

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.4/2024

Date of Order : 15.05.2025

Kaustav Paul

Vs

State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner

: In-person

For the Respondents

: Mrs. T. Yangi B., AAG with
Mr. E.R. Chyne, GA

Mr. Philemon Nongbri, Adv for R/4&5

- i) Whether approved for reporting in Law journals etc.: Yes
- ii) Whether approved for publication in press: Yes

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

This public interest litigation (PIL) invites this court to pass orders directing the state to take appropriate measures to control the menace caused by stray dogs, to capture them, treat them which would include sterilising them and rehabilitating them in dog shelters.

From time to time, we have passed orders to contain this menace.

The scope and effect of our orders up to now had been confined to the Shillong district. The Shillong Municipal Board did not have adequate facility to keep these stray animals. Under our order, the state provided shelter to accommodate these animals for a limited period. Now, it seems that the Shillong Municipal Board has been able to set up some kind of an animal shelter but it cannot house all stray dogs of the district. Pursuant to orders passed by this court, meetings were held between the Municipal authority and the state, as a result of which, the state has extended the accommodation of these dogs in its shelter. The Municipal Board says it is proceeding with the acquisition of land for the purpose of building a further permanent shelter after which the animals in the state shelter would be shifted to the Municipal Board accommodation.

However, the petitioner-in-person points out that these measures by the court might not prove to be effective. He has two reasons for this. The first is that the order only covers the Shillong district. The dog menace covers the whole of Meghalaya. Secondly, he draws our attention to the

Animal Birth Control (Dogs) Rules, 2001 promulgated under sub section (1) of section 38 of the Prevention of Cruelty to Animals Act, 1960. The rules have remained a piece of paper and not enforced. Mr. Paul points out that rule 4 provides for formation of a committee comprising of the commissioner/chief of the local authority, who would be the ex-officio Chairman, representatives of Public Health Animal Welfare, District Society for the said Act, Animal Welfare Organisations and “Humanitarian or a well-known individual”.

He contends that this committee be formed forthwith and discharges its functions as mentioned in rule 5. These functions include the measures we have directed to be taken in respect of these stray animals. Our order, he says should cover the whole state.

In those circumstances, we observe and direct that the scope and ambit of this writ shall extend throughout Meghalaya. The commissioners of the districts and District Council shall be served copies of the writ petition along with the orders passed therein by the Advocate-on-Record for the state within a week from date. The state government shall take immediate steps not later than four weeks from date to form a Committee

in terms of rule 4 of the said rules. Thereafter, the committee shall discharge its functions according to rule 5. The commissioners along with the District Council and the local Municipal authority shall carry out our orders in their districts. The state shall file a comprehensive affidavit with regard to the action taken before the returnable date.

We make this PIL returnable on 16th July, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
15.05.2025
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