

Item No. 3

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL**
(Through Video Conferencing)

**Original Application No. No. 95/2023(CZ)
(O.A. No. 58/2023-PB)**

Sitaram Ahirwar

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing : 12.09.2023

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL EXPERT MEMBER**

For Applicant(s):

None

For Respondent(s):

Mr. Prashant M. Harne, Adv.

Ms. Parul Bhadoria, Adv.

Mr. Alok Jain, RO, MPPCB, Jabalpur

ORDER

1. The issues in this application is compliances of the CPCB Guidelines for Environmental Management of Gaushalas/ Dairy Farms issued in July, 2020 and after that in 2021 and manual on Management of Gaushalas by ICAR, New Delhi vide order dated 03.05.2016.
2. This original application has been registered under Section 14 & 15 of National Green Tribunal Act, 2010 on a letter petition dated 15.08.2022 sent by Sitaram Ahirwar, H. No. 1149, Reliable State Colony, P.S Guarighat, Tehsil-District Jabalpur, Madhya Pradesh.
3. The complaint is that in the vicinity of applicant's residence, a dairy is being run by one Vikram Singh Chauhan, S/o Viren Singh Chauhan wherein, presently about 250-300 cattle are there and though in the revenue record, only 1.28 acres of land was in possession of Vikram Singh Chauhan but his activities have spread over 3 acres of land which is on account of encroachment of government land. The said activities due to discharge of dung and other waste is causing damage to environment causing pollution

and creating health hazard to local people and also likely to spread diseases on account of spreading of mosquitos, etc. It is also said that poultry activity is also being carried out in the said premises illegally which is resulting in air pollution and no statutory permission/consent, etc. has been taken from the concerned authorities for running said activities in a residential area. The application is supported by several photographs which show that huge cow dung is spread over the land, huge amount of cattle feed is collected/stored and number of cattle are also standing on the site.

4. The matter was taken up by this Tribunal on 03.03.2023 and a committee was constituted with direction to submit the factual and action taken report.
5. In compliance of the order of this Tribunal the members of the committee visited the site and after inspection submitted the report as follows :-

“Following members were present during the visit:

1. *Shri Pankaj Mishra, SDM, Gorakhpur Distt. Jabalpur.*
2. *Dr Rajay Verma, S.V.S Deptt. of Animal Husbandry & Dairying Jabalpur.*
3. *Shri Alok K Jain, Regional Officer, M.P. Pollution Control Board Jabalpur.*
4. *Dr Avinash C Karera Chief Chemist M.P. Pollution Control Board Jabalpur.*
5. *Shri Vikram Singh Chauhan, Owner of the Dairy.*
6. *Shri Kishori Lal Vishwakarma Patwari, Gorakhpur Distt Jabalpur.*

Based on the available information and the site inspection following observations were made:

1. *The Dairy is being operated on Khasra No. 31, 32, 33 and 34/2 Village Jilhari Tehsil Gorakhpur Distt. Jabalpur having total plot area of 0.519 Hectare. The above land is in name of Shri Vikram Singh Chauhan SA) Shri Virendra Singh Chauhan as per the Land Records. The piece of land adjoining this plot in Khasra No. 19/4, 20/4, 21/4, 22/4, 23/4, 24/4 and 36i4 having total plot area of 0.312 Hectare. belongs to Shri Deepak Sib Shri T.R. Dewaan as per the Land Records. This land is being used by the Dairy Operator for storage and processing of the animal dung. Dung cakes and compost is being made in the open on this land.*

2. *No encroachment of Govt. Land for the dairy activities was observed.*
3. *During visit 178 no. of Buffalos and 28 no. of Cows i.e. total 206 adult animals were observed.*
4. *The untreated waste water from the dairy premises is being drained through a non-lined raw drain in the nearby agriculture fields where by it spreads and dry up in the field. It was informed by the dairy operators that the nearby farmers use this water to irrigate their fields, no document regrading mutual conscience could be produced by the dairy operator. No complaints have been received by the MPPCB in this context from the farmers of the region. No discharge was observed outside the premises during the visit. However, during monsoon this waste-water may find its way into the sewage nalla flowing at about 600 meters away from the site along with the run-offs from the agriculture fields. A sample of untreated waste-water was collected from the drain within the premises.*
5. *Poultry related activities were not observed in the premises. However, a poultry farm was observed at a distance from the dairy which is being operated by Shri Asheesh Dhangar. This land is a private land and not a Govt. land. The Dairy operator is not concerned with this poultry farm.*
6. *There are some residential houses on the south-eastern region of the subject site The site is surrounded with agriculture fields from all other sides. Odour nuisance from the dairy was observed in the region.*
7. *MPPCB has accorded conditional CTE to the dairy vide letter dated 15/06/2017 (Annexure- 3). The dairy owner started the operations at site without appropriate Liquid / Solid waste Management and without obtaining the Consent to Operate. MPPCB has issued notice to the unit. Taking cognizance of the violations Board has initiated legal action against the dairy.*
8. *Dairy Operator Shri Vikram Singh Chauhan reported that he has already planned to shift his dairy to the space allotted to him by M.P. Rajya Pashudhan evam Kukkut Vikas Nigam, Department*

