

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
Principal Bench, New Delhi

Interlocutory Application No. 78 of 2023

In

Original Application No. 394 of 2022

Pushpendra Kumar

Applicant

Vs.

Block Development Officer, Kadaura & Ors.

Respondents

| S. No. | Particulars | Page No. |
|--------|--|----------|
| 1. | Reply Affidavit on behalf of the Respondent No. 24, The Central Pollution Control Board (CPCB) in compliance of Hon'ble NGT order dated 16.03.2023 In Interlocutory Application No. 78/2023 in O.A. No. 394 of 2022, Pushpendra Kumar Vs. Block Development Officer, Kadaura & Ors. | |
| 2. | Annexure-I: Copy of the Hon'ble NGT Order dated 16.03.2023. | |



(Anamika Sagar)

Scientist E

Central Pollution Control Board
Delhi-110032

Date: 07.07.2023

Place: Delhi

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

INTERLOCUTORY APPLICATION NO. 78 OF 2023

IN

ORIGINAL APPLICATION NO. 394 OF 2022

IN THE MATTER OF:

Pushendra Kumar

...Applicant

Vs

**Block Development Officer,
Kadaura & Ors.**

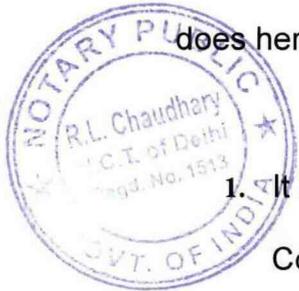
...Respondents

**REPLY AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 24, THE CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

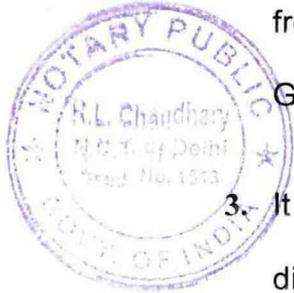
I, Anamika Sagar, W/o Shri A.K. Sagar, aged about 53 years, having office at the Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi-110032

does hereby solemnly affirm and sincerely state as follows: -

1. It is submitted that I am presently working as Scientist 'E' in Central Pollution Control Board (hereafter called as CPCB), Delhi and have been authorized to file the present Reply affidavit. I am fully conversant with the facts of the case and hence, competent and authorized to depose and swear the present reply affidavit as under:
2. It is submitted that, the applicant in its Interlocutory Application No. 78 of 2023 has submitted his suggestions to make Gaushalas self-sustainable and prayed to this Hon'ble Tribunal to:



- i. Direct the Chief Secretary, Govt. of U.P. to shut down all the temporary Gaushalas of villages of U.P. till the end of winter to save the cows from cold & hunger as these Gaushalas are operated without any consent from UPPCB and violate aforesaid CPCB guidelines & ICAR manual on Gaushala.
- ii. Direct the Chief Secretary, Govt. of U.P. to shut down all the meat shops slaughtering animals & birds in meat shops & unlicensed slaughterhouses.
- iii. Direct the Chief Secretary, Govt. of U.P. to issue directions to concerned authorities to install Bio-Gas plant and manufacturing unit of ASTLABH paint from cow dung in Gaushalas and availability of portable bio-gas plant to make Gaushala self-sustainable and environment friendly.



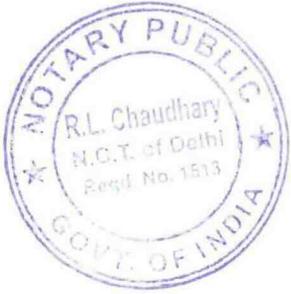
3. It is submitted that, this Hon'ble Tribunal vide its order dated 16.03.2023 directed the respondents appearing before this Hon'ble Tribunal to file its response to the I.A. No. 78 of 2023.
4. In compliance to this Tribunal order dated 16.03.2023, it is submitted that, this answering respondent has filed its views, observations and recommendations with the Joint Committee report dated 22.08.2022 in original application and in regard to interlocutory application, it is to submit that the prayer from applicant to the Hon'ble NGT is to direct Chief Secretary, Govt. of U.P. on the aforesaid points.

Further, it is to submit that CPCB has already issued revised "Guidelines for Environmental Management of Dairy Farms and Gaushalas" in July, 2021 to all SPCBs/PCCs and Chief Secretaries of States/UTs for its implementation. SPCBs/PCCs are the regulatory agencies for control of pollution in States/UTs as per the Water (Prevention and Control of Pollution) Act, 1974

and the Air (Prevention and Control of Pollution) Act, 1981 while local authorities are also the regulatory agencies as per the municipal laws and the Prevention of Cruelty to Animals Act, 1960 in case of Gaushalas.

PRAYER

In view of above, it is respectfully prayed that this answering Respondent No. 24, the Central Pollution Control Board shall abide by any order/direction passed by this Hon'ble Tribunal.



VERIFICATION

It is verified that the content of this Reply Affidavit which is based on official record and information available in the office are true and correct. Nothing has been concealed therein.

Signed and verified on 07 JUL 2023 at Delhi

ATTESTED

 NOTARY PUBLIC
 GOVT. OF INDIA
 07 JUL 2023



DEPONENT

अनामिका सागर / Anamika Sagar
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (M/o Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032.



DEPONENT

अनामिका सागर / Anamika Sagar
 वैज्ञानिक 'ई' / Scientist 'E'
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (M/o Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032.

Item No.04

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)
Original Application No.394/2022
(I.A No. 78/2023)

Pushpendra Kumar

...Applicant

Versus

Block Development Officer,
Kadaura & Ors.

...Respondents

Date of hearing: 16.03.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: Mr. Ranjan Kumar Rai, Advocate.

