

Shri Pramendra Dobhal, IPS
Senior Superintendent of Police, Haridwar
Office Roshnabad Haridwar,
Haridwar – 249 403

श्री प्रमोद प्रदीप
हरिद्वार पुलिस अधीक्षक कार्यालय
हरिद्वार

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

PETA India
PO Box 28260
Juhu, Mumbai 400 049
(22) 4072 7382
(22) 2636 7383 (fax)

Info@petaindia.org
PETAIndia.com

07 April 2025

Subject: Complaint to register a First Information Report (FIR) against Proprietors of the Asiad Circus for mutilating birds and request for seizure of mutilated birds for violation of animal protection laws

Dear Shri Dobhal Ji,

I'm writing on behalf of People for The Ethical Treatment of Animals (PETA) India, the country's best-known animal rights organisation, and in my capacity as an Honorary Animal Welfare Representative of the Animal Welfare Board of India (AWBI), a statutory body under the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India, to request that you direct the registration of an FIR against the proprietors of the Asiad Circus for mutilating birds by clipping their wings, in violation of the Prevention of Cruelty to Animals (PCA), 1960 and the Bharatiya Nyaya Sanhita (BNS), 2023, based on our observation of the Asiad Circus show witnessed on 06 April 2025, which is currently camped at Asiad Circus at Lal Kurti Cantonment, Roorkee Cantonment, Roorkee, Uttarakhand – 247 667. Asiad Circus is using non-native endangered wild birds for performances, namely Macaws and Cockatoos, which have been mutilated by clipping their wings. The violations include clipping the wings of these birds, an offence under the PCA Act, 1960 and the BNS, 2023.

The birds were subjected to significant stress during the shows. They displayed obvious signs of distress throughout the show, flapping their wings in panic and attempting to escape during the acts. Additionally, what raises serious concern is that the wings of the birds were clearly seen to be clipped, rendering them unable to fly as high as they naturally and normally would and escape the stressful situations they were subjected to. It was clearly seen in the show attended that the macaw performing the balance act on a seesaw are frantically flapping their wings in an attempt to fly. It is also evident that the macaws are not making any proper attempt to fly away, which strongly suggests that their wings have been clipped, resulting in the loss of their ability to fly and escape. The Hon'ble Apex Court in Animal Welfare Board of India vs A Nagaraja and Ors has held that the Constitution of India recognises the right of all animals to live with honour and dignity and lead lives free of cruelty. Vide said judgement, the Hon'ble Supreme Court also declared that the universally recognised five freedoms for animals be read into Sections 3 and 11 of the PCA Act, 1960 and directed states to protect and safeguard the said five freedoms. The five freedoms declared by the Supreme Court are as follows:

1. Freedom from hunger, thirst and malnutrition
2. Freedom from fear and distress
3. Freedom from physical and thermal discomfort

Affiliates:
• PETA Asia
• PETA Australia
• PETA Foundation (UK)
• PETA France
• PETA Germany
• PETA Netherlands
• PETA US

Registered Office
F-110, 1st Floor, Jagdamba Tower
Plot No 13, Community Centre
Preet Vihar, New Delhi
110 092

CIN: U74899DL2000NPL103217

4. Freedom from pain, injury and disease
5. Freedom to express the normal pattern of behaviour

It is important to note that for birds, the ability to fly high in the skies is a fundamental and natural behaviour. Clipping their wings prevents them from expressing this innate behaviour, thereby violating the freedom to express normal patterns of behaviour—and causing them distress and suffering.

Photographs showing the clipped wings are attached as **Annexure I**. Section 3 of the PCA Act, 1960 makes it the duty of persons having charge of animals to ensure that animals under their ownership or care are not subjected to unnecessary pain or suffering. Clipping feathers also violates Section 11(1)(i) of the PCA Act, 1960 that states it is cruelty to animals if any person “*mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner.*”

Most significantly, the circus is clearly and blatantly violating the provisions of the BNS, 2023. To prevent the birds from flying away, the feathers of all the birds performing in the act are cut. They are being clipped regularly, leading to a severe violation of Section 325 of the BNS, 2023, which states, “*Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.*”

The term “animal” is defined under Section 2(2) of the BNS, which states that an animal means “any living creature, other than a human being” and therefore includes birds.

