

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

CJ & NSSGJ:
30.07.2021

ORDER

1. Today, we have noticed the news reports published in the leading newspapers - Deccan Herald, Indian Express, Times of India, Prajavani, etc. The news reports are very disturbing. It is reported that large number of monkeys were found dead on the roadside in Belur Taluk of Hassan District on Wednesday night. It is stated that along with the dead monkeys, 15 monkeys which were alive were also put in a large bag. It is necessary for the Writ Court to take cognizance of this issue in the light of the law laid down by the Apex Court in the case of **ANIMAL WELFARE BOARD OF INDIA vs. A.NAGARAJA AND OTHERS**¹. The said decision recognises the limited right to live conferred on the animals. Paragraph 72 of the said decision reads thus:

"Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word "life" has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21 of

¹ (2014) 7 SCC 547

the Constitution. So far as animals are concerned, "life" means something more than mere survival or existence or instrumental value for human beings, but to lead a life with some intrinsic worth, honour and dignity."

(underline supplied)

2. Apart from that, this may be a case of gross violation of the provisions of the Prevention of Cruelty to Animals, 1960 and in particular, Sections 3 and 11 thereof. We, therefore, direct the Registrar General to file a writ petition seeking action against all those who are responsible for the said incident of monkeys. It is also necessary to lay down the guidelines to ensure that such inhuman and shocking incidents are hereafter prevented.

3. The State of Karnataka through the Principal Secretary of the Forest Department, the Deputy Chief Conservator of Forests of Hassan District, the Deputy Collector of Hassan District, the Superintendent of Police and lastly, the Animal Welfare Board of India shall be made as party respondents.

4. The petition shall be filed and listed at 10.30 a.m on 4th August 2021.

5. A copy of the petition shall be served to the office of the learned Advocate General so that the learned Government

Advocate can appear and assist the Court. We direct the Registrar (Judicial) to forward a soft copy of the petition at the official email id of the Animal Welfare Board of India informing the said Board that the petition will be taken up on 4th August 2021 at 10.30 a.m.

6. Shri V.Sreenidhi, the learned Additional Government Advocate is present. He formally accepts the notice of the petition which will be listed on 4th August 2021. It will be appropriate that if he communicates to the Deputy Collector to submit a report on the entire incident and the action taken so far. The report shall be placed on record by the learned Additional Government Advocate on 4th August 2021.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

AHB