

[vosd.in](http://vosd.in) The Animal Welfare Board of India (AWBI), the central body for animal welfare, has issued a strong warning to Resident Welfare Associations (RWAs) and individuals who prevent people from feeding stray dogs inside gated communities. AWBI has stated that such actions will lead to strict consequences.

People who feed stray dogs play an important role in the Animal Birth Control (ABC) program, which aims to control the stray dog population and reduce dog bite cases. However, many feeders face hostility and even threats from other residents who oppose feeding stray dogs.

AWBI has made it clear that feeding strays is a right protected by the Constitution. Harassing or intimidating dog feeders is a crime. We will not tolerate harassment of dog feeders under any circumstances," shared AWBI secretary Sujit Dutta.

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The Supreme Court has also ruled that stray dogs have the right to food and that citizens have the right to feed them. Since it is illegal to remove stray dogs from a society, AWBI has warned RWAs against making their own rules that violate the law. Instead, it has urged them to work towards peaceful coexistence with stray dogs and work towards reducing human-animal conflict.

AWBI has advised RWAs to sterilize and vaccinate their community dogs and set up feeding spots inside the society, not outside, in consultation with local feeders. At the same time, the board has requested dog feeders to be mindful of other residents while feeding strays.

## **STREET DOGS**

### **Issued in Public Interest**

Stated below is information that you will find relevant.

Firstly, please remember, harming animals, or treating them with cruelty, is a punishable offence, under the Constitution of India, the Indian Penal Code, the Prevention of Cruelty to Animals Act and the Environment Protection Act.

### **DOG BITES**

1. Dogs do not usually bite without provocation.
2. Dogs may **bite** when,
  - they perceive aggression on your part, such as a raised stick, or bending to pick a stone,
  - if you try to touch/catch them,
  - in a bid to protect their owner's, or their own territory, or their food/source of food,
  - mothers may bite to protect their young ones.

Do not run when you see a stray dog, or walk too fast. Do not stare at them. Just let them be – they'll let you be.
3. World wide statistics reveal that **pet** dogs are far more prone to biting than are strays.
4. Dogs are classified as companion animals. They are usually friendly to humans, and are almost always more scared of you than you are of them.

9. The W.H.O. recommends systematic **sterilization, vaccination and community level adoption** of dogs for effectively reducing dog population and aggression in dogs, and eliminating the risk of rabies.
10. **Relocating** stray dogs is not recommended. Dogs are released back in the areas they were picked up from, because they guard their territories and prevent other (possibly un-sterilized, un-vaccinated) dogs from coming in. This also serves to keep the dog population in a community in check.
11. Dogs keep areas free of snakes, rodents, particularly sewer rats, that can overrun habitation with fearful diseases like plague. (Example, plague at Surat.)

## **THE LAW IN THIS REGARD**

The ten Fundamental Duties—given in **Article 51-A** of the constitution—can be classified as either duties towards self, duties concerning the environment, duties towards the State and duties towards the nation. "Directive Principles of State Policy" directs that the government should keep them in mind while framing laws, even though they are non-justifiable in nature. Directive Principles are classified under the following categories: Gandhian, social, economic, political, administrative, legal, environmental, protection of monuments, peace and security. After the Stockholm Declaration in 1972 the Indian Constitution (Forty-second Amendment) Act, 1976 inserted for the first time specific provisions to protect & improve the environment.

1. **Article 51-A(g)** states - " It shall be duty of every citizen of India to protect & improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."
2. **Article 48-A** - "The State shall endeavor to protect & improve the environment and to safeguard the forests and wildlife of the country."
3. **Article 19** deals with the fundamental rights of the citizen. So "Right to Protect the Environment" comes within Article 19.
4. **Article 25, 26, 27, 28** provides religious freedom to all citizens and preserves the principle of secularism in India. According to the constitution, all religions are equal before the State. Citizens are free to preach, practice and propagate any religion of their choice in their own way. Feeding animals like dogs is a part of the same in many religion.
5. **Section 11 of the Prevention of Cruelty to Animals Act** makes all animal cruelty a criminal offence. Fines and imprisonment are both provided for. The Indian Penal Code has similar provisions.
6. **The Animal Birth Control (Dog) Rules, 2001**, enacted under the Prevention of Cruelty to Animals Act, provide for sterilization and vaccination as a means of stabilizing/reducing stray dog populations and eliminating the risk of rabies ; and prohibits relocation of stray dogs, i.e. throwing, or driving them out of one area, into another. *Enclosed copies of an articles referring to an order passed by the Supreme Court of India in this regard, which prohibits removal, dislocation or killing of even nuisance dogs.*
7. **Under Stray Dog Management Rules 2001**, it's illegal for an individual, RWA or estate management to remove or relocate dogs. The dogs have to be sterilized and vaccinated and returned to the same area. Vaccinated and sterilized dogs cannot be removed by the municipality too.

