है हरियाली।
है खुशहाली।।

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT & FORESTS
Central Zoo Authority

THROUGH FAX

F. No. 20-1/2010-CZA(M) /2840

DATE: 17.05.2013

Circular

Sub:- Policy on establishment of dolphinarium – Regarding.

Time and again, it has been brought to the notice of this Ministry that the State Governments through various departments, organizations, tourism development corporations in particular, have been planning to develop dolphinarium in the State with main aim to attract tourism for commercial purpose with the intention of organizing dolphin show etc.

Whereas under Section 2(39) of Wild Life (Protection) Act, 1972 the definition of 'zoo' is given as an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public [and includes a circus and rescue centres but does not include an establishment of a licensed dealer in captive animals.]" and as such, the dolphinarium will fall under the definition of 'zoo',

Whereas as per 38H (1) of Wild Life (Protection) Act, 1972, no zoo shall be operated without being recognized by Central Zoo Authority and as per Section 38H (1A) a zoo shall not be established without obtaining prior approval of the Central Zoo Authority. Moreover, such zoo requires approval of the Hon'ble Supreme Court of India, in terms of the Order dated 20.11.2000 passed in W. P. No. 47/1998-Navin M. Raheja V/s Union of India and Ors.

Whereas as per Section 38H (4) of Wild Life (Protection) Act, 1972, no recognition to a zoo shall be granted unless the Central Zoo Authority is satisfied that it is for the interest of protection and conservation of wildlife,

Whereas the Gangetic dolphin and Snubfin dolphin are listed in Schedule-I and all Cetacean species are listed in Schedule II part I of the Wild Life (Protection) Act, 1972,

Whereas Government of India has declared Gangetic Dolphin as its national aquatic animal with a view to protect these endangered species,

Contd....2/-

Whereas cetaceans in general are highly intelligent and sensitive, and various scientists who have researched dolphin behavior have suggested that the unusually high intelligence; as compared to other animals means that dolphin should be seen as "non-human persons" and as such should have their own specific rights and is morally unacceptable to keep them captive for entertainment purpose,

Whereas , cetaceans in general do not survive well in captivity. Confinement in captivity can seriously compromise the welfare and survival of all types of cetaceans by altering their behaviour and causing extreme distress.

Therefore, in view of the foregoing, **the Ministry of Environment and Forests, Government of India have decided not to allow establishment of dolphinarium in the country.** The State Governments are advised to reject any such proposal for dolphinarium to any person/ persons, organizations, Government agencies, private or public enterprises that involves import, capture of cetacean species to establish for commercial entertainment, private or public exhibition and interaction purposes whatsoever.

Yours faithfully,

17/05/13

(B. S. Bonal)
Member Secretary

To:-

1. Chief Secretary to All States/ UTs.
2. Principal Secretary Department of Environment & Forests of All States/ UTs.
3. PCCF & CWLW of All States/ UTs.
4. Large, Medium and small Zoos.

2555
20/5/13

Copy for favour of information to:-

1. PS to MoS
2. PPS to Secretary, E&F
3. Sr. PPS to DGF & SS
4. PS to ADG (WL), PPS to ADG (FC).