meters of built up area) is recommended. Storage and reuse of the rain water harvested should be promoted. In areas where ground water recharge is not feasible, the rain water should be harvested and stored for reuse. The ground water shall not be withdrawn without approval from the Competent Authority. All recharge should be limited to shallow aquifer.
	2(a)	At least 20% of the open spaces as required by the local building bye-laws shall be pervious. Use of Grass pavers, paver blocks with at least 50% opening, landscape etc. would be considered as pervious surface.
Waste Management	3	Solid waste: Separate wet and dry bins must be provided in each unit and at the ground level for facilitating segregation of waste. Sewage: In areas where there is no municipal sewage network, onsite treatment systems should be installed. Natural treatment systems which integrate with the landscape shall be promoted. As far as possible treated effluent should be reused. The excess treated effluent shall be discharged following the CPCB norms. Sludge from the onsite sewage treatment, including septic tanks, shall be collected, conveyed and disposed as per the Ministry of Urban Development, Central Public Health and Environmental Engineering Organization (CPHEEO) Manual on Sewerage and Sewage Treatment Systems, 2013. The provisions of the Solid Waste (Management) Rules 2016 and the e-waste (Management) Rules 2016, and the Plastics Waste (Management) Rules 2016 shall be followed.

¹ Inserted by S.O. 3999 (E) dated 09th December, 2016 (Notification is under Sub-judice before the Hon'ble Courts Tribunal) *.

msharmn

7.3.1.13 Alternative Arrangement during Non-irrigating Periods

During rainy and non-irrigating seasons, sewage farm may not need any water for irrigation. Even during irrigating season, the water requirement fluctuates significantly. Hence, satisfactory alternative arrangements have to be made for the disposal of sewage on such occasions either by storing the excess sewage or discharging it elsewhere without creating environmental hazards. The following alternatives are generally considered:

- a) Provision of holding lagoons for off-season storage. They enable irrigation of a fixed area of land to varying rates of crop demand. They may also serve as treatment units such as aerated or stabilization lagoons, provided the minimum volume required for treatment is provided beyond the flow-balancing requirement.
- b) Provision of additional land where treated sewage is not required on the main plot of land
- c) Discharge of surplus treated sewage to river or into sea with or without additional treatment. Combining surface discharge facilities with irrigation system is quite common and often quite compatible.
- d) Resorting to artificial recharge in combination with an irrigation system where feasible.

7.3.1.14 Protection against Health Hazards

Sewage farms should not normally be located within 1 km of sources of centralized water supply, mineral springs in the vicinity, where water bearing layers prevail; or on areas with groundwater levels less than 2 m below the surface. Measures should be taken to prevent pollution of artesian water. Sewage farms must be separated from residential areas by at least 300 m horizontal distance. The public health aspects of sewage farming should be considered from the viewpoints of exposure of farm workers to sewage and that of the consumers to the farm products.

Evidence is on the increase to show that labourers working on the sewage farms suffer from a number of ailments directly attributed to handling of sewage. In view of this it is desirable to disinfect sewage and where feasible mechanize sewage farm operation.

Sewage of individual enterprises engaged in the processing of raw material of animal origin or hospitals, bio-factories and slaughter houses should in addition be disinfected before they are taken to the sewage farms. Agricultural utilization of sewage containing radioactive substances is to be guided by special instructions.

The staff of sewage farms must be well educated in the sanitary rules on the utilization of sewage for irrigation as well as with personal hygiene. All persons working in sewage farms must undergo preventive vaccination against enteric infections and annual medical examination for helminthoses and be provided treatment if necessary.

Sewage farms should be provided with adequate space for canteens with proper sanitation, wash-stands and lockers for irrigation implements and protective clothing. Safe drinking water must be provided for the farm workers and for population residing within the effective range of the sewage farms.

IS: 5611 - 1987

4.1.1 The values given in Table 1 are approximate and may help in simplification of pond design. Meteorological conditions may vary widely in certain instances such that stabilization ponds situated at two places on the same latitude may require different loading rates.

4.1.2 It is found that for pond design for domestic sewage in most parts of India, adoption of depth of 1 to 1.5 m and surface area based on the organic loading given in Table 1 give sufficient detention time (minimum six days) for the removal of 80 to 90 percent BOD (based on filtered effluent BOD) at the average winter temperatures usually encountered.

4.1.3 However, in the cases of ponds located in regions having very cold temperatures at high altitudes, detention period should be increased taking into account the decrease in the rate of biological activity at lower temperatures. Detention period may be increased either by an increase in depth (up to 1.5 m) or by increasing the surface area of the pond. Where prolonged periods of sky cloudiness are experienced, the surface area should be suitably increased.

4.2 Multiple Units — Ponds smaller than 0.5 ha area may be a single unit. Larger ponds may be in multiple units working in parallel or in series. The arrangement is advantageous in case of repairs, maintenance and other unforeseen circumstances. Ponds in series have functioned more satisfactorily and are usually recommended for larger installations. To avoid anaerobic conditions in the primary ponds, its area may be 65 to 70 percent of the total area or provision may be made to pump the final effluent to the first tank in order to freshen it.

4.3 Pond Shape — It is not necessary that the pond shape should be of any particular type. It may be rectangular or polygonal depending on the site contours. Elongated rectangular shapes with $l : b$ ratio between 3 : 1 to 2 : 1 are better to avoid short-circuiting to ensure desired detention period. The ponds should be rounded at the corners in order to minimize accumulation of floating material and creation of dead pockets. There should be no islands or peninsulas in the pond as they tend to promote local nuisance conditions and reduce circulation in the pond.

5. LOCATION

5.1 Distance from Habitations — Pond site should be as far away as practicable from habitation taking into account possible future development of the area. No pond should be located less than 200 m and preferably 500 m from residential colonies.

5.2 Prevailing Winds — If practicable, ponds should be so located that local prevailing winds are in the direction of uninhabited areas. Orientation of ponds should be such that the longest dimensions are at right angles to the local prevailing wind to avoid short-circuiting of the flow.

**“Guidelines for Environmental Management of
Dairy Farms and Gaushalas”**



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

(July 2020)

M Sharma

1. Introduction

India ranks first among the world's milk producing Nations since 1998 and has the largest bovine population in the World. Dairying has become an important secondary source of income for millions of rural families and has assumed the most important role in providing employment and income opportunities particularly for marginal farmers.

Dairy farms are the establishment which in-house milching animals to produce milk for distribution and processing dairy products in milk processing plants. Gaushalas are the establishment which in-house weak, sick, injured, handicapped and abandoned homeless cattle/cows to rehabilitate them.

The dairies/gaushalas may be categorised on the basis of nos. of animals (adult cows & female buffaloes) in a dairy/gaushala i.e. Category-I (upto 25 animals), Category-II (26-50 animals), Category-III (51-75 animals), Category-IV (76-100 animals) and Category-V (above 100 animals).

As per the Livestock Census, carried out by the Department of Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture and Farmers Welfare, the year-wise livestock population of adult female bovine is as follow:

Sl. No.	Year	Adult Cows	Adult Female Buffaloes	Total Cows & Buffaloes
1	1951	5,44,00,000	2,10,00,000	7,54,00,000
2	1956	4,73,00,000	2,17,00,000	6,90,00,000
3	1961	5,10,00,000	2,43,00,000	7,53,00,000
4	1966	5,18,00,000	2,54,00,000	7,72,00,000
5	1972	5,34,00,000	2,86,00,000	8,20,00,000
6	1977	5,46,00,000	3,13,00,000	8,59,00,000
7	1982	5,92,00,000	3,25,00,000	9,17,00,000
8	1987	6,21,00,000	3,91,00,000	10,12,00,000
9	1992	6,44,00,000	4,38,00,000	10,82,00,000
10	1997	6,44,00,000	4,68,00,000	11,12,00,000
11	2003	6,45,00,000	5,10,00,000	11,55,00,000
12	2007	7,30,00,000	5,45,00,000	12,75,00,000
13	2012	7,67,00,000	5,66,00,000	13,33,00,000
14	2019	8,14,00,000	5,50,00,000	13,64,00,000

