IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twenty Fifth day of August Two Thousand Fifteen

PRESENT

THE HON'BLE MR.SANJAY KISHAN KAUL,THE CHIEF JUSTICE

and

THE HON`BLE MR JUSTICE T.S.SIVAGNANAM

WP No.13749 & 11519 &13748 of 2015

1 E.SESHAN [PETITIONER IN WP No.13749 & 13748/15]

2 PEOPLE FOR CATLE IN INDIA [PETITIONER IN WP No.11519/15]
REP.BY ITS SECRETARY,
MR.G.ARUN PRASANNA HAVING OFFICE AT
8/22,RAGAVAIAH ROAD, T.NAGAR,
CHENNAI - 17, PAN NO.AACTP4703F

Vs

1 THE UNION OF INDIA [RESPONDENTS IN WP No.13749 & 13748/15]
REP.BY ITS SECRETARY,
GOVERNMENT OF INDIA,
DEPARTMENT OF ENVIRONMENT AND FORESTS,
PARYVARAN BUILDINGS,
C.G.O.COMPLEX, NEW DELHI

2 THE STATE OF TAMILNADU
REP.BY ITS SECRETARY, DEPARTMENT OF ANIMAL
HUSBANDRY AND FISHERIES DEPARTMENT, FORT ST.
GEORGE, CHENNAI-600009

3 THE ANIMAL WELFARE BOARD OF
INDIA, REP.BY ITS CHAIRMAN, NO.13/1, 3RD
SEAWARD ROAD, VALMIKI NAGAR, THIRUVANMIYUR,
CHENNAI-600041

4 THE DIRECTOR GENERAL OF POLICE [RESPONDENTS IN WP No.13749/15]
TAMILNADU, MYLAPORE, CHENNAI-4

1 STATE OF TAMILNADU [RESPONDENTS IN WP No.11519 /15]
REP. BY ITS CHEIF SECRETARY,
SECRETARIAT, ST.FOROT ST. GEORGE,
CHENNAI-9

2 GOVERNMENT OF TAMILNADU
REP. BY ITS SECRETARY,
ANIMAL HUSBANDRY,
DAIRYING AND FISHERIES DEPARTMENT,
FORT ST. GEORGE, CHENNAI-9

3 GOVERNMENT OF TAMILNADU
REP. BY IT SECRETARY, ROAD TRANSPORT,
FORT ST. GEORGE, CHENNAI-9

4 THE COMMISSIONER
CHENNAI CORPORATION,
EVR PERIYAR ROAD,
CHENNAI-3

5 TAMILNADU POLLUTION CONTROL
BOARD, REP. BY ITS CHAIRMAN,
NO.76, MOUNT ROAD, GUINDY,
CHENNAI-32

6 THE DIRECTOR GENERAL OF
POLICE, RADHAKRISHNAN ROAD,
MYLAPORE,
CHENNAI-4

7 THE COMMISSIONER OF POLICE
VEPERY, CHENNAI-7

8 DEPUTY COMMISSIONER OF
POLICE, WASHERMANPET DISTRICT,
CHENNAI-81

9 ANIMAL WELFARE BOARD OF INDIA
REP. BY ITS SECRETARY,
13/1, 3RD SEAWARD
ROAD, VALMIKI NAGAR, THIRUVANMIYUR,
CHENNAI-41

10 FOOD SAFETY AND STANDARDS
AUTHOIRTY OF INDIA,
REP. BY ITS CHAIRPERSON,
C-1-D, RAJAJIBHAVAN,
BESANT NAGAR, CHENNAI-90

Writ Petitions under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

[i] issue a Writ of Mandamus or any other Writ, Order, or Direction in said nature directing the respondents 1 to 4 to prevent any transport of Camels into the State of Tamilnadu by foot or on vehicles without compliances to the transport rules and their

killing as religious sacrifices inside Tamilnadu in violation of Rules for slaughter of animals, in places other than lawful slaughter houses, in accordance with rules [in WP. No.13749/15] and ;

[ii] issue a Writ, Order, or Direction in the nature of a writ more particularly writ of Mandamus directing the respondents to take effective steps to prohibit the illegal transportation & slaughtering of camels in the state of Tamil Nadu [in WP. No.11519/15] and ;

