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HIGH COURT OF CHHATTISGARH, BILASPUR**WPPIL No. 58 of 2019**

Sanjay Rajak S/o Late Shri Sohan Lal Rajak Aged About 43 Years R/o R
5, Kranti Nagar, Police Station Tarbahar, Tehsil And District Bilaspur,
Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Principal Secretary, Department of Home, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
3. Principal Secretary, Department of Development And Urban Administration, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
4. Principal Secretary, Department of Animal Husbandry And Dairying, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
5. Regional Director, National Highway Campus, Pension Bada, Raipur, Chhattisgarh
6. Municipal Corporation Durg, Through Its Commissioner, District Durg Chhattisgarh
7. Municipal Corporation, Raipur, Through Its Commissioner, District Raipur Chhattisgarh
8. Municipal Corporation, Rajnandgaon Through Its Commissioner, District Rajnandgaon Chhattisgarh
9. Municipal Corporation Bhilai, Through Its Commissioner, District Bhilai Chhattisgarh
10. Municipal Corporation, Bilaspur, Through Its Commissioner, District Bilaspur Chhattisgarh
11. Municipal Corporation, Korba, Through Its Commissioner, District Korba Chhattisgarh
12. Municipal Corporation, Ambikapur, Through Its Commissioner, District Ambikapur Chhattisgarh
13. Municipal Corporation, Raigarh, Through Its Commissioner, District Raigarh Chhattisgarh
14. Municipal Corporation, Jagdalpur, Through Its Commissioner, District Jagdalpur Chhattisgarh
15. Municipal Corporation, Dhamtari, Through Its Commissioner, District Dhamtari Chhattisgarh

16. Municipal Corporation, Birgaon, Through Its Commissioner, Birgaon, District Raipur Chhattisgarh
17. Municipal Corporation, Chirmiri, Through Its Commissioner, Chirmiri, District Koriya Chhattisgarh,
18. The Project Director P.I.U.- Bilaspur, National Highways Authority Of India, D-61, H.I.G.-I (Akash) Abhilasha Parisar, Behind Hitech Bus Stand, Tifra, Bilaspur, Chhattigarh, 495001.

---- Respondents

And

WPIL No. 63 of 2019

Rajesh Chhikara S/o Late Shri Prem Singh Aged About 40 Years Presently R/o Agyey Nagar, Police Station Civil Line District - Bilaspur (C.G.) Permanent R/o House No. 515, 7a, Awatantra Nagar, Nerela West Delhi.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Chhattisgarh State Animal Welfare Board, Raipur Chhattisgarh Great Eastern Rd, Guru Tej Bahadur Gardan, Kumhari, Raipur Chhattisgarh 490042
2. The Chhattisgarh Gau Sewa Aayog, Through Secretary, 11 - Mol Three Vihar, Housing Board Colony, VIP Road, Raipur, Chhattisgarh.
3. Municipal Corporation - Bilaspur Through Secretary, New Municipal Corporation Building, Nehru Chowk, Bilaspur Chhattisgarh.
4. National Highways Authority of India (NHAI) District - Raipur Chhattisgarh G 5 And 6, Sector - 10, Dwarka New Delhi - 110075
5. Municipal Corporation, Durg Through Its Commissioner, District Durg, Chhattisgarh.
6. Municipal Corporation, Raipur Through Its Commissioner, District Raipur, Chhattisgarh.
7. Municipal Corporation, Rajnandgaon Through Its Commissioner, District Rajnandgaon, Chhattisgarh.
8. Municipal Corporation, Bhilai Through Its Commissioner, District Bhilai, Chhattisgarh.
9. Municipal Corporation, Korba Through Its Commissioner, District Korba, Chhattisgarh.
10. Municipal Corporation, Ambikapur Through Its Commissioner, District Ambikapur - Surguja, Chhattisgarh.
11. Municipal Corporation, Raigarh Through Its Commissioner, District Raigarh, Chhattisgarh.
12. Municipal Corporation, Jagdalpur Through Its Commissioner, District Jagdalpur, Chhattisgarh.

