No.9-10/2021-22/PCA

Date: 14.06.2021

To
The Member Secretary,
Maharashtra Animal Welfare Board
Commisionerate of Animal Husbandry,
Maharashtra, Aundh, Pune-411067
Email: cah.addcomm@gmail.com, mahaanimalwelfareboard@gmail.com

Subject: Request to ensure the strict implementation to the direction of the AWBI letter dated 23.05.2021 - regarding.

Sir,

With reference to the above-captioned matter, it is submitted that the AWBI vide its letter dated 19.03.2021 and 31.03.2021 request to your good office to conduct an enquiry into various complaint received in regard to feeding of stray dogs and harassment of dog feeders at Seawood Estate Limited. However, no action taken report was submitted in this regard. In the meanwhile, due to repeated complaints, AWBI requested Shri. Girish J Shah, Member AWBI alongside the NMMC Veterinary doctor and SHO, NRI Complex to conduct an inspection of the society. A copy of the all the emails and communications held are enclosed for your ready references.

2. It is stated as per the AWBI request the inspection of the Seawood Estate Limited was conducted on 11.05.2021 by Shri. Girish J shah, Member AWBI alongside the NMMC Veterinary doctor and SHO, NRI Complex and it was recommended to allow 3 dogs which have been removed from the premises of Seawood Estate Limited, shall be allowed to come back into the society. However, they should be kept under observation and in case of any sign of hostility or dog bite, the same should be brought to the notice of NMMC, which shall take action as per the provision of the law. Further, it was recommended that all the dogs in the premises of Seawood Estate are properly sterilized and vaccinated with the help of NMMC. Also, to identify more feeding spots within the premises in consultation with the dog feeders and caregiver as the society is very vast and the SHO, NRI Complex shall ensure proper harmony and take cognizance of the matter, if any violation of the above is conducted by anyone. The same was conveyed to all vide AWBI letter dated 27.05.2021(copy enclosed).

3. It is pertinent to mention that the AWBI vide its letter dated 19.05.2021 (copy enclosed) requested Seawood Estate Limited to ensure that no harassment of the animals feeder is done by residents or RWA. However, the AWBI still continue to receive several representative from the CEM of the Seawood Estate
Limited, resident and stray animal feeders, making complaint and allegation on each other.

4. Therefore, in view of the above, it is requested to kindly constitute a team of comprising of residents, dog feeder, representative of Animal husbandry department or representative of NMMC, local SPCA and police to administer and manage the situation at local level. The team monitors and resolves all the issues to ensure that there are sufficient feeding spots for the dog and no harm is caused to the animals, 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 letter dated 29.05.2021 and AWBI circular dated 26.02.2015 is being done. In addition to all the above, if there is any report or complaint in regard of the furious or dumb dog causing dog bite and fear among the residents, you shall take the appropriate action as per the provisions of the law.

This may be treated as most urgent.

Yours sincerely,

(Dr. S. K Dutta)
Secretary

Encl. as above.

CC to:
1. The Commissioner NMMC, Belapur, Navi Mumbai,
   Email: commissioner@nmconline.com
2. SHO, NRI Complex; Email ps.nri.nm@mahapolice.gov.in
3. Bombay SPCA; Email: bombayspca@gmail.com
4. CEM, Seawood Estate Limited; Email: cem@nricomplex.in
5. Ms. Sharmila Shankar; Email: sharmila@wilderindia.com
6. Chairman, AWBI
7. Shri Girish J Shah, Member AWBI; Email: samastmahajan9@gmail.com
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

No.9-10/2020-2021/PCA

Dated:-27.05.2021

To,
Seawood Estate Limited
Nerul, Navi Mumbai
Email: cem@nricomplex.in

Sub: To allow 3 dogs back into the Seawood Estate Limited and ensure that the feeding takes place without any harassment to the feeder or their family - reg.

Sir,

Please refer to the Animal Welfare Board Letter of even number dated 19.05.2021 regarding the captioned matter. It is to inform that on the basis of the complaints, the AWBI got the society inspected through the Hon’ble Board Member Shri. Girish J shah, Member AWBI wherein, the NMMC Veterinary doctor and SHO, NRI Complex were present. The inspection of the Seawood Estate Limited was conducted on 11.05.2021.

2. The inspection team has suggested that the 3 dogs which were removed from the premises of Seawood Estate Limited, shall be allowed to come back into the society. However, they should be kept under observation and in case of any sign of hostility or dog bite same should be brought to the notice of NMMC, which shall take action as per the provision of the law. The team has also recommended that there should be more number of feed spots.

