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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13236/2022**

SUNAYANA SIBAL & ORS.

..... Petitioners

Through: Mr. Vivek Sibal, Senior Advocate
with Ms. Smriti Sinha, Ms. Priyanka
Baugawa, Ms. Shalini Aggarwal,
Ms. Esha Datta and Ms. Shriyanshi
Pathak, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Biraja Mahapatra and Mr. Nalin
Hingorani, Advocates for R-5.
Mr. Rakesh Chaudhary, Mr. Sushaar
Chaudhary and Ms. Tanvi, Advocates
for R-4.
Mr. Manu Chaturvedi, SC for MCD.,
Ms. Gauri Puri, Advocate (Court
Commissioner).
Mr. Nipun Katyal, Mr. Surya Pratap
Rana and Mr. Vivek, Advocates for
R-1, 2, 3, 5 & 7.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.07.2023**

1. This Court, *vide* order dated 23rd March, 2023, on a joint request made by the parties, appointed Ms. Gauri Puri, Advocate, as a Court Commissioner for inspecting nine dairy colonies, which are subject matter of present writ petition. Ms. Puri carried out inspection in presence of the parties, including the officials of Municipal Corporation of Delhi ('MCD') and filed a detailed report. The report reveals violation of the provisions of (a) Prevention of



Cruelty to Animals Act, 1960 and the Rules framed thereunder; (b) Guidelines for Environmental Management of Dairy Farms and Gaushalas published by the Central Pollution Control Board in July, 2021; (c) Water (Prevention and Control of Pollution) Act, 1974; (d) Air (Prevention and Control of Pollution) Act, 1981; (e) Delhi Municipal Corporation Act, 1957; (f) Environmental (Protection) Act, 1986; and (g) Cattle Premises Registration Rules, 1978.

2. The learned Court Commission shall furnish a copy of the to all Respondents. Since the joint inspection was carried out in the presence of the MCD officials, it is evident that they are aware about the violations which were observed and recorded by Ms. Puri. In fact, Mr. Manu Chaturvedi, learned counsel appearing for the MCD assures that they will take strict action on the basis of the report submitted by the learned Court Commissioner.

3. We have perused the report and are appalled by the observations contained and the pictures annexed therewith, which depict poor hygienic conditions and the health of the milch animals. Solid waste comprising of empty plastic bottles, wet waste from cattle, medicine bottles and used syringes is overflowing in and around the dairy colonies. The milk containers and cattle-feed are kept uncovered, exposed to flies and waste around it. Most dairy units are extremely hot and humid, with no functional ventilation facilities. The calves were malnourished, ill, and separated from their mothers. Short ropes were tied tightly around their necks, severely restricting the movement of the animals; the dairy units were overcrowded and in some instances the cows were tied outside the dairy colonies on the roads. The extraction of milk twice a day, which was done using injections



of an unidentified transparent liquid, in the presence of a stuffed head of a dead calf, and the learned Court Commissioner notes that this was the only life that the animals were subjected to.

4. In light of the egregious violations noted above, the following directions are passed:

(a) Respondents shall take appropriate action on the basis of the report submitted by learned Court Commissioner, ensure that the dairies are compliant with the extant laws, and file an action-taken report within three months of the date of this order.

(b) Copies of such reports shall also be supplied to the Court Commissioner.

(c) Ms. Puri is requested to carry out a fresh joint inspection after three months and submit a fresh report within four weeks thereafter. She is also requested to verify the contents of the aforementioned action-taken reports filed by the Respondents and record her findings in her report.

5. This Court is appreciative of the hard work put in by learned Court Commissioner, and in fact, Mr. Vivek Sibal, learned Senior Counsel for the Petitioner, has volunteered that they shall make interim payments to Ms. Puri Rs. 25,000/- for each inspection carried out by her.

6. List on 1st November, 2023 for further consideration.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

JULY 12, 2023/nk