

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

PUBLIC INTEREST LITIGATION No. 206 OF 2015

Date: 28.3.2016

Between:

Animal Rescue Organization (Regd.No.485 of 2009)
Rep.by its Secretary, Gopal R.Surabathula,
Aged 38 years, s/o. SSRK Guruparasad,
r/o. 8-19-1C, Gandhinagar, Kakinada and another.

.....Petitioners

and

State of Andhra Pradesh, rep.by Chief Secretary,
Secretariat Buildings, Secretariat, Hyderabad and
others.

.....Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

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PC: (Per the Hon'ble Sri Justice P.Naveen Rao)

Animal Rescue Organisation, Gandhi Nagar, Kakinada, A.P. Cow

Protection Federation, Kakinada and an individual instituted this public interest litigation alleging inaction on the part of the respondent authorities to stop cruelty to the animals at weekly cattle markets conducted by Pitapuram Municipality and to see that cruelty to the animals is stopped and penal action is initiated against persons responsible for inflicting cruelty on animals while loading cattle into the vehicles, transporting them and to comply with the mandate of the Supreme Court in **Laxmi Narain Modi Vs. Union of India (UOI) and Ors**^[1]. Along with the petition photographs are annexed which demonstrate the cruel treatment to the animals while loading into the trucks and transporting them.

2. Having regard to the issue involved, though petitioners initially sought prayer for issuance of mandamus to the Pitapuram Municipality on cruelty to animals in the municipal limits, the scope of the enquiry was extended to the entire State of Andhra Pradesh and State of Telangana and their response was sought on the allegations made.

3. Disturbed by the manner in which animals are loaded into the trucks and transported and indifferent approach of the respondent authorities, this Court by order dated 31.8.2015 issued series of directions. The directions issued read as under:

i. The Registry is directed to enclose the copy of this order along with the colour photos of Ex.P.9.

ii. Respondents 1 and 11 are directed to convene a meeting of all the departments concerned in this behalf and prepare a comprehensive action plan to prevent cruelty to animals in transit. The report adverts to existing measures on prevention/ prohibition/ penalization against cruelty to animals and such other further penal action which would act as deterrent to the offenders, including the officers who tacitly collude for trivial considerations be considered and reported.

iii. Respondents 1 and 11, it is hoped, would explore the possibility of providing toll free numbers to receive complaints against breach of legal obligations by transporters of animals and use technology, such as providing C.C. Cameras at all Shandy (markets) where animals are sold and bought under the aegis of local authorities or market yards etc. Whether existing penalties are sufficient to act as deterrent and if not what are the measures the States of Andhra Pradesh and Telangana are intending to introduce and implement.

iv. The action taken against the violators of instant PIL shall also be included in the instant counter affidavit.

v. The Counter affidavits with the above details are to be filed on or before 21.09.2015 with advance copy to learned counsel for petitioner.”

4. In response to the directions issued, affidavits are filed deposited by the Chief Secretaries of both States bringing to the notice of the Court various measures taken to comply with the directions of the Court and to enforce statutory mandate to prevent cruelty to animals.

5. Learned counsel for the petitioners pointed out that even though Supreme Court gave directions in **State of Uttar Pradesh Vs. Mustakeem and others** and this Court in Criminal Revision Case No. 1181 of 2010 dated 7.7.2010, the petitions filed by persons responsible for committing cruelty to grant interim custody are not opposed by public prosecutors and routinely interim custody of animals is granted to the same persons who were ill-treating those animals.

6. On the issue of interim custody of animals, this Court issued following directions by order dated 15.02.2016:

“1. The Registrar General, High Court of Judicature at Hyderabad for the State of Telangana and State of Andhra Pradesh is directed to circulate copies of order of Supreme Court in STATE OF UTTAR PRADESH Vs. MUSTAKEEM & OTHERS and the orders of this Court in Criminal Revision Case No. 1181 of 2010 dated 7.7.2010 to all the Subordinate Courts in the States of Telangana and Andhra Pradesh.

2. The two State Governments through the concerned authorities shall issue appropriate orders to the Assistant Public Prosecutors/ Additional Public Prosecutors/ Public Prosecutors and investigating agencies to sensitize them the relevant statutory provisions and orders of Supreme Court of India in STATE OF UTTAR PRADESH Vs. MUSTAKEEM & OTHERS and the orders of this Court in Criminal Revision Case No. 1181 of 2010 dated 7.7.2010.

3. The respective Governments shall file status reports on action taken as per directions of this Court dated 31.8.2015.”

7. Status report is filed on behalf of respondents 1 to 6 deposited by Director of Animal Husbandry, State of Andhra Pradesh. Status report indicates various measures taken by concerned departments.

Sri.D.Ramesh, learned Special Government Pleader (AP), referring to various measures incorporated in the status report, submitted that all the measures as directed by the Court are being put in place. He further pointed out that Agriculture and Marketing Department is in the process of establishing surveillance through CC Cameras in all the cattle markets within next three months. He has also stated that ramps are provided in all the cattle markets. The status report is accepted and taken on record. We

are satisfied with the measures taken so far. We are sure that further measures as adverted to in the status report will be carried out within a stipulated time frame and all the concerned departments shall enforce the statutory mandate with reference to loading and transportation of the animals. He has also informed that suitable directions are issued to Public Prosecutors, Additional Public Prosecutors and Assistant Public Prosecutors on the issue of granting interim custody of animals seized.

8. Sri S Sharat Kumar, learned Special Government Pleader (TS) also submits that all the measures as ordered by this Court are taken, detailed instructions are issued to the Public Prosecutors, Additional Public Prosecutors and Assistant Public Prosecutors to effectively represent when petitions are filed for interim custody of animals seized having regard to the directions issued by the Supreme Court in **State Of Uttar Pradesh Vs. Mustakeem & Others** and the orders of this Court in Criminal Revision Case No. 1181 of 2010 dated 7.7.2010. He has further stated that efforts would be made to install CC cameras in the cattle markets.

9. The statement of learned Special Government Pleader for State of Telangana is accepted.

10. Learned counsel for petitioners submits that petitioners are satisfied with the measures taken so far in the matter of organising the cattle markets, safe loading and transportation of the cattle.

11. Having regard to the submissions made on behalf of the states of Andhra Pradesh and Telangana and status reports filed, which are taken on record, no further orders are required to be passed at this stage. Public Interest Litigation is accordingly disposed of. However, it is always open to the petitioners to bring to the notice of this Court, if there is any laxity in compliance of the directions issued and in implementing the assurances given to this Court. No costs. Miscellaneous petitions, if any pending, stand closed.

DILIP B. BHOSALE, ACJ

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[\[1\]](#) (2013) 10 SCC 227