



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 19th July, 2023

Date of Decision: 06th September, 2023

+ **W.P.(C) 8257/2022 & C.M. Appl. No. 24888/2022**

RAHUL MOHOD

.....Petitioner

Through: Mr. C.D. Goswami, Advocate with
Petitioner (in-Person).

versus

THE GOVT. OF NCT DELHI & ORS.

..... Respondents

Through: Mr. Santosh Kumar Tripathi, Standing
Counsel (Civil), GNCTD, Mr. Arun
Panwar, Mr. Pradyuman Rao, Mr.
Patesh Raghav, Mr Mahak Rankawat
and Mr. Utkarsh Singh,
Advocates for R-1 to 3.
Ms. Beenashaw N. Soni, Standing
Counsel with Ms. Mansi Jain,
Advocates for MCD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

J U D G M E N T

SANJEEV NARULA, J.

Facts and Contentions of Petitioner

1. The grievance at the heart of this Public Interest Litigation (PIL) finds its roots in the tragic loss experienced by the Petitioner – the untimely demise



of his cherished adopted pet dog to the Canine Distemper Virus, *hereinafter* “**CD virus**”, in 2019. Petitioner avers that the attending veterinarian failed to timely diagnose the affliction of the deadly virus. Petitioner’s distress was exacerbated when he found that Delhi lacks dedicated animal cremation facilities compelling him to cremate his pet in a crematorium at Chhatarpur, New Delhi, managed by PAWS Pet Animal Welfare Society (Regd.) on payment of charges of Rs. 3000/-. He urges that absence of essential vaccines like Canine DHPPi Vaccine (Distemper Combined 9-in-1 Vaccine), *hereinafter* “**Canine DHPPi Vaccine**” exhibits a glaring deficit in modern infrastructure for animal treatment in Delhi, which underscores urgent need for Court’s intervention. Despite Petitioner's proactive efforts in reaching out to the Respondents i.e., GNCTD, MCD and NDMC, for provisioning the aforementioned vaccine and modernization of veterinary hospitals, his pleas remain unacknowledged.

2. The Petitioner highlights the menace posed by both, the CD virus as well as Parvovirus, a contagious viral infection similar to CD virus. Despite awareness of the pressing situation, he argues that the government has not ensured ready availability of Canine DHPPi Vaccines, which is effective against both viruses, in its veterinary hospitals. Drawing parallel with widely-recognized Coronavirus, it is urged that the transmission method of the CD virus and Parvovirus among animals through inhalation and direct/ indirect contact, renders it alarmingly contagious. The virus affects different systems of the body while damaging the brain and immunity of the animals, and exhibits a high mortality rate.

3. Currently, the global community lacks a direct treatment for CD virus and Parvovirus, positioning prevention as the only shield. The Canine DHPPi



Vaccine stands as the lone medically endorsed preventive measure. The Canine DHPPi Vaccine, counters the CD virus, as well as other viruses and seasonal diseases like Canine Hepatitis, Canine Adenovirus Type 2, Canine Parainfluenza (CPi), Canine Parvovirus Type 2b, *Leptospira Canicola*, and *Leptospira*. This demonstrates the wide benefits of this single life-saving vaccine. If administered within six weeks of birth, this vaccine significantly reduces the risk of dogs, cats, and other wild animals from contracting CD virus, Parvovirus and several other diseases. If an animal contracts CD virus after vaccination, timely and appropriate medical intervention can be lifesaving. Yet, Canine DHPPi Vaccines are not available in veterinary hospitals under GNCTD's purview and are not sold at an affordable price in the open market. The Petitioner appeals to this Court to mandate the Respondents to maintain a consistent supply of this indispensable vaccine, alongside other crucial medications, to thwart the threat from CD virus, Parvovirus and other diseases. Emphasizing the need for immediate steps on vaccine availability, Petitioner also brings to the forefront the state of veterinary hospitals/ OPDs operated by the GNCTD. As far back as 2015, the Petitioner observed that these hospitals lacked basic facilities for X-Ray, blood tests, urine tests, or to trace roundworms, hookworms, etc. Additionally, it is argued that there is a gaping void in any form of health welfare policy aimed at these animals.

4. Petitioner strongly contends that Respondents have exhibited a lack of responsibility, showing inertia in deploying resources and establishing a basic healthcare system tailored for animals. In this regard, Petitioner also brings to this Court's notice his prior endeavour in W.P.(C) No. 7840/2021, highlighting similar concerns, whereupon the Court directed the concerned



authorities to regard his writ petition as a representation. It was anticipated that the authorities would promptly address the grievances flagged by Petitioner. Regrettably, notwithstanding explicit directives, the authorities have displayed scant disregard, by failing to act upon the pressing issues highlighted by the Petitioner.

5. In light of the aforementioned concerns, Petitioner seeks more than just an assurance from Respondents for a consistent supply of the Canine DHPPi Vaccine. He presses for a series of imperative directions to Respondents for:

5.1. Upgradation/ modernization of all veterinary hospitals/dispensaries of GNCTD to provide at least minimum standard care facilities such as X-Ray, RT-PCR test, ultra-sound, blood tests/ path labs, urine test to trace roundworm, hookworm, tapeworm, whipworm, surgery for glaucoma, oxygen, ventilators, in-house patient facilities, operation theatre, and ICU systems.

5.2. Arranging ‘24x7 Animal Care Ambulances’ (along with CCTV cameras) with dedicated helpline numbers and ‘Trained Bike Para-Vets’ under the supervision/direction of a ‘Vet Expert’, to provide free medical assistance and vaccination (rabies, distemper, parvo, deworming medicine, fever etc.) on the spot to street animals, in all respective zones/district of GNCTD, as also computerisation of data/ records of each visit for treatment of animals and urgently filling the vacant posts of vets in government hospitals.

5.3. Providing free-of-cost eco-friendly electronic crematoriums/ CNG crematoriums for dignified cremation of animals and a formal system for issuance of death certificates.

5.4. To constitute a “Street Animals Health & Welfare Coordination



Committee” which would prepare an “Animals Health Care Mechanism/ Draft” for approval and implementation.

5.5. To create a mechanism to register complaints against the discrepancies/ negligence in any veterinary hospitals or at any sterilization centre under ‘Animal Birth Control’ programme, whereby people may approach authorities in case of wrong treatment.

5.6. To introduce a subject/chapter in school curriculums on ‘Animal Welfare & Protection’ along the lines of existing innovative classes like ‘Happiness Class’ or ‘Entrepreneurship Mindset Curriculum’ to develop love, compassion humanity towards animals among school children.

5.7. To create an ‘Animal Welfare Fund’, through a portal/ website with online records of all donors, wherein any person may donate funds for the welfare of animals.

5.8. To maintain a record on a website/ portal with respect to unnatural and painful deaths of the street dogs/ animals due to incurable viruses such as CD virus, Parvovirus, Canine Hepatitis, Canine Para-influenza (CPi) infection, Leptospirosis, and Coronavirus (dog specific), as also furnish the same for the perusal of this Court.

6. Through the above proposed measures, the Petitioner envisions a future where animals, particularly those on the streets, are accorded the rights, respect, and care, they undeniably deserve.

Respondents’ Submissions

7. In response to the concerns raised, the GNCTD, through their counter affidavit, apprised the Court of their ongoing efforts in veterinary healthcare. They state that the Animal Husbandry Unit, *hereinafter* “AHU”, of the



GNCTD's Development Department currently extends veterinary healthcare amenities in Delhi. This support encompasses vaccination services and treatments for a plethora of diseases and ailments, facilitated through an extensive infrastructure comprising 48 hospitals, 29 dispensaries, and a dedicated disease diagnostic laboratory. Recognizing the imperative challenges posed by the surge of animals diseases and statutory obligations, there is an ongoing revamp of both infrastructure and manpower. GNCTD's strides in this direction are shaped by the roadmap enumerated in the "Animal Health and Welfare Policy, 2018", *hereinafter* "**2018 Policy**", which holds the following major objectives: (i) to strengthen overall animal health facilities for prevention, control and eradication of various disease conditions, disease monitoring/ surveillance and extension of veterinary services, and (ii) achieving animal welfare through sensitization of public, rehabilitation of animals, crisis/ disaster management for animals, infirmary for sick or injured, hostel facility for farm, stray or abandoned animals etc. A detailed 'five-year' plan was submitted to the Development Minister of GNCTD in 2020 along with an enhanced budget allotment in Budget Estimate for 2020-21. In pursuance thereof, the AHU had sought work estimates for construction, repair, renovation etc. of veterinary hospital/ dispensaries. However, on account of the COVID-19 pandemic, work could not be initiated. Steps are now underway to improve and upgrade the veterinary healthcare and animal welfare services in Delhi.

