

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE GOPINATH P.

Friday, the 16th day of September 2022 / 25th Bhadra, 1944
WP(C) NO. 13204 OF 2021(S)

IN RE: BRUNO (SUO MOTU) PUBLIC INTEREST LITIGATION
PROCEEDINGS INITIATED BY THE HIGH COURT IN THE MATTER OF
EXECUTIVE AND LEGISLATIVE INACTION OF THE STATE GOVERNMENT
IN THE MATTER OF PROTECTION OF ANIMAL RIGHTS.

[RE-NAMED AS ABOVE AS PER ORDER DATED 02/07/2021 IN WP(C)]

RESPONDENTS:

- 1.UNION OF INDIA, REPRESENTED BY THE SECRETARY,
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
(DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING),
GOVERNMENT OF INDIA, KRISHI BHAVAN, NEW DELHI, PIN-110 001.
- 2.THE ANIMAL WELFARE BOARD OF INDIA, REPRESENTED BY ITS CHAIRMAN,
NATIONAL INSTITUTE OF ANIMAL WELFARE CAMPUS P.O., 42K STONE,
DELHI-AGRA HIGHWAY, NH-2, VILLAGE-SEEKRI, HARYANA, PIN-121 004.
- 3.STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
THIRUVANANTHAPURAM, PIN-695 036.
- 4.STATE OF KERALA, REPRESENTED BY THE SECRETARY,
ANIMAL HUSBANDRY DEPARTMENT, THIRUVANANTHAPURAM, PIN-695 036.
- 5.STATE OF KERALA, REPRESENTED BY THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT, THIRUVANANTHAPURAM, PIN-695 036.
- 6.THE KERALA STATE ANIMAL WELFARE BOARD, THIRUVANANTHAPURAM-695 036.
- 7.THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY,
POOKODE, LAKKIDI P.O., WAYANAD, PIN-673 576.
- 8.STATE POLICE CHIEF, KERALA, THIRUVANANTHAPURAM, PIN-695 010.

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ADDL. R9 IMPEADED

9.SRUTHY N.BHAT, ADVOCATE, HIGH COURT OF KERALA, AGED 27 YEARS,
D/O.O.H. NANDAKUMAR BHAT, SANSKRITHI GARDEN, PERANDOOR ROAD,
KALOOR NORTH, KOCHI-682 026.

IS IMPEADED AS ADDL. R9 AS PER ORDER DATE 14/07/2021 IN IA.1/2021 IN WPC.

ADDL. R10 IMPEADED

10.DAYA ANIMAL WELFARE ORGANISATION (DAYA),
HAVING REGISTERED NUMBER E.R.737/01 WITH ITS REGISTERED
OFFICE AT XXII/459/A, PRAKASH ROAD, VELLOORKUNNAM,
MUVATTUPUZHA, ERNAKULAM-686 673, KERALA,
REPRESENTED BY ITS CO-ORDINATOR AMBILI B.

IS IMPEADED AS ADDL. R10 AS PER ORDER DATED 14/07/2021 IN
IA.2/2021 IN WPC.

ADDL. R11 IMPEADED

11.ANGELS NAIR, GEN. SECRETARY, ANIMAL LEGAL FORCE INTEGRATION,
AGED 54 YEARS, KAPPILLIL HOUSE, PULLUVAZHY P.O., PERUMBAVOOR,
ERNAKULAM DIST. PIN-683 541.

IS IMPEADED AS ADDL. R11 AS PER ORDER DATED 14/07/2021 IN
IA.5/2021 IN WPC.

ADDL. R12 IMPEADED

12.M.N. JAYACHANDRAN, AGED 63 YEARS, S/O.K. NARAYANAN NAIR,
RESIDING AT MUNDAMATTOM HOUSE, THODUPUZHA P.O., IDUKKI-685 584.

IS IMPEADED AS ADDL. R12 PER ORDER DATED 19/07/2021 IN IA.3/2021 IN WPC.

ADDL. R13 IMPEADED

13.P. SARAGANDHARAN, THUMBIL, EZHUPUNNA SOUTH P.O., CHERTHALA.

IS IMPEADED AS ADDL. R13 AS PER ORDER DATED 19/07/2021 IN IA.7/2021 IN WPC.

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ADDL. R14 IMPEADED

14. THE THRIKKAKARA MUNICIPALITY, REPRESENTED BY ITS SECRETARY.

IS SUO MOTU IMPEADED AS ADDL. R14 AS PER ORDER DATED 23/07/2021 IN WPC.

ADDL. R15 IMPEADED

15. THE STATE KUDUMBASREE MISSION,

REPRESENTED BY THE EXECUTIVE DIRECTOR.

IS SUO MOTU IMPEADED AS ADDL. R15 AS PER ORDER DATED 02/08/2021 IN WPC.

ADDL. R16 IMPEADED

16. DHYAN FOUNDATION, A REGISTERED CHARITABLE TRUST,

REPRESENTED BY ITS TRUSTEE, DR. PRASAN PRABHAKAR, AGED 48 YEARS,

S/O. DR. M. C. PRABHAKAR, RESIDING AT LAXMI PRASAD,

PANAYAPILLY, KOCHI-682 005.

IS IMPEADED AS ADDL. R16 AS PER ORDER DATED 06/08/2021 IN IA.8/2021.

ADDL. R17 IMPEADED

17. ANIMAL RESCUE REHABILITATION & OVERALL WELLNESS (ARROW),

214/IX KADAMANNIL, KUMBAZHA NORTH, MYLAPRA P.O.,

PATHANAMTHITTA-689 671, REPRESENTED BY ITS MANAGING TRUSTEE.

IS IMPEADED AS ADDL. R17 AS PER ORDER DATED 09/08/2021 IN IA.11/2021.

