END CIRCUS SUFFERING

AN ARGUMENT FOR THE BAN ON THE USE OF ANIMALS IN CIRCUSES

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Preface

The present document is based on FIAPO's study of the nature of abuse of animals in Indian circuses and is an argument to end their inhuman treatment. It is based on national and international precedence; changing outlook to consumption of animal entertainment; legal status of animal protection and a realistic estimation of the relevance of animals in circuses.

About Federation of Indian Animal Protection Organisations (FIAPO)

FIAPO (Federation of Indian Animal Protection Organisations) is India’s leading animal protection body. As a collective voice for the animal protection community in India, FIAPO unites all animal protection organisations nationwide to exchange ideas, build expertise and take action to strengthen the animal rights movement in the country. FIAPO works with over 160 member organisations, 200 supporter organisations and over 1000 activists in more than 70 cities across India. They are the largest Federation in the country and one of the largest movement-building organisations in the world.
# Table Of Contents

**Executive Summary** 3-5

**Chapter I.**  
**An Overview of Circuses in India** 6

**Chapter II.**  
**Current Policy and Legal Framework for Regulating Animals in Circuses** 7-8

- The Prevention of Cruelty to Animals Act, 1960 (PCA) .......................................................... 7
- Performing Animals Rules 1973 (PAR) and the Performing Animals (Registration) Rules, 2001 (PARR) ........................................................................................................ 7
- The Wildlife Protection Act, 1972 (WPA) ...................................................................................... 7
- Recognition of Zoo Rules, 2009 (RZR) .......................................................................................... 7
- Animal Welfare Board of India (AWBI) and Central Zoo Authority (CZA) ......................... 8

**Chapter III.**  
**Compromising Animals: Challenges for the Current Legal Framework** 9-15

- Animals in Circuses kept in Violation of Current Laws ................................................................. 9
- Putting Public Safety at Risk ............................................................................................................ 11
- Challenges for Local Administration to Enforce Existing Law ...................................................... 12
- Circuses Giving Law the Slip ........................................................................................................ 12
- Reasons for Poor Animal Welfare in Circuses ............................................................................. 15

**Chapter IV.**  
**Animal-Free Circuses: The Future** 16-21

- Human Artists - The Backbone of the Circus Industry ............................................................... 16
- Animal Circuses - A Thing of the Past: National and International Precedence .......... 17

**Chapter V.**  
**Conclusion and Appeal** 20

**Bibliography** 21

**Annexures** 22-27
The practice of using animals to perform tricks and collecting menageries is literally a medieval phenomenon, reflecting of times when people had limited sources of entertainment and the concept of rights and sentience was absent from the public psyche. Animals were considered property and used for different forms of human ‘consumption’, without recognition of their liberty or attribution of free will. Circuses were the same form of ‘entertainment’ where human deformities were treated as objects of interest and exhibited as ‘freak shows’.

India has 53 traveling circuses with 560 animals, including 52 elephants, 137 exotic birds and other domestic animals like dogs, goats, horses and camels (AWBI, 2016). All circus animals are subjected to harsh training from a young age using negative conditioning of torture and punishment to force them to perform unnatural tricks and maneuvers. Some of the tricks and training techniques have been shown to put the lives of the animals at risk. A common sight in Indian circuses is a group of malnourished; uncared for animals showing telltale signs of physical and psychological trauma with open wounds and chronic deformities. The crippled animals are left to die, only to be replaced by new ones bearing their name.

Of the 53 circuses, only 32 are registered with the Animal Welfare Board of India (AWBI) under the Performing Animals Registration Rules, 2001 (PARR), mandatory for staging animal performances anywhere in the country (AWBI, 2016). The rest continue to operate in violation of the law. Even the circuses which are registered with the AWBI routinely flout rules under the Prevention of Cruelty to Animals Act, 1960 (PCA) and the Wildlife Protection Act 1972 (WPA). Violation of rules is in the form of illegal trade in wildlife, lack of legitimate ownership documents for the animals, illegal transport of animals across state borders, illegal breeding, cruelty and neglect of animals, as shown during inspection of circuses. (AWBI, 2013-2014)

These acts are in direct violation of the conditions of registration under PARR. Dogs and horses are routinely bred in captivity, and new animals acquired without intimation to the Board, which is also an offence under the rules.

Circuses with wild animals are required to be registered under the Recognition of Zoo Rules 2009 (RZR) under the Indian Wildlife Protection Act, 1972 (WPA). The Central Zoo Authority (CZA), in charge of these recognitions, has reported repeated violations of the conditions of recognition (CZA, 2014). The housing, feeding, exercise and enrichment provided to wild animals grossly fall short of the CZA norms. Asian elephants (protected under Schedule 1 of the Wildlife Protection Act) are also traded indiscriminately, without the knowledge of the CZA or the local Forest Departments. They usually lack the mandatory ownership certificates and microchips necessary to identify individual elephants, thereby making it a mammoth task to track them. Other species like Hippopotamus and exotic birds live in worse conditions (CZA, 2014).
Circuses Compromising Animal Welfare

Circuses in India have been shown to compromise with the welfare of animals in their possession and to even consider it unnecessary. Some of the welfare concerns in Indian circuses are:

