

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A NO. 46 of 2018**

IN THE MATTER OF:-

NUGGEHALLI JAYASIMHA

VERSUS

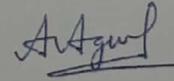
APPLICANT

GOVT. OF NCT DELHI

RESPONDENT(S)

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**(AJAY AGGRAWAL)
SCIENTIST 'E'
CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR
DELHI- 110032**

**PLACE: - DELHI
DATED: 18.09.2019**

(A)

**“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

(September 2019)

①

Guidelines for Environmental Management of Dairy Farms and Gaushalas

1. Background

The Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi, issued the following directions to CPCB and SPCBs/PCCs vide order dated 8.7.2019 in the matter of O.A. No. 46/2018, Nuggehalli Jayasimha Vs Government of NCT of Delhi :

"...Let the CPCB undertake a study in the matter and lay down appropriate guidelines for management and monitoring of environmental norms by the dairies throughout India and furnish a report in the matter by e-mail at judicial-ngt@gov.in before the next date. The local bodies in all the States/UTs be required to file inventory of dairies in their respective jurisdiction so that state PCB can compile such information in their respective reports furnished to CPCB..."

In order to comply above directions, CPCB forwarded a copy of the aforesaid order to all SPCBs/PCCs on 8.8.2019 and 9.9.2019 for their information and with the request to provide consolidated inventory of dairies operating under their jurisdiction to this office.

Further, CPCB constituted an Expert Group, comprising of the members from National Dairy Research Institute (NDRI), Karnal, Indian Institute of Technology (IIT), Delhi and CPCB, Delhi, to lay down guidelines for management and monitoring of environmental norms in dairies. The Expert Group, in its two meetings, held on 4.9.2019 and 16.9.2019 discussed the issues thoroughly & also interacted with a few stakeholders such as Dairies, Gaushalas, NDDB, SPCBs/PCCs, etc. for their views/feedback on the subject and finalised the "Guidelines for Environmental Management of Dairy Farms and Gaushalas" as given in the following paragraphs/sections.

2. 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 generating opportunities particularly for marginal and women farmers. Most of the milk is produced by animals reared by small, marginal farmers and landless labours.

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:

Sr. 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

Also, as per the Livestock Census carried out by the Department of Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture and Farmers Welfare, in 2012, the state-wise total population of adult female bovine is as follow:

Sr. No.	State/UT	Adult Cows	Adult Female Buffaloes	Total Cows & Buffaloes
1	Andhra Pradesh	34,79,000	57,63,000	92,41,000
2	Arunachal Pradesh	1,44,000	1,000	1,45,000
3	Assam	35,31,000	1,57,000	36,88,000
4	Bihar	59,82,000	40,17,000	99,99,000
5	Chhattisgarh	33,27,000	4,09,000	37,36,000
6	Goa	25,000	16,000	41,000
7	Gujarat	41,41,000	56,46,000	97,87,000
8	Haryana	8,44,000	29,14,000	37,58,000
9	Himachal Pradesh	9,52,000	4,23,000	13,75,000
10	Jammu & Kashmir	12,28,000	4,17,000	16,44,000
11	Jharkhand	26,22,000	3,98,000	30,20,000
12	Karnataka	43,69,000	20,56,000	64,25,000
13	Kerala	6,66,000	10,000	6,76,000
14	Madhya Pradesh	69,54,000	42,51,000	1,12,04,000
15	Maharashtra	54,40,000	33,59,000	87,99,000
16	Manipur	96,000	23,000	1,19,000
17	Meghalaya	3,52,000	4,000	3,56,000
18	Mizoram	16,000	2,000	18,000

