

REVISED

ITEM NO.21

COURT NO.9

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5988/2019

ANIMAL WELFARE BOARD OF INDIA

Appellant(s)

VERSUS

PEOPLE FOR ELIMINATION OF STRAY TROUBLES. & ORS.

Respondent(s)

(IA No. 74085/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 89077/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 77765/2018 - CLARIFICATION/DIRECTION
IA No. 22823/2022 - CLARIFICATION/DIRECTION
IA No. 10871/2018 - EXEMPTION FROM FILING O.T.
IA No. 10860/2018 - EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 5990/2019 (III)

C.A. No. 5991/2019 (III)

C.A. No. 5992/2019 (III)

(FOR [PERMISSION TO FILE ANNEXURES] ON IA 2/2015
FOR ON IA 3/2016
IA No. 2/2015 - PERMISSION TO FILE ANNEXURES)

C.A. No. 6042/2019 (III)

(FOR CONDONATION OF DELAY IN FILING ON IA 1/2010
IA No. 1/2010 - CONDONATION OF DELAY IN FILING)

C.A. No. 6551/2019 (IV-A)

(FOR VACATING STAY ON IA 108994/2019
IA No. 108994/2019 - VACATING STAY)

C.A. No. 6552/2019 (IV-A)

(and IA No.100795/2017-VACATING STAY and Statement of Objections
filed on behalf of Respondent no. 3.
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C.A. No. 6553/2019 (IV-A)

(FOR VACATING STAY ON IA 108987/2019
FOR CLARIFICATION/DIRECTION ON IA 697/2021
FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 700/2021
IA No. 697/2021 - CLARIFICATION/DIRECTION)

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C.A. No. 5947/2019 (XI-A)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 187131/2019
IA No. 187131/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA-145492, 145849, 152977 OF 2022-FOR IMPLEADMENT)

C.A. No. 5950/2019 (XI-A)
(IA-146034/2022 - FOR IMPLEADMENT)

C.A. No. 5949/2019 (XI-A)

C.A. No. 5956/2019 (XI-A)

C.A. No. 5951/2019 (XI-A)

C.A. No. 5952/2019 (XI-A)

C.A. No. 5953/2019 (XI-A)

C.A. No. 5955/2019 (XI-A)
(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 187109/2019
IA No. 187109/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

C.A. No. 5948/2019 (XI-A)

C.A. No. 5954/2019 (XI-A)

W.P.(C) No. 319/2020 (PIL-W)
(IA No. 24146/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 1439/2019 (PIL-W)
(FOR EXEMPTION FROM FILING O.T. ON IA 188586/2019
FOR EXEMPTION FROM FILING O.T. ON IA 119635/2020
IA No. 119635/2020 - EXEMPTION FROM FILING O.T.
IA No. 188586/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 2677/2022 (IX)
IA No. 108497/2022 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 5989/2019 (III)
(FOR ON IA 52426/2017)

W.P.(C) No. 808/2015 (PIL-W)
(FOR DISPENSING WITH SERVICE OF NOTICE ON IA 2/2015
FOR ON IA 3/2016
IA No. 2/2015 - DISPENSING WITH SERVICE OF NOTICE)

Date : 12-10-2022 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE J.K. MAHESHWARI

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Ms. Vaidehi Rastogi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Applications for permission to appear and argue in-
person are allowed.

Applications for intervention/impleadment are allowed with the observation that the parties would be allowed to address arguments.

In our opinion, the order of this Court dated 18.11.2015 viz. the penultimate paragraph requires a clarification. We do not think it is the intent of the said paragraph is that all writ petitions and proceedings before the High Courts would be stayed and no effective and required orders will be passed by the High Courts in cases pertaining to the stray dogs. The proceedings before the High Court have not been transferred to this court. We perceive and believe that there are and would be individual cases that raise grievance relating to the applicability and enforcement of Prevention of Cruelty to Animals Act, 1960 and The Animal Birth Control (Dogs) Rules, 2001 as well as the State Laws which may require urgent hearing and decisions would depend upon relevant prevailing facts in an area or location. Parties should not be compelled to approach this Court at Delhi, when the issues raised can be considered by the High Courts. Accordingly, in order to avoid any ambiguity and doubt, we clarify that the order dated 18.11.2015 does not bar or prohibit the authorities/ individuals including associations and organizations from approaching the jurisdictional High Courts for appropriate relief. The High Courts, will examine and deciding these

cases in accordance with law, and will keep in mind the orders passed by this Court and the precedents. If there is any violation of law, the parties are at liberty and should approach the jurisdictional High Court.

The High Court of Judicature at Bombay can hear and decide WP No. 9513/2021 in accordance with law. Similarly, the contempt petitions stated to pending before the High Court would be considered and decided in accordance with law. It is clarified that we have not expressed any opinion on merits including the contentions and pleas raised by the parties.

In view of the aforesaid, learned senior advocate appearing on behalf of the petitioner(s) in SLP(C) No. 2677/2022 states that nothing survives in the matter and accordingly, the petition is disposed of. Pending application thereto shall also stand disposed of.

Pendency of the present petitions/appeals would not come in the way of the High Court of Kerala deciding, In Re: Bruno matter [WP(C) No. 13204/2021]. It goes without saying that the orders/judgments passed by this Court as well as the law of precedents would be given due consideration.

Any party aggrieved by the orders passed by the High Court would be at liberty to file a special leave petition before this Court.

The Animal Welfare Board of India will file an affidavit enclosing therewith data/statistics with regard to

dog bites during the last seven years in different States and prominent cities of the States. The affidavit would also state the steps taken by them on different aspects/issues raised by the parties, and whether the local authorities have complied with and implemented the orders dated 18.11.2015 and 09.03.2016.

