

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 46 OF 2018
WITH
O.A NO. 1083/2018

IN THE MATTER OF:

NUGGEHALLI JAYASIMHA

APPLICANT(S)

VERSUS

GOVT. OF NCT OF DELHI

RESPONDENT(S)

WITH

RESIDENT OF C2 BLOCK AYA NAGAR

APPLICANT (S)

VERSUS

GOVT. OF NCT OF DELHI

RESPONDENT(S)

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(S. K. GUPTA)
SCIENTIST 'E'

CENTRAL POLLUTION CONTROL BOARD
PARIVESH BHAWAN, EAST ARJUN NAGAR
DELHI-110032

PLACE: DELHI
DATED: 12.05.2020

Central Pollution Control Board, Delhi

**Status Report of Compliance in the matter of O.A. No. 46/2018,
Nuggehalli Jayasimha Vs Government of NCT of Delhi
regarding Dairy farms and Gaushalas**

The Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi, issued the following order to CPCB and SPCBs/PCCs on 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 inventor

y of dairies in their respective jurisdiction so that state PCB can compile such information in their respective reports furnished to CPCB..”

In compliance to the directions, CPCB forwarded the copy of orders to all SPCBs/PCCs on 8.8.2019, 9.9.2019, 25.9.2019 and 25.11.2019 for their information and to provide consolidated inventory of dairies operating under their jurisdiction.

CPCB also 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, NDDDB, SPCBs/PCCs, etc. for their views/feedback on the subject and finalised the “Guidelines for Environmental Management of Dairy Farms and Gaushalas” and submitted the same to Hon'ble NGT for consideration.

The Hon'ble NGT in its hearing on 24.1.2020, considered the Guidelines and further directed CPCB as follow:

“...Thus, the Guidelines prepared by the CPCB need to be revised by specifying that State Boards/Committees must enforce ‘consent mechanism’ and, in particular, follow an appropriate siting policy in the light of the carrying capacity of the area for commercial dairy activities, having potential for air and water pollution. Dairy activities have been categorized as ‘Orange’ category as per the laid down guidelines...”

The Expert Group in its meeting through video conferencing held on 29.4.2020 discussed the issues in light of Hon'ble NGT order and revised the Environmental Guidelines for Dairy Farms & Gaushalas as given at **Annexure-I**.

2. Inventory of Dairy Farms and Gaushalas in compliance of Hon'ble NGT order

CPCB submitted the consolidated status of inventory information, as received from all States/UTs till 17.1.2020, about dairies and gaushalas to Hon'ble NGT in compliance of the order dated 8.7.2019 for consideration.

The Hon'ble NGT in its hearing on 24.1.2020, considered the inventory information and further directed local bodies, SPCBs/PCCs and CPCB as follow:

"...The second report relating to analysis of action taken by all States/UTs is incomplete for want of data. For this purpose, we direct that all the local bodies may furnish relevant information to the State PCBs within one month from today. Private operators, including cooperative societies or other entities, not falling within the jurisdiction of Local Bodies, may also furnish the requisite information to the State PCBs within the same time. The State PCBs may, apart from compiling information and forwarding the same to the CPCB, perform their statutory obligations under the Water Act, the Air Act and the EP Act for enforcing environmental norms by such dairy activities with a view to protect the environment and the public health. The State PCBs/PCCs may publish an appropriate notice on the subject within two weeks from today requiring furnish of information and also adopting all necessary safeguards in the matter. Thereafter, the State PCBs/PCCs may furnish factual and action taken reports in the matter to the CPCB latest by 30.04.2020. CPCB may compile the data received and file a comprehensive report before this Tribunal by e-mail at judicialngt@gov.in before the next date..."

In compliance to the directions, CPCB forwarded the copy of orders to all SPCBs/PCCs on 30.1.2020 for their information and to provide updated information about Dairies and Gaushalas operating under their jurisdiction, in the modified inventory performa given at **Annexure-II**.

CPCB reminded, again, to the SPCBs/PCCs vide email dated 12.4.2020, for expediting the matter and furnishing the desired information in the prescribed inventory performa.

CPCB, in this regard, received communications from 34 States/UTs while no responses received from 2 States/UTs (Manipur and Delhi). Out of 34 States/UTs, 28 States/UTs provided the inventory details while the remaining 6 States/UTs informed that they are still in the process of getting desired information from the local bodies.

The consolidated status of the information, as received from all the States/UTs till 12.5.2020, about dairies and gaushalas is given at **Annexures-III & IV**, respectively.

The following are the observations/findings based on the information as received from SPCBs/PCCs about dairies and gaushalas operating in the States/UTs:

- i. The total number of dairies operating in 26 States/UTs are 2,73,437 (two lakhs, seventy-three thousand, four hundred & thirty-seven) and total number of animals in these dairies are 21,34,018 (twenty-one lakhs, thirty-four thousand & eighteen).

