courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 17/09/2026

(2023) 08 DEL CK 0128

In the Delhi High Court

Case No : Civil Writ Petition No. 12078 Of 2018, 2958 Of 2021, Civil Miscellaneous Application No. 46792, 40940 Of 2018

Conference For Human Rights (India) (Regd.) APPELLANT

Vs

Union Of India And Ors. RESPONDENT

Date of Decision : 18-08-2023

Acts Referred:
Animal Birth Control (Dogs) Rules, 2001 — Rule 3, 3(3), 5, 5(a), 6, 6(2), 6(4), 7, 7(4)
Prevention of Cruelty to Animals Act, 1960 — Section 9, 11

Citation : (2023) 08 DEL CK 0128

Hon'ble Judges : Satish Chandra Sharma, CJ;Jasmeet Singh, J

Bench : Division Bench

Advocate : N. Sharma, Shiva Lakshmi, Divyanshi Anand, Divyam Nandrajog, Mayank Kamra, Tanu Priya Gupta

Final Decision : Disposed Of

Judgement

Jasmeet Singh, J

1. Both the writ petitions are heard together and being decided by this common judgment.

2. The substantive prayers made in the W.P.(C) 12078 of 2018 read as under:-

(a) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondents more particularly, Respondent Nos. 3 and 4 to perform their duties as envisaged under Sections 9, 11 of the 'Prevention of Cruelty to Animals Act, 1960 and Rules 3, 5, 6 and 7 of The Animal Birth Control (Dogs) Rules, 2001;

(b) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondents more particularly, Respondent Nos. 3 to carry out regular "Sterilization and immunization'/vaccination Programmes in terms of Rule 3 (3), Rule 5 (a) and Rule 6 (2) Animal Birth Control (Dogs) Rules, 2001 for the Stray dogs at regular intervals of time, (using humane methods as prescribed

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/conference-for-human-rights-india-…

under clause 4 of Rule 7), to contain their population and to prevent them from being afflicted by Rabies;

(c) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondent No. 3 to disclose all data / material for the assessment done of the progress made in regard to implementation of the Animal Birth Control (Dogs) Rules, 2001, in terms of Clause (4) of Rule 6, which is a mandatory clause;

(d) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondent No. 3 to come out with facts and figures for the Sterilization Immunization programmes organized/conducted for the last 3 years;

(e) issue a Writ of Mandamus, order, direction or any other appropriate Writ, directing the Respondent No. 4 to come up with information as to how much funds have been allocated by Respondent Nos. 1 and 2 to them in the last three years and how much has been utilized for Sterilization/ Immunization programmes,

3. The substantive prayers made in the W.P.(C) 2958 of 2021 read as under:-

(i)Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby directing the Respondent No.1 to ensure that stray dogs which are attacking and biting the residents of the petitioner society, are completely sterilized and immunized and be removed from the vicinity of the petitioner society and be kept in animal kennels/shelters;

(ii) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby, directing the Respondent No. 1 to administer periodic vaccine/ immunize to/ the stray dogs in and around the area of the Petitioner Society;

(iii) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby directing the Respondent No.1 to establish shelter homes for stray dogs with designated feeding points away from the common area/ residential premises of the Petitioner society to ensure that stray dogs don't come to the society premises or to its peripheral area.

(iv) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby directing the Respondent no. 2 to amend the Animal Birth Control (Dogs) Rule, 2001 to meet the situation when even after sterilization/ immunization, the menace of stray dogs continues and incident of dog bites and attacks are reported, if left to the place from where they were picked for sterilization/immunization;

4. The present writ petitions have been filed by the petitioners wherein it is stated that its members are socially conscious citizens and desirous of contributing to the society.

5. The petitioner’s grievance is that the rules made under the Prevention of Cruelty to Animal Act, 1960 i.e. The Animal Birth Control (Dog) Rules, 2001 have

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/conference-for-human-rights-india-…

not been complied with. As per the said rules, the respondents are duty bound to take up regular sterilization and immunization programmes of stray dogs, in order to curtail the growing population of stray dogs.

6. It is further stated that due to non performance of statutory duties, there is a rapid increase in stray dog population in the city of Delhi resulting in an increase of "dog bites cases".

7. It has been further stated that the Respondents are not performing their duties and functions as prescribed under the law in so far as they are not conducting any sterilization programmes to contain the canine population of the city which is growing at a frightening rate, even though crores of rupees are being allocated to them for this purpose, by the Central Government.

8. In W.P.(C) 12079/2018, Ministry of Environment & Forest, Government of India is arrayed as Respondent No. 1, Govt. of NCT of Delhi is arrayed as Respondent No. 2, South Delhi Municipal Corporation is arrayed as Respondent No. 3 and Animal Welfare Board as Respondent No. 4. In W.P.(C) 2958/2021, South Delhi Municipal Corporation as Respondent No. 1 and Animal Welfare Board of India is Respondent No. 2.

9. Learned counsel for respondent no.3 has filed the status report in WP (C) 12078 of 2018 and our attention has been drawn to para 5 which read as under:-

"5.That the following number of stray dogs have been sterilized and released back to their respective areas picked up by the Municipal Corporation of Delhi through animal Welfare Organizations, NGOs or veterinary doctors during the last six (6) years."

S.

No.

Period

Number of Stray dogs sterilised by MCD

1

2017-2018

83656

2

2018-2019

88175

3

2019-2020

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/conference-for-human-rights-india-…

99997

4

2020-2021

51990

5

2021-2022

83461

6

2022-2023

59022

7

2023-2024

April 2023- June 2023

12244

10. The learned counsel for respondent No. 2 i.e. Animal Husbandry Unit, Development Department, Govt. of NCT of Delhi has also filed a status report in W.P.(C) 12078/2018 and our attention has been drawn to para 6 and 7 which reads as under:

"7. That the remit of the answering respondent is for immunization programmes of pets and livestock. It works towards preventing diseases like FMD, Brucella, HS, LSD, for which various immunization programmes are undertaken in livestock and rabies immunization programmes are undertaken in pets.

8. That Anti-Rabies Vaccines are provided free of cost round the year in all 77 Veterinary Hospitals / Dispensaries which are equipped with cold chain facilities for storage and transportation of vaccines. The Anti-Rabies vaccination is for pet dogs and community owned dogs. The details of the Anti-Rabies Vaccination done in last 6 years are provided herein below.

S. No.

Year

Vaccinations

1

2017-2018

42,226

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/conference-for-human-rights-india-…

2

2018-2019

19,630

3

2019-2020

36,928

4

2020-2021

46,084

5

2021-2022

85,979

6

2022-2023

(Till February 2023)

63,672

11. We are satisfied that respondent no. 2 and 3 are regularly conducting the sterilization and immunization of stray dogs and are performing their statutory duties.

12. The respondents are directed to ensure that they continue with their efforts and drive for sterilization and immunization of stray dogs, as the same is an important public function and is required to be performed in all its earnestness.

13. With these directions, the petitions are disposed of.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/conference-for-human-rights-india-…