



2024 : DHC : 3869-DE



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13236/2022 & CM APPL. 56064/2023 CM APPL. 60825/2023

SUNAYANA SIBAL & ORS.

..... Petitioners

Through: Mr. Vivek Sibal, Sr. Advocate with  
Ms. Smriti Sinha, Ms. Esha Dutta,  
Ms. Shaalini Agrawal, Ms. Shriyanshi  
Pathak, Advocates with Petitioner  
no. 1 in person.

Versus

GOVERNMENT OF NCT OF DELHI & ORS. .... Respondents

Through: Mr. Nipun Katyal, Advocate with  
Mr. Naved Ahmed, Mr. Dhananjai  
Shekhawat Advocates for R-1 to 3  
and 7 along with Mr. Naresh Kumar,  
Chief Secretary and Dr. Purushotam  
Bansal, Deputy Director of Animal  
Husbandry  
Mr. Rakesh Chaudhary, Advocate  
with Mr. Sushaar Chaudhary,  
Advocate for R-4/FSSAI  
Mr. Biraja Mahapatra, Advocate for  
DPCC  
Mr. Manu Chaturvedi, Standing  
Counsel for R-6/MCD along with  
Ms. Devika Singh, Advocate and  
Mr. Gyanesh Bharti, Commissioner,  
MCD and Mr. V.K. Singh, Director  
Vet. Dept., MCD  
Ms. Gauri Puri, Court Commissioner.  
Mr. Parvinder Chauhan, Standing  
Counsel with Ms. Aakriti Garg for  
DUSIB.



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Date of Decision: 08<sup>th</sup> May, 2024

**CORAM:**  
**HON'BLE THE ACTING CHIEF JUSTICE**  
**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**JUDGMENT**

**MANMOHAN, ACJ : (ORAL)**

1. In pursuance to the last order, the Chief Secretary, GNCTD and other high-ranking officials of Delhi Government have joined the proceedings by way of an audio-video link. Similarly, Commissioner (MCD), CEO (DUSIB) and CEO (FSSAI) have also joined the proceedings virtually.

***Submissions of the Officers***

2. The learned Chief Secretary states that GNCTD does not have enough alternative land to relocate Bhalaswa and Ghazipur dairy colonies. He states that however, GNCTD is actively taking steps to reduce the legacy waste at the adjoining Sanitary Landfill Sites ('SLF'). He states that the landfill site at Bhalaswa will be cleared by late 2025 and the landfill site at Ghazipur will be cleared by beginning of 2026. He states until then GNCTD will take steps to ensure that the cattle from these adjoining dairies do not stray and graze near the landfill sites. He states that however, the dairy colonies would have to remain at the existing locations.

***Petitioner's submissions***

3. Learned senior counsel for the Petitioners however, states that it is possible for GNCTD to relocate the cattle from Ghazipur and Bhalaswa



dairy colonies to the Ghogha dairy colony. In support of his statement, he has handed over a detailed note during the course of hearing to substantiate his contention, which is taken on record.

4. He states that a visit to the Ghogha dairy colony on 15<sup>th</sup> March, 2024 revealed that there were approximately hundred (100) dairy plots in operation with twenty five to thirty (25-30) cattle at each premises. He states that there is, therefore, twenty five hundred to three thousand (2,500-3,000) cattle at present at Ghogha Dairy colony. He states that even after accounting for the three thousand (3,000) cattle present, fifty six thousand (56,000) cattle can still be housed at this Dairy colony. He has explained this with data in the Note handed over by him. He states that the existing cattle at Ghazipur and Bhalaswa Dairy, which is estimated at eighteen thousand nine hundred twenty eight (18,928) can thus be accommodated at the Ghogha Dairy colony.

5. He states that however, there are certain aspects which require redressal by the statutory authorities prior to the relocation to Ghogha Dairy colony. He states the Veterinary Hospital near this colony is non-functional. He states that the infrastructure is dilapidated and the equipment is rusted. He states that in fact the hospital was found locked on this visit. He therefore suggests that GNCTD take steps to make the Veterinary Hospital functional forthwith.

