To
The Director General of Police of
all States/UTs

Sir,

Sub: Harassment of citizens showing compassion to animals – Request for

The Board has been informed of several incidents where animal welfare activists or
citizens who show compassion to stray dogs/pets dogs, other animals are harassed by their
neighbours or others and are also intimidated. In several cases residents of Apartments are
harassed by their Resident Welfare Association (RWAs) stating that they cannot keep pets
in their flats or apartments and try to intimidate them to get rid of their pets.

You may be aware that as per Indian law, it is not illegal to keep pet dogs and even by
obtaining consensus, or even if the majority of residents and occupiers want it, residents
welfare associations & apartment owners associations cannot legally introduce any sort of
‘ban’ on the keeping of pet dogs. They cannot insist that ‘small sized’ dogs are acceptable
and ‘large sized’ dogs are not. They cannot cite dog barking as a valid and compelling
reason for any proposed ban or restriction. The general body cannot frame bye-laws or
amend them in a manner that is at variance with the laws of the country. Even by a complete
majority, a general body cannot adopt an illegality.

Some provisions of the Prevention of Cruelty to Animals Act, 1960 are reproduced below
for your ready reference:

Section 5 of the Prevention of Cruelty to Animals Act, 1960: Duties of persons
having charge of animals—It shall be the duty of every person having the care or charge
of any animal to take all reasonable measures to ensure the well-being of such animal and
to prevent the infliction upon such animal of unnecessary pain or suffering

Section 11(1)(f) of the Prevention of Cruelty to Animals Act, 1960: If any person
without reasonable cause, abandons any animal in circumstances which render it
likely that it will suffer pain by reason of starvation, thirst, it is a cruelty and he shall
be punishable as per the provisions of the PCA Act, 1960.

Also, Article 51 A (g) of the Constitution of India states that it is the duty of
every citizen to protect and improve the natural environment including forests, lakes, rivers
and wild life, and to have compassion for living creatures.

The Supreme Court of India in Para 77 of its judgement in SLP (C) No. 16885 of 2007
in the matter of AWBI Vs M Nagaraja & Ors has directed among others 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.

The extracts of the directions and declarations of the Supreme Court of India in the above case is enclosed for reference.

The Board has also issued an advisory dated 26th February, 2015 regarding the Pet dogs and stray dogs and a copy of the same is attached herewith for information.

It is however noticed that in several areas compassionate citizens are harassed due to the frivolous and unsubstantiated complaints made by those people who are inimical to stray dogs and pet dogs even though the citizens showing compassion to animals are only carrying out the fundamental duties enshrined in the Constitution of India. In fact by coercing or harassing residents to throw out pets, the perpetrators are forcing the pet owner to violate Section 11(1)(f) of the PCA Act, 1960.

In this connection, the Ministry of Home Affairs, Bureau of Police Research and Development, Govt. of India has written to the DGP of all the States/UTs in March, 2015 to include Animal Welfare Laws and Rules in the training schedule of State Police Training Academies/PTC/PTS. A copy of the letter along with the Police Module is enclosed.


It is therefore requested that a circular or directions be issued from your office to the personnel of all the police stations in your State to ensure that compassionate citizens are not harassed unnecessarily and that animal cruelty cases are investigated and action taken as per law and the directions of the Supreme Court.

We look forward to your kind co-operation and request to send a copy of the instructions issued in this matter by e-mail and by post.

Yours faithfully,

(S. VINOD KUMAR)
Assistant Secretary

Encl: as above

Copy to: for information and further necessary action please.

1) The Chief Secretary of all States and UTs
2) The Director, Animal Husbandry of all States and UTs
3) Chairman, AWBI and Vice-Chairman, AWBI