

[3182]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE SEVENTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY

: PRESENT:

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND**

**THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY
WP(PIL) NO 136 OF 2020**

Between:

Dr. Shashikala Kopanati, W/o Bhaskara Rao Darigala

Petitioner

AND

1. Union of India, Rep. by its Secretary, Public Health Department, New Delhi - 110001.
2. The State of Telangana, Rep. by its Principal Secretary Animal Husbandry Department, Secretariat, Hyderabad - 500 022
3. The State of Telangana, Rep. by its Principal Secretary Municipal Administration and Urban Development, Department, Secretariat, Hyderabad - 500 022.
4. Director General of Police, Saifabad, Telangana, Hyderabad 500 004
5. Director Animal Husbandry, O/o Directorate Animal Husbandry, Masab Tank, Hyderabad, Telangana
6. Animal Welfare Board of India, Rep by its Secretary National Institute of Animal Welfare Campus P.O 42 km Stone, Delhi-Agra Highway, NH-2, Village- Seekri, Ballabhgarh, Faridabad, Haryana 121 004, India
7. The Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Lower Tank Bund, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in not taking action against the illegal transport of Camels into the State of Telangana and slaughtering them as inhumane, illegal, unconstitutional and contrary to the provisions of Prevention of Cruelty to Animals Act 1960 and the rules thereunder, Greater Hyderabad Municipal Corporation Act, 1955, FSSAI regulations, Rajasthan Camel (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act 2015, G.O Ms No 174 dated 19.04.2007, in and against the spirit of orders of the Hon'ble Supreme Court in Animal Welfare Board of India v. A. Nagaraj (2014) 7 SCC 547 as such consequently direct the respondents to ensure stricter compliance of the provisions of Prevention of Cruelty to Animals Act 1960 and the rules thereunder, Greater Hyderabad Municipal Corporation Act, 1955, FSSAI regulations, Rajasthan Camel (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act 2015, G.O Ms No 174 dated 19.04.2007;

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to strictly implement G.O Ms No. 174 dated 19.04.2007 with immediate effect ensuring stoppage of illegal transport and slaughtering off camels forthwith, pending disposal of WP(PIL) 136 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. Divya A Advocate for the Petitioner and Sri N. Rajeshwar Rao, Assistant Solicitor General for the respondent No. 1 & 6 and Sri A. Sanjeev Kumar, Special Government Pleader for the respondent No. 2 to 7, the Court made the following

ORDER:

"The present petition has been filed against the inaction of the respondents in not taking any steps in connection with illegal

transportation of camels into the State, and in preventing the slaughtering of camels in the State.

Ms. Divya, the learned counsel for the petitioner, submits that during the period of *Ramadan*, especially of *Bakrid*, which is around the corner, there is a “tradition” of consuming camel meat in the State. Due to this “tradition”, invariably, camels are illegally transported from Rajasthan, and brought into the State. Subsequently, they are slaughtered for public consumption. However, Rajasthan Camel (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 2015 clearly prohibits the transportation of camel outside of Rajasthan. Moreover, since it is a case of committing cruelty towards a particular animal, under the provisions of Prevention of Cruelty to Animals Act, 1960 (‘the Act, 1960’, for short) and the Rules made thereunder, the respondents are duty bound to protect and promote the interests of the camel. However, due to the laxity on the part of the respondents, the activity of slaughtering of camels during the period of *Ramadan*, especially of *Bakrid* continues unabated in the State. She further submits that even according to the counter filed by the respondents, between the period 2013-2017, only seven cases were registered against the owners of Slaughter Houses where it was discovered that camels were killed. However, after 2017, not a single case has been registered against any of the registered/unregistered Slaughter House. Moreover, although the respondents claim that on 26.05.2019, they had rescued and confiscated eight camels, from whom such camels were rescued, has not been spelt out in the counter. Furthermore, on the basis of a judgment of this Court, a Core Committee was constituted by the Animal Husbandry Department on 19.04.2020, and even a State Animal Welfare Board has been constituted by the State. But neither the Core Committee, nor the Board has taken any action against any person who is found to be indulging in the illegal transportation, or in the slaughtering of camels. Therefore, the Core Committee, and the Board are absolutely dysfunctional as far as the illegal transportation and slaughtering of the camel are concerned. Therefore, she seeks the relief that the respondents should be directed to be vigilant and to take concrete steps to control and eliminate the illegal transportation, and slaughtering of the camels in the State.

On the other hand, Mr. Sanjeev Kumar, the learned counsel appearing for the State, submits that “concrete steps” have been taken by the respondents. He also assures the Court that the respondents, especially the Police Department, the Municipal Administration & Urban Development Department, the Animal Husbandry Department, and the

GHMC will make a concerted effort to inspect the licensed and unlicensed Slaughtering Houses functioning in the Twin Cities of Hyderabad & Secunderabad, and Ranga Reddy District and will prevent the illegal slaughtering of the camels in the State. He seeks time to submit his report.

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, this Court directs the respondents to step up their efforts, and to carry out inspection of licensed and unlicensed Slaughter Houses 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 are also directed to publicize the fact that the transportation and slaughtering of camel is an illegal activity. The publicity shall be carried out through Electronic and Print media by the respondents.

The respondents are directed to submit their report with regard to the action taken by them from 20.07.2020 till 29.07.2020 and with regard to the publicity carried out by them.

List this case on 30.07.2020.

SD/- M MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Public Health Department, Union of India, New Delhi - 110001.
 2. The Principal Secretary Animal Husbandry Department, State of Telangana, Secretariat, Hyderabad - 500 022
 3. The Principal Secretary Municipal Administration and Urban Development, Department, State of Telangana, Secretariat, Hyderabad - 500 022
 4. Director General of Police, Saifabad, Telangana, Hyderabad 500 004
 5. Director Animal Husbandry, O/o Directorate Animal Husbandry, Masab Tank, Hyderabad, Telangana
 6. The Secretary, Animal Welfare Board of India, National Institute of Animal Welfare Campus P.O 42 km Stone, Delhi-Agra Highway, NH-2, Village- Seekri, Ballabhgarh, Faridabad, Haryana 121 004, India
 7. The Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad.
(Addressees 2 to 5 and 7 by SPL. MESSENGER)
(Addressees 1 & 7 by RPAD)
 8. One CC to Ms. Divya A Advocate [OPUC]
 9. One CC to Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General, High Court, Hyderabad (OPUC)
 10. Two CC to Special Government Pleader, High Court, Hyderabad (OUT)
 11. Two CC to Advocate General, High Court, Hyderabad (OUT)
 12. Two spare copies
- Csk

HIGH COURT

HCJ
&
BVRJ

DATED: 17/07/2020

NOTE: POST ON 30.07.2020

ORDER

WP(PIL).No.136 of 2020

DIRECTION

