PET DOGS AND STREET DOGS

In recent times, RWAs, Apartment Owners’ Associations, and Cooperative Group Housing Societies, having taking to imposing various restrictions on pet owning residents, such as disallowing the use of lifts, or parks, by pets, or even banning pets altogether. There is widespread resentment against these moves, because not only do they unreasonably restrict the rights of residents, they are also unlawful and against recent court rulings.

Moreover, as an RWA, or an Apartment Owners’ Association, Cooperative Group Housing Society, gated complex, etc., you may often be getting complaints regarding street dogs, and requests that they be driven away, through beatings by security guards or otherwise, or just dumped elsewhere. If you accede to these requests, you will not only be violating laws and pronouncements of courts, but will not achieve any permanent solutions either. The problem will remain a perennial problem; and you will also run afoul of animal welfare people that are increasing in number by the day, and banding themselves into well organized groups.

Setting out below, are some DOs and DONTs, with respect to PET DOGS & STREET DOGS.

WITH RESPECT TO PET DOGS & PET OWNING RESIDENTS: Please keep in mind that the following is what you CANNOT do:-

BANNING pets, whether allowed:

a) Even by obtaining consensus, or even if the majority of the residents want it, you cannot legally introduce any sort of ‘ban’ on the keeping of pet dogs by residents.
b) 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, you 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.

c) If the residents that have pets are not violating any municipal or other laws, you cannot object. The general body cannot frame or amend bye-laws that are at variance with the laws of the country. Even by a complete majority, a general body cannot adopt an illegality. Please remember, you do not have the right to legislate, and ‘lay down law’ for residents, and apartment owners or even tenants.

**Use of LIFTS by pets:**

There is a court ruling to the effect that pets cannot be disallowed from the use of lifts; and no charges can be imposed either, by housing societies for the use of lifts by pets. In fact, it was widely reported in the news that the concerned court had ruled that “Dogs are family, can use lifts for free”. Kindly ensure that this sort of restriction is not therefore imposed – neither a ban, nor any special charges for the use of lifts by pets.

**Use of PARKS by pets:**

Banning pets from gardens or parks, is short-sighted. Firstly, you may or may not own the garden or park in question. It may be an MCD or DDA park, or belong to any other organization. Secondly, pets that are not properly exercised may show aggression in frustration; and that, surely, cannot contribute to the benefit of the residents. It may be better to fix timings 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:

You can request pet owners to keep their pets on leash, when walking them in common areas. You cannot however ask for muzzle as muzzles are illegal for sustained use as dogs die through overheating. Please remember, the law already provides for penalties for negligent pet owners, which the aggrieved parties can avail of.

In the absence of central or state laws requiring cleaning of pet poop by pet owners, you cannot impose any rule, regulation or bye-law, with respect to mandatory cleaning of pet poop, or impose special charges or fines on pet owners. You can, of course, request them to do so.

You can also experiment with the creation of various pet defecation areas within community premises, which is what some housing societies and sectors are doing. These can be imaginatively spaced out within the precincts, and you can request pet owners to train their pets into using the same. You cannot however impose fines and special charges of any kind on pet owners, because there is no mandate in law for the same.

Intimidation:

Lastly, please also always bear in mind that if any association succeeds in intimidating a pet owner into ‘giving up’ or ‘abandoning’ a pet, it will actually have contributed to a 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.

WITH RESPECT TO STREET DOGS: What you CANNOT do:-
**Beating and driving away street dogs, NOT ALLOWED; animal birth control and release back into same locality/territory, 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.

**The rationale behind release into the same locality/territory:**

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, stabilize.

**Street dog feeding, whether inside or outside community premises:**

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. As recently as the 12\(^{th}\) of December, 2011, stray dog feeding has been upheld yet again by the High Court, and the emphatic challenge to the same by one R.W.A., disregarded.

