

**SUPREME COURT OF INDIA**

Animal Welfare Board of India

Vs.

People For Elimination of Stray Troubles.& Ors.

SLP.(Civil)No.691/2009

(Dipak Misra and Amitava Roy,JJ.,)

17.11.2016

**ORDER**

1. On 4.10.2016, this Court, after referring to the earlier orders, had reproduced the module filed by the Animal Welfare Board. A copy thereof was served on the Union of India. The Union of India has filed its response. After stating certain aspects, the decisions that have been taken by the Union of India read as follows :-

"(i) Involvement of various agencies/departments at the central and state level, more particularly at the state level, was required in the proper and effective control and management of stray dogs as per ABC Rules implemented by the AWBI. As the task had to be performed through the municipal authorities and other state government departments at the state level, the state governments should be advised to set up and strengthen institutional mechanisms and the AWBI should be part of such mechanism. State governments have already been advised by the Central Government to set up State level Animal Welfare Boards which should be the nodal mechanism to perform this task.

(ii) Ministry of Health and Family Welfare may be requested to identify a scheme/source of funding for the control and management of stray dogs through relevant agency at the state level. Ministry of Health and Family Welfare is funding the NRCP and there is a scope of funding human component of the proposed activity therein. An advisory could be sent by the Ministry to the State Governments in this regard.

(iii) In rural areas, some agency of Government has to play role to sensitize the panchayats and take care of financial needs in capacity building. Ministry of Rural Development should study this aspect and make suitable recommendations to the State Governments.

(iv) DADF may advise the Animal Husbandary Departments in the State Governments to train the State Government vets, para vets and dog catchers to make the programme successful.

(v) An advisory may also be issued from Ministry of Urban Development to all the State Governments to include the animal birth control in AMRUT or Smart City Programme, as appropriate. A similar request could go from the Ministry of Drinking Water and Sanitation to the States for inclusion in Swachh Bharat Programme.

(vi) In order to strengthen the Board's position and make them monitor the programme, the AWBI may decide, with approval of the government, shifting its HQ from Chennai to Delhi in order to ensure full and effective participation of all government and non-government members in the functioning of the Board and monitoring of the Central Programmes. The Regional Office of AWBI at Chennai may continue to be maintained. Necessary strengthening in terms of manpower and technical/expert help may also be examined."

2. The response filed by the Union of India be served on the learned counsel for the all the States so that they can obtain instructions and, in the meantime, make efforts to comply with the same.

3. Learned counsel appearing for the intervenors shall be at liberty to file their responses to the module filed by the Union of India.

4. On the previous occasion, taking note of the state of affairs prevailing in the State of Kerala and the public authorities taking part in beating the stray dogs to death and celebrating, the Chief Secretary of the State was required to file the affidavit. Mr. S.M. Vijayanand, Chief Secretary of the State of Kerala has filed the affidavit. The relevant part of the affidavit reads as follows:-

"5. It is humbly submitted that the Local Self Government Institutions are directed to undertake public awareness programmes to ensure public participation in the massive vaccination and sterilization programmes which is under way and to deter the people from such unscientific killing of stray dogs by making them conscious of the legal consequences to be faced in such situation.

6. It is submitted that 19 crimes are registered in the State in various Police Stations in connection with the killing of stray dogs. Since crimes were registered and stringent legal actions were taken against the offenders new instances of killing of dogs were not reported thereafter.

7. It is most respectfully submitted that the State has scrupulously followed all the directions of this Hon'ble Court. The State is very vigilant in this matter. Annexure containing details of the action taken is being filed along with this affidavit."

At this juncture, Mr. Grover and Mr. Gonsalves and other learned counsel has brought to our notice that enormous cruelties are being meted out to stray dogs in the State of Kerala. In fact, there are instances where certain Committees, organizations and clubs have been formed to launch a crusade to kill the stray dogs and it is also averred that the children are being trained how to eliminate the stray dogs. The examples that have been given involve:

1. Old Students Welfare Association of Pala-based St. Thomas College

2. St. Thomas' College Alumni Association.

3. youth Front (M)

4. Stray Dogs Eradication Group This Court has already appointed a Committee which is headed by Mr. Justice Sri Jagan, former Judge of the High Court of Kerala. The said Committee, namely, "Justice Sri Jagan Committee" shall enquire into the said aspect. Needless to say, the State will be under obligation to file criminal cases, if the situation so warrants. The report of the enquiry shall be submitted before us through the counsel of the Committee, Mr. Gaurav Agarwal so that proper orders can be passed."

5. In the meantime, we are also obliged to note the submissions made by Mr. Biju, learned counsel appearing for an intervener and the respondent no.5 appearing in person that stray dogs have attacked the women and children as a result of which the human life is in danger. In the earlier orders, we have already directed the State of Kerala and other authorities that they can go for culling as per the provisions of the relevant Act and Rules.

6. Mr. V. Giri, learned counsel appearing for the State of Kerala submitted that the State is making immense efforts to curtail the spread of stray dogs and also trying that no stray dog attacks the on the human beings. According to Mr. Giri, the State does not intend to remain silent. However, we really fail to fathom that when there is a law in place to deal with the stray dogs, how the associations and groups can be formed to train the children to kill the stray dogs or an association which can distribute subsidized airguns for people to kill stray dogs or publically propagate that there must be war against stray dogs. Mr. Giri, learned senior counsel for the State submits that this Court has already directed an enquiry to be conducted in that regard by Justice Sri Jagan Committee and the State shall also book the people involved under the relevant criminal law. Mr. Giri is of the indubitable opinion that the citizens cannot form such associations and take the law unto their own hands.

7. In view of the aforesaid submission of the learned counsel for the State, we restrain such organizations to impart training to the children or to distribute subsidized airguns for people to kill stray dogs or to publically propagate that there is war against the stray dogs or strangulate the stray dogs or for that matter offer prizes or incentives to those who kill the stray dogs. Needless to say, our directions are not exhaustive but illustrative.

Another aspect brought to our notice by Mr. Biju deserves to be noted. On 5.4.2016, this Court has granted a sum of Rs.40,000/- (Rupees forty thousand only) to the husband of the deceased. It is submitted by Mr. Biju that the State Government has granted Rs. 2,00,000/- (Rupees two lac only) to other people who have breathed their last in the dog bite. This aspect can be brought to the notice of Justice Sri Jagan Committee which can give its report to this Court.

8. Mr. Krishnan Venugopal, learned senior counsel has filed a note for having immediate implementation of Animal Birth Control Rules. A copy of the note submitted by him be handed over to Ms. Pinky Anand, learned Additional Solicitor General appearing for the Union of India and the learned counsel appearing for various States and other parties. The same shall be considered on the next date of hearing.

9. In the course of hearing, we have been apprised that despite the orders passed by this Court, Jose Maveli has been constantly violating the orders. There are newspaper items to show that he has publicized the stray dog killing, though Mr. Biju, learned counsel appearing for Jose Maveli submits that he has not done any such acts. Be that as it may, he shall remain personally present in Court on the next date of hearing.

10. Registry is directed to register the applications filed for intervention.  
List the matter on 1.03.2017.