
(2016) 03 SHI CK 0187
In the High Court Of Himachal Pradesh
Case No : CWP No. 6631 of 2014

Bhartiya Govansh Rakshan Sanverdhan Parishad	APPELLANT
Vs	
Union of India	RESPONDENT

Date of Decision : 02-03-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) ILRHP 59

Hon'ble Judges : Rajiv Sharma and Sureshwar Thakur, JJ.

Bench : Division Bench

Advocate : Mr. Varun Thakur, Advocate, for the Petitioner; Mr. Ashok Sharma, ASGI with Mr. Nipun Sharma, Advocate, for the Respondent Nos. 1, 2 and 10; Mr. M.A. Khan, Addl. AG with Mr. Ramesh Thakur, Asstt. AG, for the Respondent Nos. 3 to 7 and 9

Final Decision : Disposed Off

Judgement

Rajiv Sharma, J.—In sequel to the directions issued by this Court on 14.10.2015, the Superintendent of Police, Sirmaur at Nahan has filed an affidavit. According to the averments contained in the affidavit, during the year 2015, total 13 numbers of cases have been registered in district Sirmaur against the violators/offenders under the various sections i.e. Section 429 IPC, Section 11 of Prevention of Cruelty to Animals Act, 1960, Section 8 of the H.P. Prohibition of Cow Slaughter Act, 1979 and Sections 114 & 115 of the H.P. Police Act, 2007, in which 79 animals have been rescued, 38 persons were arrested and 19 vehicles have been impounded. The Superintendent of Police, Sirmaur has undertaken to take stringent action against the violators/offenders.

2. The Superintendent of Police, Lahaul Spiti at Keylong has also filed the affidavit in pursuance to the directions issued by this Court on 14.10.2015. Three cases have been registered under Prevention of Cruelty to Animals Act, 1960. Challan was put in FIR No. 23/15 on 9.10.2015 and in FIR No. 24/15 on 11.10.2015. One accused has been convicted by Gram Panchayat Darcha under

Section 11 of the Prevention of Cruelty to Animals Act, 1960 at PS Keylong.

3. The Superintendent of Police, Kullu has also filed the affidavit in pursuance to the directions issued by this Court on 14.10.2015. It is averred in the affidavit that two cases have been registered under Section 289 IPC and one case under Section 429 IPC. No case of slaughtering has come into the notice of the police in his district. The strict vigil is being kept on violators in his district.

4. The Addl. Superintendent of Police, Bilaspur has also filed the affidavit in pursuance to the directions issued by this Court on 14.10.2015. He has averred in his affidavit that 5 cases have been registered under the provisions of Prevention of Cruelty to Animals Act, 1960, in the various Police Stations of this district and special efforts have been made to educate the people about the Prevention of Cruelty to Animals Act, 1960 and other provisions.

5. The Superintendent of Police, Police District Baddi, Distt. Solan, in his affidavit has stated that one FIR No. 18/15 dated 15.4.2015 has been registered under Section 429 IPC and Section 11 of Prevention of Cruelty to Animals Act, 1960 and Section 8 of the H.P. Prohibition of Cow Slaughter Act, 1979 at Ramshehar. The efforts were also made to trace the owners of stray animals and two stray cows were handed over to "Gaushala" at Satiwala-Barotiwala and entry to this effect was made in daily diary vide entry No. 34 dated 30.3.2015 and daily diary No. 33 dated 24.4.2015 at Police Station Barotiwala and a supurdair memo was also prepared to this effect.

6. According to the affidavit filed by the Superintendent of Police, Mandi, 3 cases have been registered under the provisions of section 11 of the Prevention of Cruelty to Animals Act, 1960, and Section 429 of the IPC in the year 2015 till 5.12.2015 in District Mandi. The Investigating Officers have completed the investigation and the concerned SHOs have presented the challans in Gram Panchayat Ghanala and Gram Panchayat Kot, respectively.

7. According to the affidavit filed by the Superintendent of Police, Una, FIR No. 102/15 dated 4.4.2015 under Section 11D of the Prevention of Cruelty to Animals Act, 1960, was registered at PS Una, in which two calves, 16 buffalos were being exported by the accused. Another FIR No. 158/15 dated 23.11.2015 under Section 11 H of Prevention of Cruelty to Animals Act, 1960, at PS Bangana was registered in which it was found that one cow and three calves were left abandoned.

8. The Superintendent of Police, Hamirpur in his affidavit has averred that 3 cases have been registered against the defaulters/violators under Section 289 IPC, one case under Section 429 IPC and one case under the Prevention of Cruelty to Animals Act, 1960, w.e.f. 1.1.2015 to 14.12.2015 in district Hamirpur.

9. The Superintendent of Police, Chamba, has disclosed in his affidavit that CCTV cameras have already been installed in entry/exit points of the district i.e. Traffic Check Posts Tunuhatti, Lahroo and Sewa Bridge to monitor the illegal

transportation of animals in the vehicles but no violation has been noticed till date.

10. It is averred in the affidavit filed by Deputy Commissioner Hamirpur that 58 complete cases were received for transfer of land in Hamirpur, 29 in Bhoranj, 44 in Barsar, 38 in Nadaun and 24 in Sujanpur Sub Divisions. The land has been transferred in 18 cases in Hamirpur, 18 cases in Bhoranj, 36 cases in Barsar, 20 cases in Nadaun and 23 cases in Sujanpur Sub Divisions. 40 cases are under process in Hamirpur, 11 in Bhoranj, 8 in Barsar, 18 in Nadaun and 1 in Sujanpur Sub Divisions. The Deputy Commissioner Hamirpur is directed to ensure transfer of land cases in the district to Gram Panchayats within a period of four weeks from today.

11. In the affidavit filed by the Deputy Commissioner, Una, it is averred that out of 234 Gram Panchayats, Government land has been transferred to 81 Gram Panchayats and revenue papers of 153 Gram Panchayats are under process. An amount of Rs. 15,65,000/- has been sanctioned by Zila Parishad and Panchayat Samiti from the 13th Finance Commission for the construction of gosadans. The District Panchayat Officer, Una has informed the Member Secretary District Coordination Committee vide letter dated 4.12.2015 that 2 more Gram Panchayats have been allocated the budget from the 13th Finance Commission amounting to Rs. 2,50,000/-. In those Gram Panchayats where the land has been transferred, steps are being taken to start the construction of gosadans at the earliest. 169 stray cattle were treated in the Veterinary Institutions. 16708 cattle have been registered during the pendency of this case. All the Block Development Officers have been requested to transfer the land for remaining Gram Panchayats who require land for establishment of gosadans. 74 Gram Panchayats have not yet applied for land transfer to District Panchayat Officer, Una who has asked to call the meeting of these Gram Panchayats to clarify their requirement of land, if any. The Executive Officer, Municipal Committee, Una has submitted land transfer case in village Rampur on 30.11.2015 and the land transfer process is underway. The Notified Area Committee, Gagret has transferred land for construction of gosadan as per Annexure J of the affidavit. The Secretary, NAC Daulatpur Chowk was asked to send land transfer case within three days for establishment of gosadan. The land for gosadan has been transferred at Village Nangal Kalan for NAC Tahliwal. The gosadan is already functioning at Katohar Kalan under Mandir Nyas Mata Shri Chintpurni. In Una District 8 gosadans are already functioning, out of which, one is run by temple trust and rest 7 gosadans are supplied hay (fodder) worth Rs. 8,00,000/- as per stray cattle strength. The Deputy Commissioner Una is directed to ensure transfer of land cases in the district to Gram Panchayats within a period of four weeks from today.

12. The Addl. Chief Secretary (UD) to the Government of Himachal Pradesh has also filed the affidavit in pursuance to the directions issued by this Court on 14.10.2015. According to the affidavit, a provision of funds amounting to Rs. 10

lacs has been made by the SDO(C) Palampur for the construction of Gosadan at Palampur and an amount of Rs. 6 lacs has been released to MC, Palampur. The MC Kangra has presently no land available for the purpose and the proposal for land identification is under process. The Executive Officers, Palampur and Kangra are directed to construct the gosadans within their territory within 3 months from today after completing all the codal formalities.

13. The MC Dharamshala is running its own gosadan at Sarah since April, 2015. Two more sheds with approximate capacity of 60 stray animals is under construction. There will be a direction to the Executive Officer, MC Dharamshala, to complete the gosadans within 3 months from today.

14. Now, as far as MC Nurpur is concerned, two gosadans are being run by the government. There is a proposal for transfer of land for construction of new gosadan at Mahal Chakwan Khanni. The Executive Officer, MC Nurpur is directed to complete the codal formalities and construction be completed within 3 months.

15. At Dehra, the stray animals are being shifted to gosadan Bhuniri, run by NGO. However, new site has been selected near HRTC workshop. There will be a direction to the Executive Officer, Nagar Parishad Dehra to ensure the construction of gosadan within 3 months from today.

16. MC Jawalamukhi has identified land in village Jijal and presently caretaker hut and feeder store has been constructed at the site. There will be a direction to the Executive Officer, MC Jawalamukhi to ensure the construction of gosadan within 3 months from today.

17. At MC Chamba, the district administration has arranged the funds. There will be a direction to the Executive Officer, MC Chamba to ensure the construction of gosadan within 3 months from today.

18. At Nagar Parishad Chowari, the gosadan is under construction near Kaulm Khad. There will be a direction to the Executive Officer, Nagar Parishad, Chowari to ensure the construction of gosadan within 3 months from today on priority basis.

19. MC Dalhousi has identified land at Kathlak in ward No. 6. The MC has requested the DC, Chamba to provide funds for the construction of gosadan. There will be a direction to DC Chamba to provide necessary funds to MC Dalhousie within four weeks and thereafter the construction of the gosadan shall be completed within 3 months by MC Dalhousie.

20. Now, as far as MC Una is concerned, presently stray animals are being sent to gosadan at Rakkar Colony. The process of land identification is under process. There will be a direction to the Executive Officer, MC Una to ensure the construction of gosadan within 3 months from today.

21. At Nagar Panchayat Daulatpur, land has been identified in ward No. 5 near Mohalla Behli and the case has been submitted to DC Una on 28.5.2015. There

will be a direction to the Deputy Commissioner, Una to finalise the transfer of land within four weeks from today and thereafter the Executive Officer, Nagar Panchayat, Daulatpur would be personally responsible for the construction of gosadan within 3 months.

22. The land has been identified in ward No. 3 near Police Station and the land transfer case has been forwarded to DC Una by Nagar Panchayat, Gagret on 12.5.2015. There will be a direction to the Deputy Commissioner, Una to finalise the transfer of land within four weeks from today and thereafter the Executive Officer, Nagar Panchayat, Gagret would be personally responsible for the construction of gosadan within 3 months.

23. At Mehatpur, land is being identified. There will be a direction to the Executive Officer, Mehatpur to do the needful within a period of 3 months from today, including identification of land and construction of gosadan.

24. At Santokhgarh, there is one gosadan of 110 animals capacity in ward No. 4. It is not apparent as to whether the gosadan at Santokhgarh, at present is catering the need of the hour or not. The Deputy Commissioner, Una shall file his personal affidavit in this regard and if there is requirement of another gosadan at Santokhgarh, steps in this regard shall be taken after completing all the codal formalities.

25. At MC Kullu, gosadan is under construction at Dhalpur. There will be a direction to the Executive Officer, MC Kullu for early construction of gosadan at Kullu within 3 months.

26. The gosadan at Manali has been constructed and is functional.

27. MC Nahan is sending the stray animals to Mata Balasundri gosadan situated on Nahan Kala-Amb road. However, a separate land at Nauni-ka-Bag has been identified for the purpose. There will be a direction to the Executive Officer, MC Nahan to ensure the construction of the gosadan within three months.

28. Similarly, for MC Paonta, land has been identified and transferred at ward No. 5 near Veterinary Hospital and tender has been awarded. The work has also commenced. There will be a direction to the Executive Officer, MC Paonta to ensure the construction of the gosadan within three months.

29. No land has been identified at Rajgarh for the purpose of construction of gosadan by Nagar Panchayat, Rajgarh. There will be a direction to the Executive Officer, Nagar Panchayat Rajgarh to identify the land and complete all the codal formalities within four weeks from today and to complete the construction of gosadan within three months.

30. Now, as far as MC Shimla is concerned, a cattle parao in ward No. 6 Boileaunganj has been constructed for accommodation of 50-60 stray animals. The Commissioner, MC Shimla is directed to construct the gosadan to house the cows and other stray cattle within 3 months from today.

31. The matter regarding land transfer for the construction of gosadan at MC Rampur has been sent to SDM Rampur. He is directed to take final decision in the matter within four weeks and thereafter, there will be a direction to the Executive Officer, MC Rampur to ensure the construction of gosadan at Rampur within 3 months.

32. MC Rohroo has identified the land at Rohroo Shimla road measuring 1.3 bighas. There will be a direction to the Deputy Commissioner, Shimla to ensure the transfer of land within four weeks and thereafter the Executive Officer, MC Rohroo, shall ensure the construction of the gosadan within 3 months.