19	Nagaland	90,000	9,000	99,000
20	Odisha	34,59,000	2,50,000	37,09,000
21	Punjab	12,97,000	28,05,000	41,01,000
22	Rajasthan	64,70,000	69,33,000	1,34,03,000
23	Sikkim	62,000	0	62,000
24	Tamil Nadu	44,85,000	4,23,000	49,08,000
25	Tripura	3,43,000	4,000	3,47,000
26	Uttarakhand	8,07,000	5,82,000	13,89,000
27	Uttar Pradesh	90,69,000	1,54,32,000	2,45,01,000
28	West Bengal	63,23,000	1,72,000	64,94,000
29	A & N Islands	18,000	2,000	20,000
30	Chandigarh	6,000	10,000	16,000
31	D. & N. Haveli	9,000	1,000	10,000
32	Daman & Diu	1,000	0	1,000
33	Delhi	47,000	95,000	1,42,000
34	Lakshadweep	2,000	0	2,000
35	Puducherry	32,000	1,000	33,000
36	All India	7,66,85,000	5,65,86,000	13,32,71,000

The bovine animal, on an average, weigh 400 kg and dung produced by it is about 15-20 kg. Mainly, two types of dairy wastes are produced i.e. cow/buffalo dung and wastewater. According to the definition as provided in the 'Solid Waste Management Rules, 2016', dairy waste has been categorised as 'solid waste'. 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 degradation of air quality. The greenhouse gases mainly methane and carbon dioxide are produced by dung also impact the climate.

The disposal of cow/buffalo dung is the biggest challenge in dairy farms and gaushalas. However, cattle dung, if effectively utilised, can be an excellent resource of manure & energy and reduce the adverse impact on environment. The cattle dung contains many beneficial constituents which may be used as fuel source either by direct combustion or converted to biogas, soil conditioner, fertilizers, material for wall plastering, construction of granaries, livestock & fish feeding, etc.

It is therefore, necessary to prepare guidelines on management of wastes from dairy farms and gaushalas in order to minimize the environmental impacts associated with their operations and management.

3. Management of Solid Wastes

The solid wastes produced from dairy farms and gaushalas are basically organic in nature, consisting of cattle dung, feed residue, bedding, etc. The waste produced is not hazardous in nature but its proper disposal needs attention. The guidelines for the management of solid wastes are as follow:

- i. Dairies and gaushalas should collect dung from the floor of the shed. The surrounding areas should also be cleaned regularly to prevent obnoxious smell in the area causing inconvenience to the people.
- ii. Dairy premises and its surrounding areas should be properly sanitized and disinfected, e.g. by sprinkling crushed lime, regularly.
- iii. The solid wastes should be segregated based on organic waste, medicinal & chemical waste and other solid wastes and same should be contained, collected & stored in separate bins/pits/tanks for treatment.
- iv. Dairies and gaushalas should store chemicals & veterinary medicines securely and dispose the biomedical wastes (vaccines, vials, medicines, syringes, etc.) as per the provisions of "Biomedical Waste Management Rules, 2016".
- v. Dairies and gaushalas should not wash dung & fodder residue etc. into drains in order to avoid clogging of drains and destruction of aquatic life downstream. The local bodies/corporations/SPCBs should ensure that untreated wastes are not discharged outside the dairy premises.
- vi. Dairies and gaushalas should have adequate infrastructure to ensure proper disposal of solid wastes and wastewater. They may set-up individual or common treatment facilities for the same. The local government bodies/corporations/SPCBs should facilitate the dairies/gaushalas/ entrepreneurs/ NGOs in setting up of individual or common treatment facilities, such as identification of land with power & water supply & drainage, funding, etc.
- vii. The following few methods for the disposal of solid wastes along with its efficient utilization may be adopted:
 - a. Composting/Vermicomposting: Composting is a manure management practice to reduce the impact on the environment. Composting is the biological decomposition and stabilization of organic material. The process produces a final product that is stable, free of pathogens, reduced odours and can be beneficially applied on the land. Vermicomposting is the method of preparing compost with the use of earthworms that enriches soil quality by improving its physicochemical and biological properties. It is becoming popular as a major component of organic farming system.
 - b. Biogas/Compressed biogas (CBG) production (anaerobic fermentation): Biogas plants are the best way to handle the waste, especially cow/buffalo dung. Biogas is generated in the process of biodegradation of organic materials under anaerobic conditions which may be utilised for cooking and power generation. The Biogas plant not only provides the digested organic manure for crops but is also a step towards controlling global warming. Biogas plant can fulfil the energy

needs of dairy itself besides generating value added compost. Biogas can be processed and filled in cylinders. The bio-gas may be further purified to remove hydrogen sulphide (H₂S), carbon dioxide (CO₂) & water vapour and compressed (known as Compressed Bio Gas, CBG) which has methane (CH₄) content of more than 90% as per BIS standard IS 16087:2016. CBG has calorific value and other properties similar to CNG and hence can be utilized as green renewable fuel as replacement of CNG in automotive, industrial and commercial areas.

