

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR**

P.I.L. Stamp No.13400 of 2022

Gajendra S/o Dilip Chacharkar

Versus

The Union of India and others

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.R. Ingole, Advocate for Petitioner.

Shri N.S. Deshpande, Assistant Solicitor General of India for
Respondent No.1.

Shri N.S. Rao, Assistant Government Pleader for
Respondent Nos.2 and 3.

CORAM : SUNIL B. SHUKRE & G.A. SANAP, JJ.

DATE : 21st SEPTEMBER, 2022

1. Heard.
2. The petitioner, through this P.I.L., is seeking a direction to the State Government to grant permission to re-start the cock fighting on the ground that the cock fighting is a traditional sport, which is enjoyed by the citizens of the State of Maharashtra since ages. It is submitted by the petitioner that if the State Government is of the opinion that there is some element of cruelty involved, it can be taken care of by imposing certain conditions. It is further submitted that the notification issued by the Ministry of Environment, Forest and Climate Change dated 7-1-2016 prohibiting the certain animals to be exhibited or trained as performing animals does not include the cocks. Therefore, according to the petitioner, this is a permissible sport involving no cruelty to the participating birds, if the procedural safeguards are taken.
3. We are not inclined to accept any of the points raised in the argument of the learned counsel for the petitioner. Simply because some sport, custom or tradition is going on for ages, it cannot be a reason for the Court to allow the same. There are certain customs,

traditions or sports played in the ancient past, which were really unhealthy, and that was the reason for enacting a legislation for doing away with those unhealthy sports, traditions or customs; for example, The Child Marriage Restraint Act, 1929. Secondly, the argument that the cruelty involved in the cock fighting can be lessened by adopting certain procedural safeguards flies in the face of very concept of 'fighting' between two beings, especially when it is a 'fighting' between two beings with lower levels of consciousness, as in such fights lot of blood spilling and extreme violence are involved. Therefore, no matter what procedural safeguards are adopted, the fight would by its very nature result in injuries leading to profuse bleeding and probable deaths. In fact, it is our common experience that cock fighting is an extremely gory sport and it is not possible with any kind of human intervention to stop the fighting cocks from causing any serious injuries to each other. We have seen that such a sport is conducted only for the purpose of feeling the thrill of adrenalin rush, which is pumped in blood in gushes by our adrenal glands on seeing more and more violence taking place between the two fighting cocks. The phenomenon works on the principle, more the violence, more is the blood spilling and more is the excitement generated by greater secretion of adrenalin, which is entirely contrary to the provisions of the Prevention of Cruelty to Animals Act, 1960. Therefore, we do not think that this is a fit case for making any intervention by this Court in exercise of its extra ordinary jurisdiction under Article 226 of the Constitution of India.

4. The P.I.L. has no merit and the same stands dismissed.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)