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PAW AND THE LAW - A STUDY CONCERNING THE BAN ON DOG BREEDS AND COMPARISON WITH BREED-SPECIFIC LEGISLATION

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I. ABSTRACT

Dogs are among the most loyal, affectionate, and complex animals known to humans. However, their behaviour particularly in cases involving aggression can vary significantly depending on their upbringing, environment, and treatment. This paper explores the legal, ethical, and social implications of breed specific dog bans in India, with a particular focus on the recent proposal to prohibit 23 so called “dangerous” dog breeds. Rather than addressing the root causes of dog aggression, such bans often stigmatize certain breeds based on isolated incidents and media sensationalism.

It challenges the assumption that certain breeds are inherently dangerous and argues that owner behaviour, lack of training, neglect, and abuse are far more predictive of canine aggression. Drawing from both Indian legal frameworks and international examples including the United Kingdom, Italy, and the Netherlands the study advocates for behaviour-based assessments and responsible ownership practices over blanket breed bans.

The paper also discusses Section 291 of the Bharatiya Nyaya Sanhita, 2023, comparing it with earlier provisions under the Indian Penal Code, and evaluates whether the current penalties are sufficient to deter negligent pet ownership. Ultimately, this study recommends enforceable leash laws, public education, mandatory pet registration, and stronger penalties for owner misconduct. These measures, grounded in constitutional values and animal welfare principles, offer a more effective and humane approach to ensuring public safety than indiscriminate breed bans.

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II. KEYWORDS

Animal welfare, ban on dog breeds, fatal attacks, stigmatization media's impact, Animal Welfare Law, Constitutional provisions, public safety legislations, breed specific legislations, abused or neglected dogs and judicial interpretation.

III. INTRODUCTION

"The greatness of a nation and its moral progress can be judged by the way its animals are treated" - Mahatma Gandhi, In January, 2022 a survey was made in India by Rakuten Insight Survey regarding the pets which has been possessed by Indians in their family and the surveys estimates that there was a huge rise in adoption of dogs as a pet in India over decades and it also stated that dogs are being the first and most popular animal as a pet in every household with 63% nearly 31 million of dogs are in Indian family and cats 42 percentage as a second popular pet with nearly 2.44 million population in India.² Deirdre Franklin argues that BSL is an emotionally driven policy response, often unsupported by empirical data, and fails to enhance community safety.³

Nathan Winograd similarly critiques these laws as reactionary, ineffective, and fundamentally unjust, advocating instead for education, enforcement of leash laws, and responsible ownership.⁴ Additionally, scientific studies such as that of Klaassen et al. have shown that breed bans, such as the United Kingdom's Dangerous Dogs Act, do not statistically reduce the number of dog bites.⁵ Cunningham further explains that dog bite statistics are unreliable for policymaking, as breed identification is often inaccurate and does not account for environmental and human factors contributing to aggression.⁶

²Rakuten Insight, 'Pet Ownership Survey India 2022' (Rakuten Insight, January 2022).

³Deirdre S. Franklin, Public Policy: Community Safety Through Breed Bans? Drexel Univ., <https://www.wellbeingintlstudiesrepository.org/anippol/1/>

⁴ Nathan J. Winograd, Redemption: The Myth of Pet Overpopulation and the No Kill Revolution in America 45 (2d ed. 2009).

⁵B. Klaassen, J. Buckley & R. Esmail, Does the Dangerous Dogs Act Protect Against Animal Attacks: A Prospective Study of Mammalian Bites in the Accident and Emergency Department, 16 Inj. Prev. 322, 322-24 (1996).

⁶Mark R. Cunningham, Pit Bull: Villain or Victim? A Review of Dog Bite Statistics and Breed-Specific Legislation, in The Animal Law Handbook 91 (2009).

Despite these findings, India has proposed bans on 23 so called ferocious dog breeds. The legislative approach remains largely uncritical and reactive, often prompted by sensational media coverage of individual incidents. While India has general legal frameworks such as the Prevention of Cruelty to Animals Act, 1960 and guidelines from the Animal Welfare Board of India, there is no targeted, evidence-based policy addressing dog attacks and breed related concerns in a comprehensive manner.

This paper identifies a critical gap the lack of a nuanced, evidence-based analysis of breed specific laws from both a legal and animal welfare perspective. Most domestic literature focuses on either general animal protection or media reports on dog attacks without interrogating the underlying causes or questioning the effectiveness of breed bans. By comparing international practices with the Indian context, this paper contributes to the field by advocating for behaviour-based assessments and public education over blanket bans policies that are more humane, effective, and constitutionally sound.

