



Serial No.02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.7/2023 with
MC (PIL) No.2/2024
MC (PIL) No.4/2024

Date of Order: 23.10.2024

Bakul Narzary

..... Petitioner

Vs.

1. State of Meghalaya through the Chief Secretary to the Government of Meghalaya, Meghalaya Civil Secretariat, M.G. Road, Shillong-793001, Meghalaya.

2. The Secretary to the Government of Meghalaya, Department of Veterinary and Animal Husbandry, Meghalaya Civil Secretariat, M.G. Road, Shillong-793001, Meghalaya.

3. The Deputy Commissioner cum Chairman, District Animal Market Monitoring Committee, Ri-Bhoi District at Nongpoh, Meghalaya.

4. The District Veterinary Officer, Ri-Bhoi District at Nongpoh, Meghalaya.

5. The Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jorbagh Road, New Delhi-110003.

6. The Secretary, Department of Animal Husbandry and Dairying, Ministry of Fisheries, Animal Husbandry and Dairying, Krishi Bhawan, New Delhi-110001.

..... Respondents

MC (PIL) No.2/2024 & MC (PIL) No.4/2024

John F. Rymbai

..... Applicant

Vs.

1. Bakul Narzary

2. State of Meghalaya through the Chief Secretary to the Government of Meghalaya, Meghalaya Civil Secretariat, M.G. Road, Shillong-793001, Meghalaya.



3. The Secretary to the Government of Meghalaya, Department of Animal Husbandry and Veterinary Department, Meghalaya Civil Secretariat, M.G. Road, Shillong-793001, Meghalaya.
4. The Deputy Commissioner cum Chairman, District Animal Market Monitoring Committee, Ri-Bhoi District at Nongpoh, Meghalaya.
5. The District Veterinary Officer, Ri-Bhoi District at Nongpoh, Meghalaya.
6. The Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jorbagh Road, New Delhi-110003.
7. The Secretary, Department of Animal and Husbandry and Dairying, Krishi Bhawan, New Delhi-110001.

..... Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance in PIL No.7 of 2023:

For the Petitioner	: Mr. S. Chakrawarty, Sr.Adv with Mr. E. Laloo, Adv
For the Respondents	: Mr. K. Khan, AAG with Mr. A.H. Kharwanlang, Addl.Sr.GA for R/1-4 Dr. N. Mozika, DSGI with Ms. K. Gurung, Adv for R/5&6

Appearance in MC (PIL) No.2 of 2024 & MC (PIL) No.4 of 2024:

For the Applicants	: Ms. O.A.I. Bang, Adv
For the Respondents	: Mr. S. Chakrawarty, Sr.Adv with Mr. E. Laloo, Adv for R/1 Mr. K. Khan, AAG with Mr. A.H. Kharwanlang, Addl.Sr.GA for R/2-5 Dr. N. Mozika, DSGI with Ms. K. Gurung, Adv for R/6&7

i) Whether approved for reporting in Law journals etc.:	Yes/No
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ii) Whether approved for publication in press:	Yes/No
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JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

This public interest litigation (PIL) concerns the Prevention of Cruelty to Animals Act, 1960 and the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 framed thereunder.

It is a Central Act. The grievance of the writ petitioner and the applicant in MC (PIL) No.2 of 2024 and MC (PIL) No.4 of 2024, who seeks to be added as a party in the PIL is broadly that the State government which is entrusted with the implementation of the Act and the rules should do so strictly in accordance therewith. The main complaint seems to be approval for setting up these markets and relocation thereof granted by the State government without proper notice to the stakeholders, lack of proper infrastructure facilities in these markets and so on for maintaining them and non-adherence with the requirements of Rule 8 of the said Rules, which prescribes a minimum distance to be maintained from the State border or International border for running these markets.

We find from the records that on earlier occasions when these matters were taken up Mr. K. Khan, learned AAG submitted that the said Rules were in the process of amendment. A draft containing proposed



amendments was only available and the rules were awaiting finalization. He submits on instructions that the rules are still not finalised but awaiting so. As far as the applicant in MC (PIL) No.2 of 2024 and MC (PIL) No.4 of 2024 is concerned, the persons affected are breeders of livestock not meant for trade in the animal market conceptualized of the said Act and rules but for agricultural utilization only. We find that the applicant has sufficient locus to be interested in this PIL and to espouse the cause of action mentioned therein along with the prayers for specific orders in aid of the PIL for redressal of their grievance.

We allow the miscellaneous application (MC (PIL) No.2 of 2024).

As far as the cause of action and prayers in the PIL are concerned, this Court cannot direct legislation to be made or initiate legislation itself.

We only request the Central Government to finalise the draft Rules as expeditiously as possible preferably not later than 31st December, 2024 and to publish and circulate the same.

Till the Rules are published, the Registrar General of this Court will send a copy of the PIL together with MC (PIL) No.4 of 2024 to the State government. The said application shall be considered as a representation before it. This representation must reach the government



positively by 12th November, 2024. By 15th December, 2024, the government will take a decision on the complaints made in the writ petition and in the application of the added party in MC (PIL) No.4 of 2024 and communicate the same to the parties. While taking a decision, it will be open to the government to give the petitioner and the applicant a hearing.

After amendment of the rules, the applications of the writ petitioner and the added party shall be reconsidered by the government so as to redress of the grievances mentioned therein in accordance with the amended rules within three months of publication thereof.

PIL No.7 of 2023, MC (PIL) No.2 of 2024 and MC (PIL) No.4 of 2024 are hereby disposed of. Liberty to apply.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice