

PARLIAMENT OF INDIA



RAJYA SABHA SECRETARIAT COMMITTEE ON PETITIONS

Petition praying for review of Meat Export Policy

The Committee on Petitions of Rajya Sabha, under the Chairmanship of **Shri Bhagat Singh Koshyari, MP, Rajya Sabha**, is considering a petition praying for review of Meat Export Policy. The petition is signed by Jainacharya Vijay Ranasundersuriji and countersigned by Shri S.S. Ahluwalia, Ex-MP, Rajya Sabha. It has been stated in the petition that the present policy on Meat Export contravenes the provisions of the Constitution of India. The petitioner has referred to Article 51 (A) of the Constitution under 'Fundamental Duties' which casts a duty on every citizen to have compassion for living creatures. He has also referred to Article 48 of Constitution which places an obligation on the State to take steps for preserving and improving the animal breeds and prohibiting the slaughter of cows and calves and other milch and draught cattle. Petitioner has also stated that earnings out of export of meat are very small in proportion to the overall export earnings of the country. The petitioner has prayed for critical examination of existing Meat Export Policy of the Government of India.

2. The petition is available on the Rajya Sabha's website, (www.rajyasabha.nic.in) under the link: *Committees* ⇒ *Standing Committees* ⇒ *Committee on Petitions* ⇒ *Petitions with the Committee*. A copy of petition may also be obtained through a written request addressed to **Assistant Director, Committee Section (Petitions), Room No. 537, Rajya Sabha Secretariat, Parliament House Annen, New Delhi.**

3. The Committee has decided to undertake, consultation with various stakeholders on the subject matter of the petition and invite written memoranda from them. Those desirous of submitting memoranda to the Committee may send copies thereof (either in English or in Hindi) to **Shri R. P. Tiwari, Deputy Director, Rajya Sabha Secretariat, Parliament House Annexe, New Delhi - 110 001 (Tel: 011-23035577 (O), 23794328 (Telefax) and E-mail: rsc2pet@sansad.nic.in)** within fifteen days of the date of publication of the press release.

4. Comments/suggestions, etc. submitted to the Committee would form part of its record and would be treated as confidential. Any violation in this regard may attract breach of privilege of the Committee.

5. Those who are willing to appear before the Committee besides submitting written comments/suggestions may indicate so. However, the Committee's decision in this regard shall be final.



JAINACHARYA SHRIMAD VIJAY RATNASUNDERSURISWARJI MAHARAJ SAHEB



To,
THE COUNCIL OF STATES (RAJYA SABHA)

The Main Petition of **JAIN ACHARYA VIJAY RATNASUNDARSURI** (Acharya of Jain Tapagachha Community) having its correspondence Address at Ratnatrayee Trust, 258, Gandhi Gali, Swadeshi Market, Kalbadevi Road, Mumbai 400 002

A N D Co-Petitioner

- 1) **Pravin B. Jain, Trusti**, Shri Bhuvan Bhanu Suriswarji Jivdaya Trust, Villholi, Nashik, having its correspondence Address at -2 Revti Apt. Opp. Sambhaji Stadium, Cidco, Nashik 422 009
- 2) **Hitesh L. Shah**, Share Stock Broker, having its correspondence Address at -75, Perin, Nariman Street, 2nd floor, Fort, Mumbai-400001.

- 1) In the backdrop of acute Foreign Exchange shortage, meat export was considered as one of the thrust area to boost Foreign Exchange earnings and hence meat export policy was introduced by the Central Government in the year 1991-92. Several Private Sector export-oriented slaughter houses have since been set up pursuant to this Policy.
- 2) Setting up of one of such initial units i.e. M/s. Al-Kabeer Exports Ltd. in Andhara Pradesh was challenged before the High Court and later in Appeal before the Supreme Court, which directed the Central Government to review the meat export policy vide its judgement dated 29-03-2006 in Akhil bharat Krushi Goseva Sangh V/s. A.P. Pollution Control Board and Ors. [2006(4)SSC 162]. The Supreme Court direction was “to review the meat export policy in the light of the Directive Principles of State Policy under the Constitution of India, and also in the light of the policy’s potentially harmful effects on livestock population, and therefore on the economy of the country.”
- 3) The Commerce Ministry has since issued an Office Memorandum dated 3-5-2007 recording its decision to continue with the existing Policy.

