

**THE HON'BLE THE CHIEF JUSTICE UJJAL BHUYAN**

**AND**

**THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY**

**W.P.(PIL) No.105 of 2020**

**ORDER:** *(Per the Hon'ble the Chief Justice Ujjal Bhuyan)*

Heard Mr. G.L.Narasimha Rao, learned counsel for the petitioner and Ms. A.Sunitha, learned Assistant Government Pleader attached to the office of the learned Additional Advocate General representing the respondents.

2. This writ petition has been filed as a Public Interest Litigation (PIL) seeking a direction to the respondents to make provision for green grass, feed and fodder besides medicines for the cows and other animals housed in goshalas located in the State of Telangana. Further prayer made is for a direction to the respondents to allocate funds for the goshalas having regard to the number of animals housed therein.

3. This PIL was filed when COVID-19 pandemic was in full force affecting the lives of one and all. In such a crisis situation and having regard to the distress conditions of the cows housed in the goshalas, the present writ petition came to be filed.

4. Respondents have filed counter-affidavit.
5. In the counter-affidavit filed by Secretary to the Government of Telangana, Animal Husbandry, Dairy Development and Fisheries Department, it is averred that a goshala is normally established by any person or by a trust or by a board or by a temple or by a society as a non-profitable organization to provide shelter to street cattle, old and infirm cattle *etc.* These goshalas are maintained by funds generated through donations *etc.* During the lock down on account of COVID-19 pandemic, a special control room was established in the office of the Director General of Police to monitor the situation. It was noticed that there was no interruption in the supply of fodder and feed to the livestock in the State.
6. The counter-affidavit discloses that there are about 136 goshalas in the State of Telangana housing 38,229 cattle. Insofar Hyderabad city is concerned, there are about 40 goshalas with approximately 25,000 cattle housed therein. Whenever management of the goshalas approached the Government, they were provided veterinary aid for treatment of cattle besides fodder

seed *etc.* That apart, State of Telangana is scrupulously following the provisions of Telangana Prohibition of Cow Slaughter and Animal Preservation Act, 1977. State Government had constituted State Animal Welfare Board *vide* G.O.Rt.No.146 dated 02.12.2019 having both official and non-official members. State Animal Welfare Board met on 18.12.2019 and thereafter on different occasions to discuss the issues pertaining to animal welfare including goshalas. State is planning to regulate goshalas by registering them at state level.

7. An additional affidavit has also been filed by the State wherein it is averred that animal husbandry department of the State Government is providing following services to the livestock including animals in goshalas:

- a. Health Care: Health care services like treatment of sick animals are being provided whenever required.
- b. Breeding services: Artificial Insemination Services, pregnancy diagnosis and conducting fertility camps for treating various reproductive disorders.
- c. Preventive health care: Providing preventive seasonal vaccinations to contain bacterial and viral diseases like hemorrhagic septicemia, black quarter, foot and mouth disease, brucella *etc.*,

d. Providing fodder seed for fodder cultivation and chaff cutters on subsidy for proper fodder utilization and conservation on par with the farmers.

e. Providing door step health care services through Mobile Veterinary Clinics (MVC) established by Government through toll free no.1962 and one exclusive vehicle is put into service for treating the animals of Gaushalas in and around Hyderabad city where more number of Goshalas are located.

f. Emergency health care services are being provided by local vets and through Mobile Veterinary Clinics.

8. For the financial year 2021-2022, annual budget of the animal husbandry department was Rs.174.85 crores. A major portion of the budget was earmarked for milk producers, out of which a substantial portion was earmarked for providing veterinary services to the cattle breeders including goshalas. That apart, State Government has embarked upon awareness campaign for animal welfare.

9. Finally, it is mentioned that requirement of each State is different and allocation of budgetary provisions in one State cannot be compared with that of another. Nonetheless, State Government has assured that it will consider the request of the goshalas and support them in every possible manner.

10. Submissions made by learned counsel for the parties are on pleaded lines. Therefore, a detailed reference to the submissions is not necessary. However, those have received the due consideration of the Court.

11. Article 48 of the Constitution of India, which is a directive principle of state policy, mandates that the State shall endeavour to organize agriculture and animal husbandry on modern and scientific methods and shall in particular take steps for preserving and improving the breeds of cattle and prohibiting the slaughter of cows and calves as well as other milch and draught cattle.

