



भारतीय जीव जन्तु कल्याण बोर्ड

ANIMAL WELFARE BOARD OF INDIA

मत्स्यपालन, पशुपालन और डेयरी मंत्रालय, भारत सरकार
(पशुपालन और डेयरी विभाग)

Ministry of Fisheries, Animal Husbandry and Dairying, Government of India
(Department of Animal Husbandry and Dairying)

No.9-16/2019-20/PCA

Date: 11.03.2020

CIRCULAR

To

The Chief Secretary of all States/UTs.

Sir/Madam,

Subject: Request to not to leave the animals or inflict cruelty due to the COVID19 – reg

With reference to the above cited subject, it is brought to the notice of the Board that the animal owners are leaving their animals to stray without proper food, water or shelter due to the spread of COVID19.

2. In this regard, WHO has clarified that Dogs and Cats are not involved in spreading infection in the current episode of corona virus infection. The circular issued by WHO is enclosed for ready references.

3. Further, it is stated that cruelty to animals is an offense under Section 3, Section 11(1) of the Prevention of Cruelty to Animals Act, 1960 and its Rules. It is also violation of the directions of the Hon'ble Supreme Court of India. The Board has already issued an advisory to all the State Governments/UTs to see that the stray animals need to be taken care by the local bodies as it is their responsibility. A copy of the letter dated 12th July, 2018 is enclosed for your reference.

4. In view of the above, it is requested to kindly issue a circular to all concerned authorities to create awareness amongst the public that animals which were taken care by them may not be left for straying and also not to inflict unnecessary pain or suffering to animals because of the COVID19. The law enforcement authorities may also be directed to see that the animals are not subjected to unnecessary pain or suffering as it attracts the penalty under 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 circular issued may kindly be forwarded to the Board for information and further action.

Kindly treat this as most urgent.

Yours sincerely,

(Dr. O.P. Chaudhary)
Chairman

Encl.: as above.



सत्यमेव जयते

एस.पी. गुप्ता, आईएएस (सेवानिवृत्त)

S.P. Gupta, IAS (Retd.)

अध्यक्ष / Chairman



भारतीय जीव जन्तु कल्याण बोर्ड
ANIMAL WELFARE BOARD OF INDIA

(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
Ministry of Environment, Forest & Climate Change, Govt. of India

No-9-3/2018-19/PCA

Dated : 12th July, 2018

1. The Chief Secretary,
of the State Governments / UTs
2. Additional Chief Secretary / Principal Secretary
Urban Local Bodies and Municipal Administration
of the State Governments / UTs
3. Additional Chief Secretary / Principal Secretary
Development and Panchayat.
of the State Governments / UTs
4. Additional Chief Secretary / Principal Secretary
Animal Husbandry
of the State Governments / UTs
5. Principal Chief Conservator of the Forest
of the State Governments / UTs
6. Director General of Police (DGP)
of the State Governments / UTs

Sir / Madam,

Sub.: **Advisory to initiate necessary action for rescue and rehabilitation of stray animals**

The Animal Welfare Board of India is a statutory body established under Section 4 of the Prevention of Cruelty to Animals Act, 1960. The functions of the Board include the promotion of animal welfare generally for the purpose of prevention of cruelty and for protecting animals from being subjected to unnecessary pain or suffering, in particular.

It is the responsibility and mandate of the local bodies to provide shelter, water, sufficient food, medical facilities etc. to the stray animals, failure to do so is violation of Section 3 of the Prevention of Cruelty to Animals Act, 1960. Allowing stray animals including dogs, cats, cattle on the street / road amounts to cruelty to the animals due to which not only animals, the public also suffers.

The Board issues the following advisory for taking appropriate action on urgent basis:

1. Cattle pound / kanji house should be revived / constructed with requisite infrastructure specially shelter, water, feed, medical facilities etc., if the authorities are not able to do the same, such work of revival / construction of cattle pound / kanji house may be outsourced to the Animal Welfare Organizations with the requisite financial assistance.
2. Existing AWOs should not be allowed / forced to keep the animals more than their capacity as allowing to keep more than the capacity amounts to cruelty.

.....2

If local authority wants to keep stray animals in these Gowshalas / AWOs, then additional shelter houses must be provided / constructed to shelter additional animals. The Board authorized inspection team may visit the Gowshala / AWO's at any point of time. If any violation is found, appropriate action shall be taken against the offender including the local bodies.

3. Endeavour should be made to tag all the animals by the concerned authority within their jurisdiction to identify the owner and fix the responsibilities. Computerized records may be generated which will help in identification of owners and for taking further necessary action.
4. One Nodal Officer of a senior rank should be appointed to take care of the above tasks to redress the complaints / grievances of the public, Gowshalas, AWOs and the said officer may be made accountable. The name of the Nodal Officer should be displayed on the website including name, mobile number, email address etc.
5. Rules and regulations of licensing of animals particularly with regard to pet dogs and other pet animals should be strictly implemented. If there are no such rules, the same must be framed at the earliest.
6. It is the responsibilities of local bodies to protect stray animal *i.e.* dogs, cats, cattle etc. from cruelty and sufferings. ABC schemes and sterilization of animals should be properly implemented so that there is no case of dog bites etc. causing nuisance, fear and harm to the public at large. Failure to implement ABC schemes and sterilization of animals, it will invite action against the concerned local bodies specially against their head. Helplines and police assistance may be taken by the local bodies as and when required to implement the Rules.
7. The complaints of Monkey (Rhesus Macaque) bites are also rampant and the monkey being a protected species under the Wildlife Protection Act, 1972, these needs to be taken care of by taking appropriate action by the concerned forest department in coordination with the local authority.

