



**Court on its own motion Vs. State of H.P. and ors. A/w
connected matter**

**CMP(M) No. 4841 of 2023 in
CWPIL No. 34 of 2011 a/w CWP
No. 334 of 2022**

10.09.2024Present:

CWPIL No. 34 of 2022

Court on its own motion.

Mr. Pranay Pratap Singh, Additional Advocate
General for the respondents/State.

Mr. Balram Sharma, Deputy Solicitor General of
India, for the respondent-UOI.

CWP No. 334 of 2022

Mr. Dhananjay Singh, Advocate, vice Ms. Ragini
Dogra, Advocate, for the petitioner.

Mr. Pranay Pratap Singh, Additional Advocate
General for the respondents/State.

Mr. Mukul Sood, Advocate, for respondent no.5-
M.C. Shimla.

Replies have been filed by the Municipal
Corporation, Shimla, with regard to control of menace of stray
dogs and by the State of Himachal Pradesh, with regard to
monkey menace and efforts to control the same, taken by the
Wildlife Wing of Himachal Pradesh Forest Department.

2. Though, the steps appear to be taken for sterilization
of stray dogs, and monkeys the menace continues on several
places in the district and particularly in urban areas, near schools
and market areas, there have been certain instances of attacks
on small children and elder people by monkeys and stray dogs.

3. It is pointed out by the counsel for the Municipal Corporation, Shimla, that there is Rule 11(3) of Animal Birth Control, Act, 2023, which mandated release of sterilized animals in the same places from which they have been picked up.

4. The Central Government needs to revisit the rules insofar as the said rules direct release of the animals in question at the same place from which they have been picked up, particularly, if the release is to be done again in urban areas where there are young children and old people who are at risk from attacks of either the stray dogs and monkeys.

5. Learned Additional Advocate General shall apprise the competent authority of this order and request for these guidelines of release of animals being modified suitably to exclude at least urban areas and areas where schools and markets are located.

6. The Municipal Corporation, Shimla, as well as Forest Department of the State of Himachal Pradesh, shall continue their efforts to tackle the stray dog menace and monkey menace, afflicting the people of the State, particularly, in the urban areas as per the applicable Birth Control Rules.

7. The Telangana, High Court in W.P.(PIL) No. 52 of 2019, titled as Srinivasa Rao Vs. The State of Telangana and Ors., has issued certain directions for avoiding of human-animals

conflict, particularly, with regard to the menace caused by monkeys and other animals such as Wild Boar and Nilgai. They are:-

- “1. The State Government shall rope in the expert bodies to comprehensively study the human-wild life crisis and shall sensitise all the stakeholders as well as local population about human-wildlife conflict.
2. The State Government shall conduct comprehensive monkey census and identify the problem areas/locations.
3. The State Government shall also consider putting up of barriers to protect the crop-fields and solar fencing which is not lethal to the animals but deters the animals from entering the crop fields.
4. The State Government shall consider growing up of the fruit bearing trees in forest areas to carry out re-allocation of monkeys to nearby forest areas while adhering Transportation of Animal Rules, 1978.
5. The State Government shall also undertake training programmes to train personnel involving catching of the monkeys and demarcate the wild areas for the translocation of the monkeys.
6. The State Government shall formulate effective financial compensation schemes to the affected parties due to human wildlife conflict.
7. The State Government shall set up a helpline number and to give it wide publicity to receive information about sick and injured monkeys.
8. The State Government shall formulate a Standard Operating Procedure (SoP) for capture and release of monkeys by the Forest Department and Urban Local Bodies. Such SoP shall also deal with specifications regarding capturing cage.

The official respondents are granted six weeks time to enable them to report compliance with the aforesaid directions.

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8. Status reports be filed by the Forest Department of State of Himachal Pradesh, on the same lines by the next date of hearing.

List on **09.12.2024.**

(M.S. Ramachandra Rao)
Chief Justice

(Satyen Vaidya)
Judge

10th September, 2024
(sushma)