

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: *SUO MOTU* W.P.(PIL) No. 5 of 2023

PROCEEDING SHEET

S. No.	DATE	ORDER	OFFICE NOTE
2.	28.06.2023	<p><u>HCJ & NTR, J</u></p> <p>This petition has been registered <i>suo motu</i> on the basis of a letter dated 26.06.2023 written by one Sri K.Shiva Kumar, Chairman of an organisation called Yuga Tulasi Foundation.</p> <p>The letter addressed to the Chief Justice in the translated version says that during the Bakrid festival (scheduled on 29.06.2023), a large number of cows will be sacrificed in an illegal and cruel manner hurting the religious sentiments of the majority community since cow is revered by the majority community.</p> <p>This letter does not disclose as to whether Sri K.Shiva Kumar or his organisation had ventilated their grievance before any authority or whether any representation was filed before any authority but not attended to. Letter also does not disclose whether Sri K.Shiva Kumar had written any such letter to the High Court on an earlier occasion.</p> <p>The festival to be celebrated is not a sudden event, but known well in advance. Writing letter to the Chief Justice on such an emotive issue at the eleventh hour, that too, without approaching any authority at the first instance cannot be appreciated.</p> <p>Nonetheless, as the issue raised in the letter dated 26.06.2023 has serious ramifications and has the</p>	

potential to impair inter-community relationship, Court has taken up the matter notwithstanding the *lacunae*.

When the matter was taken up in the first hour, we had sought the response of the learned Government Pleader for Home- Mr. M.Roopender as to the steps taken by the Government to allay the apprehension expressed by the petitioner. While directing that the case would be taken up at 1:00 p.m., we had requested learned Advocate General also to be present.

When the matter was called upon later, learned Advocate General placed before us a copy of letter dated 28.06.2023 received by his office from the Director, Veterinary and Animal Husbandry Department, who is also the Member Convener of Telangana State Animal Welfare Board calling upon the Collectors and District Magistrates of all districts, who are the Chairmen of the respective District Society for Prevention of Cruelty to Animals, to prepare effective action plan to ensure that there is no illegal killing of animals and to implement the provisions of the Telangana Prohibition of Cow Slaughter and Animal Preservation Act, 1977 besides other enactments.

That apart, it is stated that police department has established special check posts, cattle holding ponds *etc.*, as measures to prevent illegal transportation of animals especially cows and calfs and to curtail law and order problems; Veterinary and Animal Husbandry Department has deputed veterinarians to coordinate with police officials and that the identified check posts would be

manned round the clock; Veterinary and Animal Husbandry Department is taking all necessary steps to control illegal slaughter of cows, calves and other animals during the festival.

A copy of memo dated 15.06.2023 issued by the Additional Commissioner of Police, Law and Order, who is also the incharge Commissioner of Police, Hyderabad city has been placed on record. The said memo says that the check posts as referred to above were directed to be established in Hyderabad city from 16.06.2023 onwards and to discharge their assigned functions round the clock.

We hope and trust that all the officials will discharge their assigned duties sincerely and faithfully.

Article 48 of the Constitution of India which is a directive principle of state policy mandates that the State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines; the State shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle.

For giving effect to the policy of the State and for securing the principles in Article 48 of the Constitution of India, Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977 was enacted. After creation of the State of Telangana, the said Act has been adopted and is now known as the Telangana Prohibition of Cow Slaughter and Animal Preservation Act, 1977 (briefly 'the Act' hereinafter). Sections 5 and 6 of the said Act are relevant and are extracted hereunder:

5. Notwithstanding anything in any other law for the time being in force or any custom or usage to the contrary, no person shall slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter or otherwise intentionally, kill or offer or cause to be offered for killing, any cow or calf, whether male or female, of a she-buffalo.

6. (1) Notwithstanding anything in any other law for the time being in force or any custom or usage to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any animal other than a calf, whether male or female, of a she-buffalo, unless he has obtained in respect of such animal a certificate in writing from the competent authority appointed for the area that the animal is fit for slaughter.

(2) No certificate shall be granted under sub-section (1), if in the opinion of the competent authority the animal is or is likely to become economical for the purpose of,-

- (a) breeding, or
- (b) draught or any kind of agricultural operations; or
- (c) giving milk or bearing off-spring:

Provided that no certificate under sub-section (1) shall be refused to be granted unless the reasons for such refusal are recorded in writing.

(3) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.

As per Section 8 of the Act, no animal in respect of which a certificate has been granted under Section 6 of the

Act shall be slaughtered in any place other than a place specified by the authority or officer as the Government may appoint in this behalf.

As per Section 11, offences under the Act are cognizable offences.

In the circumstances, we direct the Chief Secretary to the Government of Telangana as well as the Director General of Police, Telangana State to ensure that provisions of the Act including Sections 5 and 6 thereof are strictly followed and implemented.

Director General of Police, Telangana State shall also ensure that law and order is maintained in the city as well as in the State.

It is for the community elders to ensure that all festivals are celebrated in the true spirit embracing people from all faiths and communities thereby spreading the message of peace and brotherhood.

At this stage, we say only this and no further.

Chief Secretary to the Government of Telangana and Director General of Police, Telangana State shall submit a detailed report after a month.

List this matter along with the reports on 02.08.2023.

HC J

NTR, J