



ANIMAL WELFARE BOARD OF INDIA

Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
(Department of Animal Husbandry and Dairying)
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Date. 10.10.2022

To,

1. The Chief Secretary of all State / UTs
2. Commissioner of Police of all State / UTs

Subject: Mass-killing of dogs and Stray dogs menace - regarding.

The Animal Welfare Board of India (AWBI) is a Statutory Body established under the Prevention of Cruelty to Animal (PCA) Act, 1960 and is an apex body for the protection and safeguard the rights of animals as well as to ensure that the five freedoms of the animals are upheld and no animals are subject to any unnecessary pain or suffering. The AWBI can also advise the Government or local authority or other person in regard to the prevention of unnecessary pain and suffering to animals.

2. It has been observed by the AWBI that there is growing unrest among the compassionate citizens of our country in regard to the stray animals as well as continuous flouting of the Prevention of Cruelty to Animal Act, 1960 and the Rules made there under. The man and animal conflict has recently taken an unprecedented turn where animals are being killed in retaliation for dog biting incidents. Such kind of theriocide was recently observed in the State of Kerala, which is most heinous in nature and put our great country to shame, which have a glorious history of unwavering trust in the ideology of non-violence and now people of this great nation is truncating to such an act is uncalled for.

3. The AWBI in the past few years has observed that there is a lack of proper implementation of the animal's welfare laws in the country. Most of the people and even official's concern are not properly aware and trained in regard of the same. The AWBI have been continuously receiving several complaints for violation of the Prevention of Cruelty to Animal Act, 1960 and the Rules made there under.

4. The Hon'ble Supreme Court in the case of *AWBI Vs. Nagaraja & amp; Ors* inter alia stated that "We declare that the five freedoms [viz. 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 behaviour`1], referred to earlier be read into section 3 and 11 of Prevention of Cruelty to

Animals Act, 1960, be protected and safeguarded by the State and Central Government, Union Territories (in short "Governments"), Ministry of Environment and Forest and AWBI." The copies of the same are attached herewith for your information.

5. In furtherance of the spirit of co-existence and compassion for all living creatures endorsed by the constitution of India, and particularly by Article 51A(g) and 51A(h) thereof, Article 21 of the Constitution of India gives every citizen the right to decide how they choose to live, which includes the choice to live with a companion animal.

6. Further, it is stated that Section 11 (1) of Prevention of Cruelty to Animals Act, 1960 as amended from time to time, provides that if any person beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animals so as to subject it to unnecessary pain or suffering, he shall be punishable with fine and/or imprisonment. Also, in terms of the provisions of this Act, the Govt. servant who indulges in act of cruelty to animals will be making himself liable for action under Prevention of Cruelty to Animals Act, 1960, besides, punishment under the Act, he would also make himself liable for action under CCS (Conduct) Rules for conduct unbecoming of a Government servant.

7. The Section 428 and Section 429 of the IPC deals with the crime against the animals. As per the Section 429 of the IPC punishment for committing mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards and the person shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.


8. The Hon'ble Supreme Court had directed to take action against the erring officials as per the Para 77 of the S.L.P.No.(C) 11686 of 2007, *Animal Welfare Board of India Vs A. Nagaraja & Others* and the department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension had issued guidelines vide F.No.30/9/2006-Welfare dated 26.5.2006 to take action against such personnel violating the laws. The copies of the same is attached herewith for your information.

9. It is also pertinent to mention that the Hon'ble Supreme Court has also issued interim orders dated 18.11.2015 & 9.3.2016 in SLP No.691 of 2009, *AWBI Vs P.E.S.T & Ors.* that no innovative method or subterfuge should be adopted to carry out the responsibility under the PCA Act, 1960 or the ABC (Dogs) Rules, 2001 and that any kind of laxity while carrying out statutory obligations is not countenanced in law. It was also directed to constitute the State Level Monitoring Committee and District Level Monitoring Committee to address the issues related to stray dogs in the respective local bodies. The Board has also forwarded a revised module to all the State Govts. regarding the proper implementation of the ABC programme.

10. Therefore, in view of the above, it is requested to pass necessary direction to the erring officials that any violation of the Prevention to Cruelty to Animals Act 1960 and the Indian Penal Code 1860, shall be dealt with utmost sincerity and to initiate an enquiry in the incidents of cruelty to animals as well as to ensure that the culprit should get the exemplary punishment so that such kind of crime does not happen in future.

11. In addition, it is informed that all the AWBI circulars /advisories are available on the Board website www.awbi.in. Your Co-operation and co-ordination are highly solicited for the welfare of the animals.

Yours sincerely,


(Dr. S. K Dutta)
Secretary