13. Municipal Corporation, Dhamtari Through Its Commissioner, District Dhamtari, Chhattisgarh.
14. Municipal Corporation, Birgaon Through Its Commissioner, Birgaon, District Raipur, Chhattisgarh.
15. Municipal Corporation, Chirmiri Through Its Commissioner, Chirmiri, District, Koriya, Chhattisgarh.
16. Project Director Project Implementation Unit (Bilaspur) Of National Highway Authority Of India, Office At -D-61, H I G- I (Akash) Abhilasha Parisar, Behind Hi- Tech Bus Stand Tifra Bilaspur Chhattisgarh. 495001

---- Respondents

(Cause title taken from Case Information System)

For Petitioners	: Mr. Amit Soni and Mr. Shayon Kar, Advocates
For Respondents/State	: Mr. Chandresh Shrivastava, Additional A.G.
For Respondent/UOI	: Mr. Ramakant Mishra, Dy. Solicitor General
For Respondent/NHAI	: Mr. Dhiraj Wankhede & Mr. Sahil Singh, Adv.
For Respondents/ Municipal Corporation	: Mr. A.S. Kachhawaha, Mr. B.D. Guru, Mr. Anuroop Panda, Mr. Sourabh Sharma & Mr. Shailesh Tiwari, Ms. Sandhya Tiwari on behalf of Dr. Sudeep Agrawal, Advocates
For Intervenor/SLSA	: Mr. Rohit Sharma, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Smt. Rajani Dubey, Judge

Order on Board

Per Ramesh Sinha, C.J.

13.07.2023

1. Heard Mr. Amit Soni and Mr. Shayon Kar, learned counsel for the respective petitioners. Also heard Mr. Chandresh Shrivastava, learned Additional Advocate General, appearing for the respondents/State, Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for the respondent/UOI, Mr. Dhiraj Wankhede and Mr. Sahil Singh, learned counsel, appearing for respondent/NHAI, Mr. A. S. Kachhawaha, Mr. Pankaj Agrawal,

Mr. Sourabh Sharma & Mr. Shailesh Tiwari, Mr. B.D. Guru & Mr. Anuroop Panda and Ms. Sandhya Tiwari on behalf of Dr. Sudeep Agrawal, learned counsel for the respective respondents/Municipal Corporations and Mr. Rohit Sharma, learned counsel, appearing for the Intervenor/SLSA.

2. By way of these two public interest litigation petitions, the petitioners have brought to the notice of this Court about a very serious menace because of wandering of stray cattle all along the roads in the State of Chhattisgarh. The instances of threat to life as well and some fatal accidents occurred recently have been given in the writ petitions. It also poses danger to the lives and limbs of innocent cattle folk wandering or resting on the roads; which includes milking cows and little calves.

3. This Court on 08.05.2023 had passed the following orders :

“Considering the fact that the stray animals are roaming on the National Highway in various parts of the State and no proper steps is being taken by the stakeholders/the respondents to check the unfortunate incident in which there is a loss of the life of human being who are traveling on the National Highway and also accidents are taking place because of the stray animals specially the cows upon sitting or grazing on the dividers which have been constructed between the four lanes and it has also been reported that there has

been death of stray animals including the cows in large number and the present PILs are before this Court for monitoring the said issue and further the petitioners have also suggested some method to check the movements of stray cattle including the cows on the National Highway which have been adopted by the some States of the country.

In view of the above, the stakeholders of the State including the Municipal Corporations of various Districts who are being represented by the counsel are directed to chalkout a road map for avoiding the aforesaid unfortunate incidents which are taking place on the National Highway throughout the State in which there is a loss of life of human being as well as animals including the cows.

Let the matters be listed again on 10.07.2023.

Steps taken by various stakeholders/ respondents on the issue.”

4. Learned State counsel submits that looking to the problems being faced due to such stray cattle various schemes have been launched and being implemented so as to provide incentives to their owners for keeping such stray cattle within the bounds. Following schemes / steps are being made by the different authorities for controlling such menace :

“A. For identification of such cattle under the scheme of Central Government namely Information Network for Animal Productivity and Health (INAPH) the work of tagging is being conducted.

B. Under the Roka Chheka Scheme of the State for preventing the crop from being grazed for to control such cattle directs have been issued for keeping those cattle in Gothan.

C. The Government's Suraji Gaav Yojna implements Narwa Garuwa Ghuruwa Bari Scheme wherein also under the Garuwa part Gochar land is being reserved at the Gram Panchayat level for construction of Gothan and Charagah under the Chairmanship of Collector.

