

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL/INHERENT JURISDICTION**

CIVIL APPEAL NO. 5988 OF 2019

**ANIMAL WELFARE
BOARD OF INDIA & ANR. ... Appellant(s)**

VERSUS

**PEOPLE FOR ELIMINATION OF
STRAY TROUBLES & ORS. ... Respondent(s)**

WITH

CONTEMPT PETITION (Civil) No. 944/2017 in I.A. No.4/2015

in

Writ Petition (Civil) No. 599/2015

JOSE SABASTIN AND ANR. ... Petitioner(s)

VERSUS

**DR. K.M. ABRAHAM
CHIEF SECRETARY, STATE OF KERALA ... Respondent(s)**

Writ Petition(Civil) No. 1439/2019

SANJAY KUMAR ... Petitioner(s)

VERSUS

**THE STATE OF
UTTAR PRADESH AND ORS. ... Respondent(s)**

Civil Appeal No. 5956/2019

THE STATE OF KERALA AND ANR. ... Appellant(s)

VERSUS

**DISTRICT PANCHAYATH
REPRESENTED BY ITS SECRETARY ... Respondent(s)**

Civil Appeal No. 5953/2019

THE STATE OF KERALA AND ORS. ... Appellant(s)

VERSUS

**IDUKKI SOCIETY FOR
PREVENTION OF CRUELTY OF ANIMALS
IDUKKI DISTRICT AND ANR. ... Respondent(s)**

Civil Appeal No. 5955/2019

STATE OF KERALA AND ORS. ... Appellant(s)

VERSUS

**THE ANIMAL WELFARE BOARD OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF ENVIRONMENTAL AND
FOREST AND ORS. ... Respondent(s)**

Civil Appeal No. 5948/2019

THE STATE OF KERALA AND ORS. ... Appellant(s)

VERSUS

DAYA AND ANR. ... Respondent(s)

Civil Appeal No. 5954/2019

THE STATE OF KERALA ... Appellant(s)

VERSUS

**KOCHOUSEPH CHITILAPPILLY AND
ORS. ... Respondent(s)**

Writ Petition (Civil) No. 319/2020

**HUMANE FOUNDATION FOR
PEOPLE AND ANIMALS AND ORS. ... Petitioner (s)**

VERSUS

UNION OF INDIA AND ORS. ... Respondent(s)

CONTEMPT PETITION (Civil) No. 40/2022

in

Civil Appeal No. 5988/2019

RISHI DEV ... Petitioner(s)

VERSUS

DR. JANE PRASAD AND ORS. ... Respondent(s)

Diary No(s). 35297/2022

**SWATI SUDHIRCHANDRA
CHATTERJEE AND ORS. ... Petitioner(s)**

VERSUS

**VIJAY SHANKARRAO
TALEWAR AND ORS. ... Respondent(s)**

Respondent(s)

Diary No(s). 35322/2022

**JANICE SMITH ANIMAL
WELFARE TRUST AND ANR. ... Petitioner (s)**

VERSUS

**THE STATE OF MAHARASHTRA
AND ORS. ... Respondent(s)**

Special Leave Petition (Civil) No. 20845/2022

THE PEOPLE FOR ANIMAL TRUST ... Petitioner (s)

VERSUS

VIJAY SHANKARRAO TALEWAR AND ORS. ... Respondent(s)

Writ Petition(Civil) No. 765/2023

DIPANKARA SUMEDHO ... Petitioner (s)

VERSUS

UNION OF INDIA AND ORS. ... Respondent(s)

Civil Appeal No. 5990/2019

DEFENCE OF ANIMALS
THROUGH ITS PRESIDENT
MRS.FIZZAH SHAH ... Appellant(s)

VERSUS

UNION OF INDIA AND ORS. ... Respondent(s)

Civil Appeal No. 5991/2019

THE SECRETARY,
MINISTRY OF ENVIRONMENT AND
FORESTS AND ANR. ... Appellant(s)

VERSUS

PEOPLE FOR ELIMINATION OF
STRAY TROUBLES (PEST) AND ORS. ... Respondent(s)

Civil Appeal No. 5992/2019

**WELFARE OF STRAY DOGS
(PUBLIC CHARITABLE TRUST) ... Appellant(s)**

VERSUS

**PEOPLE FOR ELIMINATION OF
STRAY TROUBLES AND ORS. ... Respondent(s)**

Civil Appeal No. 6042/2019

**PEOPLE FOR ELIMINATION OF
STRAY TROUBLES AND ANR. ... Appellant(s)**

VERSUS

UNION OF INDIA AND ORS. ... Respondent(s)

Civil Appeal No. 6551/2019

ANIMAL WELFARE BOARD OF INDIA ... Appellant(s)

VERSUS

B.KRISHNA BHAT AND ORS. ... Respondent(s)

Civil Appeal No. 6552/2019

NRUPA R. NATHVANI AND ORS. ... Appellant(s)

VERSUS

**UNION OF INDIA THROUGH ITS
SECRETARY ... Respondent(s)**

Civil Appeal No. 6553/2019

**COMPASSION UNLIMITED PLUS
ACTION (CUPA) BBMP CUPA
THROUGH ITS SECRETARY** ... **Appellant(s)**

VERSUS

**BRUHAT BANGALORE MAHANAGARA
PALIKE THROUGH ITS
COMMISSIONER AND ORS.** ... **Respondent(s)**

Civil Appeal No. 5950/2019

THE STATE OF KERALA AND ORS. ... **Appellant(s)**

VERSUS

THICHUR NAZEER AND ANR. ... **Respondent(s)**

Civil Appeal No. 5951/2019

THE STATE OF KERALA AND ORS. ... **Appellant(s)**

VERSUS

**HUMAN RIGHTS PROTECTION
COUNCIL** ... **Respondent(s)**

Civil Appeal No. 5952/2019

STATE OF KERALA ... **Appellant(s)**

VERSUS

**THE ANIMAL WELFARE BOARD
OF INDIA REPRESENTED BY ITS
SECRETARY** ... **Respondent(s)**

Civil Appeal No. 5989/2019

VINIYOG PARIVAR TRUST AND ANR. ... Appellant(s)