6. He further states that it was alarming to note that several dairy plots in Ghogha Dairy have been illegally converted into residential plots. He states that illegal urbanization and unauthorized construction is already underway in this Dairy colony and if GNCTD fails to check this issue, the ground



gained through judgments in *Common Cause vs. Union of India* in *W.P.(C) 3791/2000* will be all lost. He therefore suggests that GNCTD and MCD be directed to take note and ensure that no unauthorized construction and development of commercial establishment, residential houses and industrial units are permitted in place of dairy plots at Ghogha Dairy colony.

7. He states that MCD should further ensure that the cattle housed at the dairy plots do not exceed the prescribed numbers, i.e., five cattle for 60 sq.mts plot and eight cattle for 96 sq.mts plot.

8. He states that thus, the relocation of dairies operating from Ghazipur and Bhalaswa dairy colony to Ghogha dairy area can be actively considered by GNCTD and the statutory authorities.

9. The Petitioners have also placed before us a copy of the Minutes of the Meeting dated 09<sup>th</sup> August, 2019 chaired by the Secretary, Development, GNCTD with senior officials of MCD, DPCC, FSSAI and Delhi Police for streamlining the operations carried out by local bodies for ensuring proper functioning and regulation of the dairies in Delhi.

10. However, the reports of the Court Commissioner dated 14<sup>th</sup> May, 2023 and 23<sup>rd</sup> February, 2024 show that the decisions taken at the said meeting have not been implemented at the ground level and it would appear that the state of affairs currently remain the same if not worse.

11. The Court Commissioner's two reports shows that large number of dairies in the nine dairy colonies inspected by her are not compliant with the law, inasmuch as, they do not have the following four mandatory statutory licences :-

(a) License under the MCD Act.



- (b) License from Animal Husbandry, GNCTD under Cattle Premises Registration Rule.
- (c) License / NOC from DPCC under Water and Pollution Act.
- (d) License from Food Safety Authority under Food safety.

12. By order of this Court dated 23<sup>rd</sup> March, 2023, the Court Commissioner was directed to inspect ten dairy colonies in Delhi (as mentioned in paragraph 17 of the writ petition) to ascertain/verify compliance with the various provisions of laws therewith. However, subsequently the Court Commissioner was informed that there are only nine dairy colonies as the dairy colony at Gharoli, District Shahdara has ceased to exist.

***First Report of Court Commissioner dated 14.05.2023.***

13. The Court Commissioner thus visited the nine dairy colonies from 12<sup>th</sup> April, 2023 to 28<sup>th</sup> April, 2023 and submitted her First Report dated 14<sup>th</sup> May, 2023, observing following common issues and patterns in all the dairy colonies:

- i. *Stray Cattle roaming around the colonies which included cattle with yellow tags in their ears;*
- ii. *Presence of solid waste overflowing in open drains all around the dairy colonies;*
- iii. *Presence of solid waste on the road inside the dairy colonies;*
- iv. *Milk Containers kept next to solid and wet waste of the cattle;*
- v. *Open Milk Containers with flies inside;*
- vi. *Khal Bachas/stuffed face or body parts of a dead calf;*



- vii. *Overcrowding of dairy units with very little space for the cattle to move;*
- viii. *Hard, dirty and slippery flooring inside the dairy units;*
- ix. *Calves tied separately from their mothers;*
- x. *Most calves appeared to be losing hair which was indicative of skin infections;*
- xi. *Ropes around the neck of the cattle and calves tied tightly which restricted their movement;*
- xii. *Unauthorized and illegal extensions of dairy units on the streets;*
- xiii. *Tying of cattle outside the dairy unit in the public street where they would excrete dung and urine;*
- xiv. *Rampant presence of empty plastic bottles with red/silver caps disposed of in drains and inside the dairy (some of the filled plastic bottles were seized with the help of Delhi Police and a few dairy owners admitted to using the same to increase supply of milk);*
- xv. *Extreme hot and humid conditions inside dairy units without adequate ventilation;*
- xvi. *Most dairy units had no fans and/or exhaust fans and if present, some or most of them were not functional;*
- xvii. *Food given to the cattle was mixed with water and stored in an unhygienic manner with flies on it;*
- xviii. *Garbage dumped in the dairy colonies was on the road mixed with cow dung, used syringes and medicine bottles constituting bio medical waste, empty plastic bottles etc;*
- xix. *No valid license available by any dairy owner and or/ tenant present at the dairy unit (except some of the dairy units at Nangli Shakrawati wherein the MTI had apprised the undersigned of valid licenses issued by MCD to some dairy owners who had paid Milch Tax up to date).*