The Board shall indicate whether they would like this Court to directions to the States or local authorities with regard to enforcement of Prevention of Cruelty to Animals Act, 1960 and the applicable rules.

Liberty is also granted to the parties to give their suggestions.

Parties may file objections to Justice Siri Jagan Committee Report. Copy of the objections will be furnished to the contesting party, who may file their response.

Parties are also given liberty to file compilation of the relevant pleadings and documents.

List all these cases on a non-miscellaneous day in the month of February, 2023.

(SONIA BHASIN)
COURT MASTER (SH)

(DIPTI KHURANA)
ASSISTANT REGISTRAR

ITEM NO.21

COURT NO.9

SECTION III

S U P R E M E C O U R T O F I N D I A
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IA No. 47777/2017 - INTERVENTION/IMPLEADMENT

IA No. 1/2015 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

C.A. No. 5947/2019 (XI-A)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 187131/2019

IA No. 187131/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

C.A. No. 5950/2019 (XI-A)

C.A. No. 5949/2019 (XI-A)

C.A. No. 5956/2019 (XI-A)

C.A. No. 5951/2019 (XI-A)

C.A. No. 5952/2019 (XI-A)

C.A. No. 5953/2019 (XI-A)

C.A. No. 5955/2019 (XI-A)

(FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 187109/2019
IA No. 187109/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

C.A. No. 5948/2019 (XI-A)

C.A. No. 5954/2019 (XI-A)

W.P.(C) No. 319/2020 (PIL-W)

(IA No. 24146/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

W.P.(C) No. 1439/2019 (PIL-W)

(FOR EXEMPTION FROM FILING O.T. ON IA 188586/2019
FOR EXEMPTION FROM FILING O.T. ON IA 119635/2020
IA No. 119635/2020 - EXEMPTION FROM FILING O.T.
IA No. 188586/2019 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 2677/2022 (IX)

IA No. 108497/2022 - APPROPRIATE ORDERS/DIRECTIONS)

C.A. No. 5989/2019 (III)

(FOR ON IA 52426/2017)

W.P.(C) No. 808/2015 (PIL-W)

(FOR DISPENSING WITH SERVICE OF NOTICE ON IA 2/2015
FOR ON IA 3/2016

IA No. 2/2015 - DISPENSING WITH SERVICE OF NOTICE)

Date : 12-10-2022 These matters were called on for hearing today.

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UPON hearing the counsel the Court made the following
O R D E R

Applications for permission to appear and argue in-
person are allowed.

Applications for intervention/impleadment are allowed
with the observation that the parties would be allowed to

address arguments.

In our opinion, the order of this Court dated 18.11.2015 viz. the penultimate paragraph requires a clarification. We do not think it is the intent of the said paragraph is that all writ petitions and proceedings before the High Courts would be stayed and no effective and required orders will be passed by the High Courts in cases pertaining to the stray dogs. The proceedings before the High Court have not been transferred to this court. We perceive and believe that there are and would be individual cases that raise grievance relating to the applicability and enforcement of Prevention of Cruelty to Animals Act, 1960 and The Animal Birth Control (Dogs) Rules, 2001 as well as the State Laws which may require urgent hearing and decisions would depend upon relevant prevailing facts in an area or location. Parties should not be compelled to approach this Court at Delhi, when the issues raised can be considered by the High Courts. Accordingly, in order to avoid any ambiguity and doubt, we clarify that the order dated 18.11.2015 does not bar or prohibit the authorities/ individuals including associations and organizations from approaching the jurisdictional High Courts for appropriate relief. The High Courts, will examine and deciding these cases in accordance with law, and will keep in mind the orders passed by this Court and the precedents. If there is

any violation of law, the parties are at liberty and should approach the jurisdictional High Court.

The High Court of Judicature at Bombay can hear and decide WP No. 9513/2021 in accordance with law. Similarly, the contempt petitions stated to pending before the High Court would be considered and decided in accordance with law. It is clarified that we have not expressed any opinion on merits including the contentions and pleas raised by the parties.

In view of the aforesaid, learned senior advocate appearing on behalf of the petitioner(s) in SLP(C) No. 2677/2022 states that nothing survives in the matter and accordingly, the petition is disposed of. Pending application thereto shall also stand disposed of.

Pendency of the present petitions/appeals would not come in the way of the High Court of Kerala deciding, In Re: Bruno matter [WP(C) No. 13204/2021]. It goes without saying that the orders/judgments passed by this Court as well as the law of precedents would be given due consideration.

Any party aggrieved by the orders passed by the High Court would be at liberty to file a special leave petition before this Court.

The Animal Welfare Board of India will file an affidavit enclosing therewith data/statistics with regard to dog bites during the last seven years in different States and prominent cities of the States. The affidavit would also

state the steps taken by them on different aspects/issues raised by the parties, and whether the local authorities have complied with and implemented the orders dated 18.11.2015 and 09.03.2016.

The Board shall indicate whether they would like this Court to directions to the States or local authorities with regard to enforcement of Prevention of Cruelty to Animals Act, 1960 and the applicable rules.

Liberty is also granted to the parties to give their suggestions.

Parties may file objections to Justice Siri Jagan Committee Report. Copy of the objections will be furnished to the contesting party, who may file their response.

Parties are also given liberty to file compilation of the relevant pleadings and documents.

List all these cases on a non-miscellaneous day in the month of February, 2023.

(SONIA BHASIN)
COURT MASTER (SH)

(DIPTI KHURANA)
ASSISTANT REGISTRAR