

# Government Guidelines on Feeding/Vaccination/Sterilization of Stray Dogs

1. There are no laws that prohibit people from feeding stray animals.
2. **Ministry of Public Grievances** notification and a similar notification by **Animal Welfare Board of India dated March-2008**, provide immunity to animal feeders and restrict government employees or bodies such as Resident Welfare Associations from harassing people who try to feed or help animals.
3. **Section 11 of the Prevention of Cruelty to Animals Act, 1960** makes all animal cruelty a criminal offence. Fines and imprisonment are both provided for. The Indian Penal Code has similar provisions.
4. **The Animal Birth Control (Dog) Rules, 2001**, enacted under the Prevention of Cruelty to Animals states that sterilization and vaccination are the only legal means of stabilizing/reducing stray dog populations and eliminating the risk of rabies ; and prohibits relocation of stray dogs, i.e. throwing, or driving them out of one area, into another.
5. **Under Stray Dog Management Rules 2001**, it's illegal for an individual, RWA or estate management to remove or relocate dogs. The dogs have to be sterilized and vaccinated and returned to the same area. Vaccinated and sterilized dogs cannot be removed by the municipality too.
6. **I.P.C. Section 428 and 429** provides severe punishment (up to 5 years imprisonment) to people resorting to dislocation, abduction and acts of cruelty towards community animals or pets.
7. **The Environment (Protection) Act – 1986** and **Wildlife (Protection) Act 1972** at various places protects the stray dogs against any kind of cruelty.
8. **The Supreme Court of India** in 2009 gave a similar stay order against removal culling or dislocation of a dog anywhere in India.

Note: Besides these Rules, The W.H.O. also recommends systematic **sterilization** and **vaccination** of dogs for effectively reducing dog population and aggression in dogs, and eliminating the risk of rabies.

### 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 animal to be so treated; or

(b) <sup>1</sup>[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;

(c) wilfully and unreasonably administers any injurious drug or injurious substance to <sup>2</sup>[any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by <sup>2</sup>[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

(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 <sup>3</sup>[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

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Prevention of Cruelty to Animals Act, 1960, Section 11 (1) (a) to 11 (1) (i)

(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

<sup>1</sup>[(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]

<sup>2</sup>[(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) <sup>3\*\*\*</sup> 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, <sup>4</sup>[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].

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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."*



**ANIMAL WELFARE BOARD OF INDIA**  
(Ministry of Environment and Forests, Govt. of India)

**D. RAJASEKAR, IFS**  
Secretary

**D.O. AWBI / PCA/ Dated 3.3.08**

**TO WHOMSOEVER IT MAY CONCERN**

Animal Welfare Board of India, a statutory body was constituted under the Prevention of Cruelty to Animal Act, 1960, an act of Parliament in order to promote of animal welfare generally and for protecting animals from being subjected to unnecessary pain or suffering. AWBI has been implementing various animal welfare schemes and enacting and implementing various acts and rules framed under Prevention of Cruelty to Animal Act, 1960.

As you are aware that Govt. of India Notified the Animal Birth Control (Dogs) Rules, 2001, under the PCA Act, 1960 vide the Gazette of India: Extra Ordinary Part II – Sec. 3 – sub. II dated 24<sup>th</sup> Dec. 2001 to implement sterilization and vaccination of stray / community dogs to control the dog population.

As per the Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, New Delhi letter no.F.No.30/9/2006-WELFARE dated 26.5.2006, it is informed that "if any Govt. Servant indulges in act of cruelty to animals he will be making himself liable for action under Prevention of Cruelty to Animals Act. Besides, punishment under the Act, he would also make himself liable for action under CCS (Conduct) Rules for conduct unbecoming of a Govt. Servant.


It may be noted that for dealing with the problem of stray animals, there are designated agencies in Govt./local self-government organizations etc. Such Organisations regularly undertake inoculations, sterilization of female animals etc. Recognised Associations in Govt. colonies may approach such Institutions for redressal of their grievances.

All the problems of stray animals have to be handled within the institutional framework available and no association, recognized or unrecognized, shall take recourse to action on their own, either themselves or through any person employed by them like security guards etc.

Therefore, you are directed not to remove the community dogs from the any place as it is illegal and violation of above said rules. This amounts to cruelty to animals as per PCA Act and is a punishable offence. However, it is suggested that you may take help of recognized NGOs (List of AWO's in your state is available in the website [www.awbi.org](http://www.awbi.org)) conducting ABC Programme for taking up Sterilization and immunization of stray dogs in the place to manage their population and to implement the provisions of Animal Birth Control (Dogs) Rules, 2001 in letter and spirit.

You are requested to issue proper instructions to the concerned authority in this regard.

Yours truly

  
Secretary  
सचिव  
Animal Welfare Board of India  
प्राणीय जीवन जगु कल्याण बोर्ड

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F.No 30/9/2006-WELFARE

भारत सरकार

GOVERNMENT OF INDIA

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

कार्मिक और प्रशिक्षण विभाग

DEPARTMENT OF PERSONNEL & TRAINING

नई दिल्ली

NEW DELHI

Lok Nayak Bhawan

Khan Market, New Delhi-3.

