

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO. 891 OF 2017
IN
WRIT PETITION NO.261 OF 2004

KABIR GAMA ROY.

... Petitioner.

Versus

STATE OF GOA, THROUGH ITS
CHIEF SECRETARY AND OTHERS.

... Respondents.

Mr John Abreu Lobo, Amicus Curiae.

Mr Dhaval Zaveri, Advocate for the Petitioner.

Mr V.V. Pednekar, Advocate for the Mormugao Municipal
Council.

Mr Arun Talaulikar, Addl. Government Advocate for
Respondents No.1 to 4.

Mr Ivan Santimano, Advocate for Respondent No.2.

Ms Marie Rosette Pereira, Advocate for Respondent No.6.

Mr Pranay Kamat, Advocate for Respondent No.8.

Mr Amey Kakodkar, with Mr Abhishek Sawant and Mr Akshay
Naik, Advocates for Respondent No.10.

Mr Amit Palekar with Mr S. Bodke, Advocates for Respondents
No.11 and 12.

Mr S.D. Padiyar with Mr Prayash Shirodkar, Advocate for the
Mapusa & Cuncolim Municipal Councils.

Mr Pranav Vaze, Advocate for Ponda Municipal Council.

Mr Marvin D'Souza, Advocate for Village Panchayat of Curca.

CORAM : M.S. SONAK, J &
BHARAT P. DESHPANDE, J.

RESERVED ON : 27 June 2023
PRONOUNCED ON : 8th August 2023

ORDER: *(Per M.S. Sonak, J.)*

1. Heard Mr John Lobo, Amicus Curiae, Mr Dhaval Zaveri for the Petitioner, Mr V.V. Pednekar for Mormugao Municipal Council, Mr Arun Talaulikar, Addl. Government Advocate for Respondents No.1 to 4, Mr Ivan Santimano for Respondent No.2, Ms Marie Rosette Pereira for Respondent No.6, Mr Pranay Kamat for Respondent No.8, Mr Amey Kakodkar for Respondent No.10, Mr Amit Palekar for Respondents No.11 and 12, Mr S.D. Padiyar for the Mapusa and Cuncolim Municipal Councils, Mr Pranav Vaze for Ponda Municipal Council and Mr Marvin D'Souza for the Village Panchayat of Curca.

2. The action was taken suo motu by this Court way back in 2004 to consider the issue of stray cattle squatting on public roads, particularly at night, giving rise to serious road accidents. The Petition was registered as Writ Petition No. 261/2004 and was disposed of by Order dated 2/4/2007, delivered by S.A. Bobde (as His Lordship then was) and N.A. Britto, J.

3. The Order dated 2/4/2007 refers to the affidavit filed by Shri Daulat Hawaldar, Director of Municipal Administration. To this affidavit was annexed a status report showing that 14 Municipal Councils and the Corporation of the City of Panaji

have erected permanent cattle pounds. The Court noted that the next step was ensuring the stray cattle were within the pounds and not on the roads.

4. The Court, therefore, directed the Municipal Councils to appoint a “Pound-keeper” in terms of Section 268 of the Goa Municipalities Act, 1968 (Municipalities Act), if not appointed, within a month from the date of the order. The Councils were directed to ensure due compliance with duties by the Pound-keepers entrusted to them under Section 269 of the Municipalities Act. The Councils were also required to set up a system of incentives to bring the stray cattle to such pounds. Directions were issued to strictly enforce the penal provision of Section 269 of the Municipalities Act. The Director, Municipal Administration was directed to entertain complaints regarding the stray cattle and take action against the erring Municipal Councils, per law.

5. All the Village Panchayats in the State of Goa were also directed to appoint Pound-keepers regarding the cattle pounds set up by them in terms of Section 112-A of the Goa Panchayat Raj Act, 1994 (Panchayat Raj Act). The Court directed that if Pound-keepers were not appointed, such appointments should be made within one month from the order date. All the Village Panchayats in the State of Goa were also directed to strictly

enforce Section 112-A of the Panchayat Raj Act and take penal action against the offenders. Per law, the Director of Panchayats was required to act against the erring Panchayats.

