



शाश्वत
FOUNDATION
Only Love Begets Love

SHASHWAT FOUNDATION

Registration No. : F/58780/PUNE (80G Applicable)

Regd. Add. : D3- 603, Leisure Town, Sade Satara Nali, Hadapsar, Pune-411028

Website : www.shashwatfoundation.in

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Contact : 986 074 7029 / 866 852 4403

By E Mail
Date: 06 Sep'2024

TO
THE CHAIRMAN/MANAGEMENT COMMITTEE
RWA/AOA/CHS
PUNE DISTRICT

Subject: 1. Harassment of Feeders/Caregivers of Community Dogs/Cats
2. Illegal Fines imposed on feeders for feeding stray dogs/Cats
3. Dog/Cat Feeding points to be fixed within Society premises as mandated by AWBI & ABC Rules 2023(PCA Act 1960)

Ref: - Animal Welfare Board of India Letter no. 9-1/2015-16 PCA, dt:30/06/2015 & ABC Rules 2023

It has been brought to our attention that recently there has been an increase in complaints of cruelty towards community/pet dogs and harassment of their feeders/owners in Pune District.

In view of the same, it is hereby directed to the Building Association/Managing or Management Committees or equivalent authority of the residential complexes or societies to take note of the following issues and abide by the legal provisions enumerated therein.

The prevailing Rules about the feeding of community dogs are hereby specified below and all AOAs, Building Societies and Residential Associations and all Community Dog Feeders are directed to act in accordance with the rules.

Kindly note that the guidelines are not limited to just one species of animals, i.e. dogs but are an interpretation for community animals which includes cats as well.

1. The AWBI is the statutory nodal agency about the framing and implementation of Rules/Guidelines with regard to animal welfare. This is clarified by SC in AWBI vs Nagaraja & Others as well as SC order dated Nov 18, 2016, in SLP No 691/2009.



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2. As per AWBI notification D.O AWBI/PCA/ dated 3.3.08, AWBI circular dated 26.2.2015, **Animal Birth Control Rules 2023** and Municipal ABC bye laws, community dogs/cats may not be removed/relocated from any area. No organisation may do this either themselves or through anybody employed by them like security guards etc. Relocation of Community/Stray Dogs/Cats is against the law/illegal/ a punishable offence under central laws PCA 1960- ABC Rules 2023 as well as directions of the Hon'ble Supreme Court in SLP 691/2009 judgement dated 18-11-2016. Security Guards may not be asked to drive dogs out of the gate or prevent dogs from entering. As per GOI memo dated 30-09-2006(Ministry of Personnel), Security Staff may not be used to deal with community dogs/cats.

CIVIL APPEAL NO. 5988 OF 2019 in the Supreme Court of India - judgement dated 09 May 2024

“Under all circumstances, there cannot be any indiscriminate killings of canines, and the authorities have to take action in terms of the mandate and spirit of the prevalent legislation(s) in place. There is no gainsaying in the fact that exhibiting compassion to all living beings, is the enshrined Constitutional value and mandate, and cast obligation on the authorities to maintain.”

Apart from being illegal, removal of dogs is counterproductive.

Dogs being territorial, guard against incursion of other dogs. If they are removed, dogs who are unfamiliar with residents will move in because they are new to the area, chances of conflict could increase.

Sterilisation and Vaccination of existing dogs keeps area safe, controls numbers, and protects from both human and canine intruders. Management should take help of feeders to avail of Municipal Services to sterilise and vaccinate resident community dogs/cats.

Security guards causing any scare/threat to the animals by using sticks, appropriate action can be taken against such Security Guards indulging in such actions as coercive methods would certainly amount to an act of cruelty to the animals. This apart, such methods used by the Security Guards, or any other persons would aggravate the behaviour of the animals, apart from inflicting cruelty to the animals. (Bombay HC order dated 24 Apr 23, WP no.148 of 2023)

The term Community Dogs refers to dogs born in any human community rather than referring to them as Stray Dogs. (Dogs who live in any area irrespective of where they are born)

The term broadly refers to all unowned dogs who live in and around human habitats.