Dated: 26.5.2006

Secretary (PSB)  
Dy. No. 12/32  
DOW 31/5

OFFICE MEMORANDUM

Subject: Preyention of cruelty to animals – Guidelines reg.

It has been brought to the notice of this Department that a number of Associations have been engaging in dealing with the problem of stray animals in their areas on their own or through security guards appointed by them. It has also been reported that apart from beating animals etc. some of the associations have also been taking recourse to intimidating residents who may be feeding/tending some of the stray animals.

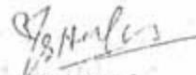
2. Section 11 of Prevention of Cruelty to animals Act, 1960 as amended from time to time, provides that if any person beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animals so as to subject it to unnecessary pain or suffering, he shall be punishable with fine and/or 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. Besides, punishment under the Act, he would also make himself liable for action under CCS (Conduct) Rules for conduct unbecoming of a Govt. servant.

3. It may be noted that for dealing with the problem of stray animals, there are designated agencies in Govt/local self-government organizations etc. Such Organisations regularly undertake inoculations, sterilization of female animals etc. Recognised Associations in Govt. colonies may approach such Institutions for redressal of their grievances. Un-recognised associations may also approach such bodies with their individual/collective grievances, but they shall refrain from pretending to represent the residents in general. Where there is no recognized association, grievances, if any, of the residents may be taken up with the Institutions through the AWO/Office of the CWO. However, all the problems of stray animals have to be handled within the institutional framework available and no association, recognized or unrecognized, shall take recourse to action on their own, either themselves or through any person employed by them like security guards etc.

648/Coord/psb/106  
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4. While residents and Associations are free to address institutional agencies for redressal of grievances in this matter, no resident/association will interfere with the freedom of other residents in tending animals etc. Intimidation, in any form, is a criminal offence. Apart from action under appropriate criminal law, such persons will render themselves liable for action under the CCS Conduct Rules.

  
(M.S. Nagra)

Under Secretary (Welfare)

Tel No. 24646761

Copy to all Joint Secretaries (Administration) in all the Ministries/Depts. of Govt. of India - The provisions of Prevention of Cruelty to Animals Act, 1960 and the guidelines provided in the Circular may please be brought to the notice of all employees in your Department.

Dept. of Posts,  
(Shri P. Gopinath, Secretary),  
Dak Bhawan, Sarad Nagar,  
New Delhi.

From

Commissioner  
Municipal Corporation,  
Gurgaon

To

Presidents, RWA,

Gurgaon

No. J.C(HQ)/MCG/2012/ 485

Dated 2/2/12

Sub:- Regarding curbing cruelty against Animals.

Some incidents of cruelty against animals by RWAs, their office bearers and residents has been reported to this office. It has also come to the notice that certain RWAs have attempted to prevent or obstruct pet ownership through stipulations in terms of their rental/ownership agreements and have even threatened pet owners with electricity/water cut offs.

All RWAs are requested to take note the following issues & to abide by the legal provision mentioned therein:-

1. Kindly note that the laws on pet ownership are very clear. The Constitution of India's Directive Principles clearly state through their various sections that private groups, government bodies and any organization may not infringe upon a person's fundamental right. Under the law, pets constitute 'family' and keeping a pet is a fundamental right of every Indian national. Hence, for an association or committee to impose restrictions on this right is against the law. A mention of any such clause in any agreement by a Managing Committee of a Society is not sufficient to make it a law. It may also be noted that any law or rule formed by anybody, if conflicts with the law of the urban local body, state body or central body, is automatically superseded and rendered null and void. So any society bye-law, even if it mentions such a clause in the agreement, if found conflicting with the law of the land, holds no



legal value and is automatically invalid. Nor is it legal for any RWA to threaten the discontinuation of basic facilities. Any RWA that is found taking the law into its own hands by making such threats can lead to the dissolution of that RWA and prosecution of its office bearers.

2. Various RWAs have been attempting to remove animals in their area on their own or through security guards employed by them. Further that they have taken recourse to intimidating residents who may be feeding/tending to these animals. Kindly note the laws in this regard:
  - i) Under the central law as laid out in Stray Dog Management Rules 2001, it is illegal for any individual, RWA or estate management to remove or relocate dogs. Complaints, if any, may be directed to the municipality or to a local animal welfare organization. The dogs will be sterilized and vaccinated and returned to the same area. In the case of vaccinated and sterilized dogs, they cannot ever be removed by the Municipality.
  - ii) Several Courts have held that it is both lawful and helpful for local residents to feed colony dogs as it facilitates the municipal sterilization programme. Feeding dogs has been held to be a 'social service' and the police and RWAs have been directed to protect those engaged in this social service.
  - iii) It is cognizable under Sections 428/429 IPC to hit, hurt, injure or kill any animal as well as under the Prevention of Cruelty to Animals Act, 1960.
  - iv) Under Section 506 IPC, it is a criminal offence to threaten, abuse, harass neighbors who feed homeless animals.
  - v) In its letter F.No 30/9/2006, the Ministry of Personnel, Public Grievances and Pensions has warned that no association recognized or unrecognized may take action on its own or through any persons employed by it like security guards against animals in violation of

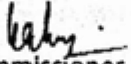
these laws:

- a) Article 51 (a), Constitution of India
- b) Indian Penal Code, Sections 428/429
- c) Prevention of Cruelty to Animals Act 1960

- 3. Directives of the Animal Welfare Board of India, a statutory body under the central government.
- 4. Any attempt to remove dogs will be in contempt of judicial rulings in several cases, including the Hon'ble Supreme Court of India (Animal Welfare Board of India Vs People for the Elimination of Stray Dogs, Record of Proceedings 265025).

