

State GP J
B.K. Raghava (Adv)
mob-9838112250

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) (PIL) No. 17086 /2010

CODE No.

IN THE MATTER OF:

An application under article 226 and 227 of the
Constitution of India

And

IN THE MATTER OF:

An application challenging the Animals and Birds
sacrifice at religious places during Puja.

And

IN THE MATTER OF:

Smt. Jayanti Das, aged about 46 years, W/o.Sri. Kumuda
Bandhu Das, residence of At.-Mahamadia Bazar, Po:-
Chandinichowk, P.s:-Lalbag, Town/Dist:-Cuttack.

... .. Petitioner.

-- Versus --

1. State of Orissa, represented through its Home
Secretary, Home Department, Secretariat Building,
At./Po:-Bhubaneswar, Dist:-Khurda.
2. Endowment Commissioner, Orissa, At:-Bhubaneswar,
Dist:-Khurda.
3. Director General of Police, At:-Buxi Bazar,
Town/Dist:-Cuttack.

... .. Opp. Parties.

The matter out of which this writ application
arises was never before this Hon'ble Court in
any form what-so-ever.

To

The Hon'ble Shri V. Gopala Gowda, B.Sc., LL.B., the Chief
Justice of Orissa High Court and His Lordship's Companion
Justices of the said Hon'ble Court.

The humble petition of the above named petitioner.

MOST RESPECTFULLY SHEWETH:

1. That, the petitioner begs to prefer the Writ petition Under Article 226 and 227 of the Constitution of India challenging the Animals and Birds sacrifice at religious places, more particularly during puja, hurting the sentiment of people at large.
2. That, the petitioner is a citizen of India and residing within the territorial jurisdiction of this Hon'ble court. The cause of action arises within the jurisdiction of this Hon'ble Court.
3. That, the petitioner is filing the present petition on his own and not at the instance of some one else. The litigation cost, including the advocate fees and the traveling expenses of the lawyer if any are being borne by the petitioner herself.
4. That, the petitioner respectfully submits that the religious practice strictly violates the act of prevention of cruelty to animals which needs to be implemented by the administration with strong hands to save thousand of animals and birds killed in the broad day light which leads to hazardous effect on the society as well as on the environment of the nature.
5. That, this is the accountability as well as responsibility of the State to enact the law which is passed by parliament and see that the good result of the law is harvested by the society. The state through its system and network stop totally the animal and bird sacrifice in all the religious places of the state otherwise the state should be held responsible for the failure of its own law. The irony is that the family of dead animals killed in the name of religious Act can not claim compensation from state for its misdeed and inaction. So now it is only judiciary can give healing touch

by way of intervention and directing state to follow the law to the maximum limit to avoid blood shed in the name of religion.

6. That, the commissioner of Endowment Commission to be held fully responsible for the animal sacrifice in the temples which are under its ^{control} and penalised heavily for felicitating and inaction being blind towards cruelty to the animals. The commissioner to be held directly responsible for non implementation of prevention of cruelty to the animals in religious places. The greed and attraction of ours for fulfillment of our materialistic desires not to be achieved at the cost of loss of life of animals and birds who serve us and nature with utmost honesty and loyalty. The endowment commission of state of Orissa to perform well to set examples for other states of India in reorganizing and implementation of the religious organizations of the state.
7. That, the Director General of Police to be in high alert with the backing of the administration as well as police force to stop the animals and birds sacrifice in religious Temples in the name of God. The superstition and blind belief and faith on the prophecy of some fake religious leaders should not be promoted and sponsored by the state and any failure is to be answered by the highest authorities of the state, otherwise the state should declare that "there is no law of prevention of cruelty to Animal in State of Orissa", because the ^{at} by hypocrisy of the state is not to be tolerated by the civil society.
8. That, the petitioner further respectfully submits that the opposite party no.2 may be directed to advise the Trustee members of some temples to use their network to appeal to the State of Orissa to stop animal killing on good and auspicious days of festival. The petitioner believes that it will be a remarkable step towards eradication of this social evil from the soil of Orissa.

9. That, the petitioner humbly submits that the animal and bird sacrifice to be stopped and in that place water melon, cucumber to be offered to God and Goddess and allow the animals and birds to live happily on this mother earth till natural death. They can not be killed in the name of religion because no religion really propagates and defends violence, cruelty to any living creature including trees and plants also. The universe is very large and let all the living being get its own share of mother earth and blue sky to enjoy. Let our state become the first in the country to promote this kind culture and create history and leave foot prints behind for others to follow.
10. That, the Press Council as well as the Electronic Media through their respective ministry to be directed not to telecast as well as print vulgar and heart breaking killings of animals in the name of religion for their TRP. They are to be directed to abstain and banned from such display of videos and audios in news paper, T.V, magazines other wise they should be held responsible and criminal proceedings to be started against them for playing with the sentiments and feelings of thousands of people who suffer a lot internally and spend sleepless nights for the horrible experience of pictures of slaughter seen. So as there is no other forum on appealing authority before the suffering common man of this brutality every year in Dussehra and Kali Puja in mass scale and it becomes a nightmare for us instead of enjoyment of festive season with our near and dear ones, only rescue is the Hon'ble High Court where we can take shelter for justice as well as a better present and future being saved from mental trauma.
11. That, there being no other speedy and efficacious alternative remedy available petitioner begs to invoke the extraordinary jurisdiction of this Hon'ble court under Article 226 and 227 of the Constitution of India.

