



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

NH-2, Ballabgarh, Haryana-121004

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

No.6-3/2019-20/Advisory

Date: 27.02.2020

To

The Commissioner/The Chairman/President
of all the Municipal Corporation(s)/Municipality(s) /
Panchayats in the States /UTs

Sir/Madam,

Subject : Request to take action against the animal owners who are straying their
cattle on the roads inflicting cruelty to animals – Reg

Reference: This office circular letter dated No-9-3/2018-19/PCA dated 12th July, 2018
(Copy enclosed)

With reference to the above-cited subject, it is brought to the notice of the
Board through various news /media reports that large numbers of cattle belonging to
the owners are being strayed on the roads inflicting cruelty to animals.

2. In this regard, following may be stated:

(i). It is the responsibility and mandate of the local bodies to provide shelter, water,
sufficient food, medical facilities etc. to the stray animals, failure to do so is
violation of Section 3 of the Prevention of Cruelty to Animals Act, 1960.
Allowing stray animals including dogs, cats, cattle on the street / road amounts
to cruelty to the animals due to which not only animals, the public also suffers.

(ii). Hon'ble Supreme Court in the matter titled as AWBI v. A. Nagaraja, (2014) 7
SCC 547 has recognized the following rights / freedoms of the animals which
are as under :

*"54. Chapter 7.1.2 of the guidelines of OIE, recognizes five internationally
recognized freedoms for animals, such as:*

- a. freedom from hunger, thirst and malnutrition;*
- b. freedom from fear and distress;*
- c. freedom from physical and thermal discomfort;*
- d. freedom from pain, injury and disease; and*
- e. freedom to express normal patterns of behaviour."*

(iii). The Apex Court also made the following declarations and directions

*"77 (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."*

(iv). As per the Section 11(1), it is cruelty if any person,

(h) being the owner of any captive animal, fails to provide such animal with sufficient food, drink or shelter; or

(i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or

(j) wilfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

This is an offense under the Prevention of Cruelty to Animals Act, 1960, respective Municipal laws and violation of the directions of the Hon'ble Supreme Court of India.

3. In view of the above, it is directed to strictly follow and implement the provisions of the Prevention of Cruelty to Animals Act, 1960, Municipal Laws and the directions of the Hon'ble Supreme Court of India in letter and spirit to prevent unnecessary pain or suffering to animals and also to take stringent action against the offenders as per law.

A copy of the action taken report be forwarded to the Board for information at the earliest.

An early response is highly solicited.

Yours sincerely,



(Dr. S. K. Dutta)
Secretary

Encl.: as above.

Copy to: Chairman, AWBI for information.



सत्यमेव जयते

एस.पी. गुप्ता, आईएएस (सेवानिवृत्त)

S.P. Gupta, IAS (Retd.)

अध्यक्ष / Chairman



भारतीय जीव जन्तु कल्याण बोर्ड
ANIMAL WELFARE BOARD OF INDIA

(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
Ministry of Environment, Forest & Climate Change, Govt. of India

No-9-3/2018-19/PCA

Dated : 12th July, 2018

1. The Chief Secretary,
of the State Governments / UTs
2. Additional Chief Secretary / Principal Secretary
Urban Local Bodies and Municipal Administration
of the State Governments / UTs
3. Additional Chief Secretary / Principal Secretary
Development and Panchayat.
of the State Governments / UTs
4. Additional Chief Secretary / Principal Secretary
Animal Husbandry
of the State Governments / UTs
5. Principal Chief Conservator of the Forest
of the State Governments / UTs
6. Director General of Police (DGP)
of the State Governments / UTs

Sir / Madam,

Sub.: **Advisory to initiate necessary action for rescue and rehabilitation of stray animals**

The Animal Welfare Board of India is a statutory body established under Section 4 of the Prevention of Cruelty to Animals Act, 1960. The functions of the Board include the promotion of animal welfare generally for the purpose of prevention of cruelty and for protecting animals from being subjected to unnecessary pain or suffering, in particular.

It is the responsibility and mandate of the local bodies to provide shelter, water, sufficient food, medical facilities etc. to the stray animals, failure to do so is violation of Section 3 of the Prevention of Cruelty to Animals Act, 1960. Allowing stray animals including dogs, cats, cattle on the street / road amounts to cruelty to the animals due to which not only animals, the public also suffers.

