

Case Note: The case regarding the unacceptable conditions at Idgah Slaughter House. Positive correlation found between unhygienic conditions at Idgah slaughter house and unwholesome meat and also serious environmental pollution. An expert committee appointed by Supreme Court to examine technical factors. After balancing interests of traders with that of meat-eating public and importance of environmental clean-up court gave greater weight to latter.

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IN THE HIGH COURT OF DELHI

Civil Writ Appeal No. 2961 of 1992

Decided On: 27.01.1995

Maneka Gandhi

Vs.

Union Territory of Delhi and Ors.

Hon'ble Judges:

K.S. Bhatt and Dalveer Bhandari, JJ.

It had been established in the earlier hearings of this petition that horrifying and unacceptable conditions existed at Idgah slaughter house. To ensure basic and minimum standard of hygiene, the court had limited to 2500, the number of animals permitted to be slaughtered per day. Bodies like Buffalo Traders Welfare Association had challenged the limit in a Special leave Petition before Supreme Court after the High Court had dismissed their review petitions. The Supreme Court appointed an expert committee to examine the technical factors e.g. levels of air and water pollution, quality of meat imposition of the limit etc.

Looking to the prevailing conditions at the slaughter house it has not been feasible to raise the limit earlier imposed.

Held:

1. While taking, totality of all the facts and circumstances of the case, and examining the entire matter in the light of either hygiene, health, environment or from the point of view of lairage, location of the present slaughter house, availability of water, no case is made out for increasing or augmenting the limit of 2500 animals. The Court has to take into consideration cleanliness, hygiene and serious problem of pollution control. This problem has been examined from various facets, without compromising on the minimum standard of cleanliness, hygiene, pollution control, the number cannot be increased.

2. There should not be any problem in getting fresh hygienic, wholesome meat from other places, for sometime in the same way as of fresh vegetable, fruits and milk are brought from outside for our daily consumption. The State of Delhi is not a producer

of sheep, goats or buffaloes. As a matter of fact, most of these animals are brought from far flung States of Delhi which includes enormous cost of transportation of the animals and then problems of lairage, etc. arise. Why can't the slaughter house be set up where large number of animals are otherwise available and larger areas and adequate water supply and other facilities are available. The respondent must ensure that meat eating population is not put to any inconvenience and they must get adequate fresh hygiene and wholesome meat.

3. The other related problem is regarding employment of those people who have been rendered jobless because of the Court's order. All those persons must be rehabilitated at the earliest even while disposing of earlier review petitions this Court directed the State Government to frame a proper scheme of their rehabilitation.

4. The basic problems of the meat eating population and all those employed directly or indirectly on meat industry cannot be solved without shifting and setting up a new modern slaughter house. This abattoir has some fundamental limitations such as non-availability of area, its location leading to immense traffic congestion, no possibility of installing effluents treatment plant, the drainage system, and all these limitations lead to environment pollution. Above all, the abattoir is located in clear contravention on the provisions of Delhi Master Plan.

5. The High Powered Committee is directed to ensure meticulous compliance of our directions and directions given by their lordships of the Supreme Court.

1. The respondents and the Union of India are directed to set up a modern mechanised slaughter house for providing adequate fresh, hygienic and wholesome meat.

2. The Idgah slaughter house to be shut down on or before 31-12-95 which is functioning against all norms, rules and laws.

3. The respondents are directed to ensure rehabilitation of those rendered jobless at the earliest.

6. The M.C.D. shall ensure meticulous compliance of bye-laws for the regulation of the slaughter house, prepared in pursuance of the directions of this court particularly, Regulation 10 regarding lairage which says that animals intended for slaughtering should be lairaged 24 hours in advance for proper check up and rest, and Regulation 25 that no children below 18 years should be allowed to work in the slaughter house.

JUDGMENT

Dalveer Bhandari, J.

(1) The petitioner has initially filed tile public interest litigation in the Supreme Court of India regarding unhygienic, inhuman and horrible conditions which are prevalent at the Idgah slaughterhouse of Delhi. Their Lordships of the Supreme Court directed this court to hear and dispose of the petition.

(2) In the petition, it is averred that effluents of highly pollutive nature are being discharged in drains and open sewerage. by slaughtering of tens of thousands of

animals in most unhygienic conditions and in contravention of all laws, rules, regulations and norms. Even the slaughter house is running in total contravention of the Master Plan.

(3) On the directions of their Lordships, this matter was heard at length. This court even appointed three Court Commissioners to visit the slaughter house and submit a detail report. The report submitted by the court Commissioners was taken into consideration. The photographs and video film prepared by them were also kept in view while deciding the writ petitions. After hearing counsel at length, and examining various facets of the problem, the court reached to the conclusion that the conditions prevalent at the slaughter house were most unhygienic and were posing serious threats to the livers and health of the entire population of Delhi, particularly to the large meat-eating population.

(4) This court in the larger public interest, gave various directions. The directions pertained to :

(A)Supply of wholesome and pure drinking water to the residents of Delhi and adjoining areas.

(B)Children below the age of 18 years shall not be allowed to work in the slaughter house.

(C)The M.C.D. was directed to take. necessary' steps to stop illegal slaughtering.

(D)licenses be issued to the butchers

(Q)The M.C.D. was directed to appoint adequate number of veterinary doctors.

(F)Slaughtering hours must be fixed and strictly maintained, so that sufficient time is left for cleaning the abattoir and the other sections of the slaughter house.

(G)The M.C.D. shall ensure ante mortem medical examination of the animals.

(H)The notification of the M.C.D. dated September 21, 1961 regarding carrying the maximum number of animals must be strictly implemented.

(I)The M.C.D. is directed to frame comprehensive bye-laws,rules for the smooth functioning of slaughter house within three months.

(5) It may be relevant to mention that another Division Bench of this Court had the occasion to examine some of these issues while deciding C.W.P. Nos. 2267 '90. 158,91 and 830 92. The Division Bench after taking various facts and circumstances into consideration, directed the closure of the Idgah slaughter house on or before 31st December. 1993.

(6) Since the basic conditions had not improved, this court again directed closure of the slaughter house and observed that if for any reason it continues for sometime, in that event, for maintaining at least the minimum standard of hygiene and sanitation, the number of animals slaughtered must be reduced to 2500 per day. This court also

appointed a high-powered committee to ensure compliance of the directions given in the judgment.

(7) It may be pertinent to mention that the Delhi Meat Merchants Association and the Buffaloes Traders Welfare Association have preferred review petitions against the said judgment of the Division Bench dated March 18, 1994. This Court after hearing counsel at length gave detailed judgment in those review petitions explaining the reasons why the number of animals slaughtered at the Idgah Slaughter House cannot be increased. The main reasons which did not permit the Court from increasing the number were (a) available area, (b) traffic congestion (c) drainage system (d) ante mortem examination (e) post mortem examination (f) air and water pollution.

(8) This Court observed that even if basic minimum standard of hygiene and sanitation is to be maintained, then in our opinion

"IN the larger public interest, the number of animals permitted to be slaughtered at the said slaughter House cannot be increased."

(9) The court also observed that we cannot permit supply of meat of those animals which have not, undertone any kind of antemortem examination. We also cannot permit carcasses to leave the slaughter house before proper checking in order to determine whether the meal is fit for human consumption or not ? The possibility of the supply of contaminated meat and meat of diseased and sick animals cannot be ruled out. These precautions are absolutely imperative particularly in the interest of meat eating population.

(10) The Court also observed that meat eating population of Delhi is entitled to have wholesome fresh and hygienic meat. It is the duty and obligation of the respondents to ensure it. In case, there is temporary short fall (till the modern slaughter house is set up) in supply the same can be made good by getting fresh, hygienic meat from the other places as the milk is brought to Delhi every day. While dealing with the review petitions, the Court had shown serious concern about the problem of unemployment which may arise because those who were dependent on this trade have been rendered jobless. The Court directed the respondents to frame a scheme of offering alternative employment to those who were dependent on this trade and are now without work.

(11) The buffalo Traders Welfare Association and some others have filed the Special Leave. Petitions against the judgment of this court before the Hon'ble Supreme Court.

(12) Their Lordships of the Supreme Court have observed that, "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, appalling and the High Court has, very rightly inrested . an ensurement of certain minimal health and hygiene standards.

(13) The court further observed, "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.

(14) Their Lordships of the; Supreme Court out of many names furnished constituted a committee of following experts :-

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, Government of India
3. DR. H. A. B. Parpia, Former Director, Central Food and Technology Research Institute Mysore.
4. Dr. B. V. Chintaman. 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.

(15) The Court further observed that the Committee may amongst other relevant issues consider specifically the following two aspects :

(I) The conditions and additional facilities and Infrastructure 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.

(16) Their Lordships of the Supreme Court directed the Committee to look into the problem of unemployment of the workers dependent on the meat trade and the court also observed, availability of good meat prepared under hygienic conditions and public interest are vital 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 plans be made for establishing a modern Slaughter House, the emphasis being cleanliness, hygiene and pollution control.

(17) In pursuance of the directions of their Lordships of the Supreme Court, the Committee met on a number of occasions, the detailed proceedings have been annexed to the report submitted by the Chairman of Committee to this court. Their Lordships of the. Supreme Court had directed that the suggestions and recommendations of the Expert Committee be placed before the High Court and the High Court would thereafter issue directions as it may deem fit Immediately after receiving the report, the Division Bench of this Court assembled and heard this matter almost on a day-to-day basis. The Chairman of the Committee submitted the report on 22nd September, 1994 and thereafter he submitted supplemental to the report on November 8, 1994. Thereafter, a separate, report has been jointly submitted by three

members, namely, Dr. A. K. Chatterjee, Dr. H.A.B. Parpia, and Shri V. C. Behere. Similarly, Dr. S. C. Mudgal, has submitted his report on 7th November, 1994, Dr. D. K. Biswas, Chairman, Central Pollution Board, carried out sampling on 3rd August, 1994 after the alleged Rs. 90 lakhs were spent by the M.C.D. in carrying out renovation of the slaughter house and submitted his observations.

(18) Since there is no consensus report of the Committee, therefore, this court had to bear all concerned at length in order to give suitable directions. Obviously, the task became far more difficult for this court.

