

ORDER SHEET

WWW.LIVELAW.IN
IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

ORIGINAL SIDE

WPO/372/2019

RAJYASHREE CHAUDHURI
Versus
THE STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble CHIEF JUSTICE THOTTATHIL B. RADHAKRISHNAN
And
The Hon'ble JUSTICE ARIJIT BANERJEE

Date : 26th February, 2021.

Appearance:

Mr. Alope Kumar Ghosh, Adv.
Mr. Gopal Chandra Das, Adv.
..for KMC

Mr. Kishore Datta, Advocate General
Mr. Amitesh Banerjee, Sr. Standing Counsel
Md. T. M. Siddiqui, Adv.
Mr. N. Chatterjee, Adv.
..for State

The Court : The grievance ventilated through this public interest litigation is that there is indiscriminate, uncontroll, unauthorised and large scale slaughtering of cattle including cows during the festival of Bakri-Id without adhering to the laws laid down by the legislature and the Courts including the Hon'ble Supreme Court of India.

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By an order dated January 6, 2021, we had directed the Commissioner of Kolkata Municipal Corporation to file an affidavit delineating as to how the Corporation proposes to manage the situation and ensure that the provisions of the relevant laws including the West Bengal Animal Slaughter Control Act, 1950 and the Kolkata Municipal Corporation Act, 1980 are implemented and the orders passed and guidelines laid down by this Court as also the Hon'ble Supreme Court are enforced.

Pursuant to such order, an affidavit has been filed today affirmed by the Commissioner on February 4, 2021. After adverting to the various provisions of law, at paragraph 12 of the affidavit, the deponent has stated as to what actions the Corporation is taking or will take to manage the situation. Paragraph 12 of the affidavit is set out hereunder:

“12. It is stated that in view of the aforementioned provisions of the West Bengal Animal Slaughter Control Act, 1950 and the KMC Act, 1980 as well as the aforementioned orders both of the Hon'ble Supreme Court and also of this Hon'ble Court, the Corporation proposes to manage the situation and to ensure the compliance of the provisions of the Act in the manner as follows :-

(a) The KMC has already identified places/locations for slaughtering of animals on the occasion of Id-ul-Zoha and the such locations/places identified for slaughtering of

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animals in the KMC area shall be notified to all concerned through newspaper publication and official website of Kolkata Municipal Corporation in each year at least one month before the date of holding Id-ul-Zoha (vide section 482(2)(a) of the Kolkata Municipal Corporation Act, 1980.

- (b) *Since the KMC has 5 slaughter houses namely:*
- (i) *Chitpur Slaughter House (for sheep and goat).*
 - (ii) *Landsdowne Slaughter House (for sheep and goat).*
 - (iii) *Pig Slaughter House (for pig).*
 - (iv) *Tangra Slaughter House (for sheep, goat, cow and bullock).*
 - (v) *Tangra Modern Abattoir (for buffalo).*

No place other than the said Municipal Slaughter Houses shall be permitted to be used a slaughter house. This does not however restrict the slaughter of any animal on the occasion of any religious festival or ceremony, in any place to be specified by the Municipal Commissioner by Public or Special Notice, as may be imposed.

- (c) *No person is permitted and shall be permitted, without or otherwise than with conformity, with a license from the Municipal Commissioner to carry on the trade of a butcher, fishmonger, poulterer or importer of flesh.*

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- (d) *No person is permitted and shall be permitted to sell or expose for sale any flesh obtained from an animal unless the skinned carcass of the animal is stamped in a particular manner as a token of the fact that the animal has been slaughtered in a municipal or licensed slaughter house.*
- (e) *The officers/employees concerned of the KMC exercise powers to inspect or examine any food or drug or any utensil or vessel used for preparing or storing any such food or drug. If on inspection or examined of any such food or drug any contravention of the provisions of the Act is detected, the persons found to have contravened the provision is prosecuted in accordance with law apart from seizure of the food/ drugs etc.*
- (f) *The KMC and its officials exercise the powers to inspect the places where unlawful slaughter of animals is suspected and the animal or carcass of such animal or such flesh are seized if contravention of the provisions is found.*
- (g) *Slaughtering of animal is permitted and shall be permitted in Municipal slaughter houses only after the grant of certificate to the effect that the animal is fit slaughter.”*

We think that if the steps mentioned in the aforesaid paragraph are strictly enforced by the Corporation, the situation will be well under control

and there will be no unauthorised slaughtering of cattle including cows, which is the grievance of the petitioner.

Accordingly, we direct the Kolkata Municipal Corporation to strictly enforce the measures mentioned by the Commissioner in the aforesaid affidavit so that there is no unauthorised or uncontrolled slaughtering of cattle including the cows. We make it clear that if it is brought to our notice that the measures are not being implemented in their true intent and spirit and there is unauthorised slaughtering of cattle including cows, the responsible officers of the Corporation may be exposed to due legal action including action under the provisions of the Indian Penal Code for dereliction of official duties.

Before parting, we reiterate that if the Corporation authorities find any person violating the laws of the land with regard to slaughtering cattle including cows and/or exhibiting for sale flesh of slaughtered cattle and/or selling cattle meat or acting in breach of any restriction imposed by the Corporation, then the Corporation authorities shall take immediate steps to bring such violators to book in accordance with law including, if necessary, by taking assistance of the police.

WPO 372 of 2019 is disposed of.

(THOTTATHIL B. RADHAKRISHNAN, CJ.)

(ARIJIT BANERJEE, J.)