

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSWRIT PETITION(S)(CIVIL) NO(S). 97/2024

BOMBAY NATURAL HISTORY SOCIETY &amp; ORS. Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS. Respondent(s)

(FOR ADMISSION )

Date : 19-02-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE PRASANNA BHALACHANDRA VARALEFor Petitioner(s) Mr. Arvind Datar, Sr. Adv.  
Ms. Madhusmita Bora, AOR  
Mr. Jannani M, Adv.  
Mr. Riju Raj Singh Jamwal, Adv.  
Mrs. Madhur Dadlani, Adv.  
Mr. Dipankar Singh, Adv.  
Ms. Pavithra V., Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E RThe petitioner has filed this petition seeking the following  
reliefs:

(a) That this Hon'ble Court be pleased to issue a writ of mandamus, or a writ in the nature of a mandamus, or any other appropriate writ, order or direction, ordering and directing Respondent Nos. 1 to 4 to frame and submit guidelines before this Hon'ble Court within a timeline that the court may deem fit, for the management of feral, free-ranging and domestic dogs in wildlife and protected areas on aspects including but not limited to:

i. Identification of such feral, free-ranging and domestic dogs attacking or hunting wildlife in

protected areas and forests.

ii. Scientific management to limit the population of such feral, free-ranging and domesticated dogs in protected areas by undertaking measures such as sterilisation and immunisation in order to preserve the right to protect endangered species under article 21.45

iii. If capture and sterilisation is not practicable, removal or elimination of feral, free-ranging and domesticated dogs invading wildlife habitats and forests.

iv. Developing an effective complaint redressal mechanism against attacks and incidents against wildlife by such feral, free-ranging and domesticated dogs.

(b) That this Hon'ble Court be pleased to issue a writ of declaration or any other appropriate writ, order or direction to declare Rule 11 and Rule 3(ii) of Schedule II of the ABC Rules, 2023 as unconstitutional for being violative of article 14 of the Constitution of India. The Hon'ble Court may pass further or other orders as it may deem fit and necessary as per the facts and circumstances of this case and thus render justice.

(c) That this Hon'ble Court may be pleased to issue a writ of declaration or any other appropriate writ, order or direction to read down relevant rules of the ABC Rules, 2023 so as to restrict its applicability to areas which are not categorised as protected areas in so far as it is in violation of article 14 as the category of dogs present in protected areas and addressed in this petition i.e, free-ranging dogs in wildlife and protected areas, are different from the categories of animals covered under rule 7 of the ABC Rules, 2023 and "street dogs" covered by Rule 11 of the ABC Rules, 2023. The Hon'ble Court may pass further or other orders as it may deem fit and necessary as per the facts and circumstances of this case and thus render justice.

(d) Upon submission of such draft guidelines within time framed by this Hon'ble Court under prayer (a) and upon finalisation of the same, issue a writ of mandamus, or a writ in the nature of a mandamus, or any other appropriate writ, order or direction, ordering and directing Respondent Nos. 1 to 4 to issue and implement such guidelines in wildlife areas and protected forests and providing the Forest Department

with the financial and other requisite resources to do so.

(e) Alternatively, this Hon'ble Court be pleased to issue guidelines to Respondent Nos. 1 to 4 within time framed, for the control and management of feral, free ranging and domestic dogs in wildlife and protected areas including but not limited to:

i. Identification of such feral, free ranging and domestic dogs invading wildlife habitats and protected forests through regular monitoring and geo-tagging of specimen

ii. Scientific management of such categories of dogs through measures such as sterilisation and immunisation.

Iii. Where capture and sterilization is not possible, elimination of identified problem animals

iv. Developing an effective complaint redressal mechanism against attacks and incidents against wildlife by such feral, free-ranging and domesticated dogs

(f) Without prejudice to the generality of the above prayers above, that this Hon'ble Court also be pleased to issue as Writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, directing the respondent/respondents no. 1 to 4 to disclose on affidavit to this Hon'ble Court the action taken report against the spread and impact of feral, free ranging and domestic dogs upon wildlife and its habitat within time frames.

(g) For the costs of the Petition; and

(h) For such further and other reliefs as this Hon'ble Court may deem fit and proper to grant in the facts and circumstances of the case.

The contention of the petitioner before this Court is that although guidelines have been framed by the Animal Welfare Board of India regarding stray dogs/animals but there are no guidelines pertaining to free ranging dogs and they are becoming a danger to many other specious such as the Great Indian Bustard etc. Before

taking cognizance of the matter, we would like that the petitioner must make its representation before the Animal Welfare Board itself. The contention of the petitioner is that their representations before the Animal Welfare Board have been left unanswered earlier. We hence direct the Animal Welfare Board to go through the representation of the petitioner, given them a personal hearing and pass a speaking order therein within four weeks thereafter.

With the above order, we were inclined to dispose of the petition itself. All the same, we were persuaded by the learned Senior Advocate Mr. Arvind Datar to keep the matter pending, till a decision is taken by the Board, as filing of a fresh petition, in case it is needed, would entail unnecessary expenses.

List on 08.04.2024.

(KAVITA PAHUJA)  
COURT MASTER (SH)

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)