6. The Court also directed the Secretary (Animal Husbandry) to monitor the proper implementation of the scheme, viz. "Control of Stray Cattle Scheme". The Secretary (Animal Husbandry) was directed to inform the Director of Municipal Administration and/or Director of Panchayats of any instances of non-cooperation by the Municipalities or the Panchayats. Upon such reports/information, the Director, Municipal Administration and/or the Director of Panchayats, as the case may, were directed to take such action as was permissible in law against the erring Municipal Councils and Panchayats.

7. The Court also issued directions to the State Government to reconstitute the State Advisory Board under the provisions of The Prevention of Cruelty to Animals Act, 1960, within a month from the date of the order. The Court also issued directions to the Police to deploy some Constables who shall be provided with two-wheelers to ensure that the roads are clear of cattle, particularly at night on the highways.

8. The Court disposed of the suo motu action and Writ Petition No. 261/2004 by issuing the above directions on 2/4/2007. If the directions were to have been faithfully

complied with by the Municipal Councils, Panchayats, Director of Municipal Administration, Director of Panchayats, Secretary (Animal Husbandry) and the Police Authorities, perhaps the menace of stray cattle on public roads could have been substantially contained, if not altogether eliminated. However, the record shows that there was hardly any compliance. As a result, the menace of stray cattle on public roads continues to haunt the State of Goa. This is unfortunate because of the commuters' accidents and consequent loss of lives on public roads and the severe injuries and even deaths these poor cattle suffer on the public roads. Accordingly, we think that emergent steps must be taken by the State, Municipal Councils and Panchayats to tackle this issue instead of remaining in a denial mode constantly.

9. Almost a decade after the above directions were issued on 2/4/2007, one Kabir Gama Roy filed Misc. Civil Application No. 891/2017 in Writ Petition No.261/2004, complaining that despite the directions issued by Order dated 2/4/2007, no effective change was visible on the public roads in the State of Goa since the stray cattle continue to squat, posing a danger to the commuters and themselves. Though this Misc. Civil Application was not registered as a separate suo motu writ petition, the issue of stray cattle squatting on public roads and non-compliance with the directions issued by this Court on

2/4/2007 was taken up once again. This is evident from the detailed order dated 23/7/2018 made in this Misc. Civil Application by a coordinate Bench (N.M. Jamdar and Prithviraj K. Chavan, JJ.). Mr John Lobo was appointed as an amicus curiae to assist the Court and has discharged this solemn duty admirably for the last five years.

10. The order dated 23/7/2018 notes that the Secretary of Animal Husbandry and Veterinary Services filed a reply that The Goa Stray Cattle Management Scheme 2013 was duly notified on 12/3/2013. In terms of the scheme, Grant-in-Aid upto ₹64,80,500/- has been sanctioned, and the first instalment has been released to the following four organisations, which had presumably set up cattle pounds where the stray cattle could be looked after :

- (1) Akhil Vishwa Jaisriram Gosamvardan Kendra, Nanus, Valpoi;
- (2) Dhyan Foundation, Quitla, Betul, Quepem;
- (3) Dhyan Foundation, Zambaulim, Quepem; and
- (4) Gomantak Gousevak Mahasangh, Mayem, Bicholim.

11. The learned Amicus Curiae, based on the material on record, pointed out that despite the release of grants by the State, there was no effective change on the site. The learned Amicus Curiae demonstrated how the problems of the stray cattle

squatting on the public road continued. Accordingly, the Court directed that all stakeholders be convened to address the issue and find a solution.

12. An additional affidavit was filed informing the Court that such a meeting was held on 3/7/2018 between various stakeholders and State Government officials. This meeting was, *inter alia*, attended by Mr P. S. Reddy, Secretary (AH); Mr R. Menaka, IAS, Director, Urban Development; Dr Santosh V. Desai, Director, Directorate of AH & VS; Mr Mahesh K. Gaonkar, S.D.P.O. Mapusa (SP South); Mr Tushar G. Lotlikar, PI Mapusa PS (SP North); Mr Narayan Kavlekar (UDC), C.C.P, Panaji; Smt. Siddhi Halarnakar, Addl. Director-I, Directorate of Panchayats and Dr Vilas Naik, Asst. Director, Directorate of AH & VS.