3. As per AWBI guidelines vide its circular dated 26-02-2015 and AWBI letter no. 6/2 20-21/PCA dated 03-03-21, and **ABC Rules 2023**, all Residential Societies both gated and non-gated are required to have dog feeding sites situated within the Society premises for



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community dogs/cats where those wishing to feed dogs/cats may do so without hindrance. The feeding points should be fixed in consultation with the feeder as per the territorial nature of the dogs. There may be multiple feeding points depending upon the number of the dogs within the premises. Care must be taken to locate these sites in less frequented areas. Feeders may thereafter use only these designated feeding points to feed.

It would be the responsibility of the RWA/AOA to make necessary arrangements for feeding of community animals residing in the premises or that area involving the person residing in that area or premises, who feeds those animals or intends to feed those animals and provides care to street animals as a compassionate gesture. (ABC Rules 2023)

The provisions made in ABC Rules 2023 are for the protection, care, maintenance and welfare within societies and housing areas for the community animals. These have the force of law, and it is not open to the societies to say that they would not abide by the law. (Bombay HC order dated 24 Apr'23, WP no.2572 of 202)

It would be an obligation of the residents of the society to always make provision for adequate water to be made available to the animals more particularly considering the onset of the summer season. (Bombay HC Order dated 24 Apr 2023, WP no.148 of 2023)

Breaking/damaging the feeding bowls/water pots to deprive the animals of food/water exposing them to the risk of starvation/dehydration thereby leading to loss of life amounts to cruelty to animals under Section 11 of PCA Act 1960. Causing such mischief is a violation u/s 324 BNS.

4. As per AWBI circular dated 3.3.21 and Court order dated 24.06.2021, feeding points are to be selected by a team of three persons which includes one representative each of the Management Society, the feeding community, and AWBI or a local institutional agency like SPCA.

6. As per AWBI letter dated 16.6.2022, no Residential Society or Management Committee may levy fiscal fines on any dog feeder for feeding which is a legitimate activity. Dog feeding sites are to be mutually agreed upon as per procedure and may not be unilaterally enforced by management. SPCA representatives to be included in selection procedure as per norms. Failure to do so will be taken to mean the consent of the MC to feeding points selected by the other two members of selection committee as mandated by Court and AWBI.

7. As per Electricity Board regulations, no society may misuse prepaid electricity meter for imposing fines / penalties against dog feeding or any-other reasons.

8. Byelaws made by the Management Committee may not conflict with existing provisions under Municipal, State or Central Laws, Statutes, Guidelines and Court directions.



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Any such byelaw about Pets/Community Dogs/Cats is automatically superseded, rendered invalid and non-enforceable. Managing Societies are advised against threats to cut off basic services or to evict tenants for keeping pets which is a fundamental right, or for feeding community dogs which is a constitutional duty.

Any Managing Committee engaged in such arbitrary and illegal activities shall be liable to face action.

9. All dog feeders are required to feed at the lawfully assigned dog feeding sites only. The use of bowls is encouraged towards hygiene and efficiency. The cleaning of the dog feeding sites remains the responsibility of the maintenance staff as for any other facility of the Society like playgrounds and parks.

10. Any harassment of dog feeders is strictly forbidden by AWBI notification of 16.2.2015, AWBI Circular 3.3.2021, AWBI Circular dated 26.08.2015 and notification of Ministry of Personnel Public Grievances and Pensions dated 26.5.2006. This has been incorporated into Hon'ble Delhi High Court judgment dated 24.06.2021. Any harassment against feeders may be construed as the serious offence of Criminal Intimidation under Section 351 BNS.

To hate the stray dogs and/or treat them with cruelty can never be an acceptable approach from persons of civil society, as an act of such cruelty to animals would be against the constitutional ethos and the statutory provisions.

