

Item No. 07

Court No. 1

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

Original Application No. 385/2023

Raghubir Singh

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 27.09.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant(s): Mr. Raghubir Singh, Applicant in Person (Through VC)

Respondent(s): Mr. Rahul Khurana, Adv. for HSPCB

ORDER

1. This original application was registered on the basis of the letter dated 02.04.2023 sent by Senior Citizen Welfare Association, Sector 23, Panchkula with the plea that there is a river Ghaggar flowing adjacent to above Sector and last year during the spread of Lumpy disease in the cows and other animals a temporary and open yard was earmarked for the treatment of the diseased cattle on the bank of River Ghaggar and after six months the Lumpy disease was over.

2. The grievance now is that the yard was further extended in an area of about 10 acres along-with Ghaggar riverbed and hundreds of animals were kept and many of them were ill and suffering. It was also alleged that animal waste consisting of livestock manure, unconsumed feed, etc. and heap was heaped as landfill activities and there was burial of the dead animals on the bank of River Ghaggar in violation of environmental norms.

3. The Tribunal considering the grievance by the order dated 30.05.2023 had formed a joint Committee by directing as under:

“ xxx.....xxx.....xxx

3. Looking to the allegations made in the complaint, we find that a substantial question relating to environment due to implementation of Scheduled Enactment under NGT Act, 2010 has arisen. However, before taking any further action in the matter we find it appropriate to obtain a factual report for the purpose whereof we constitute a Joint Committee comprising State PCB, Veterinary Department and District Magistrate, Panchkula who shall visit the site, collect relevant information and submit a factual as well as action taken, if any, report within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

4. The joint Committee had submitted the report dated 25.09.2023. A perusal of the report reveals that repeated visits and meetings were made by the joint Committee and initially during the meeting held on 09.08.2023, certain lapses were noted. Then again, the sub-committee visited the site on 18.08.2023 and thereafter finally meeting was held on 05.09.2023. The final submission in the report of the joint Committee is as under:

“3. Submission of the Joint Committee:

- That the 2nd meeting of the joint committee held on 05.09.2023 regarding submission of action taken report in this matter. Further, the concerned authorities submitted status report to the Joint Committee. The copy of the Minutes is attached as Annexure-R-3.
- i. RO, HSPCB informed to the committee that analysis report of the sample collected during the site visit has found within the prescribed limits. The copy of the Analysis report is attached as **Annexure-R-4**.
- Animal Husbandry & **Dairying Department submitted** that at present, there 40 accidental & 74 sick animals case in the Gauvan Seva Dham, Sec-23, Panchkula and no lumpy skin disease cases in the above said Gaushal/Cowshed. That Gauvan Seva Dham, Sec-23, Panchkula was initially a temporary rehabilitation centre opened by Municipal Corporation, Panchkula during lumpy skin diseases outbreak in the state in the year 2022 as during lumpy epidemic in the cows and cattle's. At that time, no gaushala was taking animals suffering from lumpy skin disease. During Lumpy Skin Disease wave (25.08.2022 to 30.09.2022), there were 334 Lumpy Skin Disease cases in temporary Veterinary Hospital, Sector-23, Panchkula out of which

82 animals died and the dead animals were disposed off by Municipal Corporation, Panchkula. It also submitted that as per Animal Husbandry & Dairying Department report dated 05.09.2023 during the period of lumpy skin diseases in the Cows and other cattle's, District Mobile Van, Panchkula was taking care of sick and ailed animals at Temporary Veterinary Hospital, Sec-23, Panchkula and after that Govt. Veterinary Devinagar is catering the need of Gauvan Sewa Dham, Sector-23, Panchkula.. It is further, submitted that Animal Husbandry and Dairying Department has been vaccinated all the animals for FMD+HS and Lumpy Skin Disease. Further, as per Animal Husbandry & Dairying Department report, Gauvan Sewa Dham has three Veterinary Livestock Development Assistants to cater to the medical needs of animals and approximately 40 workers are there for up keeping of animals. The copy of report dated 05.09.2023 is attached as **Annexure-R-5**.

- ii. Irrigation & Water Resources Department submitted that site was visited on 08.08.2023 and during visit no evidence was found regarding dumping of dead cows in the bed of River Ghaggar. Further, the field staff has been deploy in the nearby area of Ghaggar River to keep vigilant in future. The copy of the Irrigation Department report is annexed as Annexure-R-6.
- The ASCO, Agriculture & Farmers Welfare Department, Panchkula submitted report dated 06.09.2023 that 03 soil samples were collected from the exiting cow place (inside the gaushala) Sec-23, Panchkula from different locations. Further, it is submitted that 10 parameters have been checked and found that all parameters are in adequate range from the collected Soil samples. More nutrients in soils are helpful for good production. The copy of the report is attached as **Annexure-R-7**.
- HSVP vide report dated 06.09.2023 submitted that notices was issued to the care taker, Transit Veterinary Care Centre/Gaushala, Sector-23, Panchkula under section 18(1) (B) of HSVP Act and copy of the same was also pasted on the premises. The copy of the HSVP report is attached as **Annexure-R-8**."

5. As per the said report, presently there are 40 accidental and 74 sick animal cases in Gauvan Seva Dham and that the Animal Husbandry & Dairying Department has vaccinated all the animals for FMD+HS and Lumpy disease and approximately 40 workers are there for up keep of the animals. No evidence of dumping of dead cows in the bed of the River Ghaggar was found and that field staff has been deployed in the nearby area of Ghaggar river to keep vigilant in future. The soil samples were collected and all the 10 parameters have been checked and found to be within adequate range. The Deputy Commissioner had also visited the site and verified the factual position.

6. However, Annexure R-4 of the joint Committee report which is analysis report for the sample collected from River Ghaggar adjacent to Gaushala, Sector 23, Panchkula is beyond the permissible limit with respect to BOD, and Dissolved Oxygen in violation of water quality criteria of Class 'B' and accordingly analysis report needs to be re-checked. Further, the Gaushala is located on the bank of River Ghaggar and thus, needs to be properly regulated. The State PCB is directed to take expeditious action in this regard.

7. Hence, we dispose of the present OA with liberty to the applicant to file an appropriate application in this OA in case in future they find any pollution being caused by the Goshala.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

September 27, 2023
Original Application No. 385/2023
DV