

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

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**ORIGINAL APPLICATION No. 43/2015/EZ**

**IN THE MATTER OF:**

1. Nutfar Sardar,  
Son of Jainal Sardar.

2. Mofizul Sardar,  
Son of Yusuf Ali Sardar,  
Both are residing at Village Keshabpur Sakaridaha,  
Post Office- Begri, Poice Station- Domjur,  
District- Howrah, Pin- 711411.

.....Applicant

**V e r s u s**

1. Govt. of West Bengal, service through Secretary,  
Department of Environment, Govt. of West Bengal,  
Poura Bhawan, Salt Lake City, 4<sup>th</sup> Floor, Kolkata- 700106.

2. The Member Secretary,  
Pollution Control Board,  
Parivesh Bhawan,  
Salt Lake City, Kolkata- 700091.

3. The District Magistrate, Howrah,  
Post Office & District- Howrah, Pin-711101.

4. The Superintendent of Police (Rural), Howrah,  
Office at Paniara, District- Howrah,  
PS- Panchla, Pin- 711302.

5. The Office-in-Charge, Domjur Police Station,  
P.O. Domjur, District- Howrah, Pin- 711411.

6. The Block Development Officer, Domjur Block,  
P.O. Domjur, District- Howrah, Pin- 711411.

7. The Pradhan, Begree Gram Panchayet,  
P.O. Begree, District- Howrah, Pin- 711411.

8. Naimuddin Sk.  
S/o Late Rabial Sk., Village- Sakaridaha, Natun Para, P.O. Begri,  
P.S. Domjur, District- Howrah, Pin- 711411.

## 9. Nazim Sk.

S/o Late Rabial Sk., Village- Sakaridaha, Natun Para, P.O. Begri,  
P.S. Domjur, District- Howrah, Pin- 711411

## 10. Azim Sk.

S/o Late Rabial Sk., Village- Sakaridaha, Natun Para, P.O. Begri,  
P.S. Domjur, District- Howrah, Pin- 711411

## 11. Nasim Sk.

S/o Late Rabial Sk., Village- Sakaridaha, Natun Para, P.O. Begri,  
P.S. Domjur, District- Howrah, Pin- 711411

## 12. Zasim Sk.

S/o Late Rabial Sk., Village- Sakaridaha, Natun Para, P.O. Begri,  
P.S. Domjur, District- Howrah, Pin- 711411

## 13. Fakir Alam Laskar,

Son of Bani Laskar, Village- Sakaridaha, Natun Para, P.O. Begri,  
P.S. Domjur, District- Howrah, Pin- 711411.

.....Respondents

**COUNSEL FOR APPLICANTS:**

Mr. Quazi Monirul Islam, Advocate

**COUNSEL FOR RESPONDENTS:**

Mr. Sudip Kr. Dutta, Advocate, Respondent No.1, 3 to 6

Mr. Sibojyoti Chakraborty, Advocate, Respondent No. 2

Mr. Gautam Lahiri, Advocate, Respondent No. 7

Md. Basha Mir, Advocate, Respondent No. 8 to 12

Mr. Ashok Kr. Manna, Advocate, Mr. Ram Mohan Banerjee, Advocate  
Respondent No. 13

**JUDGMENT**

**PRESENT:**

**Hon'ble Mr. Justice Pratap Kumar Ray, Judicial Member**

**Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member**

Reserved On: 11.02.2016  
Pronounced On: 07.03.2016

1. Whether the Judgment is allowed to be published on the net? Yes

2. Whether the Judgment is allowed to be published in the NGT Reporter? Yes

**Prof. (Dr) P.C. Mishra (EXPERT MEMBER)**

1. The original application has been filed under Section 14 read with Section 18 of the National Green Tribunal Act 2010. The applicants are two villagers of Keshabpur Sakaridaha, P.o. Begri in District Howrah, who have challenged the illegal operation of a slaughter house near to their residential house located in a thickly populated area where at least 25-30 animals are killed regularly without any scientific management of sewerage system for discharge of animal blood including other slaughter house wastes like cow dung, stomachs etc. It is their submission that the private Respondents No. 8 to 13 operate the slaughter house without permission from the local authority as well as State Pollution Control Board (in short PCB).