- c. Use as fuel as replacement of firewood: The use of firewood has been causing deforestation. The cattle dung can be used as fuel as a replacement of firewood. The cattle dung can be dewatered and converted to value added products such as logs, powder etc. by mechanized/semi-mechanized manner. This option can be easily adopted at dairy farms and gaushalas in economical manner, creating substantial value & no damage to the environment.

4. Wastewater Management

The guidelines for the management of wastewater are as follow:

- i. Dairies and gaushalas should take necessary steps for the judicious usage of water for drinking & bathing of cattles and other services, however, the same should not exceed 100 litres/day/cattle.
- ii. Permission should be obtained by dairies and gaushalas from Central Ground Water Authority (CGWA) for extraction of groundwater. The local bodies/corporations should ensure disconnection in cases of illegal bore-wells existing in the dairies and gaushalas.
- iii. Electronic meters should be installed for raw water consumption and logbook should be maintained by all dairies and gaushalas.
- iv. Dairies and gaushalas should ensure that the wastewater, being discharged, is adequately treated so as to meet the standards as prescribed by SPCBs/PCCs as per mode of disposal.
- v. Dairies and gaushalas should ensure that the wastewater does not percolate through ground and pollutes the groundwater. The flooring of the shed should be properly paved (impervious) with a wastewater collection system. However, the floor should not be slippery in order to ensure safety of animals.
- vi. Dairies and gaushalas should use phosphate free and eco-friendly cleaning agents in order to avoid eutrophication in water bodies.

5. Air Quality Management

The guidelines for the management of air quality/emissions (includes gaseous emissions, odour and dust) from dairy farms and gaushalas are as follow:

- i. The animal housing should be adequately ventilated allowing sufficient supply of fresh air to remove humidity, dissipate heat and prevent build-up of gases such as carbon dioxide, ammonia, etc.

- ii. Dairy farms and gaushalas should follow good housekeeping practices like maintaining proper sanitary conditions, protecting dung from unwanted pests/insects in order to minimize odour nuisance.
- iii. The floor, feeding, water and air spaces available for each animal should be adequate for standing, resting, loafing, exercising, feeding, watering and ventilation. The space requirements should be provided as per the standards prescribed by the Bureau of India Standards (BIS).
- iv. Dairy farms and gaushalas should collect carcasses on regular basis and dispose them appropriately in a hygienic manner.
- v. Dairy farms and gaushalas should improve/modify the quality and dosage of feed/forage/supplements in order to reduce enteric methane generations from livestock. It is beneficial to animal health/nutrition and reduced impact on environment.
- vi. Dairy farms and gaushalas should plant trees or develop green belts to provide a barrier against the spread of foul smell or noise originating from them.

6. Monitoring Mechanism

- i. The local authorities/corporations should carry out inventory of all the dairy farms and gaushalas located in their jurisdiction in the prescribed performa given at **Annexure-I**. The same should be updated and shared with the concerned SPCB/PCC on regular basis.
- ii. The dairy farms and gaushalas should be registered with the local bodies/corporations/SPCBs/PCCs.
- iii. The concerned local bodies/corporations/SPCBs/PCCs should monitor the dairy farms and gaushalas on regular basis to ensure the proper disposal of cattle dung and wastewater in compliance with the environmental norms.
- iv. The concerned authorities should prepare time bound short term (i.e. upto one year) and long term (i.e. more than one year) action plans, with responsible implementing agencies/departments, for environmental management in dairies and gaushalas. The progress of implementation of action plans should be reviewed by District and State levels monitoring committees, quarterly.
- v. Hands on practical trainings on environment/waste management & associated treatment technologies, scientific feeding for enteric methane reduction, waste to wealth management programme, etc. should be provided to dairy workers/holders/entrepreneurs by the government bodies.
- vi. In case of new dairies, the local authorities should ensure the following site location criteria:
 - a. Dairy farms should be located outside the populated areas, preferably outside the city boundaries.
 - b. The location of the dairy farm and activities of neighbouring properties should be considered in order to minimize the risk of environmental contamination of milk.
 - c. Dairy farms should not be located on the banks of river or any of the water bodies.