33. The land has been identified at Kotkhai. The case for transfer of land has been sent to DFO Theog under Forest Conservation Act. The DFO, Theog is directed to obtain necessary NOCs involved in the transfer of land within four weeks and thereafter the Executive Officer, Nagar Panchayat Kotkhai shall ensure the construction of the gosadan within 3 months.

34. It is evident from the affidavit that at Sunni, gosadan namely "Shri Hari" is being run by private organisation and Nagar Panchayat Sunni is also giving contribution to run this gosadan. There will be a direction to the Executive Officer, Nagar Panchayat Sunni to ensure the construction of gosadan within 3 months.

35. At Narkanda, the case for transfer of land has been sent through SDM Rampur to DC Shimla. There will be a direction to the DC Shimla to grant the necessary permission within a period of six weeks and thereafter, the Executive Officer, Nagar Panchayat Narkanda shall ensure the construction of gosadan within 3 months.

36. There is no gosadan at Mandi, as per the affidavit. The stray animals are being sent to gosadan Magal near Mandi which is being run by the NGO. There will be a direction to the Executive Officer, Mandi to ensure the construction of gosadan at Mandi within 3 months.

37. New gosadan has been constructed at Sundernagar with capacity of 100 animals.

38. No land is available with Nagar Panchayat Rewalsar for gosadan. However, in collaboration with Gram Panchayat Rewalsar at Ledha, two kms from Rewalsar the gosadan is proposed. The case for transfer of land has been forwarded. The DFO Mandi/Rewalsar are directed to finalise the case and thereafter, there will be a direction to Executive Officer, Nagar Panchayat Rewalsar, to ensure the construction of gosadan within 3 months from today after obtaining necessary permission.

39. Four kanal of land has been identified and transferred at Hathli Khad in MC Hamirpur. Tender was invited and work stands awarded. There will be a direction to the Executive Officer, MC Hamirpur to ensure the construction of gosadan within three months from today.

40. At Nadaun, land measuring 4.5 kanal stands transferred at ward No. 6. The work has been started. There will be a direction to the Executive Officer, Nagar Panchayat Nadaun to ensure the completion of construction of gosadan within three months from today.

41. The site has been selected near PWD rest house at Bhota for the purpose of construction of gosadan. There will be a direction to the Executive Officer, Nagar Panchayat Bhota to ensure the construction of gosadan within three months from today.

42. Similarly, the land has been identified and transferred at Khadla ward no. 6 Sujanpur. There will be a direction to the Executive Officer, MC Sujanpur to ensure the construction of gosadan at Sujanpur within 3 months from today.

43. Now, as far as MC Bilaspur is concerned, land transfer case has been sent to Deputy Commissioner Bilaspur for construction of gosadan. There will be a direction to DC Bilaspur to take a final decision within four weeks from today and thereafter the Executive Officer, MC Bilaspur shall ensure the construction of another gosadan at Bilaspur within 3 months.

44. The land has been identified at Muhal Sew, Tehsil Jhandutha. The case for transfer is under process. The case for transfer of land be finalised by the Executive Officer, Nagar Panchayat Talai within four weeks from today and thereafter the DC Bilaspur shall take a final decision for the construction of gosadan at Talai and gosadan be constructed within three months.

45. Gosadan has already been constructed at ward No. 4 with a capacity of 10 animals at MC Sri Naina Devi ji.

46. Similarly, site has been identified measuring 4.02 bighas in ward No. 6 Badhanighat. The land transfer case is being prepared. DFO Ghumarwin/Bilaspur is directed to ensure the clearance of the case under the Forest Conservation Act.

47. It is apparent from the affidavit that there is no gosadan at MC Solan. There will be a direction to the Executive Officer, MC Solan to identify the land and do the needful within 3 months from today.

48. At Arki the construction work of gosadan has been started at Ward No. 2 near Veterinary Hospital, Arki. There will be a direction to the Executive Officer, Nagar Panchayat Arki to complete the same within 3 months from today.

49. Work has been awarded near Rehan Basera building, Sector 1 Parwanoo with a capacity of 25-30 stray animals. There will be a direction to the Executive Officer, MC Parwanoo to ensure the construction of gosadan within 3 months from today.

50. MC Baddi has selected the Government land measuring 3.14 bigha for construction of gosadan and land transfer case has been forwarded to DC Solan. There will be a direction to the DC Solan to accord necessary approval within four weeks from today and thereafter there will be a direction to the Executive Officer,

MC Baddi to ensure the construction of gosadan within 3 months.

51. All the Deputy Commissioners throughout the State of Himachal Pradesh are directed to finalise the land transfer cases, at the earliest, as ordered herein above, and the Executive Officers of the Nagar Panchayats/MCs are directed to comply with the directions punctually and do the needful.

52. The status report has also been filed by the Deputy Secretary (PR). According to the averments made in the affidavit, an amount of Rs. 5,34,84,939/- has been released to Panchayati Raj Institutions for the construction of gosadans. Number of Panchayats where land has been transferred is 392 and 14 gosadans have been constructed. This amount has been released by Zila Parishads and Block Samitis from the 13th Finance Commission. The Panchayati Raj Department has requested the Animal Husbandry Urban Local bodies Departments to release funds and comply with the directions issued by this Court from time to time.

53. The Deputy Commissioner, Shimla has filed the affidavit. The meeting of sub-committee Rampur sub-Division under the Chairmanship of SDM (Civil) Rampur was held on 25.11.2015 wherein directions were given to the BDO Rampur, Narkanda and Nankhari to expedite the process of arranging funds for construction of gosadans from the government. The cattle registration work is under process in collaboration with the Animal Husbandry Department. In Nankhari, total No. of 3462, in Kumarsain 5264 and in Rampur 9711 cattle have been registered by way of tattooing. The cattle registration work stands completed in Gram Panchayats Khaneti, Madhawani, Mangsu, Shamathla and Thanedhar. In rest of the Panchayats, registration work is in progress. The DC Shimla is directed to ensure the registration of animals in the remaining Panchayats. It is averred in the affidavit that in Blocks, Rohroo, Chirgaon, Jubbal-Kotkhaj, 10 places have been identified for the construction of gosadans. The concerned BDOs are directed to ensure the construction at the identified places within their jurisdiction within four months from today.

54. A meeting of Sub-Divisional Level Committee Chopal was held on 28.11.2015 wherein the selection of land for the construction of gosadans in all the 54 Panchayats was completed. Out of 54 Panchayats, 34 Panchayats have submitted the case of land transfer after clearance from the Forest Department to the District Administration. The process is under progress in remaining 20 Panchayats. The Deputy Commissioner, Shimla is directed to get the clearance from the Forest Department qua 34 Panchayats and the process of land transfer qua remaining 20 Panchayats be also completed within a period of 6 weeks and gosadans be completed within 3 months.