ADDL. R18 IMPEADED

18. PEOPLE FOR ANIMALS (PFA), REPRESENTED BY ITS SECRETARY,

KARTHIKA, ANAYARA, THIRUVANANTHAPURAM-695 029.

IS IMPEADED AS ADDL. R18 AS PER ORDER DATED 09/08/2021 IN IA.10/2021.

ADDL. R19 IMPEADED

19. PEOPLE FOR ANIMAL WELFARE SERVICE (PAWS) -

THRISSUR CHARITABLE TRUST, RAJ VIHAR, POOTHOLE P.O,

THRISSUR-680 004, REPRESENTED BY ITS SECRETARY.

IS IMPEADED AS ADDL. R19 AS PER ORDER DATED 09/08/2021 IN IA.12/2021.

ADDL. R20 TO R25 IMPEADED

VERDICTUM.IN

20.MUNICIPAL CORPORATION, THIRUVANANTHAPURAM,

REPRESENTED BY ITS SECRETARY.

21.MUNICIPAL CORPORATION, KOLLAM, REPRESENTED BY ITS SECRETARY.

22.MUNICIPAL CORPORATION, THRISSUR, REPRESENTED BY ITS SECRETARY.

23.MUNICIPAL CORPORATION, KOCHI, REPRESENTED BY ITS SECRETARY.

24.MUNICIPAL CORPORATION, KOZHIKODE, REPRESENTED BY ITS SECRETARY.

25.MUNICIPAL CORPORATION, KANNUR, REPRESENTED BY ITS SECRETARY.

ARE SUO MOTU IMPEADED AS ADDL. R20 TO R25 AS PER ORDER DATED

09/08/2021 IN WPC.13204/2021.

ADDL. R26 IMPEADED

26.MADRAS ANIMAL RESCUE SOCIETY 4/339, SANGARAPURAM,

FIRST STREET, PALAVAKKAM, CHENNAI - 600041,

REPRESENTED BY ITS SECRETARY AND TRUSTEE,

VIVEK K. VISWANATH S/O K.V. ACHUTHAN, AGED 29 YEARS,

HAVING PERMANENT ADDRESS AT KARUNELLIPARAMBIL HOUSE,

KAIPARAMBU P.O., THRISSUR - 680546 AND NOW RESIDING AT

GODAVARI HOSTEL, IIT MADRAS, CHENNAI -600036.

IS IMPEADED AS ADDL R26 AS PER ORDER DATED 10.09.2021 IN IA 13/21 IN

WP(C) 13204/2021.

ADDL. R27 IMPEADED

27.SMT.RANJINI HARIDAS, AGED 39 YEARS, D/O.HARIDAS, 'HARISREE',

PONNETH SOUTH TEMPLE ROAD, CHILAVANNOR-682 020, TRUSTEE,

HUMANITY FOR ANIMALS, REG. NO.E 323/2015, ERNAKULAM.

ADDL. R27 IS IMPEADED AS PER ORDER DATED 08/10/2021 IN IA.18/2021 IN WPC.

ADDL. R28 IMPEADED

28.GAURI MAULEKHI, AGED 44 YEARS, W/O.DUSHYANT MAULEKHI,

RESIDING AT 40/153, CR PARK, NEW DELHI-110 019.

ADDL. R28 IS IMPEADED AS PER ORDER DATED 08/10/2021 IN IA.22/2021 IN WPC.

ADDL. R29 IMPEADED

29.SANGITA IYER, AGED 59 YEARS, D/O.MR.K. ANANTHARAMAN,
PERMANENTLY RESIDING IN TORONTO ,CANADA, PRESIDENT,
VOICE FOR ASIAN ELEPHANTS SOCIETY, TORONTO, CANADA,
REPRESENTED BY HER POWER OF ATTORNEY SATISH MURTHI, 2ND FLOOR,
BETA PLAZA, DR.KRISHNASWAMY ROAD, COCHIN-682 035.

IS IMPEADED AS ADDL. R29 AS PER ORDER DATED 29/10/2021 IN IA.24/2021 IN WPC.

ADDL. R30 IMPEADED

30.DR.ZAHIRA. B., AGED 51 YEARS, W/O.DR.MANZOOR AHAMMED,
CHUNGASSERI MANZIL, PADA NORTH, KARUNAGAPPALLY P.O.,
KOLLAM-690 518.

IS IMPEADED AS ADDL. R30 AS PER ORDER DATED 12/11/2021 IN
IA.28/2021 IN WPC.

ADDL. R31 IMPEADED

31.SANTHOSH. T.S., AGED 46 YEARS, S/O.T.V. SASIDHARAN,
RESIDING AT THIRUNILATHU HOUSE, NETTOOR P.O.,
MARADU, ERNAKULAM-682 040.

IS IMPEADED AS ADDL. R31 AS PER ORDER DATED 30/11/2021 IN IA.26/2021 IN WPC.

ADDL. R32 IMPEADED

32.UNION OF INDIA, REPRESENTED BY THE MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE (FOREST AND WILD LIFE DIVISION,
PROJECT ELEPHANT), NEW DELHI-110 003.

IS SUO MOTU IMPEADED AS ADDL. R32 AS PER ORDER DATED 10/12/2021 IN WPC.

P.T.O.

ADDL. R33 IMPEADED

**33.PRADEEP P.D., AGED 33 YEARS, S/O.DIVAKARAN, PUTHUVAL NIKARTH,
PALLIPURAM P.O., CHERTHALA, 688 541, ALAPPUZHA.**

IS IMPEADED AS ADDL. R33 PER ORDER DATED 28/02/2022 IN IA.1/2022 IN WPC.

ADDL. R34 IMPEADED

**34.AKSHAY V.PRABHU, S/O.VEDANGA G.PRABHU, AKSHAYA HOSPITAL,
KADAVANTHRA, KOCHI, KERALA-682 020.**

IS IMPEADED AS ADDL. R34 PER ORDER DATED 24/06/2022 IN IA.4/2022 IN WPC.