[iii] "issue a Writ of Mandamus or any other writ, order, direction in the said nature directing the respondents to ensure that no destruction, killing or sacrifice of any nature, of any animal takes place in the State of Tamil Nadu outside a registered and licensed slaughter house and that such killing or destruction of animals is only for arranging for food for mankind" [IN WP.13748/2015]

PRAYER AMENDED AS PER ORDER DATED 23/06/2015 BY S.K.K., CJ,and T.S.S.J IN MP.2 of 2015 in WP.13748/2015.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.R.SRINIVAS, Advocate FOR MR.SU.SRINIVASAN ASST.SOLICITOR GENERAL for the PETIIONER [IN WP.13748/15 & 13749/2015] AND OF MR.STS.MOORTHY GOVT PLEADER ON BEHALF OF THE 2ND RESPONDNET IN [IN WP.13748/15 & 13749/2015] AND OF MR.JEYESH B DOLIA, Advocate FOR THE 3RD RESPONDNETS [IN WP.13748/15 & 13749/2015] AND OF MR.STS.MOORTHY, GOVT PLEADER ON BEHALF OF THE 1ST to 3RD AND 6TH to 8TH respondents [IN WP.11519/15] and OF MR.K.SOUNDARARAJAN, ADVOCATE for 4th respondent [IN WP.11519/15] and M/S.RITA CHANDRASEKAR, ADVOCATE for R5 [IN WP.11519/15] AND OF M/S.JAYESH B.DOLIA, ADVOCATE for R9 [IN WP.11519/15], AND OF MR.K.SURENDRANATH, ADVOCATE for R10 [IN WP.11519/15], the court made the following order:-

The gruesome photographs filed with the writ petitions also do not seem to trouble the respondent authorities. These photographs show slaughtering of Camels in public places and yet, the Corporation of Chennai has the temerity to say that no slaughter of Camel is taking place as no permission has been granted.

2. The affidavit filed by the Inspector General of Police (Welfare), Chennai refers to the Circular Memorandum dated 30.04.2017, which reads as under:-

"(i) With regard to the transport of animals in vehicles, Section 38(3) of Prevention of Cruelty to Animals Act, 1960 read with Rule 96(1) and (2) of Transport of Animal Rules, 1978 has to be followed strictly.

(ii) Whenever animals are transported in vehicles from one place to another, it should be ensured that proper requisite certificate from the Animal Welfare Board of India is obtained and the persons who transport the animals in vehicles should be in possession of that mandatory certificate.

(iii) Police check posts should maintain and update the registers in which details of vehicles carrying animal, as per certificates issued by the Animals Welfare Board of India etc. should be entered.

(iv) Any violation of rules under Prevention of Cruelty to Animals Act and Transport of Animals Rules should be booked and criminal action proceeded against offenders in Courts of Law."

3. Despite the materials filed on record, all it says, and paragraph 6 of the said affidavit states, that no complaint has been received!

4. It is quite obvious that the Circular Memorandum has been observed in breach and a blind eye is turned towards what is going on.

5. The Deputy Commissioner (Health), Corporation of Chennai once again states that no complaints have been received. Simultaneously, it is stated that the issue is "sensitive" and the Corporation alone finds it difficult to control slaughtering of Camels, for which a Committee comprising the Corporation, Police, Transport, Pollution Control Board and Animal Welfare Board officials has to be formed and the Committee should monitor such slaughtering, and for which permission is required. This seems to suggest as if different departments of the Government are incapable of co-ordination between themselves unless directions are issued by this Court.

6. We are also surprised to note the stand taken in the same affidavit that Camels are slaughtered for religious purposes and therefore, any action has to be taken "cautiously". We fail to understand how the slaughtering can take place in an unregulated manner all over the City, that too in public places. The slaughtering can only take place in the Slaughtering House at a designated place and thus, different authorities are passing on the burden to the other, giving no solution to the problem.

7. The Animal Husbandry Department has filed a separate affidavit stating that they provide health cover for the animals and also vaccination and also affirmed that slaughter of animal has to be performed in that Slaughter House under the supervision of concerned Veterinary officials. Ante-mortem examination of animal has to be carried out, whereas post-mortem examination has been conducted in the Slaughter Hall and such provisions are available only with Chennai Corporation owned Slaughter Houses.