P R A Y E R

In this facts and circumstances the petitioner humbly prays that this Hon'ble court may kindly be pleased to issue rule NISI calling up on the opp. parties (custodian of law and order) to show cause as to why the practice to sacrifice the Animal and Bird at religious places shall not be stopped and if the opp. parties fail to show cause or shown insufficient cause to make the rule absolute;

And may further be pleased to pass any other order(s) as deemed fit and proper;

And for this act of kindness the petitioner as in duty bound shall ever pray.

Cuttack

By the petitioner through

Date :

Advocate

A F F I D A V I T

I Sri Smt. Jayanti Das, aged about 46 years, W/o.Sri. Kumuda Bandhu Das, residence of Chintamani Niwas, At.-Mahamadia Bazar, Dakhini Sahi, Po:-Chandinichowk, P.s:-Lalbag, Town/Dist:-Cuttack, do hereby solemnly affirm and state as follows;

1. That, I am the petitioner in the above case.
2. That, the facts stated above are true to best of my knowledge and belief.

Identified by

Advocate

Deponent

C E R T I F I C A T E

Due to non-availability of cartridge papers this matter typed out on white thick papers.

Place: Cuttack

Dt. :

Advocate.

The SAMAJ, dt.01.10.2009.

It is opined in the "Letter to the Editor" column in the Samaj on 1st October, 2009 in the Ed. Page-6 that the animal sacrifice trend to be stopped in Devi Puja. This letter is written by Mr. Narayan Mishra from Andhra, Ishwarpur, Balasore.

The content of this letter is hereunder.

There is an age-long movement against the animal sacrifice customs in the Devi Shrines/Peeths and many Saints, Sadhus, leaders and eminent personalities have also drawn the attention of the public against this issue. But this practice is not yet fully checked. Does the mother want blood from her own children? Is there any justification of this act? In early ages, the persons having tremendous faith on so-called blind-believes were doing such practice to please the goddess and offering animals in Devi Puja. That was as wrong deed. Where there is Matrupuja (Worship of Mother), there the people also worship the Lord Shiv, Narayan, Ganesh and Graharaja. Has it any justification to slaughter the animals in that religious center to satisfy the deities, offering blood to them? Killing of a man or a beast or any living-beings in a heinous crime. It is a sinful cruel act. This violence has no place in Devi Pujan (Worship of goddess). Is there any reason to sacrifice the innocent animals in Devi Shrine and to offer their blood in worship? Man in moving towards a change. We would proceed to the culture which is welfare prone and result-oriented; we like it and accept it. So, we should change it and give up the illogical customs, blind-believes and faulty practices that that prevailing in the society. There is no such prove that deities have felt discontentment without animal sacrifice. God is omni-present in all living beings and things; even he is present from on insect to Brahma. Shree Durga is also the Shakti (Power) of the God. The Bhagawat says:- God is in all living-being. He is in the form of Atmah (Soul). He is equally placed in all living beings. But the ignorant never knows him remaining in delusion. Yes, killing animal is a deadly sin. So, I humbly request you to stop killing of animals. It will be a noble act for the animal world. Let our prayer continue for this.

The SAMAJ, dt.26.10.2007

206 animals sacrificed in Kunjeshwari Peeth

Two hundred and six (206) the-goats were sacrificed to the deity Kunjeshwari at her shrine of Kanas under Puri district of Orissa during Durga Puja-2007. This report is published in the Oriya Daily the Samaj' (26th October, 2007, Friday, Morning edition, Page-13).

The news coverage in the date line of Kanas, 25th October as follows :-

In spite of restraint to animal offering in the Devi Shrine, 206 the-goats were sacrificed in the Kunjeshwari Peeth and offered to the presiding deity on alter of this religious centre of Kanas. In the year 2006, the number of animal offering in Puja here was 2002. It is clearly understood that though the anti-animal-sacrifice awareness is flowing over in many Devi Shrines of Orissa, still the devotees of Kanas area are enshrined and encouraged this animal offering practice. However, intellectuals and social activist are joined hands and call on the youth to take as a challenge of this issue and raise voice against such in human customs.

