



महाराष्ट्र शासन

पशुसंवर्धन आयुक्तालय, महाराष्ट्र राज्य,
स्पायसर मेमोरिअल कॉलेज समोर, औंध, पुणे: ४११०६७

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जा. क्र.: एम.ए.डब्ल्यू.बी/१९-२०/तां-१/प्र. क्र.२२/३१६/२०२०/प.सं-६, पुणे-६७, दि.१८/३/२०२०
प्रति,

प्रादेशिक पशुसंवर्धन सहआयुक्त,
मुंबई विभाग, मुंबई.

विषय:- कोंबड्यांची जिवंत पिळ्हे नष्ट करणा-या हॅचेरी मालकावर कारवाई करणेबाबत

संदर्भ:- १. श्री. जितेंद्र कोलेकर यांचा मेल दि. ९ मार्च, २०२०

२. पिटा इंडीया यांचा ई-मेल दि. १२ मार्च, २०२०

३. या कार्यालयाचे पत्र क्र. एम.ए.डब्ल्यू.बी/१९-२०/तां-१/प्र. क्र.-१८/२९५/२०२०/
प.सं.-६, पुणे-६७, दि. १२/३/२०२०

उपरोक्त विषय व संदर्भ क्र. १ वरील श्री. जितेंद्र कोलेकर यांनी तसेच संदर्भ क्र. २ वरील पिटा इंडीया यांच्या ई-मेलद्वारे डहाणू जिल्हा पालघर येथील हॅचेरी व पोल्ट्री व्यवसायीक, श्री सुरेश भाटलेकर यांनी पक्षांना कोणताही आजार नसतांना जवळपास १.५० लाख कोंबड्यांची जिवंत पिळ्हे नष्ट केली असल्याची तक्रार केली आहे. सदर कृत्य हे प्राण्यांना क्रूरतेने वागविण्यास प्रतिबंध अधिनियम १९६०, मुंबई पोलीस अधिनियम तसेच भारतीय दंड संहितेचे उल्लंघन असल्याने, घडलेल्या प्रकाराचा पंचनामा करून दोषीवर कठोर कारवाई करण्यात यावी असे त्यांनी निवेदनात नमूद केलेले आहे. (प्रत संलग्न)

या कार्यालयाने संदर्भ क्र. ३ वरील पत्रान्वये पोल्ट्री हॅचेरीजमधील पक्षांना नष्ट करण्यासाठी भारतीय जीवजंतु कल्याण मंडळ (AWBI) यांनी शिफारस केल्यानुसार कार्यवाही करण्यात यावी तसेच प्राण्यांना क्रूरतेने वागविण्यास प्रतिबंध अधिनियम १९६० चे उल्लंघन होणार नाही याची दक्षता घ्यावी अशा सूचना देण्यात आलेल्या आहेत.

आपणास याद्वारे कळविण्यात येते की, प्रस्तुत प्रकरणी आपण घटनास्थळी प्रत्यक्ष भेट द्यावी व संबंधितांनी जिवंत पिळ्हे नष्ट केले किंवा कसे, याची पुराव्यानिशी सखोल चौकशी करून प्राण्यांना क्रूरतेने वागविण्यास प्रतिबंध अधिनियम १९६० मधील तरतूदी व तत्सम अधिनियमानुसार तात्काळ कारवाई करण्यात यावी. केलेल्या कार्यवाहीचा अहवाल या कार्यालयास सादर करावा.

सहपत्र : वरीलप्रमाणे

(सचिन्द्र प्रताप सिंह, भाप्रसे)

आयुक्त पशुसंवर्धन

महाराष्ट्र राज्य, औंध पुणे-६७

प्रत पुढील कार्यवाहीस्तव:

१. जिल्हाधिकारी तथा अध्यक्ष, जिल्हा प्राणी क्लेष प्रतिबंधक सोसायटी, जिल्हा पालघर.
२. जिल्हा पशुसंवर्धन उपआयुक्त, तथा सदस्य सचिव, जिल्हा प्राणी क्लेष प्रतिबंधक सोसायटी, जिल्हा पालघर.

