

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**
(Through Virtual Mode)

CJ Court

Case: WP(C) PIL No. 1/2023

CM No. 8224/2023

CM No. 856/2024

CM No. 2241/2024

c/w

WP(C)PIL No. 4/2022

CM No. 1169/2024

CM No. 2256/2024

CM No. 2915/2022

CM No. 8226/2023

Court on its own Motion

.....Appellant/Petitioner(s)

Through :- Ms. Supriya Choudhan, Advocate.

Ms. Devinder Kaur Madaan.

v/s

Union Territory of Ladakh
(Ladakh Autonomous Hill Dev. Council).

.....Respondent(s)

Through :- Ms. Gauri Maulekhi, Applicant in
CM No.2256/2024 in person.

Mr. T. M. Shamsi, DSGI with

Ms. Sahilla Nissar, Advocate for
UOI

Mr. Moomin Khan, Advocate for
SMC.

Mr. S S Nanda, Sr. AAG for JMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

29.05.2024

CM No.2256/2024 has been filed on behalf of Ms. Gauri Maulekhi, W/o Shri Dushyant Maulekhi, Age 46 years for impleading her as party respondent in WP(C)PIL No.4/2024, contending *inter alia* that she is a member of State Animal Birth Control Implementation and Monitoring Committee of Jammu and Kashmir, Gujarat, Uttar Pradesh, Haryana, Jharkhand, Bihar and Uttarkhand, and

has shown keen interest in proper management of the street dogs which has created various issues for the public and having considered the application and also examining her credentials and keeping in mind her expertise in the field, we are of the view that impleading her as a party in this PIL, to assist this court, may be desirable and, accordingly, we allow this application by allowing her to be impleaded as a respondent in this PIL.

CM No.2256/2024 stands disposed of

WP(C) PIL No. 4/2022

1. Heard Mrs. Devinder Kaur Madaan, Ms. Gauri Maulekhi, Mr. T. M. Shamsi, learned DSGI, Mr. Moomin Khan, Advocate and Mr. S. S. Nanda, Sr. AAG for the parties.

2. The issue relating to stray dogs is certainly a complicated one, which would require very coordinated action from various agencies and authorities including NGOs working in the field and cannot be dealt with in a simple manner. In this regard, as far as UT of Jammu and Kashmir is concerned, it appears that the State Level Implementation and Monitoring Committee has been constituted to monitor the various issues relating to street dogs, in which connection, the 3rd Meeting of the said Committee was held on 13.02.2024, in which the following officers and NGOs representatives were present:-

1. *Commissioner, Municipal Corporation, Jammu*
2. *Commissioner, Municipal Corporation, Srinagar*
3. *Director Urban Local Bodies, Kashmir*
4. *Special Secretary to the Government, Department of Agriculture*
5. *Special Secretary to the Government, H&UDD*
6. *Director Urban Local Bodies, Jammu*
7. *Joint Director Planning, H&UDD*
8. *Additional Secretary, Department of Finance*
9. *Municipal Veterinary Officer, JMC*
10. *N.G.O. Representatives*
 - a. *Ms Gauri Maulekhi*
 - b. *Mrs. Devinder Kaur Madaan*
 - c. *Adv. Vishal Khajuria*

