

01.12.2023
Item No.1
Ct. No.1
PG/KS

W.P.A.(P) 592 of 2023
Reforms Social Welfare Foundation & Anr.
Vs.
Union of India & Ors.

Mr. Rachit Lakhmani
Mr. Swapan Nath
Ms. Saswati Chanda Roy
Mr. Rony Bhattacharyya
Mr. D.K. Sharma
.....for the Petitioners

Mr. Amitesh Banerjee, Ld. Senior Standing
Counsel
Ms. Ipsita Banerjee.....for the State

Mr. Ashok Kr., Chakraborty, Ld. ASG
Mr. Dhiraj Kr. Trivedi, Ld. DSGI

Mr. Somnath Ghosal
Mr. Subha Senapati
.....For the respondent no.2

Mr. Vinay Kr. Shraff
Mr. Dev Kr. Agarwal.....for the intervenor

1. By this public interest litigation, an organisation called Reforms Social Welfare Foundation seeks for issuance of a writ of mandamus upon the respondent authorities to forthwith ensure that no illegal slaughter of any animal takes place in the State of West Bengal (either in the name of god or otherwise and that no animal slaughter takes place in West Bengal for any purpose apart from serving of food to mankind. The petitioners

also seek for a direction upon the respondent authorities to ensure strict compliance of the Prevention of Cruelty to Animals Act, 1960, Transport of Animal Rules, 1978, Prevention of Cruelty to Animals (Slaughterhouse) Rules, 2000 and West Bengal Animal Slaughter Control Act, 1950. The interim orders have also been sought for on the same lines.

2. What prompted the petitioners to approach this Court at this juncture is on account of a programme organised by the Bolla Kali Mata Temple in Dakshin Dinajpur district called as Bolla Kali Mata Puja Committee.
3. The petitioners' case is that it has been claimed by the temple committee that more than 10,000 goats will be sacrificed in the open broad day light and during the night time and this cannot be permitted to be done by the State authorities and appropriate action should be taken to ban the entire programme.
4. Firstly, we need to note that this writ petition has been moved yesterday and it has been listed today and the programme to be conducted by the temple committee is scheduled to take place today. Therefore, at this end hour, no effective direction for interim orders can be passed and even assuming such orders are passed, the same

cannot be implemented effectively. However, considering the larger relief sought for by the petitioners, we are inclined to entertain the writ petition.

5. So far as the interim orders are concerned, we have taken note of the submission of the learned advocate for the petitioners, who have referred to various rules and in particular, the decision of the Hon'ble Supreme Court in **Lakshmi Narain Modi v. Union of India & Ors.** reported in **(2013) 10 SCC 227**. In the said decision, various directives were given by the Hon'ble Supreme Court, some of which are 1) animals not to be slaughtered except in recognised or licensed houses; 2) no person shall slaughter any animal within a municipal area except in a slaughterhouse recognised or licensed by the authority concerned empowered under the law for the time being in force to do so; 3) no animal, which is pregnant, or has an offspring less than three months old, or is under the age of three months or has not been certified by a veterinary doctor that it is in a fit condition to be slaughtered, shall be slaughtered and; 4) no animal shall be slaughtered in a slaughterhouse in sight of other animals.

6. Learned advocate for the petitioners submitted that there are several decisions of the Hon'ble Supreme Court, which have emphasised these aspects and the programme, which is to be conducted by the said temple committee today is in clear derogation of the directions issued by the Hon'ble Supreme Court. The position, which is prevailing in the other States in India was also referred to and relied upon.
7. One organisation viz. Akhil Bharat Krishi Go Seva Sangh, which is a registered charitable trust established by Rashtrapita Mahatma Gandhi and nurtured by great freedom fighter Shri Vinobha Bhave and Shri Radhakrishna Bajaj seeks to intervene in the proceeding. The learned advocate appearing for the proposed intervenor has referred to several decisions of the Hon'ble Supreme Court and various High Courts and it is submitted that several High Courts have held the practice of animal sacrifice in temples is violative of Article 21 of the Constitution and accordingly, banned such activities. It is submitted that though appeals are pending before the Hon'ble Supreme Court, there is no order of stay.
8. The Government of Kerala enacted a legislation prohibiting sacrifice of all animals and birds in temples, Constitutional validity of which was

challenged before the High Court of Kerala and the State enactment was upheld and the matter is now pending before the Hon'ble Supreme Court.

9. As observed by us earlier, a long-term solution has to be brought about as there is no specific statute in the State of West Bengal banning sacrifice of animals either as a mass sacrifice or for temple festivals.
10. The learned Senior Standing Counsel appearing for the respondents/State submitted that already meeting was convened by the district officials of Dakshin Dinajpur, more particularly under the Chairmanship of the Sub-Divisional Officer, Balurghat and the committee members attended the meeting and the minutes of the meeting have been reduced into writing on 17th November, 2023 and 27th November, 2023 and copies of those minutes were placed before us.
11. As could be seen from the conditions imposed, which obviously, have been agreed to by the members of the temple committee, they have to abide by the decision of the Hon'ble Supreme Court and this Court setting down guidelines. However, there is a clear bar for mass sacrifice during the puja. It is true, that the temple committee has not been impleaded as a party to

the writ petition. Nonetheless, the committee members having agreed to the various conditions, which have been imposed by the district administration, are bound to follow the same in its letter and spirit. The Court is conscious of the fact that the festival has already begun and at this juncture no positive direction can be given and even assuming such directions are given, they may become unworkable. However, taking note of the fact that the members of the committee of the concerned temple have unequivocally agreed to the conditions, which have been reduced into writing in the minutes recorded by the Sub-Divisional Officer, Balurghat, Dakshin Dinajpur and also signed by all the committee members, district administration shall endeavour to take effective steps to ensure compliance of those conditions.

12. The district administration shall inform the committee members that the conditions, which have been imposed during the meeting, which was convened are not an empty formality but it is a responsibility of the members of the temple committee/puja committee to ensure that the conditions are followed in its letter and spirit. At this juncture this is what we can observe and leave it to the authorities to ensure that the

conditions imposed on the puja committee are strictly implemented.

13. As observed earlier, since the petitioners seek for a larger relief, we direct the respondents to file their affidavits within eight weeks; reply, thereto, if any, may be filed within four weeks thereafter. The organisation, which seeks to intervene in the matter is at liberty to do so by filing an appropriate application.

14. List the matter on 25th March, 2023.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)