55. Meeting under the Chairmanship of SDM, Theog was held on 28.11.2015. The directions have been issued to process the cases of land transfer of 72 Panchayats. The Deputy Commissioner/DFO concerned are directed to ensure the clearance within 8 weeks from today.

56. Meeting of Sub Committee Shimla (Rural) was held under the Chairmanship of SDM (R) on 30.11.2015. In Basantpur Block, selection of land has been completed in 25 Panchayats and out of these, joint inspection has been conducted in 8 Panchayats and NOC for these has been received. In Mashobra Block selection of land has been completed in 45 Panchayats and out of these joint inspections have been conducted in 7 Panchayats and NOC for the same has been received. With regard to tatting, in Mashobra Block 35207 cattle are registered and 4167 amongst them have been tattooed. In 40 Panchayats work is in progress. In Basantpur Block, 2042 cattle have been tattooed. In 29 Panchayats in this Block, tatting work is in progress. The SDM (R), is directed to complete the entire process in collaboration with the office of DC/DFO within four weeks and ensure the construction of gosadans within 3 months thereafter.

57. The total cattle population in Shimla District, as per the 2012 census is 2,76,783. The total cattle population registered since inception of the cattle registration scheme upto 28.2.2015 is 2,83,053. The Deputy Commissioner Shimla, SDM Rohroo, SDM Chopal, SDM Theog and SDM Rampur are directed to comply with the directions in letter and spirit.

58. The Deputy Commissioner, Bilaspur has filed the affidavit in sequel to directions issued on 14.10.2015. According to the averments made in the affidavit, the district administration is concentrating on construction of six gosadans in the district located at Talli, Balghad, Balhseena, Kuthera, Ranikotla and Barmana (Lagat) where sufficient funds are available in the name of Gram Panchayat. The Deputy Commissioner-cum-Commissioner Temple Trust has sanctioned instalments of Rs. 10 lacs each for the construction of cattle shed building for gosadans at above mentioned six sites. It is also undertaken in the affidavit that amount for Balhseena and Balghad will be released from the Baba Balak Nath temple trust and for gosadans Kuthera, Ranikotla, Barmana and Tallai from Shri Naina Devi Ji temple trust by the respective SDMs. The Deputy Commissioner Bilaspur and SDMs concerned are directed to release the funds as undertaken in the affidavit for the construction of gosadans within two weeks from today, if not already released. The SDMs/BDOs concerned shall be personally responsible for the construction of gosadans at all these places.

59. The Deputy Commissioner, Kullu has filed the affidavit. According to the affidavit, nearly 1000 cattle are being looked after in the seven gosadans being run in the district. The district administration has received proposals from 106 out of total 204 Gram Panchayats to construct gosadans. The Government of Himachal Pradesh has declared Distt. Panchayat Officer, Kullu as User Agency to move and process all cases of diversion of forest land for non-forestry purposes. He has undertaken to process all these cases in phased manner for diversion subject to suitability of land. The efforts will also be made to provide necessary micro chip in all the animals being kept in the household. The Deputy Commissioner, Kullu and Distt. Panchayat Officer, Kullu are directed to complete the codal formalities qua transfer of land and ensure construction of gosadans

after releasing necessary funds within four months from today.

60. The Deputy Commissioner, Sirmaur has also filed the affidavit. As per the affidavit, there are 228 Gram Panchayats in the district and work of cattle registration has been completed and total 2,83,184 cattle have been registered. In 43 Gram Panchayats, the land has been transferred by way of gifts. The construction of work of 9 gosadans has been completed and 2 gosadans are already functioning and construction work in 21 Gram Panchayats has been started. The land for construction of gosadans has been identified in 124 Gram Panchayats. It has also been reported that Zila Parishad, Sirmaur has according approval of Rs. 45,97,910/- under 13th Finance Commission. The Sub Divisional Magistrate Nahan has reported that in order to construct a gosadan at Trilokpur, the Trilokpur Temple Trust has passed a resolution on 18.6.2015 to transfer the land. The case of land transfer is with the Deputy Commissioner, Sirmaur. He is directed to accord necessary sanction after doing codal formalities within four weeks from today. The transfer of land in the name of Gram Panchayats as per the details of para 13 of the affidavit be completed within four weeks from today and needful in these Gram Panchayats be done within four months.

61. The Deputy Commissioner, Chamba has filed the affidavit pursuant to the directions issued by this Court on 14.10.2015. It is evident from the affidavit that gosadans in Gram Panchayat Salooni has been completed. The construction of gosadan in Gram Panchayats Salwan and Diur have been completed up to roof level. The SDM Salooni is directed to ensure the completion in Gram Panchayats Salwan and Diur within two months from today. The construction work at Gram Panchayat Bhalei be completed within 3 months from today.

62. Now, as far as construction of gosadan in Gram Panchayat Gadfari is concerned, the case for diverting forest land to non-forestry purpose has been filed. The Conservator of Forests Chamba is directed to obtain necessary permission under Forest Conservation Act since an amount of Rs. 4,00,000/- has been released to Gram Panchayat Gadfari for the construction of gosadan. The gosadan thereafter be completed within 3 months.

63. The land has been identified at Sihunta, Porchore, Chowari and Nainikhad. The procedural requirements under the Forest Conservation Act, be got completed by the Conservator of Forests Chamba within four weeks and necessary funds shall be released to Gram Panchayats Sihunta, Porchore, Chowari and Nainikhad. Similarly, Conservator of Forests, Chamba is directed to obtain necessary permission under the Act for the construction of gosadans in Gram Panchayats Khani and thereafter SDM Bharmour shall ensure the construction of gosadan within 3 months.

64. The construction of gosadan in Gram Panchayats Bhanota, Jangi, Preena, Baloth, Mehla, Kidi and Bhariyan is under progress. The same be completed within three months, if not already completed.

65. The Superintendent of Police, Kinnaur has also filed the affidavit. According

to him, necessary instructions have been issued by the Director General of Police to ensure the compliance of the orders passed by this Court from time to time.

66. The Superintendent of Police, Kangra, has also filed the affidavit. According to the averments made in the affidavit, FIR Nos. 332/2015, 346/2015, 354/2015, 238/2015, 105/2014, 112/2015, 45/2015 and 103/2015 have been registered against the defaulters under various provisions of Prevention of Cruelty to Animals Act, 1960 and under various Sections of IPC and the challan has already been put up in few cases. The Superintendent of Police, Kinnaur and Kangra are directed to file the latest status report giving therein the details of the cases filed against the defaulters.