Inventory Performa for Dairies and Gaushalas in the State/UT

Sl. No.	Description	Urban Area	Peri-urban Area	Rural Area
1.	Total no. of dairies <ul style="list-style-type: none"> • Category-I (upto 25 animals) • Category-II (26-50 animals) • Category-III (51-75 animals) • Category-IV (76-100 animals) • Category-V (above 100 animals) • Total 	• • • • • •	• • • • • •	• • • • • •
2.	Total no. of animals in <ul style="list-style-type: none"> • Category-I dairies • Category-II dairies • Category-III dairies • Category-IV dairies • Category-V dairies • Total 	• • • • • •	• • • • • •	• • • • • •
3.	Total amount of cow/buffalo dung produced (ton per day) by <ul style="list-style-type: none"> • Category-I dairies • Category-II dairies • Category-III dairies • Category-IV dairies • Category-V dairies • Total 	• • • • • •	• • • • • •	• • • • • •
4.	Methods of disposal/utilisation of cattle dung and wastewater by dairies (to be enclosed)			
5.	Total no. of dairy colonies/clusters (list of such dairy colonies/clusters along with the details of no. of dairies, no. of cattles, method of disposal/utilisation of cattle dung & wastewater, etc. to be enclosed)	•	•	•
6.	Total no. of Gaushalas <ul style="list-style-type: none"> • Category-I (upto 25 animals) • Category-II (26-50 animals) • Category-III (51-75 animals) • Category-IV (76-100 animals) • Category-V (above 100 animals) • Total 	• • • • • •	• • • • • •	• • • • • •
7.	Total no. of animals in <ul style="list-style-type: none"> • Category-I Gaushalas • Category-II Gaushalas • Category-III Gaushalas • Category-IV Gaushalas • Category-V Gaushalas • Total 	• • • • • •	• • • • • •	• • • • • •

8.	Total amount of cow dung produced (ton per day) by <ul style="list-style-type: none"> • Category-I Gaushalas • Category-II Gaushalas • Category-III Gaushalas • Category-IV Gaushalas • Category-V Gaushalas • Total 	<ul style="list-style-type: none"> • • • • • • 	<ul style="list-style-type: none"> • • • • • • 	<ul style="list-style-type: none"> • • • • • •
9.	Methods of disposal/utilisation of cattle dung and wastewater by Gaushalas (to be enclosed)			

Note:

Urban area: As per the Census of India 2011, the urban area is defined as follows:

- i. All places with a municipality, corporation, cantonment board or notified town area committee, etc.
- ii. All other places which satisfied the following criteria:
 - a. A minimum population of 5,000;
 - b. At least 75 per cent of the male main working population engaged in non-agricultural pursuits; and
 - c. A density of population of at least 400 persons per sq. km.

Peri-urban area: It is an area or habitation located on the perimeter of the urban area having partial or complete influence of urbanization. It undergoes dramatic changes over a given period of time.

Item No. 02 & 03

Court No. 1

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

Original Application No. 46/2018
(M.A. No. 1474/2018, M.A. No. 1539/2018)
WITH
Original Application No. 1083/2018

Nuggehalli Jayasimha Applicant(s)

Versus

Government of NCT of Delhi Respondent(s)

WITH

Residents of C2 Block Aya Nagar Applicant(s)

Versus

Govt. of NCT of Delhi Respondent(s)