प्रत माहितीस्तव:

१. मा. प्रधान सचिव (पदुम), कृषि, पशुसंवर्धन, दुग्धव्यवसाय विकास व मत्स्यव्यवसाय विभाग, मंत्रालय, मुंबई-३२ यांना माहितीस्तव.
२. श्री. जितेंद्र कोलेकर यांना, ई-मेल द्वारे
३. डॉ. मणीलाल वालियात, मुख्य कार्यकारी अधिकारी, पिटा.
F-110, 1st Floor, Jagadamba Towers, Plot No.-13, Community Centre, Preet Vihar, New Delhi. 110092

कोंबड्यांची जिवंत पिल्ली नस्ट
करणाऱ्या हॅचरी मालकावर गुन्हा
दाखल करणे बाबत. Add label



jitendra kolekar 2:21 PM
to cahpune ✓



प्रती,
पशुसंवर्धन आयुक्त
पुणे.

महोदय, डहाणु जिल्हा पालघर येथील हॅचरी व पोल्ट्री
व्यवसायीक सुरेश भाटलेकर या व्यक्तीने
पक्ष्यांना कोणताही आजार नसताना जवळपास १.५
लाख कोंबड्यांची जिवंत पिल्ली नष्ट केली असल्याची
बातमी आज ०९ मार्च रोजी च्या लोकसत्ता (पुणे
आवृत्ती) ला प्रसिद्ध झाली आहे.

सदर प्रकार पशुसंवर्धन धोरणाच्या विरोधात आहे,
शिवाय क्रूर व बेकायदेशीर देखील आहे.
प्राणी छळ प्रतिबंध कायदा कलम ११, मुंबई पोलीस
अधिनियम कलम ११९, भारतीय दंड संहिता कलम
४२९ नुसार सदर प्रकार गुन्हा ठरतो,
अश्यावेळी प्राण्यांचं संरक्षण करणे व त्यांना न्याय
मिळवून देणे आपल्या खात्याचं कर्तव्य व जबाबदारी
आहे.

तरी माझी आपणास विनंती आहे, बातमीची दखल
घेऊन घडलेल्या प्रकारा चा पंचनामा करून दोषींवर
कठोर कारवाही करण्यास यावी.



jitendra kolekar 2:32 PM
to cah.diseasecontrol ✓





महाराष्ट्र शासन

पशुसंवर्धन आयुक्तालय, महाराष्ट्र राज्य,
स्पायसर मेमोरिअल कॉलेज समोर, औंध, पुणे: ४११०६७

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जा. क्र.: एम.ए.डब्ल्यू.बी / १९-२०/ तां-१/ प्र. क्र.-१८ / २८५ / २०२०/प.सं-६, पुणे-६७, दि. १२/ ३/२०२०

प्रति,

म्ह. जिल्हाधिकारी तथा अध्यक्ष,
जिल्हा प्राणी क्लेष प्रतिबंधक सोसायटी (सर्व)

विषय:- भारतीय जीवजंतु कल्याण मंडळ (AWBI) यांच्याद्वारे शिफारस केल्यानुसार पोल्ट्री/
हॅचेरीजमधील पक्षी नष्ट करतांना मानवी पद्धतीचा अवलंब करणेबाबत

संदर्भ:- १. पिटा इंडीया यांचे पत्र दि. १२ फेब्रुवारी, २०२०

२. अध्यक्ष, भारतीय जीवजंतु कल्याण मंडळ यांचे पत्र दि. ०९.०३.२०१२

३. सचिव, भारतीय जीवजंतु कल्याण मंडळ यांचे पत्र दि. २७.११.२०१४

उपरोक्त विषय व संदर्भ क्र.१ वरील पिटा इंडीया यांनी महाराष्ट्रातील पोल्ट्री हॅचेरीजद्वारे नकोशा नर व पिल्लांना नष्ट करण्यासाठी सध्याच्या घडीला वापरण्यात येणाऱ्या सर्व अमानवी व बेकायदेशीर पद्धतीवर बंदी घालण्याबाबत विनंती केली आहे. सदर कृत्य हे प्राण्यांना क्रूरतेने वागविण्यास प्रतिबंध अधिनियम १९६० चे उल्लंघन असल्याचे त्यांनी त्यांचे निवेदनात नमुद केलेले आहे.

