

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

PIL No. 13 of 2024

Vasochan Ragui, aged about 30 years, D/o Benjamin
Ragui, a resident of Hamleikhong, P.O. & P.S. Ukhrul,
District – Ukhrul, Manipur.

Petitioner

-Versus-

1. The Union of India represented by the Secretary
Forest and Wildlife Division, Ministry of
Environment, Forest and Climate Change, Indira
Paryavaran Bhavan, Jorbagh Road, New Delhi –
110 003.
2. The State of Manipur represented by the Principal
Chief Conservator of Forest & Head of Forest
Force, Government of Manipur, Sanjenthong,
Imphal – 795001.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

For the petitioner	::	Mr. Sarosh Damania, Advocate Mr. Zinranso Shatshang, Advocate
For respondent No. 1	::	Mr. W. Darakeshwar, Sr. PCCG
For respondent No. 2	::	Mr. H. Debendra, Dy. Advocate General assisted by Mr. I. Amri, Advocate
Date of reserving judgment & Order	::	21.10.2024
Date of Judgment & Order	::	20.11.2024

JUDGMENT & ORDER (CAV)

Justice Siddharth Mridul, C J:

[1] The present writ petition under Article 226 of the Constitution of India has been instituted by a practicing advocate of this Court, statedly in the public interest, and on the basis of articles in the public domain. The petitioner candidly admits that no representation has so far been addressed to the authorities in relation to the omnibus reliefs prayed for in the instant petition.

[2] The petitioner seeks directions for the enforcement and implementation of the provisions in Chapter V-B of the amended Wild Life (Protection) Act, 1972, (hereinafter referred to as the Act), which became effective on 1st April, 2023.

[3] It is submitted on behalf of the petitioner that Exotic animals were hitherto not covered by the Wild Life (Protection) Act, 1972, till the amendment to the said Act took effect as above stated on 1st April, 2023. The petitioner would urge that meanwhile, international transfer of Exotic animals was governed by the Treaty known as the Convention on International Trade in Endangered Species (CITIES) of Wild Fauna and Flora, which has been ratified by India.

[4] The amendment to the said Act, it is asserted aims to implement the provisions of the convention and to regulate issues in relation to ownership, possession and domestic transfers of Exotic animals. It is urged that the animals covered by the amendment are listed in Schedule IV of the Act, as amended, and correspond to those enumerated in the Appendices of the Convention.

[5] Before the amendment of 1st April, 2023, a time–limited Voluntary Disclosure Scheme was introduced on 11th June, 2020, by the Union of India, respondent No. 1 herein, inviting the public to declare their personal inventory of Exotic animals. This Scheme, it is asserted, was the subject matter of various petitions, including one before the Supreme Court, which has consistently held that the Scheme constitutes an amnesty providing immunity from coercive action for applicants who declare their inventory thereunder.

[6] Subsequently, the aforementioned amendment to the Act introduced Section 49-M, which stipulates that all owners of animals listed in the new Schedule IV must register them in accordance with the prescribed Rules. The Living Animals Species (Reporting and Registration) Rules, 2024, came into force in February, 2024, and Rule 3(3); which is central to the petitioner’s argument; requires that applicants for the registration of animals acquired prior to the amendment must submit ‘proof of acquisition’ of the animals.

[7] The petitioner would urge that the requisite proof must consist of a legitimate, verifiable document evidencing the lawful acquisition of the animal; in the absence of which, the animal is subject to seizure and repatriation to its country of origin or placement in state run rescue facilities.

[8] The petitioner has invited our attention to a judgment dated 11.09.2024 rendered by the Division Bench of the Rajasthan High Court in the matter of **Bhupesh Charan Vs. Union of India and another (D.B. Civil writ Petition No. 14968 of 2024)**. Additionally, the petitioner has referenced an interim order dated 29.08.2024 passed by the Kerala High Court

in **Aviculture Association Bhaskaram and others Vs. Union of India and others (W.P. (C) No. 30031 of 2024)**

[9] Nevertheless, the petitioner would urge that the ruling of Rajasthan High Court in **Bhupesh Charan (supra)** and the interim order passed by the Kerala High Court in **Aviculture Association Bhaskaram (supra)** should not impede our independent interpretation of Rule 3(3). The petitioner has vigorously asserted that the Rajasthan High Court's decision in **Bhupesh Charan (supra)** is flawed, inasmuch as, it fails to consider the Rules in their appropriate context and neglects the fundamental principles of interpretation. In other words, it is argued that the above judgment is not a binding authority on this Court.

[10] In our opinion, the central issue for deliberation is whether registration can be granted under the aforementioned Rules for cases governed by Rule 3(3) solely based on a declaration submitted under the Scheme.

[11] In this behalf, it is pertinent to observe, that the Scheme in question has been recognized by decisions of various High Courts, as well as a Supreme Court decision, as an Amnesty Scheme. The Scheme indicates that following the submission of a declaration, an online certificate of possession is to be issued to the declarant. Consequently, it is our view that this Amnesty Scheme confers upon the declarant the benefit of retaining possession of the declared animal. Given that this benefit has been established by a Scheme upon which the general public has relied, it cannot be rescinded by subsequent legislation. Furthermore, we do not perceive Rule 3 as having abrogated this benefit.

[12] We are bolstered in our opinion by the ruling of the Rajasthan High Court in **Bhupesh Charan (*supra*)**; with which we express our respectful agreement. We find no merit whatsoever in the petitioner's assertion that the Rajasthan High Court's decision is flawed. The Court, in our considered view, has accurately interpreted the Rules within the context of the Scheme and its ramifications

[13] We find ourselves unable to be persuaded by the argument that, we should entirely disregard or overlook the Rajasthan High Court's ruling. It is important to observe that a decision from another High Court, rendered in relation to an all India Act or Rules, carries persuasive authority and typically promotes uniformity and certainty when adhered to. As such, we discern no error in that decision, so as to warrant our disagreement with the findings arrived at. Consequently, we find ourselves in concurrence with the Rajasthan High Court's ruling.

[14] The Rajasthan High Court in paragraph 10 of the report, clearly and unequivocally holds that, benefits already conferred under the Advisory, namely, the Scheme, cannot be revoked to the detriment of the beneficiaries. We find ourselves in agreement with the view that the declaration made under the Advisory, i.e., the Scheme itself, should be regarded as sufficient evidence of acquisition and an individual should not be compelled to provide additional 'so called' tangible or verifiable proof. Furthermore, we find ourselves in complete agreement with the perspective articulated in paragraph 11 of the said report, which posits that when a declaration is timely made, but a

certification of possession is not issued, a legal presumption arises, that such a certificate is deemed to have been granted.

[15] The interim ruling of the Kerala High Court in **Aviculture Association Bhaskaram (*supra*)**, in our view, is in an entirely different context and given its nature as an interim direction, we find it unnecessary to refer to it any further.

[16] The relief sought for in the instant petition, calls for a direction to the respondents to conduct seizures of Exotic animals held by private citizens, which admittedly were declared under the Scheme and sought to be registered only on the basis of a declaration. It is our view that a declaration under the Scheme constitutes sufficient evidence of acquisition in accordance with Rule 3 of the aforementioned Rules.

[17] We find ourselves completely unable to countenance the absurd clarification prayed for on behalf of the petitioner, to the effect that, the decision of the Rajasthan High Court and the interim order of Kerala High Court ought not to come in the way of the respondent authorities from taking action as per the orders to be passed by this Court in the present proceeding. It is axiomatic that we are not and cannot sit in appeal over a judgment and order passed by a Division Bench of another High Court.

[18] In view of the foregoing, in our considered opinion, the petitioner has failed to make out any cogent case for the broad and omnibus directions that she seeks in the present public interest petition. Even otherwise, as observed hereinabove, the petitioner has not approached the competent

authorities by way of a representation on the issues raised in the present proceedings before approaching this High Court seeking sweeping directions in the nature of a writ of mandamus.

[19] The present public interest litigation, being devoid of merit, is accordingly dismissed.

Sandeep

JUDGE

CHIEF JUSTICE