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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Mr. Vikas Malhotra,Adv.

Mr. D.L. Chiddanand,Adv.

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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. Gautam Dhamija,Adv.

Mr. P.V. Yogeswaran,Adv.

Mr. Surendra Kr. Maurya,Adv.

Mr. Gopal Singh,Adv.

Mr. Manish Kumar,Adv.

Mr. Chandan Kumar,Adv.

Mr. Abhijit Sengupta,Adv.

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.

Mr. Ahbinandan Nanda,Adv.

Mr. Riku Sarma,Adv.

Mr. Navnit Kumar,Adv.

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Mr. Ranjan Mukherjee,Adv.

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Mr. S.C. Ghosh,Adv.

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.

Mr. M.R. Shamshad,Adv.

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Mr. Mukesh K. Giri,Adv.

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Mr. Sanjay R. Hegde,Adv.

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Mr. T.V. Ratnam,Adv.

Ms. Sumita Hazarika,Adv.

Mr. Mohanprasad Meharia,Adv.

Mr. Anil Srivasava,Adv.

Mr. T.V. George,Adv.

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Mr. Aruneshwar Gupta,Adv.

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 |