8. Under **Section 506 of the IPC**, it's a crime to threaten, abuse or harass neighbors who feed animals.
9. **I.P.C. Section 428 and 429** provides severe punishment (up to 5 years imprisonment) to people resorting to dislocation, abduction and acts of cruelty towards community animals or pets.
10. **Delhi Police act 1968, sections 73 to 79, 99** gives special powers to police to take action when an animal offence has been committed.
11. **Ministry of Public Grievances notification** and a similar notification by **Animal Welfare Board of India dated March 2008**, provide immunity to animal feeders and restrict government employees or bodies such as Resident Welfare Associations from harassing people who try to feed or help animals.
12. **The Environment (Protection) Act – 1986** and **Wildlife (Protection) Act 1972** at various places protects the stray dogs against any kind of cruelty.
13. **Directive of the Central Mumbai Consumer Disputes Redress Forum, given on 22/11/10** came down strongly against the housing societies who were charging a resident for use of lift since October 2008 for pets.
14. **High Court of Delhi in 2011** passed an order asking the police to provide protection to dogs and dog feeders and has made it a punishable offence in case anyone restricts, prohibits or causes inconvenience to any person feeding a street dog or resorts to removal dislocation or killing of a dog.
15. **The Supreme Court of India in 2009** gave a similar stay order against removal culling or dislocation of a dog anywhere in India.

Other notifications, laws, orders pertaining to Dog feeding, Protection and removal/ killing/ dislocation are attached herewith for consideration. Please note that these are serious offenses under the law of the land and are punishable also.

### **FEEDING STRAY DOGS**

1. Hungry animals are more likely to fight, and bite, and be diseased (since they forage for food in garbage). Feeding stray dogs renders them docile and friendly, and they do not roam in search of food. It becomes easier to catch them for sterilization and vaccination.
2. Stray dogs are scavengers, and can live on insects, rodents, and garbage. Countries that have tackled garbage, filth, slums, etc. and resorted to large scale sterilization and vaccination, have effectively managed stray animals.
3. If the dogs feed on Garbage then the garbage dump becomes their “**primary food source**” which they will try to protect from you and in turn may get hostile. But if you feed the dogs at least once days then you become the primary food source which they will protect. **High Court of Delhi has hence passed an order asking the police to provide protection to dogs and dog feeders and has made it a punishable offence in case anyone restricts, prohibits or causes inconvenience to any person feeding a street dog.**

Hence, “Domestication” of a few dogs, management of “Garbage Dumps”, “Feeding” of stray dogs and finally “Vaccination & Sterilisation” of the same dogs is a **FOUR STEP** solution to any problem that may arise out of street dogs.

## ANNEXURES

### Various orders mentioned in the letter above

#### ABC RULES

In view of the enactment of the Animal Birth Control (Dog) Rules, 2001, under Section 38 of the Prevention of Cruelty to Animals Act, 1960, which contains mandates that are at complete variance with Section 399 (1) (b) of the Delhi Municipal Corporation Act, 1957, the Municipal Corporation of Delhi cannot destroy dogs at will.

The Animal Birth Control (Dog) Rules, 2001, The Prevention of Cruelty to Animals Act, 1960, and even The Delhi Police Act, 1978, were enacted later in point of time, than the Delhi Municipal Corporation Act, 1957. They record a progression of the law, and in the matter of dealing with dogs, the mandates contained in The Animal Birth Control (Dog) Rules, 2001, shall OBVIOUSLY prevail.

For your ready reference, The Animal Birth Control (Dog) Rules, 2001, in entirety, and the relevant sections of The Prevention of Cruelty to Animals Act, 1960, and even The Delhi Police Act, 1978, are enclosed herewith. The relevant portions, i.e. Rule 6 and Rule 7, are highlighted.