14. This Court vide order dated 12<sup>th</sup> July, 2023 recorded the issues raised by the Court Commissioner and adverted to the various shortcomings. The respondents were directed to file Action Taken Report ('ATR') on the basis of the report. Further, the Court Commissioner was directed to carry out a fresh joint inspection after three months and to verify contents of the action taken reports to be filed by the respondents.

***Second Report of the Ld. Court Commissioner dated 23<sup>rd</sup> February, 2024.***

15. The Court Commissioner then carried out a second inspection in all the nine dairy colonies between 03<sup>rd</sup> January, 2024 and 25<sup>th</sup> January, 2024 and submitted the second inspection report dated 23<sup>rd</sup> February, 2024 before this Court. In this report, most of the common issues and patterns that were highlighted in the first report continued to be prevalent in the nine dairy colonies.

16. This Court vide order dated 01<sup>st</sup> May, 2024 had noted the issue flagged by the learned Court Commissioner pertaining to rampant use of Oxytocin hormone in the dairy colonies, packaged in white plastic bottles with a red or silver cap which was administered to the cattle to increase production of milk.

***Action Taken Report***

17. Vide order dated 07<sup>th</sup> March, 2024, the Respondents were directed to file their status reports as regards the steps taken to address the findings contained in the report of the learned Court Commissioner. Subsequently, some of the Respondents have filed Action Taken Reports. The Department of Food Safety, in its Action Taken Report has itself stated that there is non-



compliance by dairy owners.

18. Learned senior counsel for the petitioner states that concerned authorities must ensure that all the existing dairies in this colony must obtain the four statutory licenses enlisted in the GNCTD minutes of meeting dated 09<sup>th</sup> August, 2019 and comply with the licensing requirements.

19. He further states that even with limited number of dairies in operation at Ghogha Dairy Colony, mixture of solid-liquid waste can be seen spilling over and polluting the soil. He states that large expanses of land was seen covered in layers of dung, swarming with flies and leading to odour. He therefore suggests that DPCC should discharge its responsibility to ensure dairy owners individually and collectively invest in bio-gas plants and waste treatment facilities; and DPCC should ensure enforcement of applicable CPCB 2021 Guidelines.

20. The findings in the two reports of the Court Commissioner and its admission in the Action Taken Reports filed by the Respondents shows an alarming state of affairs in the nine dairy colonies. Thus, it is irrefutable that the major issues in these Dairy Colonies still remain unaddressed. Undoubtedly, the magnitude of the problem is humongous, which has been compounded by the abject failure of the concerned authorities and the respondents to take timely action, despite repeated directions of this Court.

***Directions and findings***

21. This Court takes judicial notice that frequent global outbreaks of Bovine diseases like foot and mouth disease, Bovine Herpes Virus, Parainfluenza, Bovine Respiratory Virus, Bovine Diarrhea and many other





such diseases can spread like wildfire amongst animals. These viruses are known to jump to other species, including to humans. So, milch animals have to be kept in utmost hygienic conditions.

22. The milk from these dairies is also being used for making wide variety of products including powdered milk, formula foods for toddlers and for *mithai* etc. by various vendors. The pharmaceutical medicine Oxytocin is known to create side effects like uneven heart beat, cardiac seizure, eye problems like blurred vision, early onset of menstrual cycle in girl child and growth of abnormal breasts in male child.

23. Further, as observed in our previous order dated 01<sup>st</sup> May, 2024, cattle in dairies situated next to landfill sites would feed on hazardous waste and their milk would have serious consequences on human beings consuming them.