Date of hearing: 08.07.2019

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

For Applicant(s): Mr. Nuggehalli Jayasimha, Ms. Priyanka, Chesta
Jetly for Mr. Aditya Singh, Ms. Supriya Juneja,
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Advocates for DDA
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Advocates for R-13
Mr. Aruncsh Sharma, Harpreet Singh, Advocates
for DUSIB
Mr. Ajay Jain, Ms. Smaridhi, Advocates for
GNCTD
Mr. Sanjay Dewan, Advocate for R-2&3
Mr. Balendu Shekhar, Advocate for EDMC
Ms. Puja Kalra, Advocate for SDMC, North MCD
Ms. Sakshi Popli, Advocate for NDMC
Mr. M.C. Sharma, Advocate for R-11
Mr. Raj Kumar, Advocate for DPCC

ORDER

1. The issue for consideration is remedial action for non compliance of environment norms by the dairies operating in Delhi.

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2. Vide order dated 01.04.2019, the Tribunal considered the allegation of air, water and soil pollution by the dairy industries. It is alleged that solid, liquid and gas waste is generated and dumped into the drains which are meeting the river Yamuna and thus, this activity results in contamination of river Yamuna. The waste clogged the drainage system which was becoming breeding ground for mosquitoes and other insects and thus creating health hazard. Waste generated was also resulting in discharge of ammonia and nitrogen oxides in the air and nitrate in soil and ground water. The odour from dairies negatively impacts the air quality. Ammonia wafts into the air from manure lagoons, and gases known as volatile organic compounds were created by the huge piles of feed. The foul smell from the dairy causes migraine, severe headache and people have no option but to inhale the impure-foul air present in the atmosphere.
3. In the light of inspection reports under the directions of this Tribunal dated 11.04.2018, and the recommendations of the inspection reports dated 04.12.2015 and 15.12.2015 prepared by the Animal Welfare Board of India it was noted that there was rampant use of Schedule H drugs, oxytocin injections, syringes, plastic bottles and other veterinary drugs etc. which are disposed of improperly and in unscientific manner, in violation of Bio-medical Waste Management Rules, 2016. The dairies were not following waste management practices. There was also violation of Food Safety and Standards (Licence and Registration of Food Businesses) Regulations, 2011.
4. The Tribunal also noted various articles on the subject¹ which highlights adverse consequences on the environment due to illegal

¹ "Delhi is major contributor of population in Yamuna" published in "The Hindu" dated 17.04.2007, "Feeding on plastic poses high risk to lives, output of stray cattle" published in "Indian Today" dated

and unscientific dairy activities. It was also observed that there was violation of various provisions of the Delhi Municipal Corporation Act, 1957.

5. After quoting the observation from the report of the Committee, the stand of the Delhi Pollution Control Committee (DPCC) that it was not concerned with the subject despite the violation being clearly acknowledged was rejected in view of statutory provisions of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981. It was noted that though various authorities of the Delhi Government were parties and represented by Counsel, no authority came forward to take the responsibility and none of the Counsel made any suggestion for enforcement of law. In this background, the Tribunal in the order dated 01.04.2019 directed the Chief Secretary of Delhi to call a meeting of all concerned and fix their accountability. The Tribunal also noted that the DPCC had failed to perform its statutory duties under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986 in preventing polluting activities, prosecuting the polluters and recovering compensation for restoration of the environment from the polluters. The Tribunal also required DPCC, South Delhi Municipal Corporation (SDMC) and North Delhi Municipal Corporation (North DMC) to pay sum of Rs. 10 Lakhs each as an interim compensation and furnish a performance guarantee of

08.05.2017, "*Serious farm population breaches rise in UK-and many go unprosecuted*" published in "Guardian" dated 21.05.2017, "*How growth in Dairy is affecting the environment*" published in "The New York Times" dated 01.05.20015 and "Stray cows clog South Delhi roads" published in "The Times of India" dated 05.08.2012 and research papers titled "*Nitrogen pollution by dairy cows and its mitigation by dietary manipulation*", "*Impact of Dairy Effluent on Environment-A Environmental Science and Engineering (Subseries: Environmental Science)*", apart from other documents and photographs.

Rs. 10 Lakhs each with the Central Pollution Control Board for taking necessary steps within three months for restoration of the environment. The amount could be recovered from the erring officer and polluters. The Chief Secretary, Delhi was to furnish an action taken report.

