

(1996) 12 BOM CK 0031
In the Bombay High Court
Case No : Writ Petition No. 347 of 1996

People for Animals through Mrs. Norma Alvares and Another	APPELLANT
Vs	
The State of Goa and Others	RESPONDENT

Date of Decision : 20-12-1996

Acts Referred:

Constitution of India, 1950 — Article 51A
Prevention of Cruelty to Animals Act, 1960 — Section 11(1)

Citation : (1997) 4 ALLMR 397 : (1997) 4 BomCR 271

Hon'ble Judges : R.M.S. Khandeparkar, J; R.K. Batta, J

Bench : Division Bench

Advocate : A. Viegas, M.S. Sonak, for the Appellant; V.B. Nadkarni, Gen. and G.U. Bhobe, Government Advocate, for the Respondent

Judgement

R.M.S. Khandeparkar, J.—The petitioners who claim to be animal lovers and engaged in welfare of animals, in educating the general public concerning the necessity of treating all animals with compassion and to be the activist interested in ensuring that all laws concerning prevention of cruelty to the animals are enforced, have approached this Court with the complaint that the statutory authorities are either hesitant or negligent in taking appropriate steps to prevent the cruelty to the animals that is being inflicted in the course of the game of bull fights taking place in the State of Goa. According to the petitioners, bull fights are in contravention of section 11(1) of the Prevention of Cruelty to Animals Act, 1968, hereinafter called as "the said Act". It is the contention of the petitioners that inspite of their efforts to bring this fact to the notice of the authorities concerned, such illegalities are being committed in the State of Goa and further that inspite of requests to such authorities to take appropriate steps in the matter to prevent the same, no action is being taken by the respondents and the bull fights are continuing to take place in Goa. It is further contended by the petitioners that the immediate occasion for the petitioners to approach this Court is the incident of killing of a person in a most brutal fashion by a violent bull at one of such bull fights organized at Fatorda near Margao on 17th September

1996 and that further bull fight which was scheduled to take place on 2nd October 1996.

2. The petitioners claim that the bull fights are recent introduction in the State of Goa and though initially, no money or gambling was associated with it, in the recent times, due to the patronage of local politicians, the frequency of bull fights have increased enormously and they have become completely commercialised. Newspapers' advertisements of bull fights are openly published to attract more and more spectators. On any given day, there would be fights between 6 to 10 bulls and in the process, bulls get severely hurt and wounded and further they also become insane. Specific procedures are utilised by the bull owners to instigate the bulls to fight with each other and the same is described, in detail, in the articles published in "Goa Today" and a daily by name "Herald", copies of which are annexed to the petition as Exhibits "A" and "B" respectively. Accordingly, two bulls or buffaloes specially trained and bred for this game only fight against each other, with their owner or trainer standing behind them goading them on. At regular intervals, either mud is rubbed on the back of the animal or water is poured on its back. This is done to agitate or cool down the animal as the need may be. It is further contended by the petitioners that several social evils have sprung up and are associated with events of bull fights and they include large scale of illegal betting relating to the fortunes and fate of the individual bull. It is their case that, in fact, the bull fights are popular because of betting that goes with them. Moreover, it is not always fun. Besides the fact that they prove fatal to some animals, even spectators have occasionally fallen victims. In some cases, the spectators have been trampled by the stampeding animals. It is stated that the situation gets worse when the defeated bull starts running away from the field and the victor charges him. Such bull fights are locally known as "dhirio" and they are in direct contravention of the provisions contained in section 11(1)(m) and section 11(1)(n) of the said Act and that the authorities are duty-bound to take action against the said offenders.

3. It is further contended by the petitioners that the petitioners addressed a letter dated 25th June 1996 to the Chief Secretary of Government of Goa, Panaji, bringing to his notice the cruelty suffered by the animals, who are goaded into killing each other in the process of bull fights and resulting injuries to the animals as well as to the spectators. However, inspite of the repeated appeals, no action has been taken by the respondent to stop the bull fights. It appears that even the Director of Animal Husbandry and Veterinary Services, Government of Goa, Panaji vide letter dated 13th August 1996, brought to the notice of the Inspector General of Police, Panaji that the said Act is in force in the State of Goa and that it is necessary that action be taken to prevent violation of the provisions of the said Act. Inspite of this, the bull fights continue to be held in the State of Goa and the newspapers carry advertisement in respect thereof. One of such bull fights was organized on 21st August 1996 in the Village of Taleigao and was attended by one of the Ministers and a Deputy Superintendent of Police. Consequently, the petitioners filed a complaint dated 2nd September 1996 to the

Inspector General of Police, Panaji, regarding the said bull fight at Taleigao, held on 21st August 1996 and requested to take necessary steps in the matter.