- ii. There are 2793 dairy colonies/clusters in 26 States/UTs.
- iii. The total number of gaushalas operating in 28 States/UTs are 5,964 and total number of animals in these gaushalas are 4,36,727.
- iv. The total amount of dung generated/produced by animals in dairies and gaushalas in the 28 States/UTs are 2,60,922 tons/day and 1,49,945 tons/day, respectively.
- v. In general, the methods used in States/UTs for disposal/utilization of cattle dung include using dung as manure in fields, vermi-composting, biogas generation, fish feed, fuel for cremation etc.
- vi. SPCBs/PCCs have not provided the information about disposal/utilization of wastewater, however, Chhattisgarh, Kerala and Mizoram states that wastewater being used for fodder cultivation.
- vii. The area-wise inventory of dairies and gaushalas in the States/UTs are provided at **Annexure-V**. The dairies in urban, peri-urban and rural are 6%, 3% and 91% respectively whereas the animals in them are 12%, 4% and 84 % respectively. The gaushalas in urban, peri-urban and rural area are 47%, 5% and 48% respectively whereas animals in them are 23%, 13% and 64% respectively.

3. Publishing of Public Notice regarding Safeguards in Dairy Farms and Gaushalas in Compliance of Hon'ble NGT order

- i. The Hon'ble NGT directed all the SPCBs/PCCs to publish a public notice with a view to protect environment and the public health from dairy activities. CPCB, in this regard, received communications and state-wise information received are provided at **Annexure-VI**.
- ii. Out of 36 States/UTs, 12 published public notice in newspaper for protection of environment of dairy farms and gaushalas.

4. Conclusion

- i. The local authorities/corporations should carry out inventory of all the dairy farms and gaushalas located in their jurisdiction in the prescribed performa. The same should be updated and shared with the concerned SPCB/PCC on annual basis (calendar year wise).
- ii. All the dairy farms and gaushalas should be registered with the local bodies/corporations preferably through online mode. The local bodies/corporations should display the same at their websites.
- iii. The dairy farms (having animal population of 10 & above animals) and gaushalas should obtain consent to establish and consent to operate under Water Act, 1974 as well as Air Act, 1981 from the concerned SPCBs/PCCs.
- iv. The local bodies/ SPCBs/ PCCs/ Gram Panchayat in the States/UTs shall ensure that dairies and gaushalas operating should follow the "Guidelines for Environmental Management of Dairy Farms and Gaushalas".

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



Central Pollution Control Board
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(Revised Draft, May 2020)

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
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 dung contains many beneficial constituents which may be used as fuel source either by direct combustion (dung wood) or converted to biogas, soil conditioner, fertilizers, material for wall plastering, construction of granaries, livestock & fish feeding, etc.

Now, following guidelines are framed for management of wastes from dairy farms and gaushalas.

3. Guidelines for Waste Management in Dairy Farms and Gaushalas

3.1 Solid Waste Management

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 handling and 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 at regular interval, so as to keep the floor clean. The surrounding areas should also be cleaned regularly to prevent obnoxious smell in the area.
- 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 collected & stored properly for its treatment.
- iv. Dairies and gaushalas should 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. 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 handling, treatment and disposal of solid wastes and wastewater. They may set-up individual or common treatment facilities wherein cluster. The local government

- bodies/corporations/SPCBs should facilitate the dairies/gaushalas/ entrepreneurs/ NGOs in setting up of individual or common treatment facilities.
- vii. The following methods for disposal/ utilisation of solid wastes (dung) 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 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 digestion): Biogas plants are the best way to handle the dung waste. 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 provides the digested organic manure for crops. 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. Manufacture of dung wood to be used as fuel: 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 machines. This option can be easily adopted at dairy farms and gaushalas in economical manner, creating substantial value & no damage to the environment.

3.2 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 including floor cleaning, however, the same should not exceed 150 litres/day/cattle.
- ii. Dairies and gaushalas should ensure that the wastewater, being discharged, is adequately treated so as to meet the standards as prescribed by SPCBs/PCCs.
- iii. 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.

3.3 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 methane, 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, movement, 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 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. They should obtain ration advisory for the same from any of the agricultural institutes/departments like Krishi Vigyan Kendra, State Dairy Department, Animal Husbandry Department, NDRI, NDDDB, etc.
- v. 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.

4. Siting Policy:

The siting policy for dairy farms and gaushalas are as follow:

- i. Dairy farms and gaushalas should be located outside city/village boundaries and away from residential dwellings, hospitals, schools.
- ii. Dairy farms and gaushalas should not be located in flood prone areas, subject to flooding at 1-in-25-year or more frequent levels in order to avoid contamination of water bodies.
- iii. Dairy farms and gaushalas should not be located in areas with shallow groundwater depth of about 10 to 12 feet and in particular in alluvium areas in order to avoid groundwater contamination.
- iv. Dairy farms and gaushalas may be allowed to follow minimum distance criteria given below which may be subject to vary with the local conditions:
 - a. National and State Highways: 200 meters from National Highway and 100 meters from State Highway in order to avoid odour nuisance and road accident caused due to cattle.
 - b. Major drinking water reservoir on catchment side: 500 meters in order to avoid water contamination due to leakages/spillages from the dairy farms and gaushalas.
 - c. Drinking water source like wells, summer storage tanks, other tanks (drinking water): 100 meters in order to avoid water contamination.
 - d. Major watercourses like River and Lake: 500 meters in order to avoid water contamination.

e. Canals: 200 meters in order to avoid water contamination.

