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LAXMI NARAIN MODI

v.

UNION OF INDIA AND OTHERS

(Writ Petition (Civil) No. 309 of 2003)

JANUARY 30, 2014

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[K.S. RADHAKRISHNAN AND PINAKI CHANDRA GHOSE, JJ.]

Prevention of Cruelty to Animals (Establishment and

C *Registration of Societies for Prevention of Cruelty to Animal) Rules, 2000; Prevention of Cruelty to Animals (Slaughter House) Rules, 2000; Solid Waste (Management and Handling) Rules, 2000; Environment Protection Act, 1986:*

D *By Orders dated 23.8.2012 and 10.10.2012, Supreme Court directed constitution of State Committees for supervising and monitoring the implementation of the provisions of these statutes - By Order dated 27.8.2013 directed State Committees to file Action Taken Report - Held*

E *: Action taken Reports indicated that in many States, slaughter houses have been functioning without any licence and even the licenced slaughter houses are also not following the various provisions as well as the guidelines issued by the MoEF - There is no periodical supervision or inspection of the various slaughter houses functioning in various parts of*

F *the country - The presence of an experienced Judicial Officer in the State Committees would give more life and light to the Committees, who can function as its Convener - The Convener, so appointed, would see that the Committees meet quite often and follow and implement the provisions of the Act*

G *as well as the guidelines issued by the MoEF, which has been made a part of order dated 27.8.2013 - In such circumstances, request made to the Chief Justices of the various High Courts in the country to nominate the name of a retired District Judge*

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for a period of two years as a Convener of the Committee so as to enable him to send the quarterly reports to Supreme Court.

CIVIL ORIGINAL JURISDICTION : Under Article 32 of the Constitution of India.

Writ Petition (Civil) No. 309 of 2003.

WITH

W.P. (C) No. 330 of 2001.

W.P. (C) No. 688 of 2007.

W.P. (C) No. 44 of 2004.

S.L.P. (C) No. 14121 of 2009.

Rakesh K. Khanna, ASG, Manjit Singh, AAG, Pranab Kumar Mullick, Vijay Panjwani, Seema Rao, Priyanka Sinha, M.R. Shamshad, Shashank Singh, Sapam Biswajit Meitei (for Ashok Kr. Singh), Upendra Mishra (for Samir Ali Khan), Tarjit Singh, Irshad Ahmad, M. Yogesh Kanna, A. Santha Kumara, Pragati Neekhra, Vanshaja Shukla (for Mishra Saurabh), Jayesh Gaurav (for Gopal Prasad) for the appearing parties.

The Order of the Court was delivered by

K.S. RADHAKRISHNAN, J. 1. We, in our order dated 23.8.2012, had highlighted the extreme necessity of constituting State Committees for the purpose of supervising and monitoring the 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 Waste (Management and Handling) Rules, 2000, the Prevention of Cruelty to Animals (Slaughter House) Rules, 2000 etc.

2. We passed another order on 10.10.2012 and, following that order, almost all the States and Union Territories have constituted the State Committees. On 27.8.2013, we passed a detailed order directing those Committees to implement the

broad framework prepared by the MoEF, which we have incorporated in the said order. We also directed the various State Committees to file an Action Taken Report. Few Committees have filed their Action Taken Reports.

3. We notice that there is no periodical supervision or inspection of the various slaughter houses functioning in various parts of the country. Action Taken Reports would indicate that, in many States, slaughter houses are functioning without any licence and even the licenced slaughter houses are also not following the various provisions as well as the guidelines issued by the MoEF, which we have already referred to in our earlier orders. We feel that the presence of an experienced Judicial Officer in the State Committees would give more life and light to the Committees, who can function as its Convener. The Convener, so appointed, would see that the Committees meet quite often and follow and implement the provisions of the Act as well as the guidelines issued by the MoEF, which has been made a part of our order dated 27.8.2013.

4. In such circumstances, we are inclined to request the Chief Justices of the various High Courts in the country to nominate the name of a retired District Judge for a period of two years as a Convener of the Committee so as to enable him to send the quarterly reports to this Court. First report be sent within two months. Communicate this order to the Chief Justices of the various High Courts in the country, along with a copy of this Court's orders dated 23.8.2012, 10.10.2012 and 27.8.2013. We fix a consolidated remuneration of Rs. 20,000/- per month as honorarium to be paid to the District Judge (Retd.), which will be borne by the respective State Governments/Union Territories, as the case may be. Union of India and various State Governments have raised no objection in adopting such course, so that the Committees could function efficiently and the provisions of the Act and the framework prepared by the MoEF could be given effect to in its letter and spirit.

D.G. Matter pending.