4. The petitioners further contend that inspite of the said complaint, there have been no action by the respondents and, in fact, on 18th September 1996, the newspaper in Goa reported that one Shri Xavier Rodrigues of Cana Benaulim was killed during the bull fight organized at Ambaji-Fatorda, near Margao. Referring to the said news item, the petitioners contend that though the police have registered the offence u/s 304-A I.P.C., no offence has been registered under the said Act in respect of the said incident. The petitioners further stated that yet another person was killed in similar situation about 8 months ago in a bull fight held near Guirim in Bardez Taluka and that inspite of such gruesome deaths, the respondents have not cared to stop these bull fights. The petitioners, therefore, have approached this Court for necessary directions to the respondents to take appropriate steps to stop the practice of bull fights in Goa.

5. When the matter came up for hearing, learned Advocate General raised a preliminary objection regarding the maintainability of the petition on the ground that the petitioners are not entitled to seek the relief prayed for. Drawing our attention to the prayer Clause in the petition, the learned Advocate General submitted that no such relief can be granted unless there is certainty of the offence being committed. The question of commission of offence arises only in case there is certainty of the offence being committed. According to learned Advocate General, organizing bull fights or "dhirio", by itself does not amount to commission of an offence under the said Act and, therefore, there cannot be any ban on organizing of such bull fights. He further contended that it is for the authorities to apply their mind, whether the facts in particular case amount to contravention of the provisions of section 11 of the said Act or not. Unless the facts constituting the offence u/s 11 of the said Act exist, the respondents cannot take any action against any person for violating the provisions of the said Act. Therefore, according to learned Advocate General, there is no occasion for giving any direction to the respondents to take steps to stop bull fights in Goa. Learned Advocate General further submitted that the said Act contains clear provisions regarding punishment to be awarded in case of violation of the provisions of the said Act. The question of punishment and penalty, however, according to learned Advocate General, will arise only on commission of the offence under the said Act. Referring to the petitioners, learned Advocate General submitted that it is not the contention of the petitioners that the Authorities have failed to take action against the specific offence under the said Act, having been brought to the notice of the concerned Authorities.

6. In reply to the preliminary objection regarding the maintainability of the petition, while expressing his great surprise over the indirect support sought to be lent by the Government to the illegal activities & violation of provisions of the said Act by organizing the bull fights, Shri M.S. Sonak, learned advocate appearing on behalf of the petitioners, submitted that it is the statutory duty of

the respondents to take preventive measures to avoid commission of offences under the said Act. Taking us through the provisions of sections 11, 31, 32, 33 and 35 of the said Act and Article 51-A of the Constitution of India, Shri Sonak submitted that it is a paramount duty of the respondents to see that no act amounting to offences under the said Act, is committed in the State of Goa. Drawing our attention to section 31 of the said Act, learned Advocate submitted that undisputedly the offences punishable under sections 11(1)(l) and (n) are cognizable offences within the meaning of Code of Criminal Procedure and, therefore, according to learned advocate, in terms of section 149 of the Cr. P.C., every Police Officer may interpose for the purpose of preventing and shall to the best of his ability, prevent, the commission of any such offence under the said Act. Taking us through the application for intervention filed by All Goa Bull and Buffalo Owners' Association and the affidavit of the President of the Association Shri Simon Caiado, learned advocate submitted that admittedly, the bull fights or "dhirios" are conducted as business and the bulls and buffaloes are maintained by such persons at exorbitant costs only for the purpose of bull fights. Learned advocate for the petitioners further submitted that the State cannot be a silent spectator to the cruelty to the animals and the offences committed under the said Act and choose to be indifferent to the barbaric treatment given to the animals for sheer pleasure of some of the human beings and cannot shirk the responsibility to take action under the said Act and under the Criminal Procedure Code. According to learned advocate for the petitioners, the conduct of the respondents in abetting offences under the said Act is writ large from the very preliminary objection sought to be raised on behalf of the respondents regarding the maintainability of the present petition. According to the learned Counsel for the petitioners, it is the duty of every citizen to protect and improve the natural environment, including forest, lakes, rivers and wild lives and to have compassion for living creatures in terms of Article 51-A of the Constitution of India. The respondents having failed to act and to take appropriate steps to prevent cruelty to the animals and to avoid the bull fights which result in inflicting pain and suffering to the animals, the petitioners are compelled to approach this Court for necessary direction in the matter to the respondents. He further contended that the petition having been filed in the public interest, this Court can always mould the relief suitably and appropriate relief can be given in the matter.

