ITEM NO.4 COURT NO.12 SECTION PIL

 S U P R E M E C O U R T O F I N D I A

 RECORD OF PROCEEDINGS

 WRIT PETITION (CIVIL) NO(s). 309 OF 2003

LAXMI NARAIN MODI Petitioner(s)

 VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for directions,permission to file rejoinder affidavit,

permission to file additional documents,permission to file additional

affidavit, permission to file submissions and office report)

WITH W.P(C) NO. 330 of 2001

(With appln(s) for directions)

W.P(C) NO. 44 of 2004

(With appln(s) for directions, exemption from filing O.T.)

W.P(C) NO. 688 of 2007

(With appln(s) for stay)

Date: 23/08/2012 These matters were called on for hearing today.

CORAM :

 HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

 HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Pranab Kumar Mullick,Adv.

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For Respondent(s) Mr. Sidharth Luthra,ASG

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 Ms. Soma Mullick,Adv.

 Mr. Raj Panjwani,Sr.Adv.

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 Mr. Anil Grover,AAG, Punjab

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 Mr. Gopal Singh,Adv.

 Mr. Manish Kumar,Adv.

 Mr. Chandan Kumar,Adv.

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 Mr. B.P. Yadav,Adv.

 Mr. Faisal M.,Adv.

 Mr. Pragyan Sharma,Adv.

 Mr. Heshu Kayina,Adv.

 Mr. Vikas Upadhyay,Adv.

 Mr. B.S. Banthia,Adv.

 Mr. Pradeep Misra,Adv.

 Mr. Daleep Kumar Dhuani,Adv.

 Mr. Suraj Singh,Adv.

 Ms. Aruna Mathur,Adv.

 Mr. Yusuf Khan,Adv.

 Ms. Movita,Adv.

 Mr. Vikas Bansal,Adv.

 Ms. Vibha Datta Makhija,Adv.

 Mr. Shibashish Misra,Adv.

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 Mr. Riku Sarma,Adv.

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 Ms. Hemantika Wahi,Adv.

 Ms. Nandani Gupta,Adv.

 Mr. Vijay Panjwani,Adv.

 Mr. Atul Jha,Adv.

 Mr. Sandeep Jha,Adv.

 Mr. Dharmendra Kumar Sinha,Adv.

 Mr. Rajesh Srivastava,Adv.

 Mr. Gopal Prasad,Adv.

 Mr. S.K. Singh,Adv.

 Mr. Vivek Vishnoi,Adv.

 Mr. Gaurav Agarwal,Adv.

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 Mr. Mukesh K. Giri,Adv.

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 Ms. Sumita Hazarika,Adv.

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 Mr. Anil Srivasava,Adv.

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 Mr. K.R. Sasiprabhu,Adv.

 Mr. Rajesh Srivastava,Adv.

 Mrs. B. Sunita Rao,Adv.

 Mr. Naresh K. Sharma,Adv.

 Mr. Ajay Pal,Adv.

 Mrs. Manik Karanjawala,Adv.

 UPON hearing counsel the Court made the following

 O R D E R

 These writ petitions have been preferred in public interest

 seeking various directions to the State Governments as well as

 to the Union of India, Ministry of Environment and Forest,

 Animal Welfare Board of India and other statutory authorities to

 effectively implement the provisions of the Prevention of

 Cruelty to Animals (Establishment and Registration of Societies

 for Prevention of Cruelty to Animals) Rules, 2000 and also the

 provisions of Environment Protection Act, 1986, Schedule I,

 Entry 50 and also Solid Wastes (Management and Handling) Rules,

 2000 etc. Further, direction is also sought to ensure that the

 animals meant for slaughter are not transported in violation of

 Transport of Animals Rule, 1978 and the Prevention of Cruelty to

 Animals (Transport on Foot) Rules, 2000. Further, prayers have

 also been made to ensure that the recognized slaughter houses

 are in conformity with the provisions of the Prevention of

 Cruelty to Animals (Slaughter House) Rules, 2000 and also for

 other consequential reliefs. A detailed affidavit has been

 filed by the Central Pollution Control Board (for short CPCB) as

 early as in October, 2003 wherein they have categorically stated

 as follows:

 The CPCB is of the view that the slaughter houses generate

 substantial quantities of effluents and solid wastes. These

 slaughter houses causes nuisance by way of foul smell due to

 improper handling. It is, therefore, necessary that these units

 should install pollution control devices so that they can comply

 with the prescribed standards. Further, it was stated that the

 existing slaughter houses need to modernize their operations

 with greater emphasis of utilization of waste to reduce

 environmental problems and to maintain hygienic conditions. It

 is also pointed out that most of the slaughter houses in the

 country are very old and operate without basic amenities such as

 proper flooring, water supply, ventilation etc., and there is no

 need to upgrade old slaughter houses on modern lines.

 Therefore, the CPBC submitted that all the slaughter houses

 in the country should comply with the prescribed standards. The

 local municipal agencies and concerned police should ensure that

 no illegal slaughtering takes place and also the units conform

 to the standards set by the State Pollution Control Boards and

 Pollution Control Committees.