13. The Court was informed that the stakeholders and the Government Officials resolved to implement the directions issued by this Court on 2/4/2007. The Court was told that the State Government had formulated The Goa Stray Cattle Management Scheme, 2013, conscious of the problem of stray cattle squatting on public roads, which was severe and had yet to be resolved. The learned Amicus Curiae, however, pointed out that though the provisions of the 2013 Scheme were laudable, there was no implementation either in letter or in spirit. The

learned Amicus Curiae pointed out that despite the 2013 Scheme and considerable amounts being paid to the NGOs/Organizations operating Goshalas, pounds, etc., the problem of stray cattle squatting on the public roads had worsened.

14. The Goa Stray Cattle Management Scheme, 2013 (as modified) was placed on record. Its introduction acknowledges that the problem of stray cattle squatting on roads and causing traffic obstructions, deaths due to road accidents, and death of the cattle themselves stands acknowledged. The introduction reads as follows:-

“2. Introduction:- The Government of Goa is concerned about the stray cattle menace which is causing traffic obstruction, deaths due to accidents on roads, agricultural damage and invasion of the touristic places like beaches. The traffic on Goa’s roads is ever increasing and with it the road accidents are on the increase. It is observed that several of the road accidents are caused due to direct vehicular hits to the animals or because the driver of the vehicle had to turn to avoid hitting the animals on the road. Animals on the road are accident prone and pose much problems during the night when visibility becomes poor and movement of traffic goes faster.

The animals not only get injured or killed but invariably involve human beings getting injured or even killed in the accidents. It is desirable that animals are not found roaming freely on the roads and near wayside garbage bins etc.

Goa being a tourist destination, the stray animals on the beaches and wayside give an ugly picture of Goa. These animals should be shifted to a place where they can be better looked after rather than being left to go about as scavengers and be a nuisance to tourists.

Agriculture today is on the decline. The few enthusiastic farmers who still would like to pursue agriculture have to spend large amount of money to fence their agricultural crops so as to prevent stray animals from destroying their standing crops.

To overcome this nuisance on the roads, to improve the image of the State and to help encourage agriculture, a Scheme has to be formulated to control the stray animal menace by appointing an agency to impound the stray cattle on the roads.

The Scheme envisages the impounding of the stray cattle and transporting them by specialized vehicle to the Cattle Pound where arrangements will be made to look after the animals.

To make the Scheme citizen centric, the Scheme encourages the citizens to inform the Corporation of the City of Panaji, Municipalities, Panchayats, AWOs, Goshalas and Civic & Consumer Forums (CCF)/Person/Individual nominated by respective organizations on mobile about the presence of the stray cattle in their area, the mobile number shall be widely publicized and displayed at all the Municipalities, Panchayats and public places.”

(emphasis supplied)

15. This Court took cognisance of the 2013 Scheme and noted that though the scheme itself was quite laudable, the problem was about serious implementation of the Scheme. Accordingly, by orders dated 23/7/2018 and 27/8/2018, the Authorities were directed to place on record the status of the implementation of the 2013 Scheme. Despite our order dated 23/7/2018, no particulars were furnished.

16. Therefore, by order dated 27/8/2018, the Director of Animal Husbandry and Veterinary Services was directed to furnish the details of the relevant facts and figures on the following issues :

- (a) how many Animal Welfare Organizations, Goshala and Civic and Consumer Forums have registered themselves and their details;
- (b) how many Agencies have their annual accounts audited, and whether they have fulfilled all the necessary criteria;
- (c) whether any Municipal Council or Panchayat has applied under the Scheme and are registered;
- (d) how many Agencies such as AWOs, Goshalas and Civic and Consumer Forums have availed of the grant through the local bodies. How much grant has been disbursed to them through the local bodies;

(e) whether the Agencies which have been registered themselves have submitted the periodical reports as regards the work carried out by them for which grant is disbursed;

(f) how many reports have been submitted over a period of five years by the Agencies;

(g) whether any authority has scrutinized the report submitted by the registered Agencies who have received the grant and whether there is any follow up action taken on the said report or lacunas;

(h) how many stray cattles have been impounded by the Agencies from the roads in their area of operation with particulars details thereto. The Director will also inform how many Agencies have transported the animals to the cattle pound;

(i) whether the police assistance was sought for to render the protection required in implementation of the Scheme and if so on how many occasions and whether it was extended by the police authority;

(j) whether the cooperation of Municipal Councils and the Village Panchayats was sought for and was granted or refused;

(k) the particulars of the stray cattles maintained at the cattle pound belonging to the Municipal Councils, Panchayats and the Agencies relation to number and whether any data is available as to how much amount was spent on the feed, fodder, water, shade and expenses on the pound keeper;

