

IN THE SUPREME COURT OF INDIA
(ORIGINAL CIVIL JURISDICTION)
CONTEMPT PETITION (CIVIL) NO..... OF 2018

IN

SPECIAL LEAVE PETITION (CIVIL) NO.691/2009

IN THE MATTER OF: Neveena Kamath ...Petitioner

VERSUS

WILSON. V T ...Alleged Contemnor No. 01 Chief Officer Sakaleshapura Town
Municipal Council BM Road, Sakaleshpura, Hassan District, Karnataka - 573134.

V. George Robert ...Alleged Contemnor No. 02 STHS Colony, Coimbatore

AND IN THE MATTER OF: Animal Welfare Board of IndiaPetitioner

VERSUS

People for the Elimination of Stray Dogs &OrsRespondents

WITH

I.A. No. _____ of 2018 An application for exemption from filing official
translations of annexures

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ADVOCATE FOR PETITIONER: PRASHANT BHUSHAN

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AND IN THE MATTER OF: Animal Welfare Board of India Through its Chairperson
13/1, 3rd Seaward Road Valmiki Nagar Thiruvannamipur Chennai 600041 Tamil Nadu
.....Petitioner

VERSUS

People for Elimination of Stray Troubles (PEST) Through its Convenor Dr. Rozario
Menezes C-3, Sapna Enclave Vaddem, Vasco-da-Gama Goa 403802And other
Respondents

**CONTEMPT PETITION ON BEHALF OF THE PETITIONER U/S 12
OF THE CONTEMPT OF COURTS ACT, 1971 READ WITH RULE 3
(c) OF THE RULES TO REGULATE PROCEEDINGS FOR
CONTEMPT OF THE SUPREME COURT, 1975 FOR INITIATING
CONTEMPT PROCEEDINGS AGAINST THE RESPONDENTS
ABOVE NAMED FOR WILFULLY AND DELIBERATELY DEFYING
THE ORDER (DATED 18th NOVEMBER 2015) OF THIS HON'BLE
COURT IN THE ABOVE MENTIONED SPECIAL LEAVE PETITION
(C) 691/ 2009.**

To,

The Hon'ble Chief Justice of India

And his Companion Judges of the Supreme Court of India.

Most respectfully showeth:

1. That the petitioner above-named is filing the instant contempt petition seeking initiation of contempt proceedings against the abovenamed alleged contemnors for willfully disobeying the specific directions issued by this Hon'ble Court in the orders passed in the Special Leave Petition (Civil) No. 691/2009, also known as the "All India Stray Dogs" case, which is being batch-heard with other similar petitions which raise similar **averments. The specific order violated was the order dated 18th November 2015 – directing all local authorities and panchayats to follow strictly follow the Prevention of Cruelty to Animals Act, 1960 and the Animal Birth Control Rules, 2001** (hereinafter referred to as the PCA Act 1960 and the ABC Rules,

2001 respectively) and that no “subterfuge or innovative methods” to circumvent the order of the Court will be tolerated.

(A copy of this order is annexed herein and marked as

Annexure P-1 at pages _____). The PCA Act 1960 and the

ABC Rules, 2001 prohibit any wanton catching and relocation

of stray dogs and only allow catching for the purpose of

sterilization and relocation back to the same place where the

stray dogs were picked up. The relevant portion of this order is

as follows: (Annexure P-1)

“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...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”

2. Background of the SLP in which the instant contempt petition

is filed - That the Special Leave Petition (Civil) No. 691/2009

was filed to assail the impugned judgment and order dated

19/12/2008 in ASWP No. 6257/2006 of the High Court of

Judicature at Bombay by which the Hon’ble High Court had

upheld the constitutionality of Section 191BA of the Bombay

Municipality Act, which gives unfettered power to the Local

Commissioner to kill stray dogs simply by declaring them a “nuisance”.

3. Background of the instant Petitioner - That Ms. Neveena Kamath (hereinafter referred to as the “Petitioner”) is an animal rights activist currently working in Bangalore, where she raises awareness about animal cruelty and helps the local municipalities in the implementation of the Animal Birth Control Programme (Sterilization) of stray dogs. She has previously been appointed the Honorary Animal Cruelty Inspector by the City Municipality of Bangalore. The Petitioner is an ecologist by training, has a master's degree in Environmental Science and lectures frequently on environmental issues.

