



ANIMAL WELFARE BOARD OF INDIA

Ministry of Fisheries, Animal Husbandry and Dairying

(Department of Animal Husbandry and Dairying)

NIAW Campus, 42 Mile Stone, Delhi-Agra Highway

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Email: animalwelfareboard@gmail.com : Website: www.awbi.in

No.9-2/2015-16/PCA

Date: 14.08.2020

To

1. The Chief Secretary
of all States/UTs

2. The Director General of Police
of all States / UTs

Subject : Harassment of citizens showing compassion to animals – Request for
intervention and enforcement of Animal Welfare Laws - Regarding.
Ref. : This office of even number dated 25.08.2015 and 28.10.2015 (Copy
enclosed)

Sir,

Kindly refer to our letter of even number dated 25.08.2015 and 28.10.2015 on the
above subject.

The Board is receiving several complaints where the compassionate citizens / animal
welfare activists who are showing compassion to stray dogs / pet dogs are harassed by their
neighbours or others and also restraining them to carry out the fundamental duties as per the
Article 51 A(g) of the Constitution of India. In this regard, it has been brought to our notice that
complaints about animal cruelty and harassment of individuals indulging in ill treatment of
animals are not seriously pursued and action is not taken for filing the FIR by the law
enforcement authorities.

The voiceless animals can only rely upon human being to ensure that their welfare and
rights that are protected and the laws made in the Country are enforced properly.

It is well known that as per Indian law it is not illegal to keep pet dogs and even by
obtaining consensus or even if the majority of residents and occupants want it. The Resident
Welfare Associations/ Societies / Apartment Owners Associations cannot legally introduce any
sort of "ban" on the keeping of pet dogs. They cannot insist that "small sized" dogs are
acceptable and "large sized" dogs are not. There cannot be one dog barking as valid and
complaining reasons for any proposed ban or restriction. The general body cannot frame bye-
laws or amend them in a manner that is at variance with the laws of the country. Even by a
complete majority, a general body cannot adopt an illegality.

Taking this into consideration the Supreme Court of India has specifically given
directions in Para 77 of its judgement in S.L.P (C) No.11686 of 2007 in the matter of Animal
Welfare Board of India Vs A. Nagaraja and others (copy of the extract enclosed) and has
directed among others that :

*(2) We declare that the five freedoms, referred to earlier be read into Sections 3 and 11 of
PCA Act, be protected and safeguarded by the States, Central Government, Union
Territories (in short "Governments"), MoEF and AWBI.*

*(3) AWBI and Governments are directed to take appropriate steps to see that the persons-
in-charge or care of animals, take reasonable measures to ensure the well-being of
animals.*

(4) AWBI and Governments are directed to take steps to prevent the infliction of unnecessary pain or suffering on the animals, since their rights have been statutorily protected under Sections 3 and 11 of PCA Act.

(10) The Governments would see that if the provisions of the PCA Act and the declarations and the directions issued by this Court are not properly and effectively complied with, disciplinary action be taken against the erring officials so that the purpose and object of PCA Act could be achieved.

The Board had also issued an advisory dated 26th February, 2015 regarding the Pet dog and stray dogs and a copy of the same is attached herewith for information.

The Board has also provided identity cards /authorization letters to Colony Animal Care Takers and Honorary Animal Welfare Officer (HAWOs) and the same is available in the website: www.awbi.in. Their duties and responsibilities includes interaction with law enforcement officials regarding the various laws on animal welfare and to help the law enforcement officials to provide information about animal cruelty matters for taking appropriate action as per law.


It is also requested to conduct training programmes bringing awareness amongst the police officials to sensitize and create awareness about the animal welfare laws to the law enforcement personnel at all levels as envisaged by the Ministry of Home Affairs' direction to include the animal welfare protection laws in the curriculum of the Police Academy.

In view of the above, it is requested to issue a circular directing all the Police Stations and officials in your State/UT to enforce the provisions of the Prevention of Cruelty to Animals Act, 1960 and its Rules effectively and also register the FIRs wherever necessary on priority basis so that such enforcements become a deterrent to the infliction of cruelty on the helpless animals and uploaded in the website of the State Government for public information.

A copy of the circular issued be forwarded to the Board for information and record.

This issues with the approval of the Competent Authority.

Yours sincerely,


(Dr. S.K. Dutta)
Secretary

Copy to: for information and further appropriate action please.

1. The Director, Animal Husbandry Department of all States/UTs.
2. Chairman, AWBI for information.