3. Further, it is recommended that the society in consultation with the dog feeders and caregiver shall identify more feeding spot apart from the existing two numbers of the feeding areas in the society, as the premises is very Big and dogs are territorial animal who live in a pack and it won’t be ideal to feed different packs in the same area which may lead to dog fights and furious/anxious dogs in the premises. Preferably, all the feeding areas should be within the areas of the society so that the caregivers can reach to the dogs without any hindrance. Also the number of feeding areas are sufficient enough to feed all the dogs in the society. The feeder shall also restrict themselves to feed the animals at the identified feeding spots only. The RWA shall ensure that there shall be no harassment of these feeders and caregivers by other resident or by RWA members.

4. Accordingly, the Seawood Estate is requested to allow the 3 dogs back in to the society and make sure that all the dogs in the premises are properly sterilised and vaccinated with the help of NMMC. Also, to identify more feeding spots within the premises in consultation with the dog feeders and caregiver which should be sufficient enough to feed all the dogs in the society. The SHO, NRI Complex shall ensure proper harmony and take cognizance of the matter if any violation of the above is conducted by anyone.

Yours sincerely,

(Dr.S.K.Dutta)
Secretary

Copy for information and necessary action to:
1. The Commissioner, NMMC, Belapur, Navi Mumbai, Email:- commissioner@nmmconline.com
2. The Chairman AWBI
3. SHO,PS NRI Complex.
No.9-10/2020-2021/PCA

Date: 19.05.2021

To,

Residential Welfare Association
Seawood Estate Limited
Nerul, Navi Mumbai
Email: cem@nricomplex.in

Subject: Inspection of Seawood Estate Limited to ensure that the feeding takes place without any harassment to the feeder or their family - regarding.

Sir,

With reference to the above-captioned matter, it is stated that the inspection of the Seawood Estate Limited was conducted on 11.05.2021 by Shri. Girish J shah, Member AWBI alongside the NMMC Veterinary doctor and SHO, NRI Complex.

2. In this regard, it is stated that while AWBI is examining the matter regarding the issue of feeding points and feed of dogs by the animal feeder in your society thereby you are directed to ensure that the dog feeders and caregivers are not to be harassed in any case as well as to restrain yourself from taking any corrosive action against them pending decision conveyed by the AWBI to the Society.

3. It is pertinent to mention that the dog feeder and caregiver are showing compassion to stray dog/pet dogs cannot be harassed by their neighbour also or any other member of the society for carrying out their fundamental duties as per the provision of the Article 51A(g) of the Constitution of the India. In addition, it is to inform that the AWBI had issued the advisory dated 14.08.2020 (copy enclosed) in regard to the harassment of citizen compassionate to the animals and has requested Chief Secretaries and Director General of Police of all States/UT’s to issue direction to 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 to register FIRs wherever necessary on priority basis where such harassment and threats are being made to the compassionate citizens.

4. Therefore, received of any complaint of harassment of dog feeder and caregiver by any resident or RWA of Seawood Estate limited, the same will be seriously viewed with and appropriate action as per the provision of law will be initiated.

Yours sincerely,

(Dr. S. K. Dutta)
Secretary

Copy for information and necessary action to:

1. The Commissioner, NMMC, Belapur, Navi Mumbai, Email: commissioner@nmmconline.com
2. The Chairman AWBI
3. Shri Girish J. Shah, Member AWBI
No.9-10/2020-2021/PCA

To,

1. The Commissioner of Police,
   Navi Mumbai, Opposite RBI, Sector No 10,
   CBD-Belapur, Navi Mumbai-400614,
   Email: cp.navimumbai@mahapolice.gov.in
2. The Additional Commissioner,
   Commissionerate of Animal Husbandry,
   Maharashtra, Oppsite Spicer College Rd, Aundh Pune-411067
   Email: cah.addcomm@gmail.com
3. Shri Girish J. Shah,(Member AWBI)
   101, Atmaj Apartment, Opp: Cumala Hospital,
   August Kranti Marg, Mumbai-400036.
   Email: samastmahajan9@gmail.com

Sub: To take immediate action for harassment of compassionate citizens and to
identifying the feeding spot of the street dogs in Seawoods Estate Ltd [NRI
Complex], Navi Mumbai- Reg

Ref: AWBI Letter dated 12.03.2021 to the Chairman and Vice Chairman of the
Seawoods Estate Ltd.

Sir,

With reference to the above cited subject, it is stated that the Board has
received a complaint through an email from Ms. Meeta Sharma, Sharmila Shankar
and Ors. alleging that her Chairman and Vice Chairman indulged in relocation of
street dogs and repeatedly harassment of the people showing compassion towards
animals. A copy of the email is attached herewith which is self-explanatory.