संदर्भ क्र.२ व ३ वरील पत्रान्वये भारतीय जीवजंतु कल्याण मंडळ (AWBI) यांनी शिफारस केल्यानुसार पोल्ट्री हॅचेरीजमधील पक्षी नष्ट करण्यासाठी हॅचेरीजेने मानवी पद्धतीचा अवलंब करावा असेही नमुद केले आहे. (प्रत संलग्न)

आपणास याद्वारे कळविण्यात येते की, पोल्ट्री हॅचेरीजमधील पक्ष्यांना नष्ट करण्यासाठी भारतीय जीवजंतु कल्याण मंडळ (AWBI) यांनी शिफारस केल्यानुसार कार्यवाही करण्यात यावी तसेच प्राण्यांना क्रूरतेने वागविण्यास प्रतिबंध अधिनियम १९६० चे उल्लंघन होणार नाही याची दक्षता घ्यावी, ही विनंती.

सहपत्रे : वरीलप्रमाणे


(डॉ. धनंजय परकाले)

अतिरिक्त आयुक्त पशुसंवर्धन
महाराष्ट्र राज्य, औंध पुणे-६७ तथा
सदस्य सचिव, महाराष्ट्र प्राणी कल्याण मंडळ

प्रत पुढील कार्यवाहीस्तव:

१. प्रादेशिक पशुसंवर्धन सहआयुक्त, (सर्व)
२. जिल्हा पशुसंवर्धन उपआयुक्त, (सर्व)
३. जिल्हा पशुसंवर्धन अधिकारी, जिल्हा परिषद (सर्व)

प्रत माहितीस्तव:

१. मा. प्रधान सचिव (पदुम), कृषि, पशुसंवर्धन, दुग्धव्यवसाय विकास व मत्स्यव्यवसाय विभाग, मंत्रालय, मुंबई-३२ यांना माहितीस्तव.
२. डॉ. मणीलाल वालियात, मुख्य कार्यकारी अधिकारी, पिटा.
F-110, 1st Floor, Jagadamba Towers, Plot No.-13, Community Centre, Preet Vihar, New Delhi. 110092



Planning Commissioner Animal Husbandry <cah.planning@gmail.com>

Fwd: Request to issue orders to stop cruel and illegal methods of killing unwanted poultry in Maharashtra

addcomm animal husbandry <cah.addcomm@gmail.com>
To: "cah.planning" <cah.planning@gmail.com>

12 March 2020 at 12:29

----- Forwarded message -----

From: **Commissioner Animal Husbandry** <cahpune@gmail.com>
Date: Thu, Mar 12, 2020 at 12:25 PM
Subject: Fwd: Request to issue orders to stop cruel and illegal methods of killing unwanted poultry in Maharashtra
To: cah.livestockandpoultry <cah.livestockandpoultry@gmail.com>, cah.addcomm <cah.addcomm@gmail.com>, cah.diseasecontrol <cah.diseasecontrol@gmail.com>

**Commissioner of Animal Husbandry
Maharashtra State, Pune 411 067.**

----- Forwarded message -----

From: **Dr. Manilal Valliyate** <ManilalV@petaindia.org>
Date: Thu, Mar 12, 2020 at 12:11 PM
Subject: Request to issue orders to stop cruel and illegal methods of killing unwanted poultry in Maharashtra
To: cahpune@gmail.com <cahpune@gmail.com>
Cc: psec.adf@maharashtra.gov.in <psec.adf@maharashtra.gov.in>

Dear Shri Singh,

I'm writing from People for the Ethical Treatment of Animals (PETA) India requesting that your good office immediately issue directions to all poultry farmers (including hatcheries) in your state to refrain from any cruel and illegal methods for killing chickens. As reported by the *Hindustan Times* on 11 March 2020 in the article titled "Coronavirus Scare: Dahanu Farmer Culls 1.75L Birds, Destroys 9L Eggs", a farmer in Dahanu, Palghar district, buried nearly 2 lakhs baby birds alive in anticipation of business losses. (A copy of this article is appended as **Annexure 1**.)

Such a cruel method of killing birds is in contravention of various Indian animal protection laws. Section 3 of The Prevention of Cruelty to Animals (PCA) Act, 1960, mandates that it shall be the duty of every person having charge of any animal to ensure their well-being and to prevent infliction of any unnecessary pain or suffering on the animal. Section 11(1)(l) of the PCA Act provides that mutilation or killing of animals in any unnecessarily cruel manner is a punishable offence. (A copy of Sections 3 and 11 of the Act are appended as **Annexure 2**.) In addition, Section 429 of the Indian Penal Code (IPC) stipulates that whoever commits mischief by killing animals shall be punished with imprisonment for a term which may extend to five years, with a fine, or with both. (A copy of Section 429 of the IPC is appended as **Annexure 3**.)