6. An action taken report filed vide e-mail dated 03.07.2019 has been perused. The report states that DPCC has imposed environmental compensation on Municipal Corporations, apart from the dairies concerned. The local authorities are responsible for compliance of the Waste Management Rules. The DPCC has given the responsibility of sealing the borewells to the District Magistrates. The Flood Control Department, Animal Husbandry Department and Delhi Society are to take certain steps, apart from the Municipal Corporations.
7. We find that in spite of observations in the earlier order of this Tribunal as well as repeated orders in large number of cases, the DPCC seems to be avoiding its statutory responsibilities under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and to cover up their inaction, is passing the order of imposition of fines on other statutory bodies, without any jurisdiction. Learned Counsel for the Delhi Government as well as DPCC have not been able to show any legal authority for doing so. While the DPCC may take action on 'Polluter Pays' principle against polluting activities of any statutory body, it has no authority to recover compensation for alleged inaction by such statutory authorities. Such authorities are not authorized to enforce the Water (Prevention and Control of Pollution) Act, 1974 or Air (Prevention and Control of Pollution) Act, 1981 which DPCC itself has to enforce. Even if they have overlapping powers under other statute,

the DPCC cannot avoid its obligation under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981. It is undisputed that the dairies are operating in violation of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 as already noted in the order of this Tribunal dated 01.04.2019. The DPCC is required to ensure that the polluting activities, without consent to operate, are stopped by way of prohibitory order, prosecution and recovery of compensation which has not been done. Just as local bodies cannot fine DPCC for its utter failure, DPCC also cannot shift its onus and responsibility to local bodies and absolve from its responsibility. It has to proceed against polluters which it is avoiding to do.

8. We find that as per the circular dated 05.03.2016 issued by the MoEF&CC, the dairy industries fall under the 'Orange' category industries. Consent to operate is necessary under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 25 of the Water (Prevention and Control of Pollution) Act, 1974. Under the Environment (Protection) Rules, Schedule-I, read with Rule-3, lays down the norms for discharge by various activities or operations. Entry 56 deals with 'dairies' (industrial units) and provides for standards of effluents and violation of such standards.
9. Faced with the above, learned Counsel for the DPCC has undertaken to withdraw the notices issued to other statutory authorities and not to indulge in such illegal activities in future.
10. We find that the action of the DPCC is inadequate. Under Section 15 of the NGT Act, 2010, this Tribunal has to deal with enforcement of statutes mentioned in Schedule-I which include Water (Prevention

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and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986. Such violations may also be overlapping with the other statutory violations for which concerned statutory authorities have to take action on that ground. The local bodies have the responsibilities under the SWM Rules, 2016² but on that ground, the DPCC cannot avoid its responsibility. Local bodies must perform their statutory duties.

11. In view of above, while disapproving the above illegal action of DPCC as well as its inaction, we expect the DPCC now to enforce its concerned statutory obligations by closing polluting activities, prosecuting the polluters and recovering compensation from the polluters in accordance with law and to furnish a further report to this Tribunal by e-mail at judicial-ngt@gov.in before the next date.
12. We may note that livestock is a major source of methane emissions and studies on the subject show that the problem in India is severe. Results of a recent study ³show that the Indian livestock emitted 15.3 million tonnes of methane in 2012⁴. Enteric methane emission from Indian livestock contributed 15.1% of total global enteric methane emission. In India, contribution of enteric methane was 91.8% of the total GHG emissions, followed by manure methane (7.04%) and manure Nitrous Oxide (1.15%) in the year 2010⁵. The livestock sector in India has the potential to cause surface temperatures to surge up

² See Rule 3(46) read with Rule 15 of the Solid Waste Management Rules, 2016.

³ Study carried out by the Indian Institute of Technology Delhi and the Deenbandhu Chhotu Ram University of Science and Technology, Murthal in Ecotoxicology and Environmental Safety, Climate change impact of livestock CH₄ emission in India: Global Temperature change Potential (GTP) and surface temperature response, <https://www.sciencedirect.com/science/article/pii/S0147651317305766>, Volume 147, January 2018, Pages 516-522.

