

GOVERNMENT OF KARNATAKA

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Circular

Sub: Guidelines to Resident Welfare Associations and Apartment Owners Association for Protection of Pet & Stray Animals.

In a diverse country like India and a diverse city like Bengaluru, it is impossible to live without community animals like stray dogs and cats. Unlike other cultures our system of thought, lifestyle and culture do not consider animals to be mutually exclusive from humans. As the number of people with pets is increasing, animal lovers/activists who feed and care for stray animals are also increasing. There may arise some conflicts between these individuals and Residents Welfare Associations or Apartment Owners Associations. Refer to the guidelines below in order to resolve these conflicts peacefully.

Article 15 (G) of the Constitution of India states-

"It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for all living creatures."

• Pets

1. Resident's welfare associations & apartment's owners associations cannot legally introduce any sort of "ban" on the keeping of pet dogs.
2. 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.
3. **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.**
4. Apartment Associations need to frame their byelaws to regulate pet ownership **within the constitutional framework and which are not discriminatory in nature**
5. RWAs/AOAs cannot disallow pets from the **use of lifts**; and no charges can be imposed by them.
6. In the absence of any central or state laws requiring cleaning of pet excreta by pet owners, RWAs/AOAs cannot impose any rule, regulation or bye-law, with respect to the same, or impose any special charges or fines on pet owners. However, they can request them to do so.
7. Any RWA/AOA or individual resident involved in intimidating a pet owner to "give-up" or "abandon" a pet, will actually have abetted violation of law. **Intimidation** is a criminal offense.

8. **Animal cruelty** such as -kicking, beating, starving, poisoning, injuring, caging, killing of animals is a criminal offense under section 11 of Prevention of Cruelty to animals act, and Sections 428 and 429 of the Indian Penal Code

- Strays/Community Animals

1. Dogs do not usually bite without provocation.
2. Dogs may bite when,
 - a) they perceive aggression on your part, such as a raised stick, or bending to pick a stone,
 - b) if you try to touch/catch them,
 - c) in a bid to protect their owner's, or their own territory, or their food/source of food,
 - d) 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. 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.
4. It is recommended to carry out sterilization, vaccination and community level adoption of dogs by consulting authorised organizations only.
5. Under Stray Dog Management Rules 2001, it's illegal for an individual, RWA/AOA to remove or relocate dogs. The dogs may be sterilized and vaccinated and returned to the same area.
6. Vaccinated and sterilized dogs CANNOT be removed/relocated.
7. Stray animals cannot be relocated or removed. However, they may be sterilized and vaccinated and returned to the same area.
8. There is no law against feeding of stray animals. Any citizen irrespective of where they reside may, from their own resources, feed any animal.
9. Feeder do NOT contribute to stray dog population growth. On the contrary, feeding breaks the natural large packs of dogs into smaller groups which safeguard humans as their primary source of survival, thereby making dog a natural enemy of any dog from outside which may come and increase bites, population, rabies. Feeding helps in reducing aggression and population distribution, but not population numbers. The problem is not over population of dogs, but population distribution.
10. The Court has held that feeding of stray animals is a social service. Harassment and threatening to those who feed and care for them is a violation of the laws.
11. Persons who are trying to interfere and object to feeding strays animals and hence display aggression can be held liable for having committed offenses described in the Indian Penal Code and criminal intimidation as it is also against article 51 A (g) of the Indian Constitution.
12. **Animal cruelty** such as -kicking, beating, starving, poisoning, injuring, caging, killing of animals is a criminal offense under section 11 of Prevention of Cruelty to animals act, and Sections 428 and 429 of the Indian Penal Code.
13. Threatening, harassing, banning or abusing feeders for feeding stray animals is tantamount to a very grave offense of criminal intimidation. Feeding of stray animals is not against the law. It is the right and duty of every citizen to feed and care for stray animals.

14. No RWA/AOA will interfere with a resident's freedom to feed a stray animal. They may only request residents to feed stray cats/dogs/birds away from other resident's houses.
15. RWAs should contact local NGO/ AWO for Animal Birth Control AR of stray animals. Post sterilization and vaccination, the animals must be returned to the same area.
16. All the above, apply for all the community/stray animals. RWAs/AOAs are therefore under obligation not only to encourage feeding of stray animals but also to ensure protection to such persons who take care of these animals specifically community or neighbourhood animals so that they are not subjected to any kind of harassment. They must also help with increasing awareness amongst residents to take care of stray animals.

RWAs/AOAs must also try and adopt the doctrine of ahimsa towards all non-humans like bees, monkeys etc. and deal with them humanely.

N. S. Khatavkar 13/07/2020
 (Nirmala S. Khatavkar)
 Under Secretary to Government (i/c)
 Animal Husbandry and Fisheries Department,
 (Animal Husbandry)

Copy to:

1. P.S. to Hon'ble Minister for Animal Husbandry.
2. P.S. to Principal Secretary / Secretary to Government, Home Department
3. P.S. to Principal Secretary / Secretary to Government, Finance Department
4. P.S. to Principal Secretary / Secretary to Government, Forest Department
5. P.S. to Principal Secretary / Secretary to Government, Transport Department
6. P.S. to Principal Secretary / Secretary to Government (Municipal Administration and Urban Development Authorities)
7. GPA to Secretary to Government, Animal Husbandry and Fisheries Department.
8. Commissioner, RDPR Department, Bengaluru
9. Chief Wildlife Warden, Malleswaram, Bengaluru.
10. Dean, College of Veterinary Science, Bengaluru.
11. Registrar, Karnataka Veterinary Board, Bengaluru.
12. Commissioner, Education Department, Bengaluru.
13. Commissioner, Animal Husbandry and Veterinary Services, Bengaluru.
14. Director, Animal Husbandry and Veterinary Services, Bengaluru.
15. All Nominated Members (Through Commissioner)
16. To the press release (Through Director)
17. SGF