12. From the above, it is evident that it is a constitutional mandate of every State to take steps for preserving and improving the breeds of cattle and for prohibiting slaughter of cows and calves. Needless to say that corollary to the above mandate is the need for maintaining cows and calves which are generally housed in goshalas.

13. At this stage, we may mention that it is also the fundamental duty of every citizen of India under Article 51A of the Constitution

of India to not only protect and improve natural environment including forests, lakes, rivers and wildlife but, also to have compassion for living creatures.

14. Insofar Telangana Prohibition of Cow Slaughter and Animal Preservation Act, 1977 (briefly 'the Act' hereinafter) is concerned, it is an Act to provide for the prohibition of slaughter of cows, calves of cows, calves of she-buffaloes and for preservation of certain other animals suitable for milch breeding or for agricultural purposes in the State. Section 17 of the Act deals with establishment of institutions for taking care of cows or other animals Section 17 reads as under:

**Establishment of institutions for taking care of cows or other animals:-**

- (1) The Government may establish, or direct any local authority or society registered under the law relating to the registration of societies for the time being in force in the state, or any association or body of persons, to establish institutions at such places as may be deemed necessary for taking care of cows or other animals sent thereto.
- (2) The Government may provide bye-rules for the proper management of such institutions for

the care of cows or other animals that may be admitted therein.

(3) The Government, or subject to the previous sanction of the Government, the local authority, society or body of persons or association establishing an institution under sub-section (1), may levy such fees as may be prescribed for the maintenance of such institutions.

15. From the above, we find that as per sub-section (1), duty is cast upon the Government which means the State Government to establish or to direct any local authority or society registered under the law relating to registration of societies or any association or body of persons to establish institutions at such places as may be deemed necessary for taking care of cows or other animals sent thereto. Sub-section (2) says that the Government may provide for bye-laws for the proper management of such institutions. Sub-section (3) enables the Government to levy such fees as may be prescribed for the maintenance of such institutions.

16. Government of Telangana had issued G.O.Rt.No.146 dated 02.12.2019 constituting the Telangana State Animal Welfare Board for a period of three years with effect from 30.04.2019

which is headed by the Minister for Animal Husbandry, Dairy Development and Fisheries Department. Chief Secretary to the Government of Telangana is also a member of the Telangana State Animal Welfare Board with Director of Veterinary and Animal Husbandry being member convener. It also had seven unofficial members including representatives from several goshalas. As per the annexure appended to the aforesaid GO, Telangana State Animal Welfare Board has been mandated amongst others to support goshalas and other animal shelters functioning in the State and to advise them on improvement of their activities. It has been clarified that the funds of the Telangana State Animal Welfare Board shall consist of contributions, donations, bequest, gifts and the like made to it by local authority or by any other person/organization.

17. G.O.Rt.No.146 dated 02.12.2019 had a validity of three years w.e.f. 30.04.2019. Nothing has been placed before us to indicate that Telangana State Animal Welfare Board has either been reconstituted or term of the earlier board has been extended beyond the initial period of three years w.e.f. 30.04.2019.

18. Having regard to the constitutional objective and the statutory mandate, we are of the view that State of Telangana should either reconstitute Telangana State Animal Welfare Board or extend its constitution for such period as may be deemed necessary. That apart, instead of leaving it to the State Animal Welfare Board to earn the funds for itself, we are of the view that the State should provide adequate financial assistance to the Telangana State Animal Welfare Board so that it can maintain, manage and look after the goshalas functioning in the State of Telangana.

19. While learned counsel for the petitioner has drawn the attention of the Court to orders passed by the Punjab and Haryana High Court directing the State to provide certain amount of financial assistance to the goshalas, we are however of the view that it is primarily the executive function of the State to look after and maintain goshalas but having regard to the concern expressed by the petitioner and for the reasons mentioned hereinabove, we are of the view that State should provide adequate funds to the goshalas through the Telangana State Animal Welfare Board. We hope and trust the State will do the needful in this regard.

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20. We would like to place on record our appreciation for the efforts put in by Mr. G.L.Narsimha Rao, learned counsel for the PIL petitioner for bringing this issue to the notice of all concerned.

21. With the above observation and direction, the W.P.(PIL) is disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

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**UJJAL BHUYAN, CJ**

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**C.V.BHASKAR REDDY, J**

**Date: 06.12.2022**  
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