If Society continues to take any coercive measures and by physical force (such as hiring bouncers) to stop feeders/caregivers from taking care of these animals and /or from pursuing such activity which is wholly permissible in law, such actions on the part of the society would not only be contrary to the provisions of the law, but also, amount to commission of an offence. Refer Bombay HC order dated 27 Mar 23 (WP no.702/2023)

Animals too have fundamental rights and apart from food and shelter, they also have a right to dignity and fair treatment.

11. Any targeting, abuse, insult, ridicule, or photographs of dog feeders on public forums like Society chat groups or Hate tweets will constitute 'Hate Speech' as it creates hostility against a particular community and may be reported to the Cyber Cell under Section 356 BNS.

Complaints and discussion may be referred to the appropriate institutional agency or forum.

12. Assault/Mobbing of dog feeders is a punishable offence under Section 190/3 BNS.

13. Treating feeding as a crime and asking security guards or residents to photograph and share pictures of those 'caught' feeding dogs will be treated as stalking, breach of privacy and violation of a woman's modesty (in the case of lady feeders) and punishable under the relevant law.



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14. Threats to remove tenants who feeds dogs through coercive action on landlord will be treated as criminal intimidation as will any attempt to embroil feeders in false cases.

15. Feeders cannot be held responsible or blamed for any man- animal conflict that may occur anywhere in a Society. They are simply feeding dogs just as temples feed beggars. Those who do charity are not liable for the actions of the beneficiaries of that charity.

Feeding makes dogs human friendly. Feeders are contributing towards the solution not adding to any problem.

16. AOA & RWA should work with feeders to get all the community dogs sterilised and vaccinated by municipality as per **ABC Rules 2023**.

17. Hitting, injuring, and killing any animal is a cognizable offence under sections 325 BNS punishable.

Management is encouraged to organise regular sensitisation programmes towards harmonious co-existence of residents and community animals.

Dogs are territorial by nature and cannot all be herded into one spot for the purpose of feeding them. They must not therefore be sought to be so herded. (Needless to state, seeking to do so will lead to dog fights, probably dog bites, and hence tremendous inconvenience for residents).

Community dogs (stray or street dogs) and cats have the right to food and citizens have the right to feed community dogs/cats.

Any person having compassion for the stray dogs may permit them to be fed or feed them at his/her private entrance/porch/driveway of his/her house or any other place not shared with other residents.

Areas adjacent to the boundary walls of the houses which are not used for passage or do not have any exit/entry points can also be used for feeding. Likewise, vacant lands may be used for this purpose.

It shall be the duty and obligation of every Resident Welfare Association to ensure that every community dog in every area has access to food and water in the absence of caregivers or community dog feeders in the said area.

No person can restrict the other from feeding dogs.

Dog shelters should be made for each community dog in the locality at common costs, so that they don't have to suffer the heat and rain and cold. (Refer Delhi High Court Order dated 24 June 2021) Every Resident Welfare Association shall have an Animal Welfare Committee, which shall be responsible for ensuring compliance of the provisions of the PCA



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Act and ensure harmony and ease of communication between caregivers, feeders or animal lovers and other residents.

If any of the street / community dogs is injured or unwell, it shall be the duty of the RWA to secure treatment for such dog by the vets made available by the Municipal Corporation and / or privately from the funds of the RWA.

Animals' well-being and welfare have been recognized under Sections 3 and 11 of the Prevention of Cruelty to Animals Act. Right to live in a healthy and clean atmosphere and right to get protection from human beings against inflicting unnecessary pain or suffering is a right guaranteed to the animals under Sections 3 and 11 of the PCA Act read with Article 51A(g) of the Constitution. Right to get food, shelter is also a guaranteed right under Sections 3 and 11 of the PCA Act and the Rules framed thereunder.

Please understand that we must all make collective efforts towards preventing the infliction of unnecessary pain or suffering on the animals since their rights are statutorily protected under Sections 3 & 11 of PCA Act. The animals have a right against human beings not to be tortured and against infliction of pain or suffering.

Asha Ambekar