5. Regulatory/ 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-II**. The same should be updated and shared with the concerned SPCB/PCC on annual basis (calendar year wise).
- ii. All the dairy farms and gaushalas should be registered with the local bodies/corporations preferably through online mode. The local bodies/corporations should display the same at their websites.
- iii. The dairy farms (having animal population of 10 & above animals) and gaushalas should obtain consent to establish and consent to operate under Water Act, 1974 as well as Air Act, 1981 from the concerned SPCBs/PCCs.
- iv. SPCBs/PCCs should provide training and consultation to the Gram Panchayat for implementation of guidelines in their jurisdiction. Gram Panchayat should ensure the implementation of the guidelines by dairy farms and gaushalas falling under their jurisdiction for handling and management of the wastes.
- v. 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 to check compliance of environmental norms. The SPCBs/PCCs will considered the carrying capacity of the surroundings while allowing a new establishment and laying down the environmental norms.
- vi. Hands on practical trainings on environment/waste management & treatment technologies, scientific feeding for enteric methane reduction, waste to wealth management programme, etc. should be provided to dairy workers/entrepreneurs by the local bodies/SPCBs/PCCs on regular interval.

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			
	• 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			
	• Category-I Gaushalas	•	•	•
	• Category-II Gaushalas	•	•	•
	• Category-III Gaushalas	•	•	•
	• Category-IV Gaushalas	•	•	•
	• Category-V Gaushalas	•	•	•
	• Total	•	•	•
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.

Annexure-III

Inventory of Dairies in the States/UTs

Sl. No.	States/Union Territories	No. of Dairies (No. of animals in dairies)					Total	Total amount of dung produced (ton/day)	Total no. of dairy colonies/clusters	Method of disposal/utilization of cattle dung and wastewater by dairies
		Category-I (0-25 animals)	Category-II (26-50 animals)	Category-III (51-75 animals)	Category-IV (76-100 animals)	Category-V (above 100 animals)				
	States									
1.	Andhra Pradesh	SPCB vide its letter dated 20.3.2020, informed that the local bodies have not provided any information, so far.								
2.	Arunachal Pradesh	--	8 (325)	--	--	1 (137)	9 (462)	≥1	--	Dung collected in pits and allowed to dry-up for using as manure in fodder fields
3.	Assam	SPCB vide its letter dated 15.10.2019, informed that the local bodies have not provided any information, so far.								
4.	Bihar	14 (173)	--	--	--	--	14 (173)	33	13	Dung being utilised as firewood and fertilizer
5.	Chhattisgarh	16992 (163467)	1420 (42065)	276 (12421)	55 (4503)	325 (12155)	19068 (234611)	2568	627	Dung being utilized as farm yard manure, vermi compost, dung cake, bio-gas, gobar gas and waste water being utilized partially for kitchen garden.

6.	Goa	4800 (40477)	236 (8209)	8 (492)	--	7 (1290)	5051 (50468)	989	873	Dung being utilized as manure for agriculture, bio-gas, compost and wormi-compost
7.	Gujarat	--	--	--	--	--	--	--	--	--
8.	Haryana	SPCB vide its letter dated 27.9.2019, informed that the local bodies have not provided any information, so far.								
9.	Himachal Pradesh	6737 (24976)	60 (2124)	--	2 (200)	6 (733)	6805 (28033)	526	--	Dung utilized as manure in field, fertilizer in agriculture and vermi-compost
10.	J&K	550 (4064)	25 (730)	Nil	Nil	Nil	575 (4794)	65	Nil	Dung being utilized as manure in the agriculture fields
11.	Jharkhand	42906 (122030)	--	--	--	11 (1266)	42917 (123296)	1687	--	Vermi-compost & Biogas
12.	Karnataka	25098 (209326)	166 (5679)	54 (3271)	5 (451)	54 (6822)	25377 (225549)	5269	NA	Dung being utilized as farmyard manure
13.	Kerala	2661 (15572)	3 (88)	9 (536)	2 (200)	3 (908)	2678 (17304)	587	351	Dung being utilized in bio gas plant, as manure for agriculture purpose and as fuel for cremation Wastewater being used for fodder cultivation

14.	Madhya Pradesh	585 (7741)	657 (19761)	214 (8731)	--	149 (24439)	1605 (60672)	187460	18	Dung utilized for making Kande and composting
15.	Maharashtra	75111 (440758)	2811 (100759)	326 (22199)	323 (28588)	1152 (273948)	79723 (866252)	41416	Nil	Dung being utilized as manure, dung cake, bio-gas and compost
16.	Manipur	SPCB has not provided any response/information, so far.								
17.	Meghalaya	1052 (10919)	--	1 (59)	1 (91)	2 (300)	1056 (11369)	439	--	Dung being utilized as manure, compost, fertilizer, building material and filter material in fishery ponds
18.	Mizoram	745 (4606)	17 (483)	--	--	--	762 (5089)	102	Nil	--
19.	Nagaland	Nil	2 (95)	Nil	Nil	Nil	2 (95)	3	--	Dung being utilized as manure for fodder and crops
20.	Odisha	96 (840)	1 (40)	--	--	5 (875)	102 (1755)	20	--	Dung being utilized as farm yard manure in fodder & paddy cultivation
21.	Punjab	SPCB vide its email dated 16.4.2020, informed that the local bodies have not provided any information, so far.								
22.	Rajasthan	SPCB vide its letter dated 19.2.2020, informed that the local bodies have not provided any information, so far.								
23.	Sikkim	51521 (140690)	--	--	--	--	51521 (140690)	3384	Nil	Dung being used in agriculture and horticulture

24.	Tamil Nadu	SPCB vide its letter dated 9.12.2019, informed that milk procurement for the dairy processing units are focused from societies, wherein, cattle owners after their domestic needs sell their excess milk to the nearby societies and the societies in turn collect and sell the milk to chilling centres/dairy processing units								
25.	Telangana	31047 (271976)	774 (32311)	173 (10597)	--	50 (8981)	32044 (323865)	15870	--	Dung being utilized as manure & fertilizer in field and for bio-gas production
26.	Tripura	622 (3537)	2 (72)	--	--	--	624 (3609)	47	1	Dung being used as manure in agri. farming
27.	Uttar Pradesh	2202 (13939)	54 (1771)	9 (591)	2 (180)	--	2267 (16481)	194	910	Dung being used as compost, cake and fuel Wastewater being disposed through sewer/drainage
28.	Uttarakhand	SPCB vide its letter dated 25.2.2020, informed that the local bodies have not provided any information, so far.								
29.	West Bengal	SPCB has not provided the required information, however, vide its letter dated 24.8.2019 informed that 57 milk processing and dairy products industries are operating in the state.								
	UTs									
30.	Andaman & Nicobar	1 (10)	--	1 (56)	--	--	2 (66)	1	--	Dung being utilized as manure for horticulture and for bio fuel production
31.	Chandigarh	729 (9122)	121 (4238)	24 (1403)	7 (597)	0 (0)	881 (15360)	158	--	Dung being utilized for making cakes & manure for agriculture
32.	Dadar Nagar Haveli	22 (302)	--	3 (170)	1 (80)	1 (103)	27 (655)	17	--	Dung being used as farm yard manure

33.	Daman and Diu	52 (452)	1 (43)	--	1 (87)	--	54 (582)	19	--	Dung being used for agriculture farm manure
34.	Delhi	PCC has not provided any response/information, so far.								
35.	Lakshadweep	--	2 (93)	--	--	--	2 (93)	1	--	Dung being utilized as manure to fodder plot
36.	Puducherry	262 (1755)	4 (140)	--	--	5 (800)	271 (2695)	66	--	Dung being utilized for preparation organic manure and biogas generation
Total		263805 (1486732)	6364 (219026)	1098 (60526)	399 (34977)	1771 (332757)	273437 (2134018)	260922	2793	--

Inventory of Gaushalas in the States/UTs

Sl. No.	States/Union Territories	No. of Gaushalas (No. of animals in gaushalas)					Total	Total amount of dung produced (ton/day)	Method of disposal/utilization of cattle dung and wastewater by gaushalas
		Category-I (0-25 animals)	Category-II (26-50 animals)	Category-III (51-75 animals)	Category-IV (76-100 animals)	Category-V (above 100 animals)			
	States								
1.	Andhra Pradesh	37 (534)	35 (1458)	20 (1489)	9 (736)	60 (19919)	161 (24136)	242	--
2.	Arunachal Pradesh	Nil	Nil	Nil	Nil	Nil	Nil	Nil	--
3.	Assam	SPCB vide its letter dated 15.10.2019, informed that the local bodies have not provided any information, so far.							
4.	Bihar	13 (166)	--	1 (55)	--	--	14 (221)	37	Dung being utilised as firewood and in agriculture
5.	Chhattisgarh	111 (1081)	30 (1134)	4 (265)	8 (688)	101 (28410)	254 (31578)	132765	Dung being utilized as vermi compost, bio-gas, gobar khad and urine being used for making kanda, agrarbatti, dant manjan, keet niyantrak, gau-ark, malis oil, gonile, amrit pani
6.	Goa	0 (0)	2 (73)	0 (0)	0 (0)	5 (1758)	7 (1831)	40	Dung being utilized as manure for agriculture, bio-gas, compost and wormi-compost
7.	Gujarat	164 (2296)	157 (6542)	180 (11541)	--	409 (162742)	910 (183121)	--	--
8.	Haryana	SPCB vide its letter dated 27.9.2019, informed that the local bodies have not provided any information, so far.							

