

Item No. 05

(Court No. 1)

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

(By Video Conferencing)

Original Application No. 465/2019
(I.A. No. 332/2019)

(With report dated 09.03.2021 and 13.04.2021)

Kulwinder Singh Sandhu & Ors. Applicant(s)

Versus

Ram Murti & Ors. Respondent(s)

Date of hearing: 15.04.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Smita Mohan, Advocate

Respondent(s): Mr. Vikrant N. Goyal, Advocate for CPCB

ORDER

1. Vide order dated 24.05.2019, this Tribunal sought a factual and action taken report from the CPCB, PPCB and the District Magistrate, Ludhiana with reference to the allegation of crude and unscientific carcass disposal at Village Ladhawal, District Ludhiana, Punjab by Respondent Nos. 1 to 5, Ram Murti, Ramesh Kumar, Suraj Kumar, Parshotam Lal and Munish Kumar.

2. The matter was thereafter considered in the light of report dated 15.09.2019 furnished by the State PCB, acknowledging the problem and mention the remedial action by way of assessment of environmental compensation and setting up of project for scientific handling of the carcass. While seeking further report, this Tribunal also directed the

CPCB to compile information from all the State PCBs/PCCs about the extent of problem and the remedial action taken/proposed.

3. The matter was further considered on 05.02.2020 in the light of report of the State PCB dated 14.01.2020 and report of the CPCB dated 15.01.2020. It was found that further action was necessary and accordingly directions were issued. For ready reference, it will be appropriate to refer to the proceedings dated 05.02.2020:

*“3. In pursuance of the above, the State PCB has filed report dated 14.01.2020 to the effect that notice **has been issued for recovery of compensation amounting to Rs. 2,28,12,000/- from each of the 5 Hadda Roddi units.** It is further mentioned that:*

*“5. **The Municipal Corporation, Ludhiana gave proposal to install carcass utilization plant at Village Noorpur Bet, Humbran Road, Ludhiana.** The Municipal Corporation, Ludhiana also obtained the site clearance from the competent Authority (SCA-cum-SAC) for the establishment of carcass utilization plant at Noorpur Bet, Ludhiana. Accordingly, Director of Factories, Punjab vide letter no. 3822-27 dated 31-03-2017 issued the approval of Site to Municipal Corporation, Ludhiana for the establishment of carcass utilization plant at Noorpur Bet, Ludhiana.*

6. That under the Chairmanship of Commissioner, Municipal Corporation, Ludhiana, a joint meeting between respondent Board and MCL Officials was held on 12.06.2017 to expedite the completion of project. The officials of the Municipal Corporation, Ludhiana assured for early necessary action in the matter. The respondent Board vide its letter no. 4767 dated 23.08.2017 again requested to the Commissioner, Municipal Corporation, Ludhiana to expedite the process of establishment of Carcass Utilization Plant. The Joint Commissioner, Municipal Corporation, Ludhiana was requested by the respondent Board vide endst. No. 149 dated 05.01.2018 to submit periodic monthly progress regarding process of establishment of Modern and scientific Carcass Utilization Plant at Noorpur Bet, Ludhiana to be completed by 31.12.2018. The authorities of Municipal Corporation, Ludhiana were requested to comply with the above said decisions vide Board’s letter no. 1020 dated 16.07.2018.

*7. **That Directions u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981 have also been issued***

by the respondent Board to the Municipal Corporation Ludhiana that the Municipal Corporation, Ludhiana shall expedite the process of establishment of Modern and scientific Carcass Utilization Plant at Noorpur Bet, Ludhiana and establish the same by 31.12.2018. However, the construction has not yet been started.

8. That the Punjab Pollution Control Board has also written letter bearing no. 1095 dated 17.07.2019, 1529 dated 15.09.2019 and 927 dated 29.11.2019 to the office of the Deputy Commissioner, Ludhiana requesting therein to shift the Hadda Roddi to some suitable place in accordance with law.

9. That vide letter no. 930 dated 29.11.2019 the Commissioner, Municipal Corporation, Ludhiana has again been requested by the Board to complete the said project with immediate effect so that the activities being carried out by the Hadda Roddis at Ladhowal are stopped and the same are shifted to the proposed Modern and scientific Carcass Utilization Plant.