24. Consequently, we are of the *prima facie* opinion that the suggestion of the Chief Secretary that the dairies at Ghazipur and Bhalaswa can continue to operate near the landfill sites and that they will not pose any threat to the public health is incorrect. It seems that the Respondents are 'turning a blind eye' to the irreparable harm, which the milk produced in these dairies could cause to the health of the residents of GNCTD. This Court is *prima facie* not persuaded by the submission of the Chief Secretary that the cattle in the dairies adjoining sanitary landfill sites can be prevented from eating hazardous waste at the landfill sites until 2025-26. We, therefore, issue the following general directions:

- i) The Chief Secretary to seriously consider the suggestion made by the Petitioners with respect to the re-location of Bhalaswa and



Ghazipur dairies to Ghogha dairy especially since the said suggestion is backed by data given in the Note.

ii) Existing dairies be made compliant in terms of the four licensing/ registration requirements, namely, License under the MCD Act, License from Animal Husbandry, GNCTD under Cattle Premises Registration Rule, License / NOC from DPCC under Water and Pollution Act and License from Food Safety Authority under Food safety.

iii) Veterinary Hospitals be made functional forthwith near all designated dairies.

iv) Bio-gas plants be installed near all the nine authorised dairies in Delhi for creation of dry manure and biogas fuel/ Compressed Biogas (CBG) production at the earliest, preferably prior to onset of monsoon.

v) FSSAI/ Department of Food Safety, GNCTD to ramp up testing and to conduct random sample checking of milk for presence of chemicals in dairy units in all the nine designated dairies as also of the milk products such as sweets from the areas where milk is supplied and to take appropriate action as per law in case of any violation.

vi) A detailed affidavit be filed by the Commissioner of Police indicating the efforts made to track the sources of spurious oxytocin/hormones and its production, packaging and distribution in pursuance to the complaints registered with the Police by the Petitioners/Local Commissioner; as well as the order dated 01<sup>st</sup> May, 2024 passed by this Court.



25. We also issue the following specific directions with regard to Ghogha Dairy:

- a) MCD and other governmental organizations to remove all unauthorized constructions, commercial establishments, residential houses and industrial units in dairy plots at Ghogha Dairy Colony.
- b) MCD to ensure that cattle housed at the dairy plots do not exceed the prescribed numbers, i.e., 5 cattle for 60 sq meters plots and 8 cattle for 96 sq meters plots.
- c) The suggestions given by the Petitioners may also be taken into consideration for making Ghogha dairy an attractive alternative site so that the dairy owners in congested dairies like Ghazipur and Bhalaswa voluntarily opt for shifting.

***Pilot Project at Madanpur Khadar Dairy Colony***

26. On the last date of hearing, this Court had suggested that efforts should be made to make one of the dairies compliant with all the laws so that it becomes a role model that could be replicated in other parts of the city.

27. Keeping in view the aforesaid, the Petitioners have filed a Proposed Action Plan for making Madanpur Khadar Dairy Colony compliant with all the existing laws. Considering the issues highlighted by the Court Commissioner in her two reports, this Court, as a pilot project, issues the following directions with regard to Madanpur Khadar Dairy Colony for immediate compliance:-



**A. Mapping and identification:**

- a) Since, the number of cattle on each plot in the colony is not known, it is essential that mapping and identification is done to ascertain:
- i) The total number of plots that have been allotted for dairy purposes in this colony alongside the number of cattle being housed in these plots.
  - ii) The number of plots allotted for dairy but are being used for non-dairy purposes, including running commercial establishments and residences.
  - iii) The number of dairies being run by owners and those that have been leased out to others.
  - iv) The number and classification of cattle into cows, buffaloes and calves.
  - v) The number of plots possessing requisite licenses under different laws.
- b) The dairy owners are directed to display the ownership of dairy plot prominently at a conspicuous place along with the number of cattle housed on that plot.
- c) Show cause notices be issued to the owners for the misuse of these plots for non-dairy purposes and thereafter appropriate action for cancellation of allotment be taken.
- d) The work of mapping and identification shall be carried out through Para Legal Volunteers of the Delhi State Legal Services Authority ('DSLISA'). The concerned land-owning agency i.e., DUSIB shall depute



sufficient number of officials to coordinate and assist in the process of mapping and identification. This process shall be completed within a period of six weeks from the date of order. It is pertinent to mention that CEO, DUSIB assures this Court that since the Madanpur Khadar Dairy Colony is located on the land under the management of DUSIB it shall ensure the due compliance of directions issued by this Court.