9.	Himachal Pradesh	36 (468)	45 (1731)	16 (1136)	19 (1693)	44 (9003)	160 (14031)	3682	Dung being utilized as manure in field, fertilizer in agriculture and bio-gas
10.	J&K	25 (72)	4 (160)	1 (70)	Nil	1 (450)	31 (752)	13	Dung being used as manure
11.	Jharkhand	--	--	14 (1007)	--	13 (6715)	27 (7722)	206	Vermi-compost & compost
12.	Karnataka	412 (1947)	69 (1925)	35 (1960)	2 (152)	35 (9168)	553 (15152)	1197	Dung being utilized as farmyard manure and gobar gas
13.	Kerala	411 (3291)	4 (140)	2 (112)	1 (76)	16 (1801)	434 (5420)	75	Dung being utilized in bio gas plant, as manure for agriculture purpose and as fuel for cremation Wastewater being used for fodder cultivation
14.	Madhya Pradesh	9 (95)	13 (522)	19 (989)	17 (1813)	94 (16837)	152 (20256)	318	Dung being utilized for making Kande and manure
15.	Maharashtra	1823 (3634)	115 (4281)	78 (3474)	54 (4304)	138 (36064)	2208 (51757)	995	Dung being utilized as manure, dung cake, bio-gas and compost
16.	Manipur	SPCB has not provided any response/information, so far.							
17.	Meghalaya	123 (668)	--	--	--	1 (120)	124 (788)	10	Dung being used as manure
18.	Mizoram	469 (1213)	7 (218)	--	--	--	476 (1431)	29	Dung and urine are collected in pit and mixed with saw/hay to produce organic manure for use in horticultural, agricultural and floriculture sector

19.	Nagaland	Nil	Nil	Nil	Nil	Nil	Nil	Nil	--
20.	Odisha	--	1 (40)	--	--	10 (1566)	11 (1606)	10	Dung being utilized as farm yard manure in fodder & paddy cultivation
21.	Punjab	SPCB vide its email dated 16.4.2020, informed that the local bodies have not provided any information, so far.							
22.	Rajasthan	SPCB vide its letter dated 19.2.2020, informed that the local bodies have not provided any information, so far.							
23.	Sikkim	Nil	Nil	Nil	Nil	Nil	Nil	Nil	--
24.	Tamil Nadu	26 (276)	19 (574)	7 (429)	8 (685)	25 (10295)	85 (12259)	62	The dung collected in the livestock farms are either sold as manure to farmers or used as fertilizers for fodder development
25.	Telangana	7 (168)	37 (1043)	64 (3693)	--	42 (15264)	150 (20168)	9724	Dung being utilized as manure in field, fertilizer in agriculture and bio-gas
26.	Tripura	--	1 (35)	--	--	1 (651)	2 (686)	8	Dung being used as manure
27.	Uttar Pradesh	17 (271)	30 (1146)	31 (1846)	20 (1747)	90 (33975)	188 (38985)	393	Dung being utilized as compost, cow cakes (kande), fish feed, organic fertilizer and dry dung fuel
28.	Uttarakhand	SPCB vide its letter dated 25.2.2020, informed that the local bodies have not provided any information, so far.							
29.	West Bengal	SPCB vide its letter dated 24.8.2019, not provided the required information about gaushalas, so far.							
	UTs								
30.	Andaman & Nicobar	Nil	Nil	Nil	Nil	Nil	Nil	--	--

31.	Chandigarh	0 (0)	0 (0)	1 (65)	0 (0)	6 (3461)	7 (3526)	121	Dung being utilized for making rods, & divas/ganesh parvati idol and in horticulture purpose
32.	Dadar Nagar Haveli	0 (0)	0 (0)	0 (0)	0 (0)	1 (190)	1 (190)	4	Dung being used as farm yard manure
33.	Daman and Diu	--	--	1 (63)	1 (86)	4 (795)	6 (944)	11	Dung being used for agriculture farm manure
34.	Delhi	PCC has not provided any response/information, so far.							
35.	Lakshadweep	Nil	Nil	Nil	Nil	Nil	Nil	NA	NA
36.	Puducherry	1 (20)	--	1 (61)	1 (86)	--	3 (167)	3	Preparation of "Viboothi"
Total		3684 (16200)	559 (21022)	475 (28255)	140 (12066)	1096 (359184)	5964 (436727)	149945	--

Area-wise Inventory of Dairies and Gaushalas in the States/UTs

Sl. No.	States/Union Territories	No. of Dairies (No. of animals in dairies)			No. of Gaushalas (No. of animals in gaushalas)		
		Urban Area	Peri-Urban Area	Rural Area	Urban Area	Peri-Urban Area	Rural Area
	States						
1.	Andhra Pradesh	--	--	--	--	2 (1310)	159 (22826)
2.	Arunachal Pradesh	--	9 (462)	--	Nil	Nil	Nil
3.	Assam	--	--	--	--	--	--
4.	Bihar	14 (173)	--	--	14 (221)	--	--
5.	Chhattisgarh	4534 (76269)	722 (9340)	13812 (149002)	162 (10808)	14 (3440)	78 (17330)
6.	Goa	343 (5742)	207 (1362)	4501 (43364)	2 (500)	Nil	5 (1331)
7.	Gujarat	--	--	--	5 (212)	153 (27696)	752 (155213)
8.	Haryana	--	--	--	--	--	--
9.	Himachal Pradesh	300 (2176)	3 (57)	6502 (25800)	30 (3104)	4 (662)	126 (10265)
10.	J&K	516 (4671)	59 (123)	Nil	31 (752)	Nil	Nil
11.	Jharkhand	1460 (15449)	1815 (15462)	39642 (92385)	14 (5314)	9 (1113)	4 (1295)
12.	Karnataka	730 (16678)	675 (6373)	23972 (202498)	375 (9385)	28 (787)	150 (4980)
13.	Kerala	171 (1984)	13 (314)	2494 (15006)	7 (290)	Nil	427 (5130)
14.	Madhya Pradesh	935 (31700)	129 (5358)	541 (23614)	51 (4954)	4 (1615)	97 (13687)
15.	Maharashtra	1066 (22870)	1723 (29327)	76934 (814055)	1738 (14829)	20 (2508)	450 (34420)
16.	Manipur	--	--	--	--	--	--
17.	Meghalaya	6 (60)	125 (1693)	925 (9616)	123 (668)	1 (120)	--
18.	Mizoram	135 (828)	125 (680)	502 (3581)	--	--	476 (1431)
19.	Nagaland	1 (62)	1 (33)	--	Nil	Nil	Nil