- Mutilation of animals to keep them submissive
- Diseased (sometimes with contagious infections) and malnourished animals
- Forcing animals to perform acts which could be fatal (for example, jumping through fire, inhaling chemicals)
- Highly unhygienic living conditions
- Breeding animals without license
- Use of pregnant, disabled, sick and injured animals for performance
- Misleading authorities and using animals without license
- Using more animals than the number permitted and often replacing dead ones with new animals without any proper record keeping
- Cruel methods of training- by means of negative reinforcement
- Animals under continuous mental stress and thereby exhibiting stereotypical behaviour (PETA, Animals in Indian Circuses, 2013)

It has been repeatedly shown that circuses treat animals in a cruel and inhuman manner, forcing them to live a life devoid of any freedom. Once an animal is in a circus, it lives a life characterized by boredom, stress and pain. Circus animals have no families and are often separated from their young ones at an early age. They do not get enough exercise or opportunities for socialization, which is a prerequisite for physical and mental health. Caging in extremely small enclosures or tying with short tethers for up to 22 hours a day causes permanent damage to their bodies. It also subjects the animals to enormous mental stress, which is expressed in the form of stereotypical behaviour. Continuous transport from one camp to the other, lack of adequate food and water, medical attention and hygiene also contribute to the above and are common to all circuses (AWBI, 2013-2014).

The process of making an animal perform, involves the most active expression of cruelty. Their acts that the spectators applaud are a result of hours of torture using whips, pokes, sticks and other devices designed to inflict pain. Trainers resort to the most brutal techniques (including burning and mutilation) to break the animals' spirit and transform them into submissive, mechanical beings. Animals perform, not for the love of their trainer, but to avoid punishment. All the training methods, standards of upkeep and some of the acts the animals perform put them at the risk of injury, death or chronic disease (FIAPO, 2016). Circuses also engage in other cruel and illegal activities like trimming the tusks of elephants and disposing of them without valid permissions. This amounts to smuggling which the inspection reports have highlighted (AWBI, 2014).

Circuses fail to provide natural surroundings to the animals with them and keep them caged/tied when not performing. Many animals do not know the meaning of a compassionate touch, and wince at the approach of a human hand. This indicates the regularity of physical abuse that they go through (AWBI, 2013-2014).

As a direct consequence of such cruel treatment, animals often exhibit violent behaviour. Footage from inspection of circuses shows animals trying to break free from their tethers, remonstrating aggressively, attacking and injuring other animals in their enclosure (AWBI, 2013-2014). Instances of aggravated animals attacking their handlers have also been reported. In one instance, a circus elephant killed its handler and in another, the forest department had to intervene to control an agitated elephant (AWBI, 2014). Considering the fact that circuses are open to general public and involve close contact of animals with people, such occurrences pose a serious threat to public health and life. In this context, it is relevant to remember the incidence of Tyke, the circus elephant which killed two people and ran out onto the streets of Honolulu before being shot dead by police (HuffingtonPost, 2014). It would be truly gruesome if a repeat of such an incident should occur in India.
Circuses are also cruel to the people they employ. They fail to provide minimum wages and address staff welfare. Taking advantage of their continuously traveling nature, circuses evade law and engage in trafficking of people and child labour, offences for which they have been prosecuted in the past.

In our country, which has a rich culture of traditional arts based on human skill, it is unfortunate that the alien concept of brutalizing animals is being replicated for entertainment. The native arts, if promoted, can be easily adopted by circuses to create a unique and enthralling experience for families. Circus artists are the backbone of the industry. Internationally as well, animal free circuses are gaining more popularity day by day, replacing the cruel ones that use animals.

The above arguments form an overwhelming case for prohibition of use of all animals in circuses. Civil society, the public at large and the judiciary have taken the stance that the use of animals for entertainment is an inherently cruel and unnecessary practice. The government should pay heed to this sentiment and ban the use of animals in circuses, which would be consistent with the constitutionally prescribed duty of ensuring justice and equality to all living beings.
An Overview of Circuses in India

In India, circuses are traveling businesses, which frequently move from one town to another with the people and animals they use for performance. All Indian circuses operate by the ‘Big Top’ model, in which the entire camp is under a large canvas roof. At the center of it is the circular arena, where performances take place, with seating for spectators all around. A manager travels with the camp, with the proprietor usually being based out of a major city. The Circus Federation is an entity which represents some of the major circuses in the country.

Most Indian circuses use animals for performance, in the hope to attract spectators. In addition to domestic animals, elephants and exotic wildlife are also used. These animals are kept and trained with the sole purpose of profiting from their displays. There is scant regard to the fact that the animals are sentient beings or for their wellbeing, leading to negligence in their care. Abuse of animals is common, as reported by inspections authorised by the AWBI (AWBI, 2013-2014). The nature of abuse includes physical and psychological domination of the trainer over the animal.

Circuses using animals cruelly and illegally are being reported from different parts of the country. The number of circuses has gone up from 48 in July 2015 to 53 in December 2015; World champion circus, New Golden circus, Great Kamal circus and Grand Apollo circus being the newly reported ones.

Animals and birds are threatened to perform unnatural tricks in circuses- like this Macaw being forced to walk on a ball
Current Policy and Legal Framework for Regulating Animals in Circuses

The Prevention of Cruelty to Animals Act, 1960 (PCA)

The PCA defines cruelty to animals in general and lays down provisions to ensure animals are not abused.

