PREFACE

These are the Board's revised Guidelines on Pet dogs and Street dogs. The earlier circulars issued on 1st February, 2014 and 20th February 2014, are hereby withdrawn.

सत्यमेव जयते

ANIMAL WELFARE BOARD OF INDIA
Ministry of Environment, Forests and Climate Change, Govt. of India
भारतीय जीव जन्तु कल्याण बोर्ड
(पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार)

MAJ. GEN. (Retd.) Dr. R. M. KHARB, AVSM
CHAIRMAN

26th FEBRUARY, 2015

TO WHOM SO EVER IT MAY CONCERN

Guidelines– with respect to Pet & Street Dogs, and their Care-Givers, and for Residents' Welfare Associations and Apartment Owners Associations

These Guidelines are being issued in lieu of the Board's Circular dated 20th February, 2014, titled "Pet Dogs and Street Dogs – the Board's revised circular". The Circular dated 20th February, 2014, stands hereby withdrawn.

The Animal Welfare Board of India is a statutory body established in terms of Section 4 of the Prevention of Cruelty to Animals Act. This Advisory is being issued in pursuance of Section 9 (k) of the said Act.

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

Our country endorses the virtues of ahimsa and non-violence and these doctrines have always enabled people 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 upon all citizens of this country ; and the law of the land protects the rights of non-humans.

All points of view deserve consideration, and everybody is equal in the eyes of the law. The solution therefore lies in recognizing that, and treating differing points of view, and differing life-styles with respect. These Guidelines aims at achieving that.

Guidelines for Pet Owners:

1. Pet owners rightly consider their pets as family members. A pet is akin to a perennial toddler and therefore deserves the same attention throughout its life as that reserved for a human toddler during infancy. However, 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

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unreasonable, and lawful and unlawful claims as to their pets being a source of nuisance; and no amount of pressure should lead to an abandonment of a pet animal. Doing so is a violation of law.

2. Barking is a natural form of expression for a dog, and must and has to be tolerated in a society. However, incessant barking can disturb neighbors. Hence, pet owners are advised to make every effort to keep their dogs quiet, particularly during night hours.

3. Pet owners are advised to ensure that their pets are healthy, and clean. Adequate health care and regular vaccinations need be ensured. Sterilisation is advised as our country has excessive dog population.

4. Pet owners, or the other care–givers or dog walkers they entrust their pets to, are advised to either clean up 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, and 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; and a corner of the complex / park can be designated as area where pet poop can be collected and deposited and composted, using sawdust, etc. Such behavior may generate positivity, and greater acceptability of pet dogs, and even street dogs. However, it is clarified that it is for each residential community and complex to decide which method works best for them, and solutions cannot be imposed on anybody.

5. Leashing of pets in public places is advisable. Leashing of dogs assures passersby that they are safe and makes them more comfortable when walking in the vicinity of an owner with his pet dog on a leash. Leashing also ensures the safety of the pet from being run over by vehicles on streets, or worse still, being the cause of accidents.

6. Whereas you cannot be debarred by RWAs or Apartment Owners' Associations from the use of lifts or elevators for your dogs, you are advised not to object to the use of 'alternate' lifts if there is more than one working lift or elevator in a building, which is conveniently accessible.

Guidelines for Care-givers of Street Dogs :

1. There are many people in India who feed stray and ownerless animals. Some dispose off their leftover food in this manner, and others compassionately prepare food for them. Those who feed street dogs are advised to participate in their sterilization, and yearly vaccination too, since they win the trust of the dogs through feeding them. They are also advised to provide, or to assist animal welfare organizations in providing health care to them.

2. Care-givers are advised not to feed street dogs close to residences not their own. They are also advised to avoid feeding street dogs immediately adjacent to areas in which children play, or people take walks, or that are otherwise crowded. Moreover, feeding must not be done in a manner that contributes to littering, or dirtying any feeding site. Care-givers are advised to clean up feeding sites after feeding is over.

3. Care-givers are advised to keep the sterilization and vaccination status of the dogs they are feeding and caring for, updated and readily accessible. Sharing the same with their residents welfare associations or other residents, generate positivity, and greater acceptability of the dogs.

4. Care-givers cannot control the defecation habits of the strays. However, they are advised to participate in other solutions for maintaining cleanliness.