20.	Odisha	102 (1755)	--	--	11 (1606)	--	--
21.	Punjab	--	--	--	--	--	--
22.	Rajasthan	--	--	--	--	--	--
23.	Sikkim	365 (913)	--	51156 (139777)	Nil	Nil	Nil
24.	Tamil Nadu	--	--	--	--	45 (8413)	40 (3846)
25.	Telangana	2095 (29524)	3596 (18269)	26353 (276072)	27 (3016)	32 (9575)	91 (7577)
26.	Tripura	325 (1791)	66 (374)	233 (1444)	--	--	2 (686)
27.	Uttar Pradesh	2267 (16481)	--	--	188 (38985)	--	--
28.	Uttarakhand	--	--	--	--	--	--
29.	West Bengal	--	--	--	--	--	--
	UTs						
30.	Andaman & Nicobar	1 (56)	--	1 (10)	Nil	Nil	Nil
31.	Chandigarh	881 (15360)	--	--	7 (3526)	--	--
32.	Dadar Nagar Haveli	1 (103)	Nil	26 (552)	1 (190)	Nil	Nil
33.	Daman and Diu	4 (29)	1 (43)	49 (510)	2 (315)	--	4 (629)
34.	Delhi	--	--	--	--	--	--
35.	Lakshadweep	2 (93)	--	--	Nil	Nil	Nil
36.	Puducherry	266 (1895)	--	5 (800)	1 (20)	--	2 (147)
Total		16520 (246662)	9269 (89270)	247648 (1798086)	2789 (98695)	312 (57239)	2863 (280793)
Percentage		6 (12)	3 (4)	91 (84)	47 (23)	5 (13)	48 (64)

**Public Notice by SPCBs/PCCs regarding Dairies and Gaushalas
in the States/UTs**

Sl. No.	States/Union Territories	Detail of Public Notice Published by SPCBs/PCCs
	States	
1.	Andhra Pradesh	SPCB informed that no public notice published in the matter till date
2.	Arunachal Pradesh	SPCB informed that no public notice published in the matter till date
3.	Assam	SPCB informed that no public notice published in the matter till date
4.	Bihar	Published on 12.2.2020 and 21.2.2020 in multiple newspaper
5.	Chhattisgarh	SPCB informed that no public notice published in the matter till date
6.	Goa	SPCB informed that no public notice published in the matter till date
7.	Gujarat	SPCB informed that no public notice published in the matter till date
8.	Haryana	SPCB informed that no public notice published in the matter till date
9.	Himachal Pradesh	SPCB informed that no public notice published in the matter till date
10.	J&K	Published on 16.2.2020 vide advertisement no. DIP/J-4802-P/19
11.	Jharkhand	Published on 11.5.2020 vide advertisement no. PIL 225274/Jharkhand Pollution Control Board/20-21
12.	Karnataka	SPCB has not provided any response/information, so far
13.	Kerala	Published on 5.2.2020 vide office notice no. PCB/HO/EE4/NGT/O.A. No. 46/2018
14.	Madhya Pradesh	SPCB informed that no public notice published in the matter till date
15.	Maharashtra	SPCB informed that no public notice published in the matter till date
16.	Manipur	SPCB informed that no public notice published in the matter till date
17.	Meghalaya	SPCB has not provided any response/information, so far
18.	Mizoram	Published on 14.2.2020 and 13.3.2020 but not provided the copy of the same
19.	Nagaland	SPCB informed that no public notice published in the matter till date
20.	Odisha	Published on 11.5.2020 vide office notice no. 4396/Con-ULB-341
21.	Punjab	SPCB informed that no public notice published in the matter till date

22.	Rajasthan	Published on 19.2.2020 vide advertisement no. Raj. Sanwad/C /19/5487
23.	Sikkim	Published on 6.3.2020 vide advertisement no. 389/IPR/Pub/Classi./19-20
24.	Tamil Nadu	SPCB has not provided any response/information, so far
25.	Telangana	SPCB has not provided any response/information, so far
26.	Tripura	SPCB has not provided any response/information, so far
27.	Uttar Pradesh	Published a public notice on 11.5.2020
28.	Uttarakhand	SPCB has not provided any response/information, so far
29.	West Bengal	Published on 19.2.2020 vide advertisement no. KA-348/21/2020
	UTs	
30.	Andaman & Nicobar	PCC has not provided any response/information, so far
31.	Chandigarh	PCC informed that no public notice published in the matter till date
32.	Dadar Nagar Haveli	PCC has not provided any response/information, so far
33.	Daman and Diu	PCC has not provided any response/information, so far
34.	Delhi	Published on 10.12.2019 vide advertisement no. DIP/Shabdarth/1105/19-20
35.	Lakshadweep	PCC has not provided any response/information, so far
36.	Puducherry	Published in their website as informed by PCC