2. The Board has received a reply through an email dt. 18.03.2021(copy
   enclosed) from Seawoods Estate Limited (SEL) alleging that the complaint of Ms. Meeta
Sharma and Ors are baseless and false. The Cruelty to animals or Killing of animals is
an offense under Section 11(1) of the Prevention of Cruelty to Animals Act, 1960,

3. The Hon'ble Supreme Court had directed to take action against the
   erring officials as per the Para 77 of the S.L.P.No.(C) 11686 of 2007, Animal Welfare
Board of India Vs A.Nagaraja & Others and the department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pension had issued guidelines vide
F.No.30/9/2006-Welfare dated 26.5.2006 to take action against such personnel
violating the laws. The copies of the same are attached herewith for your information.

4. Further, 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.

5. In view of the above, it is requested to conduct a inspection on the priority basis and the inspection reports along with your recommendation be forward to the Board for taking necessary action within 15 days of issuance of this letter.

Yours sincerely,

(Dr. S.K. Dutta)
Secretary

Encl: as above.

Copy to:
1. The Deputy Commissioner, Email: dcpvashi.navimumbai@mahapolice.gov.in
2. The Municipal Commissioner, Navi Mumbai, Email: commissioner@nmmconline.com
3. Seawoods Estate Limited, Email: cem@nricomplex.in vineetas31@gmail.com
4. Ms. Sharmila Shankar, Email: sharmila@wilderindia.com
ANIMAL WELFARE BOARD OF INDIA
Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
(Department of Animal Husbandry and Dairying)
NAW Campus, 42 Mile Stone, Delhi-Agra Highway
NH-2, Ballabgarh, Haryana-121004
Email: animalwelfareboard@gmail.com : Website: www.awbi.in

No. 9-10/2021-2022/PCA

Dt. 12.03.2021

To,
The Chairman,
Seawoods Estate Ltd.(SEL), 15/302,
Seawoods Estate, Palm Beach Road,
Sector 54-56-58, Nerul, Navi Mumbai-400706
Email: Sandeep.saran60@gmail.com

2. The Vice Chairman,
11/101/201, Seawoods Estate, Palm Beach Road,
Sector 54-56-58, Navi Mumbai-400706
Email: vineetase12019@gmail.com vineetas31@gmail.com

Subject : Complaint regarding relocation and cruelty inflicted to
Stray/Pet dogs, restriction and repeatedly harrassment of compassionate
citizens - Reg

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 dated 12.03.21 by Ms. Meeta Sharma, Mona Mohan and Anshu Singh
Resident of Seawoods Estate Ltd. (NRI Complex Phase-I) Navi Mumbai stated that
the Chairman and Vice Chairman of the Society have passed a circular for the
relocation of dogs, stop feeding for street dogs. and also, in this regard the guard in
each building were given thick sticks to shoo away the strays from ever yo nook and
corner of the roads, pavements, parking lots. everywhere, leaving them practically no
place to go to. Even when the dogs are sitting peacefully in any of these areas, they
are now driven away, sometimes changing places as many as 5-6 times within a half
hour. the dogs, over the previous two months, have been becoming increasingly
anxious, depressed, unsettled and aggressive due to the this overzealous patrolling
and displacement from their territories. cruelty inflicted to the stray/Pet dogs and
harassed the compassionate citizens by threatening and abusing them. 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 violation of the directions of the Hon'ble
Supreme Court of India. A copy of the complaint letter is attached herewith for your
ready reference.

2. 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
envisioned in the Animal Birth Control (Dogs) Rules, 2001, vaccinated, and then
returned back to their original locations. Rule 7(5), 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
their territory, and in this manner, the dog population in each
be displaced or relocated, and have to be returned back to the very localities that they are picked up from, after sterilization and immunization.

3. 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)

4. Further, 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)

5. The Board has also issued advisory to the States/UTs regarding welfare of animals and the copy of the same is attached for your information.

In view of the above it is requested to conduct an enquiry into the matter and take appropriate action as per law and to allocate multiple feeding area for the street dogs 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 Commissioner of Police, Navi Mumbai, Opposite RBI, Sector No 10,
   CBD-Belapur, Navi Mumbai-400614, Email: cpnavimumbai@mahapolice.gov.in
2. The Additional Commissioner, Commissionerate of Animal Husbandry,
   Maharashtra, Opposite Spicer College Rd, Anndh Pune-411067, Email:
   cab.addcomm@gmail.com
3. Ms. Meeta Sharma, email: gndwriting@gmail.com
4. Ms. Mona Mohan, Email: mona.mohan1279@gmail.com
5. Ms. Anshu Singh, Email: anshuanshusingh@redifmail.com