8. The 2018 Policy envisages the establishment of 11 state-of-the-art multispecialty polyclinics sprawled across each district of Delhi. These centres would not only offer OPD services but also in-patient care. In addition, the Court is informed of the recent creation of 11 District Societies for



Prevention of Cruelty to Animals, *hereinafter* “**DSPCA**” within Delhi. These societies are equipped with infirmaries, dedicated quarantine centres, and treatment facilities, reflecting a comprehensive approach towards animal welfare.

9. Currently, all veterinary healthcare services are being provided free of cost to animal owners through veterinary hospitals/ dispensaries. Notwithstanding, the department is aware of the shortage of medicines and accordingly, tenders have been floated to ensure a continuous supply. Even with inadequate facilities, the AHU has achieved the following milestones in its initiatives in the period between 2020-2022:

<i>Services</i>	<i>Physical Achievements during the year 2020-21</i>	<i>Physical Achievements during the year 2021-22</i>
<i>Treatment of sick animals</i>	<i>511562</i>	<i>510999</i>
<i>Vaccination against:</i>		
<i>Haemorrhagic Septicaemia</i>	<i>29503</i>	<i>148130</i>
<i>Foot and Mouth Disease</i>	<i>170950</i>	<i>141866</i>
<i>Anti-rabies vaccination</i>	<i>46084</i>	<i>85979</i>
<i>Treatment of sterility cases</i>	<i>19258</i>	<i>14044</i>
<i>Laboratory test conducted</i>	<i>4081</i>	<i>2137</i>
<i>Post mortem conducted (Vetero-legal)</i>	<i>58</i>	<i>74</i>
<i>Cases attended under DACP Act</i>	<i>06</i>	<i>03</i>
<i>Cattle benefited in 04 Gaushalas/ Gausadans</i>	<i>17600</i>	<i>29176</i>

10. In addition to the above, the GNCTD has outlined various initiatives undertaken by the AHU. These initiatives span across infrastructure



enhancements, launch of mobile veterinary clinics, consistent provision of medicines, procurement of cutting-edge equipment, manpower augmentation, budget allocation, and meticulous rollout of vaccination programs. The relevant portion of the counter-affidavit is reproduced as under:

“1. INFRASTRUCTURE:

The Public Works Department (PWD) authorities are submitting work estimates for the construction, renovation, and up-gradation of new Veterinary Polyclinics, District SPCAs, and existing Veterinary Hospitals/Dispensaries in GNCT of Delhi. To facilitate the improvement of infrastructure in these facilities, a total of 12.40 Crore funds has been allocated to the Irrigation and Flood Control (I&FC) and PWD in the years 2021-22 and 2022-23 (up to 04.08.2022), and the works are currently under progress (Annexure 'A'). Additionally, the PWD is actively receiving more proposals for the creation of better facilities in all hospitals and dispensaries, which are being processed. The aim of these efforts is to create a more robust and efficient healthcare system for animals in the region, which will benefit both animal owners and the broader community.

Besides, in BE 2022-23 a new budget head has been opened as "Construction of Government Veterinary College at Satbari" and a budget provision of Rs. 1.5 Crore has been made. The proposed Government Veterinary College at Satbari will have all modern diagnostic and treatment facilities for animals apart from education, training and research in Veterinary Science and Animal Welfare.

2. MOBILE VETERINARY CLINICS:

A proposal for the procurement of 9 Mobile Veterinary Units (MVCs) submitted to the Government of India under a Central Sponsored Scheme. For the financial year 2021-22, 3 MVCs were approved and are being procured to provide veterinary services at the doorstep of livestock farmers and pet owners. To strengthen veterinary healthcare services, more such mobile units will be procured and deployed in all 11 districts of Delhi.

3. MEDICINES:

In June 2021, essential medicines worth Rs. 58.00 Lakhs were procured and supplied to Veterinary Hospitals/Dispensaries for public use. In March 2022, 16 medicines worth Rs. 43.81 Lakhs were supplied through CMS Palam. A fresh tender was published for procurement of 73 types of essential medicines



worth Rs. 5.49 Crore, and 37 medicines have been finalized. In addition, 18 more medicines are being procured from CPSEs. This will ensure sufficient availability of medicines in all VHs/VDs for public use throughout the year.