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

Original Application No.46/2018
(M.A. No. 1474/2018, M.A. No. 1539/2018,
I.A. No. 456/2019&I.A. No. 457/2019)

(With reports dated 18.09.2019 & 22.01.2020)

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: 24.01.2020

**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
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Ms. Priyanaka Bangari and Ms. Gitanjali Sanyal,
Advocates

For Respondent(s): Ms. Jyoti Mendiratta, Advocate for GNCTD
Mr. Rajkumar, Advocate for DPCC
Mr. Daleep Dhyani, Advocate for UPPCB
Mr. Mukesh Kumar, Advocate for CPCB
Ms. Puja Kalra, Advocate for North MCD and
South MCD
Mr. Sanjay Dewan, Advocate
Mr. Shlok Chandra, Advocate for DDA

ORDER

1. This order may be read in continuation of order dated 08.07.2019, on the subject of remedial action for compliance of environmental norms by the dairies.
2. Earlier, vide order dated 01.04.2019, the Tribunal considered the allegation of air, water and soil pollution by the dairy industries. It was alleged that solid and liquid waste releasing gaseous emissions was generated and dumped into the drains, by dairies in Delhi, meeting the river Yamuna resulting 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 impacted the air quality. Ammonia wafted into the air from manure lagoons. Gases known as volatile organic compounds were created by the huge piles of feed. The foul smell from the dairy caused migraine, severe headache and people had no option but to inhale the impure-foul air present in the atmosphere.
3. In the light of 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 highlight adverse consequences on the environment due to illegal 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, (Water Act), the Air (Prevention and Control of Pollution) Act, 1981 (Air Act) and Environment (Protection) Act, 1986 and rules framed thereunder. 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

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 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 01.05.2015 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.

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 Act, the Air Act and the Environment (Protection) Act, 1986 (EP Act) 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 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. The matter was reviewed on 08.07.2019 in the light of the report of the DPCC dated 03.07.2019. Commenting on the said report, this Tribunal found that DPCC was trying to avoid responsibility by taking untenable plea that only Municipal Corporations or other Departments were to monitor the pollution caused by the dairies. Accordingly, DPCC was directed to enforce its statutory obligation of closing polluting activities, prosecute the polluters and recover compensation on 'Polluter Pays' principle. **The Tribunal also directed CPCB to undertake a study and lay down appropriate guidelines for management and monitoring of environmental norms by**

dairies throughout country. The observations of the Tribunal are reproduced for ready reference:

“1to6 xxx

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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 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 study³ show 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 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**

²See 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>.

CO2. Most of this comes from manure.⁶While 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.”

7. It appears from the record that *Civil Appeal No. 7285/2019* was filed before the Hon’ble Supreme Court by the SDMC against the said order and was dismissed.
8. Accordingly, an action taken report has been filed by the DPCC that it has issued notice for closure under the Water Act and the Air Act and also directed disconnection of electricity and water supply. Show cause notice has also been issued for enforcement of the guidelines prepared by the CPCB. The local bodies have been asked to perform their duties.
9. CPCB has filed two reports. First report is dated 18.09.2019, to the effect that an expert group was constituted. After discussion and interaction with the stakeholders, Guidelines for Environmental Management of Dairy Farms and *Gaushalas* were finalized. As per available statistics, prepared by the CPCB population of adult female bovine in the country is

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

13,32,71,000. Many dairy farms and *gaushalas* discharge the cattle dung along with wastewater into the drains, leading to clogging, which ultimately reach rivers and creates 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 are emitted into the atmosphere and are responsible for degradation of air quality. The greenhouse gases, mainly Methane and Carbon dioxide, produced by dung also impact the climate. 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. The draft Guidelines stipulate solid waste management, waste water management, air quality management, monitoring mechanism to be adopted by the local authorities/Corporations/ PCBs/ PCCs. The guidelines also prescribed a Performa for monitoring by the local authorities/Corporations for preparing inventories of dairies farm and *gaushala*.

10. Second report dated 22.01.2020 is to the effect that the inventory Performa was circulated to the PCBs/PCCs to which response was received from 31 States/UTs. No response was

received from Andhra Pradesh, Maharashtra, Manipur, Uttarakhand and Delhi. 20 States provided the details while 11 States/UTs have yet to provide details. Observations and conclusion in the report are :-

“3.0 Observations:

Following are the observations based on the information as received from SPCBs/PCCs about dairies and gaushalas operating in the States/UTs:

- i. The total number of dairies operating in 19 States/UTs is 93,033 (ninety three thousand & thirty three) and total number of animals in these dairies is 7,04,127 (seven lakh, four thousand, one hundred & twenty seven).*
- ii. There are 960 dairy colonies/clusters in 19 States/UTs.*
- iii. The total number of gaushalas operating in 20 States/UTs is 6,462 and total number of animals in these gaushalas is 3,51,592.*
- iv. The total amount of dung generated/produced by animals in dairies and gaushalas in the 20 States/UTs is 2,58,688 ton/day and 13,698 ton/day, respectively.*
- v. In general, the methods used in States/UTs for disposal/utilization of cattle dung include using dung as manure in fields, vermi-composting, biogas generation, etc.*
- vi. SPCBs/PCCs have not provided the information about disposal/utilization of wastewater.*

4.0 Conclusion:

- i. The local authorities/corporations should carry out inventory of all the dairy farms and gaushalas located in their jurisdiction in the prescribed performa. The same should be updated and shared with the concerned SPCB/PCC on regular basis.*
- ii. The dairies and gaushalas operating in the States/UTs should follow the "Guidelines for*

Environmental Management of Dairy Farms and Gaushalas.”