2. The applicants have alleged that waste materials generated by the slaughter house are allowed to decompose in the site in the natural process generating foul smell and makes the environment unhygienic and suffocative for which it becomes difficult to reside and local people are affected by various lungs,

skin and breathing related diseases. Even during rainy season their houses get flooded with blood and other wastes mixed with rain water. It is also the contention of the applicants that during the slaughter house activities hundred of street dogs gather in the street blocking the roads for which the school children face difficult time to go to school. The applicants have approached to the local authority as well as PCB and PCB, after hearing both the parties, directed the Pradhan, Begri Gram Panchayet and Inspector-in-Charge, Domjur Police Station to ensure that no slaughter house/slaughter unit operates without obtaining necessary permission from the local authority as well as other competent authority.

3. The applicants would submit that when their grievances were not addressed by the local authority as well as PCB by ensuring closure of the illegal slaughter house/unit, they moved a writ application being W.P. No. 2146 (W) of 2015 before the Hon'ble Mr Justice Soumitra Pal who by the order dated 27.02.2015 referred the matter to the National Green Tribunal. Thus being aggrieved and dissatisfied due to nonaction of the official respondents, the applicants preferred this instant application seeking direction to private respondents to stop and remove the slaughter house from the area in order to protect the

life and property of the petitioner along with a prayer for an interim order restraining the private respondents to run the unit illegally till the disposal of this OA.

4. The application was admitted on 09.07.2015 and the official respondents including PCB were directed to file status report. A direction was issued to the PCB as well as Superintendent of Police, Howrah (Rural) to see that no slaughtering unit in the area in question operates without consent to operate from PCB.

5. The PCB in their reply affidavit would submit that in compliance to the direction of the Hon'ble Tribunal a committee of two State Board officials of Howrah Regional office along with Mr. A.K. Bera, representative of Domjur Police Station caused an inspection on 31.07.2015, met and discussed with one of the applicants and some villagers and after visiting the site of two slaughtering units, one run by Naimuddin sk., Nazim Sk., Azim Sk., Nasim Sk and Zasim Sk and other by Fakir Laskar observed the following.

**“Observation:**

The aforesaid slaughter houses are situated at Vill- Natunpara, Sakarisaha under Begri Gram Panchayet (Domjur Block) and under the jurisdiction of Domjur Police Station, which is a remote village and the area is predominantly residential one.

There are six small brick built chambers, which are used for slaughtering purpose at the slaughter house run by Naimuddin Sk., Nazim Sk., Azim Sk., Nasim Sk. & Zasim Sk. And the other slaughter house run by Fakir Laskar has two such chambers.

It was reported that every day about 25-30 nos. Cows were slaughtered at these slaughter houses. Considerable quantity of

liquid waste is generated from the slaughtering process, but both the units have no effluent treatment facility and physical observation suggests that untreated effluent including blood & floor wash was finally discharged to adjacent water body/doba and adjoining low land.

During inspection none of the unit was in operation, however, characteristic smell was felt around the units and it was observed that due to the activity of the units an unhygienic atmosphere had been created at that area, including accumulation of cow dung in a scattered manner at the adjoining area. However, due to heavy rain no trace of accumulated blood could be seen during inspection.

It was reported that the units last operated on 30-07-2015 morning.

Photographs taken during inspection are enclosed for ready reference.”

The committee members have stated in the Remark that

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- The units are operating without obtaining Consent to Establish and Consent to Operate from the State Board, which is a gross violation of the environmental norms
- As per present sitting policy of the State Board, there is no restriction for setting up of such type of unit at the aforementioned area in question. However, even if, the units install effluent treatment facility, but there is no proper drainage system for discharge of treated liquid waste at that area.”

6. The, Prodhan, Begree Gram Panchayet i.e. Respondent No. 7 in their affidavit of reply has stated that vide letter dated 26.08.2014, the owner of the slaughter house situated at the border of Sakaridaha-Keshabpur, G.P. Begri, P.S. Domjur in District Howrah were asked to contact the PCB for installing prescribed machinery in respect of slaughter house and on 27.09.2014 requested the Respondent No. 4, the SP of Howrah (Rural) to take action against the alleged slaughter house. Therefore, the answering respondent issued a letter to the Respondent No. 8 to 12 to close the slaughter house immediately.

7. In the compliance report filed by the Respondent No. 4, SP of Howrah (Rural) it is submitted that he directed the Inspector-in-Charge, Domjur Police Station to cause a local enquiry after meeting and discussing with the applicants as well as some villagers and after getting convinced that the private respondents are responsible for polluting the area by running the slaughter unit, served a notice on the owners of the slaughtering units to stop the said units immediately till getting permission from the WBPCB. The Respondent No. 4 further states that the slaughtering activities in the two units are now stopped and police is keeping strict vigil in the area to take action in case of any violation detected by the offenders as per law. In a subsequent affidavit the PCB would submit that after giving opportunity of hearing to the units and considering the inspection report, closure order has been issued against the slaughter houses vide memo dated 31.08.2015.

