No.9-5/2021-22/PCA

To
1. The Commissioner of Police,
MSO Building, Indraprashtha Marg,
IP Estate, New Delhi, Delhi 110095
Email: cp_snshrivastava@delhipolice.gov.in/
delpol.service@delhipolice.gov.in
2. The Director,
Animal Husbandry Department,
Govt. of NCT of Delhi, Animal Husbandry Unit,
Zorawar Singh Marg, Tis Hazari, New Delhi, Delhi 110054
Email: dir-ahdel@nic.in

Subject: Alleged Complaint regarding cruelty inflicted to stray dogs, trying to relocation and repeatedly harassment of compassionate citizens – Regarding.

Ref: Refer to our letter even number dated 25.08.2015, 28.10.2015 and 14.08.2020 on the above subject. (Copy enclosed)

Sir/Madam,

With reference to the above cited subject, it is brought to the notice of the Board by Ms. Malti Gupta (HAWO) received several complaints from Saraswati Apartments, Sector D-6 stating that as per the instruction of RWA the security guards, in the middle night should gradually feed the dogs and relocate to make sure they are out of society premises. Currently, a couple of dogs were moved out of the society, some of them have vanished and a few dogs have also been found dead. And now the latest instruction Is given to spray a petrol at their genitalia so that they should run away. A copy of the complaint letter is attached herewith for your ready reference.

2. The Cruelty to animals is an offense under Section 3 and Section 11(1) of the Prevention of Cruelty to Animals Act, 1960.

3. The Supreme Court has in the cast of AWBI v/s Nagaraja & Ors interalia held the following: We declare that the five freedoms [viz. i) freedom from hunger, thirst and mainutrition; 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 safe guarded by the State and Central Government, Union Territories (in short “Governments”), MoEF and AWBI. The copies of the same is attached herewith for your information.

4. Further, it is informed that as per Indian law, stray dogs cannot be displaced and relocated to shelters (or beaten or driven away). They can merely be sterilized in the manner envisaged in the Animal Birth Control (Dogs) Rules, 2001, vaccinated, and then returned back to their original locations - Rule 7(6). For the area-wise sterilization program that the law mandates shall be followed, dogs have to be returned back to their original habitat after sterilization and immunization. The rationale behind the same is that dogs, being territorial in nature, tend to fight off other dogs, and keep them from entering their territories; and in this manner, the dog population in each territory/within each locale, stabilizes, and then reduces. In any
event, dogs cannot be displaced or relocated, and have to be returned back to the very localities that they are picked up from, after sterilization and immunization.

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 companion animal.

6. Therefore in view of the above it is requested to you to kindly constitute a team 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.

7. 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 against the offenders 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

Encl.: as above.
Copy to: The Complainant for information and further necessary action.
1. 1. The District Collector (South/West), Old Terminal, Tax Building, Kapashera, Delhi-110037 Email: dcsw@nic.in
2. The Commissioner, South Delhi Municipal Corporation, K.D. Colony, Sector-9 Rama Krishna Puram New Delhi-110022. Email: commisioner-sdmc@mcd.nic.in
3. Ms Malti Gupta, email: