CORRECTED

ITEM NO.302 (P.H.) COURT NO.7 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. 688 of 2007

(With appln(s) for stay)

W.P(C) NO. 44 of 2004

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

SLP(C) NO. 14121/2009

(With appln(s) for directions and refund of cost and office report) (FOR

FINAL DISPOSAL)

SLP(C) NO. 11686/2007

(With appln(s) for impleadment and vacating stay and restoration and

permission to file additional documents and impleadment and permission to

place addl. documents on record and with prayer for interim relief and

office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 10281/2009

(With prayer for interim relief and office report) (FOR FINAL DISPOSAL)

SLP(C) NO. 18804-18805/2009

(With appln(s) for exemption from filing c/c of the impugned judgment and

with prayer for interim releif and office report)

(FOR FINAL DISPOSAL)

W.P(C) NO. 145/2011

(With appln(s) for directions and office report)

W.P(C) NO. 13199/2012

(With appln(s) for permission to file additional documents, intervention

and with prayer for interim relief and office report) (FOR FINAL DISPOSAL)

W.P(C) NO. 13200/2012

(With appln(s) for directions and intervention and permission to file

additional documents and with prayer for interim relief and office report)

(FOR FINAL DISPOSAL)

W.P(C) NO. 4598/2013

(With appln(s) for exemption from filing c/c of the impugned judgment and

exemption from filing O.T. and with prayer for interim relief and office

report)

SLP(C) NO..... CC NO.4268/2013

(With appln(s) for permission to file SLP and office report)

T.C. NO.84/2013

T.C. NO.86/2013

T.C. NO.85/2013

T.C. NO.98/2013

T.C. NO.97/2013

T.C. NO.127/2013

Date: 22/01/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For the parties

Mr. R.K. Khanna,ASG

Ms. Sunita Sharma,Adv.

Ms. Kiran Bhardwaj,Adv.

Mr. D.S. Mahra,Adv.

Mr. Mohan Prasad Gupta,Adv.

Mr. S.N. Teral,Adv.

Ms. Sukhbeer kaur Bajwa,Adv.

Mr. Mohd. Khairati,Adv.

Mr. Aditya Singla,Adv.

Mr. P. Gupta,Adv.

Mr. Praveen Swarup,Adv.

Mr. Vikas Bansal,Adv.

Mr. Raj Panjwani,Sr.Adv.

Ms. Purnima Bhat Kak,Adv.

Mr. K. Radhakrishnan,Sr.Adv.

Ms. Asha G. Nair,Adv.

Mr. Chetan Chawla,Adv.

Mr. Jitendra M. Sharma,Sr.Adv.

Mr. Ajit Sharma,Adv.

Mr. P.S. Sharma,Adv.

Ms. Geeta Luthra,Sr.Adv.

Ms. Sonakshi Awasthi,Adv.

Mr. Vikas Malhotra,Adv.

Mr. V.K. Viju,Adv.

Mr. Rakesh Dwivedi,Sr.Adv.

Mr. Subramonium Prasad,Adv.

Mr. M. Yogesh Kanna,Adv.

Mr. S. Santha Kumar,Adv.

Mr. C.S. Rajan,Sr.Adv.

Mr. V.G. Pragasam,Adv.

Mr. S.J. Aristotle,Adv.

Mr. Prabhu Ramasubramanian,Adv.

Mr. A. Mariarputham,Adv. Gen.

Mrs. Aruna Mathur,Adv.

Mr. Yusuf,Adv.

Mr. B.D. Sharma,Adv.

Mr. V.P. Arya,Adv.

Mr. S.C. Verma,Adv.

Mr. Deepshikha Bharati,Adv.

Mr. Ghanshyam Singh,Adv.

Mr. Ranjan Mukherjee,Adv.

Mr. S.C. Ghosh,Adv.

Mr. Manjit Singh,AAG, Haryana

Mr. Vikas Sharma,Adv.

Mr. Kamal Mohan Gupta,Adv.

Mr. M.R. Shamshad,Adv.

Mr. Shashank Singh,Adv.

Mr. M.A. Umer,Adv.

Mr. S. Bhowmick,Adv.

Mr. R.P. Yadav,Adv.