8. The Respondent No. 13, Fokre Alam Laskar in his affidavit in opposition has vehemently denied the allegations made by the applicants. It is his submission that there is a big plot of bagan land measuring 60 Bighas at Mouza Keshabpur out of which 7 Bighas, situated far away from residential house, are owned by the answering respondent and his three brothers. On the request

of two persons, Kalo Kasai and Samser Kasai of Sakaridaha-Keshabpur mouza to make the land available to them to kill cows and as per demand of the local Muslim community, the answering respondent and his three brothers jointly gave permission to these two persons to use a portion of their land to kill cows. However, after getting notice, the answering respondent has strictly ordered Kalo Kasai and Samser Kasai to stop their business in land of the answering respondent.

In the supplementary affidavit the Respondent No. 6 has stated that he and his brothers gave permission orally to Kalo Kasai and Samser Kasai about 4 years ago to construct a small slaughter house to start cow-meat business after obtaining proper license. He would also pray to add Kalo Kasai and Samser Kasai as necessary parties for proper and reasoned disposal.

Our consideration on Merit.

9. The private Respondents No. 8 to 12, the owners of the two slaughtering units would state that the Gram Panchayet, Begri was requested earlier to issue necessary trade license for running and continuing their business of slaughter house. However, they were told by concerned Gram Panchayet that no such license is required for their business. On 13.02.2015 Azim Sk. wrote a letter to Sovadhipati, Gram Panchayet Samity, Domjur block about

running of their slaughter house, a family business over J.L. No. 23, Dag No. 4066, 4067, Khatian No. 1096 within local area of Begri Gram Panchayet and requesting him to make an inspection and issue a trade license in favour of "Azim Sk & Bros, Slaughter Shop" after receiving due fees. Similarly the owner of Azim Sk & Bros made another representation to (i) Sovadhipati, Gram Panchayet Samiti, Domjur Block (ii) the Sr. Environmental Engineer, WBPCB, (iii) Block Development officer, Domjur and (iv) Sovadhipati, Howrah Zila Parishad requesting to issue necessary permission, trade license etc.

10. Before we proceed to decide on the matter, it may be quite relevant to discuss the various types of waste materials generated from slaughter house activity and its impact on the environment and health of people living in its vicinity. With growing annual per capita meat consumption and high meat export potential, there has been large scale unorganised growth of this trade and development of meat industry in India is controlled not by the Government but by the existing market forces. Most of the slaughter houses are without adequate basic amenities viz proper flooring, ventilation, water supply etc. In addition to these deficiencies, slaughter houses suffer from very low hygienic standard posing a major public health and environmental hazards.

These problems have increased many folds due to increase in unregulated, unauthorised and illicit slaughter houses. Waste generated in the slaughter houses are both solid and liquid wastes. Solid wastes include carcass, bones, hooves, rumen, intestine contents, dung etc. The liquid wastes include blood, urine, internal fluids including water used for washing. According to a rough estimate a buffalo weighs about 2 quintals and around 25% of the total body weight becomes waste. In case of goat and sheep slaughter house, average waste generation amounts to 17% of animal weight. It generates 10 litres of waste blood. Surveys of the slaughter houses have revealed that there were no special waste disposal system or wastewater treatment plants. The solid wastes are either simply thrown or dumped in the open fields or burnt or sold off to private parties. The liquid waste is washed away and discharged to the nearby drains which may ultimately reach the waterbodies. Thus, all such activities lead to land degradation, air and water pollution and ultimately affecting overall environmental health.

11. Slaughter house wastes thus contain mostly biodegradable matter. In large slaughter house, the generated solid wastes could be processed in environmentally acceptable manner. For example, biomethanation is suggested to manage solid wastes which

requires less space. The liquid wastes generated from slaughter house has significant pollution potential and therefore should not be allowed to mix with the municipal drain system without pre-treatment. Although managing the large slaughter house wastes scientifically is economically viable, unfortunately very few of such slaughter houses adopt these scientific disposal and management techniques for which a large portion of meat industry does not meet the standards for discharge of effluents as laid down and notified under Environment (Protection) Act, 1986. The Central Pollution Control Board (in short CPCB) has brought out guidelines for sanitation in slaughter house. The major problems encountered is by the small illegal slaughter houses operating indiscriminately in villages, market places, near residential colonies, in open field, without following any norms of pollution and waste management. Therefore, the places where illegal slaughtering is taking place should be carefully identified and illegal activities should be curbed by the local body to ensure that slaughtering takes place at the slaughter house only under hygienic conditions and meat eating population gets fresh and disease free meat. This will also prevent clogging of drains due to illegal dumping of animal wastes into the drain. Till the activity of illegal slaughtering is not brought under control, the waste

generated out of this illegal practice needs to be managed by the urban local bodies by putting community bins for collection of this waste so that the waste doesn't get mixed up with the domestic waste and can be disposed of separately.

