

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 23480/2005

Date of decision: March 5, 2009

PEOPLE FOR ETHICAL TREATMENT OF ANIMALS(PETA).... Petitioner
Through Mr. Raj Panjwani & Ms. Sonia Singhani,
Advocates.

versus

U.O.I & OTHERS Respondents
Through Nemo.

CORAM:

HON'BLE MR. JUSTICE AJIT PRAKASH SHAH, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV KHANNA

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| 1. Whether Reporters of local papers may be allowed to see the judgment? | No. |
| 2. To be referred to the Reporter or not ? | No. |
| 3. Whether the judgment should be reported in the Digest ? | No. |

SANJIV KHANNA, J:

People for Ethical Treatment of Animals (PETA) has filed the present Public Interest Writ Petition against grant of censor certificate to the film "Taj Mahal" under Cinematographic Act, 1952. The allegation made is that there was violation of Prevention of Cruelty to Animals Act, 1960 and Performing Animals (Registration) Rules, 2001 during the course of making of the said film. Learned counsel in this regard has drawn our attention to the judgment of the Bombay High Court dated 22nd August, 2005 in Writ Petition (PIL) (LODGING) No. 2490/2004 titled ***PETA versus Union of India & Ors.***

2. We are not inclined to examine the allegations made by the

petitioner in the present case as the film "Taj Mahal" has already been released and has had its run at the box office. We also note that the stand taken by the Censor Board is that the decision of the Bombay High Court mentioned above was subsequent in point of time and after the date of the said decision the Censor Board is required to ensure production of certificate from Animal Welfare Board of India certifying that the provisions of the Performing Animals (Registration) Rules, 2001 have been complied with. As per the affidavit filed by the Censor Board dated 5th October, 2006, after the decision dated 22nd August, 2005, in over fifty cases certificates from the said authority had been received before grant of the censor certificate.

3. Censor certificate was given to the film "Taj Mahal" by certificate no.C 11/1/45/2005-MVM office order dated 28th April, 2005, i.e., before the decision of the Bombay High Court dated 22nd August, 2005. At that time, the makers of the film "Taj Mahal" had submitted to the Censor Board, the certificate from Wildlife Warden, Jammu and Kashmir Government dated 13th November, 2003 for shooting the said film with animals. We may note here that respondent No. 5, Mr. Akbar Khan has referred to the judgment of the Bombay High Court dated 22nd August, 2005 and has stated that the requirement to furnish certificate from Animal Welfare Board of India with the Central Board of Film Certification is applicable only after the date of the said judgment. Reliance is placed upon the following paragraph in the said judgment:-

"The Central Board of Film Certification shall

hereafter in all cases where an applicant for certification of a film for public exhibition states that an animal has been used in the shooting of a film, require the production of a certificate from the Animal Welfare Board of India certifying that the provisions of the Performing Animals (Registration) Rules, 2001, have been complied with. Such a certificate shall be filed with the application for certification of a film for public exhibition and, in any event, before the film is certified for public exhibition.” (emphasis supplied).

4. Respondent No. 5 has also filed copy of certificates issued by the Wildlife Warden, Jammu and Kashmir Government, Srinagar dated 12th January, 2003.

5. It has not been alleged that Central Board of Film Certification is not complying with the directions issued by the Bombay High Court in the judgment dated 22nd August, 2005 in Writ Petition (PIL) (LODGING) No. 2490/2004 titled ***PETA versus Union of India & Ors*** and the provisions of the Prevention of Cruelty to Animals Act, 1960 and Performing Animals (Registration) Rules, 2001 after the date of the said decision. In view of the above facts, we are not inclined to pass any direction or order in the present writ petition.

(SANJIV KHANNA)
JUDGE

(AJIT PRAKASH SHAH)
CHIEF JUSTICE

MARCH 5, 2009
VKR/P