Section 3 of PCA states- “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.”

Chapter II of the Act prescribes the establishment of the Animal Welfare Board of India (AWBI), “for the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular”

Specific rules under the Act have detailed provisions for checking cruelty to animals during performance, transport, breeding, care and management.

Chapter V of the Act, the Performing Animals Rules 1973 (PAR) and the Performing Animals (Registration) Rules, 2001 (PARR) give the mandatory conditions under which animals can be used for performance.

Performing Animals Rules 1973 (PAR) and the Performing Animals (Registration) Rules, 2001 (PARR)

Under these rules, every person who intends to train, exhibit or use an animal for performance is required to be registered with the AWBI, in the prescribed format, and after paying the requisite fees. It is then mandatory for such a person to abide by the conditions stipulated under the Rules to ensure welfare of the animals.

These rules also empower the AWBI to inspect circuses, and if deemed proper for the welfare of animals, revoke such a registration issued to the circus.

The Wildlife Protection Act, 1972 (WPA)

The WPA lays down conditions for ownership of elephants and exotic wildlife, and animal articles. Chapter IVA of the act prescribes the establishment of the Central Zoo Authority (CZA) with powers to regulate the conditions under which wild animals are kept in zoos/circuses.

Recognition of Zoo Rules, 2009 (RZR)

These rules, formed under section 63 of the WPA provide detailed guidelines for wild animals to be kept in zoos/circuses. Under these rules, premises (including circuses) housing a wild animal (Indian/exotic) are required to be registered with the CZA. It is also mandatory for circuses to abide by the conditions stipulated under the Rules to ensure welfare of the animals. Failing this, the CZA can decline renewal/cancel recognition to the circus, thereby prohibiting it from keeping wild animals.

In a landmark decision influencing the use of animals for entertainment, the Government of India passed a notification dated 14.10.1998 prohibiting bears, monkeys, tigers, panthers and lions from being trained in circuses and other establishments.
Animal Welfare Board of India (AWBI)

The AWBI is the statutory body which regulates the use of animals for performance. It is the prescribed authority under the PAR and the PARR. In addition to ensuring the general well being of all animals, it also lays out specific conditions for training and performance with animals.

Central Zoo Authority (CZA)

The CZA is the statutory body which regulates conditions in which wild animals are kept in circuses. Under the provisions of the RZR, it has formulated due procedure for ensuring the conditions are met, failing which, circuses are not allowed to house wild animals.
Compromising Animals: Challenges for the Current Legal Framework

Animals in Circuses kept in Violation of Current Laws

The PCA and WPA provide for protection and welfare standards for the animals used in circuses, which are never adequately met by traveling commercial establishments. Circuses have repeatedly failed to meet specific conditions for registration under the current law and typical violations include:

- Animals procured by illegal breeding/trade
- Cruel training of animals- by means of negative conditioning
- Extremely poor healthcare for animals leading to rampant physical and psychological injuries/abnormalities
- Inadequate food, water, exercise and socialization for the animals
- Animals being forced to perform unnatural acts
- Illegal exchange of animals between circuses and transport without necessary paperwork
- Tusk trimming in elephants without mandatory permission of forest department (PETA, Animals in Indian Circuses, 2013)

In a landmark judgment addressing the above challenges, and influencing the use of animals for performance, the Supreme Court of India in 2014, made the following observations-

In the case Animal Welfare Board of India vs. A. Nagraja in Civil Appeal No. 5387 of 2014, the court observed in para 51 that “When we look at the rights of animals from the national and international perspective, what emerges is that every species has an inherent right to live and shall be protected by law, subject to the exception provided out of necessity. Animal has also honour and dignity which cannot be arbitrarily deprived of and its rights and privacy have to be respected and protected from unlawful attacks.”

In para 56 it held “Rights guaranteed to the animals under Sections 3, 11, etc. (of the PCA) are only statutory rights. The same have to be elevated to the status of fundamental rights, as has been done by few countries around the world, so as to secure their honour and dignity. Rights and freedoms guaranteed to the animals under Sections 3 and 11 have to be read along with Article 51A(g)(h) of the Constitution, which is the magna carta of animal rights.”

Para 61 says “Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word “life” has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution. So far as animals are concerned, in our view, “life” means something more than mere survival or existence or instrumental value for human-beings, but to lead a life with some intrinsic worth, honour and dignity.
Animals’ well-being and welfare have been statutorily recognised under Sections 3 and 11 of the Act and the rights framed under the Act. Right to live in a healthy and clean atmosphere and right to get protection from human beings against inflicting unnecessary pain or suffering is a right guaranteed to the animals under Sections 3 and 11 of the PCA Act read with Article 51A(g) of the Constitution. Right to get food, shelter is also a guaranteed right under Sections 3 and 11 of the PCA Act and the Rules framed thereunder, especially when they are domesticated. Right to dignity and fair treatment is, therefore, not confined to human beings alone, but to animals as well. Right, not to be beaten, kicked, over-ridden, over-loading is also a right recognised by Section 11 read with Section 3 of the PCA Act. Animals have also a right against the human beings not to be tortured and against infliction of unnecessary pain or suffering. Penalty for violation of those rights are insignificant, since laws are made by humans.

