REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No.309 of 2003

Laxmi Narain Modi .... Petitioner

Versus

Union of India and others .... Respondents

O R D E R

K.S. Radhakrishnan, J.

1. We have passed a detailed order on 9.7.2013 expressing the

apprehension as to whether the Committees constituted, following our

earlier order dated 23.8.2012, are effectively functioning and whether

proper steps are being taken for proper implementation of the provisions of

the various legislations which have been passed, with regard to the

transportation of animals, maintaining of slaughter houses, effluent and

solid waste disposal etc.

2. Vide our order dated 9.7.2013, we had directed all the State

Governments/Union Territories to file their action taken reports within one

month. Few of the States have filed the action taken reports detailing the

functioning of the Committees constituted. We also directed the MoEF to

finalize the guidelines for the effective and proper functioning of the

State Committees for overseeing the functioning of the slaughter houses.

In obedience to our direction, the MoEF, on 27.8.2013, filed a compliance

report enclosing the broad framework to be followed by the State Committees

for effective supervision of the slaughter houses and also with regard to

the transportation of animals, loading and unloading, effluent disposal,

solid waste disposal and also with regard to the periodical inspection of

slaughter houses by the respective State Animal Welfare Boards.

3. We reiterate the importance of proper implementation of the

provisions of the Prevention of Cruelty to Animals (Establishment and

Registration of Societies for Prevention of Cruelty to Animals) Rules,

2000, the Environment Protection Act, 1986, the Solid Wastes (Management

and Handling) Rules, 2000 and the Prevention of Cruelty to Animals

(Slaughter House) Rules, 2000. Over and above, it is also of extreme

importance that all the State Governments, the State Animal Welfare Boards,

Pollution Control Board etc. should scrupulously follow the guidelines

issued by the MoEF, in obedience to the direction given by this Court on

10.10.2012. The guidelines are extracted hereinbelow for easy reference:

"GUIDELINES FOR TRANSPORTATION OF ANIMALS AND SLAUGHTER HOUSES

RESPONSIBILITIES OF ANIMAL HUSBANDRY DEPARTMENT

Any livestock which are procured from the market are to be certified by a

Veterinary Surgeon for issuing a fitness certificate in the form specified

by the Central Government for the purpose of transportation.

The loading and unloading of the animals in the market place and before

transportation shall be supervised by the concerned officials of the Animal

Husbandry Department to ensure that the animals are not subjected to

unnecessary pain or suffering.

In addition to the above health certificate a certificate has to be

issued as per the Rule 96 of the Transport of Animals (Amendment) Rules,

2001 by the Officer of the Animal Husbandry Department not below the rank

of Assistant Director/Deputy Director/Chief Veterinary Officer.

The Animal Husbandry authority shall ensure that all animals are provided

with shade, shelter, food and water as necessary and they are tethered

securely in a way which does not cause unnecessary discomfort to animals.

The Animal Husbandry Department shall ensure that the sick, lame, injured

and pregnant animals are not transported for Slaughter.

They should also ensure that the animals are never lifted or dragged by

head, horns, ears, feet, tail or any other part of the Body which might

cause unnecessary suffering.

DOCUMENTATION BY DIFFERENT AUTHORITIES

It should be ensured that each consignment shall bear a label showing in

bold red letters the name, address and telephone number (if any) of the

consignor and consignee, the number and types of cattle being transported

and quantity of rations and food provided.

The consignor shall be informed about the train or vehicle in which the

consignment of cattle is being sent and its arrival time in advance.

The consignment of cattle shall be booked by the next train or vehicle

and shall not be detained after the consignment is accepted for booking.

GUIDELINES TO BE FOLLOWED BY THE AUTHORITIES FOR TRANSPORTATION OF

DIFFERENT ANIMALS (CATTLE, SHEEP AND GOAT, PIG) THROUGH RAIL OR RAOD.

The average space provided per cattle in Railway wagon or vehicle shall

not be less than two square metres.

Suitable rope and platforms should be used for loading cattle from

vehicles.

In case of railway wagon the dropped door of the wagon may be used as a

ramp when loading or unloading is done to the platform.

Cattle shall be loaded after they are properly fed and given water.

Watering arrangements on route shall be made and sufficient quantities of

water shall be carried for emergency.

Sufficient feed and fodder with adequate reserve shall be carried to last

during the journey.

Adequate ventilation shall be ensured.

Emergency / first-aid equipment is carried.

Vehicle should have suitable ramps and platforms for loading and

unloading.

There should be sufficient bedding on the floor of the vehicle.

Vehicle breast bars should be properly placed.

Vehicles are maintained so as not to cause injury, pain or suffering.

