

Item No. 04

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

Original Application No.80/2020(CZ)

Nagrik Upbhokta Margdarshak
Manch & Anr.

Applicant (s)

Versus

State of Madhya Pradesh & Ors

Respondent(s)

Date of hearing: **24.09.2021**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s):

Mr. Prabhat Yadav, Adv

For Respondent(s):

Mr. Mehul Bharadwaj, Adv

Ms. Parul Bhadoria Bhadoria, Adv

Mr. Sachin K.Verma. K. Verma, Adv

ORDER

1. The issue of illegal construction of Gaushala in Ward no. 79, Jabalpur (M.P.) by the Municipal Corporation, Jabalpur and non-compliance of the guidelines issued by the Central Pollution Control Board has been raised in this application. A report was called by the Madhya Pradesh Pollution Control Board and the Madhya Pradesh Pollution Control Board (R-7) had submitted a reply that Municipal Corporation, Jabalpur has failed to obtain the Consent to Establish from Madhya Pradesh Pollution Control Board before starting the construction activities, as required under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and a notice was issued to the Commissioner, Municipal Corporation, Jabalpur on 31st August, 2020, but, the same has not been complied and no reply has been furnished.

2. The matter was taken up by this Tribunal on 02nd August, 2021 and Commissioner, Municipal Corporation, Jabalpur was directed to comply the guidelines issued by the Central Pollution Control Board and State Pollution Control Board was directed to furnish the compliance report and action taken against the violation of The Water (Prevention and Control of Pollution) Act, 1974 and THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981.
3. Madhya Pradesh Pollution Control Board (Respondent No.7) has filed the reply as follows:

“1. The instant petition has been filed by the applicant alleging illegal construction of Gaushala at Ward No.79, Jabalpur M.P, by the Municipal Corporation Jabalpur, Respondent No. 3. It has been alleged that the policies and guidelines have not been followed for the establishment of Gaushala and the Respondent No. 3 has not obtained consent to establish from the MPPCB under the water (prevention and control of Pollution) Act, 1974 and the Air (prevention and control of pollution) Act, 1981.

2. At the outset it is pertinent to note that, in view of the increasing no. of dairy farms in the country and the related environmental issues, the Central pollution Control Board (CPCB) has published "Guidelines for Environmental Management of Dairy Farms and Gaushalas" in July 2020. The copy of the guidelines has been enclosed herewith as Annexure R7-01, in addition to the siting policy, the guidelines provide for the mechanisms required to be adopted for solid waste management, waste water management, air quality management at dairy farms and its regulatory/monitoring mechanism.

3. The officers of MPPCB carried out an inspection of the alleged site on 15.09.2019. The total area of Gaushala is

26.79 hectares wherein the construction work was going for cattle shed admeasuring 28 meters x 161/2 meters and another shed for a godown admeasuring 20 meters x 30 meters. The gaushala falls within the municipal limits but is located at a distance of 300 meters from residential area, 600 meters from Umariya pond, 700 meters from Umariya school, 1.2 km from National Highway, 3 km away from National Law University and about 3.5 km away from canal.

4. However, it is pertinent to note that the Municipal Corporation, Jabalpur has failed to obtain consent to establish from the MPPCB before starting the construction activities as required under the Water (Prevention and Control of pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

5. That, a show cause notice was issued to the Commissioner, Municipal Corporation Jabalpur on 31.08.2020 for obtaining consent from the MPPCB and following the guidelines issued by CPCB for establishment of dairy farms and gaushalas.

6. As per the information provided by the Municipal Corporation, Jabalpur the development activities at the site had begun in December 2019. A fresh inspection of the site was carried out by MPPCB on 12.01.2021 by officials of MPPCB in presence of the representatives of the Municipal Corporation, Jabalpur.

7. That, after the inspection dated 12.01.2021 another notice was issued to Commissioner, Municipal Corporation Jabalpur for immediately stopping the construction activities and obtaining required consents from the MPPCB.

8. Following recommendations are made on behalf of MPPCB:-

(a) The Municipal corporation Jabalpur must follow the Guidelines issued by CPCB and make pollution control arrangements accordingly.

(b) The Municipal corporation Jabalpur shall obtain the consent to establish and consent to operate from MPPCB.