7. Shri Sonak further submitted that the respondents in this case have chosen not to counter any of the statements of facts, pleaded by the petitioners in the affidavit. Added to this, the application for intervention & the affidavit in support thereto filed on behalf of All Goa Bull and Buffalo Owners' Association, clearly corroborate the facts stated in the petition. The said application claims that the "dhirios" or bull fights are the game of skill and of trial of strength and stamina. Undoubtedly such games are organized on festive occasions for entertainment and in the process, the bulls are incited to fight and occasionally the bull can get gored and he can be calmed down only by putting to sleep. Various annexures

disclose that for such occasion spectators are charged at Rs. 35/- each as entry fee and the crowd could range between 500 to 5000 for any occasion of bull fight, depending upon the bulls which are engaged for fighting. The annexures also disclose that such game is popular because of betting that goes with it. In spite of all these facts, the respondents are showing total indifference in performing their duties to stop such illegal activities.

8. Shri Sonak further submitted that admittedly, on such occasions, loudspeakers are widely used. It is an undisputed fact that loudspeakers cannot be used in public places without getting prior necessary permission from the District Magistrate. The fact that the loud-speakers are widely used on such occasions, clearly shows, according to learned Advocate Shri Sonak, that the respondents are actively conniving in commission of the offences under the said act by organizers of such bull fights.

9. Learned Advocate Shri Sonak further submitted that it is a paramount duty of the respondents to see that the provisions of the said Act are duly complied with and no person is allowed to commit an offence of cruelty to the animals. Drawing our attention to the preamble of the said Act, Shri Sonak submitted that the said Act has been brought into force basically to prevent infliction of unnecessary pains and sufferings on animals, as well as cruelty of every kind to the animals. Being so, it is not sufficient for the State to enact the law, but it is also necessary to see that the provisions thereof are not violated. Drawing our attention to the Judgment of the Apex Court in the matter of Indian Council for Environment-Legal Action Vs. Union of India (UOI) and Others, , Shri Sonak submitted that the tolerance of violation of the provisions of the said Act is bound to render the legal provisions contained in the said Act nugatory and that such tolerance by the authorities will encourage lawlessness and social evils.

10. Shri V.B. Nadkarni, learned Advocate General, on the other hand, submitted that the petitioner is seeking preventive measure in respect of penal provision in the said Act. The provisions being of penal nature, they are to be strictly construed. The said Act does not contain any provision which makes it obligatory upon the State to take preventive action in cases where there is likelihood of any cruelty to the animals. Drawing our attention to the provisions contained in section 11(3) of the said Act, learned Advocate General further submitted that even destruction of animals is permissible under the certain conditions for certain purposes & one of such instances is commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind. According to learned Advocate General, the bull fights by itself will not construe an offence under the provisions of the said Act, unless it is accompanied by actual cruelty to the animals, and, such cruelty cannot be presumed merely because the bull fight is arranged. The cruelty may occur only in the course of bull fight depending upon the circumstances in each case of bull fights and there is no presumption that there will be cruelty to the animals in the course of each and every bull fight. Being so, according to the learned Advocate

General, it is not possible to prohibit the bull fights under the provisions of the said Act.

11. Shri, A. Viegas, learned advocate appearing for intervenor, while adopting the arguments advanced by the learned Advocate General, submitted that the provisions contained in section 11(1)(m) or (n) can be invoked only in cases where actual crime is committed in the course of bull fights. There is no presumption that in each and every bull fight there will be cruelty committed to the animals. According to Shri Viegas, the bull fights which are locally known as "dhirios" are being arranged in the State of Goa for the last more than 50 years and it has become a part of Goan tradition. According to Shri Viegas, it is customary to hold such bull fights at the end of harvest season & on festive occasions. There is no cruelty to the animals involved in such bull fights and it is a sheer game wherein strength of bulls is put to test. According to Shri Viegas, presently all the spectators take part in such fights actively because no barricades are raised around the ground where such fights take place. This can be avoided by making it compulsory to have barricades around the ground where such fights are to be held. However, there cannot be blanket ban on holding such bull fights as it will also result in financial loss to the bull owners as they are specially maintained at exorbitant costs by the bull and buffalo owners. He further contended that the owners of bulls and buffaloes spend considerable amount of money for purchase and for maintenance of such bulls and buffaloes and the families of such owners are dependent upon the income derived from "dhirios" or such bull fights. He further stated that such owners spend about Rs. 150/- to Rs. 250/- each day on each of such bulls or buffaloes. He sought to rely upon the Judgment of the Apex Court in the matter of Shri Sachidanand Pandey and Another Vs. The State of West Bengal and Others, .