Ms. Anjali Sharma,Adv.

Ms. Praveena Gautam,Adv.

Mr. Anip Sachthey,Adv.

Mr. Mohit Paul,Adv.

Ms. Shagun Matta,Adv.

Mr. Ashok K. Srivastava,Adv.

Mr. R.K. Adsure,Adv.

Mr. Venketashwar Rao Anumolu,Adv.

Mr. G. Ananda Selvam,Adv.

Mr. Mishra Saurabh,Adv.

Ms. Vanshaja Shukla,Adv.

Mr. Ankit Lal,Adv.

Mr. Gopal Prasad,Adv.

Mr. Jayesh Gaurav,Adv.

Mr. Nikhil Nayyar,Adv.

Mr. T.V.S. Raghavendra Sreyas,Adv.

Mr. K. Enatoli Sema,Adv.

Mr. Sapam Biswajit Meitei,Adv.

Mr. Ashok Kr. Singh,Adv.

Mr. Vijay Panjwani,Adv.

Mr. Madhur Panjwani,Adv.

Mr. Balasubramanian,Adv.

Mr. K.V. Jagdishvaran,Adv.

Mrs. G. Indira,Adv.

Mr. Bhawanishankar V. Gadnis,Adv.

Mrs. Sunita B. Rao,Adv.

Mr. Vinay Navare,Adv.

Mr. Satyajeet Kumar,Adv.

Mr. Keshav Ranjan,Adv.

Ms. Abha R. Sharma,Adv.

Ms. Asha G. Nair,Adv.

Mr. Abhishek Kumar Pandey,Adv.

Mr. Gopal Singh,Adv.

Mr. Ritu Raj Biswas,Adv.

Mr. Pragyan P. Sharma,Adv.

Ms. Heshu Kayina,Adv.

Mr. V. Prabakar,Adv.

Ms. Jyoti Prashar,Adv.

Mrs. Revathy Raghavan,Adv.

Ms. Bina Madhavan,Adv.

Mr. Anil Shrivastav,Adv.

Mr. Rituraj Biswas,Adv.

Ms. Krishna Sarma,AAG

Mr. Navnit Kumar,Adv.

M/s. Corporate Law Group

Mr. Yashvardhan,Adv.

Mr. Aniruddha Rajput,Adv.

Mr. S.K. Sabharwal,Adv.

Ms. Vimla Sinha,Adv.

Mr. Gopal Singh,Adv.

Mr. C. Paramasivam,Adv.

Mr. P. Rameshj,Adv.

Mr. Y. Arunagiri,Adv.

Mr. M.P. Parthiban,Adv.

Mr. Rakesh K. Sharma,Adv.

Ms. Ruchi Kohli,Adv.

Ms. Nidhi,Adv.

Ms. Sunny C.,Adv.

Mr. Abhimanyu Singh,Adv.

Mr. Sushil Kumar,Adv.

Mr. Chandra Shekhar,Adv.

Dr. S.K. Verma,Adv.

Mr. P. Soma Sundaram,Adv.

Mr. G. Anandaselvam,Adv.

Mr. A.D.N. Rao,Adv.

Ms. Supriya Deshpane,Adv.

Mr. Subodh S. Patil,Adv.

Mr. A.P. Mayee,Adv.

Mr. Charudatta Mahindrakar,Adv.

Mr. Pranab Kumar Mullick,Adv.

Mr. Anil Shrivastav,Adv

Mr. B.S. Banthia,Adv

Mr. V.K. Verma,Adv

Mr. R. Ayyam Perumal,Adv

Mr. Pradeep Misra,Adv

Mr. L.C. Agrawala,Adv.

Mr. P.V. Yogeswaran,Adv

Mr. Dharam Bir Raj Vohra,Adv

Mr. Abhijit Sengupta,Adv

Mr. B.V. Balaram Das,Adv

Mr. Yash Pal Dhingra,Adv

Mr. Kuldip Singh,Adv

Ms. Pragati Neekhra,Adv.

Mr. V.N. Raghupathy,Adv

Mr. P.V. Dinesh,Adv

Mr. Praveen Swarup,Adv.

Mr. Ashok Kumar Srivastava,Adv.

Mr. C.D. Singh,Adv.