Punishment prescribed in Section 11(1) is not commensurate with the gravity of the offence, hence being violated with impunity defeating the very object and purpose of the Act, hence the necessity of taking disciplinary action against those officers who fail to discharge their duties to safeguard the statutory rights of animals under the PCA Act. With regards to the Prevention of Cruelty to Animals Act, 1960 has not only taken into account the physical torture that an animal goes through but also the mental torture. Further holding that The Prevention of Cruelty to Animals Act, 1960 is a welfare legislation and overrides culture of tradition.”

As demonstrated by the judgment, the Indian legal system has unequivocally recognised the need to legislate against the use of animals for performance.
Putting Public Safety at Risk

As a result of the cruel treatment there are cases of animals becoming aggravated and reacting violently with people. Aggressive behaviour in dogs is commonly reported during inspections of circuses. This, coupled with lack of vaccination of dogs, leaves humans who come into their contact vulnerable to disease. Circuses practice breeding of dogs in filthy conditions, practically treating female dogs as puppy producing machines.

Exotic birds have also been reported to turn aggressive, fight and maim one another and also their handlers. It is common knowledge that the characteristic feature of birds is their feathers. However, two circuses were showcasing parrots which had lost almost all feathers due to fungal infection (AWBI, 2014). This type of ‘freak shows’ celebrating physical disorders reflect an uncivilized society.

Elephants have also turned violent as a result of the abuse meted out to them. In one instance, an agitated elephant at Natraj circus killed its handler, who continually forced it to perform unnatural tricks (The Telegraph, 2014). Another elephant in musth had attacked its handler in Famous circus. The circus did not have any facilities to handle such emergencies, though made mandatory by the CZA. Panicked, they had to seek help from the local forest department to handle the situation, which if left unaddressed, could have led to public casualties (AWBI, 2014).

In yet another case, a circus horse turned aggressive, to which the management responded by keeping it tied continuously. Horses have also been reported to be bathed with phenyl, which is known to be carcinogenic.
Challenges for Local Administration to Enforce Existing Law

Illegal circuses keep cropping up in different parts of the country taking advantage of their inherently non-traceable nature. Typically, circuses camp in a town for 15-30 days before moving location. Many of them are also seasonal establishments, which are active during a major fair/exhibition in a town. As a result, local administrations are unable to take timely action on them to enforce the rules already in place for ensuring the welfare of animals. By the time they are informed of the illegal nature of use of animals, circuses de camp and shift the animals to a different location. The police are also uninformed about the offences and corresponding penalties, because of which cruelty to animals goes unnoticed. Even when offences are established by inspections, the penalties are largely meager to deter circuses from repeating the same. Abusers get away with a warning or a paltry fine, with no means of monitoring if they continue to ill-treat the animals with them.

Despite lack of regulatory clearances, circuses keep, transport, train and perform with animals in violation of various rules.

Circuses Giving Law the Slip

Inspection of circuses authorised by the AWBI have shown multiple and repeated violations of rules with least regard for allowances made in the interest of natural justice. Circuses continue to ill-treat the animals in their possession and often mislead the authorities about the registration status, number of animals, nature of performances, health status and their general upkeep. It has also been revealed that a number of circuses have been using animals without obtaining the necessary permissions and registrations, as required by law. As of January 2016, 26 circuses had been recorded to hold animals without any regulatory clearance (FIAPO, 2016). This suggests that while on one hand circuses that have regulatory clearances are violating them with impunity, there are also a large number of other circuses that are showing complete disregard to the law of the land.

A full list of all the inspection reports is included in the Annexure 1

Till date, violations have been documented in 40 of the 53 existing circuses. Reports of medical examinations of animals have shown the worst effects of neglect and cruelty, including permanent deformities and chronic diseases (AWBI, 2014). Outrageous incidents of swallowing live fish, oil painting mules in the stripes of a zebra have also been documented. All circuses were performing one or many acts which did not have permission from the AWBI. Lack of medical care and even basic vaccination, malnourishment is evidence of cutting corners to save costs in all circuses inspected (AWBI, 2013-2014).
The conditions of upkeep, training and use of animals were so deplorable that the AWBI, despite providing ample opportunity to improve welfare, had to revoke the registration for 5 circuses, the most recent one being Great Prabhat circus. Registration of 7 circuses (Rajkamal circus, Great Royal circus, Rambo circus, Apollo circus, Asiad circus, Famous circus and Olympic circus) also had to be suspended. The violations also necessitated rehabilitation of animals from 12 circuses. The CZA has also cancelled recognition as zoo and ordered confiscation of all wild animals from Rambo circus, Gemini circus, Jumbo circus and Jamuna circus.