P.T.O.



This Suo Motu writ petition again coming on for orders upon perusing the petition and this Court's order dated 14/09/2022 and upon hearing the arguments of ASSISTANT SOLICITOR GENERAL OF INDIA & SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for R1, SMT.M.U.VIJAYALAKSHMI, STANDING COUNSEL for R2, SRI.ASOK M.CHERIAN, ADDITIONAL ADVOCATE GENERAL for R3 to R6, SMT.AYSHA YOUSEFF & SRI.MANU GOVIND, Advocates for R7, SRI.SHAJI.T.A., DIRECTOR GENERAL OF PROSECUTION & P.NARAYANAN, ADDL.PUBLIC PROSECUTOR for R8, Advocate SMT.SRUTHY N.BHAT (PARTY IN PERSON) as Addl.R9, M/S.ADITHYA RAJEEV & NIHARIKA HEMA RAJ, Advocates for R10, SRI.ANGELS NAIR PARTY IN PERSON AS Addl.R11, M/S.GANGA A.SANKAR, REJIVUE, THANUJA ROSHAN, CHACKOCHEN VITHAYATHIL, VISHNU RAJAGOPAL, VISWAJITH.C.K. & GISHA G.RAJ, M.R.HARIRAJ Advocates for Addl.R12, M/S. B.S.SWATHI KUMAR, ANITHA RAVINDRAN & HARISANKAR N UNNI, Advocates for Addl. R13, SRI.S. JAMAL, Advocate for Addl. R14, M/S. K.V.PRAKASH, D.G. VIPIN, KAROL MATHEWS SEBASTIAN ALANCHERRY, Advocates for Addl.R15, M/S.ASWIN GOPAKUMAR, KANDAMPULLY VIKRAM & NIKITHA SUSAN PAULSON for Addl. R16, M/S.KRISHNA PRASAD. S, SINDHU S.KAMATH & ROHINI NAIR, Advocates for Addl.R17, M/S.PRASANTH S.R. & BHANU THILAK, Advocates for Addl.R18, SRI.BRIJESH MOHAN, Advocate for Addl.R19, SRI. NANDAKUMARA MENON SENIOR ADVOCATE ALONG WITH SRI.P.K.MANOJ KUMAR ADVOCATE FOR Addl.R20, SRI.M.K.CHANDRAMOHAN DAS, ADVOCATE FOR Addl.R21, SRI.SANTHOSH.P.PODUVAL ADVOCATE FOR Addl.R22, SRI.K.JANARDHANA SHENOY, SC for Addl.R23 and of SRI.V.KRISHNA MENON ADVOCATE FOR ADDL.R.24, SMT.MEENA JOHN ADVOCATE FOR ADDL R.25, M/S. S.R.K. PRATHAP, JISSMON A.KURIAKOSE, Advocates for R26, SMT.RANJINI HARIDAS (PARTY IN-PERSON) for Addl. R27, M/S. P.R. VENKATESH & KEERTHIVAS. G., Advocates for Addl. R28, M/S.UMA DEVI. M., Advocate for Addl.R29, M/S. RAJESH VIJAYAN & SIKHA S.NAIR, Advocates for Addl. R30, M/S. C.A. MAJEED, K.H. ASIF, MOLTY MAJEED, P.B. UNNIKRISHNAN NAIR & MATHEW VARGHESE, Advocates for Addl. R31, SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for Addl. R32, M/S.ADITYA THEJUS KRISHNAN & FERHA AZEEZ, Advocates for Addl.R33, M/S.BHANU THILAK & S.R.PRASANTH, Advocates for Addl. R34 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.

W.P.(C).NO.13204 OF 2021

Dated this the 16th day of September, 2022

ORDER

A.K. Jayasankaran Nambiar, J.

Unfortunate indeed are the circumstances leading up to the human-animal conflict situation that we are called upon to resolve in these proceedings. Our State that is spread over 38,800 Square Kilometers of land is home to about 34 million human inhabitants, and wedged as it is between the Arabian Sea and the Western Ghats, it also boasts of substantial marine and forest wealth and the fact that it is home to many species of animals - domestic, wild and liminal. Co-existence with other species has always been an integral part of human existence in this State. In recent times, however, there have been a number of incidents of human-animal conflict reported from various corners of the State and it is one such issue that confronts us today.

The issue before us:

2. We have been shown reports of attacks on members of our citizenry by communal dogs that roam our streets in search of food

and water. While the circumstances under which the attacks took place are not entirely clear, the reality is that many persons have suffered fatalities and injuries and the time has now come to direct the State administration to take immediate measures to prevent such incidents in future. This is all the more so because we have also been shown reports that reveal that, on account of delayed State action, people have begun taking law into their own hands and unleashing violence, bordering on massacre, on community dogs that they perceive to be dangerous.

The legal regime:

3. While dealing with human-animal conflict situations, and balancing the competing interests of humans and animals in that process, we feel that prudence calls for an examination of the statutory provisions, as contained in the Constitution and the laws, from the perspective of duties rather than of rights. Article 48A¹ in Part IV of our Constitution, that deals with the Directive Principles of State Policy (DPoSP), speaks about protection and improvement of environment and safeguarding of forests and wildlife. Article 51A (g) &

¹ Constitution of India; Art.48-A: Protection and improvement of environment and safeguarding of forests and wild life. - The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

(h)² that fall under Part IV-A of the Constitution dealing with the Fundamental Duties, obliges every citizen to protect and improve natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures, as also to develop scientific temper, humanism and the spirit of inquiry and reform.

