

Office of the
Director General of Police,
Telangana, Hyderabad.
Date.23.07.2020

Rc.No.211/L&O.II/2020

Circular Memorandum

Sub:- Stopping of illegal killing/sacrifice of Cows/calves, Camels and other animals and taking action against the offenders for violation of transportation of animal rules - Reg.

Ref:- 1) Supreme Court order in WP (C) No.309/2003, between Laxmi Narain Modi Vs.UoI & others.
2) Orders dt.17.07.2020 in WP (PIL) No.136/2020 of High Court of Telangana.

It is a fact that large numbers of animals are sacrificed/slaughtered on regular basis and on various special occasions like Dussehra, Durga Puja, Bali Pratha, Bakrid festival etc. in violation of the Laws, Rules, Regulations and directions all over the State. It is also noticed 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. The animals are subjected to various cruelties and some of the animals even die during transportation. During sacrifice and in violation of the law, people typically cut open their throats in full view of other animals without first rendering them unconscious - a mandatory legal requirement.

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.

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 or has an offspring

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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 process and operations performed on all such animals in order to prepare it for being slaughtered.

Killing animals without following the Government of India's compendium of acts and rules on animal transport and slaughter (**Annexure G**), as required by the 17th February 2017 order of the Supreme Court of India, is a punishable offence (**Annexure H**). PETA India was a petitioner in this Supreme Court case. A 2015 High Court of Himachal Pradesh order that banned animal sacrifice in the state had been challenged, and the Supreme Court directed in a 10th April 2017 order that animals could be slaughtered only in an area set up in accordance with the law and that the municipal authority would be required to ensure compliance (**Annexure I**). Under the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, and the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, the slaughter of animals for food is permissible only in a registered or licenced slaughterhouse. Any other sites used for the slaughter or sacrifice of animals are neither registered to kill them nor equipped with species-specific stunning facilities, which are mandatory under the law to prevent causing them unnecessary pain and suffering.

Section 3 of the Telangana Animals and Birds Sacrifices Prohibition Act, 1950 (**Annexure L**) also prohibits the sacrifice of animals or birds in *“any place of public religious worship or adoration or its precincts or in any congregation or procession connected with any religious worship in a public street”*

The Food Safety and Standards Authority of India under the Ministry of Health and Family Welfare has issued a direction in their Lr No.1-988/FSSA1-Import/2014 dt.06.08.2014 has defined animal as an animal belonging to any of the species specified below:

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- (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 issued 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 judgments of the High Court and Supreme Court of India are as follows:-

“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 Karanataka High Court held vide its judgment passed in the Writ Petition No.14432 of 2008 titled ‘Animal Rights Fund Vs. State of Karanataka’ is as follows:

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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 recent orders of the Hon'ble High Court of Telangana State in WP (PIL) No.136/2020 filed by Dr.Shashikala Kopanati is as follows:

Cruelty towards animals is prohibited under the Act, 1960. Moreover, since the transportation of camels out of Rajasthan is prohibited, it is the duty of the State to ensure that camels are not brought into the State clandestinely. Moreover, it is the duty of the State to ensure that camels are not being slaughtered in the name of "tradition".

Therefore, the court directed the respondents to step up their efforts, and to carry out inspection of licensed and unlicensed Slaughter House in the Twin Cities of Hyderabad & Secunderabad and Ranga Reddy District, to take steps against those who are violating the laws, and to prevent the illegal killing of camels in the aforementioned area. The respondents were also directed to publicize the fact that the transportation and slaughtering of camel is on illegal activity. The publicity shall be carried out through Electronic and Print media by the respondents. Inspection of slaughter houses, authorized and unauthorized, was also emphasized especially for slaughtering of camels during ensuing Bakrid.

Animals are sacrificed in open daylight in the presence of thousands of people, including impressionable young children. Such acts of cruelty to animals indicate a deep mental disturbance in the perpetrators. Research in psychology and criminology has found that people who commit acts of cruelty to animals often don't stop there: many of them move on to hurting other animals, including humans. The US Federal Bureau of Investigation has found that cruelty to animals is one of the traits that

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regularly appear in the backgrounds of serial rapists and murderers. In India, too, serial killers have been found to have histories of cruelty to animals: Veerappan, a notorious serial killer, was also a poacher, and the infamous Noida serial murders of children occurred at the home of Moninder Singh Pandher, who was a hunter. In a study of battered women, nearly 60% said that their abusive partners had harmed or killed their dogs or other animals. The abuse or killing of any living, feeling being - including non-human animals - therefore endangers everyone in society and is unacceptable.

The Supreme Court's decision in the judgment issued on 7th May 2014 in SLP(C) No 11686 of 2007 that it's the duty of the government to enforce the PCA Act, 1960, and that if the provisions of the act and the directions and declarations of the court are not properly and effectively complied with, disciplinary action is taken against erring officers so that the object and the purpose of the act can be achieved.

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 Modi Vs Union of India & Others.

It is requested 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 including camels.

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All Commissioners of Police and Superintendents of Police shall acknowledge the memo and take appropriate action as per law.

Encl: (As above)

Sd/-Mahendar Reddy, IPS.,
Director General of Police

To,

All Commissioners of Police.

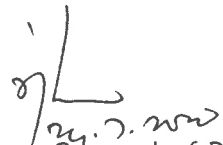
All Superintendents of Police.

Copy to Inspector General of Police, Intelligence, TS, Hyd.

Copy to Inspectors General of Police, North & West Zones & Karimnagar.

Copy to DIGs, Nizamabad and Hyderabad Ranges.

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Addl. Director General of Police
(Law & Order)