Details of the same are as follows:

<table>
<thead>
<tr>
<th>SI no.</th>
<th>Circus name</th>
<th>AWBI recognition status</th>
<th>Animals rehabilitated</th>
<th>Animals Remaining</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SAM Circus</td>
<td>Cancelled</td>
<td>1 Elephant 1 Camel 2 Horses 2 Goats 3 Puppies 1 Bullock</td>
<td>None</td>
<td>Circus Voluntarily surrendered Animals</td>
</tr>
<tr>
<td>2</td>
<td>Moonlight Circus</td>
<td>Cancelled</td>
<td>4 Elephants 3 Horses 1 Camel 12 Dogs 13 Birds</td>
<td>None</td>
<td>Custody of Animals won through court order</td>
</tr>
<tr>
<td>3</td>
<td>Kamal Circus</td>
<td>Not registered, not applied</td>
<td>1 Pony 1 Goat</td>
<td>None</td>
<td>Circus voluntarily surrendered animals.</td>
</tr>
<tr>
<td>4</td>
<td>Grand circus</td>
<td>Registered as Royal circus. Applied for change of name</td>
<td>11 Dogs 7 Horses 1 Camel</td>
<td>None</td>
<td>Circus voluntarily surrendered animals.</td>
</tr>
<tr>
<td>5</td>
<td>New Rambo Circus</td>
<td>Not registered, not applied</td>
<td>3 Dogs 2 Ponies</td>
<td>None</td>
<td>Circus voluntarily surrendered animals.</td>
</tr>
<tr>
<td>6</td>
<td>Sonali circus</td>
<td>Not registered, not applied</td>
<td>1 Elephant</td>
<td>1 Goat</td>
<td>Custody of animal won through court order</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Status</td>
<td>Animals</td>
<td>Status of Animal</td>
<td>Notes</td>
</tr>
<tr>
<td>-----</td>
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<td>-------------------------------</td>
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<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>7</td>
<td>Great Indian circus</td>
<td>Registration Suspended</td>
<td>2 Camels 1 Horse 1 Emu</td>
<td>None</td>
<td>Circus voluntarily surrendered animals</td>
</tr>
<tr>
<td>8</td>
<td>Great Bombay circus</td>
<td>Performing Animal Rules(PAR) revoked for elephants only</td>
<td>2 Elephants 1 Elephant 4 Horses 3 Camels 7 Cockatoos 4 Grey parrots 6 Macaws 2 Emus 13 Dogs</td>
<td></td>
<td>Circus voluntarily surrendered 2 elephants</td>
</tr>
<tr>
<td>9</td>
<td>Gemini circus</td>
<td>Performing Animal Rules(PAR) revoked</td>
<td>4 Elephants 6 Horses 4 Macaws 5 Cockatoos 2 Pelicans 1 Emu 2 Camels 1 Goat</td>
<td></td>
<td>1 elephant died due to neglect.</td>
</tr>
<tr>
<td>10</td>
<td>Rhino</td>
<td>Not Registered</td>
<td>1 Elephant</td>
<td>Unknown</td>
<td>Custody of animal won through court order</td>
</tr>
<tr>
<td>11</td>
<td>Great Kamal circus</td>
<td>Not Registered, Not Applied</td>
<td>1 Camel 2 Horses 3 Goats 9 Dogs</td>
<td>None</td>
<td>Circus voluntarily surrendered animals.</td>
</tr>
<tr>
<td>12</td>
<td>World Champion circus</td>
<td>Not Registered, Not Applied</td>
<td>8 Dogs 1 Goat 1 Horse</td>
<td>None</td>
<td>Circus voluntarily surrendered animals.</td>
</tr>
</tbody>
</table>
The AWBI authorised inspection of circuses following complaints against their cruel treatment of animals. The inspections carried out over a period of 12 months covered 16 circuses, which are:

1. Amar Circus
2. Gemini Circus
3. Great Bombay Circus
4. Great Champion Circus
5. Great Golden Circus
6. Jamuna Circus
7. Jumbo Circus (Unit 1)
8. Jumbo Circus (Unit 2)
9. Kohinoor Circus
10. Metro Circus
11. Moonlight Circus
12. Rajkamal Circus
13. Rambo Circus
14. SAM Circus
15. Great Prabhath Circus
16. Great Royal Circus

The reports put forth the following findings, which established the nature of abuse animals are regularly made to undergo in circuses:

- Use of weapons on animals during performances and training sessions, including iron hooks, clubs, whips and poles studded with nails
- Inadequate access to food, water and shelter for the animals
- Cruel forms of containment such as constant chaining and confinement in unfit cages
- Animals showed severe signs of distress including self-biting and constant circling
- Exotic birds had their wings crudely cut to prevent flying
- Wounded and diseased animals were denied access to veterinary care
- Circus staff were found counterfeiting veterinary approvals necessary for animals to perform
- Illegal transportation methods including fraudulent documents declaring pregnant or sick animals as fit for transport
- Countless premature deaths of animals as a result of stress and abuse
- Old, ill and blind animals were forced to perform dangerous acts
- Untrained staff and children were employed as caretakers to look after animals

(PETA, 2013)

Such cruelty and abuse is not restricted to some species alone and all animals trained and used for performance are made to endure the harsh treatment. Therefore, the training and performance of all animals must be prohibited.

Camel whose face has been branded with hot iron- violation under section 11 of PCA

Cockatoo with broken wing- amounts to mutilation under the Indian Penal Code (IPC)
Animal-Free Circuses: The Future

Human Artists- the Backbone of the Circus Industry

Many circuses in India are giving up their animals due to inability to take care of them. It is also because of decrease in popularity of cruel animal tricks. Till date, 6 circuses have sworn to be animal free, and have given up their animals for rehabilitation.