 This Court has passed various orders alerting the State

 Governments to properly implement the various provisions

 referred to hereinbefore but still no effective steps have been

 taken by various States either to constitute Committees or to

 see that the slaughter houses are functioning in accordance with

 the rules framed.

 The matters have again come up for hearing today.

 Learned senior counsel appearing for the Ministry of

 Environment and Forest (MoEF) brought to our knowledge a

 decision taken by the MoEF under the Chairmanship of Secretary,

 Ministry of Environment and Forest on 26.04.2012. In the

 meeting, the CPCB has presented its status of 15 States whereas

 the Ministry of Labour gave a status of 20 States and the action

 plan was also discussed.

 After examining the matter in depth by the Committee, they

 found the necessity of constituting State Committee for

 slaughter houses to fulfill the mandatory requirements under the

 various legislations dealing with the functioning of the

 slaughter houses in the country. The decision of dated

 26.04.2012 is extracted hereunder for easy reference:-

 "1. CPCB will write to all States informing about its

 guidelines for slaughter houses.

 [Action: CPCB)

 2. CPCB will also initiate action against all slaughter

 houses which are not meeting the norms and implement the

 abattoir rules through SPCB. It was discussed that SPCB

 even has powers to close slaughter houses under these rules.

 [Action: CPCB)

 3. States to be requested to constitute State Committee for

 Slaughter Houses as follows:

 i) Secretary of the Department of Urban Development of

 the State-Chairman.

 ii) Rep. Department of Health.

 iii) Rep. Department of Animal Husbandry.

 iv) Rep. Department of Labour.

 v) Food Safety Commissioner representing Central Food

 Safety and Standard Authority of India.

 vi) Rep. State Pollution Control Board.

 vii) Rep. State Animal Welfare Board.

 viii) Rep. of State Police

 ix) 2 prominent persons nominated by state government.

 x) Such other officers and experts as the members may

 choose to co-opt.

 4. Functions of the State Committee for Slaughter Houses so

 constituted may be as following:

 i) to identify and prepare a list of all the Slaughter

 Houses (S.H.s) located within the local self Govt.

 (Municipal Corporations, Panchayats etc.)

 ii) to call for reports from the District Magistrate or the

 Dy. Commissioner and District Food Safety Inspector as the

 case may be on the condition/functioning of the S.H.s and

 also on the compliance of the relevant applicable laws.

 iii) to recommend modernization of old slaughter houses

 (S.H.s) and to relocate S.H.s which are located within or in

 close proximity of a residential area.

 iv) to recommend appropriate measures for dealing with

 solid waste, water/air pollution and for preventing cruelty

 to the animals meant for slaughter.

 v) to carry out surprise & random inspections of S.H.s

 regularly and to issue directions for compliance of the

 recommendations that may be made by it.

 vi) to send bi-annual reports on the state S.H.s to the

 Central Committee and to refer issues that may require

 Central Committee recommendations or Central Govt.

 assistance.

 vii) to accord final approval for licensing of S.H.S to

 Local Self Govt.

 viii) to identify on an ongoing basis, the unlicensed

 slaughter houses in the region, and other unlicensed,

 unlawful establishments where animals are being slaughtered,

 on howsoever a small scale, and take the help of the

 District Magistrate and other law enforcement agencies to

 crack down on the same.

 viii) To check for child labour.

 [Action: AWD)"

 Learned counsel appearing for the petitioners also pointed

 out the necessity of including the Secretary, Local Self

 Government as well as the Secretary, Panchayat Raj also as

 Committee Members for effective implementation of the various

 legislations.

 Further, it was also pointed out that even though the

 decision was taken by the MoEF on 26.04.2012 the same was

 forwarded to various State Governments only on 2.7.2012 and so

 far no effective steps have been taken by the State Governments

 to constitute the Committee and to take further follow up

 action. The functions to be discharged by such Committees have

 also been dealt with in the meeting held on 26.04.2012 for

 proper implementation. The early constitution of the committees

 is, therefore, highly necessary for proper and speedy

 implementation of the rules under the various enactments.

 In such circumstances, we are inclined to give direction to

 all the State Governments and the Union Territories to

 constitute the State Committees for slaughters houses, as

 decided in the meeting held on 26.04.2012, including the

 Secretary, Local Self Government as well as Secretary, Panchayat

 Raj as Members of the Committee over and above the Members

 already mentioned.

 Since the matter is pending in this Court for a number of

 years, we are inclined to give directions to the State

 Governments and the Union Territories to constitute the

 Committees within a period of one month and report compliance.

 Further, we also direct CPCB to write to all the State

 Governments informing about the guidelines for slaughter houses

 as well as to initiate action against all slaughter houses which

 are not meeting the norms and implement the abattoir rules

 through State Pollution Control Board (SPCB).

 The CPCB will initiate steps within a period of two weeks

 from today. The CPCB is also directed to submit its report

 within a period of one month.

 List the matters after six weeks on a non-miscellaneous

 day.

 |(NARENDRA PRASAD) | |(RENUKA SADANA) |

|COURT MASTER | |COURT MASTER |