10. That in further compliance to the orders dated 10.10.2019 of the Hon'ble Tribunal it is respectfully submitted that the **notices to recover the Environmental Compensation amounting to Rs. 2,28,12,000/- from each of the 5 Hadda Roddi sites as calculated by the Joint Committee constituted by Hon'ble NGT have been issued by the Punjab Pollution Control Board u/s 33-A of the Water (Prevention & Control of Pollution) Act, 1974 and u/s 31-A of the Air (Prevention & Control of Pollution) Act, 1981, with an opportunity of personal hearing before the Competent Authority of the Punjab Pollution Control Board to the owners of 5 Hadda Roddis. The copies of the said notices are enclosed herewith as Annexure-R1 for kind perusal.**

4 The CPCB has also filed report dated 15.01.2020. The observations and recommendations are as follows:

“3.0 OBSERVATIONS:

Following are the observations from information received

1. Methods presently adopted for carcass disposal include Deep Burial, Rendering and Incineration
2. Most States/UTs have adopted “Deep Burial” practice for disposal of carcass.
3. Total no. of carcass disposal sites in 11 States/UTs is 128, however, only 4 States/UTs (namely Delhi, J&K, Lakshadweep and Mizoram) have granted authorization to 7 carcass disposal sites as per details given below:

State/UT	No. of authorization	Disposal methods
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	sites	
Delhi	1	Rendering plant
J & K	1	Deep Burial
Lakshadweep	4	Deep Burial
Mizoram	1	Slaughter House

Chandigarh is in process of installation of incinerator.

4. West Bengal has indicated that 24 sites are scientifically developed. However, neither details regarding the burial practices followed are not given nor has authorization been granted to these sites by WBSPCB.
5. Different carcass disposal methods are mentioned below:

5.1 Rendering:

Rendering is the process of converting animal carcasses to pathogen-free, useful by-products such as feed protein. In the process of rendering, the carcasses are exposed to high temperatures using pressurized steam to ensure destruction of most pathogens. It is a closed system for mechanical and thermal treatment of animal tissues leading to stable, sterilized products.

5.2 Incineration:

Incineration is the thermal destruction of carcasses by auxiliary fuel such as diesel or natural gas etc. or by using electric energy. It reduces carcasses to ash and is generally bio-secure.

5.3 Burial:

Burial is a method in which carcass is buried in the ground. It is common method of carcass disposal. Use of slaked lime, bleaching powder and crystal salt are some remedial measures taken to address environmental issues related to deep burial in case of infectious carcass.

5.4 Other methods

Other methods of disposing animal carcass are pyre-burning, composting, mounding and other patented technologies.

Recommendation:

1. **Carcass should be utilized adopting rendering process or incineration. In rendering plant, odour control methods, such as bio-filters, scrubber etc. may be adopted and to meet prescribed standards before discharge. In incinerator, air pollution control devices should be installed.**
2. **Disposal of carcass through deep burial method may be adopted where rendering/incineration facility is yet to be developed.**

3. **Operators of carcass disposal sites should obtain authorization from respective SPCBs/PCCs.**
4. **SPCBs/PCCs need to monitor carcass disposal sites or facilities to address environment issues.**
5. **Consolidated guidelines on carcass disposal may be issued by Ministry of Housing & Urban Affairs/Ministry of Animal Husbandry and Dairying.”**

5. *In view of the above, the action taken not being adequate, further steps in the matter are necessary. CPCB needs to prepare guidelines in the matter and circulate the same for compliance to all the States/UTs. **The CPCB may also laydown interim mechanism in the matter to be adopted immediately. CPCB may also complete action in terms of earlier directions for collecting information from all State PCBs/PCCs about the status on the subject at the ground level. The State PCB may also take appropriate effective measures in the matter. We request the Committee headed by Justice Jasbir Singh, former Judge, Punjab and Haryana High Court to oversee the steps taken by the State PCB in the matter.***

6. *Deputy Commissioner, Ludhiana and Commissioner, Municipal Corporation, Ludhiana to file action taken report within one month to this Tribunal by email at judicial-ngt@gov.in.*

7. *Action taken reports may be filed by Punjab PCB and CPCB before the next date. A copy of this order be sent by e-mail to CPCB, Punjab State PCB, Justice Jasbir Singh, former Judge, Punjab & Haryana High Court, Deputy Commissioner, Ludhiana and Commissioner, Municipal Corporation, Ludhiana by email.”*

4. The matter was last considered on 13.05.2020 in the light of the report of dated 14.02.2020 filed by the Monitoring Committee headed by Justice Jasbir Singh former Judge of Punjab and Haryana High Court and status report dated 11.05.2020 filed by the CPCB and report dated 05.03.2020 filed by the Deputy Commissioner, Ludhiana. The operative part of the said order is reproduced below:-