Apart from being illegal, removal of colony dogs is also counter-productive. Dogs being territorial guard the area against the incursion of other dogs and animals. Should the dogs that are familiar with the area be removed, others who are new to the area will move in and the chances of accidents will increase. Sterilizing the existing population keeps the numbers in check and the area safe from intruders both human and animal alike. It is therefore in the colony's best interests to care for its existing dogs so that they may live out their natural lives, healthily and harmlessly. Any action contrary to the above is punishable under the law.

It is, therefore, requested that all RWAs may kindly ensure that the provisions of Prevention of Cruelty to Animals Act 1960 may not be violated and cooperate in vaccination and sterilization programme launched by MCG.

  
For Commissioner, 02/04/12  
Municipal Corporation,  
Gurgaon

- 3. Classification of dogs and their Sterilization :** (1) All dogs shall be classified in one of the following two categories (i) pet dogs, (ii) street dogs.
- (2) The owner of pet dogs shall be responsible for the controlled breeding, immunization, sterilization and licensing in accordance with these rules and the law for the time being in force within a specified local area.
- (3) The street dogs shall be sterilized and immunized by participation of animal welfare organizations, private individuals and the local authority.

Animal Birth Control Rules, 2001 (Rule 3)

- 7. Capturing/sterilization/immunization/release :** (1) Capturing of dogs shall be based on:
- (a) Specific complaints (for which the local authority in consultation with the Monitoring Committee shall set up a dog control cell to receive complaints about dog nuisance, dog bites and information about rabid dogs) and
- (b) General :
- (i) On receipt of specific complaint about nuisance or dog bite the same shall be attended on priority basis, irrespective of the area from which the complaint comes. On receipt of such complaint the details such as name of the complainant, his complete address, date and time of complaint, nature of complaint etc. shall be recorded in a register to be maintained for permanent record.
- (ii) Capturing for general purpose will be on such dates and time to be specified by the Committee.
2. The dog capturing squad shall consist of :
- (i) The driver of the dog van
- (ii) Two or more trained employees of the local authority who are trained in capturing of dogs.
- (iii) One representative of any of the animal welfare organization

Each member of the dog squad shall carry, a valid identity card issued by the local authority. The dog capturing squad will be accompanied by a representative of an Animal Welfare Organisation nominated for the purpose.

- (3) On receipt of specific complaint or for capturing dogs in normal course the dog squad will visit the concerned area, capture the dogs identified by the complaint in case of complaint oriented capturing and other dogs in case of general capturing. All the dogs caught will be

Animal Birth Control Rules, 2001 (Rule 7 (1) to 7 (3))

tagged for identification purposes and to ensure that the dogs are released in the same area after sterilization and vaccination. Only stipulated number of dogs, according to the Animal Birth Control Program target, shall be caught by the van. A record of dogs captured shall be maintained in a register, mentioning therein the name of the area/locality, date and time of capture, names of persons in the dogs squad on that particular day and details about dogs captured such as number of male dogs, number of female dogs, number of puppies etc.

- (4) The dogs shall be captured by using humane methods such as lassoing or soft-loop animal catchers such as those prescribed under the provisions of Prevention of Cruelty (Capture of Animals) Rules, 1979.
- (5) While the dogs are being captured in any locality the representative of the local authority or of the animal welfare organization accompanying the dog squad will make announcements on a public address system that dogs are being captured from the area for the purpose of sterilization and immunization and will be released in the same area after sterilization and immunization. The announcement may also briefly educate the residents of the area about the dog control programme and solicit the support of all the residents reassuring them that the local authority is taking adequate steps for their safety.
- (6) The captured dogs shall be brought to the dog kennels/dog pounds managed by the Animal Welfare Organisations (AWOs). On reaching the dog pounds all the dogs shall be examined by the veterinarians and healthy and sick dogs should be segregated. Sick dogs should be given proper treatment in the hospitals run by Society for Prevention of Cruelty to Animals (SPCA)/other institutions and only after they are treated they should be sterilized and vaccinated. The dogs will be sterilized/vaccinated under the supervision of the veterinarians of the hospital run by the Society for Prevention of Cruelty to Animals (SPCA), Animal Welfare Organization or other dog shelters. After necessary period of follow up, the dogs shall be released at the same place or locality from where they were captured and the date, time and place of their release shall be recorded. The representative of Animal Welfare Organisations (AWOs) shall accompany the dog squad at the time of release also.