RATNATRAYI TRUST

- 4) The Petitioners submit that the Commerce Ministry has failed to conduct the review exercise taking into consideration the concern of the Hon'ble Supreme Court, both in respect of the Directive Principles of State Policy and the potentially harmful effects of this Policy. Hence this Petition before the Rajya Sabha on grounds stated hereunder.
- 5) The Commerce Ministry has stated in its Office Memorandum that view of Ministry of Law & Justice, Deptt. of Legal Affairs, Department of Animal Husbandry, Dairing & Fisheries, Ministry of Food Processing Industries, Ministry of Environment & Forests, Department of Industrial Policy of Promotion, O/o Directorate General of Foreign Trade, Agricultural and Processed Food Products Export Development Authority (APEDA) and Export Inspection Council were sought.
- 6) The Petitioners, in the name of one of its functionaries at Delhi, had sought copies of communications from all the above Departments/ Ministries obtained by the Commerce Ministry, under the Right to Information Act. On perusal of the replies it appears that some have replied that they have no information to submit, some have replied that they are not concerned with the subject, some have submitted statistics which have no relevance to the specific subject, some have described the procedure and the relevant orders applicable in respect of meat export. However, none of the Department has evaluated the issues in the context of very specific and pointed directions of the Supreme Court. **In short, the opinions of various Ministries/ Departments are absolutely without application of mind.**
- 7) The Commerce Ministry in their Office Memorandum has contended that at the hearing held on 14th March, 2007 of the Representatives of organizations which had asked for review of Meat Export Policy the contentions raised were regarding environment, hygiene, economic loss to the nation, cruelty to animals and social effects. It is contended that no specific argument for revising meat export policy was given except that the Policy is used for export of meat of cows and meat of young animals. However, this is not true. The present Petitioners had submitted a very detailed representation in writing divided in 13 Chapters covering all vital aspects.
- 8) The Ministry has contended that the ban on export of meat will lead to unemployment, loss of foreign exchange and will also affect the income of farmers. The Ministry is taking into account only the employment generated for people connected with meat export trade. However, there is a manifold larger population which is deprived of their employment connected with animals or which are handicapped for want of adequate animals in the system. The question is to compare the employment of a tiny segment of population vis-a-vis employment of a vast segment of population.
- 9) The Ministry has contended that ban will lead to rise in number of unproductive animals which would be environmentally degrading. However, absolute numbers alone do not give the correct picture. Even if there is growth in absolute numbers, as a ratio to human population the population is decreasing. Further, increase in milk production in absolute terms is also misleading as it has to be seen in relation to population growth.

Even per capita availability figures of milk are also misleading due to the inherent shortcomings of the principle of averages.

10) The Ministry's contention that ban on meat exports will give rise to unauthorised slaughter is unacceptable. If one merits the ban is justified it is the duty of the State to ensure that the ban is enforced. Inability to enforce a ban cannot be taken as a justification for not imposing a ban. Further, the Ministry has contended that only about 7.62% of meat production in the country is exported. If the meat export is so small, it is all the more easier to decide in favour of a ban. It is contended that exports increase quality consciousness in slaughter houses. However, it is to be noted that bulk of the meat consumed all over the country (leaving aside only large cities) is in any case produced in unhygienic conditions. Even in respect of the authorized slaughter houses all over the country the report of the population control departments of the States will be an eye opener as to the conditions prevailing in most of the slaughter houses.

11) It is contended that the Supreme Court has not chosen to strike down the current policy. This being a policy matter, is the precise reason why the Supreme Court has not chosen to order a ban by its own direction, but has directed the Central Government to review the meat export policy in the light of Directive Principles as well as the Policy's potentially harmful effects on livestock population and therefore on the economy of the country. The direction is implicit in appreciating that the Directive Principles are violated and the Policy is potentially harmful. No heed is paid to these concerns of the Supreme Court.

12) Meat Export is rising at enormous speed and the export of buffalo meat in 2005-06 was 4,59,938 MT which means slaughter of approximately 50 lakh young and healthy buffaloes.

13) International standards for meat necessitate slaughter of young and healthy animals and local State laws prohibit slaughter of young and healthy animals. This is an unresolvable inherent contradiction as noted by the Hon'ble Supreme Court also way back in 1997 in one of the interim orders in the same case. At the same time, there is no Central Law to protect useful animals which are important for agriculture.

14) Slaughter of animals in such large numbers deprives the Nation of their dung availability which affects agriculture and the use of chemical fertilizers damages the fertility of the soil, pollutes agricultural farms, water, air and food grains and increases cost in agricultural sector. This violates the provisions of Article 48 in the Constitution which the Supreme Court had in mind when it spoke of Directive Principles of State Policy in its direction.

