



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, Ballabhgarh, Haryana-121004

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

No.9-13/2021-2022/PCA

Dt. 25.05.2021

To

1.The Director,
Department of Animal Husbandry & Veterinary Services,
LB2, Sector III, Salt Lake City, Kolkata- 700106
Email : dahvs.ard-wb@nic.in

2.The Commissioner of Police,
Office of the Commissioner of Police,
Lal Bazar St, Kolkata- 700001, West Bengal
Email: cpkolkata@kolkatapolice.gov.in

Subject: Complaint regarding cruelty inflicted to stray animals, relocation, restriction and repeatedly harassment of compassionate citizens – Reg

Ref: Refer to our letter even number dated 25.08.2015, 28.10.2015 and 14.08.20 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 Shri Saptrashi Chakraborty from Sunrise Symphony, Newtown, 2-B Kolkata-700161 stating that Mr. Dibyendu Chowdhury of his society along with some of the owners started imposing a ban on the entry of dog and not even allowing him to feed outside the gate of complex. There have been repetitive instances when this poor dog has been kept outside the gate not allowing him to enter the premises which is his home and where he has been staying for the last one and half years. A copy of the complaint letter is attached herewith for your ready reference.

2. In this regard, it is stated that it is fundamental duty given under Article 51 A(g) of the Constitution of India and it states that *"It shall be duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures."* The removal of dogs from its natural habitat or from the owner is a punishable offense under Section 3, Section 11(1) of the Prevention of Cruelty to Animals Act, 1960 and Section 428 & 429 of IPC and violation of the directions of the Hon'ble Supreme Court of India

3. 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.

4. The Hon'ble Supreme court of India has also issued direction dated 07.05.2014 in matter of AWBI vs. A. Nagaraja & Ors to all the State Governments/UTs for implementation of the provisions of the PCA, Act, 1960 and its rules effectively so as to prevent unnecessary pain or suffering to animals and also to take appropriate action against the offenders inflicting cruelty to animals. (Copy enclosed)

5. According to the most recent Judgment passed by the Hon'ble High Court of Delhi in W.P.(C) 2556/2021 & CM APPL.7535/2021 dated 24.02.2021 in the Matter of Urvashi Vashist & Ors Vs. RWA & Ors, 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 persons 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 is maintained amongst the residents of the area so that no harassment is caused to the petitioners by RWA and vice versa. (Copy enclosed)

6. Therefore, in view of the above it is requested to conduct an enquiry into the matter and take appropriate action against the offenders as per the provision of law and forward a copy of the action taken report to the Board at the earliest.

“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. The Director General of Police, Office of the Director General of Police, Police Headquarters, Nabanna, 325 Sarat Chatterjee Road, Kolkata-711102 Email:- dgpwestbengal@gmail.com ..
2. Shri Saptarshi Chakraborty, Email: saptarshichakraborty0@gmail.com
3. Sunrise Symphony, Email: pmsunsymphony@gmail.com