of Animal Husbandry and Dairying M.P. Reply of Shri Vikram Singh Chouhan along with supporting documents details of the allotted land are as follows:

- *Village Khamharia, Tehsil & District Jabalpur Khasra No. 337, 513 & 514 (Plot No. 31)*
- *Total Plot area — 2097.58 m²*
- *Lease period- 10 Years (09/11/2022 to 08/11/2032).*

9. *It was further reported by the Dairy Operator that the shifting of Dairy has been delayed because the approach road for the allotted area from the main road has not yet been constructed.*

10. *Site photographs taken during the visit are enclosed.*

Based on the observations, following action were taken against M/s Chouhan Dairy (Prop: Shri Vikram Singh Chouhan) Village Jilhari, Tehsil & District Jabalpur) by the M.P. Pollution Control Board:

1. *Notice has been issued to the Dairy Operator regarding imposition of Environmental Compensation of Rs 1,66, 71,875.00 (Rupees One Crore Sixty-six Lac Seventy-one Thousand Eight Hundred Seventy-five) for the continuous violation for 2134 days.*

2. *Court Case has been filed against M/s Chouhan Dairy Farm and the Prop: Shri Vikram Singh Chouhan Village Jilhari, Tehsil & District Jabalpur) in the Court of First Class Judicial Magistrate Jabalpur.*

Recommendations:

1. *The dairy should be shifted to the proposed site as detailed out in para 8 as soon as the work pertaining to approach road & other development is completed, preferably before monsoon.*

2. *Meanwhile, the dairy operator shall ensure appropriate treatment of waste-water and utilization of the treated waste-water. In case treated waste-water is proposed for use in irrigation, some written mutual agreement should be made with the nearby farmers for using only the treated waste-water in irrigation.”*

6. The samples collected from the out of the premises of the said dairy was taken for the analysis and the report is as follows:-

Sr. No.	Parameter	Unit	Result	Method used for analysis
1.	pH	-	6.91	By pH Meter
2.	Chloride	mg / l	246.0	By Argentometric Method
3.	Total Solids	mg / l	614.0	By Gravimetric Method
4.	Dissolved solid	mg / l	438.0	By Gravimetric Method
5.	Suspended Solids	mg / l	176.0	By Gravimetric Method
6.	B.O.D. (3 day's at 27°C)	mg/l	43.0	By B.O.D Incubator
7.	C.O.D.	mg / l	140.0	By Open Reflux Method

7. In original application no. 394/2022 (PB), the Tribunal in similar matter observed :-

“The matter has been dealt with earlier by this Tribunal and directions have been issued from time to time with a view to enforce the statutory mandate 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 for compliance of environmental norms. Against the order of the Tribunal dated 08.07.2019, Civil Appeal No. 7285/2019 filed by the SDMC was dismissed by the Hon’ble Supreme Court. The issue was also dealt with by the Delhi High Court in 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 hygiene and protection of environment. Our attention has been drawn to a policy framed by the MCD on 17.07.2010 prohibiting keeping of cattle 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.

3. 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 by the dairies in Delhi into the drains, 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. 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 subject 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 Act.

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 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 by order dated 01.04.2019 directed the Chief Secretary 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 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.

6. The matter was further reviewed in the light of the report. Commenting on the said report, this Tribunal found that PCB 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, PCB 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:

"1 to 6 xxx..... xxxxxx

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. While the PCB 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 PCB itself has to enforce. Even if they have overlapping powers under other statute, the PCB 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. The PCB 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. We find that the action of the State PCB 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, 2016 but on that ground, the PCB cannot avoid its responsibility. Local bodies must perform their statutory duties.*

In view of above, while disapproving the above illegal action of PCB as well as its inaction, we expect the PCB 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. 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 study¹ show that the Indian livestock emitted 15.3 million tonnes of methane in 2012². 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 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.

