

**BEFORE THE NATIONAL GREEN TRIBUNAL
(WESTERN ZONE) BENCH, PUNE
APPLICATION No. 30/2015 (WZ)**

CORAM:

**Hon'ble Mr. Justice V.R. Kingaonkar
(Judicial Member)
Hon'ble Dr. Ajay A. Deshpande
(Expert Member)**

B E T W E E N:

- 1. Animal Rescue Squad,**
Through : President, under Societies
Act, H.No.40, Near Water Tank,
Bhali peth, Bichloim, Goa- 403 504
- 2. Panjim Animal Welfare Society/PAWS**
Through The General Secretary,
C/o. Corporation of City of Panjim,
Goa – 403 001
- 3. Kashinath Jairam Shetye,**
Age 45 yrs. Resident of
A-102, Raj Excellency Patto,
Ribandar, Goa- 403 006.
- 4. Dr. Ketan S. Govekar,**
Age 51 Yrs. Indian,
Wadji Building, St. Inez, Panim
Goa 403 001.
- 5. Fazlur Tonse s/o.Abdul Kadar Tonse,**
Age 41 yrs. Resident of House
No.105/1, San Pedro, Panvelim,
Ribandar, Goa-403 507
- 6. Desmond Alvares,**
Age 55 Yrs., Doxxier, Assangao
Bardez Goa- 403 507.
- 7. Sanjay Sarmalkar,**
Madhuban 2, Opp. ST. Inez Church,
St. Inez Penjim Goa-403 001.

8. Kamlesh Ulhas Bandekar,

Age 42 Yrs.
2798, Govindashram, Sahayog Nagar,
Lakhere Borde, Bhicholim
Goa 403 504.

9. Sonia Saterdekar,

Age 24 Yrs. Indian
Butki Wado Porvorim
Goa 403 521.

10. Shri Suhas Ramchandra Joshi,

Valpio Sattari, Goa 403 506.

11. Johnson Shephen,

H.No.185/5, Vasco Rly Emp.
Co-opv. Society, Nr. MES College
Zuvarinagar Vasco
Goa 403 726.

12. Hemang Doshi,

Flat No.2, Vishal Building,
Opp. Hotel Vivanta,
St. Inez Panjim, Goa 403 001.

13. C.A. Pradip Kakodkar,

House No.125, Bansai, Curchorm
Goa- 403 706.

....Applicants

A N D

1. Goa Pollution Control Board,

Through : Chairman and Member Secretary,
Dempo Towers,
EDC Complex Panaji
Goa 403 001.

2. State of Goa,

Through : Chief Secretary,
Secretariat, Porvorim
Goa- 403 521.

3. The Collector (North)

Panjim, Goa- 403 001.

- 4. The Collector (South)**
Margao, Goa – 403 601.
- 5. The Director of Animal Husbandary,**
And Veterinary Services,
Govt. of Goa, Near Mandovi Bridge,
Panji, Goa- 403 001.
- 6. The Director,**
Food and Drugs Administration,
Govt. of Goa,
Bambolim, Goa 403 202,
- 7. Corporation of City of Panaji,**
CCP Building, Panaji,
Goa 403 001.
- 8. Marmugao Municipal Council,**
Margao, Goa 403 601.
- 9. Marmugao Municipal Council,**
Vasco-Da-gama, Goa 403 802.
- 10. Pernem Municipal Council,**
Pernem, Goa- 403 512,
- 11. Mapusa Municipal Council,**
Mapusa, Goa- 403 507,
- 12. Sanquelim Municipal Council,**
Sanquelim, Goa- 403 505,
- 13. Valpto Municipal Council,**
Valpto, Goa- 403 506,
- 14. Ponda Municipal Council,**
Ponda, Goa- 403 404,
- 15. Cuncolim Municipal Council,**
Cuncolim, Goa- 403 703,
- 16. Qupem Municipal Council,**
Qupem, Goa- 403 705,
- 17. Curchorem Municipal Council,**
Curchorem, Goa- 403 706,
- 18. Sanguem Municipal Council,**
Sanguem, Goa- 403 704,

- 19. Canacona Municipal Council,**
Canacona, Goa- 403 702,
- 20. Bhicholim Municipal Council,**
Chicholim, Goa- 403 504,

.....**Respondents**

Counsel for Applicant :

Mr. Kaif Noorani, Adv.
Shweta Borkar, Adv.

