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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment reserved on: 10.08.2023

Judgment pronounced on: 18.08.2023

+ **W.P.(C) 12078/2018 and C.M. Nos. 46792/2018 & 40940/2023**

CONFERENCE FOR HUMAN RIGHTS (INDIA)
(REGD.)

Petitioner

Through: Ms. N. Sharma, Secretary
General of Conference of HRs

versus

UNION OF INDIA AND ORS.

Respondents

Through: Ms. Shiva Lakshmi, CGSC with
Ms.Divyanshi Anand, and Advocate for
respondent No.1 / UOI.

Mr. Divyam Nandrajog & Mr.Mayank Kamra,
Advocates for respondent No.2/ GNCTD.

Ms. Tanu Priya Gupta, Advocate for respondent
No.3/ MCD.

+ **W.P.(C) 2958/2021**

TRIVENI APARTMENTS WELFARE ASSOCIATION Petitioner

Through: None.

versus

SOUTH DELHI MUNICIPAL CORPORATION
& ANR.

Respondents

Through: Ms. Tanu Priya Gupta, Advocate for
respondent No.1/ MCD.

Ms Manisha T. Karia, Ms Nidhi Nagpal, Ms. Riya
Kharab, Mr. Rohan Trivedi & Mr. Aditya Kesar,
Advocates for respondent No.2/ AWB



**CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JASMEET SINGH**

J U D G M E N T

1. Both the writ petitions are heard together and being decided by this common judgment.
2. The substantive prayers made in the W.P.(C) 12078 of 2018 read as under:-

(a) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondents more particularly, Respondent Nos. 3 and 4 to perform their duties as envisaged under Sections 9, 11 of the 'Prevention of Cruelty to Animals Act, 1960 and Rules 3, 5, 6 and 7 of The Animal Birth Control (Dogs) Rules, 2001;

(b) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondents more particularly, Respondent Nos. 3 to carry out regular "Sterilization and immunization"/vaccination Programmes in terms of Rule 3 (3), Rule 5 (a) and Rule 6 (2) Animal Birth Control (Dogs) Rules, 2001 for the Stray dogs at regular intervals of time, (using humane methods as prescribed under clause 4 of Rule 7), to contain their population and to prevent them from being afflicted by Rabies;

(c) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondent No. 3 to disclose



all data / material for the assessment done of the progress made in regard to implementation of the Animal Birth Control (Dogs) Rules, 2001, in terms of Clause (4) of Rule 6, which is a mandatory clause;

(d) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondent No. 3 to come out with facts and figures for the Sterilization Immunization programmes organized/conducted for the last 3 years;

(e) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondent No. 4 to come up with information as to how much funds have been allocated by Respondent Nos. 1 and 2 to them in the last three years and how much has been utilized for Sterilization/ Immunization programmes,

3. The substantive prayers made in the W.P.(C) 2958 of 2021 read as under:-

(i) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby directing the Respondent No.1 to ensure that stray dogs which are attacking and biting the residents of the petitioner society, are completely sterilized and immunized and be removed from the vicinity of the petitioner society and be kept in animal kennels/shelters;

(ii) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby, directing the Respondent No. 1 to administer periodic vaccine/immunize to/ the stray dogs in and around the area of the Petitioner Society;



(iii) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby directing the Respondent No.1 to establish shelter homes for stray dogs with designated feeding points away from the common area/residential premises of the Petitioner society to ensure that stray dogs don't come to the society premises or to its peripheral area.

(iv) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby directing the Respondent no. 2 to amend the Animal Birth Control (Dogs) Rule, 2001 to meet the situation when even after sterilization/immunization, the menace of stray dogs continues and incident of dog bites and attacks are reported, if left to the place from where they were picked for sterilization/immunization;

4. The present writ petitions have been filed by the petitioners wherein it is stated that its members are socially conscious citizens and desirous of contributing to the society.
5. The petitioner's grievance is that the rules made under the Prevention of Cruelty to Animal Act, 1960 i.e. The Animal Birth Control (Dog) Rules, 2001 have not been complied with. As per the said rules, the respondents are duty bound to take up regular sterilization and immunization programmes of stray dogs, in order to curtail the growing population of stray dogs.
6. It is further stated that due to non performance of statutory duties, there is a rapid increase in stray dog population in the city of Delhi resulting in an increase of "dog bites cases".
7. It has been further stated that the Respondents are not performing their



duties and functions as prescribed under the law in so far as they are not conducting any sterilization programmes to contain the canine population of the city which is growing at a frightening rate, even though crores of rupees are being allocated to them for this purpose, by the Central Government.

8. In W.P.(C) 12079/2018, Ministry of Environment & Forest, Government of India is arrayed as Respondent No. 1, Govt. of NCT of Delhi is arrayed as Respondent No. 2, South Delhi Municipal Corporation is arrayed as Respondent No. 3 and Animal Welfare Board as Respondent No. 4. In W.P.(C) 2958/2021, South Delhi Municipal Corporation as Respondent No. 1 and Animal Welfare Board of India is Respondent No. 2.
9. Learned counsel for respondent no.3 has filed the status report in WP (C) 12078 of 2018 and our attention has been drawn to para 5 which read as under:-

“5.That the following number of stray dogs have been sterilized and released back to their respective areas picked up by the Municipal Corporation of Delhi through animal Welfare Organizations, NGOs or veterinary doctors during the last six (6) years.”

S. No.	Period	Number of Stray dogs sterilised by MCD
1	2017-2018	83656
2	2018-2019	88175
3	2019-2020	99997
4	2020-2021	51990
5	2021-2022	83461
6	2022-2023	59022
7	2023-2024 April 2023- June 2023	12244



10. The learned counsel for respondent No. 2 i.e. Animal Husbandry Unit, Development Department, Govt. of NCT of Delhi has also filed a status report in W.P.(C) 12078/2018 and our attention has been drawn to para 6 and 7 which reads as under:

“7. That the remit of the answering respondent is for immunization programmes of pets and livestock. It works towards preventing diseases like FMD, Brucella, HS, LSD, for which various immunization programmes are undertaken in livestock and rabies immunization programmes are undertaken in pets.

8. That Anti-Rabies Vaccines are provided free of cost round the year in all 77 Veterinary Hospitals / Dispensaries which are equipped with cold chain facilities for storage and transportation of vaccines. The Anti-Rabies vaccination is for pet dogs and community owned dogs. The details of the Anti-Rabies Vaccination done in last 6 years are provided herein below.

S. No.	Year	Vaccinations
1	2017-2018	42,226
2	2018-2019	19,630
3	2019-2020	36,928
4	2020-2021	46,084
5	2021-2022	85,979
6	2022-2023 (Till February 2023)	63,672

11. We are satisfied that respondent no. 2 and 3 are regularly conducting the sterilization and immunization of stray dogs and are performing their statutory duties.
12. The respondents are directed to ensure that they continue with their efforts and drive for sterilization and immunization of stray dogs, as the



same is an important public function and is required to be performed in all its earnestness.

13. With these directions, the petitions are disposed of.

SATISH CHANDRA SHARMA, CJ

JASMEET SINGH, J

AUGUST 18th, 2023 / (MSQ)

Click here to check corrigendum, if any