12. We find that the said Act has been brought into force to prevent the infliction of unnecessary pain or suffering on animals as well as to prevent any cruelty to the animals and this is clear from the preamble of the said Act. The term "animal" means any living creature other than a human being under the said Act. Owner of the animal for the purpose of the said Act includes the real owner as well as any other person for the time being in possession or custody of the animal with or without the consent of the owner. As per section 3 of the said Act, it is the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well being of such animal & to prevent the infliction upon such animal of unnecessary pain or suffering. Section 11 provides various instances which would constitute offences under the said Act. Accordingly, no person is entitled to beat, kick, torture or otherwise treat any animal so as to subject it to unnecessary pain or suffering. No person can offer for sale or, without any reasonable cause, possess any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment. No person can solely with the view to provide entertainment confine or cause to be confined any animal so as to make it an object of prey for any other animal or to inside any other animal to fight or bait any other animal. No

person is entitled to mutilate any animal in any unnecessary cruel manner. Likewise no person can keep, use or act in the management of, any place for animal fighting, or for the purpose of baiting any animal or permit or offer any place to be so used for any such purpose. The person contravening any of the provisions contained in section 11 is liable to be punished in the first instance with the fine and for subsequent offences within three years with the fine or imprisonment or with both. Section 32(1) provides that if the Police Officer not below the rank of Sub-Inspector or any person authorised by the State Government in that behalf has reason to believe that an offence under Clause (I) of sub-section (1) of section 11 of the said Act in respect of animals mentioned in section 30 of the said Act is being or is about to be or has been committed in any place or that any person has in his possession the skin of any such animal with any part of the skin of the head attached thereto he may enter and search any place in which he has reason to believe any such skin to be, and may seize such skin or any article or thing used or intended to be used in the commission of such offence.

13. As rightly pointed out by the learned Advocate Shri Sonak, considering the scheme of the said act & the provisions contained in Article 51-A of the Constitution of India, it is the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures. The provisions contained in section 149 of the Code of Criminal Procedure makes it obligatory for every Police Officer to interpose for the purpose of preventing commission of any cognizable offence to the best of his ability. Being so, it cannot be said that the present petition is absolutely devoid of substance or that it is not maintainable or that no relief can be granted in relation to the bull fights or "dhirios" as it is locally known. The relief sought in the present petition relates to effectual implementation of the said Act with the sole intention to avoid cruelty to the animals. In fact, it is duty of the State to see to it that the said Act is duly implemented in letter and spirit to fulfil the object with which the said Act has been enacted and, therefore, further to see to it that no cruelty is caused to the animals and no offence is committed under the said Act and if there is indication that offence under the said Act will be committed, then to take preventive measures to avoid cruelty to the animals. The allegations of the petitioners being that the respondents are avoiding their responsibility to implement the provisions of the said Act and the said omission on the part of the respondents is resulting in inflicting pain suffering on the animals engaged in bull fights, it is necessary to consider the matter on merits and it cannot be said that no relief can be granted to the petitioners in such situation.

14. Before considering the rival contentions put forth by the Counsel, it is necessary to know as to what exactly is a bull fight. The undisputed facts brought out in the record disclose that a bull fight consists of a fight between two bulls or two buffaloes or a bull and a buffalo. Such fights are organized in an open field and the same is witnessed by the crowd of spectators which spread all

around the arena or the ground where such fights are arranged. The organizers of the bull fights collect fees from the spectators who witness such bull fights. The crowd of spectators range anywhere between 500 to 5000 depending upon the bulls and buffaloes arranged for such fights. The bulls or buffaloes are specially maintained for such fights by some of the people in the State of Goa. The fight begins when two bulls or buffaloes specially trained and bred for the fight are brought against each other with their owner or trainer standing behind them goading them on. At regular intervals, either mud is rubbed on the back of the animals or water is poured on its back. This is done either to agitate or to cool down the animal as the need may arise. In the process of such fight, the animals are goaded and incited not only by the owners or trainers who stand behind such bulls but almost the entire crowd participate in inciting the animals to fight. Before the actual fight begins, the bulls with their eyes turned red glare at each other and sometimes try to scare their opponent by scything their horns in the ground, flinging mud up into the air. Then suddenly they dash at each other, locking horns, pushing each other. They move back and forth intermittently charging and retreating. It all depends on the strength of the bull and its stamina. Pushing each other sometimes they even try their force on the spectators while the crowd scrambles for safety. The bull that gets pushed out of the arena first or turns and runs away, loses the fight. One fight could go on as long as an hour or get over within two or three minutes. On some occasions the bull runs away from the field without even locking horns. In the process the animals suffer injuries. At times, the bull can get gored and have to be put to sleep. Normally the defeated animal runs away from the field with the victor chasing it and on such occasions it can even run towards the spectators causing injuries to them. Considering these facts, we wonder, how anybody can say that there is no cruelty involved in conducting bull fights.