(19) Mr. A. S. Qureshi, Senior Advocate appeared on behalf of Anjuman Vakil Quam Oureshiyau, Delhi, he submitted that the Committee was appointed to recommend how the number can be increased. and under the pretext of ' environmental pollution and lairage the Expert Committee could not say that the number cannot be increased. According to him. not of dissent given by three other experts-is must be accepted. Mr. Qureshi submitted that there is a space available for slaughtering 4000 sheep and goats in Halal section and 1000 in Jhatka section. In the buffalo section, 2500 buffaloes and calves can be slaughtered. Thus total number of animals which can be slaughtered is 7500 in one shift. This number can be doubled by having two shifts of six hours each. He submitted that the Chief Engineer. M.C.D. Mr. Chhablani' mentioned that 3600 sheep and goats in halal section and 900 in jhatka section as well as 1200 buffaloes can be slaughtered in a single shift. The dissent note and the figures given by Mr. Chhablani have not been considered in proper perspective by the Chairman in its report.

(20) Mr. Qureshi also submitted that in the interest of employment of a large number of persons involved in the meat industry and for adequate supply of meat for the meat eating population, the number must be increased as indicated in the note of dissent submitted by the three experts. Mr. Qureshi admitted that the slaughter house is located in the heart of the city and there are three schools adjoining the slaughter house.

(21) He further submitted that the schools in the vicinity of the slaughter house were set up after the slaughter house was set up. therefore, in all fairness, schools located adjoining to the abattoir must be shifted and not the abattoir. He also submitted that the Chairman ignored the vital aspects of the matter that a huge foreign exchange is earned from this abattoir. therefore, by placing restrictions, the foreign exchange earning has been severely affected.

(22) Mr. Daljit Singh, the learned Senior Counsel appeared on behalf of an individual Consumer (C.M.216 95) in- a representative capacity. His main argument was that the Consumers are entitled to adequate, wholesome and hygienic meat and it is the duty of the Municipal Corporation of Delhi to ensure it. He also submitted that two plans were prepared by the Hungarian Government for modernisation and expansion of the Idgah slaughter house. The plan particularly to have modern multi-storied slaughter house should be considered if found feasible, be implemented.

(23) Mr. Mishra, Sr. Advocate appearing for the Delhi Meat Merchants Association has submitted that the number of animals slaughtered must be increased because restrictions placed have adversely affected the members of the said association. He

submitted that because of the restrictions, a number of people have been rendered jobless and despite the directions of this court, the Government has not done anything in this regard, He also referred to the representation submitted on behalf of his client for the alternative employment but no reply has been received so far from the respondents.

(24) Mr. Mishra also submitted that it is the obligation of the Municipal Corporation to provide a slaughter house and if they cannot provide a proper slaughter house, then the Corporation must permit private slaughtering.

(25) MR.MISHRA submitted that on the basis of note of dissent by three members and Dr. Chhablani, the number must be increased to 7500 (6000 sheep goats and 1500 buffaloes).

(26) Mr. G. Ramaswamy, Senior Advocate who has appeared for the Buffalo Traders Welfare Association submitted that as far as buffaloes are concerned, the capacity be increased from 500 to 2500. He submitted that buffalomeat has been fetching very valuable foreign exchange to the country. Mr. Ramaswamy also submitted that his Association is prepared to co-operate, with the Municipal Corporation in carrying out necessary improvements in the functioning of the slaughter house. Mr. Ramaswamy also submitted that if necessary, the association would be willing to financially help the Mcd for carrying out the improvements.

(27) Mr. Ramaswamy referred to the Constitution Bench Judgment of the Supreme Court, Abdul Hakim Quraishi and others vs. State, of Bihar and others, [MANU/SC/0038/1960](#) : 1961CriLJ573 and on that basis, he submitted that members of the Association have fundamental right to carry on the trade.

(28) Dr. A.M. Singhvi who appeared for Akhil Bhartiya Krishi Goseva Sangh submitted that while taking into consideration the totality of the facts and circumstances the Abattoir must be closed forthwith and in no case the court should increase the number of animals already permitted to be slaughtered. He referred to the judgment of the earlier Division Bench and pointed out that the Municipal Corporation of Delhi is under no obligation to provide a slaughter house for export. This slaughter house has been set up for the domestic need of the residents and not for export, He submitted that unless changes suggested by this court are implemented in toto, it is not possible to increase the number.

(29) Dr. Singhvi submitted that animals are brought from Rajasthan, Uttar Pradesh, Madhya Pradesh, Gujarat and Haryana to Delhi. Transporting these animals is a big problem apart from being very expensive. The directions indicated in the Division Bench order which are based on the notification of the Mcd regarding transportation of the animals are not followed. According to the said notification only four Buffaloes or 40 sheep goats can be transported in one truck. This rule is never adhered to as observed by the Chairman of the Expert Committee in his report. As a matter of fact each truck is fully loaded with animals packed to its capacity in clear contraventions of the directions of the High Court, and the animals are transported from long distances and on the way there is no facility even of drinking water for these animals. In these conditions animals are compelled to travel for hundred kilometers, which severely affects the quality of meat. particularly when after the arrival of these animals in the

slaughter house, there is no lairage available for them. It is also submitted that most of the animals slaughtered here are brought from other States. Apart from the serious constraint of the area, there is acute water shortage, leading to environmental, (air and water) pollution. In these circumstances one fails to comprehend why the slaughter house at all be located in such a highly congested and densely populated area of Delhi. It would be in the interest of all concerned to have an abattoir near a place where a large number of animals are naturally located and long transportation can be avoided and adequate land and water are available and where there is no possibility of any pollution. This is particularly important in the light of the stand of the Delhi Government that the Delhi Government is not in a position to provide a new modernized abattoir in Delhi.

(30) Dr. Singhvi has read all the reports submitted to this Court including the report of the Chairman and dissent note sent by Dr. A. K. Chatterjee, Mr. H. A. B. Parpia and Mr. V. C. Behere. He has taken strong exception to the offensive language used in that note particularly against the Chairman. He submitted that the note is contentious in content, tenor, tone and substance. He also submitted that the report is derogatory, condescending, contentious interference with the administration of justice and hence, per se contempt of court. He had drawn our attention to a number of paras of the report, we have considered this submission of Dr. Singhvi. To say the least, the Committee ought to have maintained propriety and decency while submitting the dissent note. There can be honest difference of opinion but that should not lead to mud-slinging or character assassination. It is a privilege for anyone to serve on a committee appointed by Hon'ble the Supreme Court in a capacity of an expert. He is expected to adhere to the norms of decency and propriety. We do not think it appropriate to devote any more time on this objection taken by Dr. Singhvi. We would rather concentrate on the substance of the reports submitted to this Court by the Committee appointed by their Lordships of the Supreme Court.

(31) The illegal slaughtering has been a matter of Court concern for a long time. It has been a pre-existing reality. This has not started because of the restrictions placed by the judgment of this Court. He invited our attention to the main judgment in this case *Maneka GaKdhi Vs. Union Territory of Delhi* 54(1994) Delhi Law Times 190(DB) (2). In that judgment the Court appointed three practicing lawyers as the Court commissioners after visiting the slaughter house, they submitted a comprehensive report. In the report it is mentioned that there is a large scale illegal slaughtering of animals at places other than the abattoir. In that judgment it is mentioned that the officials of the respondent conducted number of meat raids

(32) In meat raids a number of carcasses were destroyed and huge compounding fee was collected. In the year 1991 it was 1,84,750 in 1991-92 it was 245,050 and in the year 1992-93 it was 2,40,500. The Court also observed that illegal slaughtering was taking place because the compounding fee imposed by the M. C. D. was so marginal that the offender does not find it uneconomical in continuing illegal slaughtering keeping in view the cost of transportation and fees to be paid to the M. C. D. The submission was that illegal slaughtering has not started after the restriction on the number of animals to be slaughtered has been placed by the High Court.

(33) Dr. Singhvi submitted that though after the directions given by this Court, the Mcd has spent about 90 lakhs but that money has primarily been spent in repairing

and the construction of the wall and renovating the existing structure of the buliding. But fundamentally nothing has been changed or can be changed because of the paucity of the area available with the MCD. According to him this problem cannot be solved unless a larger area in different location is available to the slaughter house. Because of the directions of this Court, there is greater cleanliness and hygiene in the various sections of the slaughter house which has resulted in better quality of meat. The ante mortem and post mortem examinations are carried out though they are not carried out strictly according to known parameters and procedure but certainly there is some improvement because the number of the animals slaughtered has been restricted by the Court. Dr. Singhvi also submitted that after disposal of the main writ petition, the review petitions were filed before this Court. By detailed reasoned judgment the Court indicated the reasons why the number of animals to be slaughtered cannot be increased and gave detailed reasons for the same. He has drawn our attention to those main issues and submitted that the situation and conditions have basically remained unchanged and unaltered because no fundamental improvements have been carried out. In most of those areas fundamental improvements are not really possible.

(34) He also invited our attention to the first issue that this Court discussed, which was regarding availability of area.

(35) Admittedly out of the total area of seven acres only five acres are available to the slaughter house. The respondents have made available 40 acres of land at Narela for a similar project to handle about 5900 small animals, sheep and goats, 900 large animals buffaloes and 200 pigs per day. thereforee, the total area of this slaughter house which is almost 118th of its she cannot be considered adequate to handle more than 2500 animals while maintaining minimum standard of hygiene and sanitation. If the area is hardly adequate for 2500 animals, then there is, of course no scope of augmenting or increasing the number By increasing the number there shall be much greater pressure on the existing available infrastructure and even the basic minimum hygiene and norms of sanitation would not be adhered to.

(36) The another issue which ought to be taken in to consideration while considering the suggestion of augmenting the number of animals to be slaughtered is traffic congestion. Admittedly the slaughter house is situated in the heart of a very busy commercial and residential area of Sadar Bazar. Mr. Mishra handed over a map of the location during the course of the arguments. According to that map there are schools on both sides of the slaughter house. More than 8,000 boys and girls are studying in these schools. There is a 10 feet gall between the schools and the slaughter house. It is admittedly located in the most densely populated residential and commercial areas of Delhi. Passing and repassing on those roads is both difficult and time consuming because of very heavy traffic. All kinds of vehicles ply in that area. These animals are brought in trucks and even a few trucks, can dislocate the entire traffic there. It is submitted that even with the existing number, the traffic situation is bad enough and in case the number is increased, it .would create insurmountable difficulty for the residents of the area.