Vehicle is clearly identified as an animal carrier.

There is a permanent indication of the maximum animal/vehicle load.

The latest amended space allowance for transporting the cattle by rail or

vehicle is given in the Table I & II given below:

|Cattle weighing upto 200 Kg. |1 Square Meter (Sq. Mtr.) |

|Cattle weighing 200-300 Kg. |1.20 Square Meter |

|Cattle weighing 300-400 Kg. |1.40 Square Meter |

|Cattle weighing above 400 Kg. |2.0 Square Meter |

TABLE - II

Space requirement for Cattle while being transported in commonly sized

road vehicles

| | |Number of Cattle |

|Vehicle Size|Floor Area|Cattle |Cattle |Cattle |Cattle |

|Length x |of Vehicle|weighing |weighing |weighing |weighing |

|Width Square|in Square |upto 200 kg|200-300 Kg |300-400 Kg |above 4r00 Kg|

|Meter |Meter (Sq.|(1 Sq. mtr.|(1.20 Sq. |(1.40 Sq. |(2.0 Sq. mtr.|

| |mtr.) |Space per |mtr space |mtr. Space |Space per |

| | |cattle) |per cattle)|per cattle)|cattle) |

|6.9 x 2.4 |16.56 |16 |14 |12 |8 |

|5.6 x 2.3 |12.88 |12 |10 |8 |6 |

|4.16 x 1.9 |7.904 |8 |6 |6 |4 |

|2.9 x 1.89 |5.481 |5 |4 |4 |2 |

GUIDELINES FOR TRANSPORT OF SHEEP AND GOATS BY RAIL OR ROAD INVOLVING

JOURNEYS OF MORE THAN SIX HOURS

- Sheep and goats shall be transported separately; but if lots are

small special partition shall be provided to separate them.

. Rams and male young stock shall not be mixed with female stock in the

same compartment.

. Sufficient food and fodder shall be carried to last during the journey

and watering facility shall be provided at regular intervals.

. Material for padding, such as straw, shall be placed on the floor to

avoid injury if an animal lies down, and this shall be not less than 5 cm

thick.

PRECAUTIONS TO BE TAKEN WHILE TRANSPORTING SHEEP AND GOATS

- The animals shall not be fettered unless there is a risk of their

jumping out and their legs shall not be tied down.

Adequate ventilation shall be provided in every wagon. Upper door of one

side of wagon shall be kept open and properly fixed and the upper door of

the wagon shall have wire gauge closely welded mesh arrangements to prevent

burning cinders from the engines entering the wagon and leading to fire

breakout.

The space required for a goat shall be the same as that for a woolled

sheep and the approximate space required for a sheep in a goods vehicle or

a railway wagon is prescribed in the Rules.

Goods vehicles of capacity of 5 or 4= tons, which are generally used for

transporting animals, shall carry not more than forty sheep or goats.

In the case of large goods vehicles and wagons, partitions shall be

provided at every two or three meters across the width to prevent the

crowding and trapping of sheep and goats.

In the case of ewes, goats or lambs or kids under six weeks of age,

separate panels shall be provided.

Note: the latest space allowance required for transportation of sheep and

goats is given below:

|Approximate weight of animals in |Space required in Square Meter|

|Kilogram | |

| |Wooled Shorn |

|Not more than 20 | 0.17 0.16 |

|More than 20 but not more than 25 |0.19 0.18 |

|More than 25 but not more than 30 |0.23 0.22 |

|More than 30 but not more than 40 |0.27 0.25 |

|More than 40 |0.32 0.29 |

GUIDELINES FOR TRANSPORT OF PIGS BY RAIL OR ROAD "PIGS" INCLUDES PIGLETS,

HOGS, HOGLETS AND ANIMALS OF PIGS FAMILY INVOLVING JOURNEY MORE THAN SIX

HOURS

MANDATORY REQUIREMENTS

A valid health certificate by a veterinary doctor to the effect that the

pigs are in a fit condition to travel by rail or road and are not suffering

from infectious or contagious or parasitic disease shall accompany each

consignment in the transport of pigs by rail or road.

In addition to the above health certificate a certificate has to be

issued as per the Rule 96 of the Transport of Animals (Amendment) Rules,

2001 by the officer of the Animal Husbandry Department not below the rank

of Assistant Director/Deputy Director; Chief Veterinary Officer.

In the absence of a certificate under sub-rule (1), the carrier shall

refuse to accept the consignment for transport.

The certificate under sub rule (1) shall be in a form specified in

Schedule-K.

GUIDELINES FOR CONSIGNOR AND CONSINEE

Each consignment shall bear a label showing in bold red letters the name,

address and telephone number (if any) of the consignor and consignee, the

number and type of pigs being transported and quantity of rations and food

provided to them.

The consignee shall be informed in advance about the train or vehicle in

which the consignment of pigs is being sent and its arrival time.

The consignment of pigs shall be booked by the next train or vehicle and

shall not be detained after the consignment is accepted for booking.

First-aid equipment shall accompany the pigs.

Suitable ramps shall be provided for loading and unloading the pigs.

In the case of a railway wagon, when the loading or unloading is done on

the platform the dropped door of the wagon shall be used as a ramp.

NECESSARY PRECAUTIONS TO BE FOLLOWED

While transporting group of pigs by rail or road, male young stock shall

not be mixed with female stock in the same compartment.

While transporting pigs by rail or road, sufficient food and fodder shall

be carried to last during the journey and watering facility shall be

provided at regular intervals.

While transporting pigs by rail or road, materials for padding, such as

straw, shall be placed on the floor to avoid injury if an animal lies down,

and this shall be not less than 5 cm thick.

While transporting pigs by rail or road, the animals shall not be

fettered unless there is a risk of their jumping out and their legs shall

not be tied down.

SPACE REQUIREMENT DURING RAIL TRAVEL - IN TRANSPORT OF PIGS BY RAIL

No railway wagon shall accommodate more than the number of pigs as

specified in the Table below:

|Broad gauge |Meter gauge |Narrow gauge |

|(1) |(2) |(3) |

|Area of wagon|Area of wagon|Area of Wagon|Area of | |

| | | |Wagon | |

|Less than |21.1 Square |Less than |12.5 Square | |

|21.1 Square |Metre and |12.5 Square |Metre and | |

|Metre |above |Metre |above |Not allowed |

|Number of |Number of |Number of |Number of | |

|Pigs 35 |Pigs 50 |Pigs 25 |Pigs 30 | |

Adequate ventilation shall be provided in every wagon and the upper door

of one side of wagon shall be kept open and properly fixed and the upper

door of the wagon shall have wire gauge closely welded mesh arrangements to

prevent burning cinders from the engines entering the wagon and leading to

fire breakout.

SPACE REQUIREMENT DURING ROAD TRAVEL - IN TRANSPORAT OF PIGS BY ROAD

Goods vehicles of capacity of 5 or 4.5 tons, which are generally used

for transportation of animals, shall carry not more than twenty pigs.

In the case of large goods vehicles and containers, partition shall be

provided at every two or three metres across the width to prevent the

crowding and trapping of pigs.

In the case of pigs under six weeks of age, separate panels shall be

provided.

Note: The latest update on number of pigs which can be transported

through rail is given below:

|"Broad Gauge (1) |

|Area of Wagon |

|VPU having Floor Area 63.55 Square Meter |

|Number of Pigs 104 (0.61 Square Meter per Pig)" |

(2) The latest update on number of pigs which can be transported

through vehicle is given below:

| | |Maximum number of Pigs permitted for Road Vehicles |

|S. No. |Type of |Vehicle |Vehicle |Vehicle |Vehicle |

| |Animal |having size|having size|having size|having size |

| | |5.6m x |5.15 m x |3.03m x |2.9m x 2.0 m |

| | |2.35m |2.18 m |2.18 m | |

|1. |Weaner |43 |37 |22 |19 |

|2. |Young |31 |26 |15 |13 |

|3. |Adult |21 |18 |10 |9 |

Note:- For the purpose of Pigs of all breeds, ages and sex, the following

Space allowances shall apply:

Weaner - Piglet which has just been separate from the mother for the

purpose of independent rearing and commonly in the weight range of 12 kg -

15 kg.

Young - Male or female pig between 0.3 to 0.6 months of age and commonly

in the weight range of 15 Kg - 50 Kg.

Adult - A male or female pig above 06 months of age and having weigh more

than 50 Kg.

SPECIFICATIN TO BE FOLLOWED FOR UNLOADING AND TILL THE ANIMALS ARE

SUBJECT TO SLAUGHTER

The reception area of slaughter house shall have proper ramps for direct

unloading of animals from vehicles or railway wagons and the said reception

area shall have adequate facility sufficient for feeding and watering of

animals.

The unloading of animals should be supervised by the animal husbandry

authorities.

Separate isolation pens shall be provided in slaughter house with

watering and feeding arrangements for animals suspected to be suffering

from contagious and infectious diseases, and fractious animals, in order to

segregate them from the

.

Ante-mortem and pen area on slaughter house shall be paved remaining

animals.

