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

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 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 |