

Supreme Court of India

Buffalo Traders Welfare ... vs Maneka Gandhi And Ors. on 18 May, 1994

Equivalent citations: 1994 (3) SCALE 1, 1994 Supp (3) SCC 448

Bench: M Venkatachaliah, S Mohan

ORDER

1. We have heard learned Counsel for the parties.

2. On behalf of the petitioners it is urged that the High Court had drastically reduced the number of animals to be slaughtered to 2,500 per day. As a matter of fact, there are about 10,000 workers who are employed in slaughtering. With this number of 2,500 animals to be slaughtered many of them will be thrown out of employment. It will only lead to illegal and unhygienic slaughter. Having regard to the fact that the Municipal Corporation of Delhi is stated to have spent Rs. 70 lacs for the improvement of the Slaughter House at Idgah, this Court must permit more number of animals to be slaughtered. The further submission is, at least, by shifts the slaughtering could be permitted. In such a case more number of animals could be slaughtered. That may ease out the problem in a way.

3. On behalf of the respondents it is urged that no increase in the animals to be slaughtered is permissible since all the relevant considerations were borne in mind by the High Court. In fact, it had given directions to improve the prevailing conditions in larger public interest. In order to ensure compliance of these directions a high-powered committee headed by Justice J.D. Jain, retired Judge of the Delhi High Court has been constituted. Therefore, nothing further is warranted under the circumstances.

4. On a perusal of the judgment which is impugned before us we think it does not call for any interference. The order of the High Court unexceptionable as it is to the extent it goes, deals with only a part of the problem. The prevalent conditions in the Idgah Slaughter House were, apparently, appealing and the High Court has, very rightly, insisted on measurement of certain minimal health and hygiene standards. But that is only one side of the story. What should happen to the thousands of workers who are thrown on the streets jobless? What again is the way to meet the meat requirement of a large city? What about the thousands of persons who live by this trade? But then Courts do not possess any such expertise as to enable it to decide for itself the conditions justifying increase in number of animals to be slaughtered. That has to be considered by an expert body, keeping in mind the environmental aspect including the treatment and outlet for effluents, proper cleaning sewerage and water-supply facilities.

5. We have been furnished with panels of names from both sides. From out of those panels we constitute the following Expert Committee:

1. Justice J. D. Jain, Retired Judge, Delhi High Court (Chairman)

2. Dr. A.K. Chatterjee, Former Joint Commissioner, Meat & Meat Products and Animal Husbandry Commissioner, Govt of India

3. Dr. H.A.B. Parpia, Former Director Central Food and Technology Research Institute, Mysore.
 4. Dr. B.V. Chintaman, (Convenor) Former Executive Engineer, Deonar Abattoir.
 5. Dr. D.K. Biswas, Chairman, Central Pollution Control Board.
 6. Dr. S.C. Maudgal, Adviser, Ministry of Environment & Forests.
 7. Chief Engineer, S.P. Zone, New Delhi.
6. The Committee may amongst other relevant issues consider specifically the following two aspects:
- (i) The conditions and additional facilities and infra-structure and services necessary to augment an increase in the number of animals for slaughtering at the Idgah Abattoir;
 - (ii) Establishment of a mechanised Slaughter House of an adequate capacity to meet the requirements of the consumers of the trade of both internal and export.
7. While considering these aspects the Committee shall have regard to the prese; impasse created, throwing a large number of workers out of employment, Of course, availability of good meat prepared under hygiene conditions and public interest are vii concerns which have to be considered paramount The Committee may suggest short-term plans to get over the present difficult situation. Likewise, mid-term and long-term plan for establishing a modern Slaughter House, the emphasis being cleanliness, hygiene pollution control. The Committee could also suggest the feasibility of import of appropriate modern technology.
8. The suggestions and recommendations of the Expert-Committee shall be placed before the High Court of Delhi which shall issue such directions as it may deem fit. We would like to stress that the short-term plans to augment the capacity may be made by the Expert Committee at a very early date after a personal visit and inspection of the Idgah Slaughter House. Such suggestions may be considered by the High Court of Delhi, if necessary, ii a vacation sitting. We would request the learned Chief Justice to constitute a Bench the vacation, if required, as the matter might require urgent remedial measures on consideration of the Expert-Committee's advice and recommendations.