

Meet Ashar

From: Meet Ashar
Sent: 22 April 2020 22:06
To: dgp@assampolice.com; dgp@assampolice.gov.in
Subject: Directions for stringent police action against individuals who abandon animal companions and against pet shop owners who starve animals during the COVID-19 lockdown
Attachments: Annexure 1_News reports reg abandonment of pets.pdf; Annexure 2_News reports about animals locked up and dying in closed pet shops.pdf; Annexure 3_AWBI Advisory_11.03.2020.pdf; Annexure 4_AWBI Advisory_23.03.2020.pdf; Annexure 5_AWBI Advisory_24.03.2020.pdf; Annexure 6_Karnataka_HC Directions_03.04.2020.pdf; Annexure 7_Ministry of Home Affairs_17.04.2020.pdf
Importance: High

Dear Mr Mahanta,

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 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