8. We find that the respondents are confusing the methodology

employed for slaughtering as aspects of hygiene/slaughtering in public places. The issue is not that wholesome meat should not be available, which is permissible, but the slaughtering has to be in an organised manner at designated places, taking due precautions so that the meat is not contaminated.

9. Incidentally, the affidavit filed by the Assistant Secretary, Animal Welfare Board of India in W.P.No.11519 of 2015, in paragraph 12 states that slaughter of Camels for food is illegal and should not be allowed to happen as the FSSAI has not included Camel as a species that can be slaughtered for food and hence, slaughter of Camel for food is illegal.

10. The aforesaid, thus, leads little doubt that slaughtering of Camel is not permissible and there has to be a regulation of slaughter in appropriate places as per the norms in respect of the animals which can be slaughtered for food. The Animal Welfare Board of India, in fact, prayed for an appropriate direction to the State Government Law Enforcement Authorities to enforce the Prevention of Cruelty to Animals Act, 1960 effectively.

11. Since the respondents seem to be not able to have effective internal co-ordination to examine the issue as a whole, we feel a Committee has to be appointed to make necessary recommendations to this Court in a short period of time. The Committee would have representations from Animal Husbandry, Dairying and Fisheries Department; Road Transport Department; Chennai Corporation; Police Authorities; Tamil Nadu Pollution Control Board; Animal Welfare Board of India; Food Safety and Standard Authority of India and Mr.R.Srinivas, learned counsel appearing for the petitioner in W.P.Nos.13749 and 13748 of 2015. The Animal Husbandry, Dairying and Fisheries Department, State of Tamil Nadu should nominate the Secretart from their Department as the Chairman of the Committee. The first meeting of the Committee should be held within a week and the preliminary recommendations should be placed before us a day before the next date of hearing.

12. List on 14.09.2015.

-sd/-
25/08/2015

/ TRUE COPY /

VLR Chandrasekar 26/8/15
Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY
THE UNION OF INDIA, GOVERNMENT OF INDIA,
DEPARTMENT OF ENVIRONMENT AND FORESTS,
PARYVARAN BUILDINGS, C.G.O.COMPLEX, NEW DELHI

2 THE SECRETARY
THE GOVERNMENT OF TAMILNADU, DEPARTMENT OF
ANIMAL HUSBANDRY AND FISHERIES DEPARTMENT,
FORT ST. GEORGE, CHENNAI-600009

3 THE CHAIRMAN
THE ANIMAL WELFARE BOARD OF INDIA, NO.13/1,
3RD SEAWARD ROAD, VALMIKI NAGAR,
THIRUVANMIYUR, CHENNAI-600041

4 THE DIRECTOR GENERAL OF POLICE
TAMILNADU, MYLAPORE, CHENNAI-4

5 CHIEF SECRETARY,
THE GOVERNMENT OF TAMIL NADU
SECRETARIAT,ST FORT ST.GEORGE,
CHENNAI - 600 009.

6 THE SECRETARY
GOVERNMENT OF TAMILNADU,
ROAD TRANSPORT, FORT ST.GEORGE, CHENNAI-9.

7 THE COMMISSIONER,
CHENNAI CORPORATION,
EVR PERIYAR ROAD,
CHENNAI-3

8 CHAIRMAN
TAMIL NADU POLLUTION CONTROL BOARD, NO.76
MOUNT ROAD, GUINDY, CHENNAI 600 032.

9 THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI 600 007.

10 DEPUTY COMMISSIONER OF POLICE,
WASHERMANPET DISTRICT,
CHENNAI 600 081.

11 CHAIRPERSON
FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA,
C-1-D, RAJAJIBHAVAN,
BESANT NAGAR,
CHENNAI 600 090

AX 0001142

C.C. to M/S.R.SRINIVAS Advocate on payment of necessary charges

C.C. to MR.K.SOUNDARARAJAN, Advocate on payment of necessary charges

C.C. to M/S.RITA CHANDRASEKAR, Advocate on payment of necessary charges

C.C. to M/S.JAYESH B.DOLIA, Advocate on payment of necessary charges

+2 C.C. to M/S.AIYAR & DOLIA Advocate SR.NO.12638.

The Government Pleader, High Court, Madras - 104.SR.No.12649.

Order

in

WP No.13749 & 11519 &13748 of 2015

Date :25/08/2015

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SM 26/08/2015