

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 12TH AUGUST 2009 / 21ST SRAVANA 1931

WP(C).No. 22271 of 2009(D)

PETITIONER(S):

THE ANANDAPPALLY KARSHAKASAMITHY,  
REP.BY ITS GENERAL CONVENOR,  
ANANDAPPALLY SURENDRAN,CHURCH AVENUE,  
ANANDAPPALLY P.O.,ADOOR.

BY ADV.MR.N.MAHESH

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,  
PATHANAMTHITTA, COLLECTORATE, PATHANAMTHITTA.
2. THE SECRETARY,  
ANIMAL WELFARE BOARD OF INDIA,  
(MINISTRY OF ENVIRONMENT AND FORESTS,  
GOVERNMENT OF INDIA), THIRD SEA WARD ROAD,  
VALMIKI NAGAR, THIRUVANIYUR, CHENNAI 600 041, TAMIL NADU.

\*ADDL.R3 IS IMPEADED:

- R3. THE SOCIETY OF PREVENTION OF CRUELTY TO ANIMALS(SPCA),  
IDUKKI REPRESENTED BY ITS SECRETARY, P.B.NO.66,  
ERAPPUZHICKARA BUILDING, PALA ROAD, THODUPUZZHA.

(\*ADDL.R3 IS IMPEADED AS PER ORDER DTD. 07/08/2009 IN  
I.A.NO.9975/09)

R1 & R2 BY GOVERNMENT PLEADER MR. P.NARAYANAN  
ADDL.R3 BY ADV. MR.K.JAJU BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 12/08/2009, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



**V.GIRI, J**

**W.P.(C).22271/2009**

Dated this the 12<sup>th</sup> day of August, 2009

**JUDGMENT**

Petitioner organization, claims to be a forum for the promotion and maintenance of Traditional Agricultural Fair reportedly being conducted for the last 59 years in the Anandappally paddy field at Adoor. Fair is being conducted at the end of karkidakam. The event called "Maramadi" is performed as part of a fair. A wooden piece affixed at the bottom of a plough is carried by a pair of bullocks in the paddy field. Though according to the petitioner, the event as such is reflective of a tradition that is being followed in the Rural Agricultural sector for decades, there is a dispute on this aspect. This is reflected in Ext.P4 order passed by this Court for the previous year, wherein on a motion made by the Society for Prevention of Cruelty to animals, this Court had directed the District Collector and other Government officials to ensure that "Maramad~~u~~" competition or Cattle Race shall be held strictly in compliance with the conditions imposed in the earlier judgments rendered by this Court.



2. Taking note of this fact as well, I had directed the petitioner to serve a copy of the writ petition on the counsel for the Society for prevention of Cruelty to Animals. Accordingly, the said Society was impleaded as additional R3 and they filed a counter affidavit and produced Ext.R3(a), which is a communication issued by the Animal Welfare Board of India functioning under the Ministry of Environment and Forests, Government of India. Communication was addressed to the District Collector, Pathanamthitta, and it refers to information received by the Government of India that a group of people have started discreet preparations to conduct illegal cattle races in Pathanamthitta District under the guise of promoting "farm festivals". It is further stated that bullocks for cattle race cannot be permitted as it is against the Performing Animals (Registration) Rules, 2001. The cattle race would amount to cruelty to animals. Reference is also made to the information collected over such cruelty to animals and the same was prohibited under Section 11(1)(a) of the Prevention of Cruelty to Animals, 1960. The District Collector, Thrissur had in an earlier letter dated 7.12.2007 stated that "it is clear that the race cannot be conducted

without over driving and beating the animal and would amount to violation of the Act and violation of the order of the Honourable Supreme Court of India".

3. Ext.R3(a) communication has binding force. I also do not find any reason to take a different view from the view taken in Ext.R3(a) as regards the scope of the Performing Animals (Registration) Rules, 2001.

4. Learned counsel for the petitioner submits that no race as such is involved in "Maramadi" competition and essentially what is involved is only a traditional ritual involving bullocks driving through paddy fields. Traditional ritual as such ought not be prevented by the respondents. Learned counsel for the 3<sup>rd</sup> respondent points out that the "Maramadi" competition was banned during the last year also. Going by the version of the petitioner itself, what is involved is a competition and this would involve a race. Naturally those persons who participate in the race would also make the animals run fast. The very nature of overdriving and beating animals seems to be inevitable in such a race. At any rate, the perception drawn in this

regard by a Body constituted under the Prevention of Cruelty to Animals Act, is neither unreasonable nor otherwise unjustified warranting interference by this Court.

5. In the circumstances, I therefore, find myself unable to grant any relief to the petitioner. I also think it is necessary for this Court to convey in the strongest terms possible, to the District Collector, Pathanamthitta, Superintendent of Police, Pathanamthitta and other officials, subordinate to the District Collector as also the Superintendent of Police to see that there is no bullock race or any other performance by animals in violation of the directions issued by the Animal Welfare Board of India as evidenced by Ext.R3(a). No "Maramadi" competition shall therefore, be permitted to be conducted either by the petitioner or by any other body claiming the same credentials or desirous of holding such competitions. These directions shall be implemented without further delay.

Writ petition is disposed of as above.

*Sd/-*  
**V.GIRI,**  
**Judge**

mrcs

*PA To Judge*

*M Sharma*