67. The Deputy Commissioner Solan, has also filed the affidavit. We can take judicial notice of the fact that despite the directions issued by this Court from time to time, stray cattle can be seen on the National Highway between Shimla and Parwanoo, causing menace as well as danger to the commuters on this road. The Deputy Commissioner Solan shall personally ensure that no stray cattle are present in his jurisdiction on the National Highway. The affidavit filed by the Deputy Commissioner, Solan is sketchy and vague. He is directed to file the status report giving therein the details of the gosadans constructed in district Solan after the mandatory directions issued by this Court from time to time.

68. The Deputy Commissioner, Mandi in his affidavit has deposed that 6 gosadans in Mandi district are functioning at Dheem Kataru, Bhambala, Darpa, Gahar, Pangna & Sandhole. One non-forest land was identified and transferred to Panchayati Raj Department at Kunnu. The construction of gosadan has commenced. The process of opening of other new gosadans in other 25 cluster points is also going on and process of identification of land is complete. The process of transfer of forest land in the name of Panchayati Raj Department for opening gosadans is being taken up by the Distt. Panchayat Officer who is designated as Nodal Officer by the Deputy Commissioner. The Nodal Officer is directed to get the necessary NOC from Government of India under the Forest Conservation Act for the transfer of land to various Gram Panchayats for the construction of gosadans within four weeks from today.

69. The Deputy Commissioner, Kangra in his affidavit has informed the Court that gosadan Maira is smoothly running and there are 135 stray cattle in the gosadan. The EO, MC Jwalamukhi has informed that two cattle sheds shall be completed before 31.1.2016. An amount of Rs. 5 lac has been deposited for this purpose in the office of Chairman Stray Cattle Management Committee, Jawalamukhi. The Executive Officer, MC Jwalamukhi is directed to ensure the construction of the sheds at the earliest. The land is being developed for construction of gosadan at Muhal Tehsil Dehra and pillars are being erected. The same be completed within four months from today. The construction of gosadans at Aima at Palampur be completed within four months from today, if not already completed. Land measuring 0-19-00 hect. in village Faket Lahar has been transferred in the name of BDO Nagrota Bagwan. The construction of gosadan be completed within four

months, if not already completed. 7 FIRs have been registered regarding cruelty towards animals in the district Kangra during December 2014 to November 2015. A sum of Rs. 56 lac @ 6 lac per sub division for 8 sub divisions and Rs. 8 lac for one sub division has already been released by Zila Parishad for construction of gosadans and a sum of Rs. 24.70 lac have been sanctioned by the Panchayat Samitis for this purpose. This amount be spent for the construction of gosadans judicially. The District Revenue Officer has informed the Deputy Commissioner that 14 cases for transfer of land for construction of gosadans were received in his office. In five cases, the land has already been transferred for construction of gosadans. The remaining 9 cases be finalized, if not already finalized.

70. The Under Secretary, Department of Animal Husbandry, Dairying and Fisheries, Union of India, has also filed the affidavit. It is specifically averred in the affidavit that State Governments have already enacted legislations for banning/restricting/prohibiting slaughter of animals including milch animals, like cattle over the last sixty years. 24 States and 5 UTs have enacted legislations on the subject and the matter falls in Entry 15 of list II of the 7th Schedule of the Constitution. However, it has come in the affidavit that the Animal Welfare Board of India is working under the Ministry of Environment, Forests & Climate Change and Government of India provides financial assistance for shelter, fodder etc. to State Governments, non-Government Organisations etc. as per the mandate of Animal Welfare Board under the Ministry of Environment, Forests and Climate Change. It has come in the affidavit filed by the Chief Secretary to the State of Himachal Pradesh that the matter for the release of necessary funds for the construction of gosadans has been undertaken with the Animal Welfare Board of India, Chennai vide letter dated 14.12.2015. The Animal Welfare Board of India, Chennai working under the Ministry of Environment, Forests & Climate Change is directed to address the proposal made by the State Government dated 14.12.2015 and provide necessary funds for the construction of gosadans by the Local Bodies. The Secretary, Ministry of Environment, Forests & Climate Change is directed to do the needful within a period of 8 weeks from today.

71. According to the affidavit filed by the Deputy Commissioner, Kinnaur, 18504 cattle have been registered and 70 nos. of stray cattle have been treated in the district.

72. The Chief Secretary to the Government of Himachal Pradesh has also filed the affidavit. According to the averments made in para 4 of the affidavit whereby all the Deputy Commissioners in the State of Himachal Pradesh have been directed on 30.11.2015 to comply with the directions issued by this Court, on the basis of affidavits filed by them at different points in time in the Court. It is further averred in the affidavit that out of total 179 cases, 8 cases under Section 8 of the Prohibition of Cow Slaughter Act, 31 cases under Section 289 IPC, 2 cases under Section 428 IPC, 21 cases under Section 429 IPC, 84 cases under Section 114 of the HP Police Act and 33 cases under Prevention of Cruelty to Animals Act, 1960 have been registered w.e.f. 1.1.2014 to 5.12.2015. A sum of

Rs. 4.88 crore has been released for the construction of gosadans in 93 Gram Panchayats. The land has been transferred in 392 Gram Panchayats for the construction of gosadans and 14 gosadans have been constructed. The Addl. Chief Secretary (Revenue) has been directed to monitor implementation of orders of the Court as per letter dated 17.12.2015. The Addl. Chief Secretary (Revenue) has informed that all the Deputy Commissioners are providing full cooperation to departments/agencies which require land for construction of gosadans. The Director (OP) HPSEB has informed that 51 electricity connections have been released to gosadans in the State. Out of 58 gosadans, water connections have been provided to 43 gosadans. The Addl. Chief Secretary (I & PH) is directed to provide water connections to remaining 15 gosadans. It is also highlighted in the affidavit that there is financial crunch. The department of Animal Husbandry and other departments are directed to ensure release of funds for the construction of gosadans from the financial year 2016-17 by making necessary allocation of funds.

73. According to Rule 50 of the Transport of Animals Rules, 1978, the space requirement for cattle i.e. cows, bulls, bullocks, buffaloes, yaks and calves, while being transported in commonly sized road vehicles shall be as under:

TABLE - I

Space Allowance per Cattle

Cattle weighing upto 200 Kg.

1 Square Meter (Sq.mtr.)

Cattle weighing 200-300 Kg

1.20 Square Meter

Cattle weighing 300-400 Kg

1.40 Square Meter

Cattle Weighing above 400 Kg.