Mr. Gopal Singh,Adv.

Mr. Puneet Dutt Tyagi,Adv.

Mr. Tara Chandra Sharma,Adv.

Ms. Kamini Jaiswal,Adv.

Mr. Abijat P. Medh,Adv.

Mr. Sanjay R. Hegde,Adv.

Mr. Gopal Prasad,ADv.

Mr. Mukesh K. Giri,Adv.

Mr. Shibashish Misra,Adv.

Mr. Arun K. Sinha,Adv.

Mr. K. Nobin Singh,Adv.

Ms. Hemantika Wahi,Adv.

Mr. B.S Banthia,Adv.

Mr. T.V. Ratnam,Adv.

Mrs. B. Sunita Rao,Adv.

Mr. P.V. Yogeswaran,Adv.

Mr. Anuvrat Sharma,Adv.

Mr. Naresh K. Sharma,Adv.

Mr. Ajay Pal,Adv.

Mrs. Manik Karanjawala,Adv.

Ms. C.K. Sucharita,Adv.

Mr. B.D. Sharma,Adv.

Mr. Rishi Kesh,Adv.

Mr. B. Balaji,Adv.

Mr. K. Shivraj Choudhuri,Adv.

Mr. Rakesh K. Sharma,Adv.

Mr. Naresh Kumar,Adv.

Mr. K.V. Vijayakumar,Adv.

Mrs. Revathy Raghavan,Adv.

Mr. L.K. Pandey,Adv.

Mr. Shekhar Kumar,Adv.

Mr. M. Yogesh Kanna,Adv.

Mr. P. Soma Sundaram,Adv.

UPON hearing counsel the Court made the following

O R D E R

Learned counsel appearing for the State of Manipur

submitted that they will file a better affidavit to the one

already filed, within two weeks.

We have perused the Action Taken Report which has been

filed by the Convenor, State Committee for Slaughter House &

Joint Secretary to the Govt. of West Bengal, wherein it is

stated that no illegal Slaughter Houses are running in the State

and vigilance is kept by the District Magistrates and District

ARD Officers. We have no hesitation to say that this Action

Taken Report is nothing but an apology of an Action Taken

Report. Along with the Action Taken Report there is Annexure-I,

which indicates that a large number of unlicensed Slaughter

Houses were functioning in the State of West Bengal till

02.05.2013. We would like to know how the officers concerned had

permitted the unlicensed Slaughter Houses to continue till

02.05.2013. Further, we would like to know who are the officers

responsible for permitting these unlicensed Slaughter Houses to

continue in the State and what actions have been taken by the

State Government against these officers. Names of those

officers who are supposed to supervise this should be made known

to the Court with their designation. Let some responsible

officer, who is conversant with this file be also present before

the Court with entire record/files on the next date of hearing.

We have also perused the Compliance Report filed by the

State of Kerala. We are sorry to note that the officer who has

prepared this Report has not gone through our orders. In the

first paragraph of our order dated 28.11.2013 we have

specifically referred to a horrendous scene which was flashed by

the Electronic Media and the manner in which animal was killed

in the State of Kerala. We have taken judicial note of that.

The officer is totally unaware of what is happening in the State

of Kerala. The Affidavit is totally silent about that incident.

In the order dated 19.11.2013 of the Agriculture (AHF)

Department it has been specifically stated that the method of

stunning the animals before slaughter has been distorted to

"repeated hammering" on the head. It is also stated that this

method is in violation of the "Slaughter House Rules, 2001" as

well as the Prevention of Cruelty of Animals Act, 1960 and the

Indian Penal Code. Further, it is also stated by Local

Government, Gram Panchayat, Municipality and Corporation are

instructed to ensure that the practice of "repeated hammering"

on the head before slaughter is discontinued immediately and

penal action be initiated against any person who is found

violating these provisions.

Ms. Bina Madhavan, learned counsel appearing for the State

of Kerala submitted that she will find out when the incident

referred to in our order has happened and what action has been

taken. Further, the State should also file a detailed affidavit

with regard to the action they have taken for proper

implementation of the Act including Section 38(3) of the The

Prevention of Cruelty to Animals Act, 1960 as well as Section

429 of the Indian Penal Code. The Affidavit should state the

actions taken to close down the illegal Slaughter Houses as well

as the manner in which the licensed Slaughter Houses are

functioning in the State. The affidavit and Action Taken Report

be filed within three weeks.