D. The State Government had also initiated Godhan Nyay Yojna for handling the menace of stray cattle which is also being implemented by various States.

E. For protection of such cow cattle the Chhattisgarh State Gau Seva Ayog is also functioning and developing Gaushala at different places.

F. In the rural areas the Department of Panchayat & Rural Development and in urban areas the Department of Urban Administration and Development are managing the stray cattle. For keeping stray cattle, Kanji House have been constructed, which are being managed by the above Departments.”

5. Respondent No.18 / NHA has filed its reply dated 13.07.2023.

Relevant portions of the said reply read as follows :

“7. That the present PIL has been filed raising the grievance over the growing menace of stray cattle in the roads of Chhattisgarh and admittedly the National

Highways are also affected by such menace. With regards to it, the NHAI is taking successful measures which are as follows:

7.1 The NHAI has often took initiative such as putting reflective tapes on the neck of cattles, to enable road users to detect such obstruction at night from sufficient distance as well as hiring local persons in different villages in the vicinity of Highway, through contractor, responsible for undertaking Operation and Maintenance of such stretch of National Highway. The retro-reflective tapes around cattle have turned effective for reducing the menace.

7.2 The NHAI has provided toll free numbers and route patrolling vehicles to keep villagers from along the road at bay and stop them crossing the dividers with bicycles or stray animals.

7.3 In order to deal with the menace, barriers have also been erected to prevent stray cattles and other animals from coming onto NHS in stretches where these problems are faced frequently. It is relevant to mention that it is not possible to erect complete barriers along sideways of NHS since the National Highways are lifeline of the country which interconnects villages, districts and cities.

7.4 The NHAI has also installed guard railings along the Highway to prevent crossing of people at locations but has also turn effective for reducing the menace of stray cattles in NHS.

7.5 National Highway roads given to NHAI for widening and expansion from two lane to 4/6 lanes generally passes through various built-up / semi-urban belt. Since, there has been historical up-gradation of those roads

initially small roads then state highways and then declared as NH roads. So, while designing the road expansion programme many side roads and connectivities are taken care and join it to NH with proper junction. So it is not possible to make it barrier at both the edges of ROW. It is also designed for mix traffic. Due to mix traffics, it is difficult to erect boundaries and barriers along side of Highways.

7.6 That, in case of high-speed corridors such as express ways etc access control roads are designed and provided with barriers / boundary walls at both the edges of ROW.

7.7 Other possible solutions are also been looked into in order to minimize such incident across the entire NH networks in the country so as to make NH travel safer and free flowing for all passengers.

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12. That, State Government in the year 2018-19 introduce a scheme/project with name of "Narva Garwa Ghurwa Bari Yojana". Narva in Chhattisgarhi means natural drainage, Garwa means livestock, Ghurwa means the storage of wastewater and foliage, Bari means small gardening. This scheme is to improve the economy of the village and to protect the animals by making the farmers of the state self-reliant. In this way, cowsheds are made for the animals roaming on the road and fodder is arranged for them. It is pertinent to mention here that the Ghurwa is related to Cows and State Government has issue number of notifications and have also allotted fund for establishment of Gauthan which is also called as a "Pound" and 3 to 4.5 acres of land were usually allotted for the same and are boundary walls for cattles who are stray. However, the scheme has yet to achieve the object

in true spirit for what it was made. Because in rainy season, animals/cattles need a clean and dry surface to rest and in Gauthan there is no place which is dry with cover and that may be one of the reason for animals/cattles to leave the Gauthan and stray in public roads because of its clean and dry surface. Therefore, this may be one of the reason for cattles to trespass the public roads and that is violation of Cattle Act, 1871.”

