

Computer No. 135968

**Government of India
Ministry of Environment, Forest and Climate Change
CENTRAL ZOO AUTHORITY**

B-1 Wing, 6th Floor,
Pandit Deendayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003,
Telephone: +91-11-24367846/51/52,
E-mail: cza@nic.in

Dated 17/12/2020

Through Registered Post / E-mail

ORDER

[UNDER SECTION 38-H(6) OF THE WILD LIFE (PROTECTION) ACT, 1972]

Subject: Cancellation of recognition of the Great Golden Circus - regarding

Whereas, notice dated 1st September, 2020 served upon the Great Golden Circus under sub-section (6) of the Section 38-H of the Wild Life (Protection) Act, 1972, for following reasons:

- a. The Great Golden Circus did not file an application in Form – I with current information on captive animals intended for display to public;
- b. The Great Golden Circus did not submit copy of valid ownership certificate for two female elephants in custody and documents pertaining to legality of their acquisition;
- c. The Great Golden Circus did not submit copy of Registration as a firm or other association of individuals;
- d. The Great Golden Circus did not submit details of pending litigation, if any, before the Hon'ble High Court of Bombay or any other court of law, with respect to recognition of the Great Golden Circus under Section 38-H of the Wild Life (Protection) Act, 1972;
- e. The Great Golden Circus did not submit Monthly Compliance Report for perusal of the Central Zoo Authority, as directed by the Appellate Authority, with respect to Guidelines for upkeep of elephants;
- f. The Great Golden Circus did not submit factual report in the complaint alleging operation of the Great Golden Circus in two units.

2. And whereas, the Proprietor, Great Golden Circus was provided an opportunity of hearing as per provisions laid under Section 38-H(6) of the Wildlife (Protection) Act, 1972, before the Member Secretary, Central Zoo Authority, on Wednesday, 30th September, 2020.

3. And whereas, reply dated 26th September, 2020 was filed by the Proprietor, Great Golden Circus. In the said reply, the Proprietor, Great Golden Circus stated following:

a. That the Great Golden Circus does not have sufficient funds and resources to manage elephants that are having specific veterinary requirements;

b. That the Great Golden Circus is unable to avail opportunity of hearing given to it due to COVID-19 pandemic;

c. That the recognition of the Great Golden Circus may be cancelled by the Central Zoo Authority as per provisions of the Wild Life (Protection) Act, 1972

4. And whereas, the Proprietor, Great Golden Circus expressed inability to avail opportunity of hearing given to it and also requested the Central Zoo Authority to cancel recognition of the Great Golden Circus as per provisions of the Wild Life (Protection) Act, 1972. The Proprietor, Great Golden Circus did not file reply to specific violation cited by this office in the notice dated 1st September, 2020.

5. And whereas, on perusal of the reply filed by the Proprietor, Great Golden Circus and after due deliberation, the Technical Committee of the CZA, in its 98th Meeting held on 19th November, 2020, recommended to the CZA, to cancel recognition of the Great Golden Circus.

6. Now, therefore, the Central Zoo Authority in its 37th Meeting held on 7th December, 2020, in view of grounds cited above sufficient opportunity given to the applicant and in exercise of powers conferred under sub-section (6) of Section 38-H under the Wild Life (Protection) Act, 1972, cancelled recognition of the Great Golden Circus.

7. Appeal against this Order, if any, may be made before the Central Government under sub-section (7) of Section 38-H under the Wild Life (Protection) Act, 1972, within thirty days of issue of this order.

This issues with the approval of the competent authority .

sd/-

(Sonali Ghosh)
Dy Inspector General Of Forest

To

The Proprietor,
Great Golden Circus,
4, Khurshid Park Society,
Opp. Iqra Hospital, Sarkhej Road,
Sarkhej, Ahmedabad – 390 055, Gujarat,
E-mail: goldencircusindia@gmail.com

Copy forwarded for information / necessary action to:

1. The Secretary, Animal Welfare Board of India, Ministry of Fisheries, Animal Husbandry and Dairying, Government of India, NIAW campus, 42 Mile Stone, Delhi – Agra Highway, NH-2, Ballabhgarh, Haryana – 121 004, E-mail: animalwelfareboard@gmail.com
2. The Chief Wildlife Warden, Department of Forests and Environment, Aranya Bhawan, Ch-3 Circle, Opp. St. X'viers School, Sector 10-A, Gandhinagar, Gujarat, E-mail:cwlguj@gmail.com - with reference to his letter No.WLP/26/508-13/2020-21 dated 6th October, 2020.