(l) the data in respect of spending of amount on medical care by the Agencies and if the Agencies have not supplied any such data, whether any action is initiated by the Director;

- (m) how many visits the Visiting Committee have made with particulars as regards the dates;
- (n) how many times the meetings of the Visiting Committee have held;
- (o) the summary of the subject that was placed before the Visiting Committee and whether the Visiting Committee has submitted any report to the Government and if so the copies of the report;
- (p) on how many occasions the Visiting Committee has called on the registered Agencies to submit report and whether the Visiting Committee has recommended any action against the defaulting Agencies;
- (q) the details of the correspondence by the Director with the concerned Village Panchayat and Municipal Council for seeking help in the implementation of the Scheme and whether any response is received ;
- (r) whether wide publicity is given to the Scheme to make it citizen-centric, and the details thereof.

17. In response to this Court's order dated 27/8/2018, the Director of Animal Husbandry tendered an affidavit to this Court on 24/9/2018. The Court noted that though the Director of Animal Husbandry was in charge of overseeing the implementation of the Scheme, the Director would not have disciplinary powers over the Panchayats or the Municipal Councils. The learned Amicus Curiae then pointed out that such powers were vested in the Director of Panchayats and the Director of Administration. The Court then ordered a meeting

comprising the Director of Animal Husbandry, the Director of Municipal Administration, and the Director of Panchayats to decide how the 2013 Scheme, modified in 2015, could be effectively implemented. The Court also required the officials to consider whether any deterrent action was needed against the defaulting Panchayats and Councils and, if so, how such measures could be taken. The matter was then posted on 16/10/2018 to report compliance.

18. On 16/10/2018, this Court was informed that the meeting, as directed, was held and the Government was exploring specific initiatives. The Court noted that more efforts had to be taken regarding the issues brought before the Court. The Court also noted that despite several directions, there was no substantial progress in tackling the stray cattle issue. The Court noted that despite the Government Scheme and the finances provided by the Government, local bodies had failed to take necessary action to control the stray cattle squatting on public roads. In paragraph 3 of the order dated 16/10/2018, this Court noted the Councils and the Panchayats where this problem was acute. Accordingly, such Councils and the Panchayats were directed to report compliance regarding the Government Scheme, 2013, as modified in 2015.

19. For a long time, no compliance affidavits were filed by the Panchayats and the Councils. In our order dated 27/2/2019, we noted that the stray cattle pose a road hazard for commuters. Besides, stray cattle are vulnerable when squatting on roads or in public areas. After considering the difficulties expressed by the Councils and the Panchayats, we directed the Panchayats and the Councils who did not have proper facilities like cattle pounds etc., to apply to the Director of Animal Husbandry for assistance under the Scheme. The Director was also directed to dispose of all such applications per the Scheme as expeditiously as possible and, in any case, within six weeks of receiving such applications. The Director was also directed not to reject or refuse such applications on technical or hyper-technical grounds.

20. On 18/10/2019, this Court issued various directions to the Mapusa Municipal Council where the stray cattle issue on public roads and public spaces was acute. Further orders were made on 27/11/2019 after the Chief Officer Mapusa Municipal Council filed an affidavit referring to the sanction of ₹62,90,250/- by the State Government to implement the 2013 Scheme (as modified). In this order, we also recorded that the Mapusa Municipal Council (MMC) was to acquire a vehicle with a hydraulic lift to deal with the stray cattle issue. We also directed the Police Authorities to provide police protection to the employees of the Mapusa Municipal Council who were

attacked by some self-proclaimed vigilantes while impounding the cattle and shifting them to Goshalas.

21. Mr Padiyar, on behalf of the MMC, assured the Court that the employees would be provided with proper uniforms and identity cards to enable the members of the public to note that they were the employees of the MMC. In our order dated 15/1/2020, we recorded that the MMC had already acquired the vehicle and that the hydraulic lift would be affixed within 20 days. Some directions were also issued regards financial assistance by the State Government to the MMC.

22. On 1/9/2021, we requested the learned Amicus Curiae to convene a meeting of all concerned to evolve a plan of action for implementing the Scheme so that this issue of stray cattle is suitably addressed.

