

सत्यमेव जयते



ANIMAL WELFARE BOARD OF INDIA

Ministry of Environment, Forests and Climate Change, Govt. of India

भारतीय जीव जन्तु कल्याण बोर्ड

(पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार)

MAJ. GEN. (Retd.) Dr. R. M. KHARB, AVSM
CHAIRMAN

No.9-1/2015-16/PCA

16th September, 2015

To
The Chief Secretary
of all States/ U.T.s

Sir / Madam,

Sub: Constitution and effective functioning of State Animal Welfare Board and establishment and activation of SPCAs in every District – Reg.

The Animal Welfare Board of India (AWBI) a statutory and advisory body of Govt. of India was established in 1962 in accordance with Section 4 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) and is presently working under the aegis of Ministry of Environment, Forest and Climate Change. The AWBI has been established for the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular. The basic function of the Board is to keep the law for prevention of cruelty to animals under constant study and also to advise the Government on issues relating to animal welfare and regarding amendment to the Act and making Rules under the Act etc.

The Central Government has notified the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 on 26.3.2001 wherein it has been mandated that every State Govt. shall establish a SPCA for every District in the State to be the SPCA in that district. The Rules regarding the managing committee of SPCA, the powers and responsibility of the Society to make the SPCAs functional and active to implement the mandate are given in the above said Rules. The SPCAs are also required to submit their annual and activity reports to the AWBI.

The Central Government has also directed the States to constitute State Animal Welfare Boards in every State/UTs to address the animal welfare issues at the State level and to implement the Prevention of Cruelty to Animals Act, 1960 in effective manner. It is brought to your kind notice that as per the PCA Act, 1960 the enforcement of the Animal Protection Laws is the responsibility of State Governments.

In this regard, it is brought to your notice that the Hon'ble Supreme Court of India in W.P.No(C) 440 of 2004 (Geetha Seshmani Vs Union of India) has taken a note of the fact that despite the provisions contained in the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 many States have not established the District SPCAs and SAWBs and the Supreme Court in its Order dated 6.8.2008 had directed all the State Governments "to constitute State Animal Welfare Boards within a period of three months and also to see that the Society for Prevention of Cruelty to Animals (SPCAs) are constituted in every district as contemplated under the Rules.

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In this connection, the Board has been writing to all the State Governments / U.Ts. to constitute State Animal Welfare Boards (SAWB) and District Society for Prevention of Cruelty to Animals (SPCAs) in each state as per directions of Hon'ble Supreme Court of India to effectively monitor the animal welfare programmes at the grass root level and to assist AWBI in implementation of the provisions of the PCA Act and the Rules made under the Act. The Ministry of Environment, Forests and Climate Change has also written to the State Governments on this issue several times.

It is also brought to your kind notice that recently in W.P.No.881 of 2014, Gauri Maulekhi Vs Union of India & Ors, the Hon'ble Supreme Court in its order dated 13.7.2015 (copy enclosed) has directed that it shall be imperative for all the concerned State Governments to constitute District SPCAs, in each and every district of the State as per Rule 3 of the SPCA Rules, within four weeks from the date of order. The State Governments concerned are directed to constitute State Animal Welfare Boards, to supervise and co-ordinate with the District SPCA. The aforesaid State Animal Welfare Boards, shall be constituted within four weeks from the date of order and to submit compliance report to this Court, within eight weeks.

In this connection, you are requested to furnish the following information as under:-

1. The number of districts in your state with details
2. The details of District SPCAs established as per SPCA Rules 2001 along with the Gazette notification
3. The details of Managing Committee of the established SPCAs
4. Whether concurrence of the Board has been taken in respect of the Managing Committee as per Rules 3 (2) of the Rules.
5. The details of staff employed in SPCAs and duties assigned
6. The details of funding, budget provided by the State Government for infrastructure, infirmary, staffing, other expenditure
7. The details of land, building, infrastructure provided to the SPCAs for their offices and infirmaries.
8. Details of Activities undertaken by the SPCAs and details of cases booked by them for violation of PCA Act & Rules.
9. Whether AWBI recognition has been obtained for the District SPCAs.
10. The contact details including email of all District Collectors with directory of officials of the state.

It is brought to your notice that the Supreme Court of India has in its order dated 07.05.2014 (Jallikattu Case - Special Leave Petition (Civil) No 11686 of 2007 titled Animal Welfare Board V/s. A. Nagaraja & Ors.) has exhaustively given directions to the Central and State governments, and all agencies and instrumentalities of the State, vide para 77 of the judgement, inter alia that it is the duty of the Governments to enforce the PCA Act, 1960 and that the Governments would see that if the provisions of the Act and the directions and declarations of the Supreme Court are not properly and effectively complied with, disciplinary action be taken against the erring officials so that the object and purpose of the PCA Act, 1960 could be achieved. Specific directions have also been given to the effect that AWBI is directed to take effective and speedy steps to implement the provisions of PCA Act in consultation with SPCAs and to make periodical reports to the Government and if any violations are noticed then Governments shall take steps to remedy the same including appropriate follow up action. It is stated that the effective functioning of District SPCAs is a very vital and important requirement to achieve the goal of preventing infliction of unnecessary pain and suffering to the animals. The directions of the Supreme Court have been forwarded in May, 2014 to all the State Govts. / UTs for compliance.

The non-compliance by the State Governments / UTs to establish district SPCA in every district in the State / UTs as per the Rules and the directions of the Supreme Court is a serious matter requiring your urgent attention and any violation of the above orders of the Supreme Court amounts to contempt of Apex Court.

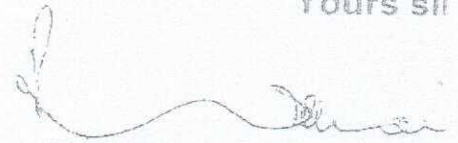
You are requested to direct the concerned authorities to take necessary steps to constitute the State Animal Welfare Board and establish district SPCAs, if not already done and to take effective steps for providing them with the required budget and infrastructure to make them effective to implement the mandate given to the District SPCAs in every State under the provisions of the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 and as per the directions of the Hon'ble Supreme Court in the above said orders.

The information sought regarding the district SPCAs be furnished to the Board within a period of three weeks positively after the receipt of this letter by e-mail/post.

A copy of the latest notification regarding the constitution / reconstitution of the State Animal Welfare Board be forwarded to the Board immediately for information and necessary action. The State Animal Welfare Boards may kindly be directed to furnish the minutes of the meetings and action taken to address animal welfare issues in their reports periodically.

Kindly acknowledge receipt of this communication.

Yours sincerely



Maj.Gen.(Dr.) R.M. Kharb, AVSM
Chairman

Encl: As above.

Copy to:

1. The Director General of Police of all States / UTs for information and further necessary action.
2. The Secretary, Animal Husbandry Department of all States / UTs for information and further necessary action.
3. The Director, Animal Husbandry Department of all States / UTs for information and further necessary action.
4. The Deputy Secretary, Animal Welfare Division, MoEF &CC, New Delhi.
5. The Secretary, Animal Welfare Board of India, Chennai.