Counsel for Respondent No. 1 to 6 :

Mr. ANS Nadkarni, Adv. General
Mr. D. Lawande, Adv. a/w.
Mr. Pradosh Dangui, Adv.
Mr. Nikhil D. Pai, Adv..

Counsel for Respondent No. 6 :

Mr. ANS Nadkarni, AG
Mrs. F.M. Mesquita, Adv.

Counsel for Respondent No.8, 9, 12, 15, & 20 :

Mr. Rahul S. Gokhale, Adv.
c/o. SLR Industries,

DATE : November 6th 2015

J U D G M E N T

1. The Applicants have approached this Tribunal alleging illegal slaughter of animals in the State of Goa in violation of the Law and 'de-hors' any authority of Law, what-so-ever, and in contravention/violation of basic principles of Environmental Law. The Applicants state that the slaughtering of animals can be carried out in the approved slaughter house only, as per the Law. However, there are no slaughter houses in various Municipal authorities in the State of Goa and illegal slaughtering of animals is continuing without any provisions of Pollution Control, Solid Waste Disposal and ultimately all the waste,

including blood and other body fluids, is finding its way to the natural water bodies directly or through the drains. The solid waste including the body parts, bones etc. is also disposed of unscientifically which cause environmental pollution and contamination.

2. The Applicants made a complaint dated 23rd February, 2015 to various authorities and claimed that subsequent to complaint, some inspections were conducted by the authorities. The Applicants rely on Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, wherein no slaughtering of animals can be done, except in a illegally authorised/permited slaughter house. The Applicants further submit that only one slaughter house i.e. Goa Meat Complex is existing in the State and even the same is not in operation due to absence of licences from the concerned authorities. The Applicants allege that said slaughter house also does not have necessary effluent treatment plant and solid waste disposal system. Applicants relied on the R.T.I. inquiries to show that the Goa State Pollution Control Board has not given consent to any other slaughter house in the State. Further the Municipal authorities have communicated non-existence of such slaughter house in their jurisdiction. Applicants allege that the slaughtering of animals like goats and sheep is done in the shops across the State and

the waste material is disposed of unscientifically, without treatment which degrades and damages environment.

3. The Applicants therefore, claim that such practices of illegal and unauthorised slaughtering of animals pose a serious threat to the environment in terms of pollution, contamination and unhygienic condition. The Applicants also allege that the animals, which are slaughtered, are not medically tested and also inhuman practices are followed while slaughtering. The Applicants have produced several photographs of unscientific disposal of the waste generated claiming that such indiscriminate slaughtering activities are causing pollution. The Applicants have, therefore, prayed for :-

a) Directing the State of Goa and GSPCB to take strict action against violators for the pollution caused due to illegal slaughtering in the state of Goa and submit compliance report of the same to this Hon'ble Tribunal.

b) Directing the State of Goa and the GSPCB to prohibit all forms of slaughtering in the State of Goa except in slaughter house(s) with functioning effluent treatment plant(s) and with the consent/permission to operate issued by the Goa State Pollution Control Board.

(c) Directing the State of Goa and the Goa State Pollution Control Board to identify all slaughter house(s) operating in the State of Goa without the Consent under the Air (Prevention and Control) of Pollution Act, 1981 and the Water (Prevention and Control of Pollution) Act,

1974 of the GSPCB and take stringent action against the violators in accordance with Law.

(d) Directing the State of Goa and the Goa State Pollution Control Board to see that slaughter houses established with the consent/permission of GSPCB maintain a record of sourcing/Transportation of slaughtered animals along with details of clearances as laid down by the Hon'ble Apex Court and dispose their waste in accordance with law.

(e) Banning the illegal slaughtering of all animals in the State of Goa except in notified slaughter houses possessing the consent/permission to operate from the Goa State Pollution Board and the disposal of the waste generated therefrom is at designated dumping sites and in accordance with law.