Even in circuses with animals, the animal acts last only for a minor part of the show. Other performances like trapeze acts, trampoline stunts and gymnastics engage and entertain the crowds better. These artists form the backbone of the circus industry in India. Encouraging them instead of the animal shows will help keep their livelihoods intact and will also help them develop these skills to world class standards. Many circuses have already introduced new and innovative shows displaying human skill/talent which are drawing more crowds than animals. Focusing on animal shows alone strips the circus of its image as a happy excursion for the public and projects it as a sad place showcasing dull animals.

India is also home to numerous traditional and dying art forms like sword fighting, mallakham, Gatka, Huyen langlon, Kalaripayattu, Mardani khel, Silambam and Sqay. These can be easily adopted by circuses to recreate their glory, while generating thousands of employments and popularizing creative, touring careers among the youth.

Globally as well, there has been a voluntary shift towards animal free circuses. Presently, 36 circuses touring the USA are animal free (BornFreeUSA, 2016)

In the UK, the number of animal free circuses has risen from 10 in 1992 to 21 in 2002. The rise indicates that the industry can be sustained without the use of animals. Surveys of audience attending animal circuses have shown no correlation between animal numbers and audience.

Highly successful human-only circuses such as Cirque du Soleil, Circus Oz, and The Flying Fruit Fly Circus have shown that non-animal shows can draw more audiences and are leading the vibrant nouveau cirque movement. Cirque du Soleil, the most conspicuous success story of an animal free circus, has seven shows across four continents and employs 2000 people including 500 performers. Their estimated annual revenue now exceeds US$810 million, and their shows have been seen by nearly 90 million spectators in over 200 cities on five continents (ADI, 2016)

Creative displays of human skill such as this one are increasingly finding more audience as compared to animal shows.
Abuse of animals is the norm in all circuses, as documented in India and internationally. A summary of cruelties observed in five circuses is given in Annexure 2

As a result of exposure of their abusive practices and illegal use of animals, 6 circuses have voluntarily given up animals and declared to be human only circuses. They have also categorically admitted that they do not have the means to care for the animals in a way that does not compromise with their well being. These are Sam circus, Grand circus, New Rambo circus, World Champion circus, Great Kamal circus and Great Indian circus. In a further 6 circuses, the police had to intervene to rescue animals from abusive conditions.

An undercover investigation of the Carson & Barnes Circus documented extreme animal abuse, including elephants being beaten with baseball bats, pitchforks, and other objects; shocked with electric prods; and hit on the head and across the face. The story was exposed in the local media and a complaint was filed with the United States Department of Agriculture (LCA, 2016)

An investigation of Ringling Bros. and Barnum & Bailey Circus by PETA in 2009 found that workers were beating, whipping, and hooking elephants and striking tigers (PETA, 2009)

Ringling Bros. and Barnum & Bailey Circus' exploitation of elephants has been widely recorded and reported by multiple animal welfare groups (Motherjones, 2011) (PETA, 2016)

Elephants being forced to perform
The investigation of the Mary Chipperfield Promotions (MCP) in the UK - at that time a leading supplier of animals to circuses - in 1997-98 showed glaring acts of cruelty to animals in its possession, including chimpanzees and elephants. The investigation showed that the circus industry considers violence towards animals to be an acceptable, standard practice.

Elephants forced to perform unnatural tricks and kept tied for as long as 22 hours a day

Horses and Tigers (which are still legal to use in some countries) threatened to perform with a whip

As a result of repeated exposure of cruelty, many countries have imposed partial/complete bans on animals in circuses. Progressive governments worldwide have recognised that cruelty does not constitute entertainment. A parliamentary working group in the UK agreed that a change in the law was needed to protect circus animals and observed "It's undignified and the conditions under which they are kept are woefully inadequate—the cages are too small, the environments they live in are not suitable and many of us believe the time has come for that practice to end."
Other countries which have partially or completely banned animals in circuses are:

<table>
<thead>
<tr>
<th>Sl no.</th>
<th>Country</th>
<th>Nature of Ban</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bosnia and Herzegovina</td>
<td>Nationwide ban on all animals in circuses</td>
</tr>
<tr>
<td>2</td>
<td>Cyprus</td>
<td>Nationwide ban on all animals in circuses</td>
</tr>
<tr>
<td>3</td>
<td>Greece</td>
<td>Nationwide ban on all animals in circuses</td>
</tr>
<tr>
<td>4</td>
<td>Malta</td>
<td>Nationwide ban on all animals for performances, exhibitions, shows or training for the circus</td>
</tr>
<tr>
<td>5</td>
<td>Austria</td>
<td>Nationwide ban on the use of wild animals in circuses</td>
</tr>
<tr>
<td>6</td>
<td>Croatia</td>
<td>Nationwide ban on the use of wild animals in circuses</td>
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<tr>
<td>7</td>
<td>Bolivia</td>
<td>Nationwide ban on the use of wild animals and domestic animals in circuses</td>
</tr>
<tr>
<td>8</td>
<td>Mexico</td>
<td>Nationwide ban on the use of wild animals in circuses</td>
</tr>
<tr>
<td>9</td>
<td>Poland</td>
<td>Nationwide ban on the use of wild-born animals in circuses</td>
</tr>
<tr>
<td>10</td>
<td>Singapore</td>
<td>Nationwide ban on the use of wild animals in circuses</td>
</tr>
</tbody>
</table>

(ADI, 2016)
Conclusion and Appeal

The 'big top' form of traveling circus businesses historically exploited the curiosity of people and exhibited exotic animals in their menageries. These were, at that time probably the only chance for common public to see exotic animals. However, this has ceased to be the reality, with access to a wider range of entertainment, shift in public taste and growing concern for rights and welfare of animals.

