
(2012) 08 P&H CK 0204
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 16745 of 2012

People for Animals

APPELLANT

Vs

Malwa Doaba Bulls Welfare Association and Others

RESPONDENT

Date of Decision : 29-08-2012

Acts Referred:

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

Citation : (2013) 169 PLR 379

Hon'ble Judges : Jasbir Singh, Acting C.J.; Rakesh Kumar Jain, J

Bench : Division Bench

Advocate : Ajay Majithia and Mr. Anant Kataria, for the Appellant;

Final Decision : Dismissed

Judgement

Rakesh Kumar Jain, J.—The prayer in this petition is for the issuance of a writ of review/certiorari to set aside the order dated 04.07.2012 passed by this Court in CWP No. 8793 of 2012 and to give effect to and implement order dated 02.02.2012 issued by the Deputy Director, Department of Animal Husbandry, Ludhiana and order dated 10.02.2012 passed by the Deputy Commissioner, Ludhiana whereby ban on the bullock cart race was imposed in terms of notification dated 11.07.2011 issued by the Government of India. Before we proceed with the averments made in the writ petition and the arguments raised before this Court, we would like to point out that the petitioner had challenged order dated 04.07.2012 passed by this Court in CWP No. 8793 of 2012 before the Apex Court in SLP (C) No. 13022 of 2012, in which the following order was passed:-

Learned counsel for petitioner seeks permission of the court to withdraw this petition with the liberty to approach High Court for appropriate relief. Permission sought for is granted. Petition is dismissed as withdrawn.

2. The controversy in the present case has arisen because of misinterpretation of notification dated 11.07.2011 by the authorities concerned who had passed

orders dated 02.02.2012 & 10.02.2012 banning the Bullock Cart Race held during the rural sports popularly known as "Kila Raipur Sports Festival" in district Ludhiana. The notification dated 11.07.2011 prescribes that amongst five other animals, the Bull shall not be exhibited or trained as performing animal. The case of the petitioner was that by way of notification dated 11.07.2011, exhibition or training of Bull has been banned as performing animal. This power has been exercised in terms of Section 22 of the Prevention of Cruelty to Animals Act, 1960 [for short "the Act"] which provides that no person shall exhibit or train any performing animal unless he is registered in accordance with the provisions of the Act and the animal which has been banned as such from being exhibited or trained as performing animal by the Central Government by way of notification issued in the official gazette. The terms "exhibit" and "train" have been defined in Section 21 of the Act itself. Word "exhibit" means exhibit at any entertainment, to which the public are admitted through sale of tickets and word "train" means training for the purpose of any such exhibition. Word "performing animal" is not defined in the Act, rather it is defined in Rule 2(h) of the Performing Animals (Registration) Rules, 2001 [for short "the Rules"] which means an animal used for the purpose of any entertainment including a film or an equine event to which the public are admitted.

3. While allowing CWP No. 8793 of 2012, it was held by this Court that there is no evidence on record that Bullock Cart Race in Kila Raipur Sports Festival is held for the purpose of earning by way of sale of tickets, the notification dated 11.07.2011 was not applicable as it would apply in a different sphere where animals, much-less Bull, is being used, trained or exhibited for performance for the purpose of earning by admitting the audience in a particular area by way of sale of ticket.

4. Counsel for the petitioner vehemently argued that the Bull is subjected to cruelty at the time of preparation and during the race, but he did not make any averment even in the writ petition that Kila Raipur Sports Festival where the Bullock Cart Race is held as one of the events, is being held for the purpose of earning by the organizers, admitting the audience in the stadium after charging them a particular fee.

5. It was further argued that the Bull cannot be used for the race as its primary function is either ploughing the fields or pulling the cart. According to him, racing/running is not the natural behaviour of bulls.

6. We regret to accept this contention because a "performing animal" is that animal which is taught/trained to do actions which are unusual from his normal behaviour like we have seen in circus with bears and elephants riding a bicycle but insofar as the running is concerned, it is natural behaviour of a Bull, an integral part of our rural India where farmers are not generally having tractors for the purpose of ploughing and mechanised carts for transportation of goods. Unlike urban brethren, people living in rural areas have limited recreational activities and an event like the "Kila Raipur Sports Festival", where people from

all walks of life from rural India gather together, causes social integration and bridges cultural gap.

7. The petitioner is no doubt a public spirited organization, cares for animals, can suggest appropriate measures to the authority concerned to prevent any unnecessary pain or suffering to the animals much-less the Bull and can monitor and evaluate the conditions in which the animals/bulls participating in this 1-1/2 minute race are kept before, during and after the race, but insofar as the notification dated 11.07.2011 is concerned, it has no application to the facts and circumstances of this case. Hence, we do not find any error in our view expressed in the order dated 04.07.2012 and as such, this writ petition is dismissed though without any order as to costs.