4. Respondent No.1 i.e. Goa State Pollution Control Board (GSPCB) filed affidavit through its Member Secretary on 9th July 2015. GSPCB states that during a meeting held on 30th June 2015, officials of the Municipalities stated that there are no slaughter house of animals located within market area of the respective municipalities. It is further stated that the solid waste generated out of meat cutting and cleaning activities during the sale of meat, is collected and composted. Further, the waste water is disposed of in septic tanks and soak pits, except in case of Marmugao Municipal Council and Municipal Corporation of city of Panaji where it is discharged in drains for further

treatment in STP. Goa State Pollution Control Board (GSPCB) also submitted a summary of the inspections carried out by GPCB Officers which generally indicates that the wastewater generated in such market areas is discharged either in drain or soak pits etc, without any treatment. It is claimed by shop owners that the slaughtered animals are brought from authorised slaughter houses in Karnataka. In fact, it is observed that in case of some inspections like Quepem, that the Municipal officials informed that the washed water generated from the washers is collected in plastic container by the shop owners and latter disposed at their respective residents. GSPCB further states that they have issued directions under Section 33(A) to various Municipal authorities directing them to ensure that the discharge of wash water from the meat shops is effectively collected and treated as per guidelines issued on 7th July 2015 and further directed the Municipal Councils/Corporations to ensure that no unauthorised slaughtering of animals shall be allowed to run.

5. Respondent Nos.2, 3, 4 and 5 have not filed their reply affidavits.

6. Respondent No.6 filed an affidavit on 8th July 2015 and states that there is only one slaughter house operating in the State Goa at Meat complex Ltd., Usgaon, Goa where it is understood that animals were slaughtered and also

that, said Goa Meat Complex Ltd. is also the procuring agency, procuring meat from the neighbouring States for sale/distribution in the State through various cold storage establishments. Respondent No.6 has directed that Goa Meat Complex to obtain necessary approval for slaughtering of animals as well as distribution of imported meat vide letter dated 13th March, 2015. It is further submitted that though said Goa Meat Complex is not operational fully, a temporary permission for one month was granted based on the approval of GSPCB and also, the fact that the complex has applied for necessary approval from the Central authorities.

7. Respondent No.6 further states that the food business operators (FBOs) also need to obtain necessary permission under the provision of Food Safety and Standards Regulations 2011 and around 152 food meat vendors were served with notices. It is also submitted that certain basic sanitary and hygienic amenities would be required to be provided at all such Municipal/Panchyat Market complexes by the respective local bodies to facilitate the food business of operators to comply with requirements of the law. Accordingly, Respondent No.6 has directed all the local bodies to take needful action.

8. Respondent No.7 to 20 have also filed individual affidavits and without going into each affidavits separately, it will be suffice to mention that all these Municipal

councils have taken a stand that except Goa Meat Complex, there is no authorised slaughter house in their jurisdiction. The Respondents have issued trade and occupation licences to the individual meat shop owners who are expected to comply with the Regulations. The Respondents have carried out certain inspections after receipt of the complaint and it is observed that some of the meat shop owners are not complying the condition and also disposing the waste in an improper way. The Respondents have issued notices to the shop owners.

9. Considering the rival pleadings of the parties, we are of the opinion that following issues are required to be decided for the final adjudication of the matter :-

- 1) Whether there is a need to direct the State of Goa and GSPCB to prohibit all forms of slaughtering animals in the State of Goa, except in slaughter house/s with functioning effluent treatment plant and without legal or valid consent to operate of GSPCB ?
- 2) Whether the slaughtering and meat supply activities are required to follow certain environmental safeguards to avoid instance of pollution and contamination ?
- 3) Whether any directions are required to be given to the authorities or other parties ?

Issue Nos.1 to 3 :

10. As all these issues are linked with each other, we are of the opinion that it would be appropriate to deal with them simultaneously in the ensuing paras.

