



Ministry Of Environment, Forest and Climate Change
GOVERNMENT OF INDIA

TO WHOMSOEVER IT MAY CONCERN

- Annexure 1:** Guidelines with respect to Pet & Street Animals and their Caregivers (A & B)
Annexure 2: For Residents Of Welfare Associations & Apartment Owners Associations
Annexure 3: Legal Guidelines When Intimidated OR Witness Animal Cruelty (Part 1)
Annexure 4: Law And Bylaws For Intimidation OR Witness To Animal Cruelty (Part 2 / Law & Bylaws)

These legal and binding guidelines are being issued in lieu of board's conclusive meeting regarding the subject and hence be treated as final. The Animal Welfare Board Of India is a statutory body under the Ministry Of Environment, Forest and Climate Change is established in terms of Section 4 of the prevention of Cruelty To Animals Act.

As the number of people keeping animals, especially dogs and cats as household companions / pets is increasing and as the animal lovers and activists are increasingly showing compassion for animals, stray dogs and cats in particular by feeding them, providing them veterinary support etc, conflicts may sometimes occur between pet owners and the care-givers on one hand and the Resident Welfare Associations / Apartment owners on the other.

We would hereby like to make it clear that our country clearly endorses the virtues of Ahimsa and non-violence constitutionally and these doctrines have always enabled the people of India to peacefully co-exist with animals. Moreover the duty to show compassion to all living creatures is a fundamental duty cast by Article 51A(g) of the constitution mandatory for all citizens of India. We would like to impress upon that the law of the land protects the rights of the Non-Humans. All the below points are hence mentioned to inform you that everybody is equal in the eyes of the law.

GUIDELINES FOR PET-OWNERS (Annexure 1/A)
FOR RESIDENTS OF WELFARE ASSOC. & APT. OWNERS' ASSOC. (Annexure 2)

1. Pet owners rightly consider their pets as family members, a pet is like a human toddler and therefore deserves the same attention throughout its life as that of a child in a household that it get in its infancy. However the pet owners are advised to ensure that their pets are not a source of nuisance to others. In doing so they may however distinguish between reasonable and unreasonable, lawful and unlawful. In under any circumstances the pet cannot be abandoned. Doing so will be a violation of law and can attract penalty / punishment.
2. Barking is a natural form of expression of a dog and has to be tolerated under any or all given circumstances.. However incessant barking can disturb neighbors and hence pet owners are advised to make every effort to keep their dogs as quiet as possible without using any unnatural force or harm, this particularly during the night.
3. Pet owners are advised to ensure that their pets are healthy and clean. Adequate healthcare and regular vaccinations need be ensured. Sterilization is advised as our country has excessive dog population.
4. Pet owners or other care-givers / domestic help / servants they entrust their pets to, are advised to either cleanup when the pet defecates in public premises or participate in other solutions for maintaining cleanliness. Such civic sense is the need of the hour in our country at the same time it is also a courtesy to other users of public spaces. Pet owners are advised to take the initiative to discuss with their RWAs ways and means to dispose-off pet excreta. For instance, pet corners can be designated in which pets can be trained / encouraged to relieve themselves in a specific corner / area of the complex and poop can be collected and disposed.