6. Considering the above stated submissions made by learned counsel for parties and reply filed by the respondents, we see that there are provisions of law and the Acts, but it is not being followed and implemented in its letter and spirit, therefore, it is necessary to constitute a Committee for proper implementation of the aforesaid provisions of law and the Acts.
7. Under these circumstances, we constitute a Committee with the following members :
 - 1 The Chief Secretary, Government of Chhattisgarh, Mantralaya, Nawa Raipur, District Raipur (C.G.) : Chairman
 - 2 The Special Secretary, Government of Chhattisgarh, Department of Urban Administration & Development Mantralaya, Nawa Raipur, District Raipur (C.G.) : Member
 - 3 The Secretary, Government of Chhattisgarh, Department of Panchayat & Rural Development Mantralaya, Nawa Raipur, District Raipur (C.G.) : Member
 - 4 The Secretary, Government of Chhattisgarh, Department of Veterinary, Mantralaya, Nawa Raipur, District Raipur (C.G.) : Member

- 5 The Additional Director General of Police (Traffic), Police Headquarters, Nawa Raipur, District Raipur (C.G.) : Member
- 6 Regional Officer, Ministry of Road Transport & Highway (MORTH) NH Campus, Pension Baba, Raipur (C.G.) 492001 : Member
- 7 Regional Officer, National Highways Authority of India (NHAI), Regional Officer, Raipur, House No. F-1, Anupam Nagar near T.V. Tower, Raipur (C.G.) 492006 : Member
- 8 Chief Engineer, PWD, NH Division, NH Campus, Pension Baba, Raipur (C.G.) 492001 : Member

8. The aforesaid Committee shall look into the aforesaid aspect and implement the aforesaid provisions of law and the Acts from Panchayat level to State level and shall monitor that all stakeholders are implementing the aforesaid provisions of law and the Acts, failing which, the stringent action would be taken against them. They are to be answerable to the Court for not proper implementation and there will be monthly monitoring in the said matter.

- The Committee shall ensure removal of unattended stray animals such as stray cattles and bulls, from all the National Highways and State Highways within the jurisdiction of State of Chhattisgarh, as well as from the roads within the jurisdiction of Municipal Councils, Gram Panchayats and other concerned departments. It can ensure that the Municipal Corporations,

Municipal Councils, Gram Panchayats and other concerned departments may devise sufficient mechanisms to catch stray cattle and animals found on roads and streets. Once they are caught, they shall be impounded and may be released to owners after taking appropriate proceedings against them along with payment of fine as per the provisions of prevailing laws, if any.

- The committee may ensure that the Municipal Councils, Gram Panchayats and other concerned departments within the State shall relocate stray cattle from the roads to Gaushalas, Gauthans or institutions made for providing shelter to stray cattle. It may also ensure that such areas shall be clean and dry, wherein the cattles may rest. For removal of stray cattle from roads and for the relocation to the Gaushalas etc., the Municipal Corporation and concerned departments shall press into service, sufficient number of persons and vehicles for impounding and relocating animals. The vehicles which are used for carrying impounded cattle and animals shall be fitted with ramps in order to avoid the chances of injury to them.
- All efforts shall be made by the Corporation and the State Government to remove cattle from public roads and Highways because stray cattle on the roads and

highways are not only hindering the smooth and safe movement of traffic but are also very dangerous and sometimes fatal and are likely to create hygienic problems also.

- The committee may suggest hiring of local persons in different villages in the vicinity of National Highway, through contractor, responsible for undertaking Operation and Maintenance of such stretch of National Highway.
- The committee may ensure that the concerned departments or committees shall devise sufficient mechanism for putting reflective tapes on the neck of cattles, to enable road users to detect such obstruction from sufficient distance.
- The committee may direct the concerned departments to ensure that the cattles located in the towns and cities shall have a tag number tied around their necks and the tag number should be indicative of the name and address of the person to whom the animal belongs so that there will be no difficulty in tracing their owners. This direction shall be carried out by the person(s) owning the cattle. The enforcement of this condition shall be made by the civic authorities.
- The committee may ensure that the concerned

department may evolve mechanism for providing facilities to the citizens to lodge complaints over these kind of civic issues by circulating to the public at large telephone numbers of team who can remove stray animals. The committee shall find out a permanent solution of cattle menace, may be by enacting appropriate law.

9. The said Committee shall submit its report on or before 04.09.2023.
10. List these matters again on **04.09.2023** on which date, the Chief Secretary of the State shall file his personal affidavit on the above issues.
11. Counsel for the respective parties shall inform regarding formation of the Committee to the above Committee members.
12. The Registrar General is directed to send a copy of this order to the Chief Secretary of the State for necessary information and compliance forthwith.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice