



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.9-12/2022-23/PCA

Date: 14.09.2022

To,

1. The Director General of Police
Director State Police Headquarters, Vellayambalam
Thiruvananthapuram-695010,
Email: dgp@keralapolice.gov.in
2. The Member Secretary,
Animal Husbandry Department, Govt. of Kerala,
Vikas Bhavan, Thiruvananthapuram 695033,
Kerala, Thiruvananthapuram E-mail: directorah.ker@nic.in

Subject: Alleged complaint regarding the mass killing of stray dogs in Kerala-Regarding.

Sir,

With reference to the aforesaid matter, it is brought to the knowledge of the Board through various emails from Kerala about the news circulated on the various platforms (Social Media, Tv Channel) that stray animals are being brutally by the use of poison, hanging and other heinous method by unknown personnel. A copy of the e-mail is attached, which is self-explanatory.

2. It is submitted that Section 11 (1) of Prevention of Cruelty to animals Act, 1960 as amended from time to time, provides that if any person beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animals so as to subject it to unnecessary pain or suffering, he shall be punishable with fine and/or imprisonment. In terms of the provisions of the Act, therefore, the Govt. servant who indulges in act of cruelty to animals will be making himself liable for action under Prevention of Cruelty to Animals Act, 1960, besides, punishment under the Act, he would also make himself liable for action under CCS (Conduct) Rules for conduct unbecoming of a Government servant.

3. The Section 429 of the IPC deals with the punishment for committing mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards and the person shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both

4. 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 is attached herewith for your information.

5. The Animal Birth Control (Dogs) Rules, 2001 notified by the Govt. of India directs the local body to form a monitoring committee which shall be responsible for the planning and management of dog control programme in accordance with the Rules. You are requested to inform us whether the said committee is established and is meeting at least once in every month to assess the progress made in ABC programme as prescribed in the ABC (Dogs) Amendment Rules, 2001 (as amended in 2010). Kindly ensure that the ABC programme is implemented as per the provisions of the above said Rules and the guidelines given in the AWBI module. The same is available in our website: www.awbi.in

6. The Hon'ble Supreme Court has also issued interim orders dated 18.11.2015 & 9.3.2016 in SLP No.691 of 2009, AWBI Vs P.E.S.T & Ors directed all the local bodies to provide infrastructure as mandated in the ABC (Dogs) Rules, 2001 and implement the Rules diligently. It was specifically ordered that no innovative method or subterfuge should be adopted not to carry out the responsibility under the PCA Act, 1960 or the ABC (Dogs) Rules, 2001 and that any kind of laxity while carrying out statutory obligations is not countenanced in law. The Board has also forwarded a module to all the State Govts. regarding the proper implementation of the ABC programme. The Board has uploaded the circulars / advisories on Pet Dog and the same is available in the website: www.awbi.in

7. In view of the above complaint of cruelty to animal and violation of the Prevention to Cruelty to Animals Act 1960 and the Indian Penal Code 1860, it is requested to initiate an enquiry and the culprit should get the exemplary punishment so that such kind of crime does not happen in future. Also, an action taken report of the same may be sent to the Board within 7 days of issuance of this letter.

“Please treat this as most urgent”.

Yours sincerely,


(Dr. S.K. Dutta)
Secretary

Encl: as above.

Copy to: for information and further appropriate action.

1. The Principal Secretary, Animal Husbandry Dept.
2. All the District Magistrate of Kerala.
3. All the Superintendent of Police of Kerala.