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Editor In chief – Assistant Professor Mr. Janmejy Singh

Publisher & Founder – Vaibhav Sangam Mishra

Frequency – Quarterly (4 Issue Per year)

ISSN : 2583-6323 (Online)

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Slaughter of Animals in India.

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ABSTRACT:

The inhuman practice of killing animals to please deities can be traced back to the Vedas and Upanishads. These practices have been religiously carried for ages and superstitious beliefs have been utilized by people in a way selfish for the gains. The slaughtering of animals mainly happens for food. Municipal sanitation rules, food safety regulations, and Consumer rights have sought to put up some humane methods of slaughtering that have been adopted in India for the prevention of cruelty towards animals as well as in the view of food safety and security purpose. Keeping in view towards prevention of cruelty to animals and to get slaughterhouses set for regulatory boundaries in the moto of Protection of Environment, Public Health and Sanitation government has to come up with a few of the policies to be implemented on the right.

- The Prevention of Cruelty to Animals Act, 1960 of the Indian legislature had passed to build an animal welfare regulatory framework, this Act is responsible for preventing unnecessary pain or suffering to animals.¹
- Animal Welfare Board of India in 1962 by exercising its powers under Section 4 of the Prevention of Cruelty to Animals Act, 1960.
- Foreign Trade (Development and Regulation) Act, 1992.
- Ministry of Environment and Forests in India had introduced the Prevention of Cruelty to Animals (Regulation of Livestock Market) Rules, in 2017.
- Animal sacrifices for religious purposes are inherent within the Asia-Pacific culture.

The slaughtering of animals mainly happens for food. Municipal sanitation rules, food safety regulations, and Consumer rights have sought to put up some humane methods of slaughtering that

¹ Indiacode,

https://www.indiacode.nic.in/bitstream/123456789/11237/1/the_prevention_of_cruelty_to_animals_act_1960.pdf, (last visited May. 6, 2023).

have been adopted in India for the prevention of cruelty towards animals as well as in the view of food safety and security purpose. Slaughtering is done not only for food but also relevant in leather industries and skinning of animals for leather purposes². From an international perspective, the European Convention for the Protection of Animals for Slaughter, 1979 was adopted by many European countries to ensure the protection of animals that are to be slaughtered in their countries.³ Indian Constitution empowers state legislatures under the Seventh schedule under List II specifically to deal with the matters of local governance and powers and authorities of Municipal Corporation, Local Authorities, Local self-government, and Village administration. Public health and sanitation are laid down in Entry 5 and Entry 6 under List II. On the subject of Agriculture, the state legislature has the power to legislate on the matters under Entry 14 and Entry 15, the preservation, protection, and improvement of stock and prevention of animals, disease, veterinary training, and practice are also within its powers.

Public health, Sanitation, and Slaughterhouses⁴:

Public health and Sanitation under our Indian Constitution are given greater importance, 'hospitals and dispensaries' is a subject under Entry 6 which is allotted to the state legislature law under 'Health, Local Government, Relief of the Disabled, etc.' which being a social welfare activities as health and so on fall within the State purview. Under List II of the constitution and the same list of the Government of India Act, 1935 'Public Health' is the subject of the state. Three main leading heads 'raising the level of nutrition' and 'the standard of living of people' and 'improvement of public health' were one of the primary duties of the State under Article 47.

Slaughterhouses in rural areas are under the control of local bodies like Panchayats. In general Slaughterhouses in India are operated and managed by municipalities, for investment and better improvement of infrastructure. But the maintenance of Slaughterhouses is the least of their priorities as they have limited resources and hence no standard practices are followed for their better improvement. State all over the country has a municipal administrative department that oversees the administrative activities related to slaughterhouses. *In Laxminarayan Modi v.*

² en.wikipedia.org,
https://en.wikipedia.org/wiki/European_Convention_for_the_Protection_of_Animals_for_Slaughter, (last visited May. 6, 2023).

³ *Id.* at, 02.

⁴ P.P.Mitra, *An Introduction to Animal Laws in India*, 49, Thomas Reuters, Legal; 2019th edition (1 January 2019)

*Union of India*⁵, the Supreme Court has issued directions for environmentally sound operations of slaughterhouses. The Central Pollution Control Board has also published comprehensive guidelines for the environmentally sound operations of slaughterhouses.

Slaughter and Stunning under Food Laws in India.⁶ :

Animals are first stunned and then drained or bled out before slaughtering. Stunning can be affected by suffocating the animals with carbon dioxide, shooting them with a gun or a captive bolt pistol, or shocking them with unconsciousness and insensibility, reason behind the process of stunning is to avoid and minimize reactions of fear and anxiety as well as pain, suffering, and distress among the animals concerned.⁷ Stunning methods induce temporary loss of consciousness and rely on prompt and accurate sticking procedures to cause death.⁸ Maintenance of equipment used for stunning and slaughtering are to be taken good care of and with well working conditions and also that all operators involved and well trained and have positive well-being towards the welfare of animals.

