

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 11th day of August 2021 / 20th Sravana, 1943
WP(C) NO. 13603 OF 2021(S)

PETITIONER:

PEOPLE FOR ANIMALS (PFA), REPRESENTED BY ITS SECRETARY,
KARTHIKA, ANAYARA, THIRUVANANTHAPURAM-695 029.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF LOCAL SELF GOVERNMENT, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. ANIMAL WELFARE BOARD OF INDIA, (MINISTRY OF FISHERIES,
ANIMAL HUSBANDRY AND DIARY, GOVERNMENT OF INDIA),
REPRESENTED BY ITS CHAIRMAN, NATIONAL INSTITUTE OF
ANIMAL WELFARE CAMPUS P.O., 42 KM STONE, DELHI-AGRA HIGHWAY,
NH-2, SEEKRI VILLAGE, BALLAHBGARH, FARIDABAD, HARYANA-121 004.
3. PEOPLE FOR ETHICAL TREATMENT OF ANIMALS (PETA. INDIA),
REPRESENTED BY ITS CHAIRMAN, F-110, 1ST FLOOR, JAGDAMBA,
PLOT NO.13, COMMUNITY CENTRE, PREET VIHAR, NEW DELHI-110 092.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue directions to the Local Self-Governments in the State to resolve issues regarding the keeping of pets in residence associations and apartments in consonance with the Exhibit P5 guidelines issued by the 2nd respondent pending disposal of this WP(C) in the interest of justice.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 02/08/2021 and upon hearing the arguments of M/S K.S.HARIHARAPUTHRAN, S.R.PRASANATH, BHANU THILAK & SRUTHI K., Advocates for the petitioner, SRI.ASOK M.CHERIAN, ADDL. ADVOCATE GENERAL for R1, SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for R2 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.**

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&
W.P.(C).NO.13603 OF 2021**

Dated this the 11th day of August, 2021

ORDER

A.K. Jayasankaran Nambiar, J.

Pursuant to the earlier directions issued by us, the learned Additional Advocate General Sri.Asok M. Cherian now assures us that orders reconstituting the State Animal Welfare Board will be passed within two weeks. While the reconstitution as aforesaid will be provisional and subject to modification once clarity is obtained as regards the statutory requirement regarding constitution of the said Board, we would only insist that the State Government make suitable arrangements for ensuring that the Board functions with an active web portal, pending identification of formal office premises, so that the general public can have access to the Board and its members in the immediate aftermath of its reconstitution.

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2. An affidavit has been filed by the Thrikkakara Municipality giving details of the locations identified by it as feeding points for the community dogs within its territorial limits. The points identified are as follows:

- (a) In Ward No:5 and 6 at Vanachira near Kollamkudimugal, wherein the Municipality have 50 cents of land.
- (b) In Ward No: 8, near Vanitha Vyavasaya Park at Thengode.
- (c) In Ward No:12, near IMG Junction, Kakkanad
- (d) In Ward No:14, Motor Vehicle Driving Test Ground, behind Thrikkakara Police Station or behind Collectorate near North Gate.
- (e) In Ward No:19 and 20, at Thanapadam-Palachuvadu
- (f) In Ward No:26, near Morarji Ground, Vazhakkala
- (g) In Ward No:27, 28 and 35, near NGO Quarters, wherein 30 cents of land owned by the Municipality.

3. We direct the Thrikkakara Municipality to erect signposts at these locations marking them as feeding points for community dogs and also to provide details of these locations to the SHO of the respective police stations that have jurisdiction over the said locations. This is to

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ensure that members of the public who feed community dogs at the identified locations are not subjected to any harassment while doing so, and in the event of any such harassment, the police authorities concerned can respond to the complaint filed by such persons. The signposts erected at the feeding points can also indicate that the area is a no-plastic zone, in line with the efforts taken by the Municipality towards that end.

4. The Dhyan Foundation and the Daya Foundation shall depute their trained dog handlers to the areas within the territorial limits of Thrikkakara Municipality and catch the community dogs roaming therein for the purposes of transporting them to animal shelters where they can be subjected to Animal Birth Control procedures performed by qualified veterinary surgeons. The said community dogs shall, after being subjected to the birth control procedures, be duly vaccinated against rabies and other infectious diseases, rested and then taken back and freed at the very same location from where they were picked up. This exercise shall be undertaken by the foundations aforesaid in stages and carried on until all the community dogs within the territorial limits of the Thrikkakara Municipality are subjected to the aforesaid procedure and vaccination. The Municipality shall render all assistance to the said foundations in

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carrying out the aforesaid exercise, including deputing suitable personnel to identify the locations that are frequented by community dogs. The expenses incurred by the Foundations in this regard shall be reimbursed by the Municipality, after the statement of expenses submitted by the Foundations has been certified as reasonable by this court.

5. Taking note of the submissions of learned counsel for the Dhyan and Daya Foundations that the animal shelter owned by the Kochi Corporation at Brahmapuram is currently lying unutilized, we direct the Secretary of the Kochi Corporation to immediately take steps to open the animal shelter facility at Brahmapuram for use by the Dhyan and Daya Foundations for the purposes specified in this order. The Kochi Corporation shall also depute sufficient staff to the said facility during the period when the facility is used for implementing the directions in this order.

6. The Corporations of Thiruvananthapuram, Kollam, Trichur, Kochi, Kozhikode and Kannur shall immediately take steps to register/license pet dogs within their respective territorial limits by taking note of the directions issued by this court in the order dated 14.07.2021

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and the Circular No.RC3/241/2021/LSGD dated 08.08.2021 issued by the State Government in this regard. They shall also identify suitable locations within their territorial limits to be designated as feeding points for community dogs and erect signposts at the said locations. Due intimation of these locations shall also be provided to the SHO's of the jurisdictional Police Stations.

Post on 03.09.2021.



Sd/-

A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-

GOPINATH P.
JUDGE

prp/11/8/21