(37) He submitted if the mandatory rules regarding transportation of animals is implemented no truck could be permitted to carry more than 4 buffaloes or 40 sheep goats. According to this ratio. 625 trucks would be required for carrying 2500 buffaloes and 237 trucks for carrying 9500 sheep goats. The total number or trucks

would be $625+237 = 862$ trucks. One shudders to imagine if eight hundred and sixty two trucks are allowed to pass and repass every day in that area, which is already very congested, how badly would the residents be affected ? therefore, since traffic conditions have in fact gone from bad to the worse because of increase in the population, therefore, augmenting any number would lead to very serious problems for the residents of the area where the slaughter house is located.

(38) Then comes conditions pertaining to hygiene and sanitation. This Court while deciding the earlier petition has observed as under : The entire abattoir right from the main road onwards is an endless stretch of several inches thick of animal dung and urine. And the stink of animal waste is unbearably nauseating, which emanates from the prettification of urine. excreta, blood, entrails etc. The most unhygienic place in the abattoir are the buffalo, Halal and Jhatka Sections. The entire floor is full of waste discharged from the entrails and blood. The animals are slaughtered ruthlessly on this floor and they spend their last moments screaming and beating in the filth of the entrails and blood.

(39) The prevailing conditions to some extent have improved both because of the restrictions imposed by the Court and also because of the facilities and improvements carried out by the M.C.D. But the apprehension is that, in case the number is again increased the slaughter house would be facing the same problems of hygiene and sanitation which it had faced before the restriction by the Court was imposed,

(40) Similarly in the drainage system of the slaughter house area there are some improvements carried out by the M.C.D. after the directions of this Court. It may be relevant to mention that new drainage system has not been installed by the Mcd, but they have only repaired and cleaned the drains. It is submitted that the present drainage system of the area is able to cope with, only because of the restrictions placed, but if the number is increased, again, the same problems and conditions would revive which existed prior to the judgment of this Court.

(41) Then comes ante mortem and post mortem examination. These are two very important tests and parameters to ensure hygienic and wholesome meat.

(42) Before slaughtering ante mortem examination is the most important stage where the animal has to be properly examined by the Veterinary Doctor to ascertain whether the meat of a particular animals fit for human consumption ? Before the directions of this court were implemented virtually, there was no ante mortem examination. If there is no proper ante mortem examination, then the possibility of slaughtering of diseased and infirm animals or animals suffering from communicable diseases cannot be ruled out.

(43) Similarly post mortem examination of the carcass is equally necessary and is conducted by checking the colour of the meat, texture of meat, lung patches (for T. B. worms) and liver patches (for flukes, worms) etc.

(44) Accordingly to Dr. Singhvi, no space is available for lairage of animals. It is submitted by him that some ante mortem examination of animals has been made possible because of the imposition of restrictions in the number of animals permitted to be slaughtered by the Court. If the number is again augmented then again the total

ante mortem and post mortem examination would be an eye wash which would eventually affect the quality of the meat supplied to the consumers.

(45) Then comes the air and water pollution. The entire environment in and around the abattoir is totally polluted. The pollution both in water and air is much beyond the permissible limit. He referred to the report dated 3rd August, 1994 when the water sampling was carried out of the abattoir. According to that report, bio Chemical oxygen demand was 2825 mg. against the permissible limit of 250 mg. Similarly concentration of suspended solids should not exceed 600 mg. whereas it was found to be 1148 mg. therefore, even with the reduced number, the level of pollution is not within the permissible parameters and standards in that event if the number is increased, it would be totally disastrous. The Chairman in his report regarding pollution has indicated that Clause 10 of Annexure--I to Schedule Vi which lays down that all effluents discharged from various industries including slaughter house into surface waters shall conform to the Bod limit specified therein, namely, 30 mg l. For discharge of an effluent having Bod more than 30 mg l the standards shall conform to those given above for other receiving bodies, namely, sewers, coastal waters and land for irrigation etc. Rule 3(3-A) lays down that notwithstanding anything contained in sub-rules (1) and (2) on and from 1st day of January, 1994 emission or discharge of environmental pollutants from the industries operations or processes shall not exceed the relevant parameters and standards specified in Schedule VI". Thus this rule is clearly mandatory and the parameters and the standards laid down in Schedule Vi have to be complied with by the concerned industry. It may be stated that as per report of Dr. Maudgal grab samples taken and analysed in 1987 by the Environment Ministry showed : Ph : 7.6 Bod : 5616 mg l Cod : 1470 mg l

(46) therefore, this unit viz. the abattoir at Idgah was given conditional clearance in 1989 by the Central Pollution Control Board for a period of one year. However, the effluent treatment plant was nowhere in sight even in January, 1995 despite notices being served under the Act and the judicial proceedings. He has placed on record a copy of notice dated 2nd January, 1989 issued by the Ministry of Environment and Forests, Government of India to the Municipal Corporation, Delhi in this connection. It inter alia reads as under:-

"WHEREAS slaughter house operations from your unit is causing health hazard and environment problems in nearby areas.

"WHEREAS analysis result of grab sample of effluent collected by the Central Board on 3-3-1987 showed very high values of Chemical Oxygen Demand (COD) and Bio-Chemical Oxygen Demand (BOD).

Whereas you were issued a show cause notice under Section 5 of the Act dated 1st May, 1987. . .".

(47) After stating the factual position, the notice concluded as under :--

"NOW, therefore in view of the above, the Central Government in exercise of the powers under Section 5 of the Act hereby modifies its directions dated 7-11-1988 and directs you as follows :-

(I) That you shall complete the effluent treatment facilities in the slaughter house on or before 31st December, 1990 and treat the effluents so as to meet the prescribed standards under the Act or any other law. In case you fail to do so you shall close the operations with effect from 1-1-1991 and the concerned authorities shall stop the supply of electricity, water and other facilities to your unit.

(II) That you shall submit half yearly reports to this Ministry the progress of the project.

In case the above directions are not complied forthwith, you are liable for prosecution under Section 150) of the Act."

(48) In these circumstances the slaughter-house cannot be permitted even to continue because of a very high level of BOD and COD. On top of it, there is no effluent treatment plant. The counsel appearing for the MCD and for the Government of Delhi categorically stated that it is not possible to set up the effluent treatment plant. In these circumstances, to increase the number of animals to be slaughtered would be environmentally hazardous. The expert, Dr. Bids was pointed out in his report the activity of abattoir generates a large quantum of solid wastes and effluents. The wastes containing high BOD load and suspended solids are discharged into the sewer without any treatment. Generally large quantum of effluents and solid waste containing high BOD are discharged into the sewer. Adequate water is not available even for the existing number of animals to be slaughtered and if the number is increased, it would further aggravate the problem of water and air pollution.

(49) Dr. A. M. Singhvi submitted that the present abattoir has outlived its usefulness and looking to all the factors, the said abattoir cannot continue in the place where it is located. He submitted that there is no place for lairage. According to the Bureau of Indian Standards, there has to be a lairage in the slaughter house. The necessity of lairage for animals has been highlighted by both the environment experts Dr. Maudgal and Mr. Biswas. Dr. Maudgal is Senior Adviser to the Ministry of Environment and Dr. Bids is the Chairman of the Pollution Control Board. Animals are required to be given sufficient rest, fodder and water for approximately 24 hours before slaughtering in order to avoid glycogen depletion, which generally occurs during the transit, in the instant case, when animals are brought from far flung areas of Rajasthan, Madhya Pradesh, Haryana, Gujarat, it becomes all the more necessary. Dr. Maudgal has particularly stressed this point. Dr. Bids was also submitted that the total absence of lairage and proper facilities of ante mortem and post mortem examination of animals are glaring shortcomings in the existing conditions of the abattoir.

(50) The importance of lairage was highlighted by Dr. A. K. Chatterjee who was a Member of the Meat Industry Sectional Committee, A.FDC, and the standard laid down therein need to be adopted strictly by the abattoir. He pointed out that clause 5.1.1.4 lays down that adequate holding area shall be provided according to the class of animals to be slaughtered. The holding area shall have water and feeding facilities. The resting ground should have overhead protective shelters. Clause 5.1.2 deals with lairages and states

"The lairage shall be adequate in size for the number of animals to be laired. The space provided in the pens shall be not less than 2.8 mtr. per large animal and 1.6 mtr.

per small animal. The animals shall be kept separately depending upon their type and class. The lairage shall be so constructed as to protect the animals from heat, cold and rain. The lairage shall have adequate facility for watering and ante-mortem inspection as given in standard 5.1.1.1 to 5.1.1.4".

(51) Clause 4 deals with lay out. plan of the abattoir. Its subclause 4.1. reads as under:-

"THE abattoir shall have the following essential facilities"

(A) Resting place for animals before the slaughter; (b) Adequate facilities for ante-mortem inspection; (c) Inspection of meat and disposal of meat unfit for human consumption; and (d) Laboratory:

(52) It is thus emphasised that the Bureau of Indian Standards consider it absolutely essential that the slaughter house makes provision for lairaging the animals to be slaughtered and the same should be for approximately 24 hours.

(53) The same Dr. A. K. Chatterjee, who was one of the experts, here had taken a different view by saying that in Indian conditions, it may not be necessary because hot and fresh carcasses are consumed. He submitted that standards were laid down for Indian abattoir by the said expert committee.

(54) Dr. Singhvi submitted that the present abattoir cannot be permitted to function in the place it is located because it cannot meet even the minimum norms of hygiene, sanitation and environment. He submitted that there may have been difference of opinion on other issues but all experts are unanimous on the issue that pollution control at the abattoir is totally unsatisfactory. Dr. Singhvi submitted that only on not adhering to the basic standards of environment and not installing proper pollution control devices, large number of industries have been closed down by the Supreme Court, where the closure has affected lakhs of workers and other people dependent on those industries. He submitted that this slaughter house was constructed about 90 years ago for the requirements of about 4 to 5 lakhs of people. Now, the population has increased almost 20 times but the basic infrastructure of the abattoir has remained the same. Not even an inch of more land has been added. On the contrary, some part of it has been encroached illegally and is not available to the slaughter house. The slaughter house set up about 90 years ago for catering to the needs of 4 to 5 lakhs of people has totally outlived its utility, and for a population of 92 lakhs a modern slaughter house is absolutely necessary. The instant slaughter house is located in the most densely populated area in the heart of the city. There are three schools adjoining the abattoir and important residential and commercial establishments are also located there. He submitted that there seems to be no logic or justification of continuing the abattoir where it is located. Admittedly animals slaughtered at the abattoir have to be brought from other States. The area available with the abattoir is very small and there is no possibility of adding or increasing the area. Admittedly, there is neither any adequate lairage space, nor any effluents treatment plant, or adequate supply of water which is absolutely a must for an abattoir. In these conditions, the abattoir ought not to continue at this place. The abattoir should be located at a place which is far away from the residential areas and where cattle are available and they do not have to be transported from long distances. where adequate land, water and other facilities are

available. He further submitted that on examining the location of the abattoir from any angle, the present abattoir is not at all suitable. He submitted that when in Delhi we get almost all items of our need from outside, including, vegetables, fruits, fish, milk; etc. What is the difficulty in getting fresh, wholesome and hygienic meat from other places.

(55) Dr. Singhvi also submitted that there is no substance in the submission of the Learned counsel that the abattoir has to continue at his place for exporting of the meat. As far as export of meat is concerned, why cannot it be exported from other slaughter houses, particularly, from some of the new modern slaughter houses which have been set up where all the standards of hygiene, environment and health are taken into consideration. He pointed out that even after the substantial amount which has been spent by the M. C. D., conditions have still remained very appalling at the slaughter house. He has drawn attention to Annexure A to the report of Dr. Biswas, Chairman, Central Pollution Board. The said report is set out as under:-- Idgah Slaughter House Waste Water Characteristics Date of Sampling : August 3, 1994 Sampling : Composite Duration of Sampling: 5.00 a.m. to 11.30 a.m. (one shift)

Parameter	Concentration in Standards for mg./l, except Ph discharge into sewer
Concentration not to exceed in nig I. except pH	pH 6.73 5.5- 9.0
Suspended Solids	1148 600
Chemical Oxygen Demand . .	5261
Bio-Chemical Oxygen 'Demand	2825 350 (5 days at 20 degree C)
Total Dissolved Solids .	3045
Phosphates (as P) . . .	13
Total Kjeldahl Nitrogen (as N) .	500

(56) This sample was taken on as late as 3rd August, 1994, after all the improvements were carried out by the M.C.D. According to the said annexure the concentration of Bio-Chemical oxygen demand should be in the vicinity of 350 mg whereas the same has been found to be 2825 mg at Idgah slaughter house. Similarly, concentration of suspended solids should not exceed 600 mg.. whereas it has been found to be 1148 mg at the Idgah abattoir.

(57) The Secretary of the Committee has made inspection and even according to his report, the conditions are not satisfactory' partly because the M.C.D. has not implemented the laws and directions given by this court and partly because of the limitations of the place, particularly, the available area and its location.

(58) On 2nd January, 1989, Ministry of Environment and Forests, Government of India issued notice to the Municipal Corporation of Delhi. According to the said notice, the operation of the slaughter house causing health hazard and environment problems in adjoining areas. The Ministry of Environment and Forests got analysis of grab sample of effluents collected and on the basis of the result of those samples, came to the conclusion that the slaughter house is creating pollution in the nearby area. The M.C.D. was directed to complete effluent treatment facilities on or before 31st December, 1990. The Municipal Corporation of Delhi was also directed to treat, the effluents so as to meet the prescribed standards under the Act or any other law. It was also indicated to the M.C.D. that in case the M.C.D. fails to install the requisite treatment plant then it shall close the operations with effect from 1st January, 1991.. Such a serious view was taken about the prevailing conditions at the slaughter house.

(59) It is submitted that despite this notice, the effluents treatment plant, is nowhere in sight even in 1995. He also submitted that the Master Plan for the year 2001 has listed the abattoir as a hazardous and obnoxious industry and the abattoir is located in clear contravention of the provisions of the Delhi Master Plan.

(60) Mr. Adarsh Goel appearing for the Government of Delhi has referred to the affidavit filed by Mr. P. V. Jaikrishnan, Principal Secretary, Urban Development, Delhi Government. He submitted that in pursuance of the directions of this Court a general decision was taken by the Cabinet of the Delhi Government to help those who have been rendered jobless because of the restrictions imposed by the Court's order. He submitted that the Delhi Government has decided to make every effort to rehabilitate them. The details of the rehabilitation scheme shall be worked out after the exact number of persons who have been rendered jobless and who need help of the Government are known. The Government shall make its serious endeavor to rehabilitate them.

(61) In the affidavit. Mr. Jaikrishnan mentioned that since nobody has approached the Government and Justice Jain Committee. so far, therefore, they could not be rehabilitated till this date. He also submitted that alternative offers for rehabilitation were also made by some socio-religious organisations. but the same were not availed if. The presumption is that those affected, have taken to self-employment in the allied activities either in slaughtering shops outside Delhi or in shops such as poultry, fish, animal husbandry, etc.

(62) He also submitted that as a follow up of the judgment of this court, illegal slaughtering was stopped and to regulate the same, licenses were introduced. Applications were invited from those interested and this was given a wide publicity. 4000 persons applied for the licenses and all of them were given licenses. He submitted, that slaughter house at Narela could not be materialised because the Delhi Pollution Control Board has refused to give the no objection certificate. The other reason was that the butchers also refused to shift there, and of course there has been resistance from the local population of Narela.

(63) Mr. Jaikrishnan has stated in para 4 of his affidavit that every effort is being made to ensure adequate meat supply for the residents of Delhi. He admitted that lairage is not being done on account of non-availability of space though ante mortem and post mortem examination is being done. He also submitted that meat is not a controlled item and the same can be brought from other states in adequate quantity to Delhi, looking to its demand. "Therefore, as far as the problem of adequate supply of wholesome and hygienic meat is concerned, there is no problem. Looking to its needs, meat is brought to Delhi for a long time. He submitted that there are basic limitations of this slaughter house (available area and its location) therefore, even with best of our efforts even the minimum standards of hygiene, sanitation and environment cannot be achieved.

(64) Mr. M. C. Mehta appearing for the writ petitioner Mrs. Maneka Gandhi submitted that the present slaughter house is functioning in total contravention of all laws and rules. This slaughter house is also creating a big problem for health, hygiene and pollution for the people of Delhi, the conditions prevalent at the slaughterhouse are still far from satisfactory. He referred to the affidavit of Mr. Chander Prakash,

Environment Engineer, Delhi 'Pollution Control Committee, Department of Environment, Delhi Administration filed in the main petition, and drew the attention, that the effluents treatment plant to treat the trade effluents being generated at the Idgah slaughter house has not been installed. The trade effluents having Bod as high as 12750 mg. per litre as against the permissible limit of 100 mg. per litre Chemical Oxygen Demand is as high as 28810 mg. per litre (permissible limit has not been specified and oil and grease as high as 137mg.per litre as against the permissible limit of 10 mg. per is generated from the said slaughter house and can cause anaerobic conditions. He also referred to notice which has been sent by the Ministry of Environment and Forest under Section 5 of the Environment Protection Act, 1986 for closure of the slaughter house w.e.f. 1-1-1991 in case the slaughter house failed to install suitable effluents treatment plant. Till this date, no effluents treatment plant has been installed. Therefore, the slaughter house is functioning illegally and it has to be stopped forthwith, He referred to Section 21 of the Air Pollution Act and submitted that there is clear violation of this Act in functioning of the said slaughter house. Section 21 of the Act reads as under :-

"21Restrictions on use of certain industrial plants.-

(1)Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area', Provided that a person, operating any industrial in any air pollution control area immediately before the commencement of Section 9 of the Air (Prevention and Control of Pollution) Amendment Act, 1987. for which no consent was necessary prior to such commencement, may continue to do so for a period of three months from such commencement or, if he has made an application for such consent within the said period of three months, till the disposal of such application.

(2)An application for consent of the State Board under sub-section (1) shall be accompanied by such fees as may be prescribed and shall be made in the prescribed form and shall contain the particulars of the industrial plant and such other particulars as maybe prescribed', provided that where any person, immediately before the "declaration of any area as an air pollution control area. operates in such area any industrial plant such person shall make the application under this sub-section within such period (being not less than three months from the date of such declaration) as may be prescribed and where such person makes such application. he shall be deemed to be operating such industrial plant with the consent of the State Board until he consent applied for has been refused.

(3)The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry, shall follow such procedure as may be described.

(4)Within a period of three months after the receipt of the application for consent referred to in sub-section (1) the State Board shall, by order in writing and for reasons to be recorded in the order, grant the consent applied for subject to such conditions and for such period as may be specified in the order, or refuse such consent; Provided that it shall be open to the State Board to cancel such consent before the expiry of the period for which it is granted or refuse further consent after such expiry if the conditions subject to which such consent has been granted are not fulfilled. Provided

further that before cancelling a consent or refusing a further consent under the first proviso a reasonable opportunity of being heard shall be given to the person concerned.

(5) Every person to whom consent has been granted by the State Board under sub-section (4) shall comply with the following conditions, namely :-

(I) the control equipment of such specification as the State Board may approved in this behalf shall be installed and operated in their premises where the industry is carried on or proposed to be carried on;

(II) the existing control equipment, if any, shall be altered or replaced in accordance with the directions of the State Board.

(III) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition.

(IV) chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected or re-erected in such premises;

(V) such other conditions as the State Board may specify in this behalf; and

(VI) the conditions referred to in clauses (i), (ii) and and (iv) shall be complied with within such period as the State Board may specify in this behalf;

Provided that in the case of a person operating any industrial plant in an air pollution control area immediately before the date of declaration of such area as an air pollution control area, the period so specified shall not be less than six months: Provided further that-

(A) after the installation of any control equipment in accordance with the specifications under clause (i), or

(B) after the alteration or replacement of any control equipment in accordance with the directions of the State Board under clause (ii), or

(C) after the erection or re-erection of any chimney under clause (iv), no control equipment or chimney shall be altered or replaced or, as the case may be, erected or re-erected except with the previous approval of the State Board.

(6) If due to any technological improvement or otherwise the State Board is of opinion that all or any of the conditions referred to in sub-section (5) require or requires variation (including the change of any control equipment, either in whole or in part), the State Board shall, after giving the person to whom consent has been granted an opportunity of being heard. Very all or any of such conditions and the thereupon such person shall be bound to comply with the conditions as so varied.

(7) Where a person to whom consent has been granted by the State Board under sub-section (4) transfers his interest in the industry to any other person, such consent shall

be deemed to have been granted to such person and he shall be bound to comply with all the conditions subject to which it w"

(65) The requisite consent which is imperative has not been taken since 1987. The M.C.D. is running the slaughter house in total violatin of Section 15 of the Environment Protection Act. Section 15 reads as under:-

"15.Penalty for contravention of the provisions of the Act and the rules, orders and directions.-(1) whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to 5 years or with fine which may extend to one lakh rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention. (2) If the failure or contravention referred to in subsection (1) continues beyond a period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which may extend to seven years."

