

## HIGH COURT, BOMBAY

Chairman select  
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22/9/2005

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
O. O. C. J.

WRIT PETITION (PIL) (LODGING) NO.2490 OF 2004

People for Ethical Treatment of Animals  
(PETA) & Anr.

...Petitioners.

Vs.

Union of India & Ors.

...Respondents.

.....  
Mr. Raj Panjwani for the Petitioners.

Mr. B. A. Desai, Additional Solicitor General, for Respondent  
Nos. 1 and 2.

Mr. K. K. Tated for Respondent No. 3.

CORAM : DALVEER BHANDARI, C.J. &  
DR.D.Y.CHANDRACHUD, J.

August 22, 2005.

ORAL JUDGMENT (PER DR.D. Y. CHANDRACHUD, J.):

People for Ethical Treatment of Animals (PETA) is a non-governmental organisation dedicated, as its name would suggest, to the welfare of animals. One of the fundamental duties embodied in Article 51-A of the Constitution is the duty to protect and improve the natural environment including, inter alia, wild life and to have compassion for living creatures. In exercise of the powers conferred by the provisions of the Prevention of Cruelty to Animals Act, 1960, the Central Government has framed the Performing

Animals (Registration) Rules, 2001. The grievance of the Petitioners is that the mandatory provisions contained in the Rules are observed in breach in the depiction of animals in cinematograph films, including those in the genre of commercial advertising. The reliefs that have been sought in these proceedings under Article 226 of the Constitution include the issuance of appropriate writs or directions commanding: (i) The Union of India to implement the provisions of the Performing Animals (Registration) Rules, 2001; and (ii) The Censor Board of India to obtain a No Objection Certificate from the Animal Welfare Board of India, certifying that the film has been made in compliance with the Rules, before it is certified for public exhibition.

2. In order to consider the issues which arise before this Court in these proceedings, it would be necessary to dwell on the relevant provisions contained in the Performing Animals (Registration) Rules, 2001. These Rules have a statutory character since they have been framed in exercise of the power conferred by Section 38 of the Prevention of Cruelty to Animals Act, 1960. Rule 2(c) defines the expression "film" thus:

