

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE GOPINATH P.

Wednesday, the 14th day of September 2022 / 23rd Bhadra, 1944
WP(C) NO. 13204 OF 2021(S)

IN RE: BRUNO (SUO MOTU) PUBLIC INTEREST LITIGATION
PROCEEDINGS INITIATED BY THE HIGH COURT IN THE MATTER OF
EXECUTIVE AND LEGISLATIVE INACTION OF THE STATE GOVERNMENT
IN THE MATTER OF PROTECTION OF ANIMAL RIGHTS.

[RE-NAMED AS ABOVE AS PER ORDER DATED 02/07/2021 IN WP(C)]

RESPONDENTS:

- 1.UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF FISHERIES,
ANIMAL HUSBANDRY AND DAIRYING (DEPARTMENT OF ANIMAL
HUSBANDRY AND DAIRYING), GOVERNMENT OF INDIA, KRISHI BHAVAN,
NEW DELHI, PIN-110 001.
- 2.THE ANIMAL WELFARE BOARD OF INDIA, REPRESENTED BY ITS CHAIRMAN,
NATIONAL INSTITUTE OF ANIMAL WELFARE CAMPUS P.O., 42K STONE,
DELHI-AGRA HIGHWAY, NH-2, VILLAGE-SEEKRI, HARYANA, PIN-121 004.
- 3.STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
THIRUVANANTHAPURAM, PIN-695 036.
- 4.STATE OF KERALA, REPRESENTED BY THE SECRETARY,
ANIMAL HUSBANDRY DEPARTMENT, THIRUVANANTHAPURAM, PIN-695 036.
- 5.STATE OF KERALA, REPRESENTED BY THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, THIRUVANANTHAPURAM, PIN-695 036.
- 6.THE KERALA STATE ANIMAL WELFARE BOARD, THIRUVANANTHAPURAM-695 036.
- 7.THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY,
POOKODE, LAKKIDI P.O., WAYANAD, PIN-673 576.
- 8.STATE POLICE CHIEF, KERALA, THIRUVANANTHAPURAM, PIN-695 010.

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ADDL. R9 IMPEADED

9.SRUTHY N.BHAT, ADVOCATE, HIGH COURT OF KERALA, AGED 27 YEARS,
D/O.O.H. NANDAKUMAR BHAT, SANSKRITHI GARDEN, PERANDOOR ROAD,
KALLOOR NORTH, KOCHI-682 026.

IS IMPEADED AS ADDL. R9 AS PER ORDER DATE 14/07/2021 IN IA.1/2021 IN WPC.

ADDL. R10 IMPEADED

10.DAYA ANIMAL WELFARE ORGANISATION (DAYA),
HAVING REGISTERED NUMBER E.R.737/01 WITH ITS REGISTERED
OFFICE AT XXII/459/A, PRAKASH ROAD, VELLOORKUNNAM,
MUVATTUPUZHA, ERNAKULAM-686 673, KERALA,
REPRESENTED BY ITS CO-ORDINATOR AMBILI B.

IS IMPEADED AS ADDL. R10 AS PER ORDER DATED 14/07/2021 IN IA.2/2021 IN WPC.

ADDL. R11 IMPEADED

11.ANGELS NAIR, GEN. SECRETARY, ANIMAL LEGAL FORCE INTEGRATION,
AGED 54 YEARS, KAPPILLIL HOUSE, PULLUVAZHY P.O., PERUMBAVOOR,
ERNAKULAM DIST. PIN-683 541.

IS IMPEADED AS ADDL. R11 AS PER ORDER DATED 14/07/2021 IN IA.5/2021 IN WPC.

ADDL. R12 IMPEADED

12.M.N. JAYACHANDRAN, AGED 63 YEARS, S/O.K. NARAYANAN NAIR,
RESIDING AT MUNDAMATTOM HOUSE, THODUPUZHA P.O., IDUKKI-685 584.

IS IMPEADED AS ADDL. R12 PER ORDER DATED 19/07/2021 IN IA.3/2021 IN WPC.

ADDL. R13 IMPEADED

13.P. SARAGANDHARAN, THUMBIL, EZHUPUNNA SOUTH P.O., CHERTHALA.

IS IMPEADED AS ADDL. R13 AS PER ORDER DATED 19/07/2021 IN IA.7/2021 IN WPC.

ADDL. R14 IMPEADED

14.THE THRIKKAKARA MUNICIPALITY, REPRESENTED BY ITS SECRETARY.

IS SUO MOTU IMPEADED AS ADDL. R14 AS PER ORDER DATED 23/07/2021 IN WPC.