The only exemptions provided under the law are euthanizing a suffering animal when it would be cruel to keep the animal alive (Section 13 of the PCA Act), killing an animal for food when done without infliction of unnecessary pain and suffering (Section 11(3)(e) of the PCA Act), and euthanizing animals suffering from a disease to prevent its spread or to protect public health (Section 25 of the Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009).

A slow death by suffocation from live burial causes birds unnecessary pain and suffering. The Animal Welfare Board of India (AWBI) – an advisory body established under Section 4 of the PCA Act – had issued advisories in 2012 to the Department of Animal Husbandry, Dairying and Fisheries and in 2014 to the Department of Animal Husbandry, Kerala, regarding the adoption of guidelines by the World Organisation for Animal Health (OIE) for the mass killing of animals for disease-control purposes in order to ensure that animals do not experience unnecessary distress, pain, or suffering. (A copy of the AWBI advisories are appended as **Annexures 4 and 5**.) India is a member of the OIE, and animal husbandry is a state subject under the Indian constitution, so it is an obligation on the part of all state governments to adhere to the OIE guidelines under Chapter 7.6 of the Terrestrial Animal Health Code. This chapter states that "[t]hese general principles should also apply when animals need to be killed for other purposes such as after natural disasters or for culling animal populations." (A copy of this chapter is appended as **Annexure 6**.)

In light of this information, I urge your good office to issue directions immediately to stop any cruel and illegal methods of killing unwanted birds in favour of the methods recommended by the AWBI and the OIE.

4/00

May I please hear from you? Thank you for your time and consideration of this important matter. I can be reached at ManilalV@petaindia.com or on +91 9910817382.

Sincerely,

Dr Manilal Valliyate, CEO







PETA India

--

Please see the attachment

(Dr. Dhananjay Parkale)
Additional Commissioner, Animal Husbandry
Office of Commissioner Animal Husbandry,
Pune-411067

6 attachments

-  **Annexure 1- News article.pdf**
1590K
-  **Annexure 2- Section 3 and Section 11.pdf**
444K
-  **Annexure 3- Section 429 IPC.pdf**
12K
-  **Annexure 4-AWBI advisory dated 09 03 2012.pdf**
320K
-  **Annexure 5-AWBI advisory 27 11 2014.pdf**
340K
-  **Annexure 6_ Chapter 7.6.pdf**
267K

Home / Cities / Coronavirus scare: Dahanu farmer culls 1.75L birds, destroys 9L eggs

Coronavirus scare: Dahanu farmer culls 1.75L birds, destroys 9L eggs

CITIES Updated: Mar 11, 2020 00:00 IST



Ram Parmar



trend

JEE Main 20
Xiaomi Red
Hardik Pan
Coronaviru
Jyotiraditya
Tom Hanks

A Dahanu poultry farmer has destroyed ₹5.8 crore worth poultry products, which included 1.75 lakh one-day-old birds and 9 lakh hatchery eggs, following rumours that drove customers not to purchase poultry due to Covid-19.

Dr Suresh Bhatlekar, owner of around 35 poultry farms and three hatcheries in Sanjan in Gujarat, Virar, and Dahanu buried the birds and eggs in multiple pits on his Ganjad farm in Dahanu on Monday after false information spread on social media led to a drop in sales. "Due to the losses, my labourers have no work as I have stopped production," said Bhatlekar.

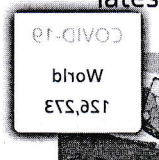
Since coronavirus news broke, the poultry business has been drastically affected as rumours circled on social media, that eating white meat was the cause of the outbreak. "I decided to cull 1.75 lakh day-old birds and destroy 9 lakh hatching eggs worth ₹5.8 crore," he said.

The Poultry Breeding Association, Pune, had registered a complaint with the cyber cell, Pune, against a man from Midnapore, West Bengal, who was spreading such rumours on social media. Pune city police will arrest him shortly.

don't



latest



The animal husbandry department has also issued statements in the media clarifying that eating poultry will not result in coronavirus. "Dr Ajit Ranade, dean, Bombay Veterinary College, Parel, has vouched to this effect but people are avoiding white meat and eggs. We in the poultry business are facing a crisis now," said Bhatlerkar.

