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HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case: WP (C) PIL No. 1 of 2021

Tek Chand

.....Appellant/Petitioner(s)

Through :- Sh. Ankur Sharma, Advocate.

v/s

Union Territory of J&K and others

.....Respondent(s)

Through :- Sh. KDS Kotwal, Dy. AG.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE****ORDER**

1. Heard Sh. Ankur Sharma, learned counsel for the petitioner and Sh. KDS Kotwal, learned Dy. AG for the respondents.

2. The petitioner has preferred this petition in public interest seeking prohibition on illegal practice of slaughtering of animals on the basis of superstition and in the name of religious sacrifices.

3. The petitioner has also prayed that Section 28 of the Prevention of Cruelty to Animals Act, 1960 (for short 'the Act') be declared as unconstitutional.

4. The petitioner in the writ petition has simply stated that he is a public-spirited *Pujari* of a Hindu temple but he has failed to disclose how he is the public-spirited person or the kind of activities taken by him in the past in public interest to recognize him as a public-spirited person.

5. Which practice of slaughtering or sacrificing animals is legal or illegal depends upon the traditions and customs of a particular religion and the place of worship. It is a matter of evidence which cannot be appreciated in exercise of discretionary jurisdiction.

6. The practice of killing innocent animals is sufficiently taken care of by the Act and, as such, there is no need for issuing any further direction

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prohibiting the practice, if any, of killing animals and it is left to the executive to apply the Act strictly.

7. Section 28 of the said Act provides that nothing contained in the Act shall render it an offence to kill the animals in a manner required by the religion or any community.

8. The aforesaid provision is a saving provision and its object is to not to criminalize killing of animals for religious purposes only which is a policy decision as per the wisdom of the lawmakers and is beyond judicial review.

9. Ordinarily, the Courts are always slow in interfering in religious matters or with sentiments based upon religion or on practice of any community.

10. The aforesaid provision only saves the killing of animals in a manner required by religion or any community. The said provision in no way offends the provisions of the Constitution so as to declare it to be unconstitutional rather, it is in aid of the object for which the aforesaid Act has been enacted.

11. In the aforesaid facts and circumstances, we do not find any merit in the petition.

12. If any offence is committed in killing of animals it is open to make a complaint and initiate action in accordance with law.

13. In case in some religious places the practice of sacrificing animals is being carried on in violation of the provisions of the Act, the petitioner is free to approach the concerned Head of the Administration of the District, who will consider the matter and take appropriate action in accordance with law.

(SINDHU SHARMA)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

JAMMU
14.02.2022
Abinash