2.0 Square Meter

TABLE - II

Space requirement for Cattle while being transported in commonly sized road vehicles

Number of Cattle

Vehicle size Length x Width square meter

Floor Area of the vehicle in Square Meter

Cattle weighing upto 200 Kg (1 square Meter space per cattle)

Cattle weighing 200-300 Kg (1.20 Square Meter space Per cattle)

Cattle weighing 300-400 Kg (1.40 Square meter space per cattle)

Cattle weighing above 400 Kg. (2.0 Square meter space per cattle)

6.9 x 2.4

16.56

16

14

12

8

5.6 x 2.3

12.88

12

10

8

6

4.16 x 1.9

7.904

8

6

6

4

2.9 x 1.89

5.481

5

4

4

2

74. According to Rule 51, suitable rope and platforms should be used for loading cattle from vehicles. The cattle as per Rule 52 are required to be properly fed and given water at the time of loading. The water arrangements on route are to be made and sufficient quantities of water shall be carried for emergency under

Rule 54. There should be sufficient feed and fodder with adequate reserve to last during the journey as well as adequate ventilation. Rule 56 provides that when cattle are to be transported by goods vehicle the following precautions are to be taken namely:

"(a) Specially fitted goods vehicles with a special type of tail board and padding around the sides should be used.

(b) Ordinary goods vehicles shall be provided with anti-slipping material, such as coir matting or wooden board on the floor and the superstructure, if low, should be raised.

(c) no goods vehicle shall carry more than six cattle.

(d) each goods vehicle shall be provided with one attendant.

(e) while transporting, the cattle, the goods vehicle shall not be loaded with any other merchandise; and

(f) to prevent cattle being frightened or injured, they should preferably, face the engine."

75. Chapter VI deals with transport of sheep and goats. According to Rule 68, sheep and goats shall be transported separately; but if the lots are small special partition shall be provided to separate them. Rule 69 provides that the rams and male young stock shall not be mixed with female stock in the same compartment. According to Rule 70, sufficient food and fodder shall be carried to last during the journey and watering facility shall be provided at regular intervals. As per Rule 71, material for padding, such as straw, shall be placed on the floor to avoid injury if an animal lies down, and this shall be not less than 5 cm. thick. Rule 72 provides that the animals shall not be fettered unless there is a risk of their jumping out and their legs shall not be tied down. The following space is required for transporting sheep and goat by rail/road:

Sheep and Goat: Space requirement while being transported by Rail/Road

Approximate weight of animal in Kilogram

Spare required in square meters

Wooled

Shorn

Not more than 20

0.17

0.16

More than 20 but not more than 25

0.19

0.18

More than 25 but not more than 30

0.23

0.22

More than 30 but not more than 40

0.27

0.25

More than 40

0.32

0.29

76. Rule 75 specifically lays down that goods vehicles of capacity of 5 or 4? tons, which are generally used for transporting animals, shall carry not more than forty sheep or goats. Chapter VII provides for transportation of poultry. Rule 79 provides that in transport of poultry other than day old chicks and turkey poult by rail, road or air, the poultry to be transported shall be healthy and in good condition and shall be examined and certified by a veterinary doctor for freedom from infectious diseases and fitness to undertake the journey. The poultry transported in the same container shall be of the same species and of the same age group. The poultry shall be properly fed and watered before it is placed in containers for transportation and extra feed and water shall be provided in suitable troughs fixed in the containers. The arrangements shall be made for watering and feeding during transportation and during hot weather, watering shall be ensured every six hours and the male stock shall not be transported with female stock in the same container. While transporting the poultry by road, the container shall not be placed one on the top of the other and shall be covered properly in order to provide light, ventilation and to protect from rain, heat and cold air. The dimensions for containers for transportation are provided under Rule 83.

77. These Rules are not followed in letter and spirit while transporting poultry and cattle i.e. cows, bulls, bullocks, buffaloes, yaks and calves, throughout the State, causing them immense pain. There shall be a direction to the Police Department through Director General of Police, Himachal Pradesh to ensure that the animals are transported strictly as per the Transport of Animals Rules, 1978 and the transporters who violate these rules while transporting animals should be sternly dealt with under the various provisions of the Prevention of Cruelty to Animals Act, 1960. The Director General of Police, Himachal Pradesh is also directed to ensure that at entry and exit points, there is no violation to the Transport of Animals Rules, 1978 to ensure safe transportation of animals.

78. We have also expanded the scope of the Writ Petition in order to mitigate the

hardships faced by the farmers. Farming is dated back as far as neolithic era. Farming also includes keeping animals by people for food and raw materials. There should be enough food for everybody. It should be safe and good. In India, still in large tracts of land, traditional agriculture is undertaken though in advanced countries it is intensive agriculture. The farming sector is not an organised sector. However, due to peculiar topographical and geographical conditions prevailing in the State of Himachal Pradesh, the farmers are dependent on rain. The farmers have no common forum to redress their grievances and it is thus of great public importance that the State should intervene to protect their interests. The Commissions are constituted by the Union/State Governments and their recommendations should ordinarily be accepted and if the same are not accepted, cogent reasons must be assigned. The farmers are under tremendous pressure. It is difficult for them to make both ends meet. The agriculture growth is falling.

79. The Court can take judicial notice of the fact that stray cattle are playing havoc with the crops. Neither the State Government nor the Urban and Local bodies have taken any meaningful steps to eradicate this menace. This menace can only be addressed by housing stray cattle in the gosadans/gaushalas/cattle sheds. There is also monkey and Neelgai menace faced by the farmers. The massive damage caused by monkeys, Neelgai and wild boars is causing immense loss to the crops in the State of Himachal Pradesh. The harvesting, rain/snow pattern has also changed due to global warming thereby reducing the productivity. It is the duty of the State Government to ensure social order for promotion of welfare of the people as enshrined under Article 38 of the Constitution of India. Article 48 of the Constitution of India requires the State to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

80. In order to obviate the distress suffered by the farmers throughout India, the National Commission on Farmers (NCF) was constituted on November 18, 2004 under the chairmanship of Prof. M.S. Swaminathan. The NCF has submitted four reports in December 2004, August 2005, December 2005 and April 2006, respectively. The fifth and final report was submitted on October 4, 2006. The Swaminathan Committee on Farmers provides that measures should be taken by the State to prevent diversion of prime agricultural land and forest to corporate sector for non-agricultural purposes. The Court can take judicial notice that the land holdings are shrinking since agricultural land is also required by the State and also for corporate sector for non-agricultural purposes. The acquiring of prime agricultural land should be the last resort. The National Commission on Farmers was mandated to make suggestions on issues such as:

- (a) a medium-term strategy for food and nutrition security in the country in order to move towards the goal of universal food security over time;
- (b) enhancing productivity, profitability, and sustainability of the major farming

systems of the country;

(c) policy reforms to substantially increase flow of rural credit to all farmers;

(d) special programmes for dryland farming for farmers in the arid and semi-arid regions, as well as for farmers in hilly and coastal areas;

(e) enhancing the quality and cost competitiveness of farm commodities so as to make them globally competitive;

(f) protecting farmers from imports when international prices fall sharply;

(g) empowering elected local bodies to effectively conserve and improve the ecological foundations for sustainable agriculture.