23. A meeting, in terms of our order dated 1/9/2021, was held. The Director and the Deputy Director of Animal Husbandry, Director of Panchayats, Director of Municipal Administration, SDPOs, Government Advocates and some NOGs operating Goshalas attended the meeting. Minutes of the meeting were placed on record. About ten hot spots each were identified in North and South Goa Districts. A decision was taken to identify suitable land for housing the stray cattle. The Animal Husbandry Department agreed to be a facilitator to

obtain funds under the Goa Stray Cattle Management Scheme, 2013 (as amended). The meeting also resolved that the Secretary (Urban Development) and Secretary (Panchayats) would be the Nodal Officers. Accordingly, the Court directed all concerned to file status reports. For a long time, no status reports were filed.

24. On 7/12/2022, we directed the Director of Municipal Administration to inquire with all the Municipalities and obtain details about Pound-keepers, if any, in various Municipal Councils. We directed that the Director of Municipal Administration should also furnish data on the work done by these Pound-keepers in the last six months. The Director of Municipal Administration filed an affidavit on 10/1/2023, agreeing that the responses from various Municipal Councils were far from satisfactory.

25. From the responses furnished by the Municipal Councils and even the Corporation of the City of Panaji to the Director of Municipal Administration, we find that in most cases, no Pound-keepers were appointed. Where the Pound-keepers were appointed, they had no clue about their expected duties and were discharging no responsibilities. Some of the Pound-keepers claimed to be involved in shooing the cattle from the streets; others would telephonically inform the Goshalas or some NGOs and request them to act. Some of the Councils reported no stray

cattle within their jurisdiction. We observed that all such responses were entirely frivolous and merited no acceptance.

26. In so far as the Corporation of the City of Panaji was concerned, it admitted that it had no cattle pound and the “Pound-keeper” was engaged in “road service” work for the last six months. The Ponda Municipal Council had assigned only one Peon to deal with the problem of stray cattle. The Director of Municipal Administration assured this Court that he would convene a meeting of all Chief Officers of the Municipal Councils and the Commissioner of the Corporation of the City of Panaji, along with their Pound-keepers and other staff who would be given the responsibility of tackling this issue of stray cattle. The Director stated that some action plan would be prepared, and guidelines would be issued for proper implementation and monitoring.

27. It was also brought to our attention that, in the past, there have been instances where the Municipalities have sought to outsource these obligations to the NGOs and Goshalas. Ultimately, it was found that some NGOs and Goshalas did not actively address the issue of stray cattle despite receipt of finances. This should be avoided.

28. It will be open for two or more Municipal Councils to establish a common/joint pound. It will also be open to the

Municipal Councils to enter into agreements with the Government approved Goshalas or NGOs for lodging and care of the stray cattle but the mere fact that the Councils are entering into MOUs with some NGOs or Goshalas will not relieve them of such primary responsibility. The onus of dealing with the issue of stray cattle ultimately will, however, lie on the Chief Officers of the Municipal Councils.

29. On 8/2/2023, the Director of Municipal Administration filed an affidavit. Based on the material on record, the learned Amicus Curiae submitted a memo of suggestions. The matter was adjourned to enable the learned Counsel for the Respondents and the Respondents to consider such suggestions. The case was then adjourned to 27/6/2023.

30. In this matter, just as we are concerned with the safety of commuters using the roads where the stray cattle squat, we are equally concerned with the safety of the stray cattle. In many cases, they suffer severe injuries and are left to die or unattended on roads. This is downright animal cruelty. When dealing with issues involving animals, who lack the faculty to communicate their plight and assert their legal rights, we must be cognizant that their inability to express does not denude them of their right. Instead, it casts an obligation on those with the requisite faculties to act on their behalf.

31. In *Animal Welfare Board of India Versus A. Nagaraja and others* - (2014) 7 SCC 547, the Hon'ble Supreme Court held that PCA Act is a welfare legislation which has to be construed bearing in mind the purpose and object of the Act and the Directive Principles of State Policy. It is trite law that, in the matters of welfare legislation, the provisions of law should be liberally construed in favour of the weak and infirm. Court also should be vigilant to see that subtle devices do not defeat benefits conferred by such remedial and welfare legislation. Court has got the duty that, in every case where ingenuity is expanded to avoid welfare legislations, to get behind the smoke-screen and discover the true state of affairs. Court also has a duty under the doctrine of parents patriae to take care of the rights of animals since they cannot take care of themselves as against human beings.