4. EQUIPMENT AND GENERAL ITEMS:

The proposal for the procurement of necessary equipment and general items for all VHs/VDs is currently under process, and all Veterinary Officers have been directed to submit their essential requirements to the Directorate for procurement. Presently, there is one Disease Diagnostic Laboratory at Palam for pathological/haematological tests, and laboratory facilities will be made available in all 11 district Polyclinics that are being established. Once capital works are completed, necessary equipment will be procured for diagnostic laboratories and other specialities in the polyclinics. Recently, 11 Ice Lined refrigerators and other logistics have been procured and supplied to headquarters of AH Unit to successfully implement the vaccination program in NCT of Delhi.

5. MANPOWER:

The shortage of manpower is a major constraint in providing proper veterinary services. To address this, all Veterinary Officers have been directed to train their staff in the hygienic and scientific way of primary veterinary care. The Veterinary Livestock Inspectors (VLIs) and supporting staff work under the supervision of I/C veterinary officers, and best possible veterinary practices are followed.

*Recently more Veterinary Livestock Inspectors (VLIs) have been deputed in various VHS & VDs in Delhi, and they have received training to assist A" Veterinary Officers in a more scientific and hygienic way. All Veterinary Officers are required to follow the best possible veterinary practices in VHs & VDs, based on their scientific knowledge and professional ethics. Dy. Directors 5/DAHOs of the unit have been directed to ensure proper delivery of veterinary healthcare services in VHs /VDs for public benefit (**Annexure 'B'**).*

Furthermore, a proposal to fill 10 vacant posts of Veterinary Officers is currently in process at UPSC.

Further, AH unit is preparing proposals for additional manpower for smooth functioning of upcoming new projects under Animal Health and Welfare Policy, 2018."

11. Although, the issues raised in the petition come under the purview of



the GNCTD, the MCD has also filed a short affidavit highlighting their initiatives towards animal welfare. It details its sterilization and anti-rabies vaccine measures, under the Animal Birth Control (Dogs) Rules, 2001.¹ There are 21 sterilizations centres in Delhi, whereof more than 52,000 dogs have been sterilized in the period between April, 2022 to January, 2023. For grievances and complaints in these services, complaints can also be filed with MCD at the office of Director (Veterinary Services) and Incharge, Rabies Control Programme. Further, a CNG-based dog crematorium is being established by the MCD in Dwarka, where carcass of dogs and small animals can be disposed of scientifically in an eco-friendly manner.

Findings and Analysis

12. Upon careful consideration of the contentions raised and the material presented before this Court, it becomes evident that Respondents are actively addressing the concerns at hand. The counter affidavit sheds light on GNCTD's endeavours to bolster healthcare services for animals. The allocation of funds towards these efforts is telling of the seriousness with which the Government views these issues. This is indicated from the data provided by the Finance Department of GNCTD on the financial allocations for various initiatives, over the past two years, as under:

		2021-22	2022-23
1	<i>Veterinary Services and Control of contagious diseases in Hospitals and Dispensaries</i>	47.00 Cr.	30.50 Cr.
2	<i>GIA to Animal Welfare Advisory Board</i>	01.00 Cr.	01.20 Cr.
3	<i>GIA to SPCA</i>	03.80 Cr.	03.80 Cr.
4	<i>GIA to Gaushala/ Gausadans</i>	13.00 Cr.	14.00 Cr.

¹ Published under Section 38 of the Prevention of Cruelty to Animals Act, 1960.



	<i>(Shifting of Dairy Colonies)</i>		
5	<i>Construction of Government Veterinary College</i>	--	<i>01.50 Cr.</i>
	<i>Total</i>	<i>53.10 Cr.</i>	<i>51.00 Cr.</i>

13. It is evident from the aforementioned allocations that the GNCTD is not only addressing immediate health-care requirements of the animals but is also investing in the training and skill development of veterinary personnel through construction of a veterinary college. Petitioner, as a devoted animal rights enthusiast perceives these efforts as inadequate. Consequently, he expects Respondents to enhance healthcare facilities for animals and prioritize availability of a specific vaccine. While the Court recognises and appreciates Petitioner's concerns, it is imperative to emphasise that decisions surrounding allocation of Government funds for animal welfare services and prioritizing availability of vaccines for specific disease should be left to the domain of experts who are adept in gauging the complexities of these issues.

14. The Respondents' commitment to addressing concerns on adequate vaccinations is visible by the on-going vaccination programme of MCD and GNCTD. The vaccination programme as detailed in the counter affidavit, is as follows:

“Vaccination programme:

Anti-Rabies Vaccine (ARV): For canine and feline population in NCT of Delhi, free anti-rabies vaccine are being provided through all Veterinary Hospitals/ Dispensaries in NCT of Delhi. In the year 2021-22, 1.00 Lakh doses of ARV were procured and 66530 vaccinations were done. During the current financial year 70,000 doses of the vaccine have been procured and supplied in all VHs /VDs. As on 31.07.2022, 21957 vaccinations have been done.