1. Stunning cattle happen mechanically and this procedure is further carried out by one of three methods; captive bolt stunning, mushroom head percussive stunning, and pneumatic percussive stunning.⁹ Mostly for cattle, pneumatic stunning is preferably used and the optimum position is that the center of the stunner should contact the animal at the point of intersection of lines drawn from the medial corners of the eyes and base of the ears.¹⁰ If any animal shows signs of regaining consciousness after the initial stun, the animal must be shot immediately with the use of a captive bolt gun.¹¹
2. Another kind of stunning is an Electrical head stunner which is preferably used on goats and sheep where both electrodes are placed on the head region. Water bath Electrical stunners are used on poultry birds.¹² A minimum voltage on the Electrical Stunners is prescribed and has to be maintained so that the stunning does not cause brain and heart damage or cause any kind of physical disability and death to the animals.

⁵ Laxmi Narain Modi v. Union of India and Others, Writ Petitions (c) No. 309 of 2003 with No. 330 of 200, 44 of 2004 and 688 of 2007, 2012

⁶ P.P.Mitra, An Introduction to Animal Laws in India, 49, Thomas Reuters, Legal; 2019th edition (1 January 2019)

⁷ food safety helpline, <https://foodsafetyhelpline.com/part-iv/>, (last visited May. 6, 2023).

⁸ *Id.*, at 03.

⁹ food safety helpline, *supra* note 06, at 04.

¹⁰ food safety helpline, *supra* note 06, at 04.

¹¹ food safety helpline, *supra* note 06, at 04.

¹² food safety helpline, *supra* note 06, at 04.

3. The last form of stunning is gas stunning preferably used on pigs through exposure to CO₂, the concentration of CO₂ has been prescribed to be 90% and not less than 80% by volume. Ideally, pigs should be exposed for 3 minutes. Over-crowding of animals in gas chambers should be avoided.¹³

Slaughterhouses under Food Laws in India:

In this Static world, the livestock production and marketing chain of Slaughterhouses is an essential link. Facilitative livestock slaughtering in controlled hygiene conditions with high levels of quality control and production of reliably hygienic meat for consumers are the basic qualities holding of a Good Slaughterhouse. "Slaughterhouse" means a building or a specific area that is licensed as a slaughterhouse by the local authorities by due regulations only for the slaughter of animals intended for human consumption only. In Meat Food Products Order, 1973¹⁴, "Slaughterhouse" means the building, premises, or place which is licensed as a slaughterhouse by the local authority for the slaughter of animals intended for human consumption.¹⁵ Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 has set up controlled standards for The Food Business Operator slaughters of large animals and small animals including sheep and goats or poultry birds within the prescribed area of his factory of production of meat or meat products for supply or sale or distribution to the public.¹⁶

Before establishing a Slaughterhouse obtaining NOC from the local authority should be the foremost task accomplished by the owner. Other requirements like, the location of the slaughterhouse should be linked to, a meat market and away from vegetable, fish, or other food markets and shall also be free from smoke, dust, and odour.¹⁷ Slaughterhouses shall have specific segregated areas for animal holding yards, lairage, slaughter halls, side halls, punch collection, offals collection, separation, cold room, and refrigeration room for storing, and so on. After every operation sanitation of Slaughterhouse should be mandatorily made. The reception area of the animal holding yard/ resting yard shall have a water facility and examination of every animal before sending them to lairage to reduce the risk of contagious or

¹³ food safety helpline, *supra* note 06, at 04.

¹⁴ FIAPO, India, Stop Slaughter Cruelty Campaign, 2010-Stop illegal slaughter

¹⁵ food safety helpline, *supra* note 06, at 05.

¹⁶ cpcb.nic.in, https://cpcb.nic.in/NGT/slaughter_house_compandium.pdf, (last visited May. 6, 2023)

¹⁷ food safety helpline, *supra* note 06, at 05.

infectious diseases. The size of the liirage should be adequate for the number of animals to be liare. Separate places for stunning, collections of blood and carcass should be made. Ventilations, doors, and other openings suited to screening shall be fly-proof.¹⁸ All preparations, and packing of meat or meat food products shall be carried out under hygienic conditions.¹⁹

Judicial Response to animal slaughter in India:

Indian judiciary had let out many outstanding judgments on the motive of prevention of illegal slaughtering. In the case of *Menaka Gandhi v. Union Territory of Delhi*²⁰, the petitioner filed PIL under Article 32 of the constitution of India in the Supreme Court regarding the inhuman, unhygienic, and horrible condition at the Idgah Slaughterhouse of Delhi, and subsequently the supreme court directed that the petition would be heard and decided in the Delhi high court. The writ petition stated that the pollution generated by the slaughtering of animals has created havoc in the lives of people living in and around Delhi, Haryana, and U.P. The blood was discharged into the Yamuna River and the hides and skins of animals were piled in large heaps. Carcasses are loaded onto open trucks, Lorries, and cars. Effluents discharged in open drains and sewers used to go to Okhla and joined the river, Yamuna. The court appointed a Committee on the inspection.

