

ITEM NO.14

COURT NO.4

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.88 of 2016

ANIMAL EQUALITY

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS

Respondent(s)

(With appln. (s) for exemption from filing O.T. and office report)

Date : 29/02/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Mr. Subodh S. Patil, AOR
Mrs. Supriya Patil, Adv.
Mr. Divya Jyoti, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Colin Gonsalves, learned senior counsel
for the petitioner.

By this writ petition preferred under Article 32 of
the Constitution of India, the petitioner has prayed for the
following reliefs:

"I. Quash and set aside the notification issued
by Respondent No.1 herein being
F.No.27/01/2011-AWD dated 7th January, 2016; and

II. Pass such other order or orders that may be
deemed fit and proper."

It is submitted by the learned senior counsel appearing for the petitioner that this Court in Animal Welfare Board of India vs. A. Nagaraja and Others (2014) 7 SCC 547, had sustained the notification issued by the Union of India, prohibiting the bullock cart race. He has drawn our attention to paragraph 90. It reads as follows:

"We, therefore, hold that AWBI is right in its stand that Jallikattu, Bullock-cart Race and such events per se violate Sections 3, 11(1)(a) and 11(1)(m)(ii) of PCA Act and hence we uphold the notification dated 11.7.2011 issued by the Central Government, consequently, Bulls cannot be used as performing animals, either for the Jallikattu events or Bullock-cart Races in the State of Tamil Nadu, Maharashtra or elsewhere in the country."

Emphasizing further, he has also referred to paragraphs 91(2) to 91(12). The said paragraphs read as under:

"91(2). We declare that the five freedoms, referred to earlier be read into Sections 3 and 11 of PCA Act, be protected and safeguarded by the States, Central Government, Union Territories (in short "Governments"), MoEF and AWBI.

(3) AWBI and Governments are directed to take appropriate steps to see that the persons-in-charge or care of animals, take reasonable measures to ensure the well-being of animals.

(4) AWBI and Governments are directed to take steps to prevent the infliction of unnecessary pain or suffering on the animals, since their rights have been statutorily protected under Sections 3 and 11 of PCA Act.

(5) AWBI is also directed to ensure that the provisions of Section 11(1)(m)(ii) scrupulously followed, meaning thereby, that the person-in-charge or care of the animal shall not

incite any animal to fight against a human being or another animal.

(6) AWBI and the Governments would also see that even in cases where Section 11(3) is involved, the animals be not put to unnecessary pain and suffering and adequate and scientific methods be adopted to achieve the same.

(7) AWBI and the Governments should take steps to impart education in relation to human treatment of animals in accordance with Section 9(k) inculcating the spirit of Articles 51A(g) & (h) of the Constitution.

(8) Parliament is expected to make proper amendment of the PCA Act to provide an effective deterrent to achieve the object and purpose of the Act and for violation of Section 11, adequate penalties and punishments should be imposed.

(9) Parliament, it is expected, would elevate rights of animals to that of constitutional rights, as done by many of the countries around the world, so as to protect their dignity and honour.

(10) The Governments would see that if the provisions of the PCA Act and the declarations and the directions issued by this Court are not properly and effectively complied with, disciplinary action be taken against the erring officials so that the purpose and object of PCA Act could be achieved.

(11) TNRJ Act is found repugnant to PCA Act, which is a welfare legislation, hence held constitutionally void, being violative of Article 254(1) of the Constitution of India.

(12) AWBI is directed to take effective and speedy steps to implement the provisions of PCA Act in consultation with SPCA and make periodical reports to the Governments and if any violation is noticed, the Governments should take steps to remedy the same, including appropriate follow-up action."

Issue notice.

Dasti, in addition, is permitted.

Tag with Writ Petition (Civil) No.24 of 2016.

(Chetan Kumar)
Court Master

(Indu Pokhriyal)
Court Master