**Rule 6** clearly envisages that even if the Municipal Corporation thinks it expedient to control street dog populations, IT CANNOT RESORT TO KILLING OR DISLOCATING. It can only sterilize and immunize the dogs, and then leave them at the locations that they had been picked up from.

**Rule 7** deals with the procedure to be followed upon receipt of a complaint. Please also note, the M.C.D. cannot just pick up dogs, simply because some persons, don't like their being around. Even the dogs that are complained about can only be sterilized and immunized, and then left back at the locations that they had been picked up from.

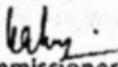
2. Various RWAs have been attempting to remove animals in their area on their own or through security guards employed by them. Further that they have taken recourse to intimidating residents who may be feeding/tending to these animals. Kindly note the laws in this regard:
- i) Under the central law as laid out in Stray Dog Management Rules 2001, it is illegal for any individual, RWA or estate management to remove or relocate dogs. Complaints, if any, may be directed to the municipality or to a local animal welfare organization. The dogs will be sterilized and vaccinated and returned to the same area. In the case of vaccinated and sterilized dogs, they cannot ever be removed by the Municipality.
  - ii) Several Courts have held that it is both lawful and helpful for local residents to feed colony dogs as it facilitates the municipal sterilization programme. Feeding dogs has been held to be a 'social service' and the police and RWAs have been directed to protect those engaged in this social service.
  - iii) It is cognizable under Sections 428/429 IPC to hit, hurt, injure or kill any animal as well as under the Prevention of Cruelty to Animals Act, 1960.
  - iv) Under Section 506 IPC, it is a criminal offence to threaten, abuse, harass neighbors who feed homeless animals.
  - v) In its letter F.No 30/9/2006, the Ministry of Personnel, Public Grievances and Pensions has warned that no association recognized or unrecognized may take action on its own or through any persons employed by it like security guards against animals in violation of

these laws:

- a) Article 51 (a), Constitution of India
  - b) Indian Penal Code, Sections 428/429
  - c) Prevention of Cruelty to Animals Act 1960
3. Directives of the Animal Welfare Board of India, a statutory body under the central government.
  4. Any attempt to remove dogs will be in contempt of judicial rulings in several cases, including the Hon'ble Supreme Court of India (Animal Welfare Board of India Vs People for the Elimination of Stray Dogs, Record of Proceedings 265025).

Apart from being illegal, removal of colony dogs is also counter-productive. Dogs being territorial guard the area against the incursion of other dogs and animals. Should the dogs that are familiar with the area be removed, others who are new to the area will move in and the chances of accidents will increase. Sterilizing the existing population keeps the numbers in check and the area safe from intruders both human and animal alike. It is therefore in the colony's best interests to care for its existing dogs so that they may live out their natural lives, healthily and harmlessly. Any action contrary to the above is punishable under the law.

It is, therefore, requested that all RWAs may kindly ensure that the provisions of Prevention of Cruelty to Animals Act 1960 may not be violated and cooperate in vaccination and sterilization programme launched by MCG.

  
For Commissioner, 02/02/12  
Municipal Corporation,  
Gurgaon

## **WILDLIFE PROTECTION ACT, 1972.**

### **UNDER SECTION 9, 39, 40 (2)**

#### **Offences**

11. Hunting, keeping or breeding of any wild animals and birds.
12. Acquiring, receiving, keeping in control, custody or possession, selling wild animals like monkeys, snakes, bears etc, or any wild birds. This includes parakeets and mynahs.
13. Selling skins or meat of wild animals. This includes monitor lizard oil or oil made of any other creature. Stuffed squirrels, snake skins, peacock feathers.

#### **Penalty**

The offender shall be punishable with imprisonment for a term of not less than one year which may extend to six years and also with a fine which shall not be less than five thousand rupees.

### **UNDER SECTION 38 (J)**

#### **Offence**

14. Teasing, injuring or causing disturbance in the zoo.

#### **Penalty**

The offender shall be punishable with imprisonment for six months or with fine which may extend to two thousand rupees or with both.

## **INDIAN PENAL CODE, 1860**

### **UNDER SECTION 428, 429**

#### **Offence**

15. Mischief of killing or maiming of an animal of any value above ten rupees. This includes bulls, oxen, horses, mules, camels etc.

#### **Penalty**

The offender shall be punishable with imprisonment which may extend to five years or with a fine or with both.

## **DELHI POLICE ACT, 1968**

### **UNDER SECTION 73 TO 79 & 99**

Under this Act the police has been given special powers to take action, when an animal offence has been committed.

When a police officer has reason to believe an offence under Section 11 and 12 of the Prevention of Cruelty to Animals Act has occurred, he may seize the animal and take it to a veterinary officer. The police officer can keep the animal in a dispensary before it is produced before a magistrate, so long as the time does not exceed three days. A police officer may unsaddle or unload an animal he suspects is unfit or too sick to carry out the work it is doing.

A police officer may arrest, without a warrant from a magistrate, any person committing in his presence any offence punishable under the Prevention of Cruelty To Animals Act.

# **PEOPLE**



# **FOR ANIMALS**

### **Extracts from :**

1. Prevention of Cruelty to Animals Act, 1960 (Act 59 of 1960)
2. Wild Life Protection Act, 1972
3. Indian Penal Code, 1860
4. Delhi Police Act, 1968

**WHAT EVERY POLICE  
OFFICER AND ANIMAL  
ACTIVIST SHOULD KNOW**

**PUNISHABLE OFFENCES**  
**PREVENTION OF CRUELTY TO**  
**ANIMALS ACT, 1960 (ACT 59 OF 1960)**

**UNDER SECTION 11**

**Offences**

1. Beating, kicking, overriding, torturing or causing any animal pain or suffering by the owner or any other person (Tongawallas and cart-owners). Using any animal for work when it is wounded or unfit.
2. **Overloading:**  
Any weight exceeding the limits given below:

Two wheeled Vechicles	Kgs
Small Buffalo	500
Medium Buffalo	700
Large Buffalo	900
Horse	375
Camel	1000
Pack Animals	Kgs
Small Buffalo	100
Medium Buffalo	150
Large Buffalo	175
Pony	35
Mule	75
Donkey	35
Camel	185

Permissible loading in a truck is only 4 buffaloes or 40 sheep/goats. Animals in tempos are not allowed.

Only 4 passengers excluding the driver are allowed on a tonga or a total of 325 kgs.

3. Carrying or transporting animals in such a manner that it causes suffering. Carrying of chickens upside down on cycles, carrying of goats, pigs, cattle with their legs tied in small vehicles.
4. Caging or confining an animal in a cage which does not allow the animal sufficient space for movement. Overcrowding of animals in yards and during transportation for slaughter. This applies to the cages of circus animals & mini zoos as well.
5. Failing to provide pet animals with sufficient food, drink or shelter Abandoning an animal when old or diseased, keeping it on a short leash and insufficient exercise. Pet owners are covered under this Act.
6. Mutilating an animal : Cutting ears or tails, cutting the beaks of birds or clipping their wings & breaking legs for transportation.
7. Giving any animal an injurious drug. All dairy-owners who give oxytocin injections to their milch cattle can be raided and their dairies shut down. Also look at Section 12.
8. Organising or offering an area for animal fights or baiting of animals. (Cock or ram fighting, snake and mongoose fights.)

**Penalty**

All these Offences are punishable with a fine which may extend upto one hundred rupee or with imprisonment for a term which may extend to three months or with both.

**UNDER SECTION 12**

**Offence**

9. Any person using injections of any kind, conducting any operation called Phooka or Doom Dev to improve lactation of cows or any other milch cattle (e.g. Oxytocin injections).

**Penalty**

The offender may be punished with a fine which may extend to one thousand rupees or with imprisonment which may extend to two years or with both and the animal confiscated by the Government.

**UNDER SECTION 21 & 22**

**Offence**

10. It is an offence to exhibit and train performing animals. (All madaris, snake-charmers, bear and monkey performers are covered under this Section. Animal "Joyrides" are also covered under this Act.)

Under govt. notification GSR 619(E) dated 14-10-98. circuses may not use the following animal for training or exhibition : Bears, Monkeys, Tigers, Panthers, Lions.

**Penalty**

The offender may be punished with a fine of five hundred rupees or with imprisonment which may extend to three months or with both.