F.No.26-1/2019-CZA
Government of India
Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 110 003.

ORDER

Whereas, the appeal dated 20nd November 2017 filed by the Great Golden Circus (Mobil Camping Circus) against Order No. F.No. 22/16/2004-CZA(422) (Vol.1) (AK) dated 23rd October, 2017 issued by the Central Zoo Authority cancelling recognition of the Great Golden Circus (Mobil Camping Circus), as per provisions laid under Section 38-H(6) of the Wild Life (Protection) Act, 1972, for non-compliance of standard and norms laid under the Recognition of Zoo Rules, 2009 and Guidelines there under.

And whereas, a hearing was held by the undersigned as Appellate Authority in the capacity of the Secretary to the Government of India (Environment, Forests and Climate Change) as per provisions laid under Section 38-H(7) of the Wild Life (Protection) Act, 1972, on 30th August, 2019 at Conference Hall in the Office of the undersigned in Indira Paryavaran Bhawan, Aliganj, New Delhi. During the hearing, following were present:

Petitioner: Great Golden Circus (Mobil Camping Circus)

Sh. R.M Pillai, Representative of the Great Golden Circus (Mobil Camping Circus)

Respondent: Central Zoo Authority

Dr. S.P. Yadav, Member Secretary, Mr. T. Ajay Kumar, Evaluation and Monitoring Assistant, Kunal Kulbaskar, Law officer represented the Central Zoo Authority.

Mr. Soumitra Das Gupta, Inspector General Wildlife, Ministry of Forest and Climate Change moderated the hearing.

And whereas, during hearing of the appeal, Dr. S.P. Yadav, Member Secretary, Central Zoo Authority appraised following as prominent grounds for cancellation of recognition of the Great Golden Circus (Mobil Camping Circus)

1. Not produced records on origin of two female elephants (Micro-chip numbers 0006586247 and 00065841CF) presently in possession of the Great Golden Circus.
2. Limited movement of elephants and it was reported that 'apparently there is some discord between the two animals which when unattended by mahouts tends to aggravate into a dominance tussle.

3. It was observed by evaluating officers that the elephant namely 'Anar' showed mild signs of stereotypic behaviour. This is in violation of provisions laid down in Schedule 4(3) of Rule 10 under Recognition of Zoo Rules, 2009. Non-compliance by the circus operator indicates failure to ensure expression of natural behaviour by the elephants in possession.
4. The elephants were found to be obese indicating overfeeding and under exercise as the fat on the spinal ridge is complete giving it round shape with no sign of ridge being visible. This is in violation of provisions laid down in Schedule 4(3) of Rule 10 under Recognition of Zoo Rules, 2009. The Circus operator has been repeatedly directed by the Central Zoo Authority vide letter F.No.22-16/2004-CZA(422)(M) dated 12.10.2006, F.No.22-16/2004-CZA(422)(M) dated 26.03.2009, F.No.22-16/2004-CZA(422)(M) dated 10.08.2010 and F.No.22-16/2004-CZA(422)(M)/732 dated 11.10.2011 respectively, for compliance in this regard. Non-compliance by the circus operator indicates lack of skill and expertise in management of elephants in possession.
5. Failed to maintain treatment records of elephants prior to 17th August, 2016 in format prescribed by the CZA. Further, observed that the visiting Veterinarian recorded "all is well" without recording any facts observed during clinical examination of the animals. The observation or examination record of temperature, pulse etc needs to be recorded by the Veterinarian at the time of examination of the animals. This is in violation of provisions laid down in Schedule 5(10) of Rule 10 under Recognition of Zoo Rules, 2009. The Circus operator has been repeatedly directed by the Central Zoo Authority vide letter F.No.22-16/2004-CZA(422)(M) dated 12.10.2006, F.No.22-16/2004-CZA(422)(M) dated 26.03.2009, F.No.22-16/2004-CZA(422)(M) dated 10.08.2010 and F.No.22-16/2004-CZA(422)(M)/732 dated 11.10.2011 respectively, for compliance in this regard. Non-compliance by the circus operator indicates poor record maintenance of the medical care of the animal.
6. It was also observed that de-worming of the animals is overdue. This is in violation of provisions laid down in Schedule 5(8) of Rule 10 under Recognition of Zoo Rules, 2009. The Circus operator has been repeatedly directed by the Central Zoo Authority vide letter F.No.22-16/2004-CZA(422)(M) dated 12.10.2006, F.No.22-16/2004-CZA(422)(M) dated 26.03.2009, F.No.22-16/2004-CZA(422)(M) dated 10.08.2010 and F.No.22-16/2004-CZA(422)(M)/732 dated 11.10.2011 respectively, for compliance in this regard. Non-compliance by the circus operator indicates casual approach in ensuring healthcare of elephants in possession.
7. One of the elephants namely 'Champa' shows signs of very poor foot care. No action has been taken in this regard. This is in violation of provisions laid down in Schedule 5(7) of Rule 10 under Recognition of Zoo Rules, 2009. Non-compliance by the circus operator compromises with well-being of elephant.
8. Failed to produce records on faecal sample examination of elephants. This is in violation of provisions laid down in Schedule 5(8) of Rule 10 under Recognition of

