

IN THE HIGH COURT OF BOMBAY AT GOA***PUBLIC INTEREST LITIGATION WP NO.63 OF 2019***

Mr. Kabir Gama-Roy,
Phone No.9765409306,
Pan Card No.ACLPG6950G,
National Unique Identity No.
6466 9669 6480,
Annual Income: Rs.10 lac plus,
Animal Activist,
Residing at Moksha Villa,
La Citadel Col., Plot A6,
Dona Paula, Goa – 403 004.

.... Petitioner.

Versus

1. The Goa State Animal Welfare Board,
through its Member Secretary,
at c/o. Director AH&VS Department,
Patto, Panaji.
2. The State of Goa,
through its Chief Secretary,
Goa Assembly Complex,
Porvorim – Goa.
3. The Corporation of the City of Panaji,
through its Commissioner,
Panaji – Goa.
4. Mapusa Municipal Council,
through its Chief Officer,
Mapusa, Goa.

5. Margao Municipal Council,
through its Chief Officer,
Margao – Goa.

6. Mormugao Municipal Council,
through its Chief Officer,
Mormugao – Goa.

7. Ponda Municipal Council,
through its Chief Officer,
Ponda – Goa.

8. The Director of Municipal
Administration,
1st Floor, Dempo Towers,
EDC, Patto Plaza,
Panaji – Goa.

.... Respondents.

Mr. Dhaval Damodar Zaveri, Advocate for the petitioner.

Mr. D. Pangam, Advocate General with Mr. P. Faldessai, Additional
Government Advocate for the respondents no.1, 2 and 8.

Mr. Ashwin D. Bhobe, Advocate for the respondent no.3.

Mr. P. Shirodkar with Mr. S.D. Padiyar, Advocates for the respondent
no.4.

Ms. S. Kushawaha, Advocate for the respondent no.5.

Mr. Abhishek Sawant with Mr. Somnath Karpe, Advocates for the
respondent no.6.

Mr. Tanmai Gawas with Mr. Gaurish Agni, Advocates for the
respondent no.7.

**Coram : M. S. SONAK &
SMT. M.S. JAWALKAR, JJ.
Date : 12th February, 2020.**

Oral Judgment: (Per M.S. Sonak, J.) :

Heard Mr. Dhaval Damodar Zaveri, the learned Counsel for the petitioner Mr. D. Pangam, the learned Advocate General along with Mr. P. Faldessai, the learned Additional Government Advocate for the respondents no.1, 2 and 8. Mr. Ashwin D. Bhobe, the learned Counsel for the respondent no.3, Mr. P. Shirodkar with Mr. S.D. Padiyar, the learned Counsels for the respondent no.4, Ms. S. Kushawaha, the learned Counsel for the respondent no.5, Mr. Abhishek Sawant with Mr. Somnath Karpe, the learned Counsels for the respondent no.6 and Mr. Tanmai Gawas with Mr. Gaurish Agni, the learned Counsels for the respondent no.7.

2. Rule. Rule is made returnable forthwith at the request and consent of the learned parties.

3. This petition basically seeks implementation of the provisions of the Prevention of Cruelty to Animals Act, 1960 (the PCA ACT) and the Rules made thereunder.

4. The first grievance relates to the Establishment of Societies for the Prevention of Cruelty to Animals (SPCAs) in the

North and South Goa Districts. Mr. Zaveri, the learned Counsel points out that Rule 3 of the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 amended the establishment of such Societies by the State Government.

5. Rule 3 of the 2001 Rules reads as follows:

“3.Society for Prevention of Cruelty to animals in a District – (1) Every State Government shall by notification in the Official Gazette, establish, as soon as may be and in any event within six months from the date of commencement of these rules, a society for every district in the State to be the SPCA in that district.

Provided that any society for Prevention of Cruelty to Animals functioning in any district on the date of commencement of these rules shall continue to discharge its functions till establishment of the SPCA in that district under these rules.

(2) The Managing Committee of the Society shall be appointed by the State Government or the local authority of the of the district consisting of a Chairperson to be appointed by the State Government or the local authority of the district, as the case may be with the concurrence of the Board and shall consist 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 condition that

(i) at least two members shall be representatives of the Animal Welfare Organisations which are actively involved in the work of prevention of cruelty to animals and welfare of animals preferably from within the district; and

(ii) at least two members shall be the persons elected by the general body of members of the Society.