11. Slaughter houses have been identified as one of the highly polluting activities and many State Pollution Control Boards have categorised the slaughter house activity in the Red category. The slaughter houses are generally source of high strength industrial effluent which is generated through washings and also, ingress of blood and other body parts. Similarly, large volume of obnoxious solid waste in terms of blood, viscera, other body parts, skin, bones and horns etc. is also generated. These components of the solid waste are putrefying in nature which can cause unhygienic conditions in terms of both aesthetic value as well as contamination. Needless to say, such polluting nature of the slaughter houses activity require utmost attention of the project executing agency as well as the Government regulatory Agencies. In view of the importance of hygiene and other related issues at the slaughter houses, separate Rules i.e. Prevention of Cruelty to Animal (Slaughter Houses) Rules, 2001 under the provisions of Prevention of Cruelty to Animals Act, 1960 have been promulgated. Similarly, considering the requirement of cleanliness and hygiene conditions at the slaughter houses, Municipal Acts have special enabling provisions to deal with these issues. The above said Rules

and Regulations are not listed in Schedule 1 of the National Green Tribunal Act, 2010 and therefore, this Tribunal is consciously avoiding the issues related to implementation of these Regulations.

12. Nonetheless, the slaughter house, being a polluting activity, needs to comply environmental Regulations, particularly, Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974 and Environmental (Protection) Act, 1986. It is also pertinent to note that Hon'ble Supreme Court of India has also issued directions for environmentally sound operations of slaughter houses in "W.P. NO. 309/2003 in Laxminarayan Modi Vrs. Union of India" matter. The Central Pollution Control Board has also published comprehensive guidelines for the environmentally sound operations of the slaughter houses. In the teeth of such directions of Hon'ble Supreme Court and guidelines prescribed by the CPCB, it is expected that the State Pollution Control Board will enforce the environmental Regulations to ensure that the operations of the slaughter houses do not cause any environmental degradation and pollution, may be inclusive of unhygienic condition and resulting contamination.

13. It is an admitted fact that only one slaughter house is existing in State of Goa. The more startling part of the submission is that this slaughter house is not in

operation, may be from more than two (2) years for want of improvements and up-gradation. It is to be noted that in absence of such authorised and competent slaughter house facility, State is required to import the slaughtered animals from the nearby states. At the same time, it is manifest from the affidavit of Respondent No.1 and 6 that the authorities neither have any record nor any verification mechanism to substantiate the claims of the Traders Community that the slaughtered animals are imported from outside the State. In absence of such appropriate verification mechanism and substantial data recording system, there are reasons to apprehend that certain illegal slaughtering of animals must be going on. It is also an admitted fact that the meat is the requirement of the Society and therefore, there needs to be a supply chain which has to be from the sources which are authorised and have appropriate environmental safeguards. If such a demand and supply balance is not ensured by the regulators, it will result in mushrooming of illegal activities which are generally associated with environmental degradation, water pollution solid waste disposal besides supply of the unhygienic meat. Such unauthenticated sourcing of meat may also pose a serious threat for health due to contamination and unverified quality of meat. Worldwide efforts are being initiated to ensure that the supply chains are greener and complying environmental

norms. These initiatives are mainly taken on precautionary principle and also corporate environment and social responsibility.

14. Under these circumstances, it is necessary to apply the precautionary principle which has been accepted as a part of Law of Land by the Hon'ble Supreme Court in "Vellor Citizens Welfare Forum Vrs. Union of India, 1996(5), SCC, 647".

15. This Bench has also dealt on the precautionary principle applicable in meat storage units in "Application No.75(THC)/2014 (Sukrut Nirman Charitable Trust Vrs. The State of Maharashtra & Ors.)" wherein directions were given for maintaining record of purchase of slaughtered animals, and also, waste management. The observations of the Bench are as below :

14. *Coming to the Application of precautionary principle and burden of proof principle, this Tribunal notes that the precautionary principle is a concept, which is a part of doctrine of Sustainable Development in Environmental Jurisprudence. The Hon'ble Supreme Court in **Vellor Citizens' Welfare Forum Vs. Union of India, "(1996) 5 SCC 647"** held that both precautionary principle and polluter's pay principle are accepted as a part of Law of the land. The Apex Court also elaborated the principle to indicate that the Government and statutory authorities must anticipate, prevent and eradicate the causes of environmental degradation in a case where there are threats of severe damages. It was also held that lack of scientific certainty should not be used as a reason for postponing the measures for environmental degradation mitigation and therefore, the Apex Court held that the onus of proof is on the developer to show or justify that his action are*

environmentally benign. This principle has further accepted by the Hon'ble Supreme Court in several other matters including "**M.C. Mehta (2002(4) S.C.C. 356)**" and also the "**A.P. Pollution Control Board**" matter. It can be concluded from the above discussion that the precautionary principle in its wider terms has led to special burden of proof in environmental cases and such burden is placed on those who want to change the status-quo. In the instant case, Respondent Nos.11 and 12 industries and the Pollution Control Board are the essential parties who have to take on shoulders this special burden. During the argument, the learned Advocate for MPCB submitted that as a part of general appraisal process, the sources of raw material is not verified by the Board. However, he is not averse to taking suitable steps if the Tribunal directs so. We are aware that the industrial operations are complex in nature and depending for the market, the sources of raw material as well as sale of the products varies. It may not be always possible even for the industries to project and stick to the potential sources of raw material but there is a need to draw some broad guidelines regarding such verification and due diligence. One immediate example of such due diligence is an office memorandum (OM) issued by the MoEF on 19-4-2012 wherein the identification of coal linkage for the proposed Thermal Power Plants has been defined as criteria for consideration of environmental clearance. The MoEF intended to know the sources of the coal so that the environmental performance of the power plant can be assessed. Appropriate indicative information regarding the raw material could also be sought in the MPCB consent Application in such specific cases. We are sure that this particular information, may be even of discreet nature, can be effectively used by the MPCB for environmental due diligence.

16. It is on record that the Goa State Pollution Control Board (GSPCB) has issued directions under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974 to all the Municipal authorities to take precautions while handling the wash water generated from

the meat trading shops. During the final arguments, learned Advocate for the State submitted that the Government is making all the efforts to ensure that the existing slaughter house i.e. Goa Meat Complex Ltd. is upgraded and modernized to meet the requirements of the environmental concerns as well as the food safety standards at an early date.

17. In view of the above discussions, we are of the considered opinion that in absence of an approved slaughter house in the State of Goa and further in absence of any information about verification or enforcement of the Rules ascertaining the claims of import of slaughtered animals for the supply of meat in the State of Goa, there is a reasoned apprehension of illegal slaughtering activities going on without the necessary environmental safeguards. This is also corroborated by the mass actions taken by the various Municipal authorities after registration of this Application. We, therefore, hold that this is a fit case where certain specific directions are required to be given, based on precautionary principle under the provisions of Section 19 and 20 of the National Green Tribunal Act, 2010 for ensuring environmental compliances and sustainable development.

18. Accordingly the Application is partly allowed with following directions :-

1. The State of Goa through the Chief Secretary i.e. Respondent NO.2 shall ensure that the existing slaughter house at Goa Meat Complex Ltd. is made functional with necessary environmental safeguards and permission of the GSPCB within period of six (6) months.

2. The Respondent Nos.1, 5 and 6 shall ensure that an appropriate record of sourcing of slaughtered animal alongwith necessary details like consent/clearance available with those slaughter houses is available and maintained by the Municipal authorities in view of the precautionary principle and the burden of proof principle, laid down by the Hon'ble Apex Court. The Municipal Authorities and the District Collector shall ensure the compliance of these directions with immediate effect.

3. The GSPCB, Collector and the Municipal Authority shall ensure that the meat shops do not cause any pollution and the waste generated in the process is disposed of scientifically. Further, they shall ensure that the instances of waste disposal located either through inspections or complaints are properly investigated and stringent actions be taken against the defaulter.

Application is accordingly disposed of. No costs.

.....,JM
(Justice V. R. Kingaonkar)

....., EM
(Dr. Ajay. A. Deshpande)

Date : November 6th 2015.

ajp