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5. Leashing of private pets in public spaces is advisable. Leashing of dogs assures passerby that they are safe and comfortable when walking in the vicinity of an owner with his pet, which is on leash.
6. Whereas the pet owners cannot be debarred by RWAs or Apartment Owners' Associations from use of lifts or elevators for your pets, pet owners are advised not to object to the use of 'alternate' lifts if there is a specified lift for cargo and pet movement in the society.
7. Seeking to ban pets from gardens and parks is unlawful and also a shortsighted approach. Firstly no one has a right over a garden or the park in question. Secondly pets that are not properly exercised may exhibit aggressive conduct in frustration and that can be unfriendly to some residents. Hence it advisable to arrive at a time for pet-owners to use the park and separate timings for others including children. The planning an allocation of timing is the responsibility of the general body of the society.
8. There can be no force of muzzles by any individual or the society. Do know that a law already exists for penalties for negligent pet owners, which aggrieved parties can avail of.
9. Pet owners are responsible to scoop the poop either by themselves or pay local housekeeping services designated to do the same. The resident welfare and owners associations can arrive at alternate imaginative solutions through mutual consensus. Residents welfare associations & apartment owners associations cannot impose any kind of fines or special charges as it will be counted illegal.
10. Societies cannot have a No-Pets policy at any given point of time or place anywhere in India including Maharashtra. This is a criminal offence & also violation of Human Rights and will be dealt with accordingly with such individual or bodies who would be responsible for the same.
11. Please note that if any association or general body intimidates the pet-owner into giving-up or abandoning a pet, this will be abetted as violation of law and is punishable as well as penalized.

GUIDELINES FOR STRAY ANIMALS ESPECIALLY DOGS & CATS' CAREGIVERS (Annexure 1/B)

1. Many people feed stray and ownerless animals by compassionately preparing food for them and sometimes purchasing from pet-stores at a very high price. Those who look after strays are advised to participate in their sterilization and yearly vaccinations since they win the trust of the animal because of regularly feeding them. They are also advised to provide or assist animal welfare organizations in providing healthcare to them.
2. Feeding animals must not be done in anyway that contributes to littering or dirtying any feedings site. Care-givers are advised to cleanup feeding sites periodically.
3. Caregivers are advised to keep the sterilization and vaccination reports of the animals they are feeding and caring for readily accessible. This is for the society resident's referrals and owners satisfaction too.
4. Caregivers or society general bodies cannot control the defecation habits of the strays. However they are responsible infact to participate in a more civil ways and solutions for maintaining cleanliness and order.

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5. Beating or driving away street / stray animals i.e. cats / dogs / goat / cow / buffalo / donkey / horses etc is not allowed under any circumstances.
6. Animals picked up for sterilization and birth-control have to be released back in their actual territory is mandatory.
7. As per Indian Penal Law Street animals (i.e. Stray cats / dogs / goat / cow / buffalo / donkey / horses etc) cannot be beaten, driven away, moved away from their territory or forcefully tied or confined in any place or dumped or killed. This is a punishable crime leading to imprisonment and fines for individuals as well as general bodies of societies and associations. They can only be temporarily removed for sterilization by licensed individuals and taken to licensed & reputable vets for sterilization and vaccinations only. Once the process is over, the animal has to be returned back to their original habitat / area / territory after immunization. Record of the complete movement and activity maybe recorded for future referral in the event of any unusual situation or circumstances i.e. animals picked-up on pretext of sterilization have disappeared and rendered in unknown habitats / territories or are found dead on roadsides. This will be thoroughly investigated and people without license will be reprimanded for the same.
8. *Rationale Behind Keeping Animals In Their Original Locality / Territory / Habitat*
Animals especially Dogs and Cats being territorial in nature tend to fight off other dogs and cats to keep them from entering their territories. In this manner the dog population of each territory stabilizes.
9. *Feeding Strays Inside or Outside Gated Community Premises And Complexes*
There is no law by which one can be prohibited the feeding of stray animals. The Constitution Of India mandates upon its citizens to perform acts of compassion towards the speechless creatures of nature. Courts have upheld street-strays' feeding since the same reduces human-animal suspicion and conflict and facilitates animal birth control as all the animals are known to their care-givers/feeders and can be sterilized as and when required.
10. *Animal Cruelty*
This is a serious offence not known to many Indians as our education system lacks serious efforts to educate the same at school levels. Under Section 11 of the Prevention Of Cruelty To Animals Act and Sections 428 and 429 of the Indian Penal Code any information of Animal Cruelty with proof is punishable with imprisonment and fine.
11. *Intimidation*
Attempts to interfere with or harass persons who choose to look after and feed animals especially community cats and dogs may amount to grave offence of criminal intimidation.
12. *Aggression To Dogs Is Counterproductive*
The most important thing to understand is that dogs attack new, unusual and suspecting faces or those who have inflicted harm on them. A dog never attacks or bites unless not provoked or attacked. This attitude may render them aggressive and hostile towards humans who inflict them with torturous behavior and we the humans are only to be blamed for this.

