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ANIMAL WELFARE BOARD OF INDIA

(Ministry of Environment and Forests, Govt. of India)

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No.9-1/2015-16 PCA

18-6-2015

The President/CEO of all Cantonment Board,
(as per list enclosed)

Sir/Madam,

Sub: Circular to all Cantonment Boards to implement Animal Birth Control (Dogs) Rules, 2001 and to desist from relocation/killing of stray dogs in Cantonment Areas-reg.

I am directed to bring to your notice that the Board has received complaints through Animal Welfare activists that the dogs within some of the Cantonment Areas are being caught and are being relocated/killed. A copy of the RTI reply given by the office of the Cantonment Board, Pune in October 2013 has been forwarded to us that states that legal provision allow for Cantonment Boards to pick up dogs when no sterilisation is being undertaken and quotes the provisions of the Cantonments Act (enclosed)

Such relocation and killing of dogs is not only against the ABC (Dogs) Rules 2001 but it is also against the Prevention of Cruelty to Animals Act, 1960. I am bringing to your notice the provisions of Rule 13 of the ABC (Dogs) Rules, 2001 as given below and to state that it is illegal and an offense to relocate and kill stray dogs since it is clearly given that as per ABC (Dogs) Rules, 2001 made under the Prevention of Cruelty to Animals Act, 1960, any Act, rule, regulation or bye-law made under any law) it contains provisions more irksome to the animal than those contained in these rules, be of no effect.

Rule 13. Application of rules where local bye-laws etc., exist - If there is in force in any area to which these rules extend, any Act , rule, regulation or bye-law made under any law for the time being in force by the State or the Local Authority in respect of any of the matters for which provision is made in these rules, such rule, regulation or bye-law shall to the extent to which

(a) it contains provisions less irksome to the animal than those contained in these rules, shall prevail;

(b) it contains provisions more irksome to the animal than those contained in these rules, be of no effect.

Animal Birth Control (Dogs) Rules, 2001 has clearly stated that population of stray dogs are to be controlled by the local authority through Animal Birth Control programme and that dogs captured for the ABC programme shall be released at the same place or locality from where they were captured. Hence relocation and killing of dogs is illegal.

The World Health Organisation has also reported that "dislocating dogs, and dumping of them somewhere else, only makes it easier for the ones that remain to survive. On account of the food sources thereby made available to a smaller number, the dogs that remain proliferate more successfully, with larger litter sizes. Further, the vaccum or 'dog free' territories created by dislocation are rapidly filled up by new dogs. The Central Government has notified Animal Birth Control (Dogs) Rules, 2001 for the control of stray dog population through Sterilization and immunization programme. The Board has framed a manual

"Standard Operating Procedures (SOP) for the sterilisation and immunization of the stray dogs, which is being widely followed by all the AWOs/Local Bodies doing Animal Birth Control Programme.

Hence, I am directed to request you to immediately give directions to the concerned officials to desist relocation or killing of the dogs. Action may also be taken against the concerned officials for such irresponsible acts.

The Board is aware that there are a few Cantonment Boards at Delhi, Secunderabad etc.. are controlling the stray dog population through ABC program. Hence the other Cantonment Boards shall have to take necessary action to implement the ABC (Dogs) Rules, 2001.

It is requested that the concerned authorities be directed to implement the provisions of the Animal Birth Control (Dogs) Rules, 2001 in letter and spirit for sterilization and immunization of stray dogs immediately to control the population of stray dogs in the Cantonment Areas. The ABC (Dog) Rules, 2001 and the SOP are available in our website www.awbi.org.

Last but not the least, the Supreme Court of India in its judgement in SLP © No.11686 of 2007 in the matter of AWBI Vs A.Nagaraja & Ors has directed among others in para 77 of the judgement that:

(3) AWBI and Governments are directed to take appropriate steps to see that the persons-in-charge or care of animals, take reasonable measures to ensure the well-being of animals.

(4) AWBI and Governments are directed to take steps to prevent the infliction of unnecessary pain or suffering on the animals, since their rights have been statutorily protected under Sections 3 and 11 of PCA Act.

(10) The Governments would see that if the provisions of the PCA Act and the declarations and the directions issued by this Court are not properly and effectively complied with, disciplinary action be taken against the erring officials so that the purpose and object of PCA Act could be achieved.

(12) AWBI is directed to take effective and speedy steps to implement the provisions of PCA Act in consultation with SPCA and make periodical reports to the Governments and if any violation is noticed, the Governments should take steps to remedy the same, including appropriate follow-up action."

It is also requested that action taken on this may please be forwarded to us immediately.

Yours faithfully,



(S.Vinod Kumar)
Assistant Secretary

Copy to: for information and further necessary action please.

1. Maj. Gen. Dr.R.M.Kharb, AVSM (Retd), Chairman, AWBI.
2. Ms.Mohini Sharma, Pune email: mohini1_sharma@yahoo.com).