As per available statistics, prepared by the CPCB population of adult female bovine in the country is 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

¹ 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.

² Id.

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.

At this stage, we may refer to the salient features of the CPCB guidelines. Statistics provided is as follows:

“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 (2650 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	5,44,00,00	2,10,00,000	7,54,00,000
2	1956	4,73,00,00	2,17,00,000	6,90,00,000
3	1961	5,10,00,00	2,43,00,000	7,53,00,000
4	1966	5,18,00,00	2,54,00,000	7,72,00,000
5	1972	5,34,00,00	2,86,00,000	8,20,00,000
6	1977	5,46,00,00	3,13,00,000	8,59,00,000
7	1982	5,92,00,00	3,25,00,000	9,17,00,000
8	1987	6,21,00,00	3,91,00,000	10,12,00,000
9	1992	6,44,00,00	4,38,00,000	10,82,00,000

10	1997	6,44,00,00	4,68,00,000	11,12,00,000
11	2003	6,45,00,00	5,10,00,000	11,55,00,000
12	2007	7,30,00,00	5,45,00,000	12,75,00,000
13	2012	7,67,00,00	5,66,00,000	13,33,00,000
14	2019	8,14,00,00 0	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	19,80,00 0	31,61,000	51,41,000
2.	Arunachal	1,02,000	2,000	1,04,000
3.	Assam	38,18,000	1,38,000	39,56,000
4.	Bihar	71,47,00 0	36,70,000	1,08,17,00 0
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	1,01,65,00 0
8.	Haryana	9,45,000	21,00,000	30,45,000
9.	Himachal	9,32,000	3,69,000	13,01,000
10	Jammu &	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	1,26,38,00 0
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	1,38,34,00 0
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	4,000	1,000	5,000
33	Daman & Diu	1,000	0	1,000
34	Delhi	Not	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

9. The report mentions environmental issues as follows:

“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.”

10. The guidelines are:

“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, NDDB, 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.

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.

(b) Drinking water source like wells, summer storage tanks, other tanks (drinking water): 100 meters in order to avoid water contamination.

(c) Major watercourses like River and Lake: 500 meters in order to avoid water contamination.

(d) 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/corporation 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 consider 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.

8. We are of the view that the guidelines (2021) framed and circulated may be enforced as per the mandate of the statute which will bind the States PCBs/PCCs. Compliance thereof may be monitored by the CPCB. The CPCB may evolve appropriate monitoring mechanism in this regard, including a provision for audit of compliance at least once in six months. With regard to siting policy, at least minimum distance must be specified from habitations, water bodies, etc.

as well as inter-se distance of such establishments for protection of environment. Needless to say that any violation of environment norms 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 has to be dealt with by the concerned PCB/PCC/Local Body by way of stopping polluting activities, recovering compensation and initiating prosecution. It will be appropriate that broad and indicative compensation regime is expressly specified by the CPCB. While local bodies may undertake the exercise of preparing inventory as per applicable Municipal law, the State PCBs/PCCs must also not avoid their responsibility of enforcing the mandate of the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986.

9. Accordingly, we direct as follow that:

i. The dairy operator shall ensure appropriate treatment of waste water and utilization of the treated waste water which may be used in irrigation and other purposes.

i. Dairy and all Gaushalas temporary goashrya sthal should comply with the revised "Guidelines for environmental management of dairy farms and gaushalas" published by CPCB in 2021(revised) for environmental issues, waste management and regulatory I monitoring mechanism for gaushalas again the "Manual on Management of Gaushalas" published by the Indian Council of Agricultural Research provides information on minimum infrastructure (housing and ancillary) required for gaushalas, feeding management, protocol for identification and record keeping of animals, segregation and isolation of animals, veterinary care, maintaining hygiene as well as disposal of animal waste. In case of any violation of environmental norms under Water (Prevention and Conte. of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Environmental (Protect) Act, 1986 by Dairy farms and Gaushalas, concerned SPCBs/PCCs should take remedial measures.

10. Plantation of trees or green belts, wherever feasible, to provide a barrier against spread of foul smell or noise originating from them. Local bodies/municipal corporations shall publish a public notice in newspapers and on their website for registration of Dairy farms and

Gaushalas as per municipal laws. Registration may be done preferably through online mode and same may be displayed at their websites.

11. With these observations and directions **the Original Application No. 95/2023 stands disposed of.**

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

12th September, 2023
O.A No. 95/2023(CZ)
PN