VERSUS

BRIHAN MUMBAI MUNICIPAL
CORP. AND ORS. ... Respondent(s)

Civil Appeal No. 5930/2019

ANIMAL WELFARE BOARD OF INDIA
THROUGH ITS SECRETARY ... Appellant(s)

VERSUS

DIMPLE VAHALI OBEROI AND ORS. ... Respondent(s)

Writ Petition(Civil) No. 599/2015

ANUPAM TRIPATHI ... Appellant(s)

VERSUS

UNION OF INDIA AND ORS. ... Respondent(s)

Civil Appeal No. 5972/2019

ANIMAL WELFARE BOARD OF
INDIA AND ANR. ... Appellant(s)

VERSUS

OMBUDSMAN FOR LOCAL
SELF GOVERNMENT
INSTITUTIONS AND ORS. ... Respondent(s)

as '1960 Act' for short), and the rules framed thereunder i.e. the Animal Birth Control Rules, 2001 (hereinafter referred to as '2001 Rules' for brevity), would prevail over the local/Municipal Laws of the concerned States in the management of stray dogs or not?

2. Looking at the first petition, that in specific, the Animal Welfare Board of India preferred Civil Appeal No. 5988 of 2019 assailing the final judgment and order dated 19.12.2008 passed by the three-Judge Bench of the High Court of Judicature at Bombay in appellate side Writ Petition No. 6257 of 2006. The inter play between the provisions of the 1960 Act and the Mumbai Municipal Corporation Act, 1888 and the respective rules/regulations framed/ issued in terms thereof, was the subject matter for consideration before the Court.

3. The said appeal, being the first in the point of time, was preferred as a special leave petition in the year 2009, wherein notice was issued on 23.01.2009 and the operation of the Judgment of the Bombay High Court was stayed and subsequently, leave to appeal granted.

4. Since then, we find much water has flown down. We notice that in the said appeal, several parties

have filed different applications (*about 30* in number) seeking certain directions. Also, several independent petitions (06 in number) stand filed which, over a period of time stand tagged and heard together along with the said appeal, as revealed from the proceedings.

5. We notice that in terms of our order dated 18.11.2015, it stands observed that all the municipal corporation(s), municipal committee(s), district board(s) and local bodies shall be guided by the provisions of the 1960 Act and the 2001 Rules and that it would be the duty and obligation of the Animal Welfare Board, ensuring compliance and follow up action with all earnestness.

6. Subsequently, as is evident from certain orders, several issues were raised by the stakeholders, *inter alia*, ensuring proper and complete implementation framework for the street dogs population management, rabies eradication and reducing man-dog conflict causing hardship as per various divergent pleas taken by them.

7. We also notice that covering the very same issue, while dealing with the similar statutes, different High Courts have taken divergent views. Whereas the

Kerala High Court has upheld the 2001 Rules, further holding that the municipal laws for dealing with the stray dogs should be in compliance with the 2001 Rules and discretionary powers cannot be granted to the municipal authorities for killing the stray dogs. The High Courts of Bombay, Karnataka and Himachal Pradesh have held that the local authorities have discretionary powers to kill the stray dogs for them not to be subjected by the 2001 Rules, notified by the Central Government. The minority judgment of the Bombay High Court is in line with the opinion rendered by the Kerala High Court.

8. Different appeals/special leave petitions (23 in number) arising out of the said orders/judgments also stand filed and as such clubbed with the main appeal. It is also noticed that certain contempt petitions, two in number, were filed and heard along with the main appeal.

9. Well, all this was prior to 10.03.2023, on which date, the Annual Birth Control Rules, 2023, stand notified by the Central Government, Ministry of Fisheries, Animal husbandry and Dairying, and now in force.

10. Considering all the intervening developments and more specifically the enactment of the new Rules putting in place mechanism for preventing the infliction of unnecessary pains and sufferings on animals, more specifically the canines, we intend to close the instant proceedings leaving it open for each one of the parties to pursue their remedies on occasion so arises, if so advised, before the Constitutional Courts, other Forums having respective jurisdiction, in accordance with law.

11. We only hasten to add, that under all circumstances, there cannot be any indiscriminate killings of canines and the authorities have to take action in terms of the mandate and spirit of the prevalent legislation(s) in place. There is no gainsaying in the fact that exhibiting compassion to all living beings, is the enshrined Constitutional value and mandate, and cast obligation on the authorities to maintain.

12. We clarify that all issues, raised in the instant *lis* are kept open to be adjudicated in an appropriate proceedings, before the appropriate forum, in accordance with law. Whether be it may the mechanism in terms of the new Rules deficient/insufficient or

repugnant to the Constitution or the parent statute(s); in our considered view, which can be best considered by the Constitutional Courts or other Forums accounting for all factors and circumstances, local in nature, being germane for adjudication for them and to decide it independently. We are hopeful that as and when any such issue is raised, the same shall be considered expeditiously, in accordance with law, uninfluenced of any one of the observations made in the impugned orders/judgments and the proceedings of these batch of petitions/appeals.

13. With the aforesaid observations, the appeals/petitions stand disposed of. All the applications shall also stand closed.

..... J.
[J.K. MAHESHWARI]

..... J.
[SANJAY KAROL]

New Delhi;
May 09, 2024.