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DOGS BANNED IN INDIA?

The central government in India has put forth a proposal to ban some specific dangerous dog breeds in order to tackle the increasing number of dog attacks in India. The state governments have been requested by the central government to prohibit the import, sale, and breeding of specific dog breeds deemed dangerous, as per a report by The Times of India. The banned breeds consist of mixed and cross-breeds like rottweilers, mastiffs, Pitbulls, wolf dogs, kangals, American bulldogs, and others.

CASE TITLE: The Legal Attorneys and Barristers Law Firm v. Union of India and others
¹(2023) :

The writ petition has been filed before the Delhi High Court to ban some of the dog breeds that are hazardous to humans. The Honorable High Court, in its order dated on December 6, 2023, directed that ‘After considering input from all parties involved, the Union of India will make a decision on the petitioner's representation as quickly as possible, ideally within a timeframe of 3 months starting today’².

Following this, an expert committee was established by the department of animal husbandry and dairying, led by the animal husbandry commissioner and comprised of members from different

¹ The Legal Attorneys and Barristers Law Firm v. Union of India and others, W.P.(C) 15673/2023 CMAPPL 62845/2023.

² MERCURY.LAWYER, <https://mercury.lawyer/viewcase/6571eedc153c0241fb36b22a> (last visited march 19, 2024).

stakeholders, organizations, and experts. This committee has pinpointed certain dog breeds that pose a threat to human life due to their ferocious and dangerous nature. As further stated by the committee, the local authorities have been urged to refrain from granting any permits for the sale or breeding of prohibited dog breeds. Additionally, the possession of these dogs will be prohibited, and if any dogs of such breeds are already kept as pets, they must undergo sterilization to prevent any future breeding.

Maharashtra has reported the highest dog bite cases in 2023, as per the reports released by the Union of Health and Family Welfare, according to which more than 4 lakh dog bite cases have been reported in 2023. The data also showed that there was a rise of 11.32% in cases in 2023 as compared to 2022.

RECENT RELEVANT JUDGEMENTS:-

In the case of **Prof. Ajay Singh Rawat v. Union of India and others (2015)**³, the Uttarakhand High Court directed that, in the case of a dog biting, the victim shall be paid compensation of 2 lakh, one lakh by the municipality and one lakh by the state government, within a week from the date of the dog biting.⁴

In the case of **Pankaj Agarwall v. Security and Intelligence Services (India) Limited and others (2022)**, the daughter of the complainant was bitten by a dog that was not leashed. It was directed by the court that the offenders had to pay compensation of Rs 3,80,000 along with interest to the complainant for the mental trauma, injuries, and deficiency in security services within 30 days of the date of receipt of the copy of the order.⁵

³ Ajay Singh rawat v. Union of India and others, (2015) 111 ALR 292.

⁴ CASEMINE, <https://www.casemine.com/judgement/in/5ac5e3994a93261a1a76dd8d> (last visited march 19, 2024).

⁵ CASEMINE, <https://www.casemine.com/judgement/in/62964e6a714d582ee67f4053> (last visited march 19, 2024).

PROTECTION AGAINST ANIMAL ATTACKS AND PREVENTION OF ANIMAL CRUELTY

In response to the increasing number of dog attack incidents in India, the government has taken measures to safeguard the rights of the victims. One such measure is **Section 291 of the Bhartiya Nyaya Sanhita**⁶, which addresses the issue of negligence towards animals. This section stipulates that if an individual knowingly or unknowingly allows their pet to cause serious harm or pose a threat to human life, they can be subjected to imprisonment for a maximum period of 6 months, a fine of up to Rs 5,000, or both. These laws aim to ensure the safety and well-being of both humans and animals in the country.

In the **Prevention of Cruelty to Animals Act, 1960, Section 11(1)(m)(ii)**⁷ clearly states that inciting animals to fight for entertainment purposes is strictly prohibited and constitutes a punishable offense. Despite this legal provision, dogfights continue to be organized in certain regions, particularly involving breeds like Pitbulls and Rottweilers. These dogs are often subjected to cruel treatment, being used as attack dogs and trained to view other living beings as prey. They are kept heavily chained, have parts of their ears removed to prevent opponents from grabbing them during fights, and are forced to battle until exhaustion or until one is severely injured or killed. This inhumane practice results in lifelong suffering for these animals, many of whom are eventually abandoned by their owners. As a consequence, there has been a rise in dog attacks, with Pitbulls being one of the most commonly abandoned breeds in India. In countries like the United States, certain dog breeds, such as pitbulls, have already been prohibited in major

⁶ BHARTIYANYAYASANHITA.ONLINE, <https://bharatiyanayasanhita.online/ufaq/section-291-of-bns/> (last visited march 19, 2024).

⁷ INDIANKANOON.ORG, [https://indiankanoon.org/doc/1763700/#:~:text=\(2\)For%20the%20purposes%20of,failed%20to%20exercise%20such%20care](https://indiankanoon.org/doc/1763700/#:~:text=(2)For%20the%20purposes%20of,failed%20to%20exercise%20such%20care) (last visited march 19, 2024).

cities due to their involvement in 66% of dog attacks over the past 15 years, leading to numerous fatalities.⁸

CONCLUSION

This decision is a positive step towards preventing animal cruelty. Banning certain dog breeds helps to address the issue of illegal breeding, which leads to the production of unhealthy dogs. These dogs are often kept in environments that do not meet their natural needs, resulting in behavioural problems. Inadequate dog parenting, with a majority of owners being first-timers, contributes to the issue. The lack of proper training and control over aggressive behaviour in these dogs can lead to attacks. The ultimate aim is to ensure the safety of both humans and these dog breeds.

⁸ Ani, Center acts to prohibit foreign dog breeds commonly used for illegal fighting after PETA India action, *TIMESOFINDIA* (March 13, 2024, 12:50 IST), <https://timesofindia.indiatimes.com/india/centre-acts-to-prohibit-foreign-dog-breeds-commonly-used-for-illegal-fighting-after-peta-india-action/articleshow/108457253.cms> .