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ADDL. R15 IMPEADED

15. THE STATE KUDUMBASREE MISSION,

REPRESENTED BY THE EXECUTIVE DIRECTOR.

IS SUO MOTU IMPEADED AS ADDL. R15 AS PER ORDER DATED 02/08/2021 IN WPC.

ADDL. R16 IMPEADED

16. DHYAN FOUNDATION, A REGISTERED CHARITABLE TRUST,

REPRESENTED BY ITS TRUSTEE, DR. PRASAN PRABHAKAR, AGED 48 YEARS,

S/O. DR. M. C. PRABHAKAR, RESIDING AT LAXMI PRASAD,

PANAYAPILLY, KOCHI-682 005.

IS IMPEADED AS ADDL. R16 AS PER ORDER DATED 06/08/2021 IN IA.8/2021.

ADDL. R17 IMPEADED

17. ANIMAL RESCUE REHABILITATION & OVERALL WELLNESS (ARROW),

214/IX KADAMANNIL, KUMBAZHA NORTH, MYLAPRA P.O.,

PATHANAMTHITTA-689 671, REPRESENTED BY ITS MANAGING TRUSTEE.

IS IMPEADED AS ADDL. R17 AS PER ORDER DATED 09/08/2021 IN IA.11/2021.

ADDL. R18 IMPEADED

18. PEOPLE FOR ANIMALS (PFA), REPRESENTED BY ITS SECRETARY,

KARTHIKA, ANAYARA, THIRUVANANTHAPURAM-695 029.

IS IMPEADED AS ADDL. R18 AS PER ORDER DATED 09/08/2021 IN IA.10/2021.

ADDL. R19 IMPEADED

19. PEOPLE FOR ANIMAL WELFARE SERVICE (PAWS)- THRISSUR CHARITABLE TRUST,

RAJ VIHAR, POOTHOLE P.O, THRISSUR-680 004,

REPRESENTED BY ITS SECRETARY.

IS IMPEADED AS ADDL. R19 AS PER ORDER DATED 09/08/2021 IN IA.12/2021.

ADDL. R20 TO R25 IMPEADED

20. MUNICIPAL CORPORATION, THIRUVANANTHAPURAM,

REPRESENTED BY ITS SECRETARY.

21. MUNICIPAL CORPORATION, KOLLAM, REPRESENTED BY ITS SECRETARY.

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22.MUNICIPAL CORPORATION, THRISSUR, REPRESENTED BY ITS SECRETARY.

23.MUNICIPAL CORPORATION, KOCHI, REPRESENTED BY ITS SECRETARY.

24.MUNICIPAL CORPORATION, KOZHIKODE, REPRESENTED BY ITS SECRETARY.

25.MUNICIPAL CORPORATION, KANNUR, REPRESENTED BY ITS SECRETARY.

ARE SUO MOTU IMPEADED AS ADDL. R20 TO R25 AS PER ORDER DATED
09/08/2021 IN WPC.13204/2021.

ADDL. R26 IMPEADED

26.MADRAS ANIMAL RESCUE SOCIETY 4/339, SANGARAPURAM, FIRST STREET ,
PALAVAKKAM, CHENNAI - 600041 REPRESENTED BY ITS SECRETARY AND
TRUSTEE, VIVEK K. VISWANATH S/O K.V. ACHUTHAN, AGED 29 YEARS,
HAVING PERMANENT ADDRESS AT KARUNELLIPARAMBIL HOUSE, KAIPARAMBU P.O.
THRISSUR - 680546 AND NOW RESIDING AT
GODAVARI HOSTEL, IIT MADRAS, CHENNAI -600036.

IS IMPEADED AS ADDL R26 AS PER ORDER DATED 10.09.2021 IN IA 13/21 IN WP(C)
13204/2021.

ADDL. R27 IMPEADED

27.SMT.RANJINI HARIDAS, AGED 39 YEARS, D/O.HARIDAS, 'HARISREE',
PONNETH SOUTH TEMPLE ROAD, CHILAVANNOR-682 020, TRUSTEE,
HUMANITY FOR ANIMALS, REG. NO.E 323/2015, ERNAKULAM.

ADDL. R27 IS IMPEADED AS PER ORDER DATED 08/10/2021 IN IA.18/2021 IN WPC.

ADDL. R28 IMPEADED

28.GAURI MAULEKHI, AGED 44 YEARS, W/O.DUSHYANT MAULEKHI,
RESIDING AT 40/153, CR PARK, NEW DELHI-110 019.

ADDL. R28 IS IMPEADED AS PER ORDER DATED 08/10/2021 IN IA.22/2021 IN WPC.

