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

% ***Date of decision: 12.02.2024***

+ W.P.(CRL) 485/2024

RAHUL NARULA ..... Petitioner

Through: Mr. Pritam Biswas, Advocate

versus

UNION OF INDIA THROUGH CENTRAL ZOO AUTHORITY &  
ORS. .... Respondents

Through: Mr. Shardul Singh, Ms. Devika  
Mohan, Ms. Ahish Shahpurkar and  
Ms. Anjali Tiwari, Advocates for R-3  
& 4

**CORAM:**  
**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**  
**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**J U D G M E N T (oral)**

**CRL.M.A.4434/2024 (for exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**W.P.(CRL) 485/2024 & CRL.M.A.4433/2024 (for interim relief)**

3. The present petition has been preferred by the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. challenging the constitutional validity of Section 23 of the Prevention of Cruelty to Animals Act, 1960 (in short 'PCA').
4. Petitioner is seeking examination of the provisions of Section 23 of the PCA read with Sections 200 and 482 of the Code of Criminal Procedure,



1973 and quashing/setting aside of Section 23 of the PCA as unconstitutional and *ultra vires* of Constitution of India.

5. Further, an order, writ and direction against the Respondent No.2 is sought by the petitioner directing them to file a complaint against the Respondent Nos.3 and 4 under provisions of IPC and PCA.

6. Petitioner claims to be a practicing Advocate as well as an animal lover and wildlife enthusiast. He claims to have filed the present writ petition to advocate and fight for the fundamental rights of animals guaranteed by the Constitution of India.

7. Respondent No.1 is Union of India through Central Zoo Authority; Respondent No.2 is Animal Welfare Board of India; Respondent No.3 is Greens Zoological, Rescue and Rehabilitation Centre; Respondent No.4 is Radhe Krishna Temple Elephant Welfare Trust.

8. Petitioner submits that on 13.01.2024, newspaper 'Economic Times' published a news report regarding the wedding of Anant Ambani and Radhika Merchant. As per the said report and wedding card, the dates of the pre-wedding and wedding festivities are 01.03.2024 to 03.03.2024 and the venue is Reliance Greens in Jamnagar, Gujarat. Petitioner claims to have come across the invitation on social media platforms and the wedding is of the non-executive Director, who is the son of the Chairman of Reliance Industries. They have indirect control over respondent Nos.3 and 4 as these are situated on their property. The invite is evidence of the fact that Respondent Nos.3 & 4 are going to hold functions, parties, events, or performances from 01.03.2024 to 03.03.2024. The invite has given a lot of importance and stress that the Jamnagar complex has been transformed into a heaven for rescued animals etc. Petitioner submits that he has a right under



Section 200 of Cr.P.C. to file a complaint and the said right is being curtailed by provisions of Section 23 of the PCA. Therefore, the provision of Section 23 PCA is arbitrary, unjust, oppressive and unconstitutional. In the event that due to paucity of time the constitutional validity of Section 23 of PCA cannot be decided, considering the good *prima facie* case is made out by the petitioner against the respondent Nos.3 & 4, petitioner has prayed that the respondent No.2 be directed to file a complaint under Section 23 of the PCA against the respondent Nos.3 & 4 because if no person takes action against acts of respondent Nos.3 and 4, they shall go scot-free and the animals will suffer inhumane treatment and cruelty. In the event if due to paucity of time the respondent No.4 is not able to file the complaint and to stop the events from 01.03.2024 to 03.03.2024, interim relief be granted in the nature of directing the respondent Nos.3 and 4 not to hold the events by displaying or exhibiting the animals in their possession in any manner whatsoever.

9. Learned counsel for respondent Nos.3 & 4, who is appearing on advance notice, has handed over written submissions which are taken on record. It is stated in the written submissions that the present petition is not maintainable for want of any cause of action, assuming that the petitioner would have locus to agitate such cause in this Court and the present petition is frivolous and appears to be filed for ulterior motives. All the contents of the present petition have been expressly denied.

10. It is further stated that the petition is based on an unfounded apprehension that the respondent Nos.3 & 4 would allow use of animals in a private event.

11. It is also stated that animal organizations such as respondent No.3



being a recognized zoo, rescue centre & conservation breeding centre under the provisions of Wild Life (Protection) Act, 1972 read with Recognition of Zoo Rules, 2009 & respondent No.4 being established and administering as Elephant Camp meant for housing of old, weak, injured and abandoned captive elephants after due approvals from the Chief Wild Life Warden, State of Gujarat, are exempted from the application of provisions of the PCA.

12. Learned counsel for respondent Nos.3 & 4 has relied upon Section 27 of the PCA which expressly exempts the said respondents from the application of provisions prohibiting exhibition of animals. Section 27 is reproduced as under:

*“27. Exemptions.- Nothing contained in this Chapter shall apply to-*  
*(a) ...; or*  
*(b) any animals kept in any zoological garden or by any society or association which has for its principal object the exhibition of animals for educational or scientific purposes.”*

13. Learned counsel for respondent Nos.3 & 4 submits that the Reliance Complex, Jamnagar which is owned by Reliance Industries Limited is spread over 7500 acres including 3059 acre green belt and consists of a refinery, manufacturing units, production units, office buildings, housing townships for 5000 employees, orchards, gardens, playgrounds and retail complexes and the respondent Nos.3 and 4 are situated on 685.14 acres and 998 acres of the complex, respectively. The complex is a private property and is not open to public for events. It is further submitted that a one-time private, personal and non-commercial event is being held from 01.03.2024



to 03.03.2024 at various locations in the complex and there is no provision contained in any law, including the Wildlife Act or the Zoo Rules that prohibit the respondent Nos.3 & 4 from inviting guests to view their facilities, especially for non-commercial purposes.

14. Learned counsel further submits that the respondent Nos.3 & 4 are managed by experienced vets, curators and biologists and the said respondents strictly comply with all safeguards prescribed by the Zoo Rules, for animals ensuring they are not disturbed as well as safeguards prescribed for visitors.

15. It is further submitted that a High Powered Committee ('HPC') was constituted under a judgment passed by the Hon'ble Tripura High Court in the case of *Sudipa Nath vs. Union:2022 SCC OnLine Tri 691 inter alia* to examine any complaint relating to any animal organization and to undertake fact finding exercises therefor.

16. Learned counsel has also submitted that the Hon'ble Supreme Court in the case of *Muruly M.S vs. State of Karnataka:2023 SCC OnLine SC 224* expanded the remit of the HPC to confer it with a pan India status. It is further submitted that as and by way of abundant caution, in any case, the respondent Nos.3 & 4 shall inform the HPC of the said event with a request to depute their officer/representative to oversee the event.

17. Heard.

18. We find that the present petition has been filed purely on the apprehension that some injury or ill-treatment may be caused to the animals during the events scheduled on 01.03.2024 to 03.03.2024. Such sort of petition cannot be entertained simply on the basis of apprehension.

19. Since a High Powered Committee has already been constituted after



the directions passed by Hon'ble Tripura High Court in the case of *Sudipa Nath (supra)*, therefore, the said Committee is at liberty to be present and oversee the aforesaid event and to take all cautions permissible under law, if any, to ensure that no inhumane behaviour is caused to the animals.

20. In view of above, the present petition and pending application are disposed of.

21. It is made clear that either HPC may depute any of its member to oversee the event scheduled from 01.03.2024 to 03.02.2024 or HPC may go itself to oversee the aforesaid event.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**(GIRISH KATHPALIA)**  
**JUDGE**

**FEBRUARY 12, 2024/rk**