Adequate holding area shall be provided in slaughter house according to

the class of animals to be slaughtered and the said holding area shall have

water and feeding facilities.

The resting grounds in slaughter house shall have overhead protective

shelterswith impervious material such as concrete non-slippery herring-bone

type suitable to stand wear and tear by hooves, or brick, and pitched to

suitable drainage facilities and the curbs of said impervious material 150

to 300 mm high shall be provided around the borders of livestock pen area,

except at the entrances and such pen shall preferably be covered.

Every animal after it has been subjected to veterinary inspection shall

be passed on to a lairage for resting for 24 hours before slaughter.

The lairage of the slaughter house shall be adequate in size sufficient

for the number of animals to be laired.

The space provided in the pens of such lairage shall be not less than 2.8

sq. mt. per large animal and 1.6 sq. mt. per small animal.

The animals shall be kept in such lairage separately depending upon their

type and class and such lairage shall be so constructed as to protect the

animals from heat, cold and rain.

The lairage shall have adequate facilities for watering and post-mortem

inspection.

Feeding and watering arrangements in the Animal Holding area should be

made available.

Whether ante and post mortem examination by a qualified Veterinarian is

being carried out.

Animals not to be slaughtered except in recognized or licensed houses.

No person shall slaughter any animal within a municipal area except in a

slaughter house recognized or licensed by the concerned authority empowered

under the law for the time being in force to do so.

No animal which is pregnant, or has an offspring less than three months

old, or is under the age of three months or has not been certified by a

veterinary doctor that it is in a fit condition to be slaughtered, shall be

slaughtered.

The slaughter house shall have a reception area of adequate size

sufficient for livestock subject to veterinary inspection.

The veterinary doctor shall examine thoroughly not more than 12 animals

in an hour and not more than 96 animals in a day.

METHOD OF SLAUGHTER OF ANIMAL AND PROCEDURE

No animal shall be slaughtered in a slaughter house in sight of other

animals.

- No animal shall be administered any chemical, drug or hormone before

slaughter except drug for its treatment for any specific disease or

ailment.

- The slaughter halls in a slaughter house shall provide separate

sections of adequate dimensions sufficient for slaughter of

individual animals to ensure that the animals to be slaughtered is

not within the slight of other animals.

- Knocking section in slaughter house may be so planned as to suit the

animal and particularly the ritual slaughter, if any and such

knocking section and dry landing area associated with it shall be so

built that escape from this section can be easily carried out by an

operator without allowing the animal to pass the escape barrier.

BROAD FRAMEWORK UNDER ENVIRONMENT (PROTECTION) ACT 1986 AND RULES FRAMED

THEREUNDER:

Effluent Disposal:

The affluent disposal standards notified under the Environment

(Protection) Rules, 1986 are:

|Category |Parameters |Concentration |

| | |in not to |

| | |exceed, mg/1 |

|Slaughter House | | |

|Above 70 TLWK/day |BOD (3 days at 27:C) |100 |

| |Suspended Solids |100 |

| |Oil and Grease |10 |

|70 TLWK/day and below |BOD (3 days at 27:C) |500 |

|B. Meat Processing | | |

| |BOD (3 days at 27:C) |30 |

| |Suspended Solid |50 |

| |Oil and Grease |10 |

Note: (i) TLWK - Tonnes of Live Weight Killed: (ii) In case of disposal

into municipal sewer where sewage is treated, the industries shall

install screen and oil & grease separation units: (iii) The industries

having slaughter house along with meat processing units will be

considered in meat processing category as far as standards are concerned.

The Pollution Control Board may specify more stringent standards from the

above depending upon the quality requirement of recipient system.

Solid waste disposal:

As per the Municipal Solid Waste (Management and Handling) Rules, 2000,

the wastes from slaughter house, meat and fish markets, fruits and

vegetables markets, which are biodegradable in nature, shall be managed

to make use of such wastes.

INSPECTION OF SLAUGHTER HOUSE: (1) The Animals Welfare Board of India or

a State Animals Welfare Board or any person who is qualified veterinarian

is authorized by Animal Welfare Board of India may at least once in every

six months period, inspect any slaughter house without notice to its

owner or the person in-charge of it at any time during the working hours

to ensure that the provisions of these rules are being complied with.

(2) The person or the Animal Welfare Organization authorized under sub-

rule (1) shall after inspection send its report to Animal Welfare Board

of India as well as to the municipal or local authority for appropriate

action including initiation of legal proceedings, if any, in the event of

violation of any provisions of these rules."