ADDL. R29 IMPEADED

**29.SANGITA IYER, AGED 59 YEARS, D/O.MR.K. ANANTHARAMAN,
PERMANENTLY RESIDING IN TORONTO ,CANADA, PRESIDENT,
VOICE FOR ASIAN ELEPHANTS SOCIETY, TORONTO, CANADA,
REPRESENTED BY HER POWER OF ATTORNEY SATISH MURTHI, 2ND FLOOR,
BETA PLAZA, DR.KRISHNASWAMY ROAD, COCHIN-682 035.**

IS IMPEADED AS ADDL. R29 AS PER ORDER DATED 29/10/2021 IN IA.24/2021 IN WPC.

ADDL. R30 IMPEADED

**30.DR.ZAHIRA. B., AGED 51 YEARS, W/O.DR.MANZOOR AHAMMED,
CHUNGASSERI MANZIL, PADA NORTH, KARUNAGAPPALLY P.O., KOLLAM-690 518.**

IS IMPEADED AS ADDL. R30 AS PER ORDER DATED 12/11/2021 IN IA.28/2021 IN WPC.

ADDL. R31 IMPEADED

**31.SANTHOSH. T.S., AGED 46 YEARS, S/O.T.V. SASIDHARAN, RESIDING AT
THIRUNILATHU HOUSE, NETTOOR P.O., MARADU, ERNAKULAM-682 040.**

IS IMPEADED AS ADDL. R31 AS PER ORDER DATED 30/11/2021 IN IA.26/2021 IN WPC.

ADDL. R32 IMPEADED

**32.UNION OF INDIA, REPRESENTED BY THE MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE (FOREST AND WILD LIFE DIVISION,
PROJECT ELEPHANT), NEW DELHI-110 003.**

IS SUO MOTU IMPEADED AS ADDL. R32 AS PER ORDER DATED 10/12/2021 IN WPC.

P.T.O.

ADDL. R33 IMPEADED

**33.PRADEEP P.D., AGED 33 YEARS, S/O.DIVAKARAN, PUTHUVAL NIKARTH,
PALLIPURAM P.O., CHERTHALA, 688 541, ALAPPUZHA.**

IS IMPEADED AS ADDL. R33 PER ORDER DATED 28/02/2022 IN IA.1/2022 IN WPC.

ADDL. R34 IMPEADED

**34.AKSHAY V.PRABHU, S/O.VEDANGA G.PRABHU, AKSHAYA HOSPITAL,
KADAVANTHRA, KOCHI, KERALA-682 020.**

IS IMPEADED AS ADDL. R34 PER ORDER DATED 24/06/2022 IN IA.4/2022 IN WPC.

P.T.O.



This Suo Motu writ petition again coming on for orders upon perusing the petition and this Court's order dated 08/07/2022 and upon hearing the arguments of ASSISTANT SOLICITOR GENERAL OF INDIA & SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for R1, SMT.M.U.VIJAYALAKSHMI, STANDING COUNSEL for R2, SRI.ASOK M.CHERIAN, ADDITIONAL ADVOCATE GENERAL for R3 to R6, SMT.AYSHA YOUSEFF & SRI.MANU GOVIND, Advocates for R7, SRI.SHAJI.T.A., DIRECTOR GENERAL OF PROSECUTION & P.NARAYANAN, ADDL.PUBLIC PROSECUTOR for R8, Advocate SMT.SRUTHY N.BHAT (PARTY IN PERSON) as Addl.R9, M/S.ADITHYA RAJEEV & NIHARIKA HEMA RAJ, Advocates for R10, SRI.ANGELS NAIR PARTY IN PERSON AS Addl.R11, M/S.GANGA A.SANKAR, REJIVUE, THANUJA ROSHAN, CHACKOCHEN VITHAYATHIL, VISHNU RAJAGOPAL, VISWAJITH.C.K. & GISHA G.RAJ, M.R.HARIRAJ Advocates for Addl.R12, M/S. B.S.SWATHI KUMAR, ANITHA RAVINDRAN & HARISANKAR N UNNI, Advocates for Addl. R13, SRI.S. JAMAL, Advocate for Addl. R14, M/S. K.V.PRAKASH, D.G. VIPIN, KAROL MATHEWS SEBASTIAN ALANCHERRY, Advocates for Addl.R15, M/S.ASWIN GOPAKUMAR, KANDAMPULLY VIKRAM & NIKITHA SUSAN PAULSON for Addl. R16, M/S.KRISHNA PRASAD. S, SINDHU S.KAMATH & ROHINI NAIR, Advocates for Addl.R17, M/S.PRASANTH S.R. & BHANU THILAK, Advocates for Addl.R18, SRI.BRIJESH MOHAN, Advocate for Addl.R19, SRI. NANDAKUMARA MENON SENIOR ADVOCATE ALONG WITH SRI.P.K.MANOJ KUMAR ADVOCATE FOR Addl.R20, SRI.M.K.CHANDRAMOHAN DAS, ADVOCATE FOR Addl.R21 , SRI.SANTHOSH.P.PODUVAL ADVOCATE FOR Addl.R22, SRI.K.JANARDHANA SHENOY, SC for Addl.R23 and of SRI.V.KRISHNA MENON ADVOCATE FOR ADDL.R.24, SMT.MEENA JOHN ADVOCATE FOR ADDL R.25, M/S. S.R.K. PRATHAP, JISSMON A.KURIAKOSE, Advocates for R26, SMT.RANJINI HARIDAS (PARTY IN-PERSON) for Addl. R27, M/S. P.R. VENKATESH & KEERTHIVAS. G., Advocates for Addl. R28, M/S.UMA DEVI. M., Advocate for Addl.R29, M/S. RAJESH VIJAYAN & SIKHA S.NAIR, Advocates for Addl. R30, M/S. C.A. MAJEED, K.H. ASIF, MOLTY MAJEED, P.B. UNNIKRISHNAN NAIR & MATHEW VARGHESE, Advocates for Addl. R31, SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for Addl. R32,M/S.ADITYA THEJUS KRISHNAN & FERHA AZEEZ,Advocates for Addl.R33,M/S.BHANU THILAK & S.R.PRASANTH,Advocates for Addl. R34 and of SRI.S.RAMESH BABU (SENIOR ADVOCATE) & ADVOCATE SRI.T.C.SURESH MENON, AMICI CURIAE, the Court passed the following:

