

Rule 4 deals with formation of Committee and Rule 5 deals with the functions of the Committee. The said Rule being relevant, is reproduced below:

"5. *Functions of the Committee.*- The committee constituted under rule 4 shall be responsible for planning and management of dog control programme in accordance with these rules. The committee may:

(a) issue instructions for catching, transportation, sheltering, sterilisation, vaccination, treatment and release of sterilized vaccinated or treated dogs.

(b) authorize veterinary doctor to decide on case to case basis the need to put to sleep critically ill or fatally injured or rabid dogs in a painless method by using sodium pentathol. Any other method is strictly prohibited.

(c) create public awareness, solicit co-operation and funding.

(d) provide guidelines to pet dog owners and commercial breeders from time to time.

(e) get a survey done of the number of street dogs by an independent agency.

(f) take such steps for monitoring the dog bite cases to ascertain the reasons of dog bite, the area where it took place and whether it was from a stray or a pet dog.

(g) keep a watch on the national and international development in the field of research pertaining to street dogs' control and management, development of vaccines and cost effective methods of sterilization, vaccination, etc.

(h) the activities of the Committee shall be brought to the public notice by announcements and advertisements."

Rule 6 provides for obligations of the local authority. Rule 7 deals with capturing/sterilisation/immunisation/release. Rule 8 deals with identification and recording and Rule 9 provides for euthanasia of street dogs. Rule 10 deals with furious or dumb rabid dogs.

As we find, the local authorities have a sacrosanct duty to provide sufficient number of dog pounds, including animal kennels/shelters, which may be managed by the animal welfare organizations, that apart, it is also incumbent upon the local authorities to provide requisite number of dog vans with ramps for the capture and transportation of street dogs; one driver and two trained dog catchers for each dog van; an ambulance-cum-clinical van as mobile centre for sterilisation and immunisation; incinerators for disposal of carcasses and periodic repair of shelter or pound.

Rule 7 has its own significance. The procedure has to be followed before any steps are taken. Rules 9 and 10 take care of the dogs which are desirable to be euthanised.

We may note with profit that Mr. Shekhar Naphade, learned senior counsel appearing for the Bombay Municipal Corporation would contend with vehemence that the Corporation

has a duty under the Act to remove the dogs that create nuisance. As stated earlier, we will advert to the same at a later stage, but for the present it is suffice to say that all the State municipal corporations, municipal committees, district boards and local bodies shall be guided by the Act and the Rules and it is the duty and obligation of the Animal Welfare Board to see that they are followed with all seriousness. It is also the duty of all the municipal corporations to provide infrastructure as mandated in the statute and the rules. Once that is done, we are disposed to think for the present that a balance between compassion to dogs and the lives of human being, which is appositely called a glorious gift of nature, may harmoniously co-exist.

Learned counsel appearing for both the sides are at liberty to file affidavits which may contain the data of the dog bites and the steps taken by the local bodies with regard to destruction/removal of the stray dogs. They are also at liberty to file data pertaining to population of stray dogs. The local authorities shall file affidavits including what kind of infrastructures they have provided, as required under the law. Needless to emphasize, no innovative method or subterfuge should be adopted not to carry out the responsibility under the 1960 Act or the 2001 Rules. Any kind of laxity while carrying out statutory obligations, is not countenanced in law.