4. The Action Taken Report in compliance of the order dated 02nd August, 2021 has been filed by the State Pollution Control Board as follows:

“Action taken by the Board:

- The Municipal Corporation Jabalpur has constructed Kanji House to keep the street animal. The Kanji house is located at Village-Umariya Ward No. 79 Jabalpur District-Jabalpur.*
- The Board has inspected the constructed site on dated 27/08/2020 and issue the notice vide letter no. 1128 dated 31/08/2020 to Commissioner Municipal Corporation Jabalpur for compliance of guidelines issued by CPCB.*
- The Board has again inspected the constructed site on dated 12/01/2021 and issue the notice vide letter no. 2322 dated 13/01/2021 to Commissioner Municipal Corporation Jabalpur for obtain the Consent from the Board and ensure of compliances.*
- The Municipal Corporation Jabalpur has informed that the no Gaushalas & dairy is being constructed, as per information given by JMC they are constructed the Kanji House to keep the street animals as per the provisions of Nagar Nigam Adhiniyam 1956.*
- AS per direction given by Hon'ble NGT order dated 02/08/2021 Board has again inspected the Site on dated 05/08/2021 during the inspection it is found that JMC has constructed the Kanji House area 17X29 Meter and approx 130 street animals are found in Kanji house.*
- Board has issue notice to Commissioner Municipal Corporation Jabalpur for obtain the Consent and Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981. Letter is enclosed with Annexure-IV. Reply received from JMC is also enclosed with the Annexure-V & VI. It is also stated that the JMC has proposed the Compost pit for treatment of cow dung which will be use a manure and effluent generated from the Kanji house will be collected and treated and*

it will utilize in the surrounding land. The JMC has sufficient land (26.79 Hect) for disposal of treated effluent in near Kanji house.

- The Kanji house is situated about 200 meter away from the residential area/ hospital/ Educational institution and 500 meter away from the water bodies. As per revised siting policy of Guidelines for Environmental Management of Dairy Farms and Gaushalas" July 2021 issued by the CPCB. As per revised guidelines the site is suitable as per siting policy.
- The JMC has applied for Consent to Establishment under Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981 for Kanji house. Board has again inspected the Site on dated 17/08/2021 and granted Consent to Establishment (CTE Fresh) on dated 23/08/2021.

5. Respondent No.1, Commissioner Municipal Corporation, Jabalpur has submitted the reply are as follows:

(i) That the Municipal Corporation of Jabalpur has created Kanji House to keep the street animals which is situated at Kundam Marg, before Amzhar Ghati at Gram Umariya. Further, the Kanji Houses are maintained as per the directions received from the Hon'ble High Court in the petition No. CONC-1349-2009.

(ii) That the Municipal Corporation has not created Dairy Farms or Gaushalas but Kanji House. Further, the said Kanji House is maintained within the Jabalpur city and is 200 m away from the residential area. It is 500 m away from the hospitals and educational institutes and is away from land, water and water pollution. The said Kanji House is 1000 m away from the National as well as State Highway. To prevent the said Kanji House from leakage and water spills, it is located at 500 m away from the water tanks. There is no lake or river near the said Kanji House. Also, the said Kanji House is 500 m away from canal and is not within the floodplain. It also has sufficient ventilation.

(iii) That Kanji House is established after the order of the Hon'ble MP High Court dated 01.10.2019 to remove cattle from the roads. Further, this Kanji House is being established keeping in mind the lives of the people.

Therefore, the details related to the site need to be borne in mind:

(a)The Kanji House is situated within the Jabalpur city and is 200 m away from the residential area.

(b)It is 500 m away from the hospitals and educational institutes and is away from land and water pollution.

(c)It is 1000 m away from the National as well as State Highway.

(d)To prevent the said Kanji House from leakage and water spills, it is located at 500 m away from the water tanks.

(e)There is no lake or river near the said Kanji House.

(f)It is 500 m away from canal and is not within the floodplain.

(iv) That the Respondent No.3 is abiding by the Guidelines for Environmental Management of Dairy Farms and Gaushalas. The said Kanji House is adequately ventilated and is abiding by the siting policy.

6. The perusal of the report reveals that the Consent to Establish has been applied and that has been issued by the Pollution Control Board. It has further been reported that the guidelines with regard to siting policy and environment management of Dairy Firms and Gaushalas issued by the CPCB in July, 2021 has been directed to be complied and that has been complied. As per report submitted by State Pollution Control Board, now the guidelines has been complied and there is no violation, thus, no further action is required to be taken.

7. Original Application No. 80 of 2020 is finally disposed of with the direction to the State Pollution Control Board to monitor the compliance of the guidelines of CPCB.

Sheo Kumar Singh, JM

Arun Kumar Verma, EM

September, 24th 2021
O.A. No. 80/2020(CZ)
PU