

GOVERNMENT OF KARNATAKA

No. AHF 114 AHP 2015 (P-1)

Karnataka Government Secretariat,
Vikasa Soudha,
Bengaluru, dated:24.08.2020.

Circular

Subject: Guidelines to Resident Welfare Associations and Apartment Owners Associations, Pet owners, and those who feed stray dog, for the Protection of Pet & Stray Animals.

There are thousands of pet owners in the State and many people have taken to feeding stray dogs as well. To ensure that these activities are conducted within the bounds of the law and safeguard the rights of citizen / residents, the following guidelines for Pet Owners, Stray Dog feeders, Resident Welfare Associations, Apartments Owners Associations, Citizens and Residents, the Animals Welfare Board of India, Animal Welfare Organisations and Municipal Health Departments in the State are being issued and the earlier circular issued on 13.07.2020 has been withdrawn due to objections received.

The following State and Central laws, judgements and orders from High Courts and the Hon'ble Supreme Court of India as well as rules laid down by the Animal Welfare Board of India are the basis of these Guidelines: -

- a. The Hon'ble Delhi High Court issued guidelines for stray dog feedings in 2010 to be enforced and implemented by the Animal Welfare Board of India, RWAs, municipal authorities, Animal Welfare Organisations and dog feeders.
- b. The Hon'ble Delhi High Court in a Judgement in 2017 has directed feeders "to ensure that the stray dogs do not cause any nuisance to the other residents within the same property and in the neighbourhood".
- c. The preventions of Cruelty to Animals Act (1960), defines "owner" as "used with reference to an animal, includes not only the owner but also any other person for the time being in possession or custody of the animal, whether with or without the consent of the owner"
- d. Under the PCA Act, "It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering".

1. Guidelines for Pet Owners:

- a. Ensure that your pet(s) is always on a leash when outside your home / in a public place.
- b. Always clean up after your pet if it defecates on lawns, outside someone's home / on a public street / park.

2. Guidelines for RWAs/AOA:

- 1) Resident's welfare associations & apartment's owners associations cannot legally introduce any sort of "ban" on the keeping of pet dogs.

- 2) Therefore, even by amending bye-laws or regulations or otherwise, such a "ban" cannot be put into place by any RWA since it is illegal and does not have the sanction of law. Apartment Associations need to frame their byelaws to regulate pet ownership within the constitutional framework and which are not discriminatory in nature.
- 3) RWAs/AOAs cannot disallow pets from the use of lifts; and no charges can be imposed by them.
- 4) 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.
- 5) Wherever possible, create separate areas for pets to defecate.
- 6) Penalise pet owners for not keeping their pets on a leash when outside their apartment/house.
- 7) Inform the municipal health department if any dog(s) (pet or unowned) that is biting /has bitten residents or any other person who uses the public Street/lane where dogs are fed.
- 8) Ensures sterilization and vaccination records of all stray dogs that are being fed are available for inspection by residents and authorities.

3. Guidelines from AWBI for stray dog feeders:

- a) The Court has held that feeding
- b) of stray animals is a social service. Harassment and threatening to those who feed and care for them is a violation of the laws.
- c) Dog must not be fed at places frequented by people.
- d) Dogs should not be herded at a particular spot for the purpose of feeding.
- e) Common/public areas immediately abutting the entrance to flats/housed must be avoided.
- f) Feeding should be undertaken at a time when the density of human populations is minimal.
- g) Feeding should be undertaken in a hygienic manner.
- h) 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.

The Animal Welfare Board is of the view that careful adherence to these guidelines will help in achieving the objectives stated above, while causing minimum inconvenience to the general public.


(R. Leelavathi)

Special Secretary to Government
Animal Husbandry and Fisheries Department.

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.