

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

PIL No.7/2023

Date of order: 02.08.2023

Bakul Narzary Vs. State of Meghalaya & ors

**Coram:**

**Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice**  
**Hon'ble Mr. Justice B. Bhattacharjee, Judge**

**Appearance:**

For the Petitioner : Mr. S. Chakrawarty, Sr.Adv with  
Ms. E. Slong, Adv

For the Respondents : Mr. K. Khan, AAG with  
Mr. S. Sengupta, Addl.Sr.GA  
Ms. S. Laloo, GA  
Dr. N. Mozika, DSG with  
Ms. K. Gurung, Adv

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| i)  | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press:           | Yes/No |

The matter pertains to the enforcement of the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 in the State. Such Rules have been framed by the Union in terms of Section 38 of the Prevention of Cruelty to Animals Act, 1960.

2. The petitioner, who has instituted this matter in public interest, draws the attention of the Court to Rule 8 of the said Rules of 2017:

**“8. Additional precaution to be taken regarding animal markets in border area.–The District Animal Market Monitoring Committee shall take steps to ensure that no animal**

market is organised in a place which is situated within twenty-five kilometers from any State border or which is situated within fifty kilometers from any international border.”

3. At the outset, the State takes a few preliminary objections. According to the State, the petitioner has directly approached this Court without availing of the remedy before the relevant district animal market monitoring committee or even making a representation to such committee. The State claims that the petition is incomplete or defective in the absence of the Union Ministry of Environment, Forest and Climate Change being impleaded. The third preliminary ground canvassed by the State is that Rule 8 of the said Rules would have retrospective operation and may not apply to animal markets already in place.

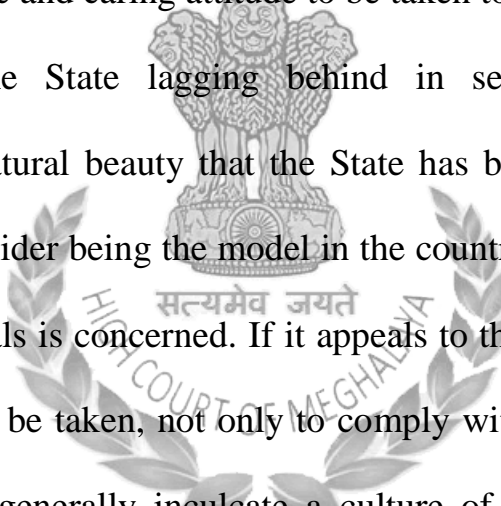
4. As far as the first objection is concerned, there does not appear to be any effective mechanism in place. There is, however, no doubt that a notice could have been issued to such committee before instituting the petition. But the facts indicated in the petition are so notorious and undeniable that the making of a representation may have been an idle formality in this case. In any event, no prejudice has been suffered by the State as a consequence of a representation not having been made by the petitioner prior to the filing of this petition.

5. In view of the ground taken by the State, the Ministry of Environment, Forest and Climate Change is added as a respondent to the present proceedings. Learned DSG, who is present in Court, is requested to take instructions.

6. The entire object and purpose of the present exercise appears to be for animals which are culled for their meat to be treated more ethically; for the wanton display of animal carcasses to be avoided and for a more hygienic and caring attitude to be taken to the animals.

7. Despite the State lagging behind in several other fields, considering the natural beauty that the State has been bestowed with, the State may consider being the model in the country as regards ethical treatment of animals is concerned. If it appeals to the State, appropriate measures ought to be taken, not only to comply with the said Rules of 2017 but also to generally inculcate a culture of better treatment of animals, even if such animals are bred to be culled.

8. Learned DSG submits that the more appropriate Ministry ought to be the Ministry of Animal Husbandry. If, on instructions, the submission is repeated, the more appropriate Ministry may be impleaded instead of the added respondent now.



9. The matter will appear a fortnight hence. The State will indicate the measures taken for setting up local bodies in terms of the said Rules of 2017. The Union's input may be called for after the State's initial response is received.

10. List on August 17, 2023.

**(B. Bhattacharjee)**  
**Judge**

**(Sanjib Banerjee)**  
**Chief Justice**

Meghalaya  
02.08.2023  
*Lam DR-PS*

