

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.10043 of 2020

M/s. Madurai North Indian Welfare Association,
Represented by its President
J. Hukamsing,h, Son of T. Jon Singh,
No. 2, Jadamuni Kovil Street,
1st Lane, 2nd Floor,
Madurai - 625 001. petitioner

vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort. St. George,
Chennai-600 009.

2. State of Tamil Nadu,
represented by its Principal
Secretary to Government,
Rural Development and
Local Administration Department
Fort St. George,
Chennai-600 009.

3. The Commissioner,
Commissionerate of Municipal Administration,
Ezhilagam, Chempauk,
Chennai - 600 005.

4. The Director General of Police,
No 1, Dr Radhakrishna Salai,

Mylapore, Chennai - 600004,

5. The Inspector General of Police,
South Zone, Bharathi Ula Street,
Madurai.

6. The Inspector General of Police,
North Zone,
Railway Station Road,
Alandur-st Thomas Mount,
Chennai - 600016.

7. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai - 600 032

8. The Director
Department of Environment
No.1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet, Chennai-600 015 ... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for a **WRIT OF MANDAMUS** or any other appropriate writ or direction, directing the Respondents to ban animal trade' (Camel, Goat, Cow, Ox, etc.,) in public places and to ban illegal killing of animal in public places in the eve of Bakrid Festival to ensure curtailing social/public gathering to restrict rapid spread of corona virus to save the Environment and Life of the public in the light of the regulations of the Ministry of Fisheries, Animal Husbandry and dairying, Government of India (Department of Animal Husbandry and Dairying), under Proceeding No.9-2/2020-21/PCA, dated 18.06.2020.

For Petitioner : Mr.Laxman KR

For respondents : Mrs.A.Srijayanthi, Special Govt. Pleader

ORDER

(Made by DR.VINEET KOTHARI, J.)

Father of Nation Mahatma Gandhi has said that "*the greatness of a nation and its moral progress can be judged by the way its animals are treated*".

2. The petitioner Association M/s. Madurai North Indian Welfare Association has filed this present Public Interest Litigation (in short "PIL"), which has been placed before us under the orders of the Hon'ble Chief Justice.

3. The grievance made by the petitioner in this PIL is apprehension of violation of Slaughter House Rules, 2001 and Transport of Animals Rules, 1978, on the occasion of festival like Bakri Eid (Goat sacrifice), which is likely to be celebrated by particular community either tomorrow or day after tomorrow, namely 31st July 2020 or 1st August 2020.

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4. The petitioner has relied upon the Notification issued by the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India (Department of Animal Husbandry and Dairying) on 18.6.2020 and consequential orders issued by the State of Maharashtra and Karnataka, the copy of the Notification

issued by the State of Maharashtra on 17.7.2020 and the letter of the Member of Legal and Inspection Committee of Animal Welfare Board of India, Ministry of Animal Husbandry, Dairying and Fisheries, Government of India, dated 20th July 2020 have been placed on record. The petitioner, expecting similar guidelines for restrictions on the slaughter of animals at public places and restrictions on their transportation on the eve of Bakri Eid, has moved this Court for urgent hearing and orders.

5. Mr.Laxman.KR, learned counsel for the petitioner appeared in the Video Conference proceedings, held under the Resolution of the Full Court dated 03 July 2020 and Mrs.Srijayanthi, learned Special Government Pleader appeared on behalf of the respondent State.

6. The learned counsel for the petitioner urged before us that the Central Ministry of Animal Husbandry has issued a detailed Notification on 18.6.2020, issued by the Animal Welfare Board of India vide No.9-2/2020-21/PCA dated 18.6.2020, addressed to the Chief Secretary of all the States, the Director General of Police of all the States and the Director of Animal Husbandry Department of all the States, specifically for the occasion of ensuing Bakrid on 31st July 2020 and 1st August 2020, drawing the attention of these authorities and administration of the States to strictly follow the Rules

for transportation and slaughtering of animals on the said occasion, particularly, in view of the provisions of Prevention of Cruelty to Animals Act, 1960 and Articles 48, 48(a) and 51A(g) of the Constitution of India.

