

Item No. D-13

Pawan Kumar vs. State of H.P. & others

CWPIL No. 61 of 2023 a/w CWPIL No.
73 of 2022 and CWP No. 2895 of 2023

CWPIL No. 61 of 2023

31.12.2024 Present: Mr. S. C. Sharma, Sr. Advocate as Amicus Curiae with Mr. Abhishek Dulta, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Addl. A.G., for respondents No. 1 to 7.

Mr. Rajinder Thakur, CGC, for respondent No.8.

CWPIL No. 73 of 2022

Mr. Adarsh K. Vashista, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Addl. A.G., for respondents No. 1 to 4.

Mr. Mukul Sood, Advocate, for respondent No.5.

CWP No. 2895 of 2023

Mr. Dinkar Bhaskar, Advocate for Mr. Naresh K. Verma, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. P.P. Singh, Addl. A.G., for the respondent-State.

Dr. Seema Guleria, Deputy Director Animal Health/Breeding, Kangra at Dharmshala, Dr. Ajay Kumar Singh, Deputy Director Animal Health/Breeding, Hamirpur, Dr. Vijender Singh Nanda, Assistant Director (Project) O/o Deputy Director (AH/B) Nahan, H.P., Ms. Ishani Ranger Officer, Jwalamukhi and Mr. Rajesh Kumar Range Officer, Dadasiba are also present.

CWPIL No. 61 of 2023

A perusal of paper book shows that initially there was a report from the Secretary DLSA on 03.01.2024, wherein ambiguities have been pointed out regarding the manner in which, the Radhe Krishna Cow Sanctuary, Luthan, District Kangra, H.P. was being run. Resultantly, status report dated 21.5.2024 was filed by the Secretary, Department of Animal Husbandry, H.P. through Rakesh Kanwar, wherein necessary instructions have been issued in view of the decisions having been taken for the better management of the Sanctuary, including the issue of making available green fodder in the Sanctuary and regular supply of fodder/additional water troughs/seeking of permission and burial of dead cattle.

Apart from the fact that Veterinary Officers and Veterinary Pharmacist also visit on daily basis by giving out a roster as such to tag number of cattle and disposal of the carcasses of cattle, the details of the amount, which the Government has sanctioned to the tune of Rs. 99,89,000/- under various heads is also mentioned. There is also a mention that the cow sanctuary can be managed by a couple of NGOs.

The Secretary DLSA made another visit on 26.11.2024 showing some progress, which has been made, including the fact that there is a bore well to

supply water and enclosure was being constructed inside the cow sanctuary, where calves and cows are being kept separately from the rest of the cattle by isolating the bulls. The factum of the carcasses being properly buried and absence of vultures and hawks which were not seen in the vicinity, was noticed.

The counsel for the petitioner has objected to the status report on account of the fact that the State being put to notice of the impending visit had ensured that the situation at the site has been improved. The affidavit of Director of respondent No.4 also give's details of such suggestions, which have been put forth by the counsel for the petitioner in a tabulated form.

There is also mention that the Cow Sanctuary at Luthan has been opened in the area approximately 214 bighas of land and till date more than 4.5 crores have been sanctioned for the purpose of construction in the area and Rs. 68,63,300/- have been spent for the purpose of construction of building. The suggestion as such for installation of CCTV cameras has also been brushed aside, which we feel that the State has unnecessarily shying away from. The installation of CCTV cameras will only help the State itself to monitor and run the Cow Sanctuary in a better manner regarding the allegations, whether the fodder is being supplied

regularly and the higher officials can monitor the said running. Accordingly, we direct the State to consider/examine this suggestion as such positively. The said affidavit also mentions that a committee has been formed on 17.12.2024.

The details have also been given regarding three specialized Veterinary Officers, who have been posted there i.e. Dr. Namrata, Post Graduation in Pathology, Dr. Takshi, Post Graduate in Veterinary Nutrition and Dr. Jayata Sharma, Post Graduate in Veterinary Medicines similarly placed along with Dr. Jai Prakash Sharma.

The State has not given any details as to the suggestions of running the institution by the NGOs, which had earlier been proposed. Accordingly, the State shall also look into this aspect, since apparently it has received the fund of Rs. 22.33 crores from the Department of Excise and Taxation in the year 2023-2024 and a fund of rupees five crores from respondent No.4.

The affidavit dated 24.12.2024 also mentions that during the last ten years, 22 gausadans/cow sanctuaries have been established or are under construction by the State. We are also informed regarding the allegation of the construction raised

through the Forest Department and that an inquiry was also conducted for which approval has been sought way back in February, 2024 under Section 17A of Prevention of Corruption Act, (Amended) Act, 2018, against various officials of the said department.

Let necessary affidavit be filed by the concerned Secretary of the said department as to why there is a delay as such for grant of necessary permission.

Another aspect which seems to be bothersome is regarding engagement of flayers for digging out the carcasses of the dead cows or for the burial pits and to dispose of the skeleton's at their own level subsequently, which is in violation as per the guidelines dated 17.4.2021. In Clause-8 of the said guidelines, it is mentioned that the disposal of the dead cows has to be done by deep burial method, so that, this may not cause any problem to the human habitants. The carcass disposal site must be away from the water bodies so that it may not spread any infection.

In such circumstances, the State shall ensure compliance of Clause-8 of the guidelines dated 17.4.2021 and disengage the services of the flayers and engage a JCB Machine on regular basis periodically every week to ensure the carcasses are disposed of in the manner, as

provided in Clause-8 by identifying separate tract's of lands in a phased manner, so that the decomposition takes place and the said area can be re-utilized after some period.

CWPIL No. 73 of 2022

The present petition is regarding stray cattle on the roads of Dharmshala. Vide order dated 28.8.2024, it was noticed that there was need to augment the monthly budget and to increase the capacity of Gau Sadan, Sarah under Dharmshala Municipal Corporation to keep stray cattle from present capacity of 58 to 500 and the matter is pending consideration with the Revenue Department.

The written statement filed by respondent No.3 on behalf of respondents No. 3 and 7 goes to show that there are 124 abandoned cattle in the area of Municipal Corporation, Dharmshala area. Similar status report has been filed by the Commissioner, Municipal Corporation, Dharmshala, wherein there is a mention that 121 stray cattle in 17 wards and 15 to 20 stray cattle are caught from every wards and shifted to Gau Sadan Sarah. As per status report dated 3.12.2024 now filed today, there are 76 cattle in the said Gau Sadan.

Keeping in view the menace of stray cattle on the roads of the M.C. we are of the considered opinion

that let the State make Dharmshala Town to be a role model free from stray cattle. Accordingly, we direct that the Municipal Corporation, Dharmshala shall lift 30 cattle per month in a phased manner and transport them to Radhe Krishna Cow Sanctuary, Luthan, District Kangra, H.P., which is stated to be only 40 k.m. away, since it is a matter of record that the said Cow Sanctuary has substantial area i.e. 214 bighas.

The compliance report be submitted on the next date of hearing both by the Secretary, Department of Animal Husbandry, H.P. and the Municipal Corporation, Dharmshala.

List on 2.4.2025. The officers present today need not be present on the next date of hearing.

(G.S. Sandhawalia)
Chief Justice

(Satyen Vaidya)
Judge

31st December, 2024
(kck)