(66) Mr. Mehta submitted how can the public undertaking of authority be permitted to violate the) laws and rules with such impunity? Mr. Mehta referred to Section 42 of the M.C.D. Act which "shows that the M.C.D. has to carry on activities lawfully only. In view of this. how is the M.C.D. permitted to carry on this slaughter house in total contravention of all rules, norms and laws. He submitted that out of the total 2265 million litres of water per day. only 1065 million litres is treated by the M.C.D. and remaining 1200 million litres of untreated water joins river Yamuna every day. He referred that because of this, there are cases)chotera gastroentitis. diarrhoea off and on. He referred to large number of newspaper cuttings.

(67) He referred to Section 215 of the Delhi Municipal Corporation Act. which reads :.is under :-

215.Purity of water or domestic purposes.-The Delhi Water Supply and. Sewage Disposal Committee shall secure that the water in any water works belonging to the Corporation from which water is supplied for domestic purposes is wholesome.

(68) According to that, it is the obligation of the Municipal Corporation to provide wholesome drinking water for the residents of Delhi. He also referred to Section 241 of the said Act which reads as under :-

"241.Certain matters not to be passed into municipal drains.-(1) No person shall throw, empty, or turn into any municipal drain or into any drain communicating with a municipal drain-

A)any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of its contents- or

(B)any Chemical,, refuse or waste steam, or any liquid of a temperature higher than forty-five degrees centigrade. being refuse or steam which, or a liquid which when so

heated is, either alone or in combination with the contents of the drain, dangerous or the cause of a nuisance or prejudicial to health: or

(C)any dangerous petroleum. (2) In this section the express in dangerous petroleum" has the same meaning as in the pertotem Act 1934 (30 of 1954)

(69) According to that section anything cannot be draided down the way at is being done by this apparou which is in clear contravention fo section 241, He submitted that now when the number of the animals slaughtered is 2500 and even then there is no place for lairaging of the animals what would happen in case the number is anereased.

(70) Mr. Mehta referred to the inspection report submitted by the Secretary or the Idgah abattoir on 23-1-1994. This inspection was carried out after all the improvements have been made by like the M.C.D it was observed by the Secretary that right from the entry gate to the other end of the Secretary that right from the entry gate to the other end of the slaughter house, the area was ful or goats and sheep with no space t walk. Enquiry from the traders present there revealed that the number or goats and sheep at that time in the premises of the so called persons workers, traders who were present along with the animals was insert of the order of around 12000 to 15000. The number of persons workers, traders who were present along with the animals was itself of the order of thick paste of urine dung and other dropping of the animals though there was no rain on that day, Teh scene presented a truck of the Corporation being jammed in the market itself and it has no place to move further, There were three wheeler scooters, tampoos in the same crowd where carcasses were being loared. A number of butchers stated that the proposed wall to separate the road inside the slaughter house and the marketing place would lead to extreme, suffocation and difficulties. Along with the report, number a worker carrying a carcass of a Buffalo on his head in upon for loading it on ground road which is full of fifty material. The picture also shows that the carcass is not covered and its carried in public view. Picture 9 show a shall girl pulling a cycle rickshaw carrying carasses.

(71) The Secretary has observed that after inspection of the animal market he entered the slaughtering sections. The first things to catch the eye was the presence of large number of young childern involved in the slaughtering progrees. The Secretary found the children present even in the buffalo section. The Secretary also observed that the doctors present there explained their difficulties in carrying out detailed antemortem examination of the were three wheeler scootk-is, tampoos in the same crowd" where animals as there was no lairage space and cattle crush to contain the animal before ante mortem examination. They stated that ante mortem examination was for the name sake. Similar difficulties Were expressed in respect of post mortem examination as there was no post mortem room as well as laboratory facilities and sufficient time allowed for the purpose.

(72) Mr. Mehta also pointed out that part of the report where the observations Of the Principals of four schools were mentioned when the Secretary of the Committee had gone and met them. All "the four principals mentioned that there was stinking smell in class rooms, and laboratories. They were vomiting by children ren and the teachers. The Principals also mentioned to the Secretary that' number Of posts of teachers remained vacant as teachers are reluctant to join the school because of Slaughter House smell and sight of killed animals. It was also stated that even the Inspectors of

School do not come for the sine reason. Beatings and cries of animals psychologically-affect the attention and mind of the young children. They also stated-that the problem becomes acute 'on Wednesday because there is no cleaning on Tuesdays, when slaughtering does take place. The rainy season also aggravates the smell. It was also pointed out that large number of animals brought on the main road cause traffic jams preventing children to cross the road and also expose them to accidents. It is also mentioned 'in the-report that all the four Principals stated that for 'the last few days there has been some relief because number of animals to be slaughtered have been restricted by the order of the Court.

(73) The Secretary mentioned that on return to the Police Station, after inspection at 1.2.30 P.M. he found a piece of meat on the bonnet of the Car parked in the Police Station. This was apparently dropped by a bird. This corroborates the complaint of nearby schools.

(74) While summarizing the arguments, Mr. Mehta submitted that the slaughter house at the place where it is located has totally outlived its utility and this slaughter house cannot be permitted to continue and it must be closed forthwith.

(75) Dr. Singhvi submitted that on the short ground of noncompliance of the requisite standard of pollution, the slaughter house ought to be closed. As a matter of fact, in August, 1987, the abattoir at the Idgah was given conditional clearance by the Central Pollution Control Board for one year. However, effluents treatment plant was not installed and till date, it has not been installed. therefore, this abattoir which is causing health and environment problem is liable to be closed down. Here referred to the large number of judgments of the Supreme Court where the Hon'ble Supreme Court has closed down hundreds of industries only on this short ground. He referred to the judgment of the Supreme Court in Writ petition no. 3727 83, M. C.Mehta vs. Union of India dated 19-2-1993(3). In this case, the Court observed "We direct these industries to set up right type of effluent treatment plant by May 15, 1993.

(76) Such treatment plant, if are not set up by that date by these industries, they shall be closed forthwith."

(77) In another matter, M. C. Mehta vs. Union of India on 23-7-1993 (4) their Lordships of the:Supreme Court, observed, "Group-IV contains the additional list of industries who have not installed the right type of effluents treatment plant in spite of opportunity given by the Board. The effluent treatment plant has not been installed, we direct the closure of these 25 industries with immediate effect. A large compilation has been 'submitted in which hundreds of industries have been closed down. These orders have primarily been passed in the case of industries which are creating pollution for Taj Mahal and river Ganga. .The Court also closed down hundreds of distilleries and tanneries. He submitted that when thousands of those industries have been closed down and in each case the question of-rehabilitation of workers and employees was involved, then why similar orders should not be passed in the instant case where the slaughter house is carrying on obnoxious and hazardous activities. He submitted that the current operation of the abattoir at its present location constitutes violation of the Master plan which is a law under the Delhi Development Act. Advertising to the problem of unemployment, he submitted that consequences .should not govern the ad indication. He submitted that actual number of butchers involved in

the operational work would be around SCO-but in- anyvent.]the number cannot exceed 800 to '1000. The-Government should consider offering them alternative unemployment and even short term loan to carry on some trade or business other principle which has been mentioned are mig -who are directly or indirectly dependent Or. trade Singhvi also submitted that Municipal Corporation of Delhi has no obligation as far as export of meat is concerned. Foreign exchange earning cannot be at the cost of life and health of millions of people, from this slaughter house and particularly when large number of other modern slaughter houses are .available in the country where meat is prepared under more hygienic conditions. The export can be done from those slaughter houses thereforee in the name of export or foreign exchange earnings the illegal activity cannot be permitted to continue.

(78) Mr. Manmohan appearing ofr Aped a submitted that closure of the slaughter house would be beyond the terms of the reference. He submitted that 50 crores of valuable foreign exchange is earned from this slaughter house and unless the number is augmented. this valuable foreign exchange is being lost. He also submitted that either the M.C.D should provide a slaughter house where slaughtering can be carried out for export or they must grant permission t provide individuals to run this slaughter hhouse. To that extent they must almond their bye-law.

(79) Mr. Mishra submitted that because of the restriction imposed the residents of Delhi are getting meat from nearby areas like Faridabad and Ghaziabad. The quality of meat from those places is even worse than the one provided by this slaughter house. He submitted that the area where the abattoir is located is not congested because of the abattoir only, but it is congested because it is a busy commercial and residential area. He submitted that now computerised meat analysis are available and it must be installed to regulate the quality of meat. Lastly, he submitted that in case an increase in number is not possible, in that even,private slaughtering be permitted.

(80) Ms. Madhu Tewatia Learned counsel for the M.C.D has caregorically stead on instructions that in case minimum hygienic and sanitation is to be maintained in that event the number of animals permitted to be slaughtered should not be increased. The Municipal Corporation of Delhi is able to maintain basic standard of hygiene, sanitation and environment pollution because the number of animals permitted to be slaughtered has been fixed to 2500. It would not be possible for them to maintain this if the number is increased. Ms.Tewatia also submitted that pursuant to the judgment of this Court the number of animals slaughtered at Idgah slaughter house has been limited and pursuant to certain directions there is considerable improvement in the hygiene, health and sanitation resulting in good quality of meat for the population of Delhi at large.

(81) She further submitted that in order to ensure good quality meat, the M.C.D is meticulously implementing the directions issued by this court inas much as meat samples of different Sections (halal,jhatka buffalo) of the slaughter house are being sent at an internal of one week to Government Veterinary hospital, Moti Bagh, New Delhi for testing the quality of meat.

(82) Record received from the laboratory of the said hospital have been by and large positive. This indicates that the quality of meat has improved. During the course of her submission. She was directed to file an affidavit in respect of her submissions and

on our directions an affidavit of Dr. S.S.Srivastava, Manger, Idgah slaughter house was filed. She has further submitted that the M.C.D has taken effective measures to curb the menace of illegal slaughtering. The M.C.D has 12 zones and one veterinary doctor in each zone has been provided to check illegal slaughtering and 14 checking squads have been set up to check this menace. She further submitted that on the request of the Government of India., two plans of the Government of Hungary were received. One was to modernise the existing slaughter house and another was of an alternative modern slaughter house in larger areas. The other plan for setting up an alternative slaughter house is under consideration.

(83) Ms. Tewatia submitted that the present storage capacity of water as available in the slaughter house is 3.15 lakhs litres against the requirement of 5 lakh litres for properly carrying out the slaughtering activity of 2500 animals. She submitted that during the summer seasons, the supply of water is usually inadequate but they would make earnest efforts to maintain the existing supply of water. She submitted that a large number of reports received from the assistant. Director, Animals Husbandry, Delhi Administration, Veterinary Hospital, Moti Bagh. pertain to the quality of meat which has been sent from time to time. By and large, these reports indicate that the quality of the meat is satisfactory.

(84) Ms. Tewatia on instructions categorically submitted that it is not possible to run the slaughter house in two shifts.

(85) Shri S.N.Marwaha, Senior Advocate appearing for petitioners in C.W.P. No. 158 of 1991. vehemently argued and pleaded for closure of the slaughter house. He submitted that because of the tremendous pollution traffic congestion. this illegal activity has to be closed forthwith. This slaughter house is affecting lives of millions of residents of Delhi and life of the millions of residents of Delhi is far more precious than the likelihood of some. He submitted that this slaughter house is not in conformity with the Master Plan of Delhi. Mr. Marwaha also submitted that the Supreme Court in the case of M.C.Mehta vs. Union of India reported in 1992 (4) S.C. 46(5) directed closure of large number of mechanical stone crushers throughout Delhi which were operating in residential localities, holding that the existence of such an industrial activity is polluting the air, water and land to such an extent that it becomes a health hazard for the residents of the area. With that order of the Supreme Court. lakhs of persons engaged in the trade were affected and it resulted in their unemployment. He submitted that during partition of India, more than 50 lakhs people had migrated from the portion now in Pakistan to India and yet they got themselves settled with their own either and with some help of the government. therefore, the consequence of closure would lead to unemployment of some people cannot be a ground to carry on the illegal activity.

(86) In pursuance of the committee set up by their lordships of the Supreme Court, report of Justice J. D. Jain dated 22-9-1994 and supplementary report dated 8-11-94 have been received.. Similarly, a report (joint note of dissent) from the three members, namely, Mr. A. K. Chatterjee, Mr. H. A. B. Parpia, Mr. V. C. Behere, has been received. Report of Dr D. K. Biswas, Chairman and Dr. S. Maudgal has also been received and note from Shri D. K. Ghhablani, Chief Engineer, M. C. D. has also been received. There is no general consensus or unanimity among the experts. therefore, each report has to be properly analysed and scrutinized Some experts have suggested

that the number should be increased. Another expert has suggested that it should not be increased and Dr. Maudgal mentioned that number of animals be; reduced to 1000. They have given their own reasoning in support of their contentions. He submitted that he inspected the abattoir on 13-4-1994 along with the Secretary of the Committee. He submitted that three schools exist there, two are adjoining the slaughter house itself, and one Senior Secondary School for girls is on the other side of the abattoir,. He noticed that facilities and arrangement of ante mortem examination of animals meant for slaughtering were virtually non-existent and he was informed on enquiry that only cursory visual examination on goats and sheep was conducted while they were being taken to the slaughtering hall. He mentioned that a meeting of the expert committee was convened on 7-6-1994. Three members, Dr. Parpia, Dr. Chatterjee and Mr. Behere submitted a letter dated 11th October, 1994 while expressing their profound concern on malfunctioning of the abattoir and pollution, problem. According to them. the pollution problem can be improved. They conceded that the effluents treatment plant cannot be established in the slaughter house as there is no space available in it. According to them. every effort must be made to minimise the release of slaughter house waste especially solid to get the slaughter house laterally cleaned. They are of the view that improved methods of waste utilization and disposal are possible such as blood collection coagulation for economical use and this practice must be introduced without delay.

(87) They suggested that blood collection facilities need to be improved and it s

(88) According to them, Jhatka slaughter house is relatively a clean place and to a large extent meets the Bureau of Indian Standards whereas halal slaughter house needs several improvements so as to increase the capacity of slaughtering in this section. According to them, the capacity can be increased to 8000 to 9000 animals per day per 6 hours shift, subject to availability of adequate water which should not be the problem. According to them, 4000 animals may be handled for domestic consumption in the first shift, and 3000 for export in the second shift, with adequate time between the two shifts for thorough cleaning. Similar views have been expressed for increasing the slaughtering of buffaloes and there is available capacity for handling up to 2500 buffaloes. That would mean 500 for local consumption and 2000 for exports. According to him, although 90 lakhs have been spent on improvement but still there is a need to spend as much more immediately on further improvements.

(89) According to them, the pollution problem can be improved substantially if proper facilities for collection of blood are made available, use of more potable water, pressure nozzles to clear the carcasses and installing water taps and drainage channels to prevent the solid waste from choking them. The experts have also mentioned that the present Idgah. slaughter house has outlived its usefulness socially, economically and environmentally unless it can be substantially upgraded.

(90) Dr. D. K.Chhablani, Chief Engineer, Mcd has provided a clear picture of the dismal working of the present slaughter house and stated that the present slaughter house has outlived its utility and cannot bear the tremendous pressure of meat required by the city when its population has increased 20 times. There is overcrowding in the slaughter house due to lack of space and infrastructure. He submits that the slaughter house at the present site is a health hazard and a source of causing nuisance to the neighborhood. According to him, 3600 animals in halal

section and 900 in jhatka section and 1200 buffaloes can be slaughtered in one shift. According to Mr. ChhabJani, it requires 15 minutes per animal for examination, and so additional veterinary doctors will have to be recruited in case post mortem examination is to be conducted and for that, laboratory facility is required, which was not there.

(91) Mr. Chhablani stressed that lairage will not be possible cause animals are to be kept in lairage for 12 hours at least before slaughtering and there is no place for lair aping of animals of second shift before slaughtering. Dr. Maudgal' has explained that a pre-requisite to avoid glycogen depletion is to give sufficient rest, fodder and water to the animals for at least 24 hours before slaughtering. This is all the more essential in case of Idgah staughter house, where the animals are earned over ling distances fro Haryana, U.P., Rajsthan, even Gujarat, During his random visit, Dr. Mandgal noted that there is no water available except in lew trough out of 7 or 8 provided for watering the buffaloes. Even with the reduced number, the slaughter house can be operated only after unstaling necessary effluent treatment facilities. According to him, ante mortem health inspection presently at the abattoir is mere formality. He also mentioned that inspection on random basis revealed that there were no facilities for ante mortem or post mortem of animals. He also submitted that despite court's directions children could be seen in the slaughter house.

(92) Dr. Maudgal further pointed out that river Yanmia is both a source or surface water as well as receptor of effluent from Delhi.

(93) He submitted that the ministry of Environment under Section 5 of the Act gave notice to the slaughte, house in the year 1987 and directed that it could conditionality run for one year subject to installing of effluent treatment plant. The same has not been installed. The Master Plan for the year 2001 has listed abattoirs as "Hazardous and abnoxious industries". In a bid to decongest Delhi and improve the living environment, the Master Plan also seeks relcoation of highly polluting units to the satellite towns outside Delhi, Sim farly, Shri D.K. Biswns,Chariman, Central Pollution Control Board has observed that, "From the viewpoints of hygiene, sanitation and environmental requirements. the existing conditions of the abattoir are far from satisfactroy. The abattoir was established in 1914 when the total population of Delhi was only around 0.5 million and the site was not surrounded by sprawinting human settlemetns. Over the years, the demand for meat has increased manifold for which the available infrastructure in the abattoir is grossly inadequate, The abattoir is now virnally6 sandwiched by human settlements and additional facilities in the present site. According to Dr. Mandgal lairage and facilities for ante mortem and post mortem are absolutely imperative which are not available at the Idgah slaughter house. No proper facilities are avialable, therefore, along with effluents treatments plants and lack and shortage of water, the number must be reduced from 2500 t 1000. Dr. Maugal is off the view that lairage of r 24 hours before slaughtering is imperative in order to avoid glycogen depletion which generally occurs doing transit. The requirement has been laid down by the Bureau of India Standard in a booklet "Indian published the Meat Industry Section Committee has been approved by the agricultural and food product division council. Dr. A. K. Chatterjee was the member of the Meat Industry Sectional Committee AFDC. Thus having regard to his eminence and expertise in this branch, "I have no reason to say that the standard laid down therein should not be .adopted and strictly adhered to in the instant abattoir. Clause 5.12 deals

with lairages and states "The lairage shall be adequate in size for the number of animals to be laired. The space provided in pens shall not be less than 2.8 metres per large animal and 1.6 mtrs per small animal. The animals shall be kept separate depending upon their type and class. The lairage shall be constructed as to protect the animals from heat cold and rain. The lairage shall have adequate facility for watering and ante mortem inspection as given in standard 5.1.1.1 to 5.1.1.4".

(94) Clause 4 deals with lay out plan of the abattoir. The abattoir shall have the following essential facilities :

(A) Resting place for animals before the slaughter house (b) Adequate facilities for ante mortem inspection; (g) Inspection of meat and disposal of meat unfit for human consumption; and (h) Laboratory.

(95) According to three other members, who had given the dissent. note, it is not necessary to have lairage space. They say that less than 1 per cent of the 3600 approved municipal slaughter houses have lairages for animals. It is only important for modern slaughter houses in western countries because carcasses are chilled overnight. therefore, when hot and fresh carcasses are consumed in India, therefore, lairage is not important for the animals. Keeping animals in lairage for 24 hours is desirable but not essential for post-mortem examination of meat in India. The Chairman has disagreed with this view of the three members who had given the dissent note. He submitted that Bureau of Indian Standard was considering the requirement of an abattoir located in India and not the one located abroad. The most significant part is that Dr. Chatterjee was himself a party to it. However, there is not a whisper about there being no necessity of lairaging in tropical countries where hot meat is consumed in the B.I.S. Booklet or in the book "Comprehensive Industry document on Slaughter. House Meat and Sea Food Processing". So, this volte-face or their part in the context of Abattoir at Idgah fails to carry conviction to a judicial mind especially when two environmentist at the highest levels of the Central Government emphasize the necessity for lairaging animals before they are slaughtered. Dr. bids was has stated in unequivocal terms that operation without lairage facility is not desirable. According to B.I.S. standards the lairaging of animals is a must for ensuring a better quality of meat as flushing out of pathogenic micro-organisms and avoidance of glycogen depletion certainly affect the quality of meat. The other reason as stated earlier in detail that the abattoir does not meet the requirements of bioChemical oxygen demand and Chemical oxygen demand, as prescribed by the Central Pollution Board. therefore, only on this ground, the abattoir is liable to be closed down. In any event, there is no possibility of augmenting the number. The ante mortem and post mortem examination are not mere formalities. They are absolutely imperative for hygienic and wholesome meat. Admittedly, there are no adequate facilities for ante mortem and post mortem examination at the slaughter house. .There is no laboratory. Regarding water supply, the total capacity is 3.15 lakh litres and during the summer season, the water is not available for human consumption and water taps go dry, and M.C.D.'s supplying water to the animals in preference to human beings is not possible and functioning of the abattoir is bound to be' interrupted seriously affected and remains lean and erratic during summer season. therefore, in these circumstances, there is unanimous opinion that the only solution is the immediate closure of the abattoir. This has been indicated in the judgments of earlier two Division Benches dated 1-10-92 and 18-3-1994.

(96) Justice Jain gave directions that the M.C.D. must seriously make arrangement for lairaging the animals to be slaughtered and for that they must acquire 2 acres of land which have been encroached in the shape of hutments and they are paying damages to the DDA. He suggested that pollution control measure-, as suggested by the experts be implemented immediately :

(1)Facility of pressurised water supply at the various tap points with high efficient spray nozzles of washing of carcasses, evisceration lines and cleaning up hoses should be provided.

(2)Facility for blood collection should be provided so as to reduce the pollution load in waste water.

(3)Stomach, intestine, dung and such other bio-degradable solid wastes should be collected dry for safe disposal or composting as manure.

(4)Self cleaning type screening system and oil and grease traps should be provided prior to discharge into sewers,

(5)For control of suspended solids, as per sewer standards, treatment units (sedimentation, floatation etc.) need to be provided.

(6)To meet the standards for discharge of effluents into the sewers, it is also necessary to have a biological treatment plant.

(7)Walls should be constructed, if not already constructed, as barriers to keep live animals from seeing those being slaughtered in Halal Slaughter Section as has been done in the case of Jhatka Section.

(8)The butchers be directed to ensure that 100% of the blood and other available organs such as endocrine glands, separable fats etc. are collected. Those of the butchers who do not abide by such a condition should be prevented from entering the slaughter house as they will simply undo what is sought to be done.

(9)A separate channel for flow of blood should be constructed in each section immediately and other wastes in the form of dung, urine, excreta of goats and sheep and solid wastes, for instance, entrails, offal etc. be prevented from flowing into that channel.

(10)Special Trolleys and wheel barrows should be provided to remove the carcasses etc. from there and clotted blood should not be allowed to fall on the ground but collected in wheel barrows and taken out of the slaughter house as solid waste for disposal or other economic use.

(11)Specific directions were issued to the butchers and meat dealers etc. that they would bring only 3000 goats and sheep and 750 buffaloes per day to the marketing area on the Mundewalan Road for sale and' purchase. However, it is reported that this direction given by the Committee is not being complied with and animals numbering between 8,000 to 10,000 are being brought to the market for sale and purchase not only for slaughtering purposes at the abattoir but also for illegal slaughtering and

export to outside Delhi. The Municipal authorities shall enforce the directions issued by the Committee strictly.

(12) Increase in illegal slaughtering of animals is posing formidable law and order problem besides thwarting all efforts to ensure supply of healthy and clean meat at the abattoir. So this 'illegal practice must be curbed by the Municipal authorities along with the local police. The High Court may issue necessary directions to the Commissioner of Police Delhi and other law enforcing agencies at considerable length.

(13) One of the directions of the Hon'ble High Court in its judgment dated 18th March, 1994 was that children below the age of 18 years shall not be allowed to work in the slaughter house. Efforts were made to enforce False directions strictly but it has been noticed that the children of the butchers and meat workers are still allowed to work as helpers etc. The High Court it consider it appropriate to issue strict instruction not to employ children below 18 years in the a' oir.

(14) The directions of ' the High Court that licenses be issued to. s butchers by the Municipal Corporation of Delhi appears to have been duly complied with as there is no longer any such complaint. It was done despite lot of agitation by the butchers. However, strict directions may be issued that no person whether he is a butcher, a meat merchant or any other meat workers shall enter the slaughter house without the necessary license and entry of all other persons shall be prohibited.

(15) The Administrator. MCD. was directed vide my letter dated 26th May, 1994, to frame comprehensive byelaw rules for the smooth functioning of the slaughter house within three months as required by the High Court. However, the needful has not been done and a strict direction on this behalf is necessary.

(16) It was noticed by the Secretary on one of his random visits to the slaughter house on 20th June, 1994 that young male buffalo-calves in the age group of 1 to 5 years were being slaughtered in utter violation of the two judgments of the Supreme Court which lay down that the buffaloes below the age of 15 years should not be slaughtered and it is only thereafter when they are rendered useless that they should be killed.

(17) The direction of the Hon'ble High Court that the maximum number of animals allowed to be carried in open trucks must not exceed 40 goats sheeps or 4 buffaloes as specified by Notification No. F. 18(57-57) dated 21st September. 1968, issued by the Development Commissioner, Delhi Administration, must be complied with is not being complied with at all. I am of the view that the Municipal Staff is unable to enforce this condition and direction 'may have to be issued to the local police to ens that the aforesaid direction is complied with.

(18) Further directions may be issued as co:-,lered necessary by the experts from time to time.

(19) The upshot of the whole discussion is that the abattoir at Idgah Road has to be closed down and shifted to another place on the periphery I outskirts of Delhi or outside Delhi in an open space quite away from the human habitation. It is for the reasons:-

(i) The area meant for the abattoir at present is too small to accommodate an effluent treatment plant so as to control environmental pollution on account of location of the abattoir in a high density locality with schools abutting on the abattoir itself.

(II) There is no space for lairage and ante mortem and post mortem examination of the animals which are slaughtered.

(III) The Master Plan for Delhi, does not permit location of the slaughter house within the municipal limits of Delhi and the slaughter house has been declared an obnoxious industry.

(IV) There is no sufficient place for livestock market and the large number of animals which are brought to the existing market within the complex of the abattoir spill further and sometimes the adjoining roads are jam-packed.

(V) There are proper arrangements as at present and the animal waste, including blood, excreta, entrails, offals and other organic solid waste are drained out through a public sewer which falls into river Yamuna causing high degree of pollution.

(VI) It will be better if an area of about 40 acres is acquired for locating a modern slaughter house on the lines of Deonar abattoir at Bombay because in my view the abattoir need not be mechanised one so as to render large scale unemployment of butchers and other meat workers. Sooner it is done the better it would be for all concerned. However, slaughtering of 2500 animals as already directed by the High Court may be allowed in the meanwhile but there is no ground or capacity to increase the number of animals to be slaughtered without wherewithal

(97) For the aforesaid reasons, the Chairman Dr. Maudgal and Dr. Bids have opined that the capacity cannot be increased.

(98) Three members of the committee have submitted a note of dissent also gave the short, medium and long term plan. Even according to the short term plan, number of animals slaughtered can be raised from 2500 to 4000 in one shift and 7000 in two shifts provided, (1) floor condition of existing slaughter house is improved, (2) drainage facility with suitable economic arrangement for disposal of solid material is made, (3) there is increase in water supply with special efforts of filling overhead tanks immediately after they get emptied.

(99) They also submitted in their note that the slaughter house operation and management has to be improved, by introducing hanging rails with hooks and for animals and carcasses as proposed in the report. Simultaneously, efforts should be made to create a reasonable size of resting place for animals. If all this is done, then in medium term, the number of animals can be raised up to 7000 small and 2500 large animals in two shifts with proper monitoring and management. For long term measure, the MCD, the DDA, the State Government of Delhi and other concerned government and departments to provide at least 68 acres of land for modern slaughter house. These members have given their suggestions for augmenting the number of animals slaughtered at the abattoir. It is admitted that the present slaughter house is located in the densely populated residential area. For that, the three member committee suggested that it is easier to shift the population which has encroached

upon the present area of land originally belonging to the slaughter house. This suggestion is wholly impractical. In the said report, it is mentioned, "the expert committee feels that the present Idgah abattoir has outlived its usefulness socially, economically and environmentally unless it can be substantially upgraded.

(100) The said committee opined that the slaughter house is now surrounded by human habitation and is located in the heart of the city.

(101) This committee has also opined that the operating conditions, from the point of view of meat hygiene and sanitation, leave much to be desired. It is also observed that the pollution problem is quite considerable at present even under the existing conditions, it can be significantly improved if it cannot be made ideal due to various reasons. It is also observed in this report that an effluent treatment plant cannot be established at the slaughter house as there is no place available for it.

(102) It is also mentioned that the pollution control status in the abattoir is far from satisfactory, the sanitation can be improved substantially by making arrangement for collecting blood from each animal in the slaughter house, improvement of waste disposal system, use of more potable water with pressure nozzles to clean carcasses and nozzle water seal traps in the drainage channels to prevent the soil waste choking them. The BOD and COD contents of the sewage can be reduced considerably. In the report, they admit that water supply needs to be increased and additional water can be obtained by sinking additional bore wells, in the report, it is indicated that the MCD has spent Rs. 90 lakhs on improvement of hygiene, sanitation, increase in water supply and improvement of waste disposal facility. There is, however, need to spend as much more immediately for further improvements. It is also mentioned in the report that pollution cannot be fully neutralized in the existing conditions.

(103) As far as long term plan is concerned, this committee is also of the opinion that a modern, modernised slaughter house is the answer for requirement of a large city for providing hygienic wholesome and adequate meat. Their lordships of the Supreme Court had set up the Committee and asked the Committee to consider the conditions and additional facilities and infrastructure and services necessary to augment and increase in the number of animals for slaughtering at Idgah. While doing so, the court observed that availability of meat prepared under hygienic conditions, public interest are vital concerns which have to be considered paramount. The court particularly gave emphasis on cleanliness, hygiene and pollution control. It is submitted that even this committee admits that pollution control status in the abattoir is far from satisfactory. Much is desired from the point of view of hygiene and sanitation. Environmentally, this slaughter house has outlived its utility. Admittedly, there is no adequate supply of water which of course the committee suggested could be augmented by boring more wells. In view of the conclusions of this committee on health, hygiene, sanitation, environment, location, area and supply of water how can be better logically be augmented.

(104) Their Lordships of the Supreme Court wanted us to consider the feasibility of augmentation of the member while keeping hygiene, cleanliness, sanitation, environment in view. In other words, the meat eating population must be ensured of hygienic, clean and wholesome meat. There cannot be any compromise on the quality of meat which is made available to the meat eating population.