4. In *NR Nair*,³ the Supreme Court breathed life into these constitutional provisions by interpreting restrictions imposed in furtherance of the said provisions as “reasonable” *vis-à-vis* the freedoms guaranteed to citizens under Article 19. The Court found that reasonable restrictions could be imposed on the fundamental freedoms recognised in citizens under Article 19 for the purpose of protecting the ‘rights’ recognised in animals. More than a decade later, in *Nagaraj*,⁴ the Court interpreted the provisions of the Prevention of Cruelty to Animals Act, 1960 (the ‘PCA Act’) in the backdrop of the fundamental duties prescribed under the Constitution and held that animals should now be seen as having certain rights, corresponding to the duties that are prescribed for human beings. Accordingly, it was held that Sections 3 and 11 of the PCA Act

² Constitution of India; Art.51-A. Fundamental duties. - It shall be the duty of every citizen of India – (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures; (h) to develop the scientific temper, humanism and the spirit of inquiry and reform.

³ *NR Nair v. UOI* – AIR 2001 SC 2337

⁴ *Animal Welfare Board of India v . A. Nagaraja & Ors* – (2014) 7 SCC 547

recognized five freedoms as inherent in all animals viz. (i) freedom from hunger, thirst and malnutrition (ii) freedom from fear and distress (iii) freedom from physical and thermal discomfort (iv) freedom from pain, injury and disease and (v) freedom to express normal patterns of behaviour. It was held that the above five freedoms, that were recognised as internationally accepted by the World Health Organization of Animal Health (OIE), were for animals, akin to the rights guaranteed to the citizens of our country under Part III of our Constitution.

5. What is significant in the above judgments is that the Court found that there were rights inherent in animals that needed protection from human interference and while holding so, it relied on the constitutionally entrenched duties of humans to read in co-related rights in animals. The said judgments recognised that animal welfare and protection could be realized not merely through controlling human action, but by augmenting such control with affirmative state action designed to protect the interests of animals *inter alia* by invoking the doctrine of *parens patriae*. The latter doctrine obliges the State to look at the effect of human action on the interests of animals to see whether human action conforms to the constitutional mandate, and if not, to take remedial action to safeguard those interests of animals.

6. It is not mere co-incidence that Article 51A of our Constitution uses the expression 'compassion' and 'humanism' while enumerating the duties expected of the citizenry towards the environment and living creatures. In the true spirit of humanism, and through invoking our feelings of empathy and compassion, what the constitution exhorts us to do is to develop a sympathetic understanding as a cognitive mode to decipher nature's own language, to see organic life as it is, not as translated into manipulable objects for human use. A duty based legal regime that obliges human beings to invoke their feelings of sympathy, empathy and compassion while trying to understand those legitimate interests of animals that require safeguarding, also succeeds in enhancing the inherent spirit of humanism in the citizenry.

7. While there has been some ambiguity as to whether the fundamental duties under our Constitution can be enforced through a court of law, it is now fairly well settled that fundamental duties are as important as fundamental rights and that our courts will not look askance when it comes to their enforcement. When called upon to decide matters relating to the environment or ecology, our courts do

keep in mind the provisions of Part IV and IV-A of the Constitution⁵ and issue directions based thereon, recognizing that the judicial wing is also an integral part of the 'State' that is charged with the protection and improvement of the environment and to safeguard the forests and wildlife of the country. That apart, it has been held that although Article 51A does not expressly cast any fundamental duty on the State, the duty of every citizen of India is collectively speaking the duty of the State, which can be enforced.⁶ Indeed this is the perspective that ultimately informs the doctrine of *parens patriae* that our courts have consistently used to impose obligations on the State to protect the interests of animals.⁷ The doctrine traces its origins to the duty required of a sovereign to act in public interest while protecting persons under disability who have no rightful protector.

8. Animals being beneficiaries of the obligations imposed on the citizenry, and collectively in the State, our courts can require the State to take measures to safeguard the interests of animals. Axiomatically, state action initiated for the welfare of animals and towards safeguarding their interests, even when it conflicts with the rights of individual citizens, can be justified as a reasonable, and therefore

⁵ Sachidananda Pandey v. State of West Bengal – AIR 1987 SC 1109

⁶ AIIMS Students Union v. AIIMS – (2002) 1 SCC 428

⁷ Charan Lal Sahu v. Union of India – AIR 1990 SC 1480; Animal Welfare Board of India v. A. Nagaraja & Ors – (2014) 7 SCC 547

legally permissible, restriction on the rights, fundamental or otherwise, of those citizens. That being said, there can also be instances where the actions of animals pose a threat to the rights, fundamental or otherwise, of our citizens. In such instances, the State has to step in to protect the rights of the citizens, not on the premise that the interests of animals are in any manner subordinate or inferior to the interests of humans, but on the finding that in the particular situation at hand, the rights/interests of the human outweighs those of the animal. Such would be the case where, as in the present proceedings, citizens are put in harms way on account of the aggression displayed by community dogs. Even in cases where such aggression is on account of an inherent disease like Rabies having afflicted the dogs, there are ample provisions under the law⁸ that enable the State and its authorities to seize the animals in question and remove them to a place of isolation or segregation. The State and its authorities have a constitutional obligation to balance the competing interests of citizens and animals in every situation of human-animal conflict and take appropriate measures to safeguard those rights.

⁸ S.28 of the Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009; S.13 of the Prevention of Cruelty to Animals Act, 1960

Discussion and Findings:

9. From the report submitted by the State Government pursuant to our last order dated 14.09.2022, we find that the State Government has issued a Government Order on 15.09.2022 to deal with various aspects relating to the human-animal conflict situation discussed above. A translated version of the said order would read as follows:

Government of Kerala

Abstract

Local Self Government Department - Guidelines based on the High Level Meeting convened on 12/09/2022 and 13/09/2022 regarding the resolution of menace caused by stray dogs in the State -Orders Issued.

Local Self Government (R.C) Department

G.O (Rt) No. 2244/2022/LSGD

Dated, Thiruvananthapuram, 15/09/2022

Ref:- 1. G.O(Rt) No. 2065/2022/LSGD Dated 23/08/2022
2. Minutes of the High Level Meeting convened on 12/09/2022 & 13/09/2022 presided over by the Hon'ble Minister for Local Self Government.

