

(2012) 08 SC CK 0026

In the Supreme Court Of India

Case No : Writ Petition (C) No. 309 of 2003 with W.P. (C) No. 330 of 2001, W.P. (C) No. 44 of 2004 and W.P. (C) No. 688 of 2007

Laxmi Narain Modi

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 23-08-2012

Acts Referred:

Citation : (2012) 8 SCALE 435

Hon'ble Judges : K.S. Radhakrishnan, J; Dipak Misra, J

Bench : Division Bench

Judgement

1. 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 CPC B) as early as in October, 2003 wherein they have categorically stated as follows:

The CPC B 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.

2. 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.

3. 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.

4. The matters have again come up for hearing today.

5. Learned senior counsel appearing for the Ministry of Environment and Forest (Moe) brought to our knowledge a decision taken by the Moe under the Chairmanship of Secretary, Ministry of Environment and Forest on 26.04.2012. In the meeting, the CPC B has presented its status of 15 States whereas the Ministry of Labor gave a status of 20 States and the action plan was also discussed.

6. 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. CPC B will write to all States informing about its guidelines for slaughter houses.

[Action: CPC B)

2. CPC B 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: CPC B)

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 Labor.
- 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 (Ash's) located within the local self Govt. (Municipal Corporations, Pantheist 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 Ash's and also on the compliance of the relevant applicable laws.
- iii) to recommend modernization of old slaughter houses (Ash's) and to relocate Ash'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 Ash'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 Ash'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)

7. 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.

8. 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.

9. 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.

10. 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 CPC B 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).

11. The CPC B will initiate steps within a period of two weeks from today. The CPC B is also directed to submit its report within a period of one month. List the matters after six weeks on a non-miscellaneous day.