

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

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**WRIT PETITION NO : 16332 of 2000**

Between:

Foundation for Animals Regd.No.95/98 under the Indian Trust Act, Rep. by its  
Correspondent, Smt.I.Uma Devi, W/o Satyanarayana Murthy,  
R/o 27/604, Laxmi Nagar, Balaji Nagar, Nellore.

**..... PETITIONER**

AND

- 1 The District Collector, Nellore.
- 2 The Superintendent of Police, Nellore.
- 3 The Assistant Commissioner of Endowments,  
Chitrakutam, Ranganayakapet, Nellore District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to prevent the animals sacrifice in any place of public religious worship or adoration or its precincts or in any congregation or procession in connection with a religious worship by taking appropriate measuring in accordance with the provisions of A.P.Animals and Birds Sacrifices Prohibition Act 1950.

**Counsel for the Petitioner: MR.N.CHANDRADHAR RAO**

**Counsel for the Respondents: GP FOR HOME**

**The Court made the following:**

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.16332 OF 2000

**ORDER:**

Foundation for Animals, a trust registered under the Indian Trusts Act, 1882, seeks a writ of Mandamus directing the respondents, namely, the District Collector, Nellore; Superintendent of Police, Nellore and the Assistant Commissioner of Endowments, Ranganayakapet, Nellore District, to prevent animal sacrifice in any place of worship by taking appropriate measures in accordance with the provisions of A.P. Animals and Birds Sacrifices Prohibition Act, 1950 (for short, the Act). The case of the petitioner is that during the annual festival (jathara) at the temple of Sri Sri Poleramma at Venkatagiri Town and also at Kanupuru Mutyalamma Temple in East Kanupuru in Gudur Revenue Mandal, animal sacrifices are being made unabatedly and that in spite of the complaints made regularly, the respondents did not take any action. It is also the case of the petitioner that they made a representation to the Hon'ble Minister for State for Social Justice and Empowerment, who addressed a letter to the first respondent on 20.11.1999, in vain. Therefore, the writ petition.

The Act defines 'sacrifice' in Section 2(b) as to mean the killing or maiming of any animal or bird for the purpose of any religious worship or adoration. Section 5

prohibits the sacrifice of birds or animals at any place of worship and Section 6 deals with penalties and provides simple imprisonment for a term which may extend to three months, whoever contravenes the provisions of the Act. Section 8 makes an offence under the Act, a cognizable offence. Therefore as and when a cognizable offence is reported, it is the duty of the police to register a crime under Section 154 of Code of Criminal Procedure, 1973 (Cr.P.C). Under Section 151 of Cr.P.C., it is also competent for the police to arrest a person to prevent the commission of cognizable offence.

Learned counsel for the petitioner invites the attention of this Court to the letter addressed by the Hon'ble Minister for State for Social Justice and Empowerment. The Hon'ble Minister, *inter alia*, wrote as under.

No religious scripture prescribes it, it takes the people who sacrifice the animals further away from the salvation they seek. It is not any deity that demands the killing of innocent creatures, but ignorant and greedy priests who perpetuate these brutal customs for their own interest. Apart from being cruel to animals, it also exploits people's fears and superstitions. Devotees who are forced to bury animals are further impoverished as a result. Animal sacrifice has no place in a modern progressive society. Several areas in India have stopped this and substituted it instead with breaking coconuts and so on.

I am told your office has already been approached in the matter by local animal welfare organization. It is therefore fully expected that the district administration will make adequate security arrangements to prevent further mass sacrifices which is in total violation of the law. I am surprised that when each district administrative head is taking their duties seriously, you have chosen to break all the laws and arrogantly refuse to listen to appeals for just.

I am taking the matter very seriously, kindly give me your justification and tell me what you intend to do in future. Otherwise I have been asked to take action against you from a Ministry and I will also take up the matter with the Chief Minister and Chief Secretary, we cannot have such irresponsible officials in charge of districts of such sensitivity.

This Court, having regard to the above observations of the Hon'ble Minister, need not add any further. Animal sacrifice in the present day modern world is not only abhorable but also dastardly. Therefore, the authorities have to take all necessary steps whenever they make necessary arrangements for law and order during a jathara or annual festival and see that animal sacrifice is prevented by educating and motivating people in a proper direction. As and when the petitioner trust makes a representation or a complaint, the police and revenue officials, the respondents herein, shall take necessary steps for registering the crime and prevent such animal sacrifice.

The writ petition, with the above observation and directions, is accordingly disposed of.

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(V.V.S.RAO,J)

09.06.2005.

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To

- 1 The District Collector, Nellore.
- 2 The Superintendent of Police, Nellore.
- 3 The Assistant Commissioner of Endowments,  
Chitrakutam, Ranganayakapet, Nellore District.
- 4 Two CCs to Government Pleader for Home, High Court Buildings,  
Hyderabad (OUT).
- 5 Two CD copies.