4. Contumacious actions of Respondent No. 01 – Mr. Wilson. V T (Chief Officer, Sakaleshapura Town Municipal Council) and Respondent No. 02 (Mr. George Robert, the stray dogs catcher) – That the Respondent No. 01 violated the order of this Hon’ble Court (dated 18 November 2015) by inviting tenders to catch and then relocate stray dogs within his municipality, then on receiving the tenders the Respondent no. 01 went ahead to accept one such tender submitted by Shri George Robert

(Respondent No. 02), then gave the work order to Respondent No. 02 to catch and relocate the stray dogs out the municipality and finally on the completion of this project, Respondent No. 01 went ahead to pay the Respondent No. 02 for the completion of this illegal and contumacious project. It must be made clear that the Prevention of Cruelty to Animals Act, 1960 and the ABC Rules, 2001 only allow catching then sterilizing, vaccinating and then relocation at the very same place. They do not allow any such catching and dislocating.

5. The relevant evidences to support the above claims are as follows:

- a. Letter from Respondent No. 01 to Senior Assistant Director, Information and Public Relations Office Hassan District dated 11 Oct 2017 to advertise the tender invitation to catch and relocate stray dogs. The letter states “Request to advertise in the newspapers regarding to catch street dogs and sick dogs in Sakleshpura Town Municipal Council limits and to shift them faraway places from the town limits.” – True copy of this letter in its translated version from Kannada to English is annexed herein and marked as Annexure P-2 pages ____.
- b. Tender invitation from Respondent No. 01 dated 11th October 2017 to catch and relocate stray dogs out of the

Sakleshpura municipality. The tender incident states -
“Quotation tenders in closed covers are invited from interested parties to carry out the job of catching street dogs and sick dogs in Sakleshpura Town Municipal Council limits and to shift them far away from the town limits”. True copy of this tender invitation in its translated version from Kannada to English is annexed herein and marked as Annexure P-3 on pages ____.

c. The Work order from the Respondent No. 01 to Respondent No. 02 to catch and relocate stray dogs dated 21 Oct 2017 with the target of 350 dogs at a rate of Rs. 250 per dog – true copy of this work order in its translated version from Kannada to English is annexed herein and marked as Annexure P-4 on pages ____.

d. The Payment Voucher from Respondent No. 01 to Respondent No. 02 dated 31 Oct 2017 for Rs. 91537 for catching and relocating about 350 stray dogs with the specific narration as “Narration: Road side dogs”. True copy of this payment voucher in its translated version from Kannada to English is annexed herein and marked as Annexure P-5 on pages ____.

6. A First Information Report (FIR) was also lodged by the local police at the Sakleshpura Town police station (Crime No: 0004/

2018 FIR Date: 03/01/2018) in which the Sakleshpura Municipality and George Robert (the stray dogs catcher and Respondent No. 02 in the present petition) are named as the two accused and the FIR specifically mentions in the contents that “George Robert had buried 350 dogs at Sakleshpura Cemetery Ground”. True copy of this FIR in its translated version from Kannada to English is annexed herein and marked as Annexure P-6 on pages ____.

7. The actions of the Respondents are setting back the progress made in the hearings of the afore-mentioned Special Leave Petition (The All India Stray Dogs case) by years every time they indulge in such blatant contumacious actions. For precious hearing time is devoted in handling their wanton disregard for the law rather than discussing the module for the management of the stray dogs population as submitted by the Animal Welfare Board of India. By their actions, they are undoing all the progress made in the main matter.

8. That the actions of the Respondents are a direct assault on the sanctity of a judicial order and the majesty of the Hon’ble Supreme Court of India. Not to mention they violate several animal protection laws of India. That the Respondents have deliberately and willfully violated the orders of this Hon’ble

Court. If such violations are not dealt, swiftly and sternly, by this Hon'ble Court then it will send a very wrong message to society that the orders of the apex court can be trifled with and there are no consequences for even the most open and egregious defiance. The actions of the Respondents are making a mockery of the majesty of this Hon'ble Court and invite the wrath of this Court to its fullest extent.

9. It is therefore, most respectfully prayed that during the pendency of this petition, this Hon'ble Court may be pleased to:

PRAYERS

It is, therefore, most respectfully prayed that your Lordships may graciously be pleased to:-

a. Initiate contempt proceedings against the alleged Contemnors/ Respondents for willfully and deliberately disobeying the orders of this Hon'ble Court in Special Leave Petition (Civil)

No.691/2009 (order dated 18th November 2015).

b. Pass any other order/orders as this Hon'ble Court may deem fit in the facts and circumstances of this case, in the interest of justice.

Petitioner through: (Prashant Bhushan) Counsel for the Petitioner
New Delhi Dated