Muruly M.S. v. State of Karnataka & Ors. (2023 SCC OnLine SC 224) (March 03, 2023)

Court: Supreme Court of India Coram: JJ. Krishna Murari and JJ. Ahsanuddin Amanullah

Background:

The Petitioner sought directions to restrict the transfer or gifting of wild and captive elephants in Karnataka, particularly to the Radha Krishna Temple Elephant Welfare Trust (R3). The Karnataka High Court dismissed the PIL, and the Supreme Court later dismissed the SLP. A clarification was then sought that these orders applied only within Karnataka.

Respondent No. 3, a registered charitable trust engaged in rescue and rehabilitation of elephants, opposed the plea, stating that similar frivolous PILs had been filed across India, disrupting legitimate welfare work.

Findings:

The Court noted that several High Courts, including those of Tripura, Gauhati, and Madras, had already dismissed similar petitions. It referred to the Tripura High Court's 2022 order constituting a High-Powered Committee (HPC) headed by Justice Deepak Verma (Retd.) to oversee elephant transfers and welfare. Finding the framework effective, the Supreme Court decided to extend the Committee's scope nationwide to ensure uniform oversight and prevent repetitive litigation.

Directions:

1. The HPC's jurisdiction is extended across India.
2. Chief Wildlife Wardens of concerned States shall join as members.
3. All complaints, seizures, or cases of abandoned wild animals must be reported to the HPC.
4. The HPC may recommend transfers or welfare measures for such animals.
5. The Chairman may fix honorarium and expenses, to be borne by the concerned government.
6. These directions supplement the Tripura High Court's earlier order.

Significance:

The judgment creates a national mechanism for monitoring rescue and rehabilitation of wild animals, curbs misuse of PILs, promotes coordinated animal welfare oversight, and reinforces the legitimacy of genuine charitable institutions engaged in wildlife care.

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2023 SCC OnLine SC 224

In the Supreme Court of India

(BEFORE KRISHNA MURARI AND AHSANUDDIN AMANULLAH, JJ.)

Miscellaneous Application No. 231 of 2023

With

I.A. No. 32084 of 2023: Application on behalf of the Petitioner for clarification of the order dated 01.08.2022

In

Special Leave Petition (Civil) No. 12246 of 2022

Muruly M.S. … Petitioner(s);

Versus

State of Karnataka and Others … Respondent(s).

Miscellaneous Application No. 231 of 2023; I.A. No. 32084 of 2023; and Special Leave Petition (Civil) No. 12246 of 2022

Decided on March 3, 2023

Advocates who appeared in this case:

For Petitioner(s) Mr. S. K. Verma, AOR

For Respondent(s) Dr. Sujay Kantawala, Adv.

Mr. Gautam Awasthi, AOR

The Judgment of the Court was delivered by

KRISHNA MURARI, J.:— The PIL petitioner has filed this Miscellaneous Application seeking clarification of the order dated 01.08.2022 passed by this Court dismissing his SLP(C) No. 12246 of 2022 filed against an order dated 06.06.2022 passed by the Karnataka High Court, dismissing his WP (PIL)/10688/2022, wherein he had, *inter-alia*, sought directions from the State of Karnataka to restrict transfer/sale/gift/entrustment of wild and captive elephants within the State of Karnataka to private individuals and in particular, to respondent no. 3, the Radha Krishna Temple Elephant Welfare Trust.

2. By means of the present Miscellaneous Application, the PIL petitioner has made a prayer to clarify the order dated 01.08.2022 passed by this Court to the effect that the directions of the High Court and this Court were confined only to population of elephants exclusively within the State of Karnataka and are not applicable to any other State or Territory.

3. The clarifications sought by the PIL petitioner has been vehemently opposed on behalf of respondent no. 3. It is contended that from time to time various Writ Petitions in the nature of Public Interest Litigation have been filed against respondent no. 3 and other persons

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acting with non profit philanthropic noble object of taking care of abandoned or rescued elephants and other animals. The main ground of challenge in these PILs has been that it is the responsibility of the State to take care of such abandoned or rescued elephants and other animals, which should not be abdicated in favour of the private respondent no. 3, the Trust.

4. Finding no merits in the PILs all of them have been dismissed. Reference has been made to the following PILs which have been dismissed by various High Courts:—

(i) Judgment and order dated 07.11.2022 passed by the High Court of Tripura at Agartala, in WP(Civil)-PIL No. 17 of 2022 filed by one Smt. Sudipa Nath;

(ii) Judgment and order dated 25.01.2023 passed by the Gauhati High Court in PIL No. 6 of 2023 filed by one Kaustuvmani Kakati;

(iii) Judgment and order dated 16.08.2022 passed by this Court in WP(Civil) 547 of 2022, *Kanhaiya Kumar* v. *Central Zoo Authority*;

(iv) Judgment and order dated 08.08.2022 passed by this Court in WP (Civil) 540 of 2022, *Swetab Kumar* v. *Ministry of Environment, Forest and Climate Change*.

