

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

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**W.P(C). No.13204 of 2021**  
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**Dated this the 14<sup>th</sup> day of July, 2021**

**O R D E R**

**A.K.Jayasankaran Nambiar, J.**

Pursuant to our last order dated 02.07.2021, the Additional Public Prosecutor has filed a statement on the basis of the written instructions from the Investigating Officer in Crime No.1414/2021 of Vizhinjam Police Station. The statement indicates that the investigation of the crime is more or less complete and the final report is likely to be submitted before the Magistrate Court shortly. The learned senior counsel and Amicus Curiae, Sri.Ramesh Babu, however, informs us that certain proceedings have been initiated against the owners of the deceased animal (Bruno), possibly with a view to pressurise the owners into compounding the offence and withdrawing the complaint. If true, this is certainly a serious matter that requires to be looked into. We therefore direct the Director General of Prosecution to enquire into this development pointed out by the learned Amicus Curiae and inform this Court as to whether any proceedings have in fact been initiated against the owners of the deceased dog and the nature of those proceedings.

2. Through the I.A. filed by Angels Nair, General Secretary, Animal Legal Force Integration, an Animal Welfare Organisation, it has come to our notice that the animal birth control measures across the state are currently being implemented through bodies such as the

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Kudumbasree. While we expect the state government to inform us as to whether or not the Kudumbasree is an organisation that is registered with the Animal Welfare Board of India for the purposes of the Animal Birth Control (Dogs) Rules, 2001, we feel that pending reconstitution of the State Animal Welfare Board, the State Government must immediately conduct an enquiry to ascertain whether the infrastructural requirements as mandated under the said Rules, read with the Circular dated 18.8.2020 of the Animal Welfare Board of India, are in place in the State. The report to be submitted by the State Government in this regard shall contain details of all such facilities existing in this State, District wise, together with an inventory of the medical equipment, ambulances. and the personnel employed at each of those facilities. The report shall be filed before this Court within three weeks from today.

3. The State Government in the Local Self Government Department shall immediately direct the local authorities in the State to forthwith issue public notices requiring owners of animals- cattle, pets etc., falling within their respective local limits to register the animals in their ownership with the local authority concerned and obtain a licence therefor as mandated under the Municipality/Panchayat Act/Rules. The Government may if found necessary, also prescribe the forms of licences

and fix the fee that can be collected for the registration/licencing procedure, and ensure that as a first step, the registration/licencing of all such animals presently kept by owners is completed within six months from today. The instructions issued by the Government shall also require the future owners of animals to register their animals with the local authority concerned within three months of acquiring the said animal.

4. Inasmuch as we feel that requiring the local authorities to immediately provide for animal shelters and allied infrastructure, as mandated by the Prevention of Cruelty to Animal Act, the Animal Birth Control Rules, as also the Circular dated 12.07.2018 of the Animal Welfare Board of India, may not be a practical measure, taking into account the constraints faced by the State Government during the pandemic period, we direct the State Government to explore the possibility of adopting the public-private partnership model for setting up the said infrastructure. The government could make use of the facilities currently maintained by the various animal welfare organisations in the State, by offering them financial and infrastructural support to the extent possible. We feel that such an arrangement would, while encouraging those private organisations actively involved in animal welfare activities, also assist the Government in discharging its

statutory and constitutional obligation to provide for the welfare of animals.

5. Through the I.A filed by Angels Nair, it is also come to our notice that many local authorities have published notices *inter alia*, instructing pet owners to keep their pets restrained at all times, either in kennels or in chains. There is also a direction to the pet owners to ensure that community dogs are deprived of sources of food and water over which the former have control. We are shocked by the said instructions that appear to have the imprimatur of the Animal Welfare Department of the State, for they militate against the objectives sought to be achieved by the Prevention of Cruelty to Animals Act, 1916, and the Rules framed thereunder. We, therefore, direct the State Government to ensure that all such posters, put up in public locations, including the various Government institutions, veterinary hospitals, and Panchayat/Municipality offices, are immediately taken down and to further ensure that no such notices are put up in future which are not in compliance with the objects of the statutory provisions.

6. Sri.Jaishankar V.Nair, the learned Central Government Counsel has assured as that the direction issued by the Supreme Court regarding the constitution of the State Animal Welfare Board, together

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with the instructions given by the Animal Welfare Board of India as regards prompt registration of cases brought to the notice of the police authorities, will be made available to us by the next date of hearing. The learned counsel for the Animal Welfare Board shall also place on record any suggestion of the Board regarding the proper composition of the State Animal Welfare Board.

Post on 19.07.2021.

Sd/-

**A.K.JAYASANKARAN NAMBIAR**  
**JUDGE**

Sd/-

**GOPINATH P.**  
**JUDGE**

mns

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