

ITEM NO.67

COURT NO.5

SECTION PIL

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

I.A. Nos.6 & 7 In Writ Petition (Civil) No.743 of 2014

WILDLIFE RESCUE AND REHABILITATION
CENTRE AND OTHERS

Petitioner(s)

VERSUS

UNION OF INDIA AND OTHERS

Respondent(s)

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

Date : 05/05/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Ms. Aparna Bhat, AOR
Ms. Shibani Ghosh, Adv.
Ms. Tanima Kishore, Adv.

For Respondent(s) Mr. V. Giri, Sr. Adv.
Mr. K. Parameshwar, AOR

Mr. Sidharth Luthra, Sr. Adv.
Mr. Aditya Singla, Adv.
Ms. Supriya Juneja, AOR
Mrs. Ambika Nijjar, Adv.
Mr. Vinay Gandhi, Adv.

Mr. C.S. Sundaram, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Mr. Ajit Sharma, Adv.

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

I.A. No.6 of 2015

This is an application for impleadment.

Having heard Mr. Sidharth Luthra, learned senior
counsel for the applicant, we permit the applicant to

intervene in the writ petition.

A copy of the writ petition be served on the intervenor by the learned counsel for the petitioner.

I.A. No.6 of 2015 is disposed of accordingly.

I.A. No.7 of 2015

This is an application for direction filed by Gauri Maulekhai, the intervenor in the writ petition.

By this interlocutory application, the applicant has prayed that the respondent Nos.9 and 10 be directed that elephants are not to be exhibited, paraded or used for performance in any festival, pooram or even in the State of Kerala unless the owner or person in charge of the animal obtains registration under the provisions of the Performing Animals (Registration) Rules, 2001 and the requisite permission from Respondent No.2 and without complying with the conditions under the Kerala Captive Elephants (Management and Maintenance) Rules, 2003.

It is submitted by Mr. Sidharth Luthra, learned senior counsel appearing for the applicant that prayer No.2 in the application has been rendered infructuous.

At this juncture, Mr. C.A. Sundaram, learned senior counsel appearing for the respondent No.2 in the writ petition, the Animal Welfare Board of India constituted under Section 4 of the Prevention of Cruelty to Animals Act, 1960, (for brevity, 'the Act'), has drawn our attention to Sections 21 and 22 of the Act. The said provisions read as under:

"21. "Exhibit" and "train" defined.- In this Chapter, "exhibit" means exhibit at any entertainment, to which the public are admitted through sale of tickets and "train"

means train for the purpose of any such exhibition, and the expressions "exhibitor" and "trainer" have respectively the corresponding meanings.

22. *Restrictions on exhibition and training of performing animals.*- No person shall exhibit or train-

(i) any performing animal unless he is registered in accordance with the provisions of this Chapter;

(ii) as a performing animal, any animal which the Central Government may, by notification in the Official Gazette, specify as an animal which shall not be exhibited or trained as a performing animal."

It is submitted by Mr. Sundaram, as well as Mr. Luthra, learned senior counsel that the elephants are being used to perform in certain festivals and on other occasions, without obtaining requisite license from the competent authorities. He has brought on record certain photographs to highlight that the performance shows that there is cruelty to the elephants. We would like to have the response of the Union of India, as well as the State of Kerala in this regard.

Let a copy of this order, along with I.A. No.7 of 2015, be served on Mr. Ranjit Kumar, learned Solicitor General of India, as well as on the learned Standing Counsel for the State of Kerala.

Let the matter be listed for further orders on 13th May, 2015.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