During the last bird flu (avian flu) outbreak in 2006, the state government had compensated poultry farmers with ₹20 per bird. "We pray that the animal husbandry department will help us in this crisis by giving us compensation," he said.



top news



UP gov't's 'name and shame' posters not backed by law, says Supreme Court



Sensex cracks 2,500 points, Nifty slips below 9,800 mark amid virus fears



In Rajinikanth's big plan for Tamil Nadu politics, he won't be the CM face



Hotstar rolls back Disney+ for Indian users in less than 24 hours



Coronavirus outbreak: Why no one is talking about the rate of recovery



Top 5 features that 2020 Hyundai Creta has but Kia Seltos does not



India vs South Africa: Hardik Pandya on verge of joining elite list in ODIs



Spectator at IND vs AUS Women's T20 WC final diagnosed with coronavirus

india



cities

Home / Education / TS SSC 2020 hall tickets released at bse.telangana.gov.in, direct link

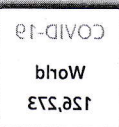
TS SSC 2020 hall tickets released at bse.telangana.gov.in, direct link

TS SSC 2020 hall ticket: Telangana class 10th admit card 2020 has been released at bse.telangana.gov.in for regular, private, vocation and OSSC candidates. Here is the direct link to download the admit card.

EDUCATION Updated: Mar 12, 2020 09:45 IST



Nandini
Hindustan Times, New Delhi



- (g) "phooka" or "doom dev" includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

3. 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.

CHAPTER II

¹[ANIMAL WELFARE BOARD OF INDIA]

4. Establishment of ²[Animal Welfare Board of India].—(1) For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, in particular, there shall be established by the Central Government, as soon as may be after the commencement of this Act, a Board to be called the ²[Animal Welfare Board of India].

(2) The Board shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and may by its name sue and be sued.

COMMENTS

The change of name of the Animal Welfare Board shall not affect any rights and obligations of that Board or render defective any legal proceedings by or against it and any legal proceedings which might have been continued or commenced by or against that Board by its former name may be continued or commenced by or against it by its new name.

5. Constitution of the Board.—(1) The Board shall consist of the following persons, namely:—

- (a) the Inspector-General of Forests, Government of India, *ex officio*;
- (b) the Animal Husbandry Commissioner to the Government of India, *ex officio*;
- ³[(ba) two persons to represent respectively the Ministers of the Central Government dealing with home affairs and education, to be appointed by the Central Government;
- (bb) one person to represent the Indian Board for Wild Life, to be appointed by the Central Government;
- (bc) three persons who, in the opinion of the Central Government, are or have been actively engaged in animal welfare work and are well-known humanitarians, to be nominated by the Central Government;]

1. Subs. by Act 26 of 1982, sec. 3, for "ANIMAL WELFARE BOARD" (w.e.f. 30-7-1982).

2. Subs. by Act 26 of 1982, sec. 4, for "Animal Welfare Board" (w.e.f. 30-7-1982).

3. Ins. by Act 26 of 1982, sec. 5 (w.e.f. 30-7-1982).

- (i) to give financial and other assistance to animal welfare organisations functioning in any local area or to encourage the formation of animal welfare organisations in any local area which shall work under the general supervision and guidance of the Board;
- (j) to advise the Government on matters relating to the medical care and attention which may be provided in animal hospitals and to give financial and other assistance to animal hospitals whenever the Board thinks it necessary to do so;
- (k) to impart education in relation to the humane treatment of animals and to encourage the formation of public opinion against the infliction of unnecessary pain or suffering to animals and for the promotion of animal welfare by means of lectures, books, posters, cinematographic exhibitions and the like;
- (l) to advise the Government on any matter connected with animals welfare or the prevention of infliction of unnecessary pain or suffering on animals.

10. **Power of Board to make regulations.**—The Board may, subject to the previous approval of the Central Government, make such regulations as it may think fit for the administration of its affairs and for carrying out its functions.

CHAPTER III

CRUELTY TO ANIMALS GENERALLY

11. **Treating animals cruelly.**—(1) If any person—

- (a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animals to be so treated; or
- (b) ¹[employs in any work or labour or for any purpose any animal which, by reason of its age or any disease], infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed; or
- (c) wilfully and unreasonably administers any injurious drug or injurious substance to ²[any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by ²[any animal]; or
- (d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or
- (e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or
- (f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

1. Subs. by Act 26 of 1982, sec. 10, for certain words (w.e.f. 30-7-1982).

2. Subs. by Act 26 of 1982, sec. 10, for "any domestic or captive animal" (w.e.f. 30-7-1982).

to animal welfare organisations encourage the formation of animal area which shall work under the of the Board;

s relating to the medical care and in animal hospitals and to give nal hospitals whenever the Board

the humane treatment of animals of public opinion against the suffering to animals and for the means of lectures, books, posters, ie like;

matter connected with animals fliction of unnecessary pain or

—The Board may, subject to the make such regulations as it may for carrying out its functions.

