

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

Judgment reserved on: 30.08.2022

% **Judgment delivered on: 02.09.2022**

+ **W.P.(C) 2045/2022**

**SCOUTS AND GUIDES FOR ANIMALS
AND BIRDS**

..... Petitioner

Through: Mr. Ankur Bhasin, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Rajesh Gogna, CGSC with
Mr. Vinod Tiwari and Ms. Priya Singh,
Advocate for respondents No.1, 2 &
4/ UOI.

Mr. Rishikesh Kumar, ASC with
Ms. Sheenu Priya & Mr. Muhammad
Zaid, Advocates for respondent No.3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

J U D G M E N T

SATISH CHANDRA SHARMA, C.J.

1. The petitioner before this Court – a Registered Trust, has filed the present writ petition under Article 226 of the Constitution of India as a Public Interest Litigation (PIL) and is represented by Mr. Naresh Kadyan,

who is its Founder Member. The Trust aims in social work working deeply towards animal welfare and other causes in favour of society at large.

2. The petitioner Trust has filed the present writ petition alleging transportation of camels into the State of Delhi from Rajasthan in violation of the statutory provisions as contained under the Prevention of Cruelty to Animals Act, 1960. The petitioner has stated that every year during the Independence Day Parade, large number of camels are transported in goods carrier subjecting them to cruelty and the petitioner has submitted various representations from time to time to various authorities, however, they have not been looked into. The petitioner has also stated that he has submitted various applications under the Right to Information Act in respect of the procedure adopted by the respondents for transporting the camels and the same reveals that the camels are being transported from Rajasthan to Delhi in different vehicles violating Sections 3, 11 and 38 of the Prevention of Cruelty to Animals Act, 1960 along with Central Motor Vehicles (11th Amendment) Rules, 2015.

3. The petitioner has placed reliance on a judgment delivered in the case of *Animal Welfare Board of India Vs. A. Nagaraja & Ors.*, Civil Appeal No.5387/2014 [S.L.P.(Civil) No.11686/2007], and his contention is that action should be initiated against the persons who are subjecting the camels to cruelty while transporting them to Delhi.

4. The petitioner has stated in the writ petition that almost 100 camels are brought every year in goods transport vehicles to Delhi violating the statutory provisions, and therefore, action should be initiated for safe

transport of camels and action be also initiated against the persons who are involved in transport of camels. The petitioner has prayed for the following reliefs:

“In view of the submissions made above and in the light of facts and circumstances of the case, the petitioner most respectfully prays that in the interest of justice this Hon'ble Court may kindly be pleased to issue appropriate writ, order and directions against the respondents thereby,

(a) allow the present Public interest litigation considering the paramount interests i.e welfare of camels who are being exploited and their fundamental right being negated by the acts of the respondents which is in ultra-contravention of 125E of M.V Act, 1988 and Section 3 and 11 of the Prevention of Cruelty to Animals Act 1960;

(b) take suo-motto cognizance of the illegal trasporattion of camels in vgross violation of the rules as laid down by the Union of India;

(c) take necessary action against the respondents who had acted in contravention of the rules as laid under in CML APPEAL NO. 5387 OF 2014@ Special Leave Petition (Civil) No.11686 of 2007) titled as Animal Welfare Board of India Versus A. Nagaraja & Ors by the Hon 'ble Apex Court;

(d) take suo-motto cognizance of the matter at hand and direct the Respondent no. 3 to issue a monitoring probe order and thereby regulating and prohibiting the violations in line of standing order no. standing order no. 31/2010 issued by Delhi Police;

(e) pass any other order which this Hon'ble Court may deem fitand proper in the interest of justice.”

5. This Court has issued notice in the matter and various status reports have been filed from time to time in the matter.

6. Respondent No.2 has filed a detailed status report [report of Animal Welfare Board of India (AWBI)] and it has been stated in the said status report that respondent No.2 is a statutory advisory body of Government of India (GoI) which deals with the subject of Prevention of Cruelty to Animals and the said subject has been transferred as per the Allocation of Business Rules from the Ministry of Environment, Forests and Climate Change to Department of Animal Husbandry and Dairying, Ministry of Fisheries, Animal Husbandry and Dairying, i.e. respondent No.1.

7. It has also been stated that GoI has issued various instructions from time to time and has also enacted Transport of Animals Rules, 1978 which make it mandatory that transportation of Animals by Rail or Road must be accompanied by a veterinary certificate that they are fit to travel, and appropriate specifications have also been provided under the Rules for transportation of such animals. It has also been stated that the Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules 2001 also provides for transport of animals on foot in certain cases.

8. The respondent has further stated that the AWBI – taking into account the suffering of camels during transportation, requested the Director General (DG) of the Border Security Force (BSF) vide its letter dated 24.01.2020 to take necessary action in the matter and to see that the provisions of the Prevention of Cruelty to Animals Act, 1960 and the Rules framed thereunder are followed in letter and spirit and also to intimate the Board in

the matter. The DG, BSF was again requested on 10.06.2020 to take appropriate action in the matter. The BSF has informed the Board that a Standard Operating Procedure (SOP) has been framed for transporting the camels in consultation with the National Research Central on Camel, Bikaner and the same is being strictly followed.

9. It is also stated that the petitioner has filed large number of complaints/ sought information under the Right to Information Act and it is incorrect on the part of the petitioner to state that no action has been taken in respect of the complaints. The respondents have stated that the camels are not at all being subjected to cruelty – as stated in the present writ petition, and the Rules are being followed *in toto* in respect of transport of camels.

10. This Court has heard learned counsel for the parties at length and perused the record.

11. It is an undisputed fact that camels are being transported from Bikaner, State of Rajasthan to Delhi for Republic Day Function. Grievance was raised by the petitioner in respect of transportation of camels. The BSF while transporting the camels issues Expression of Interest (EOI) providing all minute details in respect of the vehicle in which the animals can be transported and the EOI is also on record along with the status report filed by respondent No.2 as Annexure-4. The animals are being transported in specialized vehicle and four camels in sitting position along with accessories and fodder are transported in one vehicle. The EOI makes it very clear that there is enough space in the vehicle which is being used for transport of

camels and the BSF has taken all precautionary measures to ensure that the camels are not subjected to cruelty.

12. The amendment to Prevention of Cruelty to Animals (The Transport of Animals) Rules, 2020 provides for transport of camels and the said amendment is reproduced as under:

“Amendment to Prevention of Cruelty to Animals (The Transport of Animals) Rules, 2020

Insertion of new Chapter VA

Transport of Camels

63-A *Rules 57 to 63 shall apply to the transport by rail, road, waterways, sea or air of Camel*

63A

(a) A valid health certificate by veterinary officer to the effect that the camel is in a fit condition to transport by rail, road, waterways, sea or air and are not showing any sign of infectious or contagious disease, shall accompany each consignment.

(b) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport.

(c) The certificate shall be in a form specified in Schedule 12.

63B

(a) Each consignment shall bear a label showing in bold red letters the name, address and telephone number (if any) of the consignor and consignee, the number and type of camels being transported.

(b) The consignee shall be informed in advance about the train or vehicle in which the consignment of camels is being sent and its arrival time.

(c) The Camels should be restrained in the trucks or road or train/rail carrier in sternal recumbency i.e. in sitting position and the floor space of 10 x 4' or 10 x 5' should be provided to each camel.

(d) It must be ensured that at least 0.5 feet sand/ straw level has been provided as bedding in the detailed/hired vehicle.

(e) It must be ensured that the detailed/hired vehicle is not having any projection or sharp object which may cause any injury to camels during journey.

(f) It must be ensured that Camels are tied with loose cotton rope and a proper pad under legs, cotton gaddi on neck and hump has been kept to avoid injury.

63C

(a) Male and female camels should not be mixed. Young animals may be transported together with mother camel.