An affidavit has been filed by the State of U.P. which

indicates the names of various Slaughter Houses which are

indulged in exporting meat. The Report is, however, silent

about the method they are using for slaughtering the animals and

also whether they are using any modern techniques for

slaughtering the animals. Needless to say, modernization of

Slaughter Houses has to be taken by the private Slaughter Houses

by themselves. In the Action Taken Report it is stated that the

Municipal Corporation has arranged an amount of Rs.86 Lacs for

the betterment of the Slaughter Houses in and around Varanasi

and Rs.5 Lacs has been earmarked to the improvement of the

building of the slaughter house at Baniabagh.

We are sorry to note that the State of Maharashtra has not

come out with entire details in the action taken by the State

Committee, which was constituted on the basis of the direction

of this Court dated 23.08.2012. It is stated in paragraph 3 of

the affidavit that there are 338 abattoir in the State of

Maharashtra whereas Maharashtra Pollution Control Board has

approved 195 abattoirs. The affidavit is totally silent as to

whether any unlicensed slaughter houses are functioning in the

State of Maharashtra. The affidavit is also silent about the

mechanism they use for slaughtering the animals.

Under such circumstances, unless a proper comprehensive

affidavit is filed, within a period of three weeks, by a

responsible officer as to the manner in which the directions of

this Court dated 23.08.2012 and 27.08.2013 have been complied

with, the Commissioner and Director Municipal Administration and

Secretary, State Level committee would be personally present

before this Court on the next date of hearing, with entire

files/records.

We notice that the Commissioner, Urban Administration and

Development, Member/Secretary, State Level Slaughter House

Committee of the State of Madhya Pradesh has filed an affidavit

in this Court, which is an apology of an affidavit. The

affidavit is completely silent about the action taken by them.

It is stated in the affidavit, at paragraph 10, that the

Committee has identified illegal and unlicensed slaughter houses

in about 190 towns and what action they have taken against them

is not stated in the affidavit. Affidavit is also silent with

regard to the manner in which all the slaughter houses are

functioning in the State of Madhya Pradesh. The affidavit is

also silent about the number of inspections they have conducted

in various Slaughter Houses. Unless a proper and comprehensive

affidavit is filed, within three weeks, giving all the details

of those facts the Commissioner, Urban Administration and

Development, Member/Secretary, State Level Slaughter House

Committee of the State of Madhya Pradesh would be personally

present before this Court on the next date of hearing.

We are informed that the States of Assam, Bihar,

Chhattisgarh, Gujarat, Haryana, Jammu and Kashmir, Nagaland,

Punjab, Sikkim, Tripura, Uttrakhand, Karnataka, Meghalaya &

Union Territory of Lakshadweep and Chandigarh are yet to file

Action Taken Report. We are also informed that the State of

Andhra Pradesh and NCT of Delhi have filed their affidavits but

not supplied a copy to the same to the counsel for the Pollution

Control Board.

All the States/Union Territories, which have not filed

their affidavit are directed to file their respective affidavit

with all details within three weeks and serve a copy of the same

to the Union of India, learned Amicus Curie and counsel for the

Central and State Pollution Control Board.

Learned senior counsel for respondent no.2, in SLP(C)

No.14121/2009, prays for and is granted one week's time to file

additional affidavit.

Post on 26.02.2014 at 2.00 P.M.

SLP(C) Nos.18804-18805/2009, 11686/07, 10281/09, T.C.(C) No.84,

86, 85, 98, 97, 127/2013 & W.P(C) NO.145/2011 & SLP(C)

No.13199/2012, 13200/2012, 4598/2013 & CC No.4268/2013

A copy of I.A. No.5 in I.A. No.3 in SLP(C) No.13199/2012 be

served on the counsel for the opposite parties.

Parties are directed to file their response to it, if any,

within two weeks.

De-tag these matters from this group and list as part heard

on 19.02.2014 at 2.00 P.M.

|(NARENDRA PRASAD) | |(USHA SHARMA) |

|COURT MASTER | |COURT MASTER |