7. In the said Notification dated 18th June 2020, the Ministry has directed that Rule 3 of the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, has stated that no slaughtering of animals can take place at any public place within the municipal area except in a duly authorised, recognised and licensed slaughter house. Rule 3 very specifically provide that animals shall not be slaughtered except in the licensed slaughter house and the categories of animals which can be sacrificed, which is quoted below for ready reference.

“3. Animals not to be slaughtered except in recognised or licensed houses –

(1) No person shall slaughter any animal within a municipal area except in a slaughter house recognised or licensed by the concerned authority empowered under the law for the time being in force to do so.

(2) No animal which - (i) is pregnant, or (ii) has an offspring less than three months old, or (iii) is under the age of three months or (iv) has not been certified by a veterinary doctor that it is in a fit condition to be

slaughtered.

(3) The municipal or other local authority specified by the Central Government for this purpose shall, having regard to the capacity of the slaughter house and the requirement of the local population of the area in which a slaughter house is situated, determine the maximum number of animals that may be slaughtered in a day.

8. The Slaughter House Rules also provide for making of particular design or type of building for slaughter house under Rule 4 and for Lairages under Rule 5 and then the process of cleaning of blood flow, etc. in the covered parts, so that other animals could not see the slaughter, etc. are also provided. Rule 6(5) provides for even for ritual slaughters. The Rules obviously cannot be followed, if the celebration of animals is permitted at public places.

9. The said Notification dated 18.6.2020, thus, clearly stipulates that no slaughtering can take place of animals at public places and certain animals like Camel and Cows cannot be slaughtered at all, where the Cows Slaughter Protection Act is in force.

10. The Annexure to the said Notification makes reference to certain

Supreme Court decisions and High Court decisions also, particularly, the decisions of the Hon'ble Supreme Court in the case of *Laxmi Narain Miodi v. Union of India [(2013) 10 SCC 227]* and another decision in *AWBI v. Nagaraja & Ors. [(2014) 7 SCC 547]* issuing strong directions to all the agencies and instrumentalities of the State, including law enforcement authorities, to uphold animal rights and protection laws.

11. The learned counsel for the petitioner submitted that the slaughtering takes place in public places frequently and the meat of the animals is distributed to the members of gathering there, by way of celebration by the owners of the animals, who purchased it and it is not only a gruesome act, but severe cruelty to the animals also takes place, as the Rules of the Slaughter House are not followed at all.

12. The learned counsel, therefore, strongly urged before us that the experience has shown that there are blatant violations of the relevant rules for transportation and prohibition against slaughtering of animals at public places and despite representations sent to various authorities of the State of Tamil Nadu on 22.7.2020, the State authorities have failed to take any action in the matter and issue similar directions as having been done by the State of Maharashtra and Karnataka and therefore, the Association is constrained to

invoke the PIL jurisdiction of this Court.

13. The learned counsel has drawn our attention to the Notification dated 17th July 2020 issued by the Home Department of the Government of Maharashtra, particularly in view of the contagious disease of Covid 19, which widely prevalent in the country and the States of Maharashtra, Tamil Nadu and Delhi, being the unfortunate leaders in the widespread disease of Covid 19. The lock down in Tamil Nadu now stands extended up to 31st August 2020 vide PN No.132 dated 30th July 2020, issued by the Chief Minister of Tamil Nadu.

14. It was submitted that the State of Maharashtra has not only recommended the citizens to opt for symbolic sacrifice on the forthcoming Bakri Eid or Goat Eid, but also not to conduct religious programmes at the public places and the citizens have also been advised to offer prayers at their homes, instead of doing so in Idgah, Masjid and public places. The markets for purchase of animals have been banned and the restrictions imposed in the containment zones having continued with no relaxation on account of Goat Eid. The citizens have been advised not to gather in public places or meet in large groups to celebrate Goat Eid to prevent the spread of Covid 19 disease.

