

To,
Senior Police Inspector
Navghar Police Station
RR Educational Trust Marg, MHADA Colony,
Mulund East, Mumbai - 400081

21 June 2024

Subject: Request to rescue dogs kept in deplorable condition, abused for breeding and sale unlawfully, in blatant violation of animal protection laws

Dear Sir,

I am writing to you on behalf of People for The Ethical Treatment of Animals (PETA) India, the country's best-known animal rights organization, to bring to your attention a pressing matter concerning an individual, allegedly a resident of Thane, running an illegal centre for breeding and selling dogs, also inflicting cruelty on them by keeping them in pitiable conditions, depriving them of basic needs such as shelter, food, water and medical treatment. These dogs – 5 large breeds and 6 small breeds, are currently confined in a random plot in Hari Om Nagar, near Shamshanbhoomi in Thane. This treatment of dogs violates several animal protection laws and requires urgent intervention.

We have received a complaint against one Mr Vinod Utekar (7666408888) for allegedly running an illegal centre for breeding and selling dogs with currently **eleven dogs** under this possession kept in filthy, deplorable conditions. **Videos of the establishment are being submitted to you on a pendrive along with this complaint.** It shows the miserable condition in which the dogs have been kept. The video was taken at night and thus would be difficult to see everything clearly, but as visible, there are no lights and ventilation in the area where the dogs are kept, neither is it secured or fully covered to protect the dogs from extreme weather conditions.

Upon receiving this information, we asked a member of Citizen for Animals (CAP) Foundation, an animal welfare organization in Thane, to visit the location during the day to inquire about the dogs and their purpose. On visiting they met with Vinod Utekar at the location. Vinod disclosed that he owns several dogs: some are rented out as 'guard dogs' and the others are kept for sale. This confirms that Mr. Vinod is operating a pet shop, and allegedly running a dog breeding center, both of which must be registered with the Maharashtra Animal Welfare Board (MAWB). Furthermore, the cages and the entire area where the dogs are residing are unsanitary, with no provision for food, water, or cleanliness. The establishment appears to be a makeshift setup on an empty plot used to run his illegal business. **Photos and videos of the establishment captured on this visit are submitted to you on the same pendrive along with this complaint.**

It has been alleged that Vinod Utekar is not registered with the MAWB. This is to inform you that facilities that engage in the breeding and selling of dogs are required to be registered with the state animal welfare board, in this case the MAWB, as mandated under Rule 3 of the Prevention of Cruelty to Animals

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बारनिशी लेखनिक
नवघर पोलीस ठाणे
मुलुंड (पूर्व), मुंबई-८९

Entities:

- PETA US
- PETA Asia
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (UK)

Registered Office:
F-110, First Floor, Jagdamba Tower
Plot No 13, Community Centre
Preet Vihar, New Delhi
Delhi 110092

CIN: U74899DL2000NPL103217

(Dog Breeding and Marketing) Rules, 2017, (**Annexure I**) framed under The Prevention of Cruelty to Animals (PCA) Act, 1960. **Rule 2(c) defines “breeder” as an individual or group of persons who own dogs of specific breeds for breeding and sale of dogs and pups, and includes boarding kennel operator, intermediate handler and trader. Rule 2(d) defines “boarding kennel operator” as an individual or group of persons that keep pet dogs and pups for temporary housing in kennel or any other establishment.**

Mr Vinod Utekar evidently falls in the category of a breeder as he is breeding and selling dogs, and therefore, he ought to have been registered with the MAWB. Violation of Rules framed under the PCA Act, 1960, is an offence under Section 38(3) of the Act.

As you may know, Section 3 of PCA Act, 1960 imposes a duty on every person having the care and charge of any animal to take all the measures to prevent the inflictions of unnecessary pain and suffering on such animals. Section 11(1) of PCA Act defines acts or omission that are considered cruel to animals and are thereby punishable under law.

Section 11(1)(a) of PCA Act 1960 prohibits treating any animal in such a manner so as to subject it to unnecessary pain and suffering. Section 11(1)(e) makes it an offence to confine any animal in any cage or receptacle which does not measure sufficiently to permit the animal a reasonable opportunity from movement. Section 11(1) (f) makes it an offence to keep any animal chained or tethered upon. Section 11(1) (g) and 11(1) (h) makes it a punishable offence to not exercise a dog who is habitually chained up or confined and also failure to provide sufficient food, water and shelter.

Furthermore, I direct your attention to a letter dated 08 May 2020 (**Annexure III**) issued by Sachindra Pratap Singh, IAS, the then Commissioner of Maharashtra Animal Husbandry Department, regarding not permitting illegal or unregistered dog breeding centres and pet shops to reopen upon the lifting of COVID-19 lockdown restrictions. The letter, addressed to all district collectors cum chairs of the district SPCAs, requires that only registered pet shops and dog breeding establishments be allowed to reopen and that unregistered ones be disallowed in purview of Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017, and Prevention of Cruelty to Animals (Pet Shop) Rules, 2018. It also mandates that no pet shop or dog breeding center can be opened without registering with the Maharashtra Animal Welfare Board. A copy of this order was sent to all Commissioners and Superintendents of Police in the state.

We'd also like to call to your attention the Supreme Court's decision in the judgment issued on 7 May 2014 in SLP(C) No 11686 of 2007 that it's the duty of the government to enforce the PCA Act, 1960, and that if the provisions of the act and the directions and declarations of the court are not properly and effectively complied with, the government should see to it that disciplinary action is taken against erring officers so that the object and the purpose of the act can be achieved.

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The Honorable Apex court in the said judgement has also held that all animals have a fundamental right to live with honour and dignity and lead lives free of cruelty. The condition in which these dogs have been kept would certainly go against the basic principle that has been laid down by the Supreme Court in the above-mentioned case. Vide said judgement, the Honorable Supreme Court also declared five freedoms for animals to be read into Section 3 and 11 of the PCA Act. It also directed States to protect and safeguard the said five freedoms. The five freedoms declared by Supreme Court are as follows:

1. Freedom from hunger, thirst and malnutrition
2. Freedom from fear and distress
3. Freedom from physical and thermal discomfort
4. Freedom from pain, injury and disease
5. Freedom to express normal patterns of behavior.

As explained above and clearly visible from the video, the dogs have been deprived of the said freedoms declared for the protection of all animals by the Supreme Court.

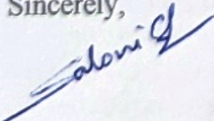
As a member of the Thane District SPCA, the Thane Police are authorized to take action against Vinod Utekar by shutting down the boarding centre as per the aforementioned order issued by the Commissioner of the Maharashtra Department of Animal Husbandry. You are also requested to issue a notice under Section 149 of the Code of Criminal Procedure, 1973, to prevent Vinod Utekar from selling or using dogs for any other purpose going forward as he does not possess a certificate of registration from the MAWB.

In light of the above, I urgently ask you to address this issue promptly. Please take immediate and necessary action against the establishment for violating the abovementioned laws. Moreover, I request the seizure of the dogs in their custody, in pursuance of power vested under Section 34 of the PCA Act, and subsequent rehabilitation to a trusted, registered NGO. PETA India is willing to assist in rehabilitation of the animals.

Should you have any questions, I can be contacted on 9326947611 or SaloniS@petaindia.org

Please keep me informed of the action taken in this regard.

Sincerely,



Saloni Sakaria
Cruelty Response Coordinator
PETA India

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