ORDER

Orders have been issued as per reference cited (1) approving the guidelines for enforcing Animal Birth Control Programme based on the decision made by the State level Co-ordination Committee for Decentralized Planning on 26/07/2022 as part of resolving the menace caused by stray dogs in the State. The implementation of actions as per the same has to be expedited. DPCs shall intervene in establishing at least one ABC Centre in all Blocks.

High Level Meetings were convened on 12/09/2022 and 13/09/2022 presided over by the Hon'ble Minister for Local Self Government in the backdrop of the increasing number of stray dog attack cases in the State. The said meetings involved detailed discussions regarding the control of stray dog bites and prevention of bite victims getting infected by rabies and also evaluated the progress of previous ministerial level meetings. Orders are hereby issued to resolve the current state of affairs by carrying out immediate action based on the decisions in reference cited (2) to solve the issues caused by stray dogs in the state by forming an immediate action plan at local government level in addition to the existing directions. This action plan has got four stages.

1. Mass vaccination drive
2. Setting up rehabilitation centres for stray dogs and abandoned dogs.
3. Cleaning drive
4. IEC Campaign

Orders are issued approving the following guidelines to implement local level action plan. Committees shall be formed at State, District & Local governance levels for implementing this action plan, ensuring the co-ordination of action and for evaluation of continuing statistical data. The structure and responsibilities of the same are described below.

1. Mass Vaccination Drive

- Stray dog bites in the State have become a major reason for the cause of rabies in humans. In this matter it has become inevitable to commence anti-rabies vaccination in stray dogs. These projects can be implemented in the stray dogs in association with Local Self Government Institutions, and also in assistance with Animal Welfare Associations and Residents Associations. Amount shall not be collected for anti-rabies vaccination administered so to stray dogs. The vaccination shall be administered by the Live Stock Inspector in the Department of Animal Husbandry. Dogs shall be caught by hand catching with the help of animal feeders in respective areas. The service of dog catchers can be made use of in the case of dogs which could not be caught through hand catching. The cost for the same shall be borne by the respective Local Self Government Institutions.
- Accordingly, it has been decided to commence Mass drive programme for containing stray dogs in the state. Special Vaccination Drive as part of this shall be conducted in all Local Self Government Institutions from 20th September to 20th October 2022.
- S.O.P for vaccination drive shall be prepared and made available by the Department of Animal Husbandry.
- Hotspots shall be identified as per the data provided by the Health Department and Department of Animal Husbandry and vaccination drive shall be accelerated in said areas. Decision regarding determining of Hotspots shall be made at district level with the assistance of Department of Animal Husbandry and Health Department.
- Committees at Local Governance level shall find the localities where violent dogs are more in number and give priority to organizing complete (Saturation) Vaccination Drive.
- When conducting Vaccination Drive, premises of schools and places frequented by children shall be given priority.
- Vehicular facilities must be ensured at District, Block, Local Governance Institution levels for organizing vaccination drive at Local Governance Institutions which are Hotspots.
- Medical officers of Public Health Centers and Veterinary Hospitals shall promptly give the information regarding stray dog attacks (Daily Reports) to the Committee at Local Governance Institution level and locate new hotspots and centers where the nuisance of dogs are recently being developed.
- Committee at Local Governance Institution level may find and depute volunteers willing to work as animal caretakers and Dog Catchers in order to bring dogs to vaccination centers from among the following fields.
 - Members of Voluntary Organizations
 - Kudumbashree Workers
 - Workers of Animal Welfare Organizations
 - Janamaitri Police
 - Animal Welfare Organizations
- Such animal caretakers (volunteers) shall be given preventive vaccine with the Health Department so as to prevent affliction of disease.
- All Urban and Local Governance Institutions may rent vehicles for Vaccination Drive. S.O.P regarding arrangement of vehicles for vaccination shall be prepared by the Animal Husbandry Department. These vehicles shall be used centered around the hotspots located at the Grama panchayat/Urban and Local Governance Institution level for giving vaccination. . The time

schedule relating to it shall be determined by the Assistant Director of Animal Husbandry Department in consultation with the Grama panchayats and Urban Local Self Government Institutions. (The notice regarding the time schedule shall be given to the Local Self Government Institutions in advance.)

- Applications regarding the registration of pet dogs in the locality of Grama panchayats may be submitted through I.L.G.M.S. portal and the Panchayat shall make the Registration Certificate available within three days from the completion of vaccination. Information Kerala Mission shall ensure easy registration in I.L.G.M.S. portal. Metal Token/Collar to identify registered dogs shall be fastened under the responsibility of the owner.
- Rs. 200/- shall be paid for the transportation of a dog and Rs. 300/- to dog catchers for catching a dog, as sanctioned in ABC program, described in 8th paragraph of the order in Reference (1).
- Rupees 500/- shall be paid to animal lovers who bring stray dogs to the centres for vaccination and sterilization as consideration (Loose companion offer) from ABC Centers.
- Training for animal caretakers (volunteers) shall be organized urgently with the co-operation of Animal Husbandry department, Veterinary University, and live stock management training Centers.

