

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 28 of 2024**

=====

NARENDRASINH CHHTRASINH RANA
Versus
UNION OF INDIA & ORS.

=====

Appearance:

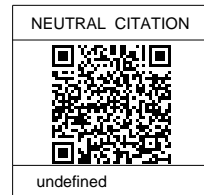
MR DHARMESH C GURJAR(5170) for the Applicant(s) No. 1
REKHABEN C GURJAR(7360) for the Applicant(s) No. 1
for the Opponent(s) No. 1,3,4
MR DHAWAN JAYSWAL ASSISTANT GOVERNMENT PLEADER for the
Opponent(s) No. 2

=====

***CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL
and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI***

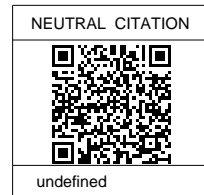
Date : 18/07/2024**ORAL ORDER*****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)***

The issue raised in the instant Public Interest Litigation is about non-implementation of the Circular dated 05.09.2023 issued by the Gujarat State Welfare Board, Gandhinagar, under the signature of the Joint Director of the Animal Welfare Board, wherein, it is stated that the Animal Welfare Board of India had issued a Circular dated 04.08.2001 and a communication dated 16.11.2020, requesting to take steps to stop the usage of glue trap method to catch rodents which causes unnecessary pain and suffering to the animals. On perusal of the Circular brought on record along with the writ petition, by order dated 01.05.2024, we have asked the learned



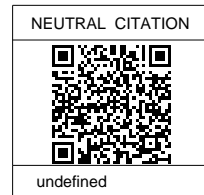
Assistant Government Pleader appearing for the State to bring the response of respondents nos. 2, 3 and 4 before us by filing affidavit of a competent officer, to place the steps taken by them to implement the prohibition Circular dated 05.09.2023.

2. An affidavit dated 04.07.2024 has been filed by the Joint Director (Animal Husbandry), posted in the Gujarat State Animal Welfare Board, Gandhinagar stating that the department had already prohibited the manufacture, sale and use of illegal glue trap vide Circular dated 05.09.2023 and while trying to act on the said Circular issued by the Animal Welfare Department, it was found that there is no specific power which the department can impose with regard to sale and usage of such glue traps and glue boards. Upon consideration of the said issue, the Joint Director, (Animal Husbandry), Gujarat State Animal Welfare Board made a proposal dated 15.05.2023 for the issuance of notification with regard to prohibiting the manufacture, sale and use of glue traps and glue boards to the Agricultur, Farmer Welfare and Co-operation Department, Government of Gujarat. However, in the meantime, Circular dated 05.09.2023 was issued by the Joint Director, Gujarat State Animal Welfare Board. It is stated that the Prevention of Cruelty to Animals Act, 1960, which is a Central legislation, does not

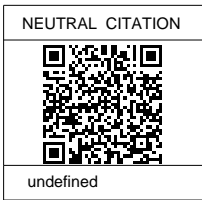


empower the State Government to issue any notification prohibiting such manufacturing or sale and in absence of such power, the department has issued Executive order/Government Resolution. A communication has also been made to the concerned department for issuance of Government Resolution. It is lastly stated that the Central Government would be the appropriate authority to take concrete decision with regard to the controversy in question. However, the department has already taken necessary steps in that regard.

3. Dealing with the said contention made in the affidavit of the officer concerned, we may note that the Prevention of Cruelty to Animals Act, 1960 (for short the "Act") has been enacted to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals. The Act contemplates establishment of Animal Welfare Board of India for the promotion of animals welfare generally, and for the purpose of protecting animal from being subjected to unnecessary pain or suffering in particular. The Animal Welfare Board of India has been established under Section 4 of the said Act. Section 10 the Act further indicates that the Board with the previous approval of the Central Government may make regulations as it may think fit for the administration of its affairs and for carrying out its

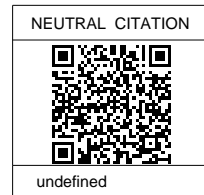


functions. The Central Government vide Notification dated 26.03.2001 in exercise of power under sub-section (1) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 has framed rules, called as the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 (hereinafter referred as the "Rules"). Rule 3 of the said Rules, provides for creation of Society for every district in the State Government to be the Society for Prevention of Cruelty to Animals in that District, vide notification issued by the State Government in the Official Gazette. Sub-rule (2) provides that the Managing Committee of the Society shall be appointed by the State Government or the local authority of the District consisting of Chairperson to be appointed by the State Government or the local authority of the District, with the concurrence of the Board and shall consists of such number of other members as may be considered necessary by the State Government or the local authority of the District subject to the conditions provided in clauses (i) and (ii) of sub-rule (2) of the Rules. The duties and powers of the Society prescribed in sub-rule (3) of Rule 3 of the Rules shall be to aid the Government, the Board and the local authority in enforcing provisions of the Act and to make such bye-laws and guidelines, as it may deem necessary for the efficient discharge of its duties. Rule 5 of the Rules further provides that



every district Society shall submit its annual report to the Board incorporating the activities undertaken by it for the welfare of the animals and steps or measures taken by it 'to implement' various provisions of the Act and the Rules made therein. The Board is to examine the annual report, including the functioning of the Society and issue necessary direction for improvement of its functions, including the supercession of the Managing Committee of the Society, with a view to give effect to the provisions of the Act and the Rules made thereof.

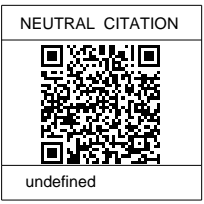
4. From the perusal of Rules, 2001, it is evident that the District Level Society for each District in the State to be established for Prevention of Cruelty to Animals was required to be constituted by the State Government to ensure the implementation of various provisions of the Act and the Rules made thereunder. There is nothing on record as to whether any such Society has been constituted to ensure implementation of various provisions of the Act and the Rules of Prevention of Cruelty to Animals Act, 1960. We take strong exception to the statement made by the Joint Director (Animal Husbandry), Gujarat State Animal Welfare Board, Gandhinagar in showing helplessness that any notification if is to be issued to prevent usage of glue traps and glue boards to catch rodents can



only be issued by the Central Government vide notification issued under the Prevention of Cruelty to Animals Act.

4.1. The answer given by the Officer posted as Joint Director (Animal Husbandry), Gujarat State Animal Welfare Board, Gandhinagar shows that he has filed affidavit without going through the provisions of the Act and the Rules made by the Central Government for ensuring the implementation of the Act at the grass-root level by providing for constitution of Society for prevention of cruelty to animals in District.

5. Taking note of the above, issuing a word of caution to the Officer who has filed the affidavit dated 04.07.2024 on behalf of respondents nos. 3 and 4, we require the Member Secretary, Gujarat State Animal Welfare Board, to file his personal affidavit to bring on record a response to the query of the Court about strict implementation of the provisions of Prevention of Cruelty to Animals Act. The Member Secretary, Gujarat State Animal Welfare Board, is further directed to take all necessary steps to ensure strict compliance of the Act read with Rules, 2001 and any other Rules and Regulations, framed if any, before filing his personal affidavit in this Court by the next date fixed.



Put up this matter on **09.08.2024**.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

phalguni