**B. Tagging of cattle:**

- a) Dairy owners be directed to get tagging of cattle done using tag numbers provided under the INAPH (Information Network For Animal Productivity and Health) Scheme of Central Government under the supervision of officials of respondent No.3 Animal Husbandry Department, GNCTD (AHD) and any cattle which is not so tagged within a period of six weeks from today be seized and sent to earmarked gaushalas.
- b) Respondent No.3 AHD to set up camps in each of the dairy colonies for the said purpose, if required, and necessary assistance be taken from DSLSA for the said purpose.

**C. Use of spurious Oxytocin/ hormones:**

- a) AHD with assistance of DSLSA to conduct awareness camps in the colony regarding prohibition on use of Oxytocin/hormones and ill-effects of the same on the animals and humans, including infants who consume such milk directly or indirectly.



b) The dairy owners be directed to display prominently provisions of Section 12 of the Prevention of Cruelty to Animals Act, 1960 in their premises as required by Rule 9 of the Cattle Premises Rules, 1978.

**D. Medical care of cattle:**

a) The dairy owners be directed to ensure that the cattle are kept in habitable conditions and any disease or injury to any animal is reported immediately to the Veterinary Officer of the Government Veterinary Hospital of the dairy.

b) Delhi Society for Prevention of Cruelty to Animals ('Delhi SPCA') under respondent No.3/AHD carry out regular inspections to check the condition of cattle in the colony and to report immediately any disease or injury to any animal to the Veterinary Officer of the Government Veterinary Hospital. Delhi SPCA to ensure that the cattle are not tied too tightly to restrict their movements.

c) The veterinary doctor or the para-vets be instructed to immediately attend to any such reports, including visiting the premises where the cattle is kept.

**E. Cleanliness/ Hygiene:**

a) Dairy owners be directed to provide sufficient number of exhaust fans/ ceiling fans in the dairy plots to ensure adequate ventilation. Respondent No.3/AHD to conduct regular inspections to verify compliance of the same.



- b) As regards bovine waste and feed residue, till such time as bio-compost plants etc. are set up, DPCC in collaboration with MCD to come up with short term measures for disposal of the same, including, if necessary, directing the dairy owners to collect the cow dung, instead of washing it away in the drains and deposit the same at earmarked spots from which MCD can get the same collected and send it for treatment.
- c) Delhi SPCA to ensure that the food provided to the cattle is kept in clean and hygienic condition and the cattle be provided clean drinking water.

28. Each of the Respondents responsible for carrying out the above measures shall depute sufficient number of officials for the said purpose and also extend full cooperation to DSLSA. The Delhi Police is directed to render full cooperation so that there are no law and order issues. Respondents are directed to file their Action Taken Report within eight (8) weeks from the date of order. Since, presently there is no Secretary appointed in DSLSA, the Registrar Rules is directed to officiate on behalf of DSLSA to implement the direction issued in this order.

29. The Chief Secretary is directed to file a detailed affidavit indicating the road map for the future of the nine dairy colonies. Let the said affidavit be filed on or before 24<sup>th</sup> May, 2024. He is directed to give a hearing to the Petitioners before filing this affidavit.

30. The issue of the illegal dairy colonies operating in Delhi from non-confirming areas has not been touched upon during the hearing and is an



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issue left for another date.

31. List the matter on 27<sup>th</sup> May, 2024 at 02:30 pm. The direction for the officials to join the proceedings by way of audio video link shall continue.

**ACTING CHIEF JUSTICE**

**MANMEET PRITAM SINGH ARORA, J**

**MAY 8, 2024/hp**