

ITEM NO.10

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 743/2014

WILDLIFE RESCUE AND REHABILITATION CENTRE & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 01-11-2018 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Ms. Aparna Bhat, AOR
Ms. Shibani Ghosh, Adv.
Mr. Tipoo N., Adv.

For Respondent(s) Mr. Salman Khurshid, Sr. Adv.
Mr. Vishnu Shankar Jain, Adv.
Md. Aslam Khan, Adv.
Mr. Pankaj Kumar Verma, Adv.

Mr. K.V. Vishwanathan, Sr. Adv.
Mr. K. Rajeev, Adv.
Mr. Shinoj K. Naraynan, Adv.
Mr. Biju Mathew Joy, Adv.

Mr. A.N.S. Nadkarni, ASG
Mr. Vijay Prakash, Adv.
Ms. Shraddha Deshmukh, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. G.S. Makker, AOR

Mr. V. Giri, Sr. Adv.
Mr. K. Parameshwar, Adv.
Mr. M.V. Mukunda, Adv.

Ms. Manisha T. Karia, AOR
Mr. Shashank Mangal, Adv.
Ms. Saumya, Adv.
Mr. Sukhda Kalra, Adv.

Mr. Sidharth Luthra, Sr. Adv.
Ms. Supriya Juneja, Adv.

Mr. Balaji Srinivasan, AOR

Mr. B.S. Patil, Sr. Adv.
Mr. Sanjeeb Panigrahi, AOR
Mr. Chinmay Deshpande, Adv.

Mr. K. Rajeev, AOR
Mr. A. Raghunath, AOR

Mr. Ankolekar Gurudatta, AOR
Mr. Chandan Shreekant Malapur, Adv.

Mr. Gopal Singh, AOR

Mr. Shivraj Gaonkar, AOR

Dr. Sumant Bharadwaj, Adv. (For Intervenor)
Ms. Mridula Ray Bharadwaj, AOR
Mr. Vedant Bharadwaj, Adv.

**For States of
Andhra Pradesh**

Mr. Guntur Prabhakar, Adv.
Ms. Prerna Singh, Adv.

Assam

Mr. Shuvodeep Roy, Adv.
Mr. Somnath Banerjee, Adv.

Bihar

Mr. Abhinav Mukerji, Adv.
Ms. BiHu Sharma, Adv.
Ms. Pratishtha Vij, Adv.

Ms. Abha R. Sharma, Adv.
Mr. D.S. Parmar, Adv.
Ms. Sujeeta Srivastava, Adv.
Mr. Ankit Mishra, Adv.

Goa

Mr. A.N.S. Nadkarni, ASG
Mr. Arjun Vinod Bobde, Adv.
Mr. Santosh Rebello, Adv.
Ms. Richa Relhan, Adv.
Mr. Siddharth Nanda, Adv.
Ms. Pragya Baghel, AOR

Karnataka

Mr. V.N. Raghupathy, Adv.
Mr. Parikshit P. Angadi, Adv.

Kerala

Mr. Jaideep Gupta, Sr. Adv.
Mr. Nishe Rajen Shonker, Adv.
Ms. Anu K. Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Reegan S. Bec, Adv.
Mr. N. Nizar, Adv.

Maharashtra	Ms. Deepa M. Kulkarni, Adv. Mr. Nishant R. Katneshwarkar, Adv.
Manipur	Mr. Leishangthem Roshmani Kh., Adv. Ms. Maibam Babina, Adv. Mrs. Anupama Ngangom, Adv.
Meghalaya	Mr. Ranjan Mukherjee, Adv. Mr. K.V. Kharlyngdoh, Adv.
M.P.	Mr. Anil Kumar Pandey, Adv. Mr. Sunny Choudhary, Adv.
Nagaland	Mrs. K. Enatoli Sema, Adv. Mr. Amit Kr. Singh, Adv.
Punjab	Ms. Ranjeeta Rohatgi, AOR G.P. Capt. Karan Singh Bhati, Adv. Ms. Chitrangada Rashtervada, Adv. Ms. Vaiduti Mishra, Adv. Mr. Shaurya Singh Rathore, Adv. Mr. Damodar Solanki, Adv.
Rajasthan	Mr. S. S. Shamschery, AAG Mr. Amit Sharma, Adv. Mr. Sandeep Singh, Adv. Mr. Ankit Raj, Adv. Ms. Indira Bhakar, Adv. Ms. Ruchi Kohli, Adv.
Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. For M/s Arputham Aruna & Co.
Tripura	Mr. Shuvodeep Roy, Adv. Mr. Rituraj Biswas, Adv.
T.N.	Mr. M. Yogesh Kanna, AOR Mrs. Sujatha Bagadhi, Adv.
West Bengal	Mr. Suhaan Mukerji, Adv. Ms. Astha Sharma, Adv. Ms. Kajal Dalal, Adv. Ms. Dimple Nagpal, Adv. Mr. Amit Verma, Adv. For M/s PLR Chambers & Co.
For U.Ts	

A&N	Mr. K.V. Jagdishvaran, Adv. Ms. G. Indira, AOR Mr. Mrinal K. Mondal, Adv.
Puducherry	Mr. V. G. Pragasam, Adv. Mr. S. Prabu Ramasubramanian, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned counsel for the petitioners.

The prayer made in the writ petition is *inter alia* to implement the provisions of the Wildlife (Protection) Act 1972 and the Prevention of Cruelty of Animals Act 1960 to protect elephants in captive effectively. There is also a prayer to the effect that census should be conducted of all captive elephants under the supervision of respondent No.1 with the assistance of independent experts.

As far as the second prayer is concerned namely conducting a survey, we are of the view that the Chief Wild Life Warden of each State must ascertain and identify elephants in captivity in that particular State and whether the owners of these elephants have an ownership certificate. If they do not have the ownership certificate, then after following the mandatory procedures required by law, the ownership certificate may be granted provisionally subject to the final decision. The information so collected by the Chief Wild Life Warden shall be communicated to respondent NO. 1 (the Secretary, Ministry of Environment, Forests and Climate Change, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi). The Ministry of Environment, Forests and Climate Change will file an affidavit on the basis of the information collected by the Chief

Wild Life Warden so that at least there is a consensus about the elephants in captivity.

The cut off date for this purpose will be 31.12.2018. The entire exercise should be completed by the Chief Wild Life Wardens on 31.12.2018 or a day or two thereafter. The affidavit should be filed by the MoEF before the second week of January, 2019.

List the matter in the second week of January, 2019.

I.A. No. 22/2016

Issue notice.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
ASSISTANT REGISTRAR