PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS INDIA

PETA India
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To
The Senior Police Inspector,
Colaba Police Station
Shahid Bhagat Singh Road, Colaba,
Mumbai – 400 005

18 April 2025

Subject: Complaint against illegal use of a horse for pulling Victoria carriage, in violation of animal protection laws and Hon'ble Bombay High Court's judgment; request for FIR and seizure of the horses

Dear Sir,

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) India, the country's best-known animal rights organisation, to bring to your attention a concerning incident involving the operation of a Victoria carriage in contravention of the judgment of the Hon'ble Bombay High Court dated 8 June 2015, in Animals and Birds Charitable Trust vs. MCGM and Others (PIL No. 36 of 2011) and animal protection laws.

A vigilant local citizen reported the presence of a horse-drawn Victoria carriage on 7 April 2025 near the Regal Cinema in Colaba at approximately 12:28 p.m. Photographic evidence, which has been enclosed for your reference, clearly depicts a horse being used to draw a Victoria carriage with passengers aboard with a plate at the back bearing these details: **PANKAJ 8433960698**. The precise location of the sighting is accessible via the following Google Maps link: https://maps.app.goo.gl/NdghEMKuLDp48v419

As you are aware, the Hon'ble Bombay High Court, in its aforementioned judgment dated 8 June 2015, expressly prohibited the use of horse-drawn Victoria carriages for rides within the jurisdiction of Mumbai. The Court further held that keeping horses in the city **was illegal as no stables were licensed by the Municipal Corporation of Greater Mumbai (MCGM)** under the governing provisions of the Mumbai Municipal Corporation (MMC) Act, 1888. Accordingly, the Court directed the MCGM to shut down such facilities. **The Mumbai Police were also directed to enforce these prohibitions and prevent the use of horses for rides across the city, and violators were to be booked.**

The High Court unequivocally stated: "*We hold that the use of horse driven carriages/Victorias in the city of Mumbai for joy rides is completely illegal*." The Court also noted that none of the stables complied with the licensing requirements under Section 394 of the MMC Act, 1888 and further held that using such stables violates Sections 347B, 347C and 384 of the said Act.

Para **49 (e)** of the judgement mentioned above clearly says, **"*We direct the Mumbai Municipal Corporation to close down all the stables in the city of Mumbai meant for horses and ponies on expiry of a period of one year from today. The Municipal Corporation shall also take action under the said Act of 1888, including under Section 471 thereof.*"** The one-year period concluded on 8 June

Entities:
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- PETA France
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CIN: U74899DL2000NPL103217

2016. Despite nearly a decade since the High Court's judgment, unlicensed stables continue to operate within city limits. It is pertinent that the MCGM take legal action by seizing the horses and sealing these illegal stables in compliance with the Hon'ble Bombay High Court's order.

Additionally, using a horse on a busy street poses a significant risk of accidents, as was evident in this case. Such practice not only endangers the animal's welfare but also threatens the personal safety of the general public. These actions constitute offences under **Sections 125 and 291 of the Bharatiya Nayaya Sanhita (BNS), 2023.**

Section 3 of the Prevention of Cruelty to Animals (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. The section reads as follows, *"Duties of persons having charge of animals — It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering."* The aforementioned act also violates Section 3 of the PCA Act, 1960.

Owner has been defined under Section 2(f) as - "owner", used with reference to an animal, includes not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner.

Section 11(1) of the PCA Act, 1960, defines acts considered cruel to animals and make the same punishable under the law. **Section 11(1)(a)** of the Act prohibits treating any animal so as to subject them to unnecessary pain and suffering.

In addition, please note that any person desirous of training or exhibiting animals for entertainment, in this case for rides given for entertainment, is required to be registered with the Animal Welfare Board of India (AWBI) and obtain a **Performing Animal Registration Certificate (PARC)** from the AWBI as mandated by the Performing Animals (Registration) Rules, 2001. **The horse is not registered with the AWBI,** and using unregistered animals for training or exhibition violates Section 26(a) of the PCA Act, 1960.

Rule 3 of the Performing Animals (Registration) Rules, 2001 makes it an offence to exhibit an animal for performance without obtaining a valid PARC from the AWBI. We are given to understand that no permission has been sought from the AWBI to train and exhibit the horse under the accused owner's possession for entertainment of the public. The police can verify the veracity of the same by calling upon the animal owners to produce the said PARC. Violation of the Rules framed under the PCA Act, 1960, is punishable under **Section 38(3) of the Act.** Further, in its order dated 7 July 2017, the Hon'ble Bombay High Court accepted the Maharashtra Government's rehabilitation plan for Victoria carriage owners and drivers, thereby facilitating the lawful removal of horses from Mumbai's streets. The affidavit submitted by the State Government also confirms that the responsibility for implementation of this plan rests with the MCGM.

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We'd like also to bring to your attention to the judgment dated 7 May 2014 passed by the **Hon'ble Supreme Court of India's in SLP(C) No 11686 of 2007 titled 'Animal Welfare Board of India versus A. Nagaraja'** wherein the 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.

Given the above, we kindly request you to initiate immediate and appropriate action, including **registering an FIR** and enforcing the Hon'ble Bombay High Court's binding directions. The FIR may be registered under the following legal provisions: Sections 125 and 291 of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 11(1)(a) and 26(a) of the Prevention of Cruelty to Animals Act, 1960. We also specifically urge that the **horse be immediately seized** pursuant to the powers vested in the police under Section 34 of the PCA Act, 1960 and rehabilitated in accordance with Section 35 of the Act to prevent further cruelty and suffering. PETA India stands ready to support the rehabilitation of the seized horses.

Should you have any questions, I can be reached SaloniS@petaindia.org or 9326947611.

Sincerely,

Saloni Sakaria
Lead Cruelty Response Coordinator, PETA India

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