32. In *THE ANIMAL WELFARE BOARD OF INDIA & ORS. Versus UNION OF INDIA & ANR.*, 2023 SCC OnLine SC 661, a Constitution Bench of the Hon'ble Supreme Court held that humans have an obligation to ensure that animals do not suffer from pain and injury.

33. In *Alim Versus State of Uttarakhand and others* - 2018 SCC OnLine Utt 757, the Hon'ble Uttarakhand High Court while considering *inter alia* the issue of the stray cattle menace,

invoked the doctrine of 'parens patriae' to issue extensive directions for the protection of such cattle; *inter alia* that the collection and handling of cattle must be done with utmost compassion.

34. In *Milkmen Colony Vikas Samiti versus State of Rajasthan and others* - (2007) 2 SCC 413, the Hon'ble Supreme Court affirmed the judgement of the Hon'ble High Court of Rajasthan at Jodhpur, which ordered the relocation of the dairies responsible for the setting loose of cattle into the city of Jodhpur, in public interest, and to maintain a healthy and clean environment. The Hon'ble Apex Court going further also ordered the Municipal Corporation to ensure that used plastic bags and other plastic materials must be separated from other garbage and destroyed to prevent their consumption by cattle, bulls and other animals so as to prevent the harm caused by the consumption of plastic by bovids.

35. We dispose of this Misc Civil Application based upon the material placed before us and after hearing the learned Amicus Curiae and the learned Counsel for the Respondents. In support, we invoke the *parens patriae* doctrine and issue the following additional directions for proper implementation of our order dated 2/4/2007 and The Goa Stray Cattle Management Scheme 2013 (Amended) formulated by the State Government :

A. Directions to the Municipal Councils and the Director of Municipal Administration –

- i. In so far as the Municipal Councils in the State of Goa are concerned, the Chief Officers of such Municipal Councils shall be responsible for ensuring that no stray cattle are squatting on public roads.
- ii. The Chief Officers must ensure that necessary staff is appointed or designated for monitoring/controlling and removing the stray cattle from the public roads. Such a team must regularly patrol the areas within the jurisdiction of the Councils and take necessary action without waiting for any complaints from the members of the public.
- iii. As enjoined by the Municipalities Act, the Chief Officer of the Municipal Councils must not only appoint Pound-keepers but also provide pounds where the stray cattle can be lodged and cared for.
- iv. The Chief Officers must, within one month from today, indicate their telephone number/s or telephone number/s of some designated staff from their Municipal Councils so that the members of the public or the Police Patrolling/beat vehicles can intimate such staff, the Chief Officers or the staff

members about the stray cattle on the public roads. Such intimation must be sent to the Director of Municipal Administration within a month from today.

- v. The Director shall then cause public advertisements in at least two local newspapers (English and vernacular), giving details and telephone numbers of Chief Officers and/or designated staff members concerning each Municipal Council. This direction is consistent with the state Government's scheme of 2013 (modified).
- vi. Even if the Municipal Councils enter into MOUs or agreements with the NGOs and Goshalas, it would always be the responsibility of the Chief Officers of the Municipal Councils, and he shall be required to ensure that the NGOs and Goshalas also discharge their obligations under the MOUs or agreements diligently and faithfully so that the issue of stray cattle is effectively tackled.
- vii. The above directions will apply to the Corporation of the City of Panaji. The Commissioner of the Corporation of the City of Panaji shall be responsible for dealing with the issue of stray cattle. The

Commissioner must take all steps to provide for proper pound and Pound-keepers. The Commissioner must assign suitable staff and disclose to the Director of Municipal Administration telephone numbers of such staff within a month from today.

B. Direction to the Director of Panchayats and the Director of Municipal Administration-

- i. The Director of Panchayats must, within a month from today, issue detailed directions to each of the Panchayats regards the measures to be adopted to deal with the issue of stray cattle.
- ii. The Director of Panchayats must focus on the Panchayats where the issue of stray cattle is most acute. The Goa Stray Cattle Management Scheme 2013 (Amended) must be circulated to all the Panchayats with directions to implement its terms and conditions. The Scheme offers financial assistance to the local bodies, and the Panchayats must be encouraged to avail of such benefits to tackle the issue of stray cattle.
- iii. On the receipt of a report from the police authorities, or otherwise, when a case of persistent remiss in the discharge of duties by the Councils and the Panchayats,

comes within their knowledge the Director of Municipal Administration and the Director of Panchayats as the case may be, must consider invoking the provisions of the Municipalities Act and the Panchayat Raj Act and initiate actions against the Councils and the Panchayats, respectively.