The Uttarakhand High Court in its judgment dated 3rd July 2018 *inter alia* has stated that the entire animal kingdom including avian and aquatic are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person.

The Hon'ble Supreme Court in the matter titled as AWBI v. A. Nagaraja, (2014) 7 SCC 547 has recognized the following rights / freedoms of the animals :

- i) *freedom from hunger, thirst and malnutrition;*
- ii) *freedom from fear and distress;*
- iii) *freedom from physical and thermal discomfort;*
- iv) *freedom from pain, injury and disease; and*
- v) *freedom to express normal patterns of behavior."*

The Hon'ble Supreme Court also held as under :

"56. Rights guaranteed to the animals under Sections 3, 11, etc. of the Protection of Cruelty to Animals Act, 1960 are only statutory rights. The same have to be elevated to the status of fundamental rights, as has been done by few countries around the world, so as to secure their honour and dignity. Rights and freedoms guaranteed to the animals under Sections 3 and 11 have to be read along with Article 51A (g) (h) of the Constitution, which is the magna carta of animal rights."

The Apex Court also made the following declarations and directions :

"77 (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."

Any violation of the PCA Act 1960 and the observations / directions of the Hon'ble Supreme Court of India will attract appropriate legal action including contempt of court against the errant official including head of the concerned local bodies.

Shortage of funds will not be an excuse for not undertaking the captioned tasks / functions. In case of scarcity of funds, it may be sought from the concerned State Governments / UTs for creating infrastructure and other facilities.

You are requested to strictly follow and implement the above in the letter and spirit and send an action taken report along with supporting documents to the Board within one month for record and further necessary action.

Yours sincerely,


(S. F. Gupta)

- CC :
1. Director – Municipal Administration of all the State Governments / UTs
 2. Director – Development & Panchayat of all the State Governments / UTs
 3. The Member Secretary, State Animal Welfare Board, of the State Governments / UTs
 4. Collector and Chairman, Society for Prevention of Cruelty to Animals (SPCA)
 5. Commissioner of Police / Superintendent of Police of the concerned State Governments / UTs
 6. Municipal Commissioner / Chairman / Secretary of the Municipal Committee / Municipal Council of the concerned State Government / UTs
 7. Secretary – Gau Seva Aayog of all the concerned State Governments / UTs

IQI controls the entire supply chain, from source

As of March 16, no other dogs and no cats have appeared on the World Organization for Animal Health (OIE) list of animal disease outbreaks worldwide.

Doctors have found signs of coronavirus SARS-CoV-2 in only one pet, since the beginning of the outbreak in late Dec. 2019. As of March 16, no other dogs and no cats have appeared with coronavirus on the World Organization for Animal Health (OIE) global list of animal disease outbreaks.

"Therefore, there is no justification in taking measures against companion animals which may compromise their welfare," according to the OIE Questions and Answers on the 2019 Coronavirus Disease (COVID-19). "There is no evidence that dogs play a role in the spread of this human disease or that they become sick... While there is no evidence of a COVID-19 infection spreading from one animal to another, keeping animals that test positive for COVID-19 away from unexposed animals should be considered best practice."

One dog, a Pomeranian in Hong Kong, tested positive for the coronavirus SARS-CoV-2 in late Feb. Health officials used real-time polymerase chain reaction (PCR) to find signs of the virus's genetic material. However, the dog showed no symptoms of COVID-19, the disease caused by the virus.

The results were described as a "weak positive" by Hong Kong' Agriculture, Fisheries and Conservation Department. The American Veterinary Medical Association (AVMA) stated in a FAQ that it remains unknown if pets can actually be infected, but no evidence suggests dogs or cats can become sick from this coronavirus. Likewise, the Centers for Disease Control, OIE and World Health Organization (WHO) have no evidence that pets can be a source of SARS-CoV-2 infection or spread COVID-19 to people.

However, relatively few pets exposed to the disease have been evaluated. The AVMA noted that, as of March 11, testing for pets was unavailable in the United States. Scientists believe the dog in Hong Kong contracted the virus from its owner. Although this hasn't been definitively proven, scientists have not found evidence that the virus can pass the other way, from pets to people. Nevertheless, doctors recommend against kissing, stroking, nuzzling or sharing food with pets, then washing hands after any contact to avoid any chance that the animals' fur could harbor virus particles from other humans.

"While there has been one instance of a dog being infected in Hong Kong, to date, there is no evidence that a dog, cat or any pet can transmit COVID-19. COVID-19 is mainly spread through droplets produced when an infected person coughs, sneezes or speaks," according to WHO.

About dog infected with coronavirus SARS-CoV-2

On Feb. 26, health officials in Hong Kong placed a dog under quarantine after hospitalizing its owner for COVID-19 coronavirus infection. Veterinarians confirmed that the coronavirus had infected the dog too after taking nasal, oral and rectal swabs, along with fecal samples. The OIE published a report of the emerging disease, listing this case as the first known in dogs.