2. Shelters for stray dogs and abandoned dogs.

- As it is essential to remove aggressive dogs from streets, they shall be placed in shelters.
- As first step, shelters have to be set up in all local self government institutions which are currently hotspots. For this, the funds of three-tier Panchayats can be co-ordinated and utilized. shelters can be set up in co-ordination with the local self government institutions of the neighboring municipality/corporation, if necessary. The unused or the portion of the building which is not in use completely can be used by local self government institutions for running shelters. A preliminary inspection to identify such buildings shall be carried out by the Local Governance level committee. The District Administrations shall provide necessary assistance to the local self government institutions in this regard. In case of building owned by other departments, the said buildings can be used as shelters on a temporary basis, until the local self government institutions set up a permanent system. And for this purpose, such buildings shall be taken over by the District Disaster Management Authorities under section 65 of Disaster Management Act, 2005.
- Sanction is accorded to Block Panchayats and Municipality/Corporations for setting up Shelters (even in area wherein Hotspots are not detected) as per the above. Funds of three-tier Panchayaths and Municipality/ Corporations can be co-ordinated for the same as mentioned above.
- Local Governance level committees shall form shelter Management group for providing food and basic care at the Shelter Centers. The District Level committee shall ensure the assistance of various agencies and voluntary organizations to co-ordinate the activities of such groups. Care shall be taken to recruit animal lovers, local animal welfare activists as members of this group for collecting food and other resources for the same.
- The possibility of using existing private rehabilitation centers and kennels for this purpose shall be explored. Local Governance level committee can participate the owners of such institutions as resource support and mobilization team.

3. Sanitation drive

- All Local Self Governance Institutions shall take measures on a war footing to remove Bio-hybrid waste from public roads and public places.
- It shall be ensured that Waste disposal systems like Thumboor Muzhi are working efficient.
- All Local Self Government institutions shall organize meetings with the owners of hotels, Wedding Halls, Restaurants, Eateries, Butchers, Merchant and Trade organizations and give strict directions so as to prevent dumping of Food and meat wastes in a manner easily accessible to stray dogs.
- All Local Self Government Institutions shall take strict actions to prevent dumping of meat wastes from unauthorized slaughter houses and other meat shops in public places and to levy fine from offenders.

- Urgent inspection shall be carried out in institutions with D& O license to ensure that Waste treatment rules are effective.
- Local Self Government Institutions shall ensure that waste is treated properly in all markets and trade places.
- Intense drive of 30 days shall be organized in the month of October to make Compost pits and Mini Material Collection Facilities (Mini MCF) using workers of Employment Guarantee scheme to treat waste. Public Bio-waste treatment system shall be ensured in places, especially Markets. Sanitation Drive has to be carried out prioritizing also the solid-bio waste management of public places (especially of markets and bazaars). For the said purpose volunteers and students can be engaged. Prioritizing the aforementioned (Cleaning activities since 2nd October shall prioritize such activities) Suchitwa Mission shall issue guidelines.

4. IEC Campaign

- In association with P.T.As of school, awareness and training regarding the activities that triggers aggressive behavior of stray dogs, steps to be taken in the circumstances that create fear of dog attacks, importance of first aid and immediate steps to be taken in the event of sustaining dog bites shall be given to school students, parents and school authorities. District Information Officer shall take steps for said campaign.
- Constituency wise meetings shall be convened in the initiative of M.L.A s in association of political parties, N.G.Os, associations of merchants and businessmen, officers and Local Self-Government Bodies and awareness shall be created among the public.
- At the specified intervals, pet dogs shall be vaccinated and the Department of Animal Husbandry shall provide registration and the Local Self-Government Bodies shall provide license to the said animals. Every District Information Officer shall take steps for creating constant awareness regarding the same.
- Department of Information and Public Relations shall take steps for creating constant awareness about the methods to be taken on sustaining dog bites.
- District Collectors shall facilitate creation of a Toll Free Number at District Level for providing services regarding the stray dog problems and for coordinating such immediate services.
- Every Local Self-Government Bodies shall take steps for engaging a surveillance by volunteers for restraining free roaming of aggressive dogs in the school premises, pocket roads and places waste dumping on school working days.

Organization Setup.

- An effective three tier Organization Setup shall be formed for coordinating the aforementioned vaccination drive.

State Level Committee

A State Level Committee consisting following members is formed for supervising Intensive Stray Dog Control Drive.

1. Minister, Department of Local Self-Government.
2. Minister, Department of Animal Husbandry.
3. Minister, Department of Health & Family Welfare, Women & Child Development
4. Additional Chief Secretary, Department of Local Self-Government.
5. Secretary, Department of Health.
6. Principal Secretary, Department of Animal Husbandry.
7. Principal Director, Department of Local Self-Government (Convener).
8. Director, Panchayat.
9. Director, Urban Affairs.
10. Director, Department of Animal Husbandry.
11. Director, Department of Health.
12. Executive Director, Kudumbashree Mission.
13. Director, P & D.

Duties

- Issue timely guidelines, necessary for implementing the Intense Drive.
- Co ordination of activities at all level.
- Bi-weekly Review.
Principal Director, Department of Local Self-Government shall call for daily reports and shall prepare Management Information System (MIS) for the consideration of District/ State Level Committees.

District Level Committee

A District Level shall be formed consisting the President, District Panchayat as Chairman and District Collector as Co- Chairman. District Level Joint Director, Department of Local Self-Government, District Level Joint Director, Department of Animal Husbandry, District Medical Officer (Health) & District Medical Officer shall be the members. District Planning Officer being the Head of DPC Secretariat shall be special invitee for implementation of scheme and collection of funds. Other experts, members of Society for the Prevention of Animals, Health, Police and Kudumbashree shall be included as special invitees. District Information Officer shall provide necessary I.E.C. support for the Committee.

Duties

- Overall co ordination of intensive vaccination drive.
- Finalizing the determination of Hotspots at Local Self-Government Bodies Level.
- Convene meetings of persons concerned, institutions and organizations and to provide assistance.
- Coordinate constituency level meetings.
- On the war footing, provide necessary assistance to Local Bodies for setting up shelters.
- Conduct awareness campaigns at District Level in the assistance of Department of Public Relations.
- Coordinate training programmes at District/Block Levels.