The claim by circus owners that it is a traditional art form which needs to be preserved is farfetched. Internationally too there is a move towards stopping the use of animals in non-essential areas especially those related to entertainment. Countries like Bosnia and Herzegovina, Cyprus, Greece and Malta have enforced a nationwide ban on all animal performances, despite Europe being the birthplace of the modern circus enterprise.

Complaints about loss of livelihoods if animals are removed from circuses are largely unfounded. The rise in the number of animal-free circuses over the last decade stands testimony to the fact that the public does not want to consume animal cruelty. Successful human-only circuses have evolved into an art form more palatable and desirable to the modern audience and hence are drawing more audiences; leading the vibrant nouveau-cirque movement.

Teaching animals to perform inappropriate tricks portrays them to the public in a humiliating manner, instead of showing their natural grace and beauty. Circuses desensitize the society, particularly young children, to animal abuse in the name of entertainment. The nature of cruelty during training of animals is in stark contrast to the attempted glitz and pomp of the show in the ring. Consequently, animals even turn into public safety hazards. Circuses do not display even the basic principles of compassion and kindness to animals, let alone adhere to laws in place to ensure their well being. In the present era where the legal system and public at large are recognizing rights of animals, this system of treating animals as profit making commodities does not find a place.

As shown in numerous cases studies (Annexure 2), circuses in India are traveling torture-houses, lacking in even the inclination to consider welfare of animals as priority. On the contrary, there is constant and deliberate attempt to mislead authorities and evade action. The approximately 500 animals in circuses across the country have been victims of this form of institutionalized cruelty for their entire lifetimes. Our constitution and the legal system have repeatedly upheld the rights of animals. They have provided enough provisions and precedent for us to live up to the declaration in article 51A of the constitution that it is a fundamental duty of every citizen to “protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures”.

Various courts throughout the country have ordered seizure of animals from circuses on grounds of cruelty and violations of the law. Further, forest departments and police departments at various locations have had to seize animals on similar grounds.

The government has progressively used the provisions under PCA and WPA to bring in welfare legislations, including proactive ones like the ban on captive cetaceans. It is time now to act on animal circuses, which have naturally lost their place in civilized society. Hence, the government must heed to the overwhelming public outcry against circus animals and notify that use of all animals in circuses be stopped completely. By doing so, India will join the group of progressive nations of the world who have prohibited this form of institutionalised cruelty.


AWBI. (2014). *inspection report of Sam circus.*

AWBI. (2013-2014). *inspection reports of circuses in India.*

AWBI. (2014). *Inspection reports of Famous circus and Natraj circus.*

AWBI. (2014). *Inspection reports of Rajkamal circus and Apollo circus.*

AWBI. (2016). minutes of the 47th AGM. AWBI.


CZA. (2014). *inspection reports of circuses*. CZA.


PETA. (2013). *animals in Indian Circuses*. PETA.

PETA. (2013). *Animals in Indian Circuses.*


ANNEXURES

Annexure 1
List of AWBI authorised inspection reports of circuses:

1. Inspection report of Jumbo circus
2. Inspection report of Gemini circus
3. Inspection report of Rambo circus
4. Inspection report of Jamuna circus
5. Inspection report of Great Golden circus
6. Inspection report of Great Royal circus
7. Inspection report of Amar circus
8. Inspection report of Great Bombay circus
9. Inspection report of Famous circus
10. Inspection report of Olympic circus
11. Inspection report of Empire circus
12. Inspection report of Apollo circus
13. Inspection report of Natraj circus
14. Inspection report of Rajkamal circus
15. Inspection report of Metro circus
16. Inspection report of Great Prabhat circus
17. Inspection report of Sonali circus
18. Inspection report of Sam circus
19. Inspection report of Moonlight circus
20. Inspection report of Rhino circus

Annexure 2
Summary of cruelties observed in 5 circuses

*Circus animals shown to be kept in abusive conditions, in violation of basic welfare norms*
1. Moonlight Circus

The circus had been a repeat offender and had failed to improve conditions of its animals despite multiple opportunities by government authorities. As a result, its permits to perform with and hold animals had been cancelled. Moonlight circus’ owner was also in trouble last year for the alleged rape of a child and employing child laborers. Video evidence collected by APOs showed elephants tied constantly, and without adequate supply of food and water. The birds were mutilated by cutting their flight feathers, and were housed in the most deplorable and filthy conditions. The dogs, horses and camels were all suffering from infections without necessary medical care.

In a joint effort of animal protection organisations from across India all animals in the possession of Moonlight circus were rescued and sent to permanent rehabilitation centers in April 2015. The rescue was made possible as a result of the Animal Welfare Board of India and the Central Zoo Authority withdrawing regulatory clearances from the circus. A total of 4 elephants, 3 horses, 1 camel, 12 dogs and 13 birds were rescued from the circus and sent to rescue centers.