Foot and Mouth Disease Vaccine (FMDV): Foot & Mouth Disease (FMD) vaccine are inoculated to large animals (Cattle and Buffaloes) in NCT of



Delhi under National Animal Disease Control programme (NADCP) of Govt. of India. In the 1st phase w.e.f. 07.09.2020 to 15.11.2020, 1,53,094 and in the 2nd phase w.e.f. 21.10.2021 to 31.12.2021, 1,30,469 animals were vaccinated against the disease.

Hemorrhagic Septicaemia Disease Vaccine (HSV): *Govt. of NCT of Delhi is providing the HS vaccine to large animal population (Cattle and Buffaloes) in NCT of Delhi every year. During the year 2020-21, 29,503 animals and during 2021-22, 1,48,130 animals were vaccinated against the disease. For the year 2022-23, 87,000 doses of the vaccines are being purchased.*

All the Above-mentioned vaccinations are done free of cost by the department.

DHPPIL vaccine (Vaccine against Canine Distemper, infectious hepatitis, infectious laryngotracheitis, parvo virus, parainfluenza virus and leptospirosis caused by serovars of Leptospira):

The AH unit has included the DHPPIL vaccine in the Annual Indents of vaccines, considering the petitioner's request for sufficient doses to be provided in Hospitals and Dispensaries. The petitioner has emphasized the need for the vaccination of street dogs/cats, and this can be facilitated through the MCD, which captures street dogs for the Animal Birth Control program. The MCD inoculates anti-rabies vaccines to street dogs at the sterilization centres before releasing them. AH unit till Feb 2023 had vaccinated 19336 animals for DHPPiL. The sterilization and Anti-Rabies vaccination of Stray Dogs comes under the ambit of MCD as per the provisions of Section 397 and 399 of DMC Act, 1957. MCD has 14 sterilization centres at different districts of Delhi (Annexure 'C'). The Vaccines were procured by the owners of the Pet. The AH unit is duty-bound to provide the best possible veterinary services in NCT of Delhi and is taking necessary steps to implement the Animal Health and Welfare Policy, 2018.

[Emphasis supplied]

15. The above extract indicates that GNCTD is seized of the threat posed by the CD virus and Parovirus, and is actively vaccinating animals for the same. We understand that the welfare of animals is a noble cause, in line with the Directive Principle of State Policy as prescribed in the Constitution of India, and the intention behind Petitioner's plea is commendable. However, in



our opinion, the decision to prioritize its availability, should fall within the expertise of veterinary specialists. Determining the exigency of combating any virus affecting the well-being of animals requires deliberations amongst experts with niche knowledge. It is also not the Court's jurisdiction to issue directions for a specific vaccination to be made available free of cost to users. The direction for 24x7 animal ambulance service, para-vets on bikes, changes in school curriculums, creation of a dedicated animal welfare fund, would also entail considerations such as allocation of budgets, infrastructure, personnel and other resources, among other multifaceted issues. These considerations are typically encompassed in government policy-making. As such, we believe these concerns should be addressed by Respondents, and we are not inclined to issue a mandamus to that effect.

16. Separation of powers is a long-standing tenet of our democracy. Policy decisions, particularly those concerning the allocation of funds and resources, primarily fall within the domain of the executive and legislature. The Court is bound to exercise restraint in matters that fall squarely within this realm. While the role of the judiciary is to review the constitutionality and legality of laws and policies, it does not extend to framing them. The GNCTD, with its machinery and expertise, is best equipped to deliberate, design, and deploy welfare measures, for humans as well as animals.

17. Governance is a delicate balancing act, where the state must allocate its limited resources judiciously, ensuring that it addresses an array of challenges, both immediate and long-term. The Court believes that the government is best positioned to undertake such decisions after carefully weighing all variables. Petitioner's concerns, while genuine and deeply felt, represent but one among many pressing issues the state grapples with.



Asserting priority over one issue invariably means de-prioritizing another, a decision fraught with its complexities and intricacies. Such decisions would involve consultations with experts and perhaps even the public, to deliberate appropriate action.

18. With the above observations, the present petition is disposed of.

SANJEEV NARULA, J

SATISH CHANDRA SHARMA, CJ

SEPTEMBER 06, 2023/as