- iv. The Director of Municipal Administration and the Director of Panchayats must ensure, within three months from today, that the Police, Municipal Councils, the Corporation of the City of Panaji and some of the Panchayats where the issue of stray cattle is acute, set up to monitor, a dedicated 24 X 7 helpline to receive calls and complaints about the stray cattle on roads.
- v. Additionally, a central, official WhatsApp account linked telephone number shall also be publicized, via which concerned citizens may intimate or send photographs of squatting stray cattle along with their location; the same shall, as soon as practicable be forwarded to the relevant authority within whose jurisdiction the cattle are found. If such intimation discloses a specific infraction, it shall be recorded as a complaint and processed accordingly. The concerned

authorities must maintain a record of such complaints and the status thereof.

C. Directions to the Police Authorities-

- i. The Police Authorities must keep a vigil for stray cattle on public roads. As it is, the Police Authorities patrol the road, especially during the night. The Police Authorities must, at least telephonically inform the designated staff members or the Chief Officers of the Municipal Councils and the Panchayats so that immediate action is taken.
- ii. The Police must also verify whether action is taken on their intimation and make necessary reports to the Director of Municipal Administration/Director of Panchayat in case of failure.
- iii. The Police Authorities must, henceforth, identify cattle owners whose cattle stray on public roads. Action must be taken against such owners who let loose their cattle on public roads under The Goa Stray Cattle Management Scheme 2013 (Amended) and the Prevention of Cruelty to Animals Act, 1960. Prosecution should also be launched against such cattle owners under the Indian Penal Code.

- iv. In short, the Police Authorities must take a proactive role in combating the issue of stray cattle on public roads.

D. Miscellaneous Directions

- i. The Municipal Councils, Village Panchayats, and City Corporation of Panaji are directed to ensure that used plastic bags and other plastic materials must be separated from other garbage and disposed of appropriately to prevent their consumption by cattle, bulls and other animals. This is an obligation that the local authorities are required to comply with, in any case.
- ii. The removal and transport of cattle from public area must be done safely, without injuring them. They must be dealt with utmost compassion; and no unnecessary pain or suffering should be caused to them. The vehicles transporting them must be driven in a manner cognizant of this, at a reasonable speed. This direction is consistent with the state Government's scheme of 2013 (modified).
- iii. The Directorate of Animal Husbandry and Veterinary Services must evolve an action plan to attend to the stray cattle injured on public roads. This Directorate must identify hot spots and ensure that veterinary services are available at the earliest.

- iv. The designated officials of the Councils, the Corporation of the City of Panaji and the Police Authorities must inform the Directorate of Animal Husbandry and Veterinary Services about the injured cattle. For this purpose, the Director of the Animal Husbandry and Veterinary Services Department must designate a Nodal Officer and share the phone numbers of such Nodal Officer with the Director of Municipal Administration, the Director of Panchayats, the Superintendent of Police for the Districts of North and South Goa. This exercise must be completed within three months from today.
 - v. The directions issued by this Court on 2/4/2007 in Writ Petition No.261/2004 are reiterated, and the concerned officials must ensure compliance with those directions.
 - vi. In addition, we direct the concerned Respondents to implement and ensure the implementation of the Goa Stray Cattle Management Scheme 2013 (Amended).
 - vii. The interim orders made in this Civil Application from time to time or the interim directions issued in this Civil Application from time to time are also made absolute.
- 36.** Mr Lobo learned Amicus Curiae has assisted this Court for over five years. He has convened and attended several meetings of stakeholders. He has prepared reports and

suggestions from time to time. Accordingly, we thank him for his efforts and assistance rendered to us. We direct the Goa State Legal Services Authority to pay Mr Lobo an amount of ₹25,000/- for his assistance to the Court in this matter. This amount is in addition to our gratitude to Mr Lobo for his efforts and assistance.

37. Misc. Civil Application No. 891/2017 is now disposed of.

38. The Director of Animal Husbandry and Veterinary Services, the Director of Municipal Administration, and the Director of Panchayats must file their compliance reports with details and statistics on or before 28th February 2024.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.

SANTOSH
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