**Animal cruelty:**

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

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

**Aggression to dogs, counterproductive:**

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

Issued in Public Interest

Stated below is information that you will find relevant.

Firstly, please remember, harming animals, or treating them with cruelty, is a punishable offence, under the Constitution of India, the Indian Penal Code, the Prevention of Cruelty to Animals Act and the Environment Protection Act.

DOG BITES

1. Dogs do not usually bite without provocation.

2. Dogs may bite when,
   • they perceive aggression on your part, such as a raised stick, or bending to pick a stone,
   • if you try to touch/catch them,
   • in a bid to protect their owner’s, or their own territory, or their food/source of food,
   • mothers may bite to protect their young ones.

Do not run when you see a stray dog, or walk too fast. Do not stare at them. Just let them be – they’ll let you be.

3. Worldwide statistics reveal that pet dogs are far more prone to biting than are strays.

4. Dogs are classified as companion animals. They are usually friendly to humans, and are almost always more scared of you than you are of them.
“QUICK FIX SOLUTION” TO STRAY DOGS

1. There is no “Quick Fix solution” to stray dogs. If there was one, it would have worked hundreds of years ago, and stray dogs would have become extinct.

2. Stray dogs breed and live in and around human habitations – wherever there are people there are dogs.

3. Efforts to completely rid territories of strays, or ‘throwing away’ or otherwise harming their young, does not usually have the desired effect. This is primarily because vacated territories which are vacuums are always taken up by other dogs – there are too many of them. This cycle continues and the only way to stop it to “domesticate” the dogs that are already present in your area and get them sterilized and vaccinated. These dogs will guard your area from other dogs which may be rabid or unsterilised

RATIONAL SCIENTIFIC SOLUTION

1. A rational, scientific, but slower solution to the problem of stray dogs has been recommended by the World Health Organization (W.H.O.), and has been demonstrated to be the only effective solution.

2. The W.H.O. recommends systematic sterilization, vaccination and community level adoption of dogs for effectively reducing dog population and aggression in dogs, and eliminating the risk of rabies.

3. Relocating stray dogs is not recommended. Dogs are released back in the areas they were picked up from, because they guard their territories and prevent other (possibly un-sterilized, un-vaccinated) dogs from coming in. This also serves to keep the dog population in a community in check.
4. Dogs keep areas free of snakes, rodents, particularly sewer rats, that can overrun habitation with fearful diseases like plague. (Example, plague at Surat.)

THE LAW IN THIS REGARD

The ten Fundamental Duties—given in Article 51-A of the constitution—can be classified as either duties towards self, duties concerning the environment, duties towards the State and duties towards the nation. "Directive Principles of State Policy" directs that the government should keep them in mind while framing laws, even though they are non-justifiable in nature.

Directive Principles are classified under the following categories: Gandhi an, social, economic, political, administrative, legal, environmental, protection of monuments, peace and security. After the Stockholm Declaration in 1972 the Indian Constitution (Forty-second Amendment) Act, 1976 inserted for the first time specific provisions to protect & improve the environment.

1. Article 51-A (g) states - "It shall be duty of every citizen of India to protect & improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures."

2. Article 48-A - "The State shall endeavor to protect & improve the environment and to safeguard the forests and wildlife of the country."

3. Article 19 deals with the fundamental rights of the citizen. So "Right to Protect the Environment" comes within Article 19.

4. Article 25, 26, 27, 28 provides religious freedom to all citizens and preserves the principle of secularism in India. According to the constitution, all religions are equal before the State. Citizens are free to preach, practice and propagate any religion of their choice in their own way. Feeding animals like dogs is a part of the same in many religions.
5. **Section 11 of the Prevention of Cruelty to Animals Act** makes all animal cruelty a criminal offence. Fines and imprisonment are both provided for. The Indian Penal Code has similar provisions.

6. **The Animal Birth Control (Dog) Rules, 2001**, enacted under the Prevention of Cruelty to Animals Act, provide for sterilization and vaccination as a 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. *Enclosed copies of an articles referring to an order passed by the Supreme Court of India in this regard, which prohibits removal, dislocation or killing of even nuisance dogs.*

7. **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.

8. Under **Section 506 of the IPC**, it's a crime to threaten abuse or harass neighbors who feed animals.

9. **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.

10. **Delhi Police act 1968, sections 73 to 79, 99** gives special powers to police to take action when an animal offence has been committed.

11. **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.

13. **Directive of the Central Mumbai Consumer Disputes Redress Forum, given on 22/11/10** came down strongly against the housing societies who were charging a resident for use of lift since October 2008 for pets.

14. **High Court of Delhi in 2011** passed an order asking the police to provide protection to dogs and dog feeders and has made it a punishable offence in case anyone restricts, prohibits or causes inconvenience to any person feeding a street dog or resorts to removal dislocation or killing of a dog.

15. **The Supreme Court of India in 2009** gave a similar stay order against removal culling or dislocation of a dog anywhere in India.

Other notifications, laws, orders pertaining to Dog feeding, Protection and removal / killing / dislocation are attached herewith for consideration. Please note that these are serious offenses under the law of the land and are punishable also.

**FEEDING STRAY DOGS**

1. Hungry animals are more likely to fight, and bite, and be diseased (since they forage for food in garbage). Feeding stray dogs renders them docile and friendly, and they do not roam in search of food. It becomes easier to catch them for sterilization and vaccination.

2. Stray dogs are scavengers, and can live on insects, rodents, and garbage. Countries that have tackled garbage, filth, slums, etc. and resorted to large scale sterilization and vaccination, have effectively managed stray animals.

3. If the dogs feed on Garbage then the garbage dump becomes their **“primary food source”** which they will try to protect from you and in turn may get hostile. But if you feed the dogs at least once days then you become the primary food source which they will protect. **High Court of Delhi has hence passed an order asking the police to provide protection to dogs and dog feeders and**
has made it a punishable offence in case anyone restricts, prohibits or causes inconvenience to any person feeding a street dog.

Hence, “Domestication” of a few dogs, management of “Garbage Dumps”, “Feeding” of stray dogs and finally “Vaccination & Sterilisation” of the same dogs is a FOUR STEP solution to any problem that may arise out of street dogs.

This way the 3 Threats associated with street dogs of –

a) RABIES,
b) OVER POPULATION,
c) DOG BITES and AGGRESSION

can be easily and permanently tackled in each and every area with help from organizations working in the same regard & the Municipal Corporation of Delhi, under the Animal Birth Control program.

Smt. Maneka Sanjay Gandhi
Chairperson
People For Animals
ANNEXURES

Various orders mentioned in the letter above

ABC RULES
In view of the enactment of the Animal Birth Control (Dog) Rules, 2001, under Section 38 of the Prevention of Cruelty to Animals Act, 1960, which contains mandates that are at complete variance with Section 399 (1) (b) of the Delhi Municipal Corporation Act, 1957, the Municipal Corporation of Delhi cannot destroy dogs at will.


For your ready reference, The Animal Birth Control (Dog) Rules, 2001, in entirety, and the relevant sections of The Prevention of Cruelty to Animals Act, 1960, and even The Delhi Police Act, 1978, are enclosed herewith. The relevant portions, i.e. Rule 6 and Rule 7, are highlighted.

Rule 6 clearly envisages that even if the Municipal Corporation thinks it expedient to control street dog populations, IT CANNOT RESORT TO KILLING OR DISLOCATING. It can only sterilize and immunize the dogs, and then leave them at the locations that they had been picked up from.

Rule 7 deals with the procedure to be followed upon receipt of a complaint. Please also note, the M.C.D. cannot just pick up dogs, simply because some persons, don’t like their being around. Even the dogs that are complained about can only be sterilized and immunized, and then left back at the locations that they had been picked up from.