



ANIMAL WELFARE BOARD OF INDIA

भारतीय जीव जन्तु कल्याण बोर्ड

(Ministry of Environment and Forests, Govt. of India)
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)

**S. UMA RANI
SECRETARY**

No.17-23/2010-11/PCA/CC

6-5-2013

To

Principal Chief Conservator of Forests
of all States / Union Territories

Sir,

I am directed to send you the Gujarat High Court order about freeing of birds in cages -- whether foreign or India. This would apply to your state as well as there is no contrary order in the state. I would be deeply grateful if you could send this to every senior forest official and CWW and ask them to wrap up the illegal bird markets that are taking place in every city.


This ruling of the Gujarat High Court was made in response to several criminal cases filed and the operative part of the judgement states:

This Court is conscious of the fact that this Court is dealing with the interim custody of the muddamal birds / animals but in the peculiar facts and circumstances of the case and the manner in which the birds / animals are kept in the cages and looking to the pain suffered to the birds / animals, this court is of the opinion that the only order which can be passed in the interest of justice would be to enlarge the birds / animals free in the open sky / air. As such the learned Additional Chief Judicial Magistrate had rightly passed an order directing to enlarge the birds free in the open sky, however, the revisional court, without assigning any reasons, has set aside such a direction. Even otherwise, section 451 of the Code of Criminal Procedure confers powers upon the Court for custody and disposal of the property pending trial and the Court may make such order as it think fit for the proper custody of such property, pending conclusion of the inquiry or trial and if such property is subject to speedy and natural decay, or if it otherwise expedient to do so, Court may after recording such evidence as it thinks necessary order it to be sold or otherwise dispose of. Considering the aforesaid provision and considering the fact that if birds in question are not ordered to be disposed of by way of enlarging them free in the air / sky, in that case looking to the hot weather, there are all chances that the birds may die. Under the circumstances also, it will be expedient and in their interest to enlarge the birds free. Under the circumstances the order passed by the revisional court to that extent deserves to be quashed and set aside and the order passed by the learned Additional Chief Judicial Magistrate directing to enlarge the birds / animals in the open sky deserves to be restored.

May I request you to please forward this to all concerned officials in your Department.

Thanking you,

Yours faithfully,


(S. Umarani)
Secretary

DESPATCHED

Encl: as above

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