

(2013) 08 SC CK 0046

In the Supreme Court Of India

Case No : Writ Petition (Civil) No. 309 of 2003 (Under Article 32 of the Constitution of India)

Laxmi Narain Modi

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 27-08-2013

Acts Referred:

Transport of Animals (Amendment) Rules, 2001 — Rule 96, 96(1)

Citation : (2013) 12 AD 278 : (2013) 3 EFLT 924 : (2014) 1 RCR(Civil) 200 : (2013) 11 SCALE 313 : (2013) 10 SCC 227

Hon'ble Judges : Pinaki Chandra Ghose, J;K.S. Panicker Radhakrishnan, J

Bench : Division Bench

Advocate : Rakesh Khanna, ASG, Raj Panjwani, Sanchar Anand, Manjit Singh, Irshad Ahmed, AAG, Pranab Kumar Mullick, Soma Mullick, Purnima Bhat Kak, Vijay Panjwani, Aditya Singh, Kiran Bhardwaj, for S.N. Terdal, D.S. Chadha, Pradhuman Gohil, Vikash Singh, Bina Madhavan, Anip Sachthey, Saakar Sardana, M. Yogesh Kanna, A. Santha Kumaran, Sasi Kala, Aniruddha P. Mayee, Charudatta Mahindrakar, Mishra Saurabh, Asha G. Nair, Chetan Chawla, Suryanarayana Singh, for Pragati Neekhra, Aruna Mathur, Yusuf Khan, Nishi Sharma, for Arputham Aruna and Company, Gopal Prasad, Jayesh Gaurav, Vibha Datta Makhija, M.P. Singh, Sunil Fernandes, Insha Mir, Astha Sharma, Mandeep Vinayak, Anjali Sharma, Praveena Gautam, Bhavanishankar V. Gadnis, Sunita B. Rao, B.D. Sharma, N. Vyas, Deep Shikha Bharati, Ved P. Arya, S.C. Verma, Krishna Sarma, Riku Sharma, Mohan Prasad Gupta, Sunita Sharma, M. Khairati, Vikas Malhotra, V.G. Pragasam, S.J. Aristotle, Prabu Ramasubramanian, Samir Ali Khan, Ranjan Mukherjee, S.C. Ghosh, S. Bhowmick, R.P. Yadav, Anil Shrivastav, Rituraj Biswas, for Gopal Singh, K. Enatoli Sema, Amit Kr. Singh, Pragyan Pradip Sharma, Heshu Kayina, Sapam Biswajit Meitei, Kh. Nobin Singh, Mukesh Verma, for Yash Pal Dingra, B.S. Banthia, V.K. Verma, Nikhil Nayyar, R. Ayyam Perumal, Pradeep Misra, P.V. Yogeswaran, B.S. Banthia, Dharam Bir Raj Vohra, Abhijit Sengupta, Kuldip Singh, V.N. Raghupathy, P.V. Dinesh, Ashok E. Srivastava, C.D. Singh, Anuvrat Sharma, Punit Dutt Tyagi, Tara Chandra Sharma, Kamini Jaiswal, Sanjay R. Hegde, Mukesh K. Giri, Shibashish Misra, Arun K. Sinha, Hemantika Wahi, T.V. Ratnam, Sumita Hazarika, Mohan Prasad Meharia, Aruneshwar Gupta, K.R. Sasiprabhu, Naresh K. Sharma, Ajay Pal, Manik Karanjawala and C.K. Sucharita, for the Appellant;

Final Decision : Allowed

Judgement

K.S. Panicker Radhakrishnan, J.—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;

TABLE - II

Space requirement for Cattle while being transported in commonly sized road vehicles

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 1/2 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:

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 CONSIGNEE

- 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:
- 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 TRANSPORT 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:

(2) The latest update on number of pigs which can be transported through vehicle is given below:

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.

SPECIFICATION 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 shelters with 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 postmortem 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 sight 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 effluent disposal standards notified under the Environment (Protection) Rules, 1986 are:

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.