Also, as per the Livestock Census carried out by the Department of Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture and Farmers Welfare, in 2019, the state-wise total population of adult female bovine is as follow:

Sl. No.	State/UT	Adult Cows	Adult Female Buffaloes	Total Cows & Buffaloes
1.	Andhra Pradesh	19,80,000	31,61,000	51,41,000
2.	Arunachal Pradesh	1,02,000	2,000	1,04,000
3.	Assam	38,18,000	1,38,000	39,56,000
4.	Bihar	71,47,000	36,70,000	1,08,17,000
5.	Chhattisgarh	33,79,000	3,83,000	37,62,000
6.	Goa	30,000	14,000	44,000

Meharom

7.	Gujarat	44,94,000	56,71,000	1,01,65,000
8.	Haryana	9,45,000	21,00,000	30,45,000
9.	Himachal Pradesh	9,32,000	3,69,000	13,01,000
10.	Jammu & Kashmir	12,31,000	4,02,000	16,33,000
11.	Jharkhand	34,58,000	4,35,000	38,93,000
12.	Karnataka	40,63,000	16,71,000	57,34,000
13.	Kerala	6,90,000	8,000	6,98,000
14.	Madhya Pradesh	73,42,000	52,96,000	1,26,38,000
15.	Maharashtra	56,99,000	33,19,000	90,18,000
16.	Manipur	77,000	10,000	87,000
17.	Meghalaya	3,33,000	3,000	3,36,000
18.	Mizoram	21,000	1,000	22,000
19.	Nagaland	21,000	3,000	24,000
20.	Odisha	31,94,000	1,52,000	33,46,000
21.	Punjab	15,25,000	22,76,000	38,01,000
22.	Rajasthan	68,19,000	70,15,000	1,38,34,000
23.	Sikkim	68,000	0	68,000
24.	Tamil Nadu	48,20,000	2,61,000	50,81,000
25.	Telangana	14,93,000	21,86,000	36,79,000
26.	Tripura	3,03,000	3,000	3,06,000
27.	Uttarakhand	8,22,000	4,96,000	13,18,000
28.	Uttar Pradesh	92,07,000	1,57,32,000	2,49,39,000
29.	West Bengal	72,73,000	1,93,000	74,66,000
30.	A & N Islands	16,000	1,000	17,000
31.	Chandigarh	8,000	8,000	16,000
32.	Dadar & Nagar Haveli	4,000	1,000	5,000
33.	Daman & Diu	1,000	0	1,000
34.	Delhi	Not available	Not available	Not available
35.	Lakshadweep	1,000	0	1,000
36.	Puducherry	37,000	2,000	39,000
37.	All India	8,13,53,000	5,49,82,000	13,63,35,000

2. Environmental Issues in Dairy Farms and Gaushalas

The major environmental issues of dairy farms and gaushalas are discharges of dung and urinal wastewater. The poor handling of dung and wastewater causes odour problem also. A Bovine animal, on an average, weigh 400 kg and discharges 15-20 kg/day of dung and 15-20 litres/day of urine.

Many dairy farms and gaushalas discharge the cattle dung along with wastewater into the drains, leading to clogging, which ultimately reach to rivers and create water pollution. Also, these clogged drains become breeding ground for mosquitoes creating health hazards and odour nuisance. The dung produces many gases/compounds such as carbon dioxide, ammonia, hydrogen sulphide, methane, etc. which emitted into the atmosphere and responsible for odour issue.

The disposal of cow/buffalo dung is the biggest challenge in dairy farms and gaushalas. However, cattle dung, if effectively utilised, can be a resource of manure & energy. The cattle

mSharma