81. According to the report, the causes for farmers distress are unfinished agenda in land reform, quantity and quality of water, technology fatigue, access, adequacy and timeliness of institutional credit and opportunities for assured and remunerative marketing. Adverse meteorological factors add to these problems. The farmers need to have assured access and control over basic resources, which include land, water, bioresources, credit and insurance, technology and knowledge management, and markets. The main recommendations of the National Commission on Farmers are to distribute ceiling-surplus and waste lands; prevent diversion of prime agricultural land and forest to cooperate sector for non-agricultural purposes; ensure grazing rights and seasonal access to forests to tribals and pastoralists, and access to common property resources; establish a National Land Use Advisory Service, which would have the capacity to link land use decisions with ecological meteorological and marketing factors on a location and season specific basis; and to set up a mechanism to regulate the sale of agricultural land, based on quantum of land, nature of proposed use and category of buyer.

82. As per the report, out of the gross sown area of 192 million hect., rainfed agriculture contributes to 60 per cent of the gross cropped area and 45 per cent of the total agricultural output. The report recommends comprehensive set of reforms to enable farmers to have sustained and equitable access to water and to increase water supply through rainwater harvesting and recharge of the aquifer should become mandatory. "Million Wells Recharge" programme, specifically targeted at private wells should be launched.

83. According to the report, the per unit area productivity of Indian agriculture is much lower than other major crop producing countries. The comparative yield of select crops in various countries (kg/hect.) is as under:

"Country

Crop

Paddy

Wheat

Maize

Groundnut

Sugarcane

India

2929

2583

1667

913

68012

China

6321

3969

4880

2799

85294

Japan

6414

-

-

2336

-

SA

6622

2872

8398

3038

80787

Indonesia

4261

-

2646

1523

-

Canada

-

2591

7974

-

-

Vietnam

3845

2711

4313

1336

65689"

84. In order to achieve higher growth in productivity in agriculture, the NCF has made the following recommendations:

"(a) Substantial increase in public investment in agriculture related infrastructure particularly in irrigation, drainage, land development, water conservation, research development and road connectivity etc.

(b) A national network of advanced soil testing laboratories with facilities for detection of micronutrient deficiencies.

(c) Promotion of conservation farming, which will help farm families to conserve and improve soil health, water quantity and quality and biodiversity."

85. The proportion of households below the poverty line was 28% in 2004-05 (close to 300 million persons). Several studies have shown that the poverty is concentrated and food deprivation is acute in predominantly rural areas with limited resources such as rain-fed agricultural areas. The Commission has recommended following measures for prevention of suicide by farmers:

"(a) Provide affordable health insurance and revitalize primary healthcare centres. The National Rural Health Mission should be extended to suicide hotspot locations on priority basis.

(21) Set up State level Farmers' Commission with representation of farmers for ensuring dynamic Government response to farmers' problems.

(22) Restructure microfinance policies to serve as Livelihood Finance, i.e. credit coupled with support services in the areas of technology, management and markets.

(23) Cover all crops by crop insurance with the village and not block as the unit for assessment.

(24) Provide for a Social Security net with provision for old age support and health insurance.

(25) Promote aquifer recharge and rain water conservation. Decentralise water use planning and every village should aim at Jal Swaraj with Gram Sabhas serving as Pani Panchayats.

(26) Ensure availability of quality seed and other inputs at affordable costs and at the right time and place.

(27) Recommend low risk and low cost technologies which can help to provide maximum income to farmers because they cannot cope with the shock of crop failure, particularly those associated with high cost technologies like Bt cotton.

(28) Need for focused Market Intervention Schemes (MIS) in the case of life-saving crops such as cumin in arid areas. Have a Price Stabilisation Fund in place to protect the farmers from price fluctuations.

(29) Need swift action on import duties to protect farmers from international price.

(30) Set up Village Knowledge Centres (VKCs) or Gyan Chaupals in the farmers' distress hotspots. These can provide dynamic and demand driven information on all aspects of agricultural and non-farm livelihoods and also serve as guidance centres.

(31) Public awareness campaigns to make people identify early signs of suicidal behaviour."

86. The Commission has also recommended that it is imperative to raise the agricultural competitiveness of farmers with small land holdings. Productivity improvement to increase the marketable surplus must be linked to assured and remunerative marketing opportunities. The following measures have been suggested:

(a) Promotion of commodity-based farmers' organisations such as Small Cotton Farmers' Estates to combine decentralised production with centralised services such as post-harvest management, value addition and marketing, for leveraging institutional support and facilitating direct farmer-consumer linkage.

(b) Improvement in implementation of Minimum Support Price (MSP). Arrangements for MSP need to be put in place for crops other than paddy and wheat. Also, millets and other nutritious cereals should be permanently included in the PDS.

(c) MSP should be at least 50% more than the weighted average cost of production.

(d) Availability of data about spot and future prices of commodities through the Multi Commodity Exchange (MCD) and the NCDEX and the APMC electronic networks covering 93 commodities through 6000 terminals and 430 towns and cities.

(e) State Agriculture Produce Marketing Committee Acts [APMC Acts] relating to marketing, storage and processing of agriculture produce need to shift to one that promotes grading, branding, packaging and development of domestic and international markets for local produce, and move towards a Single Indian Market.

87. By way of abundant caution, it is made clear that "agriculture produce" means all produce and commodities, whether processed or unprocessed of agriculture, horticulture, apiculture, sericulture, livestock and products of livestock, fleeces (raw wool) and skins of animals, forest produce and fisheries for the purpose of determining 50% of the weighted average cost production.

88. The farmers are debt ridden. They are not in a position to repay the debts due to ever decreasing prices of their produce. The worst affected are small and marginal farmers. Sometimes, they take recourse to extreme measures such as suicide etc. It is expected from the State to provide a mechanism to reduce their burden by creating a corpus to waive off their loans at least to the extent of Rs. 50,000/-. Most of the agricultural land in the State of Himachal Pradesh is rainfed. Whenever, there is scanty rain, the crops fail. The State is required to formulate a Scheme providing insurance cover to their crops in consultation with the National Insurance Companies at minimal premium.

