File No.LSGD-RC3/236/2016-LSGD

19811 621

urgent

GOVERNMENT OF KERALA

No. e- 236 /Rc3/2015/LDGD

Local self Government (RC)Department

Thiruvananthapuram. Dated. 20-06-2016

From

The Principal Secretary to Government

To

The Director Of Panchayath , Thiruvananthapurm.
The Director Of Urban Affairs , Thiruvananthapuram.

22/6/16

Sir,

Sub LSGD – Compliance with Hon'ble Supreme Court's order dated 18 November, 2015, passed with respect to stray dogs – reg

Ref: *Letter No 9-1/2015-16/PCA dated 21.03.2016*

Inviting Your attention to the reference cited , I am to request you to forward the required information about the progress on the creation of infrastructure and the details of the ABC program immediately. .

This may be treated as most urgent.

Yours faithfully,

Pappachan.S
Under Secretary
For Principal Secretary to Government.

Signature valid

Digitally signed by PAPPACHAN S
Date: 2016.06.20 15:15:50 IST
Reason: Approved

Animal Welfare Board of India

(Ministry of Environment, Forest and Climate Change, Govt. of India)
13/1, Third Seaward Road, Valmiki Nagar, Thiruvanmiyur,
Chennai - 600 041 PostBoxNo.8672 Email: awbi@md3.vsnl.net.in,
animalwelfareboard@gmail.com website:www.awbi.org,
Phone:044-24571025, 24571024, Fax: 044-24571016.

No.9-1/2015-16/PCA 21.3.2016

To
The Chief Secretary of all States/UTs.

Sir/Madam,

Sub: Compliance with the Hon'ble Supreme Court's order dated 18th November, 2015, passed with respect to stray dogs –Reg.

Ref.: This office letter of even number dated 30.11.2015 (Copy enclosed) and reminder letter dated 17-12-2015 & 13.1.2015 and reminders sent by e-mails dated 2-2-2016, 8-3-2016 and 18-3-2016

Kindly refer to our letter dated 30.11.2015 and subsequent letter and e-mails on the above subject.

The Board had forwarded the copy of the order dated 18.11.2015 of the Hon'ble Supreme Court and had sought the compliance of the directions for creation of infrastructure by the local civic bodies etc for implementation of the ABC programme in our letter dated 30.11.2015. It was also mentioned that the information may be furnished to the Board not later than the 15th December 2015. However, it is informed that the Board has not received any information till date.

The Hon'ble Supreme Court in its order dated 9-3-2016 has directed the Chief Secretary of all States/UTs either himself or through the Secretary, Health and the competent authorities of the Union Territories to send the report as regards the implementation of the Act and the Rules to the Board within six weeks time. A copy of the order dated 9-3-2016 is enclosed for reference.

Hence, I am directed to request you to kindly arrange to forward the required information about the progress on the creation of infrastructure and the other details of the ABC programme immediately. The information be forwarded to the Board by e-mail: awbi@md3.vsnl.net.in or animalwelfareboard@gmail.com or by fax: 044-2457 1016.

Please treat this as most urgent and arrange to forward the required information.

Yours faithfully,

(M. Ravikumar)
Secretary

Encl.: as above.
Copy to: Chairman and Vice Chairman, AWBI,Ms. Anjali Sharma, Member, AWBI

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Animal Welfare Board of India

(Ministry of Environment, Forest and Climate Change, Govt. of India)
13/1, Third Seaward Road, Valmiki Nagar, Thiruvanmiyur,
Chennai - 600 041 PostBoxNo.8672 Email: awbi@md3.vsnl.net.in,
animalwelfareboard@gmail.com website:www.awbi.org,
Phone:044-24571025, 24571024, Fax: 044-24571016.

No.9-1/2015-16/PCA 17.12.2015

To
The Chief Secretary of all States/UTs.

Sir/Madam,

Sub: Compliance with the Hon'ble Supreme Court's order dated 18th November, 2015, passed with respect to stray dogs –Reg
Ref.: This office letter of even number dated 30.11.2015 (Copy enclosed)

Kindly refer to our letter dated 30.11.2015 on the above subject.

The Board had forwarded the copy of the order dated 18.11.2015 of the Hon'ble Supreme Court and had sought the compliance of the directions for creation of infrastructure by the local civic bodies etc for implementation of the ABC programme in our letter dated 30.11.2015. It was also mentioned that the information may be furnished to the Board not later than the 15th December 2015. However, it is informed that the Board has not received any information till date.

Hence, I am directed to request you to kindly arrange to forward the required information about the progress on the creation of infrastructure and the other details of the ABC programme immediately.

Please treat this as most urgent and arrange to forward the required information.

Yours faithfully,

(S.Vinod Kumaar)
Assistant Secretary

Copy to: Chairman and Vice Chairman, AWBI

ITEM NO.8 COURT NO.4 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.691/2009

(Arising out of impugned final judgment and order dated 19/12/2008 in ASWP No. 6257/2006 passed by the High Court of Bombay)

ANIMAL WELFARE BOARD OF INDIA Petitioner(s)

VERSUS

PEOPLE FOR ELIMINATION OF STRAY TROUBLES & ORS Respondent(s)

(With appln.(s) for impleadment and intervention and interim relief and office report)
(For final disposal)

WITH S.L.P(C) No.1627/2009
(With interim relief and office report)
S.L.P.(C) No.1740/2009
(With interim relief and office report)
S.L.P.(C) No.11467/2009
(With office report)
S.L.P.(C) No.13004/2009
(With appln.(s) for permission to file additional documents and office report)
S.L.P.(C) No.13772/2012
(With office report)
S.L.P.(C) No.4453/2013
(With appln.(s) for impleadment and interim relief and office report)
S.L.P.(C) No.5899/2013
(With interim relief and office report)
S.L.P.(C) No.5900/2013
(With interim relief and office report)
S.L.P.(C) No.17112/2013
(With interim relief and office report)
S.L.P.(C)...CC 16880/2015
(With appln.(s) for (s) for c/delay in filing SLP, impleadment as party respondent and office report)
W.P.(C) No.808/2015
(With appln.(s) for interim directions and office report)
W.P.(C) No.805/2015
(With appln.(s) for directions and appln.(s) for permission to appear and argue in person and office report)

I.A. Nos.4-6/2015 in W.P.(C) No.599/2015
(With appln.(s) for directions and impleadment, permission to appear and argue in person and office report)

Date: 09/03/2016 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)	Mr. Gopal Subramanium, Sr. Adv. Ms. Anjali Sharma, Adv. Mr. Rohan Thawani, Adv. Mr. Hardeep Singh Anand, AOR Ms. Vandana Sehgal, Adv. Mr. Anand Daga, Adv.
SLP 1627/09	Mr. Bhaskar Roy, Adv. Mr. B. S. Banthia, AOR
SLP 1740/09	Mr. Sudhanshu S. Choudhari, AOR
SLP 11467/09	Mr. Aniruddha P. Mayee, AOR Mr. Shreekant N. Terdal, AOR
SLP 13004/09	Mr. Anand Grover, Sr. Adv. Mr. Mihir Samson, Adv. Mr. Gurudatta Ankolekar, Adv. Mr. S. C. Birla, AOR
SLP 13772/09	Mr. Kunal Verma, Adv. Mr. Nirnimesh Dube, Adv. Mr. Ankur S. Kulkarni, Adv. Mr. Shubham Jaiswal, Adv. M/s. Lex Regis Law Offices
SLP 5899/09	Ms. Aparna Bhat, AOR
SLP CC 16880/15	Mr. Rishi Kesh, AOR
WP 808/15	Mr. V. K. Biju, AOR
WP 805/15	Petitioner-in-person Mr. Anupam Tripathi, Adv. Mr. Jasvin Singh, Adv.

For Respondent(s) Mr. P.S. Narasimha, ASG
Mr. R. Parmeshwar, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. Anshuman Srivastava, Adv.
Mrs. Anil Katiyar, Adv.

Ms. Pinky Anand, Adv.
Ms. V. Mohana, Sr. Adv.
Ms. Rashmi Malhotra, Adv.
Ms. Sushma Suri, AOR

Mr. Narendra Kumar, AOR
Mr. Vinod Mehta, Adv.
Mr. C. Kannan, Adv.
Mr. Prashant S. Kenjale, Adv.

Mr. Kunwar Pal Singh, Adv.
Mr. Naveen Kumar, AOR

Mr. Mahaling Pandarge, AAG
Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Sanjeev Sen, Sr. Adv.
Mr. Suvesh Kumar, Adv.
Mr. Virag Gupta, Adv.
Mr. Praveen Swarup, AOR

Mr. Rakesh Kumar, AOR
Mr. Mukul Singh, Adv.
Mr. Arun Kumar, Adv.
Mr. Prabhat Kaushik, Adv.

Mr. Shibashish Misra, AOR

Mr. Shreekant N. Terdal, AOR

Mr. Amol Chitale, Adv.
Mr. Nirnimesh Dube, Adv.
Mr. Ankur S. Kulkarni, Adv.
Mr. Shubham Jiaswal, Adv.
M/s. Lex Regis Law Offices

Mr. Shiv Mangal Sharma, AAG
Mr. Saransh Kumar, Adv.
Mr. Puneet Parihar, Adv.
Ms. Ruchi Kohli, AOR

Mr. Shekhar Naphade, Sr. Adv.
Mr. Atul Yeshwant Chitale, Sr. Adv.
Mrs. Suchitra Atul Chitale, AOR
Mr. Chetan Sharma, Adv.

Mr. Tanvi Kakar, Adv.

Mr. Hardeep Singh Anand, AOR

Mr. Ajit Sharma, AOR

Mr. Nikhil Nayyar, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Sumit Kumar Vats, Adv.

Mr. Varinder Kumar Sharma, AOR

Mr. Ankur S. Kulkarni, AOR

Mr. Ramesh Babu M.R., AOR

Ms. Liz Mathew, AOR
Mr. Karthik Ashok, Adv.
Mr. M.F. Philip, Adv.

Mr. Sangram Singh Saron, Adv.
Mr. Shree Pal Singh, Adv.

Mr. Romy Chacko, Adv.
Mr. Venkita Subramoniam T.R., Adv.

Mr. Dinesh K. Garg, Adv.
Dr. Vivek Sharma, Adv.
Dr. R.K. Pruthi, Adv.

Mr. Manu Seshadri, Adv.
Mr. Ajit Sharma, Adv.
Ms. Shweta Jain, Adv.

Mr. E.C. Vidyasagar, Adv.
Ms. Jenifer John, Adv.
Mr. B.K. Gautam, Adv.
Mr. Sabhasa Chandra Sageal, Adv.

Mr. Mishra Saurabh, AOR
Mr. Ankit Kr. Lal, Adv.

Mr. Anupam Tripathi, Adv.
Mr. Vishnu Sharma, Adv.
Mr. Jasvin Singh, Adv.

Mr. Guntur Prabhakar, Adv.
Ms. Prerna Singh, Adv.

Mr. Meenesh Kr. Dubey, Adv.

Mr. Abhishek Atrey, Adv.
Mr. S.K. Singh, Adv.

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Varsha Poddar, Adv.

Dr. Abhishek Atrey, Adv.
Mr. Sanjay Kumar Singh, Adv.
Mr. Meenesh Len Dubey, Adv.
Mr. Neeraj Kumar Sharma, Adv.

Mr. Suryanarayana Singh, AAG
Ms. Pragati Neekhra, AOR

Ms. Aruna Mathur, Adv.
Ms. Anuradha Arputham, Adv.
for Arputham Aruna & Co.

UPON hearing the counsel the Court made the following

O R D E R

This Court on 18th November, 2015, after hearing learned counsel for the parties, had issued certain directions. Thereafter, the Court observed thus:-

> "Learned counsel appearing for both the sides are at liberty to file affidavits which may contain the data of the dog bites and the steps taken by the local bodies with regard to destruction/removal of the stray dogs. They are also at liberty to file data pertaining to population of stray dogs. The local authorities shall file affidavits including what kind of infrastructures they have provided, as required under the law. Needless to emphasize, no innovative method or subterfuge should be adopted not to carry out the responsibility under the 1960 Act or the 2001 Rules. Any kind of laxity while carrying out statutory obligations, is not countenanced in law.
>
> A copy of the order passed today be sent to the Chief Secretary of each of the States and the competent authority of Union Territories, so that they can follow the same in letter and spirit."

In pursuance of our order, the State of Orissa, the New Delhi Municipal Council (N.D.M.C.), South Delhi Municipal Corporation and the Bombay Municipal Corporation (B.M.C.) have filed their responses. It is submitted by Mr. Shekhar Naphade, learned senior counsel appearing for the B.M.C. that under Section 9(h) of the Prevention of Cruelty to Animals Act, 1960, (for short, 'the Act') the Animal Welfare Board (for short, 'the Board') is to cooperate with the local authorities. Section 9, as has been stated in the earlier orders, deals with the functions of the Board. Clause (h) of Section 9 of the Act reads as follows:

> "9(h) to co-operate with, and co-ordinate the work of, associations or bodies established for the purpose of preventing unnecessary pain or suffering to animals or for the protection of animals and birds."

It is urged by Mr. Naphade, learned senior counsel that the Board works with the aid and assistance of Animal Welfare Organization, which has been defined under Rule 2(b) of the Animal Birth Control (Dogs) Rules, 2001 (for short, 'the Rules'). Rule 6 of the aforesaid Rules read as under:-

> "6. *Obligations of the local authority.*- (1) The local authority shall provide for-
>
> (a) establishment of a sufficient number of dogs pounds including animal kennels/shelters which may be managed by animal welfare organizations;
>
> (b) requisite number of dogs vans with ramps for the capture and transportation of street dogs;

(c) one driver and two trained dog catchers to be provided for each dog van;

(d) an ambulance-cum-clinical van to be provided as mobile center for sterilization and immunisation;

(e) incinerators to be installed by the local authority for disposal of carcasses.

(f) periodic repair of shelter or pound.

(2) If the Municipal Corporation or the local authority thinks it expedient to control street dog population, it shall be incumbent upon them to sterilize and immunise street dogs with the participation of animal welfare organizations, private individuals and the local authority.