12. As per the existing provision in the State of West Bengal, every person engaged in any trade or profession within Municipality or Panchayet is required to obtain a Certificate of Enlistment or Trade license. In the instant case the private respondents were operating their slaughtering unit, which they claim as their family business, without a trade license or enlistment certificate. Thus the units were being operated illegally. The WBPCB has listed different industries under Red, Orange and Green categories on the basis of their pollution potential and slaughter house and meat processing units fall under Red Category (Sl No. 47). Irrespective of the status of the Units, whether red, orange, green, the units must have previous Consent to Establish and Consent to Operate in order to operate such units. Admittedly the units of the private respondents don't have such valid Consent to Operate and are operating their units in violation of the Water (Prevention & Control of Pollution) Act 1974 and the Bio-medical Waste (Management and Handling) Rules 1998.

Therefore the operation of these units by the private respondents is illegal.

13. On 12<sup>th</sup> Nov. 2015 we directed the Respondent No. 13, the owner of land to show cause as to why the penalty/compensation to the tune of Rs 5.00 lakhs should not be imposed on him by allowing his land to run an illegal business as well as to the private Respondents No. 8-12 for breach of environmental laws and rules of Govt. of West Bengal. We are not inclined to accept the submission of the Respondent No. 6 that he along with his brothers orally allowed two persons namely Kalo Kasai and Samser Kasai to construct slaughter house as the private Respondent No. 8-12 have already admitted that they are running the business on the patch of land owned by Respondent No. 13. However, it is his submission that for the illegal act of Respondent No. 8-12, the landlord can't be penalised.

14. The private Respondent No. 8-12 in their reply to show cause would submit that there is no such specific provision which requires grant of Environmental Clearance to establish slaughter house related activities/Consent to Operate from PCB as per EIA Notification 2006. These submissions clearly state about the ignorance of the private respondents on the provision of grant of Prior Environmental Clearance by MoEF&CC in terms of EIA

notification 2006, which is not required here, and requirement of grant of Consent to Establish and Consent to Operate by PCB as per Consent Administration rules framed under the provision of the Water (Prevention and Control of Pollution) Act 1974. The consent of PCB is mandatorily required for operation of Slaughtering Units being a Red Category Unit.

15. Therefore we hold the private Respondents No. 8-12 accountable to have breached the pollution norms under the Water (Prevention and Control of Pollution) Act 1974 and Bio-medical Waste (Management and Handling) Rules 1998 thereby contributing to water pollution and pollution by slaughter house wastes in the locality during last several years. We also hold the Respondent No. 13, the land owner for allowing the slaughter house units illegally without verifying the documents and without making any agreement. We thus invoke the 'polluter pays' principle and impose an Environmental compensation of Rs. 2.00 lakhs against each of the Respondent No. 8-12 and Rs. 1.00 lakh against Respondent No. 13. The compensation amount will be deposited by each of the respondents within 2 months i.e. with the Gram Panchayet Samity, Domjur Block. After receipt of the compensation amount, the Gram Panchayet Samity will pay Rs 10,000 as litigation cost to the two applicants @ Rs 5,000/-

each. The Samity will formulate a scheme to utilize the amount in the village/locality where the slaughtering units were operating, to clean the area, to provide vat beans for disposing the domestic wastes daily, for undertaking plantation in vacant waste land and if fund permits potable drinking water be provided from deep bore wells.

16. West Bengal State Pollution Control Board is directed to formulate appropriate sitting policy to prevent establishment of small slaughter houses/slaughtering units near residential houses. In case of large and medium scale slaughtering units the CPCB guidelines shall be followed and liquid disposal quality must meet the standards prescribed in Environment Protection Rules 1986.

Thus the Original Application is allowed and disposed of with payment of cash by the private respondents as directed in Para 15.

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Justice Pratap Kumar Ray, JM

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Kolkata  
07.03.2016

Prof. (Dr) P.C. Mishra, EM