The Board issues the following advisory for taking appropriate action on urgent basis:

1. Cattle pound / kanji house should be revived / constructed with requisite infrastructure specially shelter, water, feed, medical facilities etc., if the authorities are not able to do the same, such work of revival / construction of cattle pound / kanji house may be outsourced to the Animal Welfare Organizations with the requisite financial assistance.
2. Existing AWOs should not be allowed / forced to keep the animals more than their capacity as allowing to keep more than the capacity amounts to cruelty.

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If local authority wants to keep stray animals in these Gowshalas / AWOs, then additional shelter houses must be provided / constructed to shelter additional animals. The Board authorized inspection team may visit the Gowshala / AWO's at any point of time. If any violation is found, appropriate action shall be taken against the offender including the local bodies.

3. Endeavour should be made to tag all the animals by the concerned authority within their jurisdiction to identify the owner and fix the responsibilities. Computerized records may be generated which will help in identification of owners and for taking further necessary action.
4. One Nodal Officer of a senior rank should be appointed to take care of the above tasks to redress the complaints / grievances of the public, Gowshalas, AWOs and the said officer may be made accountable. The name of the Nodal Officer should be displayed on the website including name, mobile number, email address etc.
5. Rules and regulations of licensing of animals particularly with regard to pet dogs and other pet animals should be strictly implemented. If there are no such rules, the same must be framed at the earliest.
6. It is the responsibilities of local bodies to protect stray animal *i.e.* dogs, cats, cattle etc. from cruelty and sufferings. ABC schemes and sterilization of animals should be properly implemented so that there is no case of dog bites etc. causing nuisance, fear and harm to the public at large. Failure to implement ABC schemes and sterilization of animals, it will invite action against the concerned local bodies specially against their head. Helplines and police assistance may be taken by the local bodies as and when required to implement the Rules.
7. The complaints of Monkey (Rhesus Macaque) bites are also rampant and the monkey being a protected species under the Wildlife Protection Act, 1972, these needs to be taken care of by taking appropriate action by the concerned forest department in coordination with the local authority.

The Uttarakhand High Court in its judgment dated 3rd July 2018 *inter alia* has stated that the entire animal kingdom including avian and aquatic are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person.

The Hon'ble Supreme Court in the matter titled as AWBI v. A. Nagaraja, (2014) 7 SCC 547 has recognized the following rights / freedoms of the animals :

- i) *freedom from hunger, thirst and malnutrition;*
- ii) *freedom from fear and distress;*
- iii) *freedom from physical and thermal discomfort;*
- iv) *freedom from pain, injury and disease; and*
- v) *freedom to express normal patterns of behavior."*

The Hon'ble Supreme Court also held as under :

"56. Rights guaranteed to the animals under Sections 3, 11, etc. of the Protection of Cruelty to Animals Act, 1960 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."

The Apex Court also made the following declarations and directions :

"77 (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."

Any violation of the PCA Act 1960 and the observations / directions of the Hon'ble Supreme Court of India will attract appropriate legal action including contempt of court against the errant official including head of the concerned local bodies.

Shortage of funds will not be an excuse for not undertaking the captioned tasks / functions. In case of scarcity of funds, it may be sought from the concerned State Governments / UTs for creating infrastructure and other facilities.

You are requested to strictly follow and implement the above in the letter and spirit and send an action taken report along with supporting documents to the Board within one month for record and further necessary action.

Yours sincerely,


(S. P. Gupta)

- CC :
1. Director – Municipal Administration of all the State Governments / UTs
 2. Director – Development & Panchayat of all the State Governments / UTs
 3. The Member Secretary, State Animal Welfare Board, of the State Governments / UTs
 4. Collector and Chairman, Society for Prevention of Cruelty to Animals (SPCA)
 5. Commissioner of Police / Superintendent of Police of the concerned State Governments / UTs
 6. Municipal Commissioner / Chairman / Secretary of the Municipal Committee / Municipal Council of the concerned State Government / UTs
 7. Secretary – Gau Seva Aayog of all the concerned State Governments / UTs