⁴ *Id.*

⁵ <https://www.ajas.info/journal/view.php?number=4850>.

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to 0.69 millikelvin over 20 year time period which is roughly 14 per cent of the total increase caused by the global livestock sector. Methane has a warming potential 20 times higher than carbon dioxide. Globally, livestock sector generates 65 percent of human-related nitrous oxide, which has 296 times the Global Warming Potential (GWP) of CO₂. Most of this comes from manure.⁶ While the dairy industry is covered by 'Orange category' under the circular dated 05.03.2016 issued by the MoEF&CC, no such guidelines are said to be existing for management and rearing of livestock. Needless to say that such activity have potential of causing air and water pollution as already noted in the context of Delhi. Accordingly, instead of limiting the scope of remedying the compliance of environment norms by dairies to Delhi, we consider it necessary to expand the same for the whole country. Let the CPCB undertake a study in the matter and lay down appropriate guidelines for management and monitoring of environmental norms by the dairies throughout India and furnish a report in the matter by e-mail at judicial-ngt@gov.in before the next date. The local bodies in all the States/ UTs be required to file inventory of dairies in their respective jurisdiction so that state PCB can compile such information in their respective reports furnished to CPCB.

13. The performance guarantee furnished in pursuance of order dated 01.04.2019 will stand forfeited on account of failure of the concerned authorities to perform their duties in terms of the order of this Tribunal. The Tribunal may consider further coercive measures, if the failure continues even on the next date.

List for further consideration on 20.09.2019.

⁶ <http://www.fao.org/newsroom/en/news/2006/1000448/index.html>

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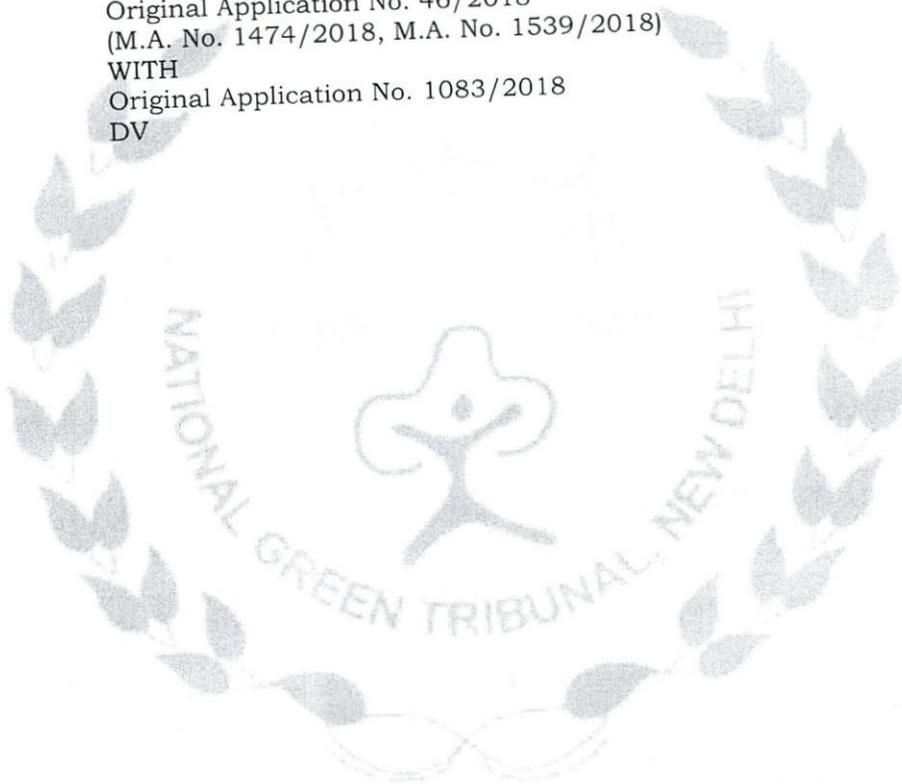
Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

July 08, 2019
Original Application No. 46/2018
(M.A. No. 1474/2018, M.A. No. 1539/2018)
WITH
Original Application No. 1083/2018
DV



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