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

+ W.P.(C) 4391/2020 and CM Nos. 15802/2020 & 20763/2020

FEDERATION OF ANIMAL

PROTECTION ORGANIZATION

..... Petitioner

Through: Mr. Dayan Krishnan, Sr.Advocate
with Mr. Ambuj Agrawal, Ms.Asmita
Singh, Ms. Aakashi Lodha and
Ms.Sanjeevi Seshadri, Advocates.

versus

MINISTRY OF FISHERIES, ANIMAL

HUSBANDRY AND DAIRYING & ORS.

..... Respondents

Through: Mr. Chetan Sharma, ASG with
Mr.Rajesh Gogna, CGSC and
Mr.Akshay, Mr.Amit Gupta &
Mr.Sahaj Garg, Advocates for the
respondents.

Mr. Karam Pratap Singh, Law Officer
for respondent/ CZA.

Mr. P.B. Suresh, Advocate for newly
impleaded respondents (i.e.
respondents Nos. 9 and 15 in
W.P.(C.) No. 4379/2020).

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

17.11.2020

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1. At the outset, Mr. Krishnan states that he has filed on record a written-submission premised on the inspection of the circuses carried out thus far. He has also advanced his submissions based on that written-

submission. One shocking aspect pointed out by him is that as opposed to about 740 animals registered with the Animal Welfare Board of India, information only in regard to 28 captive animals has been retrieved during the inspection, leaving a massive gap of 712 animals.

2. We direct the respondent Board as well as the Central Zoo Authority to file their affidavits disclosing the status of all the animals which are registered with it. It also appears that as opposed to 28 circuses registered with the respondent Board, inspection has been carried out only in respect of 19 circuses and there is no inspection in the other circuses. The Board shall also place on record the basis for the complete inspection not being carried out. If further inspections need to be carried out, the same shall be conducted in terms of our earlier orders with participation of the two petitioners before us in both the connected matters.

3. Since the petitioner has raised a constitutional challenge to the provisions of Sections 21 to 27 of the Prevention of Cruelty to the Animals Act, 1960, and the circuses who have kept captive animals, would be directly affected, in case, this Court were to grant the relief as prayed for, it would be appropriate that the said circuses are impleaded in the present petition at least in a representative capacity so that they are in a position to meet the said challenge. The petitioners in W.P.(C.) No. 4379/2020 have impleaded the circuses which are registered with the respondent Board as respondents No.5 to 31 in W.P.(C.) No. 4379/2020. We direct the petitioners herein to implead them as party respondents in the present petition and a copy of the present petition along with its annexures be served on the said respondents through counsel, and to those who are not

represented in the normal course through email, with notice returnable before the Joint Registrar (Judicial) on 08.12.2020.

4. Mr. P.B. Suresh, Advocate appearing for respondents No.9 & 15 in W.P.(C.) No. 4379/2020 accepts notice on behalf of the said newly impleaded respondents in the present petition. On the next date, we would endeavour to proceed with the hearing of the present petition on merits as well.

5. List before the Court on 28.01.2021.

6. All parties are granted liberty to file their respective written-submissions not exceeding five pages each.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

NOVEMBER 17, 2020

B.S. Rohella