15) Due to rising input costs of chemical fertilizers and chemical pesticides, there is enormous burden of subsidy on the Central Government. Lakhs of crores of rupees of taxpayers money has been wasted on food and fertilizer subsidies in the last 5 decades. It would be interesting to study the figures of food and fertilizer subsidy in the last three

decades. As per the Fertiliser Statistics published by the Fertiliser Association of India, New Delhi, from a total subsidy of Rs.537 crore on Food and Fertiliser during the year 1976-77, the same has increased to a staggering amount of Rs.22,451 crores (Fertiliser subsidy alone, as figures for Food subsidy are not available) for 2007-2008 and the cumulative burden is Rs.4,00,933 crore upto 2007-08.

16) The Ministry of chemicals and Fertilisers has demanded an allocation of Rupees One lakh crores for the next Financial Year by way of subsidy on chemical fertilizers alone and if we continue to slaughter animals at the present rate, the subsidy requirement will continue to rise at fast rate.

17) The Hon'ble Supreme Court has observed in State of Gujrat V/s Mirzapur Moti Kureshi Kasab Jamat [2005(8)SSC 534] that animals do not become useless at any point of time due to their utility of yielding dung and urine which are the sources of organic manure and organic pesticide.

18) There has been severe cattle depletion as a result of meat export policy. The cattle to human ratio is constantly falling and India ranks very poor in this ratio compared to other agricultural economies.

19) The Standing Committee on Agriculture in the 14th Lok Sabha recommended (Recommendation No.11) taking steps to increase animal population, in its report published in August, 2004.

20) There are following five basic issues involved which have to be examined for meaningful review of this Policy:

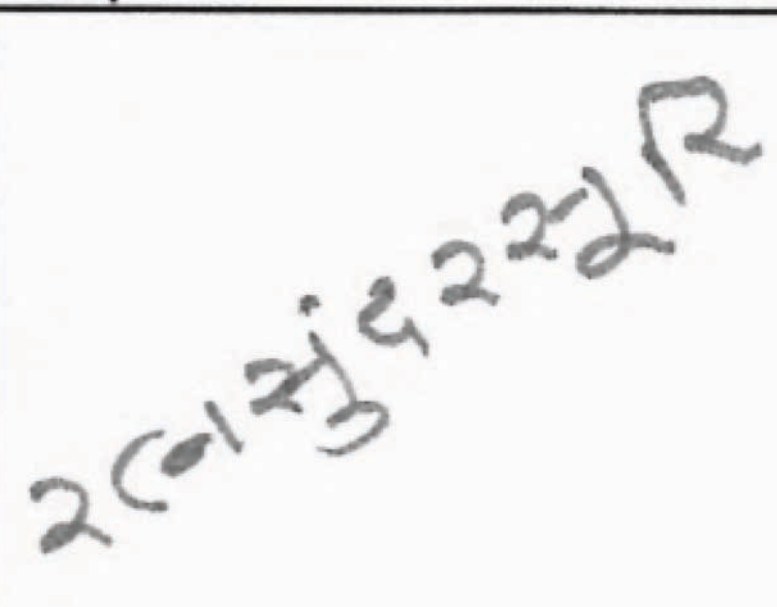
- a) Meat Export involves catering to the economic ambitions of a few and in the process creates an irreversible situation of depletion of national animal wealth. Meat export caters to the need of other countries at the cost of our young and healthy animals.
- b) Claim of Fundamental Right by the butchers negates the Fundamental Right of a much larger section of the Society which depends on cattle for their livelihood. The acute shortage of useful animals has by and large affected the availability and prices of essential commodities such as foodgrains, milk ghee etc.
- c) The protection of Fundamental Right of meat sector by the Government runs contrary to the Fundamental Duty (Article 51A) in the Constitution to have compassion for all living creatures. Can the Government, which has to be a role model for observing fundamental duties, be seen as the violator of fundamental duties?
- d) The freedom of occupation cannot give freedom of killing any animal of any number of animals. If earning a few crumbs of foreign exchange is the only criteria, then anything and everything which yields profits is liable to be slaughtered and exported.
- e) The freedom of trade, business and occupation of the meat industry is destructive

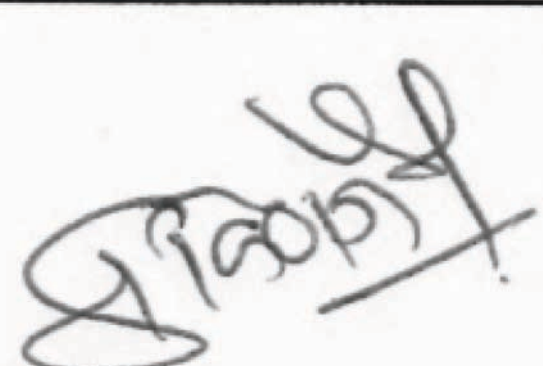
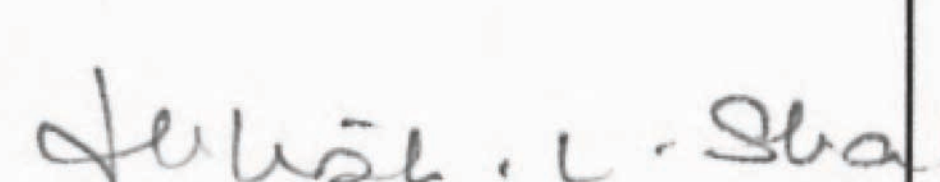
of environment and of animal kingdom.