(3) The animal welfare organizations shall be reimbursed the expenses of sterilisation/immunisation at a rate to be fixed by the Committee on fortnightly basis based on the number of sterilisation/immunisation done.

(4) The Monitoring committee of the said locality shall meet at least once in every month to assess the progress made in regard to implementation of the Animal Birth Control Programme."

Submission of Mr. Naphade is that it is the duty of the Board and the Animal Welfare Organization to assist the local authorities and not to create impediment. We are sure that the Board and the Animal Welfare Organization shall act within the parameters of the Act and the Rules.

In course of hearing, we have been apprised that the real problem is the implementation of the Act and the Rules. Learned counsel for the parties very fairly stated that the litigation is not adversial, but the purpose is to see that

the Acts and Rules are appositely implemented and the compassion to animals and the healthy existence of the human beings are seemly balanced.

We will be failing in our duty if we do not make a note of the submissions of both the sides which are extreme in nature, for example, emphasis and stress have been laid that due to stray dogs, there has been threat to life, health, movement and sometimes security of the human beings. On the other hand, it has been highlighted that the stray dogs are being annihilated without any justifiable reason. As advised at present, we do not intend to say anything on the said counts today.

On the last occasion, we had asked the Chief Secretary of each of the States and competent authorities of the Union Territories to act in letter and spirit of the previous order. As has been indicated earlier, responses have been filed by the State of Orissa, N.D.M.C., South Delhi Municipal Corporation and B.M.C., Mumbai. Considering the facts and circumstances in entirety, we direct the Chief Secretary of each of the States, either himself or through the Secretary of Health and the competent authorities of the Union Territories to send the report as regards the implementation of the Act and the Rules to the Board within six weeks hence. Ms. Anjali Sharma, learned counsel appearing for the Animal Welfare Board, on receipt of the report, shall

apprise Mr. Gopal Subramanium, learned senior counsel appearing for the Animal Welfare Board and the Board shall file a module keeping in view the parameters of the Act and the Rules for appropriate implementation. Needless to emphasize, the Union of India shall be at liberty to work out the module. Learned counsel appearing for the parties can also give their suggestions after the module is filed in Court

The report submitted to the Board by the States and the other competent authorities shall be filed before this Court through their Standing Counsel. Copies of the writ petition and the special leave petitions shall be supplied to all the concerned by Ms. Anjali Sharma, learned counsel appearing for the Animal Welfare Board. The order passed today along with the previous order be sent by the Registry of this Court to the Chief Secretaries of the States and the administrator of the Union Territories so that they can do the needful in the matter.

At this juncture, Mr. Dushyant A. Dave, learned senior counsel has submitted that the said authorities should indicate in the report as to how many deaths have occurred due to dog bites and what steps have been taken. Additionally, it is suggested by him that the report must also indicate the number of sterilization that have taken place and the resources available on the said front. We

direct all the authorities to include the same as a part of the same in the report.

As we have given time for the submission of report within six weeks, we give further four weeks time to file the module by the Board.

At this juncture, it is submitted by Mr. Rakesh Kumar, learned counsel appearing for the South Delhi Municipal Corporation that they have a problem in dealing with the stray dogs because of certain communication received by the Delhi International Airport Private Limited (DIAL). Mr. P.S. Narasimha, learned Additional Solicitor General and Mr. Gopal Subramanium, learned senior counsel appearing for the Board, shall see to it that the problem is sorted out.

We will be failing in our duty if we do not note the submission of Mr. Dushyant A. Dave that though the Act and Rules provide for sterilization of dogs so that safety of the human beings is not jeopardized, yet they are not being sterilized by the authorities, either for lack of funds or due to apathy. Regard being had to the provisions governing the field, we direct that the dogs which are required to be sterilized or vaccinated, the procedure shall be carried out in accordance with the Act and Rules and no organization shall create any kind of obstacle or impediment in the same. It shall be the obligation of the Board to oversee that this is being carried out and no obstructions are created in this

regard from any quarter.

The copy of the module to be prepared by the Board, shall be given to the learned counsel for the parties.

Let this matters be listed on 12th July, 2016.

I.A. No.4 of 2015 in W.P.(C) No.599 of 2015

Heard Mr. V.K. Biju, learned counsel for the applicant.

It is submitted by Mr. Biju that he has filed this interlocutory application keeping in view the miserable conditions of the families, who have suffered because of death of the breadwinner due to dog bite. Learned counsel would submit that despite time being granted, the State of Kerala has not filed its response. Ms. Liz Mathew, learned counsel appearing for the State of Kerala submits that she will file the reply in course of the day. Objection, if any, thereto be filed within three days hence.

Let this interlocutory application be listed on 18th March, 2016.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master