Local Body Level People's Committee

- Committees at Local Body Level and Dog Control Cell shall be reconstituted as per the guidelines of Animal Birth Control.
- With the inclusion of following categories these setups shall be expanded for coordinating and evaluating the functioning of Committees at Local Body Level.
 - i) Representatives of organizations for the protection of animals.
 - ii) Bearers of residents associations.
 - iii) Associations of Hotel & Restaurants, Associations of merchants and businessmen.
 - iv) Representatives of NSS/NCC.
 - v. State Coordinator, Door to door service.
 - vi) Financial - Cooperative institutions.
 - vii) Kudumbashree C.D.S.
 - viii) Janamaithri, Police System.

Duties

- Determination of Hotspots at Local Self-Government Bodies Level.
- Find out volunteers and ensure their service.
- Collect fund for meeting expenses of food and other needs of stray dogs.
- Provide training for dog catchers and dog caretakers and provide immunization vaccine.
- Maintenance of Shelter for stray dogs.
- Conduct a meeting of Meat vendors associations.
- Conduct a meeting of the owners of Hotels, Community Hall and Auditoriums.
- Ensure the Cooperation/ service of the owners of private dog raising centres.
- Coordination of waste disposal for public places. Organize Cleaning drives.
- Coordination of the measures for Vaccination, shelter and conducting awareness programs for the public (IEC)

- Identify unauthorized Slaughter houses and impose fine. Take steps for the proper treatment of leftover meat as per the law.
- Take steps to avail cooked food with the help of voluntary organizations.
- Report of the daily activities conducted by the Local Governance must be made available in the Dash board provided by the Principal Director, Local Self Government Department.

Organization/ Renewal of Project

Veterinary Officers shall be the executing Officers of the Project. Special programs for the below mentioned activities within the annual projects could be organized.

- Vaccination drive.
- Organization of ABC Centres.
- Hiring vehicles.
- For IEC activities.
- Implementation and maintenance of shelters.
- Appointment/ Training of Dog Catchers and animal caretakers.
- Other Contingent expenses in connection with the action plan.

Projects for bearing the expenses incurred for the implementation of the aforesaid activities could be prepared using the 'Special Projects' facility of Sulekha Software. Public Sector, General share, 15th Finance Commission Basic Grant and Own fund could be allocated. If the 15th Finance Commission Basic Grant is allocated, then information regarding the project should also be included in eGramSwaraj Portal. Projects do not require DPC clearance. Execution may effected with the approval of Vetting Officer. The projects taken up thus must be made part of the annual program and DPC Processing, during the project amendment.

- Infrastructure facilities for implementation of the project must be facilitated by the LID &EW.
- Sulekha Software shall be opened from September 20-30 only for the Special project.

Monitoring

Campaign activities must be assessed daily at the Local Governance level, weekly at the District level and once in two weeks at the State level.

Dash Board Facility

Information Kerala Mission (IKM) is designated for preparing a Dash board facility for providing necessary information required for Local Governance to facilitate commendable coordination and assessment of the Campaign activities.

(by Order of the Governor)
Sarada Muraleedharan IAS
Additional Chief Secretary.

1. Principal Director, Local self Government Department, Thiruvananthapuram.
2. Panchayath Director, Thiruvananthapuram.
3. Urban Affairs Director, Thiruvananthapuram
4. Director, Department of Animal Husbandry, Thiruvananthapuram.
5. Director, Department of Health and Family welfare, Thiruvananthapuram.
6. Commissioner of Rural Development, Thiruvananthapuram.

7. State Police Chief, Thiruvananthapuram.
8. Member Secretary, State Planning Board, Thiruvananthapuram.
9. Director, General Education Department, Thiruvananthapuram.
10. Director, MGNREGS State Mission, Thiruvananthapuram.
11. Executive Director, Suchitwa Mission, Thiruvananthapuram.
12. Executive Director, Kudumbashree, Thiruvananthapuram.
13. Director, Public Relations Department, Thiruvananthapuram.
14. All District Collectors.
15. All District Police Chief. (Through State Police Chief)
16. All District Information Officers. (Through District Collector)
17. All District Planning Officers. (Through Member Secretary)
18. All District Medical Officers. (Through the Director, Department Health and Family welfare)
19. All Joint Directors, Department of Animal Husbandry, (Through Director, Department of Animal Husbandry)
20. All President and Secretaries of District Panchayath. (Through Principal Secretary)
21. All President and Secretaries of Block Panchayath. (Through the Rural Development Commissioner)
22. All President and Secretaries of Grama Panchayath (Through Panchyath Director)
23. All Mayors/ Chairmen, Secretaries of Corporations (Through the Director of Urban Affairs)
24. Registrar, Kerala Veterinary 7 Animal Science University, Pookode, Wayanad.
25. Registrar, University of Health Sciences.
26. Department of Animal Husbandry.
27. Department of Health and Family Welfare.
28. Executive Director, Information Kerala Mission, Thiruvananthapuram.
29. I & PR Web New Media. (For publishing in Media)
30. Stock File/ Office Copy. (R.C.3/346/2022/ LSGD)



By Order
Signed by Pradeesh M
Date: 15.9.2022 16:02:49

Copy:

1. PS to Hon'ble Minister for the Local Self Government Department.
2. PS to Hon'ble Minister of Revenue Department.
3. PS to Hon'ble Minister of Department of Animal Husbandry.
4. PS to Hon'ble Minister of Department of Health and Family Welfare.
5. PA to Additional Chief Secretary to Local Self Government Department.
6. PA to the Principal Secretary of Department of Animal Husbandry.
7. PA to the Principal Secretary of Health and Family Welfare.

