

# FRAMEWORK / GUIDELINES FOR PET OWNERSHIP IN APARTMENTS

Presented by

**BANGALORE APARTMENTS' FEDERATION (BAF)**

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There are increasing instances of conflicts between pet owners and other residents in apartments. This note has been prepared with a view to help resolve such conflicts & to prevent such instances from recurring in apartments in future.

This note is intended to act as a framework for Pet Owners, Apartment Residents and the Managing Committees of Apartment Associations to formulate byelaws & rules relating to pet ownership to ensure a harmonious & peaceful co-existence.

This note is also intended to create awareness among citizens, both pet owners & others, about their duties, rights & responsibilities as well as protecting them from the implications of any decisions taken without an understanding of the law!

***Disclaimer: BAF has compiled this note based on inputs from different people, including pet owners as well as people who are averse to animals / pets. Through this note, BAF is looking to present a balanced & reasonable view, which is fair to all the stakeholders. However, this note is purely recommendatory in nature. BAF advises its members and readers of this note to consult with their consultants to validate the legal position and use their judgement while formulating their Association's rules / byelaws relating to pet ownership. BAF will not assume any liability for any implications of decisions taken by anybody, based on this document.***



## GUIDING PRINCIPLES

- Animals & pets have right of existence / right to space just as human beings do
- Societies & communities should be animal / pet-friendly
- Associations & Pet Owners should engage collaboratively to create a framework for peaceful co-existence

## LEGAL FRAMEWORK (WHAT THE INDIAN CONSTITUTION & LAW SAYS ABOUT PET OWNERSHIP)

As per Article 51A (g) of the Indian Constitution,

***“It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.”***

As per guidelines dated 26<sup>th</sup> February 2015, issued by Animal Welfare Board of India (AWBI), a statutory body established in terms of Section 4 of the Prevention of Cruelty to Animals Act (PCA Act),

***“Please bear in mind that even by obtaining consensus, or even if the majority of residents and occupiers want it, residents welfare associations & apartments 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. 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.”***

## SUMMARY OF LEGAL ASPECTS OF PET OWNERSHIP

- Citizens have the right to own pets whether living in individual houses or apartments and cannot be denied the right by anybody
- Apartment Associations need to frame their byelaws to regulate pet ownership within the constitutional framework and which are not discriminatory in nature
- Pet Owners need to abide by the reasonable rules as per the Byelaws of an Association



### GUIDELINES FOR PET OWNERS

- Always accompany your pets and keep them on leash when you take them out of your home.
- Take efforts to keep your pets quiet, particularly in the night so that they do not disturb others.
- To the extent possible, train pets to poop in your home or in designated areas for pet pooping.
- Always carry newspapers to collect the poop in case the pet poops in a common area.
- Keep your pets away from people who are afraid / not comfortable with animals.
- Take care of the health of your pet, including necessary periodical vaccines.
- Abide by the reasonable rules & byelaws laid down by the Apartment Association.
- Take proper care of your pet and do not subject it to any cruelty – *PCA Act provides for stringent penalties for negligent pet owners.*

### GUIDELINES FOR APARTMENTS ASSOCIATIONS

- Do not charge extra maintenance or fees from pet owners – this is discriminatory in nature.
- Do not disallow pets in lifts or other common areas.
- Collaborate with pet owners to finalize mutually convenient timings for pets to be walked about.
- Impose fines / penalties / take action only on pet owners who violate rules and not penalize an entire community of pet owners, when you find instances of violations by a pet owner.
- Engage in a dialogue with pet owners to make them aware about their responsibilities, including keeping the pets on leash in common areas and cleaning up if they poop.
- Educate other residents about the community being animal / pet-friendly and to report any instances of violations to the Managing Committee.
- Where possible, create designated areas for pet pooping & separate bins for collecting poop.
- Educate your residents community to not intimidate a pet owner into giving up or abandoning a pet. Abandoning a pet is illegal as per Section 11 of Prevention of Cruelty to Animals Act. *Intimidation, leading to abandonment of a pet, can lead to prosecution including imprisonment.*



**SUGGESTED BYELAWS RELATING TO PET OWNERSHIP**

BAF recommends that the byelaws & rules of an apartment be kept simple relating to pet ownership. The following might be included in the byelaws of an Apartment Association, related to pet ownership:

- Residents owning pets shall ensure that their pets are accompanied by the owner / caretaker and kept on leash at all times when the pets are outside their home.
- Residents owning pets shall ensure that they clean the place immediately, if their pet ends up pooping in a common area.
- Residents owning pets shall ensure that their pets are regularly vaccinated and abide by the rules laid down by BBMP.

BAF recommends that there be no other rules relating to pet ownership in apartments.

