WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.25354 of 2016
and
WMP.No.21661 of 2016

The Madras Canine Club,
Represented by its General Secretary
Mr.Rajinikanth
New No.2, Old No.51, 7th Cross Street,
Shenoy Nagar, Chennai - 600 030. ... Petitioner

Vs.

1. The Union of India,
Represented by its Secretary,
The Government Department of Environment and Forest,
Paryavaran Buildings,
C.G.O.Complex,
New Delhi.

2. The Animal Welfare Board of India,
Represented by its Chairman,
No.13/1, III Sea Ward Road,
Valmiki Nagar,
Thiruvanmiyur,
Chennai - 600 041. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus to direct the second respondent to forbear from treating the dogs shown in the dog shows conducted by the petitioner as "Performing Animals" and thereby causing any disturbance, obstruction, or disruption to the said shows.

For Petitioner : Mr.R.Srinivas

For Respondent No.1 : Mr.M.Aravind Kumar
Central Government Standing Counsel

For Respondent No.2 : Mr.Jayesh 'B' Dolia

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

ORDER

The relief sought in this writ petition is to issue a mandamus forbearing the second respondent from treating the dogs shown in the dog shows conducted by the petitioner as performing animals and thereby causing any disturbance, obstruction or disruption to the same.

2.According to the petitioner, it is a registered association affiliated to Kennel Club of India (KCI), which is the parent body of all dog clubs in India. The dog shows are conducted by various clubs affiliated to KCI, where dogs of each breed compete separately and the best of each breed is judged based on the particular breed standards and thereafter, the best dogs in the show are judged out of the several specimens belonging to different breeds, on comparative basis, but strictly as per the individual breed standards of each competing dog. These shows are conducted only to spread scientific knowledge regarding various breeds and breed standards of the dogs in the world; and to provide encouragement and education to the public regarding dogs in general and our native dog breeds in particular. The petitioner further stated that the dog show is neither an entertainment like circus etc, nor an event like Jallikattu, Rekhla Race, Horse Race etc. But, it is for educative purpose and for various utilities and it does not involve any stress or cruelty to the dogs. In fact, during the dog shows, the participating dogs are protected and pampered; and that the public are allowed merely to witness it. Thus, the dogs shown in the dog show, are not 'performing animals' coming under the definition of Rule 2(h) of Chapter V of the Prevention of Cruelty to Animals Act, 1960. However, in the recent past, there have been disruption and disturbance of dog shows held in various places by persons calling themselves as activities and staff of the Animal Welfare Board of India (AWBI), who are threatening the organisers to obtain permission from the AWBI for conducting dog shows under the Performing Animals Rules. In this regard, the petitioner made representation on 15.07.2016 to the second respondent, but no reply was received. Therefore, they have come up with this writ petition for the aforesaid relief.

3.The learned counsel for the petitioner submitted that the issue raised in this writ petition has been answered in favour of the petitioner therein in Amritsar Kennel Club (Registered) and others v. the Union of India and others [Civil Writ Petition No.25558 of 2015 dated 28.01.2016 by the Punjab & Haryana High Court at Chandigarh]. Hence, he prayed for similar order in this writ petition as well.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

4.The submission so made by the learned counsel for the petitioner has not been refuted on the side of the respondents.

5.This Court heard both sides and perused the materials placed before this Court, more particularly, the decision of the Punjab and Haryana High Court (cited supra), wherein, the question arose for consideration is, as to whether a person/club, interested in participation of his/her/its dog in the dog show, being held free of cost, without any ticket, is required compulsory registration in terms of Rule 3 of the Performing Animals (Registration) Rules, 2001 and Section 21(i) of the the Prevention of Cruelty to Animals Act, 1960. After detailed analysis, it was observed that in the absence of any evidence on record led by the respondents to contradict the stand taken by the petitioner hosting the dog show free of cost, the dog, as alleged as a performing animal, cannot be termed as "exhibited" or "trained" in terms of Section 21 of the Act and no permission or registration is thus required either to be taken by the dog owner or the club hosting the dog shows in terms of Section 22(i) of the Act and Rule 3 of the Rules of 2001. Further, Rule 12 of the Birth Control Rules only lays down the guidelines for the breeders that they should be registered with the AWBI, must maintain the record of number of pups born/died and the record of the person buying the pups. These guidelines are only for the purpose of birth control of the dogs and have no relevance at all with the dog show. That apart, the decision of this Court in Chennai Kennel Club v. Union of India & another, Writ Petition No.18941/2015 decided on 30.06.2015 was also followed, wherein, it was held that "there is no prohibition for mere display of dogs that does not involve display skills by dogs and, therefore, there is no scope for any cruelty to the animals, and, as such, there appears to be no requirement in law for taking prior permission of the Animal Welfare Board of India". Ultimately, the Punjab and Haryana High Court was of the view that the owner/club, hosting the dog show, is not required under any provisions either of the Act, Rules of 2001 or the Birth Control Rules to get himself/itself registered with the AWBI and hence, the AWBI has no jurisdiction or right to interrupt, disrupt or cause obstacle in the hosting of dog shows by the petitioner/club; and once it has been held that the AWBI has no jurisdiction as the participants of the dog show are not required to get themselves registered with it, the guidelines issued by the AWBI in this regard, would not apply.

6.In the light of the aforesaid decision, which is squarely applicable to the facts of the present case, this Court is of the opinion that the petitioner hosting the dog show, is not required under any provisions either of the Act, Rules of 2001 or the Birth Control Rules to get itself registered with the

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

AWBI and hence, the AWBI has no jurisdiction or right to interrupt, disrupt or cause obstacle in the hosting of dog shows by the petitioner association.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

1.The Secretary, Union of India,
Government Department of Environment and Forest,
Paryavaran Buildings,
C.G.O.Complex,
New Delhi.

2.The Chairman, Animal Welfare Board of India,
No.13/1, III Sea Ward Road,
Valmiki Nagar,
Thiruvanmiyur,
Chennai - 600 041.

+1cc to Mr.M.Arvind kumar, Advocate Sr.28824
+1cc to Mr.M.Arvind kumar, Advocate Sr.28824[31/08/2021]

W.P.No.25354 of 2016
&
WMP.No.21661 of 2016

pch[co]
srg 11/08/2021

https://hcservices.ecourts.gov.in/hcservices/