Guidelines for Residents' Welfare Associations, Apartment Owners' Associations, etc. :

I. WITH RESPECT TO PET DOGS & PET OWNING RESIDENTS :-

Banning pets :

a) Please bear in mind that even by obtaining consensus, or even if the majority of residents and occupiers want it, residents welfare associations & apartment owners associations cannot legally introduce any sort of 'ban' on the keeping of pet dogs. They cannot insist that 'small sized' dogs are acceptable, and 'large sized' dogs are not. They cannot cite dog barking as a valid and compelling reason for any proposed ban or restriction.

b) If the residents or occupiers that have pets are not violating any municipal or other laws, it is not permissible for residents welfare associations & apartment owners associations to object to their having pets as companions. The general body cannot frame bye-laws or amend them in a manner that is at variance with the laws of the country. Even by a complete majority, a general body cannot adopt an illegality.

c) Please therefore bear in mind that even by amending bye-laws or regulations or otherwise, such a 'ban' cannot be put into place since it is illegal, and does not have the sanction of law. In fact, in trying to 'ban' pets, or limit their number, residents' welfare associations & apartment owners associations interfere with a fundamental freedom guaranteed to the citizens of India, i.e. the freedom to choose the life they wish to live, which includes facets such as living with or without companion animals.

Use of lifts by pets :

d) Residents welfare associations & apartment owners associations cannot disallow pets from the use of lifts ; and no charges can be imposed by them either.

Use of parks by pets :

e) Seeking to ban pets from gardens or parks, is short-sighted. Firstly, you may or may not have any manner of right over the garden or park in question. Secondly, pets that are not properly exercised may exhibit aggressive conduct in frustration; and that cannot contribute to the benefit of the residents. It may be better to arrive by consensus at timings acceptable to all residents, when pets can be walked without inconvenience to other residents. These timings can then be intimated to the general body.

Use of leashes/muzzles by pet owners, defecation by pets in community premises, imposition of fines and other similar measures :

f) Pet owners are advised to and must leash their pets in all common areas. However, residents welfare associations & apartment owners associations cannot insist on the use of muzzles. Please do remember, the law already provides for penalties for negligent pet owners, which the aggrieved parties can avail of.

g) Please bear in mind that in the absence of central or state laws requiring cleaning of pet excreta by pet owners, residents welfare associations & apartment owners associations cannot impose any rule, regulation or bye-law, with respect to the same, or impose special charges or fines on pet owners. They can, however, request them to do so. The Board also recommends to and advises all pet owning residents to accept reasonable and lawful requests to participate in solutions aimed at peaceful community living.

h) Pet owners are advised to 'scoop the poop', or together with residents welfare associations & apartment owners associations, and other residents, experiment with the creation of pet defecation areas within community premises, or arrive at other imaginative solutions through consensus. Residents welfare associations & apartment owners associations cannot however impose fines and special charges of any kind on pet owners, because there is no mandate in law for the same.

Intimidation:

i) Lastly, please bear in mind that if any association succeeds in intimidating a pet owner into 'giving up' or 'abandoning' a pet, it will actually have abetted violation of law; and may well be aggravating the menace of ownerless animals on the street, that are not accustomed to living on the street and therefore get involved in and lead to accidents, injuries and deaths. Please also bear in mind that intimidation is an offense in law.

II. WITH RESPECT TO STREET DOGS:-

1) Beating and driving away street dogs, is NOT ALLOWED; animal birth control and release back into same locality/territory, is ALLOWED:

As per Indian law street dogs (i.e. stray dogs) cannot be beaten or driven away or dumped elsewhere or killed. They can merely be sterilized in the manner envisaged in the Animal Birth Control (Dogs) Rules, 2001, vaccinated, and then returned back to their original locations. For the area-wise sterilization program that the law mandates shall be followed, dogs have to be returned back to their original habitat after sterilization and immunization.

2) The rationale behind release back of street dogs into the same locality/territory after sterilization and vaccination:

Dogs, being territorial in nature, tend to fight off other dogs, and keep them from entering their territories ; and in this manner, the dog population in each territory / within each locale, stabilizes.

3) Street dog feeding, whether inside or outside community premises and gated complexes:

There is no law that prohibits the feeding of street animals. Citizens who choose to do so are in fact performing a duty cast upon them by the Constitution of India - of showing compassion to all living creatures. Courts have upheld street dog feeding since the same reduces human - animal conflict and suspicion, and facilitates animal birth control (by making dog catching easier).

4) Animal cruelty:

Please also note, animal cruelty is an offence – under Section 11 of the Prevention of Cruelty to Animals Act, and Sections 428 and 429 of the Indian Penal Code – punishable with imprisonment and fine.

5) Intimidation:

Attempts to interfere with, or harass persons who choose to look after and feed community dogs, maybe tantamount to the very grave offence of criminal intimidation.

6) Aggression to dogs, counterproductive:

Last but not the least : any aggression or hostility that the dogs may be subjected to, may render them aggressive, and hostile to humans. They may then resort to snapping and biting in self -defense. If the same happens, the human aggressors shall be the only ones to blame.

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