

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

Friday, the 24th day of September 2021 / 2nd Aswina, 1943
WP(C) NO. 13204 OF 2021

PETITIONER:

IN RE: BRUNO 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. RENAMED 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-121004.
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, PIN-695 036.
7. THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVESITY, POOKODE, LAKKIDI P.O.WAYANAD, PIN-673 576.
8. THE STATE POLICE CHIEF, KERALA, THIRUVANANTHAPURAM, PIN-695 010.
9. SRUTHY N.BHAT, ADVOCATE, HIGH COURT OF KERALA, AGED 27 YEARS, D/O.O.H. NANDAKUMAR BHAT, SANSKRITHI GARDEN, PERANDOOR ROAD, KALOOR NORTH, KOCHI-682 026. ADDL. R9 IS IMPEADED AS PER ORDER DATE 14/07/2021 IN IA.1/2021 IN WPC.
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. ADDL. R10 IS IMPEADED AS PER ORDER DATED 14/07/2021 IN IA.2/2021 IN WPC.
11. ANGELS NAIR GEN. SECRETARY, ANIMAL LEGAL FORCE INTEGRATION, AGED 54 YEARS, KAPPILLIL HOUSE, PULLUVAZHY P.O., PERUMBAVOOR, ERNAKULAM DIST. PIN-683 541. ADDL. R11 IS IMPEADED AS PER ORDER DATED 14/07/2021 IN IA.5/2021 IN WPC.
12. M.N. JAYACHANDRAN, AGED 63 YEARS
RESIDING AT MUNDAMATTOM HOUSE,

S/O.K. NARAYANAN NAIR,
THODUPUZHA P.O., IDUKKI-685

584. ADDL. R12 IS IMPEADED AS PER ORDER DATED 19/07/2021 IN IA.3/2021 IN WPC.
13. P. SARAGANDHARAN, THUMBIL, EZHUPUNNA SOUTH P.O., CHERTHALA. ADDL. R13 IS IMPEADED AS PER ORDER DATED 19/07/2021 IN IA.7/2021 IN WPC.
14. THE THRIKKAKARA MUNICIPALITY, REP. BY ITS SECRETARY. ADDL. R14 IS SUO MOTU IMPEADED AS PER ORDER DATED 23/07/2021 IN WPC.
15. THE STATE KUDUMBASREE MISSION REPRESENTED BY THE EXECUTIVE DIRECTOR IS SUO MOTU IMPEADED AS ADDITIONAL RESPONDENT NO.15 AS PER ORDER DATED 02/08/2021.
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-682005 IS IMPEADED AS ADDL.R16 AS PER ORDER DATED 6/08/2021 IN IA 8/21.
17. ANIMAL RESCUE REHABILITATION & OVERALL WELLNESS(ARROW) 214/IX, KADAMANNIL, KUMBAZHA NORTH, MYLAPRA P.O PATHANAMTHITTA-689671. REPRESENTED BY ITS MANAGING TRUSTEE IS IMPEADED AS ADDL.R17 AS PER ORDER DATED 9/8/2021 IN I.A 11 IN WPC.
18. PEOPLE FOR ANIMALS (PFA) REPRESENTED BY ITS SECRETARY, KARTHIKA, ANAYARA, THIRUVANANTHAPURAM 695029 IS IMPEADED AS ADDL.R18 AS PER ORDER DATED 9/8/2021 IN I.A 10 IN WPC.
19. PEOPLE FOR ANIMAL WELFARE SERVICES (PAWS) THRISSUR CHARITABLE TRUST, RAJ VIHAR, POOTHOLE PO THRISSUR 680004. REPRESENTED BY ITS SECRETARY IS IMPEADED AS ADDL R19 AS PER ORDER DATED 9/8/2021 IN I.A 12/2021
20. THE MUNICIPAL CORPORATION, THIRUVANANTHAPURAM REPRESENTED BY SECRETARY IS SUO MOTU IMPEADED AS ADDL R20 AS PER ORDER DATED 9/8/2021 IN WPC
21. THE MUNICIPAL CORPORATION, KOLLAM REPRESENTED BY SECRETARY IS SUO MOTU IMPEADED AS ADDL R21 AS PER ORDER DATED 9/8/2021 IN WPC
22. THE MUNICIPAL CORPORATION, THRISSUR, REPRESENTED BY SECRETARY IS SUO MOTU IMPEADED AS ADDL R22 IN WPC
23. THE MUNICIPAL CORPORATION, KOCHI REPRESENTED BY SECRETARY IS SUO MOTU IMPEADED AS ADDL R23 AS PER ORDER DATED 9/8/2021 IN WPC
24. THE MUNICIPAL CORPORATION, KOZHIKODE REPRESENTED BY SECRETARY IS SUO MOTU IMPEADED AS R24 AS PER ORDER DATED 9/8/2021 IN WPC
25. THE MUNICIPAL CORPORATION, KANNUR REPRESENTED BY SECRETARY IS SUO MOTU IMPEADED AS R25 AS PER ORDER DATED 9/8/2021 IN WPC
26. MADRAS ANIMAL RESCUE SOCIETY 4/339, SANGARAPURAM, FIRST STREET , PALAVAKKAM, CHENNAI - 600041 REPRESENTED BY ITS TRUSTEE AND SECRETARY VIVEK K. VISWANATH S/O K.V. ACHUTHAN, AGED 29 YEARS, HAVING PERMANENT ADDRESS AT KURUNELLIPARAMBIL HOUSE, KAIPARAMBU P.O THRISSUR - 680546 AND NOW RESIDING AT GODAVARI HOSTEL, IIT MADRAS, CHENNAI 600036 IS IMPEADED AS ADDL R.26 AS PER ORDER DATED 10.09.2021 IN IA 13/21 IN WP(C) 13204/2021