“1to3..xxx.....xxx.....xxx

4. *We have perused report dated 14.02.2020 furnished by the Monitoring Committee headed by Justice Jasbir Singh, status report filed by the CPCB on 11.05.2020 and report of the Deputy Commissioner, Ludhiana dated 05.03.2020. The Monitoring Committee visited the site on 13.02.2020 in the presence of officers of the State PCB and the Municipal Corporation, Ludhiana and after noticing the deficiencies made recommendations as follows:*

“Recommendations:

1. **Directions may be issued to the Commissioner, Municipal Corporation, Ludhiana to complete and commission the modern and scientific carcass disposal plant at Noorpur Bet, Ludhiana by 31.8.2020 failing which, environmental compensation amounting to Rs.1 lakh per month may be imposed upon the Municipal Corporation, Ludhiana till the commissioning of the plant.**
2. **Since the operation of carcass disposal plants is essential for disposal of dead animals of Ludhiana and its surrounding areas, therefore, in order to prevent any health hazard and maintain environmentally fragile area near water body i.e. River Sutlej, as short term measures, the owners of the Hadda Rodi shall take following steps to control obnoxious odour emissions, nuisance and restrict the discharge of wastewater of Hadda Rodi from entering into river Sutlej:**
 - i) **Provide a brick wall of 2 meters height towards the river Sutlej side within 01 month and temporary walls of tin sheets or any other suitable material on all the other three sides of the Hadda Rodi within 15 days.**
 - ii) **Spray sanitizers regularly on the leftovers to control the obnoxious odour.**
 - iii) **Close any outlet discharging wastewater into river Sutlej.**
 - iv) **The Municipal Commissioner, Ludhiana shall supervise the above works and ensure the compliance.**
3. **After the successful commissioning of the modern and scientific carcass plant, these crude and unscientific carcass disposal plants should be closed.**
4. **Punjab Pollution Control Board shall take immediate steps to get close these illegal activities from the present location with the help of District Administration. Deputy Commissioner, Ludhiana shall ensure the immediate closure of the unscientific carcass disposal plants after the commissioning of the modern and scientific carcass plant.**
5. **Punjab Pollution Control Board shall recover the environmental compensation imposed by Hon'ble NGT for the damage caused to the environment due to operation of these illegal carcass disposal activities from the concerned persons through the Department of Revenue.”**

5. The CPCB in its report has mentioned as follows:

Action taken:

- CPCB had previously issued letters dated 19.11.2019 & 10.12.2019 to all SPCBs/PCCS to provide information related to carcass disposal in the prescribed format, 11 SPCBs/PCCs (**Chandigarh, Delhi, Dadra & Nagar Haveli, Kerala, Lakshadweep, Jammu & Kashmir, Madhya Pradesh, Meghalaya, Mizoram, Tripura, West Bengal**) had submitted information which was compiled and submitted to NGT in its report filed on 16th Jan.,2020.
- Vide letter dated 05.03.2020, reminder to submit required information was sent to remaining 24 SPCBs/PCCs. Copy of letter along with template is enclosed at **Annexure-I**.
- Required information on the matter has been received from Odisha SPCB so far and same is enclosed at **Annexure-II**. Reply from 23 SPCBs/PCCs is awaited for compilation of complete status report on Carcass disposal.
- **Field visit to carcass disposal sites is required for preparation of guidelines on the matter, the same could not be undertaken due to COVID-19 pandemic situation in the country.**
- In view of above, extension of three months may kindly be granted for preparation of guidelines and compilation of complete status report on the matter.”

6. The letter of the Deputy Commissioner, Ludhiana is as follows:

- (i) The undersigned has issued directions to Municipal Corporation, Ludhiana to expedite the completion of modern and scientific Carcass Utilization Plant vide this office letter no 9618 dated 04.03.2020 and copy of the same is attached as Annexure-A.
- (ii) The undersigned has issued directions to the District Development 86 Panchayat Officer, Ludhiana to locate alternate sites for disposing off the remains of dead animals till the completion of the Modern Caracas Utilization Plant vide this office letter no. 9619 dated 04.03.2020 and copy of the same is attached as (Annexure-B).
- (iii) The undersigned has issued directions to the Punjab Pollution Control Board to keep a regular strict vigil at the site of Hadda Roddi so that no further activities that pollute

River Satluj can be carried out at this site vide this office letter no. 9622 dated 04.03.2020 and copy of the same is attached as (Annexure-C).”

7. *We have given due consideration to the issue and reports. We are satisfied that the recommendations of the Monitoring Committee need to be acted upon. No objection has been raised by any of the parties. Accordingly, the State PCB and the Municipal Corporation, Ludhiana may take further steps in a time bound manner and compliance report furnished before the next date by e-mail at judicial-ngt@gov.in. The Monitoring Committee may oversee compliance and is at liberty to file its further report, if found necessary.*

8. *The CPCB may issue atleast interim Guidelines on the subject by way of Directives to the State PCBs/PCCs considering the studies available and seek action taken reports by way of monitoring. The State PCBs/PCCs may ensure compliance of the directions issued by the CPCB and compliance reports be furnished to the CPCB. The CPCB may in turn file a comprehensive compliance report before the next date.”*

5. Accordingly, further report has been filed by the CPCB on 09.03.2021 that guidelines for Carcass management have been finalised and sent to all PCBs/PCCs. Some PCBs/PCCs have filed compliance reports. The report is reproduced below:-

“2.0 Action Taken:

2.1 Guidelines for Carcass Management:

- *CPCB had prepared draft Guidelines for Carcass Management based on available information.*
- *The document was sent to all SPCBs/PCCs, Ministry of Housing & Urban Affairs, Central Leather Research Institute (CLRI) and Department of Animal Husbandry for their comments vide letter dated October 01, 2020.*
- *The draft Guidelines was also uploaded on CPCB website for inviting comments on the document.*
- *Comments have been received from MoHUA, CLRI, 3 SPCBs/PCCs (Bihar, Punjab and Lakshadweep).*
- *Guidelines for Carcass Disposal have been finalized based on the inputs provided from various organizations and is placed at Annexure I and it is also uploaded on CPCB’s website.*
- ***Final Guidelines for Carcass Disposal was sent to all SPCBs/PCCs vide letter dated December 17, 2020.***

2.2 Compliance Report from SPCBs/PCCs.

- *CPCB has issued letters dated December 17, 2020 and February 11, 2021 respectively to all SPCBs/PCCs to provide information in prescribed format regarding compliance of requisite facilities for carcass disposal as per guidelines by the concerned authorities. (Annexure II).*
- *Required information on the matter has been received from 15 SPCBs/PCCs (Bihar, Delhi, Himachal Pradesh, Jammu & Kashmir, Karnataka, Mizoram, Maharashtra, Nagaland, Tripura, Tamil Nadu, Uttar Pradesh, Gujarat, Uttarakhand, Telangana & Sikkim). Uttarakhand, Telangana have not provided information as per format. However, some of the states such as Maharashtra and Karnataka have not provided information for all ULBs.*
- *The information has been compiled and placed at Annexure III.*

2.3 Conclusion

- Total 399 ULBs in 12 states namely Bihar Delhi Gujarat, Himachal Pradesh, Jammu Kashmir, Karnataka, Mizoram, Nagaland, Tripura, Telangana, Uttarakhand and Uttar Pradesh have identified Carcass disposal sites. Whereas no disposal sites have been identified in the states namely Tamil Nadu, Sikkim, Maharashtra. Impetus required for promotion of site identification in the States & UTs.***
- 20 States/UTs namely Andhra Pradesh, Arunachal Pradesh, Assam, Chhatisgarh, Goa, Haryana, Jharkhand, Kerala, Madhya Pradesh, Manipur, Meghalaya, Odisha, Punjab, Rajasthan, West Bengal, Andman & Nicobar , Dadar and Nagar Haveli and Daman diu, Lakshadweep , Chandigharh have not submitted compliance report regarding compliance of requisite facilities for carcass disposal as per guidelines.***
- In 90% of the ULBs (368/399) in 10 states namely Bihar, Gujarat, Himachal Pradesh, Jammu Kashmir, Mizoram, Nagaland, Tripura, Telangana, Uttarakhand and Uttar Pradesh Carcass is being disposed through “Deep Burial Method”. However, Crusher Anaerobic digester method have been adopted at one ULB in Gujarat, Dry Carcass rendering have been adopted at one ULB in Delhi , pit composting have been adopted at seven ULBs in Karnataka and incineration technique have been adopted one ULB in Bihar and one ULB in Gujarat for carcass disposal.***

