

IN THE HIGH COURT OF DELHI AT NEW DELHI

CONT. CAS. (CRL.) 17 OF 2009

Date of Decision: April 23, 2010

PEOPLE FOR ANIMALS

....PETITIONER

through :

Mr. Raj Panjwani, Sr. Advocate
with Ms. Sonia Singhvi, Advocate
for the petitioner

VERSUS

UNION OF INDIA

...RESPONDENTS

through:

Mr. Anshul Tyagi, Advocate for Air
Gun, Air Rifle Manufactures
Association.

CORAM :-

THE HON'BLE MR. JUSTICE A.K. SIKRI

THE HON'BLE MR. JUSTICE S. RAVINDRA BHAT

1. Whether Reporters of Local newspapers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the Judgment should be reported in the Digest?

A.K. SIKRI, J. (Oral)

1. Admit.

2. With the consent of learned counsel for the parties, we are taking up the matter for final disposal at this stage itself. The *People for Animals* is the petitioner which had filed the Writ Petition (C) 2491/2000. In that writ petition, the petitioner had prayed for issuance of appropriate writ directing Union of India (respondents in Writ Petition) not to authorize issuance/renewal of licences under the Arms Act, 1959 in respect of guns for sport as well as for crop and cattle protection. This writ petition was allowed vide judgment dated 30th July, 2002 *inter alia*, issuing the following directions:-

“..we direct having regard to the provisions of the Arms act, not to authorize, issuance or renewal of a licence of any prohibited arm or ammunition for the purpose of sport (shikar) or cattle and crop protection from wild animals except under very strict conditions. We also quash entry no. 1 (3) of

Schedule II of the notification bearing No. GSR no. 988 dated 13.07.1962 issued under sub-clause (vii) of clause (b) of sub-section (i) of Section 2 of the Arms Act by the Central Government whereby and whereunder air guns, air rifles and air pistols have been exempted from all the regulations and controls as provided under the Arms Act.

As far as the question of making suitable amendment in the Arms Act is concerned, although this Court cannot issue any direction in this behalf, it will be appropriate if the respondents take an appropriate decision at an early date.

3. Thereafter, National Rifle Association of India as well as Manufacturers of Air Guns and Air Pistols and Pellets filed review petitions seeking review of the aforesaid judgment, *inter alia*, on the ground that they were not the parties to the aforesaid writ petition and the directions given above adversely affected their interest. While issuing notice in these petitions to the writ petitioners, the operation of the aforesaid judgment was stayed to the following extent:-

“We also quash entry no. 1 (3) of Schedule II of the notification bearing No. GSR no. 988 dated 13.07.1962 issued under sub-clause (vii) of clause (b) of sub-section (i) of Section 2 of the Arms Act by the Central Government whereby and whereunder air guns, air rifles and air pistols have been exempted from all the regulations and controls as provided under the Arms Act”

This stay was confirmed on 23rd July, 2003 and is still under operation.

4. In the present contempt petition filed by ‘National Rifle Association of India’, it is stated that the respondents/contemnors have breached and violated the aforesaid stay order dated 1st November, 2002, confirmed on 23rd July, 2003 in the following manner:-

(a) the respondent nos. 2 & 3 have published an article in newspaper ‘Statesman’ Calcutta in its edition dated November 25th, 2007 under the caption “Lethal Toys”. In this article, there is a reference to the Court orders dated 30th July, 2002 passed in the aforesaid writ petition and it is further mentioned that “this judgment applies to the whole

of India. If you come across air guns being sold you can have the shopkeeper arrested”.

The petitioner in the contempt petition submits that this act on the part of the contemnors is in clear violation of the aforesaid stay orders granted by this Court. It is pointed out that while referring to the judgment dated 30th July, 2002, the contemnors have deliberately suppressed the fact that the judgment has been stayed by this Court.

(b) The petitioner in this petition further points out that the contemnors have authored a book titled ‘Animal Law of India’ and in Chapter-55 thereof, the aforesaid judgment dated 30th July, 2002 is published/reproduced and again no reference is made to the effect that this judgment has been stayed.

5. Mr. Panjwani, learned Sr. Counsel appearing for the contemnors do not dispute the position that the manner in which the article is published and reference is made to the judgment dated 30th July, 2002 without clarifying that the said judgment has been stayed would amount to criminal contempt.

6. In so far the printing of the judgment in the said book is concerned, “explanation given by Mr. Panjwani, learned Sr. Counsel appearing for the contemnors is that the said judgment is printed in the Chapter titled “Directions not to issue or renewal of gun for Shikar or cattle crop protection”. He submits that the stay order dated 1st November, 2002 is limited to the notification relating to air guns, air rifles and air pistols and argues that in so far as licences of guns for shikar or for cattle crop is concerned, there is no stay. Even if that contention is accepted, it is clear that printing of the said judgment without mentioning about the limited stay order, clearly gives a distorted picture. Impression which one would gather is that aforesaid judgment is in operation with full force and that is clearly against the record. The respondents had full knowledge of the fact that

operation of the part of the judgment has been stayed. Not mentioning this aspect would amount to committing violation of the stay order.

7. In view of the aforesaid discussion we hold that the contemnors have committed contempt of this Court by violating stay orders dated 1st November, 2002 read with orders dated 23rd July, 2003.

8. It seems that contemnors had realized what they have done. Because of this reason, contemnor No.2 Ms. Maneka Gandhi had already sworn affidavit dated 4th November, 2009 in which the contemnor has accepted the fault and has tendered unconditional apology for writing the impugned article "Lethal Toys". It is further stated that the respondent no.2 was under a *bona fide* impression that as the review petition is pending for over a period of five years, it must have been disposed of. This was a grave mistake. She admits that she should have verified the status of the review petition before writing the said article.

9. In so far as printing of the judgment in the book is concerned, Mr.Panjwani, learned Counsel submits that the Fourth Edition of that book is already under publication and in case review petition is not decided and stay is not vacated by the time Fourth Edition is released, the authors shall incorporate necessary note about the stay order.

10. We accept the apology tendered by respondent no.2 as well as the assurance given by Mr. Raj Panjwani and in view thereof, we disposed of this petition.

(A.K. SIKRI)
JUDGE

(S.RAVINDRA BHAT)
JUDGE

APRIL 23, 2010
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