89. Accordingly, the State of Himachal Pradesh through the Chief Secretary is directed to implement the broader recommendations made by the National Commission on Farmers (NCF), constituted on November 18, 2004 under the chairmanship of Prof. M.S. Swaminathan and also to consider providing MSP (minimum support price) for the following agricultural products grown/harvested by the farmers in the State of Himachal Pradesh which should be at least 50% more than the weighted average cost of production to reduce the distress of farming community within three months from today:

1. Cereals

English Name

Hindi Name

1. Paddy

Dhan

2. Rice

Chawal

3. Wheat

Kanak

4. Maize

Makki

5. Barley

Jau

6. Buck Wheat

Kutu

7. Finger millet

Ragi

8. Haraka

Kodra

9. Common millet

Cheena

10. Italian millet

Kangoone

11. Spiked millet

Bajra

2. Pulses

1. Pigeon pea

Arhar

2. Lentil

Massur

3. Black gram

Urd

4. Green gram

Moong

5. Peas dry

Matar Khushk

6. Cow peas

Lobhia

7. Pulses split

Dal Dali

8. Gram

Chana

9. French bean/Soyabean.

Rajmash/Bhararh.

3. Oilseeds

1. Mustard

Sarson

2. Indian rape

Toria

3. Linseed

Alsi

4. Groundnut shelled and unshelled.

Mungphali

5. Sesamum

Til

6. Rochet

Taramira

7. Cotton seed

Binaula

8. Indian Colza

Rai

4. Fruits

1. Mango

Am

2. Banana

Kela

3. Lichies

Lichies

4. Sweet orange

Malta

5. Lemon

Neemboo

6. Grapes

Angoor

7. Pomegranate-seed.

Anardana

8. Apple

Saib

9. Orange

Sangtra

10. Peach

Aru

11. Plum

Alucha

12. Pears

Naspati

13. Guava

Amrud

14. Chilgoza

Niyoz

15. Apricot

Khurmani

16. Persimon

Japani Phal

17. Watermelon

Tarbuz

18. Walnut

Akhrot

19. Almond

Badam

20. Musk-Melon

Kharbooza

21. Papaya

Papita

5. Vegetables

1. Potatoes

Alu

2. Onion dry

Piaz Khushk

3. Brinjal

Baingan

4. Bottle gourd

Ghia

5. Lady's finger

Bhindi

6. Red gourd

Halwa Kadu

7. Tomato

Tamator

8. Cauliflower

Phulgobhi

9. Cabbage

Bandhgobhi

10. Sponge gourd

Ghia-tori

11. Green peas

Matar hari

12. French bean

Pharas bean

13. Leaves of Indian colza mustard and spanich etc.

Sag

14. Carrot

Gajar

15. Raddish

Muli

16. Turnip

Salgam

17. Tinda gourd

Tinda

18. --

Kathal

19. --

Zami Kand

20. Arum

Arbi

21. --

Kachalu

22. Fenu greek

Methi hari

23. Hill capsicum

Mirch badi

24. Bitter gourd

Karela

25. Ash gourd

Petha

26. Cucumber

Khira

6. Fibres.

1. Cotton ginned and unginned.

Kapas Aur rui

7. Animal Husbandry Products.

1. Poultry

--

2. Eggs

Anda

3. Cattle

-

4. Sheep

Bhed

5. Goat

Bakri

6. Wool

Oon

7. Butter

Makhan

8. Ghee

Ghee

9. Milk

Dudh

10. Goat meat and Mutton.

Bakri-aur Bhed-ka-gosht.

11. Fish

Machhali.

8. Condiments, spices and other

1. Ginger

Adarak

2. Garlic dry

Lahasn khushk.

3. Chillies dry

and Mirch green.

4. Turmeric

Haldi

5. Coriander

Dhaniya khushk and hara.

9. Narcotics

1. Tobacco

Tambaku

10. Miscellaneous

1. Sugarcane

Ganna

2. Gur and Shakkar

Gur aur Shakkar

3. --

Khandsari

4. Bark of walnut

Dandassa

5. --

Dhoop

6. Edible mushroom

Guchi

7. --

Banakhsha

8. Bhabar grass

Bhabar ghas

9. Discoria

Singli-Mingli

10. Kmru Patti/Pattis Pathis.

--

11. Catechu

Katha

12. Viola

Ambla

13. Sausarealappa

Kuth

14. Timber

Imarti Lakri."

90. The State of Himachal Pradesh through the Chief Secretary is also directed to set up State Level Farmers' Commission with representatives of farmers for ensuring dynamic Government response to farmers' problems as recommended by the National Commission on Farmers (NCF). The Addl. Chief Secretary (PR), the Addl. Chief Secretary (UD), the Addl. Chief Secretary (AH) are also directed to release five crore each, subject to availability of funds, to the Urban Bodies i.e. Municipal Corporations/Municipal Councils/Nagar Panchayats/Gram Panchayats for the construction of gosadan/gaushalas/cattle sheds, within a period of three months from today. This amount can also be spread over a period of time taking into consideration the financial crunch faced by the State Government, as noticed by us in the affidavit filed by the Chief Secretary to the Government of Himachal Pradesh.

91. The State of Himachal Pradesh through Chief Secretary is directed to formulate a Scheme for waiver of loans raised by small marginal farmers, at least upto Rs. 50,000/- or in the alternative to permit them to pay the loans in instalments by reducing their rate of interest, if need be by creating corpus in consultation with Nationalized/Gramin/Co-operative Banks. The Chief Secretary to the State of Himachal Pradesh is also directed to formulate a Scheme for providing insurance cover to their crops in consultation with National Insurance Companies, within a period of six months from today at minimal premium.

92. The Chief Secretary to the Government of Himachal Pradesh, Addl. Chief Secretary(UD), Addl. Chief Secretary (PR), Addl. Chief Secretary (AH), the Deputy Commissioners and Superintendent of Police of all the Districts and Secretary, Ministry of Environment, Forests & Climate Change, Government of India are directed to file the status report/compliance report within three months. The Chief Secretary to the Government of Himachal Pradesh shall be personally liable to ensure the compliance of the mandatory directions issued by this Court.

93. The description of farmer has aptly been described by the American Poet Edwin Markham's poem "The Man with the Hoe". This poem was called "the battle-cry of the next thousand years" and translated into 37 languages. We quote:

"Bowed by the weight of centuries he leans

Upon his hoe and gazes on the ground,

The emptiness of ages in his face,

And on his back the burden of the world?"

94. List on 13.6.2016 for further orders. Copy Dasti.