(b) Furious/ aggressive camels should not be mixed with other docile camels. Apprehensive/ furious animals may be administered sedative drugs under supervision of any qualified veterinary officer before loading/ unloading.

(c) Camel shall be loaded after being fed and given water adequately, watering arrangements shall be made on route and sufficient food carried to last during the journey.

(d) Veterinary first-aid equipment shall accompany all batches of Camel.

(e) Adequate ventilation shall be ensured.

(f) Suitable ramps and platforms, improvised where not available, shall be used for loading and unloading Camel.

61 For the transport of camels by rail, the following precautions shall be taken

- (a) Camels shall be transported by passenger or mixed trains only;
- (b) The floor space and restraining guidelines should be followed as mentioned for transport by truck or road as specified in 63 B.
- (c) Every wagon shall have two attendants if the camels are more than two in number;
- (d) It must be ensured that all the emergency veterinary medicines have been made available to Livestock Assistant or veterinary nursing assistant detailed with camel contingent.
- (e) No nails, metallic projections, sharp edges are exposed on the vehicles/railway wagon.
- (f) It must be ensured that adequate ventilation facility is available for camels and camels are not subjected to direct heat during the journey.

62 For the transport of camels by waterways/ sea the following precautions shall be taken

- (a) Camels should be secured in loose condition and a floor space of 500 square feet per camel should be provided to each camel.
- (b) Camels are best transported in upper deck of the shipment.

While travelling/ moving the animals on foot following precautions shall be taken

- (a) Severely emaciated, weak, dehydrated, blind in both eyes, animals with signs of severe injury or distress or last 4 weeks or pregnancy should not be allowed to travel/ move on foot.

(b) It must be ensured that camel has been allowed to march with slow pace to warming up and subsequently moved to faster pace to avoid sprain and lameness.

(c) It must be ensured that leg of camel doesn't land up in pits made by rats/foxes which may cause fracture or lameness.

(d) It must be ensured by rider that camel crosses the sand dunes very slowly.

(e) It must be ensured by camel contingent in charge that after journey of one hour a short halt has been provided to camels for urination.

(f) Night marching must be preferred, to avoid cases of heat shocks in summer and in nights camel can be allowed to cover longer distances.

(g) In summer the camels should be allowed to march during early morning /evening hours.

(h) As far as possible stony and metal roads should be avoided to prevent foot pad injuries.”

13. The aforesaid statutory provision of law makes it very clear that Rules have been framed on the subject and transport of camel has to take place strictly in consonance with the statutory provisions governing the field.

14. Learned counsel for the respondents/ UOI was fair enough in stating before this Court that the transportation of camels is taking place as per the statutory provisions and they will ensure that no violation of any statutory provision takes place in respect of the transportation of camels and they will strictly follow the SOP framed by National Research Centre of Camel, Bikaner.

15. In the light of the aforesaid status report, as the respondents have been taking all care and precaution in transporting the camels and are also following the statutory provisions, this Court is of the considered opinion that no further orders are required to be passed in the present PIL. However, it is made clear that the respondents shall ensure strict compliance of the amendment to Prevention of Cruelty to Animals (The Transport of Animals) Rules, 2020 while transporting the camels in future also for the purpose of their participation in Republic Day Parade, or any other purpose also. In case of transporting of camels, the respondents shall also ensure that the statutory provisions as contained in the Prevention of Cruelty to Animals Act, 1960 are not violated. The Union of India, the AWBI, the Ministry of Road Transport & Highways as well as the BSF shall ensure strict compliance of the SOP read with the Rules governing the field in the matter of transport of camels. Any deviation in the matter of transport of camels shall be viewed seriously by this Court. In case the SOP or any statutory provision is violated in future while transporting the camels, the petitioner shall certainly be free to bring the same to the notice of this Court.

16. With the aforesaid directions, the PIL stands disposed of.

(SATISH CHANDRA SHARMA)
CHIEF JUSTICE

(SUBRAMONIUM PRASAD)
JUDGE

SEPTEMBER 02, 2022
B.S. Rohella