

GRAM: BHASANDHU



No. 9-2/2015-10/PCA

Phone : 04424671025

04424671024

Fax : 04424671015

## ANIMAL WELFARE BOARD OF INDIA

(Ministry of Environment and Forests, Govt. of India)

Post Box No. 8672

13/1, Third Seaward Road, Vaidhyanagar, Thiruvananthapuram - 690 041

Email : awbi@ind3.vsnl.net.in Website: www.awbi.org

25.08.2015

To  
The Director General of Police of  
all States /UTs

Sir,

**Sub: Harassment of citizens showing compassion to animals – Request for  
Intervention and enforcement of Animal Protection Laws – Reg.**

The Board has been informed of several incidents where animal welfare activists or citizens who show compassion to stray dogs/pet dogs, other animals are harassed by their neighbours or others and are also intimidated. In several cases residents of Apartments are harassed by their Resident Welfare Association (RWAs) stating that they cannot keep pets in their flats or apartments and try to intimidate them to get rid of their pets.

You may be aware 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 occupiers want it, residents welfare associations & 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. They cannot cite dog barking as a valid and compelling reason 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.

Some provisions of the Prevention of Cruelty to Animals Act, 1960 is reproduced below for your easy reference:

**Section 5 of the Prevention of Cruelty to Animals Act, 1960: 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*

**Section 11(1) (f) of the Prevention of Cruelty to Animals Act, 1960 -** If any person without reasonable cause, abandons any animal in circumstances which tender it likely that it will suffer pain by reason of starvation, thirst, it is a cruelty and he shall be punishable as per the provisions of the PCA Act, 1960

Also, **Article 51 A (g) of the Constitution of India states that it is the 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.**

The Supreme Court of India in Para 77 of its judgement in S.P. (C) No. 11885 of 2007 in the matter of AWBI Vs A.Nagaraja & Ors has directed among others that:

*(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.*

..2

(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.

The extracts of the directions and declarations of the Supreme Court of India in the above case is enclosed for reference.

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

It is however noticed that in several areas compassionate citizens are harassed due to the frivolous and unsubstantiated complaints made by those people who are inimical to stray dogs and pet dogs even though the citizens showing compassion to animals are only carrying out the fundamental duties enshrined in the Constitution of India. In fact by coercing or harassing residents to throw out pets, the perpetrators are forcing the pet owner to violate Section 11(1)(f) of the PCA Act, 1960.

In this connection, the Ministry of Home Affairs, Bureau of Police Research and Development, Govt. of India has written to the DGP of all the States/UTs in March, 2015 to include Animal Welfare Laws and Rules in the training schedule of State Police Training Academies /PTC/PTS. A copy of the letter along with the Police Module is enclosed.

The PCA Act 1960, ABC (Dogs) Rules 2001 and AWBI guidelines dated 26.2.2015 are available in our website [www.awbi.org](http://www.awbi.org) for your reference.

It is therefore requested that a circular or directions be issued from your office to the personnel of all the police stations in your State to ensure that compassionate citizens are not harassed unnecessarily and that animal cruelty cases are investigated and action taken as per law and the directions of the Supreme Court.

We look forward to your kind co-operation and request to send a copy of the instructions issued in this matter by e-mail and by post.

Yours faithfully,



(S. VINOD KUMAAR)  
Assistant Secretary

Encl: as above

Copy to: for information and further necessary action please.

- 1) The Chief Secretary of all States and UTs
- 2) The Director, Animal Husbandry of all States and UTs
- 3) Chairman, AWBI and Vice-Chairman, AWBI