

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No:

SUOMOTU W.P (PIL).No.3 of 2023 and
W.P (PIL).No.93 of 2022

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
10.	02.08.2024	<p><u>CJ & JSR,J</u></p> <p>Ms. S.Roja Ramani, learned counsel for the petitioner in W.P (PIL).No.93 of 2022.</p> <p>Mr. A.Sudarshan Reddy, learned Advocate General for the State.</p> <p>Mr. C.H.Jaya Krishna, learned counsel representing Mr. K.Ravinder Reddy, learned Standing Counsel for the Greater Hyderabad Municipal Corporation.</p> <p>Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for the Animal Welfare Board of India and the Union of India.</p> <p>Respondent No.8 in <i>Suo motu</i> W.P (PIL).No.3 of 2023 - Mr. Mamidi Venu Madhav appears as party-in-person.</p> <p>2. <i>Suo motu</i> W.P (PIL).No.3 of 2023 was registered on the basis of a news item published in "The Hindu" English Daily Newspaper, Hyderabad Edition, on</p>	<p>Transferred to I/o folder, before corrections, if any.</p>

		<p>22.02.2023 which relates to the menace of stray dogs mauling the young children, old women and subjecting the residents of Hyderabad to bites.</p> <p>3. This Court, by an order dated 18.07.2024, had taken note of the submission made by the learned Advocate General that in compliance of the Animal Birth Control Rules, 2023 (hereinafter referred to as, “the ABC Rules”), the State Government, vide G.O.Rt.No.315, dated 16.07.2024, has constituted the State Animal Birth Control Implementation and Monitoring Committee for effective implementation of the Animal Birth Control – Anti Rabies programme to control the population of street animals, for eradication of rabies and for reducing the man-animal conflict throughout the State. This Court thereupon had directed the Committee to explore the possibility of setting up of dedicated helpline numbers to assist the citizens, who are suffering from the menace of attack of wild/stray dogs. The Committee was further directed to consult various animal welfare organisations in the State of Telangana to suggest to this Court the measures which can be taken to stop the instances of wild/stray dogs attacking the children and citizens.</p>	
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	<p>4. In compliance of the aforesaid directions, the Greater Hyderabad Municipal Corporation (GHMC) has submitted a report. It has been pointed out in the aforesaid report that a meeting was conducted on 22.07.2024 in Hyderabad which was attended by expert members of P.V.Narasimha Rao Telangana Veterinary University, representatives of the Public Health Department, Animal Birth Control Centres Sub Committees, Sub Committee of Domestication and Training of Stray Dogs and IEC Sub Committee, in which all aspects of the matter were considered and certain suggestions have been made.</p> <p>5. Before dealing with the suggestions made by the Committee, we may advert to the Animal Birth Control Rules, 2023. Every local authority, which in the instant case is GHMC for the city of Hyderabad, is required to establish Animal Birth Control Centre. Rule 10 of the ABC Rules deals with obligations of the local authority and is extracted below for the facility of reference:</p> <p style="text-align: center;">“10. Obligations of the Local Authority:-</p> <p>(1) The local authority shall ensure following facilities are available in each Animal Birth Control Center within their jurisdiction:-</p> <p>(a) sufficient number of kennels and veterinary hospital facilities which may be managed by</p>	
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		<p>local authority or animal welfare organisation;</p> <p>(b) requisite number of vans with necessary modifications for safe handling and transportation of dogs;</p> <p>(c) a mobile Operation Theatre Van equipped with surgical infrastructure to be provided as mobile Center for sterilisation and immunisation for smaller local bodies, where considered necessary and where kennels for post-operative care are available,</p> <p>(d) incinerators to be installed by the local authority for disposal of organs and carcasses and where an incinerator is not feasible, deep burial method may be adopted.</p> <p>(e) periodic repair and maintenance of Animal Birth Control Center.</p> <p>(f) close Circuit Television to be installed in the entire premises specifically in the Operation theatre and where the animals are housed at Animal Birth Control Centre, and shall maintain the record of video surveillance for a minimum of one months or as specified from time to time by the Board or State Board and the video recordings may be made available for the inspecting authority, monitoring committee or the Board upon enquiry or request.</p> <p>(g) Cleanliness and hygiene to be maintained at all times at the Animal Birth Control Center.</p> <p>(h) Records for catching, release, medicine, surgery, feeding, vaccinations of all animals</p>	
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		<p>brought to the Animal Birth Control Center to be maintained.</p> <p>(2) The local authority shall reimburse the expenses of sterilisation or immunisation on a regular basis, if the services of an animal welfare organisation have been engaged.</p> <p>(3) The local Animal Birth Control Monitoring Committee shall be constituted by the Local Authority and it shall meet at least once every month to assess the progress made with regard to implementation of the Animal Birth Control Program.</p> <p>(4) The local authority shall inquire into the matter of violation of these rules on receipt of the complaint against the Animal Birth Control Center and shall terminate or suspend any engagement with such an organisation on the basis of the recommendation of the Local Animal Birth Control Monitoring Committee or the Board.</p> <p>(5) The local authority may conduct the Animal Birth Control program through it's own staff by creating a Special Purpose Vehicle and intimate the Board in accordance with sub-rule (6) of rule 3.</p> <p>(6) The Special Purpose Vehicle shall hire contractual or full time veterinarians, handlers, drivers and paraveterinarians who shall implement the program and such shall not sub-let any part of the Animal Birth Control Project</p>	