Furthermore, acts done in furtherance of common intention by several persons are an offence under Section 3(5) of the BNS, 2023. The owner/custodian of the birds and the circus management are therefore both liable under Sections 325 read with 3(5) of the BNS, 2023 collectively.

In a similar case, Thrissur police acted against the Great Bombay Circus for the same violation of cutting feathers of birds used in performances. When the circus proprietors appealed to the Kerala High Court for the return of the birds after the police had seized them based on the violation, the Kerala High Court recognized that cutting the wings of birds amounts to maiming and ordered that the birds not be returned to their owners and sent to Trivandrum Zoo for interim custody.

It is pertinent to note that in the judgment of the Hon'ble Kerala High Court (**Annexure II**), the court underscored that in matters concerning welfare legislation, the provisions of the law must be liberally interpreted in favour of animals, who are inherently vulnerable and incapable of defending themselves against human actions. The Hon'ble High Court reaffirmed its role under the doctrine of *parens patriae* to safeguard the rights of animals, holding that the cutting of flight feathers, which inflicted distress and physical discomfort upon the birds, amounted to cruelty. **The court further reiterated the necessity for adherence to the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, to ensure appropriate standards of care for seized animals.**

PETA India
PO Box 28260
Juhu, Mumbai 400 049
(22) 4072 7382
(22) 2636 7383 (fax)

Info@petaindia.org
PETAIndia.com

Affiliates
• PETA Asia
• PETA Australia
• PETA Foundation (UK)
• PETA France
• PETA Germany
• PETA Netherlands
• PETA US

Registered Office:
F-110, 1st Floor, Jagdamba Tower
Plot No 13, Community Centre
Preet Vihar, New Delhi
110 092

CIN: U74899DL2000NPL103217

We'd also like to bring to your attention the judgment dated 7 May 2014 passed by the Hon'ble Supreme Court of India in SLP(C) No 11686 of 2007 titled 'Animal Welfare Board of India versus A. Nagaraja' wherein the Supreme Court has held that it's the duty of the government to enforce the PCA Act, 1960, and that if the provisions of the act and the directions and declarations of the Supreme Court are not properly and effectively complied with, the government should see that disciplinary action is taken against erring officers so that the object and the purpose of the act can be achieved.

This letter includes a pen drive containing photos and videos shot on 06 April 2025, evidencing the violations regarding animal performances and clipping of feathers amounting to maiming.

In light of the cruelty to animals documented at the circus as well as the gross violations of animal protection laws and the BNS, 2023, you are requested to register an FIR against the proprietors of the Asiad circus for violation of Section 325 and 3(5) of the BNS, 2023; and Sections 3, 11(1)(a) and 11(1)(l) of the PCA Act, 1960 and seize *all* birds in custody of the Asiad Circus who are subjected to maiming by the Asiad Circus management, in exercise of the power and responsibility conferred upon the Police by Section 34 of the PCA Act, 1960 and rehabilitate them in accordance with the provisions of Section 35 of the PCA Act, 1960. We are happy to assist with the rehabilitation of the seized birds.

Should you have any questions, I can be reached on 9324938164 or at Vsingh@petaindia.org

Sincerely,



Virendra Singh
Cruelty Response Coordinator – PETA India
Honorary Animal Welfare Representative – AWBI, Government of India

Affiliates:

- PETA Asia
- PETA Australia
- PETA Foundation (UK)
- PETA France
- PETA Germany
- PETA Netherlands
- PETA US

Registered Office:
F-110, 1st Floor, Jagdamba Tower
Plot No 13, Community Centre
Preet Vihar, New Delhi
110 092