

599/09
Sastri & Company

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 6TH DAY OF JANUARY 2009

PRESENT

THE HON'BLE MR. P.D. DINAKARAN, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE V.G. SABHAHIT

WRIT PETITION No. 14432/2008 (GM-RES-PIL)

BETWEEN:

ANIMAL RIGHTS FUND
NO.6, RANGANAYAKI,
1ST CROSS, SRIPURAM
SHESHADRPURAM,
BANGALORE
REPRESENTED BY ITS MANAGING
TRUSTEE, SRI.DILIP BAFNA.

... PETITIONER

(By Sri: SASTRY & CO., ADV.,)

AND :

STATE OF KARNATAKA
REPRESENTED BY ITS PRINCIPAL
SECRETARY,
ANIMAL HUSBANDARY
AND VETERINARY
VIDHANA SOUDHA,



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and Court Fee Stamp of Rs. 18
if affixed. *Reading*
GFB

cruelty to and against animals since a number of years. The Director of Animal Husbandry and Veterinary Services, after taking into due account the laws prevailing for the time being in force both Central and State, issued a circular on 17.04.1997 bringing to the notice of all the concerned officers the report submitted by Health Kabeera Hatosa Movement Society, with regard to illegal transportation of Camels into the State of Karnataka and slaughter of Camels during Ramzan / Ramdan and Bhakrid festivals and in the backdrop of the same, directing the concerned Assistant Directors of the Taluk, Veterinary Hospitals to take suitable action to prevent such illegal entry of Camels and to avoid slaughtering of the animals, under their official jurisdiction. Copy of the said circular is produced as Annexure 'C' to the writ petition.

3. It is further averred that the Camels are basically the inhabitants of the State of Rajasthan and are not suited to the climatic conditions of State of Karnataka, as Camels require hot climate in the morning and cold weather in the night times. The general diet of the Camels

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are shrubs and plants which are usually available in and around State of Rajasthan and that the Camels are made to travel on foot in contravention of the Transportation of Animal Rules, 1978 and Transportation of Animals on Foot Rules, 2001, and also in violation of the circular issued by the Deputy Director, Animal Husbandry, dated 31.05.2006, copy of which is produced as per Annexure 'D' to the writ petition. The climatic condition in the State of Karnataka is not suitable for the survival of Camels as the State of Karnataka has heavy rainfall from May to September every year and the essential diet of the Camels is not available in the State. It is further averred that inspite of there being a specific circular, whereby entry of Camels are required to be restricted in to the State of Karnataka and illegal entry and slaughter of Camels is specifically forbidden, Camels are being brought illegally into Karnataka and slaughtered during the festivals and wherefore, direction may be issued as sought for in the writ petition.

4. Notice was issued to the respondent.

Wd



5. Learned Government Advocate was directed to ascertain as to whether the circular issued as per Annexures 'C' and 'D' to the writ petition dated 17.04.1997 and 31.05.2006 were still in force as the said circulars would sufficiently safeguard the apprehension of the petitioner. Learned Government Advocate after seeking instructions from the respondent - State submitted today before the Court that circulars dated 17.04.1997 and 31.05.2006, copies of which are produced as Annexures 'C' and 'D' respectively to the writ petition, are still in force.

6. It is clear from a perusal of the circulars dated 17.04.1997 and 31.05.2006 - Annexures 'C' and 'D' respectively, that directions have already been issued to the concerned officers to safeguard the apprehension of the writ petitioner regarding illegal transportation of Camels and their slaughter during Ramzan and Bhakrid festivals. Except noting the submission of the learned Government Advocate that the Circulars dated 17.04.1997 and 31.05.2006 - Annexures 'C' and 'D' respectively,

WJ



**KARNATAKA VETERINARY, ANIMAL AND FISHERIES
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TO WHOMSOEVER IT MAY CONCERN

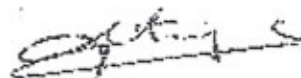
Camels in India are native to the state of Rajasthan. These animals are built for desert conditions and that type of climate is best suited for them.

While being brought to Karnataka as well as within the state, these 'ships of the desert' are made to walk on hot tarred roads, to which their padded feet are not accustomed. As a result, their feet start to bleed and they suffer various injuries which would not have occurred in the desert. To make matters worse, those camels that are brought for entertainment purposes are forced to carry loads much beyond their capacity. Most camels, however, travel all the way to Karnataka, just to be slaughtered, which is an illegal practice.

Further, camels contract diseases on account of the unsuitable climatic conditions. These include trypanosomiasis, broncho - pneumonia, intracellular haemoprotozoan, anthrax and rabies which are infectious diseases and some are communicable to other livestock as well as human beings.

In order to stop the number of camels from declining further, it is essential to let them live peacefully in their own territory in Rajasthan, and not be subjected to torturous conditions for human gain. If this treatment of camels is continued, not only the camels, but also livestock and humans will all be at high risk. As a matter of state welfare, these practices must be put to an end and camels should be allowed to live freely in their natural habitat.

This must be considered as an important and serious matter by looking into the welfare of people and abundant livestock wealth of Karnataka. The entry of camels into Karnataka must therefore be prevented.


(S. YATHIRAJ)
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