



Reminder-1

ANIMAL WELFARE BOARD OF INDIA

Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
NIAW Campus, 42 Mile Stone, Delhi-Agra Highway
NH-2, Ballabhgarh, Haryana-121004

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

F. No. 3-5/2021-22/PCA

Date: 27.12.2021

To

1. The Chief Secretary of all States/UTs
2. The Director General of Police of all States/UTs

Subject: Request to ensure proper implementation of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 - regarding.

Reference: Our advisory of even no. dated 24.12.2021 - regarding.

Sir/Madam,

With reference to the aforesaid subject, it is submitted that the ABWI vide its advisory dated. 15.06.2021 has requested you to kindly issue necessary direction to the erring official's officials to properly implement the provision of Prevention of Cruelty to Animals Act, 1960 and rules made there under. However, it is observed that most of the cases related to cruelty to animals are not registered by the local police stations and in most of the cruelty cases police official are still facing issues in implementing the provisions of the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017.

2. In this regard, it is submitted that the Hon'ble Supreme Court of India in its order dated 07.05.2014, in para 77 has directed all the States/UTs to take proactive steps to take action against the offenders inflicting cruelty to animals and to prevent unnecessary pain or suffering to animals.

3. It has come to the knowledge of the ABWI that some of the animal welfare organisation/ activist are misleading the local administration as well as police officers insisting that the temporary custody of the animal(s) may be given to non-governmental organisation who is willing to look after/take custody of the animals during pendency of the litigation. It is state that custody of a case property animals should only be done as per the section 34 of the PCA, Act 1960 Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and various exhaustive direction of the Apex court should be followed in letter and sprite.

4. It is pertinent to mention that as per the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and Section 35 of the Act, for Treatment and Care of rescued animals, if the Magistrate thinks it fits in his wisdom, the animals cannot be released to the offender during the pendency of litigation, the vehicle and animals may be seized and handed over the animals to some local Pinjarapoles or Gaushala or Animal Shelter Houses. Also, the expenditure incurred by

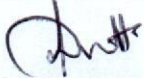
such shelter house in Caring and Maintaining the rescued animals during the pendency of the litigation has to be borne by the Accused Owner and the Transporter. The Animals cannot be temporary or otherwise given to anyone without the proper direction of the Magistrate.

5. Further, it is stated that the Delhi Society of prevention of Cruelty to Animals has issued a circular to all the Police Stations to proactively register the FIR/complaint so as to prevent unnecessary pain or suffering to animals. A copy of the same is enclosed for ready reference.

6. Therefore, in view of the above, it is again requested to kindly issue necessary direction to the erring officials to properly implement the provision of Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 and to maintain a full record of seized animals. Also, no unnecessary seizure on frivolous complaint may be made from the houses/residences of the citizens unless concerned police official thinks that an offense under PCA Act, 1960 has been committed and upon such seizure, the provisions of the PCA Act, 1960 and Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 may be followed diligently. A copy of the direction may also be forwarded to the AWBI for information and record.

7. Your co-operation and co-ordination is highly solicited for the welfare of animals.

Yours sincerely,


(Dr. S. K. Dutta)
Secretary

Copy for necessary action and information:

1. The District Magistrate of All States/ UTs.
2. The Municipal Commissioner of all States/UTs
3. Chairman, AWBI