4. We direct all the State Governments/UTs and the Committees

constituted to effectively follow the above-mentioned guidelines. For

giving further directions, initially we are inclined to direct the States

of Tamil Nadu, Karnataka, Kerala, Delhi, Maharashtra and Uttar Pradesh to

implement the provisions of the Act mentioned earlier as well as the

guidelines issued by the MoEF, and file an action taken report within three

months. Post after three months along with the Action Taken Reports.

Communicate the order to the Chief Secretaries of the above-mentioned

States.

.........................................J.

(K. S. RADHAKRISHNAN)

.......................................

..J.

(PINAKI CHANDRA GHOSE)

New Delhi,

August 27, 2013

REVISED

ITEM NO.301 COURT NO.8 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 permission to file rejoinder affidavit, directions,

permission to file addl. affidavit, documents and submissions with

office report)

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

(With appln. for directions)

W.P(C) NO. 688 of 2007

(With appln. for stay)

W.P(C) NO. 44 of 2004

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

SLP(C) NO. 14121 of 2009

(With appln. for directions, refund of costs and office report)

Date: 27/08/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

Counsel for the parties

Mr. Pranab Kumar Mullick, Adv.

Ms. Soma Mullick, Adv.

Mr. Raj Panjwani, Sr. Adv.

Ms. Purnima Bhat Kak, Adv.

Mr. Vijay Panjwani, Adv.

Mr. Rakesh Khanna, ASG

Mr. Aditya Singh, Adv.

Ms. Kiran Bhardwaj, Adv.

for Mr. S.N. Terdal, Adv.

Mr. D.S. Chadha, Adv.

Mr. Pradhuman Gohil, Adv.

Mr. Vikash Singh, Adv.

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: 2 :

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Mr. Saakaar Sardana, Adv.

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Ms. Sasi Kala, Adv.

Mr. Aniruddha P. Mayee, Adv.

Mr. Charudatta Mahindrakar, Adv.

Mr. Mishra Saurabh, Adv.

Ms. Asha G. Nair, Adv.

Mr. Chetan Chawla, Adv.

Mr. Suryanarayana Singh, Adv.

for Ms. Pragati Neekhra, Adv.

Ms. Aruna Mathur, Adv.

Mr. Yusuf Khan, Adv.

Ms. Nishi Sharma, Adv.

for M/s. Arputham Aruna & Co.

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Ms. Anjali Sharma, Adv.

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DAH, Goa Mr. Bhavanishankar V. Gadnis, Adv.

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Mr. R.P. Yadav, Adv.

Arunachal Pradesh Mr. Anil Shrivastav, Adv.

Mr. Rituraj Biswas, Adv.

Tripura Mr. Rituraj Biswas, Adv.

for Mr. Gopal Singh, Adv.

Bihar Mr. Chandan Kumar, Adv.

for Mr. Gopal Singh, Adv.

Mr. K. Enatoli Sema, Adv.

Mr. Amit Kr. Singh, Adv.

Mr. Pragyan Pradip Sharma, Adv.

Mr. Heshu Kayina, Adv.

Manipur Mr. Sapam Biswajit Meitei, Adv.

Mr. Kh. Nobin Singh, Adv.

Mr. Mukesh Verma, Adv.

for Mr. Yash Pal Dingra, Adv.

Mr. B.S. Banthia, Adv. (NP)

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Mr. T.V. Ratnam, Adv.

Ms. Sumita Hazarika, Adv.

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Mr. Aruneshwar Gupta, Adv.

Mr. K.R. Sasiprabhu, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Ajay Pal, Adv.

Mrs. Manik Karanjawala, Adv. (NP)

Ms. C.K. Sucharita, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. Rakesh Khanna, learned ASG appearing for the MoEF,

submits that he will file a report regarding the status of the

slaughter houses in Ghazipur, Delhi.

We direct the Commissioner of the East Delhi Municipal

Corporation to file a Status Report, within four weeks, indicating

the steps taken by them to comply with the various directions

issued by the MoEF under the heading 'Broad Framework for the

State Committees for Slaughter Houses' in compliance with this

Court's order dated October 10, 2012.

Mr. P.K. Mullick, counsel for the petitioner, and Mr. Vijay

Panjwani, counsel appearing for the Central Pollution Control

Board, submitted that they would like to personally visit Ghazipur

and submit a report to this Court. We record our appreciation for

their kind gesture and are permitted to do so.

The State Governments, which are yet to file the Status

Report indicating their compliance with the directions issued by

the MOEF, as mentioned above, are allowed three weeks' time to

file the same.

...6/-

: 6 :

Put up on October 01, 2013 at 3.30 p.m.

|(N.S.K. Kamesh) | |(Renuka Sadana) |

|Court Master | |Court Master |

(separate signed reportable order is placed on the file)