3. After a thorough discussion, decisions were taken by the Committee, which are reproduced as below:-

- a. *Compliance with ABC Rules 2023 must be ensured for running any ABC programme.*
- b. *ABC Monitoring Committees be constituted at Local authority levels in accordance with Animal Birth Control Rules, 2023, schedule II rule 3.*
- c. *Commissioner JMC/SMC and Director Urban Local Bodies Jammu and Kashmir shall frame ABC Camps calendar and circulate among District Administrations for necessary support and action. The ABC Program must be halted in the months when minimum temperature goes below 6 degrees Celsius.*
- d. *Corporations shall cross-verify that the agencies engaged for sterilization and implementation of the programme are recognized by the Animal Welfare Board of India and have obtained Project Recognition in accordance with the ABC Rules 2023. If found non-compliant, the contract with the agency shall be terminated and a report to be submitted within 15 days.*
- e. *Commissioner SMC shall issue immediate termination notice to JKPCCC handling SMC Slaughter House and adopt in-house tendering process.*
- f. *Director ULBK and ULBJ shall identify land or abandoned buildings in each district for operationalization of the ABC programme. They shall run Mobile Hospitals in collaboration with District Administrations and Animal Husbandry Department for immediate stop-gap arrangement. They shall also send proposal for procuring subsidized mobile hospitals under Govt. of India scheme immediately.*
- g. *JMC/SMC/DULBJ/DULBK shall submit a Monthly Progress Report to the State ABC Committee.*
- h. *IEC activities, Awareness Programmes to be carried out on regular basis and hoardings shall be put by Corporations for adoption of Stray animals.*
- i. *JMC Commissioner shall prepare a roadmap for creation of an SPV for conducting ABC program throughout the UT and submit within one month.*
- j. *A handbook for Animal Management, for ULBs of Jammu and Kashmir, must be drafted for circulation, which would cover all statutory duties of the local bodies with regard to animal management. Assistance may be taken from AWBI and subject matter experts to prepare it.*
- k. *A nodal officer shall be nominated for the State ABC Monitoring Committee to coordinate with all ULBs regarding implementation of the recommendations of the committee.*
- l. *A comprehensive policy to be made for working animals in urban areas, keeping in mind the Draught and Pack Animals Rules 1965, Prevention of Cruelty to Animals Act 1960 and advisories of the AWBI. Keeping in mind that equines carry zoonotic diseases and are*

used widely across the UT, the policy must include a registration regime which is granted after health examination.

m. An updated dairy policy to be made for all dairies in urban areas, to prevent abandoned and free roaming cattle in the cities. The policy shall be compliant with Guidelines of Central Pollution Control Board, mandated by the NGT.

n. All ULBs shall make a list of licensed and unlicensed slaughterhouses in their jurisdictions and submit within one month.”

4. We are of the view that since certain decisions were taken, which appear to be in the right direction to deal with the issue, it would be more appropriate that the authorities concerned implement the same in its true spirit. Though, it appears that both the JMC and SMC have engaged the services of NGOs, but it appears that it would require sustained participation of the authorities rather than leaving the issue entirely in the hands of the NGOs. Inasmuch as, from the decision taken by the Committee, it appears that it cannot be left entirely to the NGOs concerned to deal with the issue arising out of stray dogs and accordingly, we reproduced the decision taken by the Committee and direct the respondents authorities to report this court as to how effectively the aforesaid decisions can be carried out.

5. We have also been apprised that constitution of Special Purpose Vehicles (SPVs) within the Urban Development Department would also go a long way in dealing with the various issues arising out of stray dogs in terms of Rules 10(5), 10(6) and 10(7) of the Animal Birth Control Rules 2023. Certain suggestions have also been made, which have been placed on record vide Annexure –XI and XII in the form of Strategic Framework for Establishing a Dedicated Animal Birth Control Entity in J&K’s Urban Local Bodies, the authorities will examine the same and take into consideration the suggestions so made.

6. Today, on behalf of the Centre for Public Interest Litigation and Legal Aid, Central University of Kashmir, Law students, namely, Ms. Bisma Muzaffer, Ms. Fiza Asad and Ms. Aleena Syed are present, who may submit their suggestions

before this Court on the various issues raised by themselves, so that their suggestions can be incorporated in the direction that we may issue in future.

7. List again on 31.05.2024 for passing necessary orders in respect of UT of Ladakh in WP(C) PIL No. 1/2023.

(WASIM SADIQ NARGAL)
JUDGE

(N. KOTISWAR SINGH)
CHIEF JUSTICE

JAMMU
29.05.2024
Pawan Angotra

