



भारतीय जीव जन्तु कल्याण बोर्ड

ANIMAL WELFARE BOARD OF INDIA

मत्स्यपालन, पशुपालन और डेयरी मंत्रालय, भारत सरकार
(पशुपालन और डेयरी विभाग)

Ministry of Fisheries, Animal Husbandry and Dairying, Government of India
(Department of Animal Husbandry and Dairying)

No. 9-2/2020-21/PCA

Date: 18th June, 2020

To
The Chief Secretary of all the States,
The Director General of Police of all the States
The Director, Animal Husbandry Department of all the States.

Sir/Madam,

Sub: Stopping of illegal Killing/sacrifices of Cows/calves, Camels and other Animals and taking action against the offenders for violation of Transport of Animals Rules on the occasion of Bakrid - Reg.

With reference to the above cited subject, it is stated that the Bakrid festival will be celebrated on 31st July, 2020 and 1st August, 2020 all over the Country. It is a fact that large numbers of animals are likely to be slaughtered during Bakrid festival. It is reported that during the transportation of animals, the owner of the animals do not follow the animal welfare laws and Transport of Animals Rules, which prescribes the number of animals which can be transported in a vehicle, resulting in cruelty to the animals. It is noticed that the animals suffer and are subjected to various cruelties and some of the animals even die during transportation.

As you may be aware, cruelty to any animal is a punishable offence under the Prevention of Cruelty to Animals Act, 1960. Such violation is against the spirit of Article 48, 48 (a) and 51 A(g) of the Constitution of India.

Kindly note that as per Rule 3 of Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, no person shall slaughter any animal within a municipal area except in a slaughter house recognized or licensed by the concerned authority empowered under the law for the time being in force to do so and No animal which is pregnant has an offspring less than 3 months old, or is under 3 months of age, which has not been certified by a Veterinary Doctor that it is in a fit condition to be slaughtered, shall be slaughtered. Slaughter means the killing or destruction of any animal for the purpose of food and includes the processes and operations performed on all such animals in order to prepare it for being slaughtered.

The Food Safety and Standards Authority of India under the Ministry of Health and Family Welfare has issued a direction in their LrNo.1-988/FSSAI/Import/2014 dt.06.08.2014 has defined animal as an animal belonging to any of the species specified below:

- (i) Ovines, (ii) Caprines, (iii) Suillines and (iv) Bovines and includes poultry and fish.

It has also directed that the slaughtering of animals of any other species other than the one listed above is not permissible under the FSS Act and Regulation.

This effectively means that camels cannot be slaughtered for food at all. Also wherever the cow slaughter prohibition Act is in force, then slaughtering of cows should not be allowed at all.

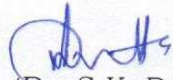
The salient points of a few judgements of the High Court and Supreme Court of India are enclosed in the Annexure.

Unscrupulous persons are carrying on the business of illegal slaughter in violation of the Prevention of Cruelty to Animals Act, 1960 and the Rules made there under. Such unlawful practice is also against the local Municipal Acts and Rules and also the directions of the Supreme Court of India in W.P. (C) No.309 of 2003, Laxmi Narain Miodi Vs Uoi & Ors.

May I therefore, request you to kindly direct all the authorities concerned to take all precautionary measures to strictly implement the Animal Welfare laws to stop illegal killing of animals and to take stringent action against the offenders violating the animal laws viz. PCA Act, 1960, Transport of Animals Rules 1978, Transport of Animals (Amendment) Rules 2001, Slaughter House Rules, 2001, Municipal laws and Food Safety & Standards Authority of India directions for slaughtering of animals during Bakrid festival.

Action taken in this regard may kindly be intimated to the Board. -----

Yours sincerely,


(Dr. S.K. Dutta)
Secretary

Copy to: Chairman, AWBI for information.

ANNEXURE

Salient points of a few judgments of the High Courts and the Supreme Court of India regarding slaughter of animals are reproduced herewith for your kind perusal:-

Hon'ble Supreme Court held vide its judgment passed in the matter titled 'State of West Bengal, etc., Appellants v. Ashutosh Lahiri and others, Respondents', being Civil Appeals Nos. 6790 of 1983 with 6791 to 6794 of 1983, was as under :

Slaughtering of healthy Cows on Bakrid day is not essential or required for religious purposes of Muslims, and accordingly, an order exempting slaughter of such Cows from the operation of the West Bengal Animal Slaughter Control Act, 1950, was illegal.

The slaughtering of healthy cows on Bakrid is not essential or required for religious purpose of Muslims or in other words it is not a part of religious requirement for a Muslim that a cow must necessarily be sacrificed for earning religious merit on Bakrid.

If there is no fundamental right of a Muslim to insist on slaughter of healthy cow on Bakrid day, it cannot be a valid ground for exemption by the State under Section 12 of the West Bengal Animal Slaughter Control Act, 1950, which would in turn enable slaughtering of such cows on Bakrid. Even Article 25 of the Constitution of India is not relevant in this context and cannot be resorted to:

"Hon'ble High Court of Mumbai in its Writ Petition No. 1686 of 1995 has given a judgement regarding ban of Slaughter of Camel in the Maharashtra State".

The Kerala High Court held vide its judgment passed in the Writ Petition titled 'Siraj Vs. District Collector', dt.5th December, 2005, is as follows:

The Court held that for slaughtering any animal for the purpose of using its meat and food within the corporation limits, slaughter in a licensed slaughter house by a person licensed to slaughter is what would have to be resorted to.

The Court further held that provision was available in their slaughter houses only for slaughtering cattle, goat, sheep and pig (at Kerala, within the relevant municipal limits). There was none for slaughtering camel. Furthermore that there was no veterinary surgeon who could certify the fitness of a camel or the suitability of its meat for human consumption ; or even any person licensed to slaughter and sell camel meat.

The Hon'ble High Court of Madras in its order dated 6.8.2014 in W.P.No.28313 of 2013, Blue Cross of India Vs State of Tamil Nadu & Ors has given a Judgment that "the concerned authorities are directed to ensure compliance of the rules and norms for slaughtering."

The Karnataka High Court held vide its judgment passed in the Writ Petition No. 14432 of 2008 titled 'Animal Rights Fund Vs. State of Karnataka' is as follows:

The Court noted that the petitioner had sought that the illegal transportation, and entry of camels into the State of Karnataka, particularly during festivals such as Bakrid, for slaughter, be prohibited. Further, that the camels be transported to the habitat suited for them, within the State of Rajasthan.

The Court further noted that the Director of Animal Husbandry and Veterinary Services had issued a circular on 17th April, 1997, directing the Assistant Directors of the Taluk, Veterinary Hospitals, to prevent such illegal entry and slaughtering of camels under their official jurisdiction; and that a similar circular had been issued by the Deputy Director, Animal Husbandry, on 31st May, 2006.

The Court required the State Counsel to ascertain as to whether the circulars were still in force; and upon learning that they were, took the view that no further circulars/directions were required, while upholding those that had already been issued. The petition was then disposed off.

The Supreme Court of India in a recent judgment dated 7.5.2014 in the matter titled AWBI Vs Nāgarāja & Ors (SLP (C) No.11686 of 2007) has issued strong directions to all the agencies and instrumentalities of the State, including law enforcement authorities, to uphold animal right and protection laws. Failure to do so will be tantamount to failure to adhere to the same as well and the same is available in our website: www.awbi.in.

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