10. The report submitted by the Director of Animal Husbandry, State Animal Welfare Board, Government of Kerala indicates that the following measures are in various stages of implementation across the State:-

- (a) A mass anti rabies vaccination program has been launched in relation to owned dogs has been started in all local bodies of the State with effect from 1.9.2022. The vaccination of such dogs would be done at the camps with the co-operation of the Local Self Governments.
- (b) A similar anti rabies vaccination program is also proposed to be initiated from 20.9.2022 in relation to community dogs. Towards that end, the State has identified 170 hot spots where the vaccination will be administered through the Animal Husbandry Department of the State in collaboration with the Local Self Government Institutions. While the vaccines will be provided free of costs by the Animal Husbandry Department, the Local Self Government Department has agreed to meet all other expenses of the program by way of arranging vehicles for the vaccination squad, providing butterfly nets for the dog catchers and paying their remuneration.
- (c) 37 Animal Birth Control centres have been identified across the State for the purposes of the Animal Birth Control - Anti Rabies program. Necessary infrastructural facilities required at the said centres would be arranged immediately so that the centres can commence functioning without delay. Steps are also being taken to identify more such centres in all Districts so as to extend the program to all 152 blocks.
- (d) Veterinary Doctors, animal handlers and dog catchers will

be appointed on contract basis to carry out the Animal Birth Control procedures. Wherever required, training would also be imparted through AWBI recognised agencies or through Live Stock Management Training Centres of the Animal Husbandry Department.

- (e) The list of veterinary hospitals where emergency night services are available together with 24 hour facilities have been put up on the website of the Department along with the respective contact numbers. The said facility would ensure that veterinary services are available without any interruption through out the day and night to farmers and pet owners.
- (f) The Local Self Government Department will be constructing animal shelters/pounds for dogs and the guidelines prescribed by the AWBI for the construction of animal shelters will be adhered to. The dogs suspected to be afflicted by rabies will be isolated separately with necessary precautions and located away from residential areas.
- (g) It is proposed to conduct Awareness programs on responsible dog ownership, compulsory vaccination and licensing, post-bite management and treatment, adoption etc. in Schools, residents associations, etc. through the Animal Husbandry Media division.
- (h) The directions and regulations of the Animal Welfare Board of India will be strictly adhered to and implemented through the State Animal Welfare Board which has been functioning

in the State and which submits reports before the High Court on a monthly basis.

11. In addition to the aforesaid steps, and taking note of the reports that suggest that there may be dogs afflicted with Rabies among the community dogs in the State, we direct the State to forthwith take steps to identify dogs suspected to be infected with Rabies, and seize and remove them to a place of isolation within the limits of the local authority concerned, if need be by resorting to the procedure of tranquilizing them under veterinary supervision.

12. We also direct that, until concrete measures to our satisfaction are put in place by the State administration to avoid situations of human-animal conflict, on every such occasion where a citizen suffers injury, the State shall provide immediate, effective and free medical treatment to the said citizen at the Government hospitals, including those attached to the Government Medical Colleges in the State. Towards that end, the State shall ensure that the hospitals concerned are adequately stocked with medicines and medical equipment required for such treatment. The said treatment shall also be without prejudice to the right of the person concerned to separately seek compensation from the State for the injuries, mental and/or physical, sustained by him/her, before the appropriate forum.

13. We are told that with a view to safeguard the interest of community dogs in the State, a Circular has been issued by the State Police Chief, a translated version of which would read as follows:

Police Department
Kerala

No.U5-162385/2022/PHQ
Police Head Quarters,
Thiruvananthapuram
phq.pol@kearala.gov.in
0471-2721547
Date: 15-09-2022

Circular.21/2022/PHQ

Sub: The Guidelines issued to prevent the cruelty of the Citizenry to the Community Dogs and to take necessary instructions for the awareness to the public: Regarding:-
Ref: Order dated 14.09.2022 of the Honourable High Court of Kerala in the Writ Petition Number 13204/2021.

सत्यमेव जयते

In the wake of the instances of attack by ferocious dogs on human beings especially the aged and the women and also the instances of death by rabies infections being reported across the state during the past few days and out of the fear resulted from these incidents, and the instances of gruesome killing of Dogs by brutally beating and mutilating them and also killing them by inflicting poison, reported from different parts of the state which has come to the notice of the Honourable High Court of Kerala, the Honourable High Court has, through the order referred above, directed to cause suitable public instructions to be issued through the State Police Chief clarifying that while the state Administration is taking necessary steps to contain the incidents of Dog bites the citizenry shall also refrain from taking law into their own hands by inflicting unnecessary harm on Stray Dogs.

Killing of animals including the stray dogs by wilfully and unreasonably administering any injurious drugs or injurious substances to them is punishable under Section 11 of the Prevention of Cruelty to Animals Act, 1960, which has been in force since 1960. Apart from this it is also punishable under the law, to abandon any animal without reasonable cause.

As the Government and the departments concerned, have taken necessary steps to avoid such attacks and the serious injuries inflicted by the stray dogs and harm caused to the peaceful life of the Human beings, the public shall not have the right to take the law into their hands by brutally beating or mutilating the dogs or killing them by giving poison or by any other means. Accordingly all SHO's shall undertake awareness programme to bring the above aspects to the notice of the public through the Residents Associations.

All District Police Chiefs are directed to ensure that these directions are followed strictly by all SHO's.

Anil Kanth. I.P.S.
State Police Chief

To

All Department Heads/ And All Officers in the B List.

Copy To

1. Deputy director, STATE Police Media Centre, POLICE Head Quarters- For information
2. Circular File/ Police WebSite.

As a follow up to the Circular issued by the State Police Chief, the State administration, through its police force, shall also ensure that incidents of human violence against animals, including community dogs, as also incidents of violence against persons feeding such community dogs are taken cognizance of, promptly investigated into, and immediate and appropriate action initiated against the perpetrators of such violent acts. The Station House Officer of every police station in the State shall take prompt action taking note of the Circular issued by the State Police Chief and the directions contained

in this order.

We feel that the above directions would suffice for now to quell the anxiety of the citizens of this State. At any rate, we intend to oversee the implementation of the various measures suggested by the State administration on a weekly basis. Towards that end, we post this matter to 23.9.2022 at 3.00 p.m.



Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
GOPINATH P.
JUDGE

prp/16/9/22