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Introduction | About Us | Legal Queries | Forums | Events | Campaigns | FAQ's | Contact Us | Home
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People for Ethical Treatment of Animals Vs. Central Zoo Authority and Ors. :Decided On: 10.02.2009

IN THE SUPREME COURT OF INDIA

I.A. No. 3 in I.A. No. 1 in Writ Petition (C) No. 195 of 2006

Hon'ble Judges:

R.V. Raveendran and Markandey Katju, JJ.

Subject: Environment

Subject: Civil

Acts/Rules/Orders:

Wildlife Protection Act, 1972

ORDER

1. This writ petition was filed by the petitioner seeking a direction to the various State Governments to stop operation of zoos which have been refused recognition by the Central Zoo Authority and to take over animals of the unrecognised/de-recognised zoos. The petitioner has also sought certain consequential directions in regard to the protection of animals and endangered species of animals apart from providing better and more natural habitat for animals in zoos and enclosures.

2. This Court on 9.10.2006 directed that no zoo shall permit any breeding of animals beyond the number specified by the Central Zoo Authority in its directive dated 7.2.1995. By order dated 6.12.2007, this Court directed the Central Zoo Authority to come up with comprehensive guidelines as to (i) how it will deal with applications for revival of recognition; (ii) the manner in which the animals in de-recognised zoos should be dealt with. As the Court was of the view that unless there was a direction to stop exhibiting the animals in de-recognised zoos, the zoos will not be motivated to rectify the shortcomings and provide the up-gradation required as per the guidelines provided by the Central Zoo Authority, the said Authority is directed to come up with proper suggestions in that regard.

3. In pursuance of it, the Central Zoo Authority came up with guidelines and suggestions in its affidavit filed in February, 2008 and placed before this Court on 11.3.2008. This Court was informed that 509 applications were received by the Central Zoo Authority from different zoos, rescue centres and circuses for recognition; that the Central Zoo Authority rejected 291 applications and granted other applications. Pursuant to such rejection of 291 applications, 260 zoos/rescue centres/circuses were closed/wound up. In view of it, this Court directed action in regard to the remaining 31. On 31.07.2008, it was reported that out of 31, 15 have applied for fresh recognition and the same was under consideration and in regard to the remaining 16, Central Zoo Authority will write to the respective States to take appropriate action in accordance with law and provisions of the Wildlife Protection Act, 1972.

4. We thus find that by and large the purpose of filing the writ petition has been achieved. The un-recognised/de-recognised zoos/circuses/rescue centres have been closed, guidelines have been issued, State Governments have been notified of the need to comply with the provisions of the Act, Rules and the guidelines issued by the Central Zoo Authority from time to time. In view of the above, we are of the view that this petition can be disposed of reserving liberty to the concerned authorities to take appropriate action in accordance with law if there is violation of the Wildlife (Protection) Act, 1972 and the Rules thereunder in the respective States/Union Territories. We dispose of this petition and the pending applications accordingly.

5. Action was taken against the erring zoos and implementation of the provisions of the Act and the Rules could be made a reality to a reasonable extent by the interest shown and steps taken by Shri Rai Paniwani. Advocate who assisted the Court. The Court places its appreciation on record for the service rendered by Mr. Paniwani.

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