

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 5845 of 2015 (O&M)

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**CWP No. 5845 of 2015 (O&M)
Decided On : 15.02.2018**

Gauri Maulekhi

...Petitioner

versus

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HOB'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present : Mr. Amit Jhanjhi, Advocate for the petitioner.

Mr. Sandeep Moudgil, Addl. AG, Haryana.

ANUPINDER SINGH GREWAL, J.

1. The petitioner through the instant petition filed as Public Interest Litigation has, inter-alia, sought following directions :-

a) Issue a writ in the nature of Mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India, directing the respondents to prevent entry of camels within their jurisdictional area;

b) Issue a writ in the nature of Mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India, directing respondent No.3 to ensure that no camels are being illegally transported into Haryana and in the event, that they are then, to immediately cease the animals and give their custody to a nearby Gaushala who will then bear the responsibility of transporting the animals back to Rajasthan or Gujarat and give them to an NGO there;

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c) Issue a writ in the nature of Mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India, directing the respondent No.3 to promptly register an FIR against the owners of the camels directly violating the sections enshrined under the PCA through such illegal transportation;

2. The petitioner is stated to be serving as Member Secretary, People for Animal, Uttarakhand, which is a registered Charitable Trust and has taken up various campaigns to protect the rights of animals. It is stated in the petition that camels in large numbers are being brought into the State of Haryana illegally. The transportation of these animals is done in a cruel manner as a result of which some of them succumb to suffocation, over-crowding and injuries inflicted upon them by their handlers. Those animals who do not die enroute are slaughtered soon thereafter, which is in violation of the law. It is also stated that the petitioner had rescued number of camels who were being transported illegally from Rajasthan and due to his initiative, several FIRs were registered under various provisions of Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as "the Act") as well as Indian Penal Code, 1860.

3. Respondent No.1-State Government in its written statement has stated that in pursuance to the instructions dated 14.05.2013, reports have been received from District Magistrates/Superintendent of Police which indicate that all

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efforts to ensure prevention of illegal transportation of camels and prompt registration of FIRs against erring persons have been made. Status report pertaining to various districts has been appended as Annexure R-1. It is also stated that for the welfare of animals, Society for the prevention of Cruelty to Animals has been constituted in each district.

4. Further in the short reply filed on behalf of respondent No.2, it has been stated that all Secretaries, Regional Transport Authorities in the State, have been directed vide letter bearing No.24680-100/T-3/ST-111 dated 06.07.2015 to ensure the conditions for carriage of animals as per Rule 94 of the Haryana Motor Vehicles Rules, 1993 are being followed. If any such vehicle is found plying in contravention to the said Rule, then action as per the provision of Motor Vehicles Act, 1988 and Rules made thereunder shall be taken against the offender.

5. As per the written statement of respondent No.3, necessary action has been taken to prevent the violation of the Act and periodic reports are prepared with regard to the action taken against the persons who are transporting animals in violation of the law. The details of FIR registered have been set out therein. It is also stated that the offence prone districts have constituted special police cells to curb this menace. Haryana Police is regularly registering cases in various stations of Haryana. The details of cases which have been registered from 01.06.2013 to 31.03.2015, are as under :

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<i>Sr. No</i>	<i>Total FIRs regd.</i>	<i>No. of cases challaned</i>	<i>No. of cases cancelled</i>	<i>Total accused arrested</i>	<i>Total cases convicted</i>	<i>Total pending cases</i>	<i>Total animals recovered excluding camel</i>	<i>Total camels recovered</i>	<i>Total under trial cases</i>
1	1902	1848	4	4388	748	39	39617	682	1091

6. In the written statement of respondent No.4, it has been stated that in compliance to the directions issued by the Supreme Court in W.P (c) No.44 of 2004 titled as, "People for Ethical Treatment of Animals v. Union of India and others" it has been directed to all the food safety officers and designated officers under Food Safety and Standards Act, 2006 (hereinafter referred to as "the FSSA Act) to take necessary action regarding licensing/registration of all slaughter houses in their area. Necessary directions have also been issued to all the Deputy Commissioners, Municipal Commissioners and all Civil Surgeons in the State to ensure licensing of slaughter houses in their area and they comply with the provisions under part IV of the Regulation 2.1.2 (1) (5) of FSSA Act. These directions have been issued vide letters dated 13.05.2013 and 12.06.2013.

7. From the aforementioned replies, it is evident that measures have been taken to prevent illegal transportation of camels.

8. Learned Additional Advocate General, Haryana has also assured the Court that there will be no let up in the efforts being made by the State Authorities to check illegal transportation of camels and in the event any such instance comes to their notice, prompt action shall be taken.

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9. In view of the replies filed by the respondents and the assurance given by learned Additional Advocate General, Haryana, we do not deem it necessary to issue any further directions in the matter. However, the petitioner would be at liberty to bring any instance of illegal transportation or cruelty to the camels, to the notice of the authorities, who shall take prompt action in accordance with law.

10. The petition stands disposed of accordingly.

(AJAY KUMAR MITTAL) (ANUPINDER SINGH GREWAL)
JUDGE JUDGE

FEBRUARY 15, 2018

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1. Whether speaking/reasoned : YES/NO
2. Whether reportable : YES/NO