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LEGAL GUIDELINES WHEN INTIMIDATED OR WITNESS ANIMAL CRUELTY
(Part 1) [Annexure 3]

EXAMPLES

- If you see a person hitting any animal with even a stick, CALL 100 immediately.
- Meanwhile till the police arrives, start making video and photo evidence as suggested below. i.e.
 - a) The person's photo/ video of beating, or even using force amounting to torture of the animal.
 - b) You telling him to STOP and he/she is not listening
 - c) The abusers response / reaction
 - d) The plight of the animal
 - e) Injuries to the animal
 - f) The locality people along with you asking to stop the abuse, torture or force.
- Immediately administer medical aid to the animal. If a vet has been approached, do take in writing the details of injury or bruises from the abuse that will add as evidence in the police station /court.

WHEN POLICE ARRIVES

- a) Show the evidence.
- b) Get an FIR registered. Tell them the case is 'Cognizable' as per the Supreme Court Of India judgment (Lalita Kumari VS Govt. Of UP 2013) then the police has to take the FIR. If the police refuses to file an FIR you can put a case against the police incharge refusing to do so under **IPC Section 166A** which can on the contrary invite an imprisonment upto one year of the police person/s along with the perpetrators of the animal abuse.
- c) All the non-human living beings i.e. animals are protected by the following acts of the parliament of India. **Section 11(1)(L)** of the prevention of cruelty to animals act (**PCA**) 1960 and **Section 428 and 429 of the IPC (Indian Penal Code)**.
- d) If you have been forced or intimidated then the offence becomes even more grave and the matter for the police more serious. For this you can register cases under the following sections; **IPC Section 503/506** - Criminal Intimidation, **Section 509** - Outraging The Modesty Of The Woman, **Section 268** - Public Nuisance, **Section 279** - Rash And Negligent Driving

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LAW AND BYLAWS FOR INTIMIDATION OR WITNESS TO ANIMAL CRUELTY
(Part 2 / Law & Bylaws) (Annexure 4)

DETAILS OF THE LAWS FOR REFERRAL TO LEGAL AUTHORITIES	AMOUNTING TO
Section 11(1)(L) Of The Prevention Of Cruelty To Animals Act (PCA) 1960 - Punishment for Killing OR Injuring an animal.	Imprisonment / Fine OR BOTH
<i>INDIAN PENAL CODE (IPC) Sections</i>	
Section 428 - Forceful hurting, torturing, maiming or killing the animal	For Section 428 2 YEARS Imprisonment / Fine OR BOTH
Section 429 - Mischief by killing or maiming cattle / animals etc	For Section 429 5 YEARS Imprisonment / Fine OR BOTH
Section 503 / 506 - Verbal / Physical Intimidation	For Sections 503 / 506 2 YEARS Imprisonment / Fine OR BOTH
Section 509 - Outraging the modesty of a woman	For Section 509 3 YEARS Imprisonment / Fine OR BOTH
Section 268 - Public Nuisance	For Section 268 Fine OR Imprisonment
Section 279 - Rash & Negligent Driving	For Section 279 6 Months Imprisonment / Fine OR BOTH
Section 289 - Negligent conduct with respect to animal	For Section 289 6 Months Imprisonment / Fine OR BOTH
NOTE: For criminal proceedings always hire a professional and experienced lawyer.	

M.K. Rai

M.K. RAI
UNDER SECRETARY To The Govt. Of India

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