P.T.O.

**A.K.JAYASANKARAN NAMBIAR, J.
&
GOPINATH P., J.**

W.P.(C).NO.13204 OF 2021

Dated this the 14th day of September, 2022

ORDER

A.K. Jayasankaran Nambiar, J.

We have convened a special sitting today, taking note of the instances of dog bites being reported across the State. When we enquired with Sri.Asok M. Cherian, the learned Additional Advocate General as to the steps being taken by the State Administration to address this pressing issue, we are told that the State Administration has already taken certain decisions, and a detailed report regarding the steps taken will be furnished before this Court by 16.09.2022 [Friday].

2. In this connection, we also draw the attention of the State Government to the various orders issued by this Court in the pending W.P.(C).No.13204 of 2021 and in particular, the order dated 02.08.2021, where, in the context of subjecting community dogs in the Thrikkakara Municipality to the Animal Birth Control [ABC] procedure, we had directed the Municipality to identify areas within its

geographical limits where the community dogs could be rehabilitated and sheltered, and the order dated 29.10.2021, where we had directed the State Animal Welfare Board to assess the infrastructural facilities available within the territorial limits of all local authorities in the State for carrying out ABC measures and to suggest measures for the augmentation of such facilities under each of those local authorities. By a later order dated 08.07.2022, we had also directed the State Animal Welfare Board to publish the list of Veterinary Hospitals having night emergency services available on its website and to collect the telephone numbers of each of these centres and to ensure that the Hospitals were functioning round-the-clock. These orders were issued to monitor the implementation of the ABC procedure throughout the State with a view to keep a check on the proliferation of community dogs, and for ensuring that they were duly vaccinated against infectious diseases. In the report that is proposed to be filed before us on 16.09.2022, the State Government shall also mention the steps taken by it pursuant to our earlier orders while narrating the steps currently proposed to be taken to tackle the menace of dog bites. The State Administration must remind itself of the fact that in its role as a welfare State and as *parens patriae* of the citizenry it is obliged to protect the citizens from the attack of ferocious dogs by identifying and containing such dogs and removing them from public places.

3. The learned Amicus Curiae points out that there have also been reports of various instances of unauthorised killing of community dogs. Taking note of the said submission and engaged as we are in a balancing of the rights and interests of our citizens vis-a-vis those of animals, we direct the State Government to cause suitable public instructions to be issued through the State Police Chief, clarifying that while the State Administration is taking necessary steps to contain the incidents of dog bites, the citizenry shall also refrain from taking law into their own hands by inflicting unnecessary harm on community dogs. A copy of the Circular so issued shall also accompany the report to be filed before this Court on 16.09.2022.

Post on 16.09.2022 at 3.00 p.m.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
GOPINATH P.
JUDGE

prp/14/9/22