- iv. Authorization have been issued to 30 ULBs by SPCBs/PCCs in 8 states namely Bihar, Delhi, Gujarat, Jammu Kashmir, Karnataka Mizoram, Uttarakhand and Uttar Pradesh.**
- v. 9 states namely Bihar, Delhi, Gujarat, Jammu Kashmir, Himachal Pradesh, Karnataka Mizoram, Nagaland and Tripura are having disposal sites which are complying with the stipulated norms.**
- vi. States/UTs are required to take necessary action for implementation of above guidelines.”**

6. The guidelines which are annexed provide for the use of equipment and machinery and adopting safeguards for protection of environment in incineration, deep burial, transportation and utilization. The Guidelines conclude as follows:-

“Conclusion:-

- a) Carcass should be utilized by adopting rendering process or incineration and priority may be given to carcass utilization plant which are run by adopting rendering process at all the major towns to process the dead animal carcasses in a scientific manner.**
- b) Carcass disposal to be done under the supervision Veterinary/Animal Husbandry Department of the State and the Local Bodies.**
- c) Disposal of carcasses through deep burial method may be adopted only in where facilities listed in 6 (a) & (b) above are yet to be developed. Deep burial with adequate precautions may be adopted in case of mass mortality that may result from vagaries of nature or a mass die-off due to communicable disease, to avoid zoonotic transmission.**
- d) Scientific analysis required to assess environmental impact due to burning with focus on increased dioxin levels and groundwater contamination**
- e) The implementing agencies to ensure that necessary infrastructure required for utilization and disposal of carcass is set up in the area under their jurisdiction.**
- f) The regulatory agency to ensure that necessary pollution control measures are implemented and monitor to ensure compliance with the stipulated norms.”**

7. We are of the view that CPCB also needs to look into the lay down siting criteria for location of Carcass management facilities in deep burial method. It may also lay down standards for treated effluents, solid waste and air emissions which may be required to be incorporation as consent conditions by State PBCs/PCCs. Such modified guidelines may be issued within two months and compliance by State PCBs/PCCs may be periodically monitored.

8. The report of the State PCB dated 13.04.2021 is that the Monitoring Committee visited the site 27.11.2020 and found 45% was construction completed and rest was to be completed till 28.02.2021.

The Monitoring Committee made the following recommendations:-

“i. The construction work of Modern Carcass Plant should be completed by 31.12.2020. The machinery should be installed by 31.01.2021 and the plant should be commissioned by 28.02.2021, failing which Environmental Compensation double the amount as already imposed by the Monitoring Committee shall be imposed.

ii. The Concessionaire shall install and commission effluent treatment plant and other solid waste management plant simultaneously along with the commissioning of the main plant.

iii. There shall be no discharge from the plant and the same shall be utilized/recycled within the premises of the main plant.

iv. The Concessionaire shall plant at least 03 rows of broad leaf trees to attenuate air pollution any gaseous emission generated during the operation of main plant by 31.01.2021.

v. The Concessionaire shall obtain permission from the concerned authority for the abstraction of ground water before commissioning the main plant.

vi. The Concessionaire should ensure that there shall be no obnoxious odour and nuisance in the area with the operation of the main plant.”

9. It is further stated that the issue of assessment of environmental compensation was taken up in the light of report of the Municipal

Corporation and vide order dated 13.04.2021, compensation of ₹8 Lakhs was required to be paid by the Municipal Corporation for delay in taking necessary steps. The report of the State PCB does not mention the status of compliance of recovering compensation earlier assessed. **The State PCB may accordingly take further action for compliance of the direction already issued as well as the recommendations now made by the Committee. Further remedial action may also be taken by the Municipal Corporation and Deputy Commissioner, Ludhiana in the light of the recommendations of the Monitoring Committee.**

10. We have taken on record the response of some other State PCBs on the subject. **The CPCB may take further action for ensuring compliance of the Guidelines issued.**

11. In the present matter, joint Committee of the CPCB and State PCB may ascertain compliance status, particularly whether adequacy of steps taken for restoration of environment as well as collection of compensation and its utilisation and give its report to the Chairman, CPCB within three months for such further directions as may found necessary by the Chairman CPCB for enforcement of law.

The application is disposed of.

A copy of this order be forwarded to CPCB, State PCB and MC Ludhiana by e-mail for compliance.

In view of order in the main matter, I.A. No. 332/2019 also stands disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

April 15, 2021
Original Application No. 465/2019
A