In *Akhil Bharat Goseva Sangh v. State of AP*²¹, The AP Pollution Control Board granted permission to operate the abattoir on the lower standards than prescribed by the Environment (Protection) Rules, 1989. The court decided that the abator in question-Al Kabeer was working for the last 10 years and was not violating the rules. Therefore, keeping in view the economic policy of the central government, the abattoir cannot be closed down at this stage. All the other directions were issued to AP Pollution Control Board to rectify constant order in accordance with these rules. Further, in case the abattoir fails to comply with the direction, it would be open to the authorities to direct closure of the Al- Kabeer unit. The state government also directed to minority strictly and regularly Al-Kabeer's compliance with all applicable laws, particularly provisions of the A.P Prohibition of Cows Slaughter and Animal Prevention Act,

¹⁸ food safety helpline, *supra* note 06, at 05.

¹⁹ food safety helpline, *supra* note 06, at 05.

²⁰ *Menaka Gandhi v. Union of India*, indiankanoon, 1978 AIR 597, 1978 SCR (2) 621

²¹ *Akhil Bharat Goseva Sangh v. Satate of AP*, (C.A.Nos.3964-3967 of 1994)

197. The court also made it clear that if there was a defect in the composition of the Pollution Control Board, it would not vitiate the consent order issued by the board.

In *Ram Sevak Sabha v. District Magistrate*,²² *Nainital*, the Uttarakhand High Court analyzed the issue as to whether any temporary or permanent slaughterhouse was permitted to be raised near the Naina Devi Temple or in and around Naina Lake, in violation of building bye-laws of Lake Development Authority as well as in violation of building bye-laws of Lake department Authority as well as violation of Food Safety and Standards Regulations, 2011. Since, as per the existing building by-laws, no construction was permitted within 30 m to sacrifice animals during Naina Devi Festivals or other Festivals. The argument advanced by the petitioner was that during Naina Devi Festival, animals would be sacrificed for the purpose of consumption by devotees in the slaughterhouse in and around Naina Lake. Again Part IV of the Food Safety and Standards Regulations, 2011 provided that No Objection Certificate; was ever obtained. Since the Bye-laws of the Lake Development Authority did not permit any type of construction within a 30m radius of the lake and no permission has been granted under the regulation of Food Safety and Standards. So permission for animal sacrifice in temporary slaughterhouses was not granted.

In *Parvez Alam v. State of Uttarakhand*²³, a question of grave public importance was raised by the petitioner about the illegal slaughtering of animals on open roads and outside the authorized or permitted slaughterhouses in the state was prevalent in violation of the Uttar Pradesh Municipalities Act,1916, the Prevention of Cruelty to Animals Rules,2001, Solid Waste Management Rules,2016, Uttarakhand Panchayath Raj Act,2016 and U.P. Municipal Corporation Act, 1959. The High Court issued directions as an interim measure that all the illegal Slaughter Houses in the State of Uttarakhand were ordered to be sealed within 72 hours from the date of order. The Home Secretary was directed to ensure that no animal was slaughtered on the streets or open spaces. The State Government was also directed to constitute a Committee for Slaughter Houses as per the letter dated 26.04.2012 issued by the Ministry of Environment and Forest, if not already been constituted. It should be the duty of all the Executive Officers of the Local Self Government, Municipal Corporations, Municipalities, Nagar Panchayats, and other Panchayats to ensure that no animal is slaughtered in the public

²² Ram Sevakh Sabha v. District Magistrate, (PIL) No. 133 of 2014

²³ Parvez Alam v. State of Uttarkhand,(PIL) NO.152 of 2018

streets or paths or roads and open spaces, open to public gaze. The state Government was also directed to ensure that no Slaughter House had been permitted to run without complying with the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations,2011, more particularly, Part-IV of the said Regulations, till further orders.

CONCLUSION:

Thousands of animals are slaughtered illegally every day in India, in several places of unchecked cruelty, from roadside shacks to air-conditioned establishments. Animals are confined and are being subjected to injury and often crammed there without basic necessities like food and water. Furthermore, they are even illegally sold at establishments that don't even hold the license to operate as commercial slaughterhouses. Only Legislative actions and intervention of the judiciary can play a pivotal role in creating a regulatory framework for safeguarding the rights of animals. The government should take the initiative to sidetrack people from following practices like animal sacrifice under the pretext of religious adherence.



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