15. In brief the bull fight involves fight between two bulls or buffaloes without any restrictions to be observed in such fights & without any control of human being as regards the nature of the fight which can take place between such bulls and in the result the animals are injured and at times go insane and also can inflict injuries to the spectators of such bull fights.

16. The records further show that the bull fights have gained popularity in the recent years solely because of betting that goes with it. People bet huge amounts of money, earning quite a packet from these fights sometimes. This is one of the social evils brought in by these fights, which are no more mere fun.

17. It is seen that what is sought to be achieved by the present petition is the meaningful implementation of the said Act. Undisputedly the said Act is in force in the State of Goa and being so, inciting any animal to fight any other animal with a view to providing entertainment or organizing, using or acting in the management of, any place for animal fighting or for the purpose of baiting any animal or permitting or offering any place to be so used and causing cruelty of other nature to the animals is clearly prohibited by section 11 of the said Act.

Section 31 specifies the cognizable offences under the Act and it reads as under:-

"Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (5 of 1898) an offence punishable under Clause (l) or Clause (n) or Clause (o) of sub-section (1) of section 11 or u/s 12 shall be a cognizable offence within the meaning of that Code."

18. As already seen above, the bull fights involve fights between two bulls without any restrictions as regards the manner in which such fights are to be conducted and neither the owner nor the trainer can keep full control as regards the nature of the fight which can take place between the bulls during the bull fights. It is also seen that during the process of such bull fights animals get insane & injured and can also end up in inflicting injuries to the human-beings & at times result in death of a person or persons. These bull fights, though initially were organized as mere fun, is now being associated with gambling and betting. It has become a commercial business at the cost of cruelty to the animals as well as occasionally to the human-beings.

19. The correspondence brought on record clearly shows that the petitioners have brought the above facts to the notice of the respondents who are the custodians of law and order in the State. In fact the Director of Directorate of Animals and Veterinary Services of the Government of Goa had clearly brought to the notice of the respondents by his letter dated 13th August 1996 that the said Act is in force in the State of Goa as well as action be taken in cases where there is cruelty to the animals. In spite of clear provisions contained in the said Act whereby any type of cruelty to the animals is considered an offence, surprisingly the respondents have been silent spectators to such offences being committed in the name of bull fights. The facts brought on record also show that these bull fights are not only blessed by the politicians but by the Police Officers of the rank of Dy.S.P.

20. As it is pointed out time and again by the Apex Court as well as by this Court that it is not sufficient just to enact the law. What is more important is the implementation of such enacted laws. In fact the Apex Court has observed in the matter of Indian Council for Environment-Legal Action Vs. Union of India (UOI) and Others, that enactment of a law, but tolerating its infringement, is worse than not enacting law at all. The continued infringement of law, over a period of time, is made possible by adoption of such means which are best known to the violators of law. Continued tolerance of such violations of law not only renders legal provisions nugatory but such tolerance by the Enforcement Authorities encourages lawlessness & adoption of means which cannot, or ought not to, be tolerated in any civilized society. Law should not only be meant for law abiding but is meant to be obeyed by all for whom it has been enacted. A law is usually enacted because the legislature feels that it is necessary. The Apex Court has further observed in the said Judgment that "when a law is enacted containing some provisions which prohibits certain types of activities, then, it is of utmost importance that such legal provisions are effectively enforced. If a law is enacted

but is not being voluntarily obeyed, then, it has to be enforced. Otherwise, infringement of law, which is actively or passively condoned for personal gain, will be encouraged which will in turn lead to a lawless society." (Underlining supplied).