Zoo Rules, 2009. The Circus operator has been repeatedly directed by the Central Zoo Authority vide letter F.No.22-16/2004-CZA(422)(M) dated 12.10.2006 for compliance in this regard. Non-compliance by the circus operator hampers preventive measures to ensure good health of elephants. Therefore, for safety of the human beings and the animals the tranquilizing equipment and drugs are essential to meet any unforeseen eventuality, although the circus is keeping female elephants only.

9. Observed that the space for walking of elephants is limited and is an open ground approximately 100 x 50 meters, which is also used by children as play ground. Evaluating officers opined that it is highly unlikely that even one hour of walking for elephants is possible. Moreover, it was stated by the circus people that the elephants are being given a walk in that area. But, no evidences of dung or tracks were observed in the area, raising doubts that the elephants are being given a walk in that area. This is in violation of provisions laid down in Schedule 4(3) of Rule 10 under Recognition of Zoo Rules, 2009. The Circus operator has been repeatedly directed by the Central Zoo Authority vide letter F.No.22-16/2004-CZA(422)(M) dated 12.10.2006, F.No.22-16/2004-CZA(422)(M) dated 26.03.2009, F.No.22-16/2004-CZA(422)(M) dated 10.08.2010 and F.No.22-16/2004-CZA(422)(M)/732 dated 11.10.2011 respectively, for compliance in this regard. Non-compliance by the circus operator deprives the elephants of minimum exercise required for its well being.
10. Failed to produce Annual Inventory Report of animals in possession of the Great Golden Circus. This is in violation of provisions laid down in Rule 11(1) of the Recognition of Zoo Rules, 2009. The Circus operator has been repeatedly directed by the Central Zoo Authority vide letter F.No.22-16/2004-CZA(422)(M) dated 12.10.2006, F.No.22-16/2004-CZA(422)(M) dated 26.03.2009, F.No.22-16/2004-CZA(422)(M) dated 10.08.2010 and F.No.22-16/2004-CZA(422)(M)/732 dated 11.10.2011 respectively, for compliance in this regard. Non-compliance by the circus operator indicates poor management of records and violation of the Rules
11. Failed to renew the registration of the Great Golden Circus with the Animal Welfare Board of India. The Certificate produced dated 28.09.2001 indicate possession of five elephants. Whereas, presently, the Great Golden Circus is in possession only two female elephants.

And whereas, the Great Golden Circus (**Mobil Camping Circus**) pleaded following in the appeal ~~the following~~:

1. That the problem regarding the veterinary doctor is solved as they have outsourced a veterinary doctor who visits the animals in the circus on regular basis.
2. That they are taking care of the said elephants for the last 40 years and elephants maintain good health.
3. That the validity of the ownership of elephant is up to 2021 and the appellants gave a commitment that after that he will not press for renewal of the

ownership certificate and will surrender the elephants to the Forest Department.

Now, therefore, after going through the pleadings of the parties, I set aside the Central Zoo Authority's Order dated 28th November, 2018 and dispose the appeal filed by the Zoo with following directives:

- a) The proprietor of Great Golden Circus (Mobile Camping Circus) will hand over the elephants to the concerned authorities after the current period of validation of ownership, subject to litigations pending in High Court of Bombay and other courts.
- b) Guidelines for up keep of elephants to be provided^{to} the circus authorities.
- c) That the circus authorities will submit compliance of these guidelines to the Central Zoo Authority for monitoring on monthly basis.

All concerned be informed accordingly.


(C.K. Mishra)

Secretary to the Government of India
(Environment, Forest and Climate Change)

Place : New Delhi

Date :