

21.11.2024
Item No.9, 10.
Ct. No.1
AB/RP

W.P.A.(P) 433 of 2024

**Akhil Bharat Krishi Go Seva Sangh
Vs.
The State of West Bengal & Ors.**

With

W.P.A.(P) 592 of 2023

With

**CAN 1 of 2024
CAN 2 of 2024**

**Reforms Social Welfare Foundation & Anr.
Vs.
Union of India & Ors.**

Mr. Vinay Shraff,
Mr. Dev Agarwal,
Ms. P. S. Paul

.....for the Petitioner in
WPA (P) 433 of 2024.

Mr. Swapan Nath
Mr. Rachit Lakhmani,
Mr. Devkant Sharma,
Mr. Rudrajyoti Ray
Mr. Piyush Kumar

.....for the Petitioners
In WPA (P) 592 of 2023.

Mr. Kishore Dutta, Id. AG
Mr. Amitesh Banerjee, Sr. Adv,
Ms. Ipsita Banerjee,
Mr. Swapan Banerjee
Ms. Sumita Shaw
Mr. Tapas Kr. Adhikary
Md. Zorabuddin

.....for the State.

Mr. Kalyan Kr. Chakraborty,
Mr. Gopal Krishan Sarkar
Mr. Vivek Kr. Pandey
Dr. Binoy Brata Bhowmik

.....for the Respondent No.6.
In WPA (P) 433 of 2024.

Dr. Benaybrata Bhowmick

....for the Respondent Nos.6 to 11.

Mr. Ashok Kr., Chakraborty, Ld. ASG
Mr. Dhiraj Kr. Trivedi, Ld. DSGI
Mr. Sukanta Chakraborty
.....For the Union of India
In WPA (P) 592 of 2023.

Mr. Kalyan Kr. Chakraborty,
Mr. Gopal Krishan Sarkar
Mr. Vivek Kr. Pandey
Dr. Binoy Brata Bhowmik
.....for the Applicants in
CAN 1 of 2024.

Mr. Somnath Ghosal
.....for the Respondent No.2.
In WPA (P) 592 of 2023.

1. We have heard the learned Counsel for the parties.
2. Both the writ petitions have been filed for more or less identical reliefs wherein the petitioners seek for appropriate direction to ensure that no illegal slaughtering of 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 other purpose apart from serving of food to mankind.
3. The petitioners would also seek for strict compliance and implementation 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.
4. The petitioner in WPA (P) 433 of 2024 has sought for a direction upon the Animal Welfare Board of

India to withdraw their letter addressed to the Director General of Police, West Bengal declaring thereby animal sacrifice in temples permissible as per Section 28 of the Prevention of Cruelty to Animals Act, 1960 as a result thereof, more than 10000 animals were sacrificed in most gruesome and barbaric manner in the temple premises of Goddess Bolla Kali in the year 2022; for a direction upon the State of West Bengal to take action against the erring officer during whose tenure illegal animal sacrifice took place in the year 2022; to take action against the Management Committee/Puja Committee of goddess Bolla Kali temple and others who have indulged in religious sacrifice in violation of the various Statutes. There are other relief incidental and ancillary to WPA(P) 592 of 2023.

5. The writ petition being WPA (P) 592 of 2023 was filed earlier and this Court on December 1, 2023 had passed an order issuing certain directions. The relevant portion of the order is quoted hereunder :

“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 began 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.”*

6. So far as the larger relief sought for in the writ petition, affidavits were directed to be filed by the respondents. An affidavit in opposition has been filed by the 10th respondent namely, the Deputy Superintendent of Police, Dakshin Dinajpur dated February 1, 2024, in which in paragraph (viii) it has been stated that on the night of 1.12.2023 and 2.12.2023 a huge number of devotees congregated at the temple and mass animal sacrifices were made with the assistance and cooperation of the Committee members in total violation of the said order dated 1.12.2023 passed by this Court and the memo dated 27.11.2023 issued by the SDO. There is no rejoinder or reply denying the said averments made by the Deputy Superintendent of Police. Therefore, this Court keeps it open to initiate appropriate proceedings and examine as to whether the Committee members acted in violation of the order passed by this Court on December 1, 2023. The matter was listed before this Court on being mentioned by the learned Advocate for the petitioner on the ground that for this year, i.e. November 22, 2024, mass sacrifices of animals is to be done in and around the temple premises in an indiscriminate manner without following the statutory Rules. It is seen

that much prior to the programme being organized the officials convened a meeting in which the Office bearers of the Puja Committee as well as certain other individuals had participated and as many as 34 persons participated in the meeting which includes various officials. The terms agreed to in the said meeting were reduced in writing and a Minute has been drawn by the Sub Divisional Officer, Balurghat Sadar, Dakshin Dinajpur dated 6.11.2024. As could be seen from the said Minutes, it has been agreed by the Puja Committee members that no mass sacrifices will be done. Apart from that the Puja Committee has also required to convince the people against mass animal sacrifices. Thus, the Committee members having agreed to certain conditions which have been reduced in writing in the form of Minutes drawn on 6.11.2024 they are bound to comply with the same without any default.

7. The learned Advocate appearing for the Puja Committee submits that no mass sacrifice will be conducted and the sacrifice of the goats is being followed as the ritual for several centuries and at present it will be done in the designated place for which licence has already been obtained. In this regard, we note the relevant Rules of law of the

Prevention of Cruelty to Animals (Slaughterhouse) Rules 2000 and in terms of Rule 3 (1), no person shall slaughter any animal in municipal area except the area recognized by the concerned committee empowered under the law for the time being in force to do so apart from the other conditions which have been complied with by the slaughter house.

8. Learned Advocate for the Puja Committee submits that the area where the temple is situated is not a Municipal area but a Panchayet area. Nonetheless the Rules are comprehensive Rules which need to be followed and the licence is granted in terms of the said Rules apart from the relevant Rules framed by the State of West Bengal. Over and above all the Committee members have agreed to ensure that no mass sacrifice will be done which has been recorded in the Minutes dated 6.11.2024. Therefore, the Puja Committee is bound by what they had agreed and if they violate the said conditions, then they are bound to be prosecuted in accordance with law.

9. In the light of the above, since the festival is to commence on November 22, 2024, we direct the Puja Committee to strictly abide by what they agreed in the meeting dated 6.11.2024 drawn by

the Sub Divisional Officer, Balurghat Sadar and also ensure that no mass sacrifice is done and if at all sacrifice is done, it should be done in the licenced premises and no other area. The authority of the State shall also ensure that the Puja Committee does not encourage mass sacrifice and also convince people to desist from such mass sacrifice.

10. With regard to the larger relief as sought for in the writ petition, the respondents are directed to file their affidavit in opposition within eight weeks from date. Reply, if any, be filed within four weeks thereafter.

11. Liberty to mention for inclusion in the list.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)