15. The learned counsel for the petitioner also drew our attention to the

communication of one Mr.Kamlesh Shah, Legal and Inspection Committee Member, Animal Welfare Board of India, Ministry of Animal Husbandry, Dairying and Fisheries, Government of India, who has stated in his communication that "it is now well established fact that Covid 19 is a zoonoses disease and as per the UN Environment Programme (UNEP) and the International Livestock Research Institute (ILRI), COVID-19 is one of the worst zoonotic diseases". He has further stated that "Zoonoses are the diseases caused by germs those are passed naturally between vertebrate animals and humans and the novel coronavirus is one such germ, and the disease it causes, COVID-19, is a zoonotic disease. To explain the intensity of looming risk in allowing a number of trucks carrying lakhs of animals with hundreds of carriers (herdman) and Indiscriminate sacrifice".

16. The said representative of Animal Welfare Board, therefore, has urged to prevent the spread of Covid 19 by such animal slaughtering in public places and gathering of public meet in large congregation at public places on this occasion. The said document dated 20th July 2020 has also been placed on record. The representation of the petitioner Association is addressed to the Chief Secretary of Government of Tamil Nadu, Commissioner of Municipal Corporation, Director General of Police. The learned counsel for the petitioner therefore urged that there is urgent need for passing interim orders for

transportation of animals in violation of the Transportation Rules and slaughtering of animals at public places in the forthcoming festival of Bakrid.

17. The learned counsel for the State, Mrs.A.Srijayanthi, however, submitted that she would need to take instructions from the State Government as she has not received the papers.

18. The learned counsel for the petitioner has submitted that copies of the papers including the petitions and the documents were sent to the Government Pleader on July 28th, at about 10.58 am on email id jpkkj@yahoo.com.

19. A prima facie case is made out for intervention by this Court at this stage, to issue notice to respondents and also to give some interim directions. Therefore, the following interim directions are passed by us, granting sometime to the respondent State and its authorities to file its detailed counter and status report about the compliance of various Notifications issued by the Central Government and the provisions of relevant Acts and Rules indicated above.

20. In view of the seriousness of the matter and urgency, we pass the

following interim orders, for immediate compliance:-

- (i) The various authorities of the State Government and Police and Municipal Administration of the State shall ensure strict and literal implementation of the provisions of the aforesaid Prevention of Cruelty to Animal (Slaughter House) Rules, 2001 and Transport of Animals Rules 1978, Transport of Animals (Amendment) Rules 2001 Transportation Rules, and the Notification dated 18.06.2020, issued by the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India (Department of Animal Husbandry and Dairying);
- (ii) No slaughtering of animals of the permitted category, except the prohibited category of camels and cows etc. under due certification of the medical practitioners, as advised in the said rules, shall be allowed in public places at all. The said activity of slaughtering can be permitted only in the duly recognized, approved and licensed slaughter houses. We make it clear that since there is no exception in the said Slaughter Rules or any other rules framed under the said Act 1961, for religious occasions also, the compliance of Rules shall be made in its letter and spirit by all the authorities concerned even on the ensuing Bakrid or other religious festivals;
- (iii) We would expect the State of Tamil Nadu also to issue the Guidelines for Goat Eid, immediately, in consonance with the guidelines issued by

the State of Maharashtra and Karnataka as aforesaid, in terms of the Notification issued by the Central Ministry through the Animal Welfare Board, dated 18.06.2020;

(iv) We also expect and express our hope that compliance with the provisions of the Act and Rules, decisions of the Hon'ble Supreme Court and this order of the Court, will be made by all the concerned, including the citizens of the State, belonging to particular community in true letter and spirit, of all the statutes and court directions, not only in all times generally, but particularly in Covid 19 period also, which is a serious existential threat to the humanity itself and the said disease does not have any cure or vaccine as of now available to save the spread of corona virus and the usual free movement of people and economic activities is absolutely paralyzed in all the countries of the world, including India;

(v) Therefore, we also feel that it is all the more necessary to implement these rules, guidelines in a more stringent manner and public gatherings or slaughtering at public places is avoided at all costs;

(vi) We not only expect the authorities of the State to implement the aforesaid rules and directions of the court in true letter and spirit, but we would also urge the leaders in society, like political leaders and religious leaders and other social activists, as stated by the First Prime

Minister of our country Pandit Jawaharlal Nehru that "*Real kindness comes from a sense of friendship with animals*", to propagate the idea of friendliness with animals and non violence to them and the good message and spirit, which is at the bottom of these Acts, Rules and Court directives and to ensure a very congenial, peaceful and meticulous compliance of all these laws and directions.