11. We have heard the learned counsel for the applicant and learned counsel for the CPCB and DPCC.
12. Learned counsel for the applicant has drawn our attention to the judgment of the Delhi High Court dated 31.05.2019, *Common Cause v. UOI, (2007 SCC Online (Del) 863)*, wherein Municipal Corporation of Delhi was directed to formulate a licensing policy under Section 417 of the Delhi Municipal Corporation Act, 1957. While issuing such direction, the High Court noticed unsatisfactory state of affairs. The High Court observed that the dairies need to be relocated on account of hazard of stray cattle on the roads and trauma faced by the cattle in the cities on account of traffic. Reference was also made to the filth, squalor and outbreak of diseases. As a short term measure, preventive steps were required for protection and hygiene of environment. Our attention has been drawn to a policy framed by the MCD on 17.07.2010 prohibiting cattle to be kept in any premises without license. Authorized dairy areas were specified and standards and measures were also specified. Reference has also been made to the report of an Expert Committee constituted by the Indian Council for Agricultural Research, Government of India, dated 01.11.2016 under the Chairmanship of Dr. Arjava Sharma, Director, ICAR-NBAGR, Karnal. The report dealt with sustainable management of unproductive cattle. The report specifies land

requirement, feeding requirement, labour requirement and health management.

13. We may note that the matter is dealt with under the Environment (Protection) Rules, 1986 (EP Rules). With reference to Rule 3 thereof, general standards have been laid down in Schedule 6 in part A and part B.

14. We may now deal with the reports of the CPCB. The first report relates to Guidelines. We find that the draft Guidelines do not specifically mention the mandate of the Water and the Air Act. The issue has already been dealt with by this Tribunal. While sanitation may be an issue to be dealt with by local bodies, the Water Act, the Air Act and the EP Act are special laws dealing with the environment which do not stand excluded by application of other Municipal Laws. Regulatory regime of the Water Act, the Air and the EP Act is required to be followed and enforced by the State PCBs/PCCs, independent of the powers of local bodies to enforce the municipal laws. Precautionary and Sustainable Development principles are over arching principles which are not only enforceable by this Tribunal under Section 20 of the National Green Tribunal Act, 2010, but are also part of the Article 21 of the Constitution, which is a Fundamental Right, creating reciprocal obligation on all State authorities. Thus, the Guidelines prepared by the CPCB need to be revised by specifying that State Boards/Committees must enforce 'consent mechanism' and, in particular, follow an appropriate siting policy in the light of the carrying capacity of

the area for commercial dairy activities, having potential for air and water pollution. Dairy activities have been categorized as 'Orange' category as per the laid down guidelines.

15. The second report relating to analysis of action taken by all States/UTs is incomplete for want of data. For this purpose, we direct that all the local bodies may furnish relevant information to the State PCBs within one month from today. Private operators, including cooperative societies or other entities, not falling within the jurisdiction of Local Bodies, may also furnish the requisite information to the State PCBs within the same time. The State PCBs may, apart from compiling information and forwarding the same to the CPCB, perform their statutory obligations under the Water Act, the Air Act and the EP Act for enforcing environmental norms by such dairy activities with a view to protect the environment and the public health. The State PCBs/PCCs may publish an appropriate notice on the subject within two weeks from today requiring furnish of information and also adopting all necessary safeguards in the matter. Thereafter, the State PCBs/PCCs may furnish factual and action taken reports in the matter to the CPCB latest by 30.04.2020. CPCB may compile the data received and file a comprehensive report before this Tribunal by e-mail at judicial-ngt@gov.in before the next date.

A copy of this order be forwarded to CPCB, SPCBs/ PCCs, Chief Secretaries of all the States/UTs. The SPCBs/PCCS may

forward a copy of this order to all the local bodies in their respective jurisdiction within one week from today.

Since the issue being dealt with is an issue *in rem* and enforcement is left to the statutory bodies, we do not find it necessary to consider individual matters in these proceedings which may be dealt with by the concerned statutory authorities in accordance with law.⁷ Accordingly, the private parties will stand deleted from the memo of parties.

List for further consideration on 20.05.2020.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

January 24, 2020
O.A. No. 46/2018
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⁷ In *M.C Mehta Vs. Union of India & Ors.*, (2001) 3 SCC 756 - Para 8, the Hon'ble Supreme Court observed that while issuing a direction *in rem*, all affected individuals need not be heard. (The said case concerned shifting of diesel to CNG by all the bus operators and plea that all the bus operators were required to be individually heard was rejected.)