APOs procured orders from the court to seize and take interim custody of the animals. The court observed “interim custody of the said animals and birds, if granted to the accused, there will be continuation of cruelty to said animals and birds and the very purpose of lodging the report will be defeated”. In the legal proceedings that followed, an appeal to a higher court by the circus for return of animals was rejected, and permanent custody of animals granted to APOs.

*Elephants tied for more than 22 hours a day at Moonlight circus- violation of CZA condition for upkeep of elephants*
2. Sonali Circus

Confirming that circuses are a relic of the past, APOs discovered abused children as well as animals in Sonali Circus, Kolkata. An official inspection established that the circus was performing with animals including an elephant, without regulatory permissions from the AWBI and the CZA. The elephant which was used for performance was tied continuously with a metal wire, which had bit into its skin, causing deep wounds. There was also no provision of food, water or even shade for the animal.

During one of the shows young children were seen performing dangerous stunts and that too without any safety devices. The circus also did not possess a valid ownership certificate for the elephant. This proves the fact that circuses are focal points of illegal trade in wildlife.

The elephant was seized by the police and handed over to the forest department. After a legal application for custody, the court issued a landmark granting permanent custody of the elephant to the state forest department.

Elephant tied with spiked hobble at Sonali circus- violation of CZA condition for upkeep of elephants
3. Rhino Circus

Rhino circus which was camped in West Bengal was using animals for performance without permissions from the AWBI. The circus also did not have valid paperwork for transport of the elephant in its possession. When an AWBI authorised inspection team approached the circus to verify the condition of animals in its possession, the circus shifted camp and abandoned the elephant. The elephant was left with no food or water and was constantly chained, causing deep abrasions on both hind legs. The animal was in this condition for two weeks, by which time APOs were able to move court and get it to be transferred to a temporary wildlife care facility.

After further court proceedings, the court passed an order observing that the circus did not have valid paperwork to exhibit the elephant and that the circus had shown negligence in its care and upkeep. The court also handed over permanent custody of the elephant to the West Bengal forest department and directed it to make arrangements (financial, transport, handler etc.) for proper upkeep of the elephant in a sanctuary.

*Gangrenous wounds on elephant’s leg at Rhino circus due to lack of basic healthcare-violation of AWBI and CZA norms*
4. Sam Circus

This circus is one of the worst that APOs have come across, as it celebrated animal suffering like no other. The elephant that the circus used to perform with was almost completely blind. She was kept tied for 22 hours a day without adequate food, water or exercise. The circus had also not registered the elephant with the Central Zoo Authority (CZA), and was holding the animal illegally. In a 2 week long collaborative effort, animal protection organisations secured freedom for all animals in the possession of SAM Circus and moved them to permanent shelters. 1 elephant, 1 camel, 2 horses, 2 goats, 5 dogs, 3 puppies 1 bullock were freed from a life of torture in the process.

The circus was also a repeat violator of guidelines for upkeep of animals. It continued to blatantly flout the ban on performance imposed on it and also mistreated its animals, proven by the terrible conditions they were kept in. The deformed bullock was used as a grand exhibition object, a practice which is both medieval and barbaric. Tied in a paddock, with a severe eye infection and no medical care, one of the horses was in danger of losing sight in one eye before being moved to the shelter.

Dogs being used for breeding illegally at SAM circus in violation of PCA

Blind bull with three horns being exhibited as a ‘freakshow’ at SAM circus- violation of PARR
This was one circus which regularly toured the country and forced animals to perform tricks with no regard to the law of the land. The circus was in possession of 17 dogs, 4 exotic birds and 3 horses and was using them for performance despite not having permission from the AWBI to do so. The circus had ignored notices by the Board of not to use animals and continued using them, evading law enforcement agencies.

After weeks of tracking the circus, APOs were able to prove that animals were being used for perform unnatural tricks and were subject to cruel training. Following a complaint about the same, the AWBI directed the district administration where the circus was camping to confiscate and rehabilitate the animals, and authorised its officers to facilitate the same. Having gotten wind of the same, the circus removed 4 dogs which were injured and 4 parrots to an unknown location. The two elephants in their custody, reported to be used for performance were also removed. The police have registered a case against the circus for the same, after the remaining animals were moved to safe custody for treatment and care.

The inspection by AWBI officers revealed widespread cruelty to animals and a total disregard to guidelines for care, upkeep, and performance with the animals. There were dogs with fractured limbs and cataract. The horses showed aggressive behavior due to continued abuse. There was also illegal breeding of dogs with two of them being heavily pregnant. In the ring, dogs were kicked about and birds prodded with sharp sticks to make them perform.

*Dogs crammed in a cage during transport- violation of Transport Rules*
FIAPPO (Federation of Indian Animal Protection Organisations) is India’s leading animal protection body. As a collective voice for the animal protection community in India, FIAPPO unites all animal protection organisations nationwide to exchange ideas, build expertise and take action to strengthen the animal rights movement in the country. FIAPPO works with over 160 member organisations, 200 supporter organisations and over 1000 activists in more than 70 cities across India. They are the largest Federation in the country and one of the largest movement-building organisations in the world.