(3) The duties and the powers of the Society shall be to aid the Government, the Board and local authority in enforcing the provisions of the Act and to make such bye-laws and guidelines as it may deem necessary for the efficient discharge of its duties.

(4) The Society, or any person authorized by it in this behalf, if it or he has reasonable grounds for believing that any person has committed an offence under the Act, it or such authorized person may require such person to produce forthwith any animal in his possession, control, custody or ownership, or any license, permit or any other document granted to such person or required to be kept by him under the provisions of the Act and may stop any vehicle or enter into any premises in order to conduct a search or inquiry and may seize an animal in respect of which it or such authorized person has reason to believe that an offence under the Act is being

committed, and deal with it in accordance with law.

(5) In addition to the powers conferred by these rules, the State Government may, in consultation with the Board, confer such other powers upon any Society for exercising the powers and discharging the functions assigned to it under these rules”.

6. The learned Advocate General for the State of Goa points out that such societies had been constituted, however they may not have been constituted in terms of what is provided in the Rule in strict sense. He therefore, submits that within three months from today, Societies for Prevention of Cruelty to Animals (SPCA) will be established for the Districts of North and South, Goa. He states that the process has already been commenced and will be completed in all respects within three months from today. This statement is accepted and according to us this substantially redresses the first grievance of the petitioner.

7. Mr. Zaveri, then points out that the Goa State Animal Welfare Board which has been constituted by the State of Goa is not functioning in the sense, it is not disposing of the complaints made by the citizens. The grievance, is quite vague. In any case, the learned Advocate General states that the Goa State Animal Welfare Board is functioning and will function as required under the provisions of the

Act and the Rules.

8. Mr. Zaveri, then points out that the provisions of the Prevention of Cruelty to Animals Act, 1960 (Pet Shop) Rules 2018 and (Dog Breeding & Marketing) Rules 2017, are not been implemented in letter and spirit. He points out that there are many pet shops and dog breeders are functioning without registration which is mandatory under such Rules.

9. The learned Advocate General has placed before us the copy of Advertisement issued by the Member Secretary of Goa State Animal Welfare Board dated 08/02/2020, which reads as follows:

***“GOA STATE ANIMAL WELFARE BOARD
C/o. Department of Animal Husbandry &
Veterinary Services
Pashusamvardhan Bhavan, Patto, Panaji, Goa,
403001, INDIA
Ph. No. +91 (832) 2437245 / +91 (832)
2437841 / Fax No. +91 (832) 2437244
E-Mail: gsawb.goa@gov.in***

NOTICE

***“Pet Shops and Dog Breeders Registration with
the Goa State Animal Welfare Board***

As per the Prevention of Cruelty to Animals Act

1960 (Pet Shop) Rules 2018 and (Dog Breeding & Marketing) Rules 2017, it is mandatory for all Pet Shops and Dog Breeders across the State to register with the Goa State Animal Welfare Board.

The registration fee for both “Dog breeders” and “Pet shops” shall be Rs.5000/- and the registration would be valid for two years in case of “Dog breeders” and five years for 'Pet shops' .

The applications for the Registration needs to be submitted within 30 days to the Goa State Animal Welfare Board, and the registration process would be completed after following all the necessary formalities and approval of the Board.

The necessary application forms, may be collected from the Goa State Animal Welfare Board, c/o. Department of Animal Husbandry & Veterinary Services, Patto, Panaji, Goa.

Sd/-

Dr. Santosh Desai,

Member Secretary.

DI/Advt/1615/2019”

10. The learned Advocate General states that thirty days time has been granted to the Pet Shops and the Dog Breeders across the State to register themselves with the Goa State Animal Welfare Board as required by the Rules with Mr. Zaveri. He states that during this period of thirty days the Pet Shops and Dog Breeders will have to complete their registration by paying fees for both Dog Breeders and

Pet Shops of Rs.5,000/- and the same would be valid for two years in case of Dog Breeders and five years for Pet Shops. He states that in case the Pet Shops and the Dog Breeders across the State fail to apply for registration and do not register themselves as is required under the Rules, action in accordance with law will be initiated against them. We accept this statement, which according to us redresses the grievances of the petitioner with regard to the non-implementation of the Rules.

11. Since, no other concrete grievance is pointed out, we dispose of this petition by making the Rule absolute in the aforesaid terms. There shall be no order as to costs.

SMT. M.S. JAWALKAR, J. *M. S. SONAK, J.*
*af**