(105) Another member of the Committee, who submitted his note is the Chief Engineer, Mr. D. K. Chhablani. According to him, as a short term measure, total number of animals can be increased from 2000 sheep and goats to 3500 and from 500 buffaloes to 560 buffaloes. In his note, he submitted that due To lack. of space and infrastructure with modern equipment lot of insanitation, environment pollution and wastage of by-product take place.

(106) He also mentioned that the slaughter house at the present site K a health hazard and a. source of causing nuisance to the neighborhood as it is located in the heart of the city.

(107) Ms. Tewatia, Learned counsel for the Corporation has categorically stated that any increase in number would not be possible even as a short term plan. She has filed an affidavit of the Manager of the slaughter house in support of her contentions. The stand taken by Mr. Chhablani is contrary to the stand taken by the Municipal Corporation.

(108) Dr. S. Maudgal has submitted his separate report. According to him. a pre-requisite to avoid depletion of glycogen is to give sufficient rest, fodder and water to the animals for at least 24 hours before slaughtering. This is all the more essential in case of the Idgah abattoir where the animals are carried over long distances from the neighbouring States. It is submitted that on an average, animals arc carried over distances in excess to 400 to 500 kms. which keeps them in transit from 12 to 16 hours at least and each truck carries 250 sheep goats which is against the notification issued by the respondents. According to him, lairage is absolutely necessary because it directly affects the quality of meat. He submitted that: the space is not enough even for 3750 animals which are presently allowed to be brought to permit selection of slaughtering of 2500 animals per day, because there is no place for resting. According to his report, no fodder is given to these animals. Regarding water supply, he submits that though. the M.C.D. has created an installed capacity of 3.15 lakh liters of water which is 0.5 lakhs liters short of the recommendation of the Civil Procedure Code B. He submitted that distinction must be made between storage capacity created and actual supply of water. According to him, the slaughter house even with the reduced number can be operated only after installing all necessary effluent treatment facilities. According to him. there is no proper ante mortem facility available at the Idgah which, affects the quality of meat available to the consumer. According to him, at least 2.8 Sq. mtr. space for large and 0.68 sq. mtr. space is required for small animal. This ante mortem examination is not a mere formality but it is absolutely Imperative for ensuring good quality meat. He submitted that the slaughter house is hazardous from the point of view of water and air pollution and he has given detailed figures to substantiate his contention. He submitted that considering all the facts, the abattoir at its present location has outlived its utility and cannot fulfill its objective. In conclusion he says that the present abattoir does not conform which the present land use in Master Plan 2001. It can operate at the present location because of the constraint of space, absence of treatment facilities and non-conforming use of land. Operation of abattoir even at the reduced level of 2500 are violating Environment Protection Act, 1986, Prevention and Control of Water Pollution Act, 1974, National and International labour laws and laws regarding welfare of animals, thereby making it impossible for the abattoir to supply wholesome and nutritious meat.

(109) Despite an expenditure of Rs. 90 lakhs, conditions are still not satisfactory. They suggested that slaughtering operation at tile abattoir even at the reduced level of 2500 must be suspended immediately, for the interim period of six months, the Idgah abattoir may operate under strict vigilance for slaughtering not more than 1000 sheep goats only, and for long term measure, a modern abattoir with full facilities for treatment of effluents control of air pollution, collection of blood and other by-products disposal and recycling of solid wastes, etc. should be set up.

(110) Dr. D. K. Biswas, Chairman, Central Pollution Control Board has submitted his report and he also submits that from the point of view of hygiene, sanitation and environmental requirements, the existing conditions of the abattoir are far from satisfactory. The abattoir is now virtually sandwiched by human settlements and associated activities which have left no scope for extension and additional facilities in the present site. He also submits that there are no lairage, ante mortem and post mortem facilities available at the slaughter house. The activities in the abattoir generate a large quantum of solid and effluents. To treat this, there has to be an effluent treatment plant. In the absence of such facility for sanitation and pollution control, the activities in the slaughter house are not environmentally acceptable.

(111) He also submitted that regular availability of water is a limiting factor in the abattoir operation where water is required for various purposes including (prinking water for animals, washing floors and carcasses. He suggested a number of measures for pollution control, but indicated that there are three main inherent hygiene, health, environment or from the point of view of lairage, location of the present slaughter house, availability of water, no case is made out for increasing or augmenting the limit-of 2500 animals. limitations. therefore, these measures cannot be implemented for want of:

(1) Available area for lairage and. livestock market, (2) provisions for effluent treatment, and (3) water supply.

(112) In conclusion, he says that in the existing site, it is not possible to meet the requirements even for slaughtering of 2500 animals. therefore, in chase circumstances, particularly when the present abattoir contravenes the Master Plan of Delhi, the only option is to shift the existing slaughter house and the livestock market to a suitable place outside the city limits and immediate action should be taken to start construction of mechanized slaughterhouse with facilities torn meat requirements of internal and export market. The mechanized slaughter house should necessarily provide proper sanitation, hygienic condition and pollution control.

(113) After careful analysis of all the reports submitted by the members of the Committee, all experts have unanimously mentioned that for ensuring adequate hygienic and wholesome meat, there is urgent requirement of establishing a modern mechanised slaughter house which should meet all basic standards of hygiene, cleanliness, environment, etc. and should be able to provide adequate hygienic and wholesome meat. If all the reports are properly analysed, increase or augmentation is not possible while maintaining the basic standards of hygiene, cleanliness. environment, pollution, etc. Even the three members who have submitted 'dissent reports' have conceded that environmentally. this abattoir has outlived its utility.

Much is desired from the point of hygiene and sanitation, pollution control status in the abattoir as far from satisfactory, water supply is not adequate.

(114) Even while making short term recommendations, they depend on additional water by sinking bore wells and also depend on large number of improvements which are required to be made at the slaughter house. According to them, lairage is not essential for a country like ours. The his standards are really formulated for Indian conditions. In fact, the Ministry of Agriculture, department of animal husbandry itself has adopted the his standard for compliance in all the slaughter house's in India and they issued the letter dated 23rd August, "1993 to this effect.

(115) therefore, to say that the slaughter house run by the Municipal Corporation should not adhere to it would not be really proper and instified.

(116) While taking in totality all the facts and circumstances of the case, if we examine the entire matter in the light of either

(117) Their Lordships of the Supreme Court were very categone while giving directions the court has to take into consideration cleanliness, hygiene and pollution control. We have examined this problem from various facets. Without compromising on the minimum standard of cleanliness, hygiene, pollution control, the number cannot be increased.

(118) We are quite conscious of the fact that this number is hardly adequate even for the domestic consumption.

(119) As far as meat for domestic consumption is concerned, we fail to understand why as a purely temporary measure, the hygienic wholesome and fresh meat in adequate quantity cannot be brought from the slaughter houses where it is prepared under hygienic conditions, particularly when in Delhi, we are getting requirements of all daily needs like vegetables, fruits, fish, milk, from outside. Similarly, there should not be any problem in getting fre?h hygienic, wholesome meat from other places. The State of Delhi is not a producer of sheep, goats or buffaloes. As a matter of fact, most of these animals are brought from far flung States to Delhi which includes enormous cost of transportation of the animals and then problems of lairage, etc. arise. Why can't the slaughter house he set up where large number of animals are otherwise available and larger areas and adequate water supply and other facilities are available. The respondent must ensure that meat eating population is not put to any inconvenience and they must get fresh hygienic wholesome meat.

(120) The other related problem is regarding employee

(121) Mr. Adarsh Goel, learned counsel appearing for the State of Delhi submitted that no applications were received by the State Government seeking alternative employment by all those who have been rendered jobless. No applications were received even by the Expert Committee under the Chairmanship of Justice Jain. Mr. Mishra submitted that he had sent representation on behalf of Delhi Meat Merchants Association that one such representation was sent but no response was received. Without going into the veracity of this fact, the counsel appearing for the State of Delhi has given an undertaking that if all the representations or applications are sent

to the State Government in the name of the Secretary, Urban Development then the Government shall consider all those applications favorably within four weeks thereafter. He submitted that to this effect there has been a cabinet decision and he had shown the minutes of that cabinet meeting to the Court.

(122) We are fully convinced that the basic problems of the meat eating population and all those employed directly or indirectly on meat industry cannot be solved without shifting and setting up a new modern slaughter house. This abattoir has some fundamental limitations such as non-availability of area, its location leading to immense traffic congestion, no possibility of installing effluents treatment plant, the drainage system, and all these limitations lead to environment pollution. Above all, the abattoir is located in clear contravention of the provisions of Delhi Master Plan. Earlier Division Bench directed its closure on 31-12-1993.

(123) Another Division Bench of this court while delivering the judgment on 18-3-94 also directed closure of the slaughter house the court also observed that if for any reasons it continues for sometime in that event, the number of animals slaughtered must be restricted to 2500 per day.

(124) We are of the view that the respondent Mcd has not taken any tangible step of setting up a modern mechanised slaughter house to resolve this problem for all concerns, as directed.

(125) It has been brought to our notice that some of the directions given by this Court have yet not been implemented particularly the directions pertaining to the supply of wholesome drinking water to the residents of Delhi and of adjoining areas.

(126) The other direction regarding transportation of animals by trucks which is really based on the respondents' own notification has also not been carried out.

(127) The direction regarding illegal slaughtering of the animals has also not been fully implemented.

(128) The M.C.D. shall ensure meticulous compliance of bye-laws for the regulation of the slaughter house, prepared in pursuance of the directions of this court particularly, regulation 10 regarding lairage which says that animals intended for slaughtering should be lairaged 24 hours in advance for proper check up and rest, and regulation 25 that no children below 18 years should be allowed to work in the slaughter house.

(129) Similarly, directions, not to permit children below 18 years has also not been fully implemented. We direct immediate compliance of our directions by all concerns.

(130) We direct the High Powered Committee to ensure meticulous compliance of our directions and directions given by their Lordships of the Supreme Court:

1. We direct the respondents and the Union of India to set up a modern mechanised slaughter house for providing adequate fresh, hygienic and wholesome meat.

2. We also direct closure of the Idgah slaughter house on or before 31-12-1995 which is functioning against all norms, rules and laws.

3. The respondents are directed to ensure rehabilitation of those rendered jobless at the earliest.

(131) Before parting with the judgment, we would like to place on record our deep sense of appreciation for learned counsel who have rendered valuable assistance to this Court in the disposal of this petition.

(132) The petition is accordingly disposed of.

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