20. We grant three weeks time to the Respondent to file the status report and also counter in the matter on the legal issues raised in the present public interest litigation.

21. List the matter again after three weeks on 20 August 2020.

(V.K.,J.) (K.R.,J.)

30.07.2020

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To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Fort. St. George,
Chennai-600 009.

2. The Principal Secretary to Government,
Rural Development and
Local Administration Department
Fort St. George,

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Chennai-600 009.

3. The Commissioner,
Commissionerate of Municipal Administration,
Ezhilagam, Chempauk,
Chennai - 600 005.

4. The Director General of Police,
No 1, Dr Radhakrishna Salai,
Mylapore, Chennai - 600004,

5. The Inspector General of Police,
South Zone, Bharathi Ula Street,
Madurai.

6. The Inspector General of Police,
North Zone,
Railway Station Road,
Alandur-st Thomas Mount,
Chennai - 600016.

7. The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai,
Guindy, Chennai - 600 032

8. The Director
Department of Environment
No,1, Jeenis Road, Panagal Building,
Ground Floor, Saidapet, Chennai-600 015

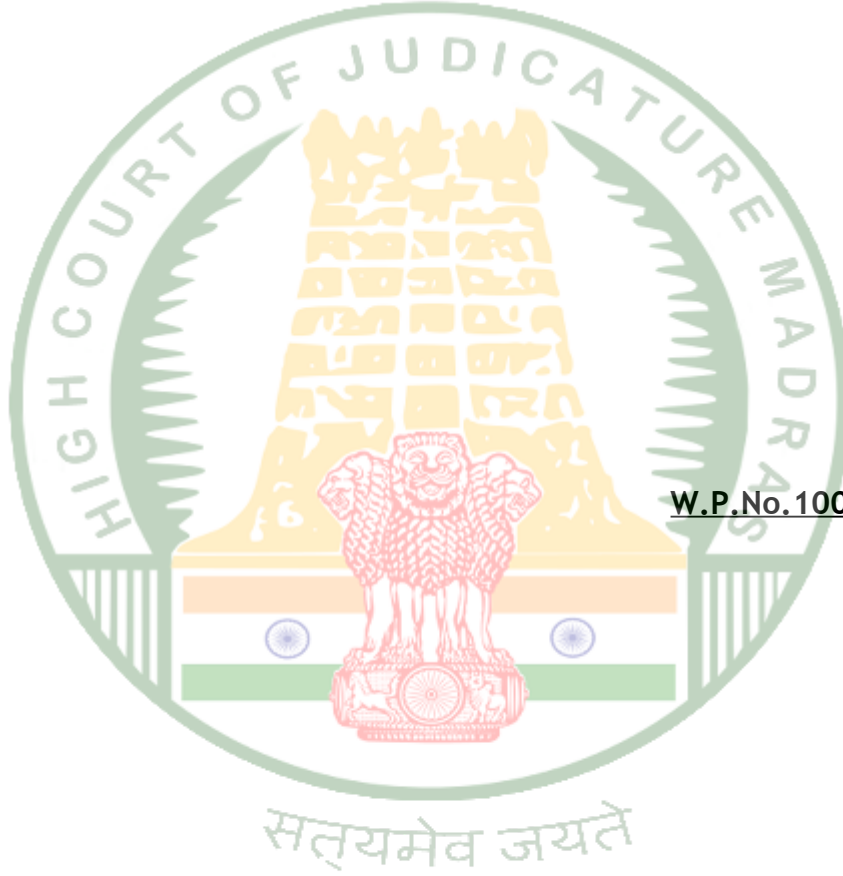
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Order dt.30.07.2020
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DR.VINEET KOTHARI, J.
and
KRISHNAN RAMASAMY, J.

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