II

3 GENERALLY

person—

s, over-loads, tortures or otherwise it to unnecessary pain or suffering mits, any animals to be so treated;

or for any purpose any animal [disease], infirmity, wound, sore or oloyed or, being the owner, permits mployed; or

ministers any injurious drug or mal] or wilfully and unreasonably ch drug or substance to be taken by

upon any vehicle or not, any animal to subject it to unnecessary pain or

any cage or other receptacle which height, length and breadth to permit unity for movement; or

any animal chained or tethered upon sonably heavy chain or cord; or

ords (w.e.f. 30-7-1982).

estic or captive animal" (w.e.f. 30-7-1982).

- (g) being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement; or
- (h) being the owner of ¹[any animal], fails to provide such animal with sufficient food, drink or shelter; or
- (i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or
- (j) wilfully permits any animal, of which he is the owner to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or
- (k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

²[(l) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or]

³[(m) solely with a view to providing entertainment—

(i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or

(ii) incites any animal to fight or bait any other animal; or]

(n) ⁴***] organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes; or

(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;

he shall be punishable, ⁵[in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both.]

(2) For the purposes of sub-section (1), an owner shall be deemed to have committed an offence if he has failed to exercise reasonable care and supervision with a view to the prevention of such offence:

1. Subs. by Act 26 of 1982, sec. 10, for "any captive animal" (w.e.f. 30-7-1982).

2. Subs. by Act 26 of 1982, sec. 10, for clause (l) (w.e.f. 30-7-1982).

3. Subs. by Act 26 of 1982, sec. 10, for clause (m) (w.e.f. 30-7-1982).

4. The words "for the purposes of his business" omitted by Act 26 of 1982, sec. 10 (w.e.f. 30-7-1982).

5. Subs. by Act 26 of 1982, sec. 10, for certain words (w.e.f. 30-7-1982).

Provided that where an owner is convicted of permitting cruelty by reason only of having failed to exercise such care and supervision, he shall not be liable to imprisonment without the option of a fine.

(3) Nothing in this section shall apply to—

- (a) the dehorning of cattle, or the castration or branding or nose-roping of any animal, in the prescribed manner; or
- (b) the destruction of stray dogs in lethal chambers or ¹[by such other methods as may be prescribed]; or
- (c) the extermination or destruction of any animal under the authority of any law for the time being in force; or
- (d) any matter dealt with in Chapter IV; or
- (e) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

COMMENTS

If any person treats animals with cruelty he shall be punished for the first offence with fine upto fifty rupees and for the second or subsequent offence committed within three years of the previous offence, with fine upto one thousand rupees or with imprisonment upto three months, or with both.

12. Penalty of practising *phooka* or *doom dev*.—If any person performs upon any cow or other milch animal the operation called *phooka* or ²[*doom dev* or any other operation (including injection of any substance) to improve lactation which is injurious to the health of the animal] or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.

13. Destruction of suffering animals.—(1) Where the owner of an animal is convicted of an offence under section 11, it shall be lawful for the court, if the court is satisfied that it would be cruel to keep the animal alive, to direct that the animal be destroyed and to assign the animal to any suitable person for that purpose, and the person to whom such animal is so assigned shall, as soon as possible, destroy such animal or cause such animal to be destroyed in his presence without unnecessary suffering, and any reasonable expense incurred in destroying the animal may by ordered by the court to be recovered from the owner as if it were a fine:

Provided that unless the owner assents thereto, no order shall be made under this section except upon the evidence of a veterinary officer in charge of the area.

(2) When any magistrate, commissioner of police or district superintendent of police has reason to believe that an offence under section 11 has been committed

1. Subs. by Act 26 of 1982, sec. 10, for "by other methods with a minimum of suffering" (w.e.f. 30-7-1982).

2. Subs. by Act 26 of 1982, sec. 11, for "*doom dev*" (w.e.f. 30-7-1982).

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intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.

426.

Punishment for mischief.

426. Punishment for mischief.--Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

427.

Mischief causing damage to the amount of fifty rupees.

