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

+ W.P.(C) 9056/2016 & CM APPL.10937-10938/2019, 16926/2019
FEDERATION OF INDIAN ANIMAL PROTECTION
ORGANISATIONS (FIAPO) & ANR Petitioners

versus

THE STATE OF UTTAR PRADESH AND ORS Respondents

+ W.P.(C) 10990/2016

THE FEDERATION OF INDIAN ANIMAL PROTECTION
ORGANISATIONS (FIAPO) Petitioner

versus

THE UNION OF INDIA Respondent

+ W.P.(C) 9622/2016 & CM APPL.45789/2018, 4724-4725/2019

THE FEDERATION OF INDIAN ANIMAL PROTECTION
ORGANISATIONS (FIAPO) & ANR Petitioners

versus

THE UNION OF INDIA & ORS Respondents

+ W.P.(C) 9630/2016 & CM APPL.16930/2019

PEOPLE FOR ANIMALS HYDERABAD & SECUNDERABAD
..... Petitioner

versus

THE UNION OF INDIA & ORS Respondents

Present: Mr. Anand Grover, Sr. Adv. with Mr. Mihir Samson, Ms. Shreya Munoth & Ms. Aarushi Mahajan, Adv. for petitioners in Item Nos.12 to 14
Mr. Rahul Singh Chauhan, Adv. M/s ASD Poultry – Impleader in Item No.12
Mr. Arun Bhardwaj, AAG for the State of Haryana in Item No.12
Mr. Anil Mittal & Ms. Komal Aggarwal, Adv. for State of U.P. in Item No.12
Ms. Inderjeet Sidhu, Adv. for NECC (Intervenor) in Item Nos.12 to 15
Ms. Maninder Acharya, ASG with Mr. Jasmeet Singh, CGSC & Mr. Srivats Kaushal, Adv. for UOI in Item Nos.12 to 15
Mr. Ramandeep Singh, Adv. for R-9 & R-10 in Item No.14
Mr. Nakul Gandhi & Mr. Shravan Sahny, Adv. for R-11 in Item No.14

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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10.04.2019

CM Nos.10937/2019, 10938/2019 and 16926/2019 (under Order 1 Rule 10 CPC) shall be considered at the time of hearing of W.P.(C) 9056/2016.

In pursuance to the detailed order passed by us on 31.10.2018 and thereafter on 05.02.2019, Ms. Maninder Acharya, learned ASG points out that draft rules have been formulated. She points out however that since the Model Code of Conduct is in operation on account of ensuing parliamentary elections, the draft rules have not been published for seeking objections from the stakeholders and others concerned.

Mr. Anand Grover, learned Senior Counsel submits that as the issue in question is being monitored by this Court and the rules are being framed as per the directions of this Court, the Model Code of Conduct will not come in the way.

That apart, Mr. Anand Grover, learned Senior Counsel expressed his apprehension that the observations made before this Court on 31.10.2018 and further clarified on 05.02.2019, particularly, with reference to taking note of the scientific data given and the law laid down by Hon'ble Supreme Court in the case of *Animal Welfare Board of India vs. A. Nagaraja and Ors.* (2014) 7 SCC 547 seem not to have been properly considered.

For the present, taking note of the submissions made before us, we issue the following directions:

- (i) The draft rules should be published within a period of 10 days from today.
- (ii) Objections shall be invited from all stakeholders after due publicity.
- (iii) After considering the objections, the finalised rules in draft form be placed before us for consideration. At that point of time, we will take note of the legal position, law laid down, the scientific data and the constitutional mandate and reports of the Law Commission and various other material and analyse as to whether the draft rules meet the requirements of law.

For undertaking the above, the Model Code of Conduct will not come in the way.

List on 16.07.2019.

Copy of the order be given *dasti* under the signature of the Court Master.

CHIEF JUSTICE

ANUP JAIRAM BHAMBHANI, J

APRIL 10, 2019/ns