This Suo Motu writ petition again coming on for orders upon perusing the petition and this Court's order dated 03/09/2021 and upon hearing the arguments of SRI.P.VIJAYAKUMAR, 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, Advocate 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.M.UMA DEVI & LATHA. K, Advocates for Addl.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, Advocates for Addl.R12, M/S. B.S.SWATHI KUMAR, ANITHA RAVINDRAN & HARISANKAR N UNNI, Advocate for Addl. R13, SRI.S. JAMAL, Advocate for Addl. R14, SRI.K.V.PRAKASH, Advocate for Addl.R15, ADVOCATE SRI. M.R.HARIRAJ FOR 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.K.JANARDHANA SHENOY, SC for Addl.R23 and of SRI.V.KRISHNA MENON ADVOCATE FOR ADDL.R.24 AND OF SMT.MEENA JOHN ADVOCATE FOR ADDL R.25 AND OF SRI.S.RAMESH BABU (SENIOR ADVOCATE) & ADVOCATE SRI.T.C.SURESH MENON, AMICI CURIAE, the court passed the following:



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

W.P(C). No. 13204 of 2021

&

W.P(C). No. 13603 of 2021

Dated this the 24th day of September, 2021

O R D E R

A.K.Jayasankaran Nambiar, J.

The learned Additional Advocate General Sri.Asok M. Cherian submits that the State Animal Welfare Board has already commenced functioning and the website of the said Board has become operational and ready for access by the citizenry. It is pointed out, however, that the Animal Welfare Board of India has yet to communicate its nominees to the Board and on receiving information from them, those nominees will also be inducted into the Board. Taking note of the above, we direct the Animal Welfare Board of India to immediately nominate two members to the State Animal Welfare Board. The nomination shall be effected within two weeks from today.

2. With regard to the infrastructural deficiencies noticed in the Brahmapuram facility of the Kochi Municipal Corporation, the learned counsel Sri.K.Janardhana Shenoy appearing on behalf of the Corporation submits that immediate repair works to the building, the operation theatre, kennels, electrical installations, air conditioning equipment, water tank, washing machine and the diesel generating set will be undertaken on urgent basis so as to complete the same positively by 08.10.2021. It is further undertaken that by the said date the approach

:2:

W.P(C). No. 13204 of 2021
&
W.P(C). No. 13603 of 2021

road to the said facility will also be made motorable. The said undertakings are in response to the infrastructural deficiencies pointed out by the Amici Curiae in their 3rd report dated 20.09.2021.

3. The Kochi Municipal Corporation also undertakes to immediately commence the licensing procedure for pet dogs within the limits of the Kochi Municipal Corporation.

4. We have taken on record the memo filed by the Additional Public Prosecutor producing the reports showing the status of investigation in Crime.No.1584/2021 before the Perumbavoor Police Station in connection with the allegation that six bullocks were being carried on a Tata 407 vehicle bearing registration No.KL 40 S 1419. Similarly, a memo has also been filed reporting the status of Crime No.786/2021 registered at the Aluva West Police Station in connection with the incident wherein a lady tried to burn a street dog and its five puppies. The said memo is also taken on record.

5. The learned Additional Advocate General Sri.Asok M. Cherian undertakes to make available a report before this Court within two weeks from today as regards the incident brought to our notice by the Amici Curiae in their Report No.4 dated 23.09.2021 regarding the incursion of a herd of wild elephants into areas in the vicinity of human

:3:

W.P(C). No. 13204 of 2021
&
W.P(C). No. 13603 of 2021

settlements in Palakkad. The report to be filed shall indicate the steps that are proposed to be taken by the State and its agencies for preventing such incidents in future.

6. The learned Standing counsel for the Thrikkakkara Municipality undertakes to file an affidavit in response to the additional affidavit dated 24.09.2021 filed by the additional 10th respondent. A report on the issues highlighted shall be prepared by the Nodal Officer of the Thrikkakkara Municipality, Sri.Abdul Sathar and shall be incorporated in the affidavit to be filed by the Municipality before this Court by the next date of posting. In the affidavit, the Municipality shall also indicate the steps taken by them to put in place the necessary infrastructure for carrying out the Animal Birth Control Programmes for animals within the limits of the Thrikkakkara Municipality.

Post on 01.10.2021.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
GOPINATH P.
JUDGE

mns