427. Mischief causing damage to the amount of fifty rupees.--Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

428.

Mischief by killing or maiming animal of the value of ten rupees.

428. Mischief by killing or maiming animal of the value of ten rupees.--Whoever commits mischief by killing, poisoning, maiming or rendering useless any animals or animal of the value of the ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

429.

Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees.

429. Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees.--Whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, of any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment or either description for a term which may extend to five years, or with fine, or with both.



ANIMAL WELFARE BOARD OF INDIA

भारतीय जीव जन्तु कल्याण बोर्ड

(Ministry of Environment and Forests, Govt. of India)
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)

MAJ. GEN. (Retd.) Dr. R. M. KHARB, AVSM
CHAIRMAN

09 March, 2012

Dear Mr. Nanda,

Sub: Utilization of most humane methods available during culling operation for disease control

Animal Welfare Board of India is a statutory body of Government of India constituted under the Prevention of Cruelty to Animal Act, 1960. At present, the AWBI is working under the aegis of Ministry of Environment and Forests, Government of India.

As you are aware the World Organization for Animal Health (OIE), of which India is member, is the intergovernmental authority responsible for improving animal health worldwide. Bringing together expertise from veterinary practitioners around the world, The OIE has developed standards and procedures for the culling of animals during disease control operations.

The approved methods are presented in chapter 7.6 of the Terrestrial Animal Health guide: www.oie.int/index.php?id=169&L=0&htmfile=chapitre_1.7.6.htm.

It is requested that the guidelines be followed in order to ensure that animals do not experience excessive distress, pain or suffering.

AWBI supports the use of nitrogen and/or inert gases or barbiturate injection as first choices, as these methods cause least amount of pain and result in less overall suffering.

Please direct all animal husbandry departments in the States to ensure that all culling operations for disease control are conducted in adherence to the above referred OIE standards and procedures for the culling of animals during disease control operations.

With Best regards,

Yours Sincerely

(Signature)
(Dr. R.M. Kharb)
Maj. Gen. (Retd.), AVSM
Chairman, AWBI

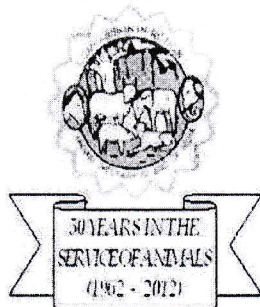
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ANIMAL WELFARE BOARD OF INDIA

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No. 9-2/2014-15/PCA

27.11.2014

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Sir,

Sub: Mass culling of avian birds in Kerala – Request to follow guidelines to ensure humane culling of birds - Reg

The Animal Welfare Board of India (AWBI) is a statutory body operating under the Ministry of Environment, Forests and Climate Change and established under the Prevention of Cruelty to Animals (PCA) Act, 1960. The governmental mandate of the AWBI is to promote animal welfare and to protect animals from being subjected to unnecessary pain and suffering.

The article published in *The Hindu* news daily dated 26 November 2014, at Thiruvananthapuram stated that 150,000 birds, including ducks and poultry will be burnt to death by using kerosene. The news report is enclosed. There is also a shocking video being viral on the internet where a live duck is set on fire and struggling for life and the link is: <https://www.facebook.com/video.php?v=745662072169042&set=vb.179536112114977&type=2&theater>

The killing of birds in this manner would be in direct violation of Section 11 of the PCA Act 1960. So as to ensure that the PCA Act 1960 is not violated and a humane method of culling is adopted as per the 'Action Plan of Animal Husbandry for Preparedness, Control and Containment of Avian Influenza' issued by Department of Animal Husbandry Dairying and Fisheries (DADF), Government of India, I am directed to request the Kerala State Animal Husbandry Department to issue a directive to the veterinary teams involved in the culling operation to adhere to these norms and ensure that it is scrupulously complied with.

.2.

The action plan states that birds should be anaesthetized with Sodium Phenobarbital, mixed with water (80 mg of Sodium Phenobarbital in 55 ml water) 4 hours prior to culling operations. Once the anaesthetized birds are culled by cervical dislocation, they should be packed in bags and disposal done in identified sites within infected farm premises.

India is a member of World Organization for Animal Health (OIE) and the detailed guidelines to ensure welfare of animals until they are dead, while killing them for disease control purpose is also enclosed for your information and action.

Yours faithfully,



(S. VINOD KUMAAR)
Secretary I/c

Encl. as above.