
(2010) 11 SC CK 0092

In the Supreme Court Of India

Case No : SLP (C) No's. 11686 of 2007 and 10281 and 18804-18805 of 2009

Animal Welfare Board of India

APPELLANT

Vs

A. Nagaraja and Others

RESPONDENT

Date of Decision : 25-11-2010

Acts Referred:

Prevention of Cruelty to Animals Act, 1960 — Section 21, 22

Citation : (2011) 4 SCALE 242

Hon'ble Judges : R.V. Raveendran, J;A.K. Patnaik, J

Bench : Division Bench

Final Decision : Allowed

Judgement

SLP (C) Nos. 11686/2007 and 18804-18805 of 2009

1. The Division Bench of the High Court reversed the judgment of the learned Single Judge and thereby permitted Jallikatu and Rekla-Race in State of Tamilnadu. This Court on 15.1.2008 had issued certain interim directions in regard to the conduct of Jallikatu and other such events. During the pendency of these matters, the Tamil Nadu Legislature has passed the Tamilnadu Regulation of Jallikatu Act, 2009 ('2009 Act' for short), which came into effect on 26.8.2009. The said Act makes it clear that the provisions thereof are in addition to and not in derogation of any other law for the time being in force.

2. In the impugned judgment, the High Court has clearly held that the animals which took part in the "Jallikatu", "Rekla-race" and "Manjuvirattu" etc. are identified and specially trained for performance and exhibition in these events, and therefore, they have to be categorised as "performing animals" u/s 21 of the Prevention of Cruelty to Animals Act, 1960 ('1960 Act' for short). This has not been challenged by the State or those propogating Jallikatu. The grievance of the Petitioner is that though the animals have been categorised as "performing animals", the requirements of Section 22 of the 1960 Act, are not complied with.

3. The 2009 Act, provides that no Jallikatu event will be permitted or held

without the written permission of the Collector. Learned Solicitor General appearing for the State of Tamilnadu submitted that such permission should be sought and obtained at least one month prior to the event. He also submitted that Jallikatu events can take place only in the 179 places identified and notified in the gazette (subject to additions and deletions). According to him, in the year 2010, Jallikatu events took place only in 46 places as against the 179 notified places.

4. During the earlier hearings, Mr. Panjwani, learned Counsel appearing for the Animal Welfare Board of India, had suggested certain additional safeguards which could be put into place by amending the rules. The suggestions are contained in the notes dated 7.8.2010 and 25.10.2010. It is submitted that the State Government is examining the suggestions to identify those which could be incorporated in the rules. In the meanwhile, the next Jallikatu season is fast approaching. Therefore, pending amendment to the rules, taking note of the suggestions made by the Animal Welfare Board of India, we issue the following further directions to ensure safety and security to the spectators and to prevent cruelty to the animals which participate in the events.

(i) The Collectors of the districts in Tamilnadu shall ensure that the animals performing in the Jallikatu and related events are registered in accordance with Chapter V of the 1960 Act, and the rules thereunder and the requirements of the said Act are fulfilled.

(ii) The Collectors shall ensure that the conditions imposed in regard to the exhibition and participation of the animals shall be implemented and followed by the persons organising the events and the owners of the registered animals.

(iii) In view of the fact that the respective Collectors will have the information about the Jallikatu and other events at least one month prior to the actual events, the Collectors shall notify the Chennai Chapter of Animal Welfare Board of India, (under acknowledgement), about the events to enable the Animal Welfare Board to depute its representatives/animal inspectors/volunteers to be observers for the events.

5. Though the State submits that the deaths and injuries in the Jallikatu events have drastically come down, the Animal Welfare Board has filed a compilation of newspaper reports to show that in the year 2009, in a short period of 5 days (between 14 19 January, 2009) as many as 12 persons died and 1614 persons were grievously injured in the Jallikatu events. The 2009 Act requires organisers of the event to deposit sums as may be determined by the Collector which shall not be less than rupees two lakhs for the benefit of the victim and their families. We direct the Collectors of each district to categorise the events into Major and Minor Jallikattu Events and require the organisers of Major events (particularly where deaths have taken place either during the year 2009 or 2010) to deposit larger amounts which shall not be less than Rs. 5,00,000/- (Rupees Five Lakhs).

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6. The Petitioner has the liberty to apply for registration in terms of the 2009 Act.
7. List all the matters after eight weeks.