No.9-10/2021-2022/PCA

ANIMAL WELFARE BOARD OF INDIA
Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
(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

To

1. The Member Secretary,
Maharashtra Animal Welfare Board
Commissionerate of Animal Husbandry,
Maharashtra, Opposite Spicer College Rd,
Aundh Pune-411067, Email: cah.addcomm@gmail.com
2. The Commissioner of Police,
Near Kalawa Bridge, Thane,
Maharashtra 400601, Email: cp.thane@mahapolice.gov.in

Date: 23.08.2021

Subject: Requested to immediately constitute an Animal Welfare Committee to look into the alleged complaint regarding the relocation of stray dogs and puppies and to stop the cruelty and harassment of compassionate citizens -Regarding

Sir/Madam,

With reference to the above cited subject, it is stated that the Board has received an email by Ms. Bhavna Baledes Solanki from A/102, Janki Niwas CHS, Tapovan, rani Sati Marg, Malad East, Mumbai-400097 stating that the members of the society are objecting her to feeding the stray dogs and relocate or killing 6 puppies born about 21/2 months’ backs from the society premises. The society has instructed the watchmen to scare the dogs away, when she go to feed the dogs the watchmen use the baton to scare the dogs. A copy of the complaint is attached, which is self-explanatory.

2. The Supreme Court has in the case of AWBI Vs. Nagaraja & Ors inter alia held 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 behavior], 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”), MoEF and AWBI.” The copies of the same are attached herewith for your information.

3. 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.

4. The Hon’ble High Court of Delhi in I.A.No.4164/2021 in CS(OS) 277/2020 dated 24.06.2021 in the Matter of Dr. Maya D. Chablani Vs. Radha Mittal & Ors, it was directed the AWBI shall ensure that every Resident Welfare Association or Municipal Corporation (in case of RWA is not available), shall have an Animal Welfare Committee, which shall be responsible for ensuring compliance with the provisions of the PCA Act and ensure harmony and ease of communication between caregivers, feeders or animal lovers and other residents. (Copy Enclosed).
5. The Hon'ble High Court of Delhi in WP © 2556/2021 and CM Appl. 7535/2021 passed judgment dated 24.02.2021 in the Matter of Urvashi Vashisht & Ors. Vs. RWA & Ors, wherein it was directed that the RWA and the feeders with the help of AWBI representatives will identify the spot for feeding of the Street Dogs in the colony; no hindrance whatsoever shall be caused to the person in carrying out any activities in respect of the street dogs at the said spot. Also, it shall be the duty of the SHO concerned to ensure that peace and harmony are maintained amongst the residents of the area so that no harassment is caused to the petitioners by RWA and vice versa.

6. The board has issued an advisory dated 25.08.2015, 28.10.2015 and 14.08.2020 requesting all the Chief Secretaries and Director general of police of all States/UT's to issue directing all their police station and officials to enforce the provisions of the prevention of Cruelty to Animals Act, 1960 and its Rules effectively and also register the FIRs wherever necessary on priority basis so that such enforcement becomes a deterrent to the infliction of cruelty on the helpless animals.

7. The Board has also issued an advisory dated 03.03.2021 to all the Chief Secretaries and Director general of police of all States/UT's requested them to kindly issue necessary directions to all the local authorities to take appropriate steps to identify sufficient numbers of feeding spots for the stray dog in every town, villages, RWA and other institutes, etc as well as to ensure that no harassment or hindrance is caused to the person feeding street dogs at designated feeding spots and to properly implement the AWBI revised guidelines on pet dogs and street dogs dated 26.02.2015.

8. Therefore in view of the above it is requested to you to kindly constitute an Animal Welfare Committee of comprising of residents, dog feeders, representative of Animal husbandry department or representative of Municipal Corporation, local SPCA and SHO of Jurisdiction Police Station to administer and manage the situation at local level. The team shall monitor and resolve all the issues to ensure that there is no harassment is cause to the animal feeder and no unnecessary trouble is caused to the residents. Also, all the concern parties are to ensure that the strict implementation of the AWBI circular dated 26.02.2015.

9. In addition to the above, it is requested to issue necessary directions to the local officials to ensure that no harassment is caused to the dog lovers or feeders and to take appropriate action as per law and Forward action taken report to the Board immediately to take further necessary action.

"Please treat this as most urgent".

Yours sincerely,

(Dr.S.K. Dutta)
Secretary

Copy to: for information and further appropriate action.
1. The Assistant Commissioner of Police, Malad. Email:- acpmalad@gmail.com
2. Shri. Girish Shah ji, Email:
3. Ms. Bhavna Solanki, Email: nbsbhavna1967@gmail.com