21. It is thus clear that the enactment of the law to prevent cruelty to the animals is not an end in itself. What is more important is the implementation of that Act and to see to it that the activities which are prohibited under the said Act do not take place in the State & in case of infringement of the provisions of the said Act, to take strict action against the offenders. Likewise it is also obligatory upon the respondents to see to it that the provisions dealing with the prohibition of certain activities are effectively enforced by preventing such activities. Failure on the part of the respondents to take preventive measures will certainly amount to tolerance of violation of the provisions of the said Act and such tolerance will render legal provisions contained in the said Act nugatory & also will encourage lawlessness.

22. It cannot be disputed that all animals are born with an equal claim for life without any cruelty to them. Perhaps if this right was given proper recognition by the human-beings, there would have been no necessity to bring on the statute book the said Act. Unfortunately, even though the said Act has been brought in force in the State, still there appears to be either lack of courage or wilful negligence on the part of the respondents to implement the provisions of the said Act and, therefore, in our considered opinion, the petitioners are justified in making grievance about the same. The respondents cannot shirk their responsibilities to prevent the cruelty to the animals. In fact, to prevent such cruelty to animals it is obligatory upon the respondents to take action under the various provisions contained in the said Act.

23. The inaction or the failure on the part of the respondents to take necessary precaution to prevent the cruelty to the animals is evident from the fact that the law enforcing agency is itself encouraging illegality & violation of the provisions contained in the said Act either actively or passively, one cannot blame the petitioners for approaching this Court for necessary action. In such situation it is the duty of the respondents to give full effect to the provisions contained in the said Act in letter and spirit. Considering the fact that the bull fights result in injuries and consequently cruelty to the animals as well as sometimes to the human-beings, it is the paramount duty of the respondents to take preventive action to avoid such bull fights. The records disclose that despite repeated reminders on the part of the petitioners in the matter, the respondents have failed to take action. The facts brought on record are not disputed by the respondents.

24. The contention of Shri Viegas, the learned advocate appearing for the intervenor, that no cruelty is involved in such bull fights & it is a sheer game of strength of bulls is devoid of substance. The materials placed on record prove to the contrary. Conducting bull fights by using barricades around the arena of bull

fight will not solve the problem. It will neither avoid injuries and cruelty to the bulls nor such barricades may be sufficient in a given situation to prevent a bull rushing towards the crowd of spectators watching the bull fight. His further contention that blanket ban on holding such bull fights will result in financial loss to the bull owners cannot be a justification to the omission on the part of the respondents to implement the provisions of the said Act and cannot be an answer to the claim of the petitioners for effective implementation of the provisions of the said Act which deal with prevention of cruelty to animals. As already stated above tolerance of infringement of the provisions of the Act is worse than not enacting the law itself. Merely because infringement of the provisions of the said Act was tolerated for some time, that cannot create any right on the intervenors to insist upon the continuation of tolerance of infringement of the provisions of the said Act.

25. Considering the facts of the case it is, therefore, necessary to issue directions to the respondents to take all the steps to give full effect to the provisions contained in the said Act and thereby to prevent cruelty to the animals thereby prohibiting bull fights & all other fights of like nature involving animals including birds which can cause injuries and cruelty to the animals.

26. Before we conclude we must say that considering the materials brought on record regarding the cruelty sought to be inflicted on the animals in the process of such bull fights, we are reminded of the words of Justice Krishna Iyer in his Lectures on Human Rights. While expressing deep anguish and sigh of great displeasure over torture inflicted on innocent animals in this country & that too despite the Vedas, the Bible, the Koran, the Buddha and Mahavire and the Supreme miracle and revolutionary apostle of Ahimsa, Mahatmaji, Justice Krishna Iyer has warned us that we have forfeited the right to be heirs of a culture of Karuna, Samata and Dharma. Justice Krishna Iyer further reminds us that humanism cannot be halved by denying it to pre human brethren and compassion is beyond division by refusing it to the Darwinian species; all life is too divinely integral to admit of unnatural dichotomy as man and animal in the wholeness of ecology. Justice Krishna Iyer, therefore, reminds us the message of kindness found in Koran which reads as under:

"There is not an animal on the earth, nor a flying creature on two wings, but they are people like unto you."

27. In the result, therefore, the petition succeeds. The bull fights or "dhirios" are in contravention of the provisions of the said Act &, therefore, illegal & cannot be permitted to be organized. The respondents are, therefore, directed to take immediate steps to ban all types of animal fights including bull fights and "dhirios" in the State of Goa and to see to it that the direction is fully complied with in letter and spirit which the Act seeks to achieve. Rule made absolute accordingly in aforesaid terms. In the circumstances, however, there shall be no order as to costs.