

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

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To,  
Director General of Police of all states and UTs

22 April 2020

**Re: Directions for stringent police action against individuals who abandon animal companions and against pet shop owners who starve animals during the COVID-19 lockdown**

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) India and our over 1.5 million members and supporters.

Our office has been inundated with complaints from concerned citizens regarding a sharp increase in the number of dogs and other companion animals being abandoned on the streets or near animal shelters over unwarranted fears that they might transmit COVID-19. We have also heard concerns that pet shop owners are leaving animals inside closed shops, putting them at risk of death by dehydration, starvation, or suffocation. Numerous news agencies have reported on animal abandonment (**Annexure 1**) and on the issue of animals being locked inside pet shops across the country (**Annexure 2**).

Through a circular dated 11 March 2020 (**Annexure 3**), the Animal Welfare Board of India (AWBI), a central government advisory body, acknowledged that people are abandoning their animal companions on the streets without food and water and urged the law-enforcement authorities of states and union territories to take action against such offences. Via another advisory, dated 23 March (**Annexure 4**), the AWBI requested that law-enforcement authorities ensure that no animals suffer from hunger during the lockdown. On 24 March, the AWBI also advised (**Annexure 5**) that district authorities must search pet shops in case animals are locked inside without adequate food, water, and ventilation and must rescue animals when necessary. Through an order dated 3 April (**Annexure 6**), the High Court of Karnataka directed district magistrates and administrations that all pet shops be opened in order to ascertain the condition of the animals and to provide them with food and any necessary medicine, noting that local police must help contact the shop owners.

The World Organisation for Animal Health states, "The current spread of COVID-19 is a result of human to human transmission. To date, there is no evidence that companion animals play a significant role in spreading the disease. Therefore, there is no justification in taking measures against companion animals which may compromise their welfare." An advisory issued by the Ministry of Home Affairs on 17 April (**Annexure 7**) states, "There is no evidence as of now that companion animals, including pets, can spread COVID-19 to people or that they might be a source of infection."

As pointed out by the AWBI in its 11 March advisory, under Sections 3 and 11(1)(h) of The Prevention of Cruelty to Animals (PCA) Act, 1960, it

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- PETA Asia
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is a punishable offence for a person in charge of an animal to fail to provide the animal with sufficient food, water, or shelter. Section 11(1)(i) of the PCA Act, 1960, states that it is a punishable offence to abandon animals to suffer from hunger and thirst. Under Section 289 of The Indian Penal Code (IPC) regarding “negligent conduct with respect to [an] animal”, it is an offence punishable with up to six months’ imprisonment, a fine of up to Rs 1,000, or both to endanger human life by knowingly or negligently failing to care for an animal. Under Section 429 of the IPC, it is a punishable offence to kill certain animals, for which the punishment is up to five years’ imprisonment, a fine, or both – and this applies to animals in pet shops. Through its 7 May 2014 judgment in Special Leave Petition (Civil) No 11686 of 2007, the Honourable Supreme Court of India directed that it is the duty of the government to enforce the provisions of the PCA Act, 1960, and the directions and declarations of the court.

We therefore request that you immediately issue the following directions to the heads of all district police departments:

1. To book anyone who abandons an animal companion under the stringent provisions of the law, including Section 289 of the IPC and Sections 3, 11(1)(h), and 11(1)(i) of the PCA Act, 1960
2. To check all pet shops in the district for animals who are not being provided with sufficient food, water, and ventilation during the lockdown and to book offending shop owners under Section 429 of the IPC and Sections 3 and 11(1)(h) of the PCA Act, 1960
3. To seize affected animals when necessary and work with local animal protection organisations to rehabilitate them

May we also request that you forward us a copy of the directive issued for our information and perusal?

I can be reached at AsharM@petaindia.org or on +91 7045922028. I hope to hear from you soon. Thank you for your time and consideration.

Yours sincerely,



Meet Ashar  
Associate Manager  
Emergency Response Team

Affiliates:

- PETA Asia
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- PETA France
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# 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 12<sup>th</sup> 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 : 12<sup>th</sup> 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

एन.आई.ए.डब्ल्यू. कैंपस, 42 माइलस्टोन, दिल्ली-आगरा हाईवे, एन.एच.-2, बल्लभगढ़, फरीदाबाद-121004 (हरियाणा)

NIAW Campus, 42 Milestone, Delhi-Agra Highway, NH-2, Ballabhgarh, Faridabad-121004 (Haryana)

Email: animalwelfareboard@gmail.com, awbi@md3.vsnl.net.in, spguptachairmanawbi@gmail.com

Website: www.awbi.org Tel.: +91 129 2555611

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 3<sup>rd</sup> 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. P. 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's 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.



# 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

Dated, 23.03.2020

To All the Chief Secretaries of all states and UTs

Sir/ Madam

As you may be aware due to ongoing control and containment of COVID 19 pandemic many States have gone for complete locked down to stop spreading of virus.

2. I would like to draw your kind attention that feed and fodder for large animals and food for companion and stray animals is an essential service and may be kept operational during lockdowns. District Administration may, if need be, allot specific time during the morning and evening hours for individuals/ volunteers to provide food and water for street animals and birds. This is a valuable service consistently provided by compassionate individuals and the absence of it may cause a large number of animals and birds to suffer and die and carcasses of the dead animals and birds may further spread different diseases amongst community which will be difficult to control.

3. It is requested to kindly issue necessary direction to all concerned authorities to create awareness amongst the public to take care of stray animals during the lock down due to COVID-19. The law enforcement authorities may also be directed to see that the animals and birds do not suffer due to hunger. A copy of the direction issued in this regard may also be forwarded to the board for information.

Kindly treat the matter as MOST URGENT

Yours sincerely,

(Dr. O.P. Chaudhary)

Chairman

To all the Municipal Corporations



# 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

Dated, 24.03.2020

To

All the Chief Secretaries of all states and UTs

Dear Sir/ Madam

As you may be aware due to ongoing control and containment of COVID 19 pandemic many States have gone for complete locked down to stop spreading of virus

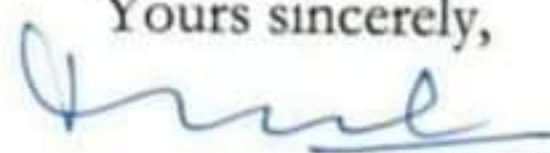
2. It has brought to the notice of the Board that a large number of pet shops or animal breeding facility where animals and birds are kept for sale are now shut down due to lockdown/curfew. The animals stranded in such places are likely to suffer and die without food, water, temperature control etc. All such pet shops are to be evacuated by the State Animal Welfare Boards through SPCAs. The SPCAs are headed by District Magistrates. Where there is no SPCA available, the District Administration shall ensure to check and evacuate all animals, if any from all such shops to avoid pain and sufferings to those animals.

4. It is requested to kindly issue necessary direction to all district authorities to check the pets shop in the locality for searching of animals, if any and evacuate them.

Kindly treat the matter as MOST URGENT

With regards

Yours sincerely,

  
(Dr. O.P. Chaudhary)  
Chairman

24.3.20