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		<p>to any other agency.</p> <p>(7) The local authority shall be responsible for ensuring that the staff hired by the Special Purpose Vehicle have been suitably trained and are adhering to all conditions in these rules and the Module and the Project In charge appointed by the local authority shall not be a part of the Special Purpose Vehicle.”</p> <p>6. Rule 11 of the ABC Rules deals with capturing or sterilisation or immunisation or release. From a perusal of the aforesaid Rule, it is evident that the street dogs can be captured for general purposes in view of specific complaints. The street dogs can be captured for general purposes, namely to control the excess population of street dogs through animal birth control program in a specific area or region. The street dogs can also be captured in view of a specific complaint received by Animal Complaint Cell at the Animal Birth Control Centre.</p> <p>7. Rule 11(3) of the ABC Rules provides that if the street dogs are captured for the purposes of sterilisation and immunisation, they shall be released in the same area after sterilisation and immunisation. Thus, it is evident that Rule 11 of the ABC Rules mandates that if a</p>	
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		<p>dog has been captured only for the purposes of sterilisation and immunisation, in such a case only it needs to be released in the same area. In other words, in case a street dog has been captured for the purposes of rehabilitation, it need not be released in the same area. On similar analogy, the mandate contained in Rule 11(19) of the ABC Rules insofar as it provides to release the dog in the same area after immunisation, does not apply if the dog is captured for the purposes of rehabilitation.</p> <p>8. The local authority has to establish an Animal Birth Control helpline to deal with resolution of complaints regarding dog bites or rabbit dogs. The provisions of the ABC Rules are mandatory and are required to be complied with.</p> <p>9. Therefore, we direct the competent authority of GHMC to file an affidavit stating compliance with the provisions of the Rules 10, 11, 15 and 16 of the ABC Rules. In addition, the GHMC shall also apprise this Court with regard to the feasibility of setting up rehabilitation centres for dogs outside the municipal limits of Hyderabad. The affidavit shall also disclose whether the Animal Birth Control Centre has a helpline</p>	
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		<p>to deal with the cases regarding dog bites or rabbit dogs.</p> <p>10. Now we may advert to the report which has been submitted on behalf of the GHMC. In the report, it has been stated as follows:</p> <p>i) The Commissioner, GHMC, has issued instructions to the Chief City Planner, GHMC, to ensure availability of crèche facility in every establishment having fifty or more employees and also requested the Metropolitan Commissioner, Hyderabad Metropolitan Development Authority, to issue suitable instructions to ensure the availability of crèche facility in every establishment having fifty or more employees as per the Maternity Benefit (Amendment) Act, 2017.</p> <p>ii) The GHMC is utilising the services of master trainers from the Humane Society International, an Animal Welfare Organization, who are imparting training on measures to avoid dog bites, ideal behaviour to deal with dogs etc., to the staff of Urban Community Development Wing, Sanitation Wing and Veterinary Wing of GHMC.</p> <p>iii) The GHMC has also issued instructions to the Entomology staff, Tax Inspectors and Bill Collectors of GHMC to ensure that all the owners of the pet dogs of</p>	
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		<p>GHMC are registered with it and to remind them the due date of Anti Rabies vaccinations.</p> <p>iv) The GHMC has also conducted awareness programmes among 3091 Resident Welfare Associations, 3,95,275 school children in 1806 Government and private schools so far and the same is being continued in a campaign mode.</p> <p>v) The GHMC has directed the Urban Community Development staff to ensure the awareness campaigns are conducted by conducting meetings at Circle level and Ward level in 1257 Slum Level Federations, 30 Town Level Federations, 4846 Resident Welfare Associations, 47,953 Self Help Groups, 1396 Persons with Disability Groups, Government and Private Schools, Anganwadi Schools etc.</p> <p>vi) The GHMC has created an online link to register Dog Feeders who have to ensure that all the street dogs are sterilized and timely vaccinations are done to all the street dogs.</p> <p>vii) The GHMC is making efforts to develop a mobile application to monitor the real time data on catching of street dogs, pet dog registrations, number of feeding spots, number of dog feeders, number of sterilisations and vaccinations done etc.</p>	
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