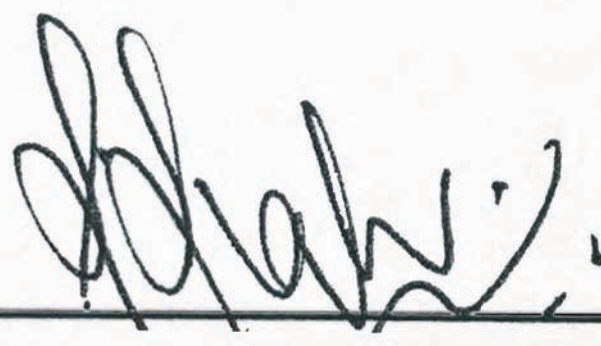
- 21) The meat export policy is violative of various Constitutional provisions such as Article 19(1)(g), Article 39(b) and (c), Article 47, Article 48, Article 48A and Article 51A. The Policy of the Government permitting killing of animals has no legal or Constitutional sanction. On the contrary, it violates Article 48 which gives positive commands to preserve and protect animals. It also violates Article 21.
- 22) Meat export Policy is violative of various State Animal Preservation Laws. These laws impose restriction based on age and utility of animals and also prohibit interstate transport of animals for slaughter. There is cruelty involved in transportation and thus the Prevention of Cruelty to Animals Act, 1960 is violated.
- 23) Though there is ban on slaughter of cow progeny animals for export, there is large scale clandestine slaughter of cattle under the garb of slaughter of buffaloes for export of meat. The dwindling population of cattle in the country bears testimony to this fact. There have been many incidences of intercepting large consignment of beef being transported from slaughter houses and godowns for export.
- 24) The Law Commission of India in its 159th Report, The National Commission on Cattle in its report submitted on 31st July, 2002 and the Animal Welfare Board of India in its 67th Executive Committee Meeting have recommended ban on meat export.
- 25) Animals are National wealth and common property of the Society and this wealth cannot be frittered away by indiscriminate slaughter for economic benefit of a few individuals and corporates.
- 26) Meat export was started to meet the Foreign Exchange shortage in 1991-92. However, now the country has Foreign Exchange Reserve of more than US \$ 300 billion (Rs.12/- lakh crores). In addition, several other sectors have since developed which earn more than Rs.2,50,000/- crores per year in Foreign Exchange compared to the mere Rs.3,000/- crores earned by the meat sector.
- 27) In fact, the most important data necessary for review of this Policy and the co-ordinated approach of various Ministries to this issue are totally absent. There is no monitoring mechanism in place to examine availability of slaughterable animals vis-a-vis slaughter capacity created in the country as a whole, both for local consumption and for export. The State Laws are not uniform regarding criteria to determine slaughterable animals and transnational movement of animals for slaughter negates the provisions of State laws. The animal census exercise has no provision to collect data regarding slaughterable animals. The procurement of animals for slaughter is not localized and has not control of local authorities. Each exporter considers entire country as his hinterland for procuring animals and after exhausting local availability the exporter can procure animals from any area of the country.
- 28) The grounds for banning meat export are very briefly given hereinabove and

may be elaborated in detail if an opportunity for hearing is given.

And accordingly, your Petitioner prays that the Committee on Petitions may critically examine the Meat Export Policy of the Government of India and make suitable recommendations to the Government so as to address the contentions raised in the petition.

Name of Petitioners	Address	Signature or thumb Impression
JAIN ACHARYA VIJAY RATNASUNDARSURI (Acharya of Jain Tapagachha Comunity)	Ratnatryayee Trust, 258, Gandhi Gali, Swadeshi Market, Kalbadevi Road, Mumbai 400 002	

Name of Co-Petitioners	Address	Signature or thumb Impression
Pravin B. Jain Trusti Shri Bhuvan Bhanu Suriswarji Jivdaya Trust Villaholi, Nashik	2 Revti Apt. Opp. Sambhaji Stadium Cidco, Nashik 422 009	
Hitesh L. Shah Share Stock Broker	75, Perin Nariman Street, 2nd floor, Fort, Mumbai-400001.	

 (S.S. Ahluwalia) MP (RS)

Counter Signature of Member Presenting

Recd
Sanjivkumar
17/10/10
P.C. 222