(v) Judgment and order dated 10.08.2022 passed by Madras High Court in Writ Petition No. 15230 of 2022, *A. Viswanathan* v. *State of Tamil Nadu*.

5. It is further submitted that respondent no. 3 is a registered public charitable trust under the Gujarat Public Trust Act, 1950 and the object of the trust is to promote welfare of animals and to establish paraphernalia for the welfare of animals in need to carry out the object of the trust. Respondent no. 3 is neither availing any Government funds, nor generates any profits by exhibition of animals to sustain its object. It is also submitted that respondent no. 3 is engaged in rescue and rehabilitation of wild/captive elephants, who are in need of long term care due to injury/old age, abusive captivity, such as circus, street begging, etc. It is categorically stated during the course of arguments that respondent no. 3 is not a breeding centre and is in no way making any profits commercially in any manner from the rescued and rehabilitated animals.

6. It is also submitted on behalf of respondent no. 3 that such frivolous Public Interest Litigations filed by busy bees in different High Courts of the country, disrupt the functioning of not only respondent no. 3 but such other charitable institutions engaged in rescue and rehabilitation of wildlife, while causing unnecessary drain on their resources which could otherwise be used by them for the noble cause of welfare of the rescued animals.

7. Our attention has also been invited to a reasoned and detailed

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judgment dated 07.11.2022 passed by the Tripura High Court in Writ Petition (Civil - PIL) No. 17 of 2022 seeking a direction restraining transfer and transportation of captive bred elephants from Northeast India and in particular from the States of Tripura and Arunachal Pradesh to the elephant camp of respondent no. 3. The High Court of Tripura, while declining to grant relief prayed by the petitioner therein, constituted a High Powered Committee (for short 'HPC') headed by the retired Judge of this Court, namely, Hon'ble Mr. Justice Deepak Verma, as its Chairman, and Members (by designation), which included Director General of Forests (Union of India), Head of Project Elephant Division (MoEF), Member Secretary (Central Zoo Authority of India), Chief Wild Life Warden (State of Tripura) for Elephants from State of Tripura and Chief Wild Life Warden (State of Gujarat). The said order further provides that the Chairman of the HPC shall co-opt an expert having experience of Elephants as a Member of the Committee and the Chairman may also consider taking assistance of the Chairman, Animal Welfare Board of India. Various well thought of directions were issued for the smooth functioning, powers, jurisdiction and assistance to be provided to the said HPC.

8. Though the scope and jurisdiction of the High Powered Committee was limited by the High Court to transfer of the elephants from Northeast part of the country to the elephant camp of respondent no. 3, we see no reason not to extend it to Pan India, particularly, when by extending the jurisdiction of High Powered Committee at Pan India level will not only serve the real public interest and would advance the cause of welfare, care and rehabilitation of wild animals, but will also curb the filing of frivolous PILs before different High Courts by busy bees.

9. In view of aforesaid facts and circumstances, we deem it appropriate to extend the jurisdiction and scope of High Powered Committee as constituted by the High Court of Tripura, with the modification that the Chief Wild Life Warden(s) of the State(s) to which the issue relates will be the co-opted as Members of the said Committee in place of the Chief Wild Life Wardens of Tripura and Gujarat, throughout the territory of India, leaving it open to the Committee to conduct necessary checks and to undertake fact finding exercise in any pending or future complaint in this regard. The said Committee may also consider the request for approval, dispute or grievance, concerning transfer or import into India or procurement or welfare of wild animals by any rescue or rehabilitation centre or zoo, by taking assistance and co-operation whenever needed from all departments and authorities across India. We also direct that all complaints in this regard may be forwarded forthwith to the High Powered Committee for consideration and recommending appropriate

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action.

10. We further direct that all State and Central Authorities shall forthwith report seizure of wild animals or abandonment of captive wild animals to the Committee and the Committee shall be at liberty to recommend transfer of ownership of captive animals or of seized wild animals to any willing rescue centre or zoo for their immediate welfare, care and rehabilitation.

11. We leave it open to the Chairman of the High Powered Committee to determine the honorarium and the expenses required to carry out functions, which shall be borne by the concerned State or Union of India as the case may be.

12. The above directions issued by us are in addition to the directions contained in the judgment dated 07.11.2022 passed by the High Court of Tripura and not in derogation thereof.

13. We are of the considered opinion that the directions issued by us shall serve real public interest and would advance the cause of welfare, care and rehabilitation of wild animals.

14. With the aforesaid clarifications and directions, the Miscellaneous Application No. 231 of 2023 as well as Interlocutory Application No. 32084 of 2023 stand disposed of.

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