Respondents: Mr. Shwetank Sailakwal, and Mr. Zaid Raza, Advocates for respondents no 1 to 13, 15, 19, 21 and 25.
Mr. Sarthak Chaturvedi and Mr. Taqdees Sajad, Advocates for respondent no. 18 and 20.
Mr. Pradeep Misra, Advocate for respondent no. 22.
Mr. Atif Suhrawardy, Advocate for respondent no. 24.
None for respondents no. 14, 16, 17 and 23.

Application under Section 18 (1) read with Sections 14, 15, 16 & 17 of the National Green Tribunal Act, 2010.

ORDER

1. The applicant has filed the present application under Section 18(1) read with Sections 14, 15, 16 and 17 of the National Green Tribunal Act, 2010 seeking *inter alia* implementation of the CPCB guidelines for the environmental management of Gaushala/ dairy farms issued in July, 2020 and Manual on Management of Gaushalas by ICAR New Delhi published on 03rd May 2016 and providing basic essential facilities in all Government

Gaushalas of district Jalaun managed by EO, Nagar Panchayats/ Nagar Palika in urban areas and by Block Development Officer in rural areas and imposing of ban on illegal slaughter houses and slaughtering of animals in meat shops in District Jalaun.

2. Vide order dated 27.05.2022, this Tribunal constituted a Joint Committee with direction to submit factual and action taken report. Notices were also ordered to be issued to the respondents. In compliance thereof, the Joint Committee submitted its report vide email dated 22.08.2022.

3. Vide order dated 24.08.2022, the Regional Office of MoEF & CC at Lucknow, Central Pollution Control Board and State of Uttar Pradesh were ordered to be impleaded as respondents no. 23 to 25 and notices were ordered to be issued to them.

4. Reply was filed by respondent no. 21- the District Magistrate, Jalaun vide email dated 04.11.2022.

5. Vide order dated 17.11.2022, this Tribunal ordered that the suggestions given by the applicant be taken into consideration by the Additional Chief Secretary, Animal Husbandry, State of Uttar Pradesh and the District Magistrate, Jalaun. Reply/response be filed by them giving details of the action taken and their further plan of action to be taken containing details of various activities, implementation schedule with specific timelines, budgetary provisions and Monitoring mechanism etc. within two months.

6. In compliance thereof Additional affidavit has been filed by respondent no. 21-the District Magistrate, Jalaun vide email dated 14.03.2023.

7. I.A No. 78/2023 has been filed by learned Counsel for the applicant with the following prayers: -

a) *direct the Chief Secretary, Govt. of Uttar Pradesh to make immediate arrangement of Adequate Shelter, Survival Fodder*

and Water in Gaushalas to save the cows from hunger and thirst in coming Heat waves of Summer

OR

otherwise to shut down these Gaushalas as these are being operated without any consent from UPPCB & violate CPCB guidelines for environmental management of Gaushalas & ICAR manual on Gaushala.

b) To impose penalty on Respondents No 1 to 21 they ignored and disregarded all the directions of Hon'ble tribunal delivered so far as mentioned above.

c) Direct the Chief Secretary, Govt. of Uttar Pradesh to enquire and FIR on officers responsible for mass death of cows and damage to environment in this winter due to cold stroke and hunger even after continuous directions of hon'ble tribunal;

d) Direct the Chief Secretary, Govt. of Uttar Pradesh to stop and complete ban on Parali as a fodder as it is against the ICAR manual on Gaushala and harmful to environment and health of cows.

e) Direct the Chief Secretary Govt. of Uttar Pradesh to stop and ban the painful approach of chasing the and brutally beating up the cows/calves/bulls to shift them to gaushalas from road as It is against the directions of hon'ble Supreme Court Of India;

f) To ban on brutal process of Catching the Cattle by beating, stabbing, twisting their tales to put them to Cattle Catcher vehicle as it violates Article 21 and Article 51 (g) of constitution by creating nuisance in the environment very cruel and barbaric which injures and fractures the cows and sometimes makes them handicapped for the life;

g) Direct the Chief Secretary Govt. of Uttar Pradesh to shut down all the meat shops slaughtering animals & birds in meat shops.

h) Direct the Chief Secretary Govt. of Uttar Pradesh, UPPCB to immediate shut down and penalize licensed slaughterhouses of District Unnao and Aligarh as they have contaminated the ground water of 100 villages, polluted River "Lon" by violating norms and slaughtering of animals more than the permission;

i) Keep this Original Application pending till the complete compliance of orders of Hon'ble Tribunal, guidelines of CPCB for environmental management of Gaushala & Manual of ICAR on Gaushala;

j) Pass any other order which this Hon'ble Tribunal may deem fit and proper in interest of justice."

Learned Counsel for the applicant has also submitting the pen drive containing video clips in support of the submissions made in the application.

8. Reply to the I.A No. 78/2023 be filed by the respondents appearing before this Tribunal, if so desired **within three months** by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF/ Word file.

9. Reply to the original application be also filed by the remaining respondents appearing before this Tribunal as directed above.

10. List the matter for further consideration on 20.07.2023.

11. In view of the facts and circumstance of the case, we consider personal appearance of the Additional Chief Secretary, Animal Husbandry Department, Government of Uttar Pradesh, District Magistrate, Jalaun, Member Secretaries, CPCB and UPPCB through VC before this Tribunal on the next date of hearing to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on that date.

12. A copy of this order be sent to the Additional Chief Secretary, Animal Husbandry Department, Government of Uttar Pradesh, District Magistrate, Jalaun, Member Secretaries, CPCB and UPPCB by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

March 16 2023
AG