

NEW DELHI,

FEBRUARY 15, 2013

ITEM NO.63 COURT NO.10 SECTION IX/XVIA

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

RECORD OF PROCEEDINGS

IA NO.3 IN Petition(s) for Special Leave to Appeal (Civil) No(s).13199/2012

(From the judgement and order dated 12/03/2012 in PIL No.28/2012 of the HIGH COURT OF BOMBAY)

SHIVAJIRAO ADHALRAO PATIL Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR. Respondent(s)

(for directions and office report)

WITH

IA NO.3 IN SLP(C)NO.4598/2013: KHED TALUKA CHALAK MALAK SANGH & ORS.

VS. GARGI GAGOI & ORS.

WITH

T.P.(C)NO.68/2013: SECRETARY TO GOVT. ANIMAL HUSBANDRY CHENNAI VS.

JALLIKATTU PERAVAI & ORS. (With Office Report)

WITH T.P.(C)NO.55/2013: SECRETARY TO GOVT. VS. SOOSAI MANICKAM &

ORS. (With Office Report)

Date: 15/02/2013 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Uday U. Lalit, Sr.Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

Mr. Pramod Kumar Singh, Adv.

Mr. S.K. Sabharwal,Adv.

For Respondent(s) Mr. Raj Panjwani,Sr.Adv.

Ms. Purnima Bhat Kak,Adv.

Mr. Guru Krishna Kumar,Sr.Adv.[A.A.G.]

Mr. M. Yogesh Kanna,Adv.

Mr. A. Santha Kumaran,Adv.

Mr. Sanjay Kharde, Adv.

Ms. Asha Gopalan Nair, Adv.

Mr. Vinay Navare, Adv.

Mr. Keshav Ranjan, Adv.

Mr. Satyajeet Kumar, Adv.

Ms. Abha R. Sharma, Adv. 5

Mr. Ajay Majithia,Adv.

Mr. Shekhar Kumar, Adv.

Mr. G.V. Rao, Adv.

Mr. Sudhakar, Adv.

UPON hearing counsel the Court made the following

O R D E R

IA NO.3 IN SLP(C)No.13199/2012 and

IA NO.3 IN SLP(C)NO.4598/2013:

Heard learned counsel on either side including learned counsel appearing for the State of Maharashtra, who has taken stand that the State Government has no objection in permitting the performance of Bullock/Bullock Cart races in the State of Maharashtra. Learned counsel appearing for the State, however, referred to paragraph 29 of the counter affidavit filed by them, annexed in IA No.3 in SLP(C)No.4598 of 2013, wherein certain conditions have been enumerated, which, according to the State, have to be followed. We are, therefore, inclined to grant permission to conduct the Bullock/Bullock cart races in the State of Maharashtra subject to the conditions that :

(i) At every event, where bullock cart races are to be held, a separate track for each bullock cart will have to be provided.

(ii) No whipping of the bull would be permitted and the cartman would only be permitted to swirl it in the air and hit it on the ground, but in no manner whatsoever would the cartman be permitted to whip the bull or induce pain or cause any injury while conducting bullock cart races.

(iii) A veterinary Doctor who is attached to the village Dispensary shall first inspect all the bulls that participate in the bullock cart races to ensure that they are in good physical condition and they are not

intoxicated and that there is no application of chilly powder or mud to the genitals of the bull to make it more aggressive or ferocious, so that it runs at a faster speed.

In the event of any unfortunate injury that may occur to a bull during the race, immediate adequate medical facility would be provided by the Veterinary Doctor.

(iv) In the event of any bull is subjected to cruelty by any person or persons during the bullock cart races, penal action would be initiated against him/them under the Prevention of Animal Cruelties Act, 1960.

(v) The Veterinary Doctor in association with NGOs espousing the cause of animal welfare would video graph the bullock cart races from vantage position so as to enable the authorities to find out that there is an infraction of law or of the aforesaid guidelines during the course of the races.

(vi) If the Committee to Monitor Animal Welfare Laws in Maharashtra constituted by the High Court desires to video graph the bullock cart races, then they would be entitled to do so and necessary safeguards and assistance would be provided to them by the Government.⁷

(vii) Any organization seeking to conduct bullock cart races would have to inform the District administration/District Collector and the concerned police station in writing at least ten days prior to holding of such race, which in turn would immediately intimate the same to the said Committee.

We are inclined to further direct that the District administration shall take all precautions to ensure that the animals are not tortured or subjected to cruel treatment. They shall also take necessary steps for the safety of the spectators and participants. The District Collector will give due intimation to the aforesaid Committee. The Collector shall ensure that the aforesaid conditions imposed in regard to participation of the animals shall be implemented and followed. The District Collector will submit Report within three weeks after completion of the Festival events.

With the aforesaid directions, the interlocutory applications stand disposed of.

T.P.(C)NO.68/2013 and T.P.(C)NO.55/2013:

In terms of signed order, The Transfer Petitions
are allowed.

(A.D. Sharma)

Court Master

(Renuka Sadana)

Court Master

(Signed Order is placed on the file)