We all know dogs are the complex, most loyal and lovable creatures in the world and many dogs which bites in one situation is not supposed to bite in another situation likely. It's all depending upon the time and the place which is important to know. How the dog bite has happened and the circumstances involved, went through by that particular person and resulted in such case.

IV. DOG BAN AND RELATED PERSPECTIVES IN OUR COUNTRY

The Union government of India is acknowledging and dealing with the matters including the prohibition of the import and sale of a breed that they recognize as to be in the lists of aggressive, ferocious dogs and will be dangerous to the human life, as well as to other animals and they have expressed about the possible hazards and the danger which is to be happen in common people life.

The Bharatiya Nyaya Sanhita (BNS), 2023 which is commonly known as BNS act. According to the sec-291 of the above-mentioned Act: "Whoever knowingly or

negligently omits to take such measures with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.”⁷

Sec-291 of the BNS Act is nothing but stating about the negligent behaviour of a person who has owned any animals along with them. If there is a potential danger or caused any grievous hurt or if it is not has been leashed properly in a common place. Then such person will be a punished with six months in imprisonment or fine amount of rupees 5000 or both accordingly.

Aspect	Section 289, IPC (1860)	Section 291, BNS (2023)
Offence Types	Negligent conduct with respect to animal	Knowingly or negligently omitting necessary precautions regarding animals
Section	“Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished	Whoever knowingly or negligently omits to take such measures with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished

⁷ The Bharatiya Nyaya Sanhita, 2023, No. 45, Sec 291, Acts of Parliament, 2023.

	with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”	with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.”
Punishment	Imprisonment up to 6 months, or fine up to ₹1,000, or both	Imprisonment up to 1 year, or fine up to ₹5,000, or both
Scope & Intent	Focus on omission of care	Similar intent, but expanded to emphasize probable danger to human life or injury
Modernization	Outdated fine and duration	Updated punishment aligns with contemporary standards

Thinking logically, is this punishment alone can prevent and reduce dog bite? Not at all for example: a person who is importing the dog from a foreign country or paying some amount of money to own such dog as a pet or for guarding, breeding purposes will be comparatively financial stable right? In such cases, if such person causes any potential danger to the common people in a public place, by unleashing a dog or without muzzling their breed dog and later on made liable for such act, and they will easily pay the amount which has been imposed that is the 5000 rupees according to the section 291 of BNS act.

So, punishments have to be made harder and stiffened so that these kinds of Acts will be minimized and decreased in India rather than looking deeper into the problem which was caused by the owner of a dog, people start blaming and labeling the specific breed of dog as it will be dangerous, it will be ferocious and it has to be banned that's it. These are all happening only because of the lack of awareness, lack of proper education and lack of training by the owners towards their pets.

They don't know how does a children will interact or trying to be with them or approach them. At the youngest period of time, they have to be socialized with every children so that their particular dog will accept every children even the children is from a stranger or from any other family but leaving these techniques unlooked, simply labeling a particular breed of dog as ferocious and dangerous won't be a proper solution to such kind of incidents.

The Union Government of India has expressed concern over the dangers posed by certain breeds and has proposed banning the import and sale of 23 breeds deemed aggressive and hazardous. Section 291 of the Bharatiya Nyaya Sanhita, 2023, imposes penalties on individuals who negligently handle animals under their care, stating that offenders may face imprisonment up to six months, a fine up to ₹5,000, or both. However, this statutory penalty particularly the fine amount has been criticized as inadequate. For instance, individuals who can afford to import high risk dog breeds or maintain them for breeding or guarding are unlikely to be deterred by a mere ₹5,000 penalty.

Empirical evidence supports this concern. A 2017 study by Karen Delise found that 84% of fatal dog attacks involved dogs that had been abused, neglected, or inadequately supervised, while 78% of the dogs responsible were not kept as family pets but rather used for guarding or fighting purposes.⁸ Similarly, the Nebraska Humane Society reported in 2012 that after banning certain so-called "dangerous" breeds, the incidence

⁸ Karen Delise, *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression* 84–85 (2d ed. 2007).

of bites simply shifted to other breeds like Labradors and Chihuahuas, indicating that the issue lies more in ownership practices than breed.⁹ Expert commentary has also stressed that deterrence requires more than token penalties and that stronger enforcement mechanisms, including mandatory liability insurance and behavioural training requirements, would better serve public safety.¹⁰

V. METHODOLOGY

This study follows a qualitative doctrinal approach, focusing on legal analysis and policy evaluation. It primarily uses secondary sources, including statutes, judicial decisions, scholarly articles, government guidelines, and reports from animal welfare organizations. Limited primary material such as official circulars and case laws is also examined. A comparative method is employed to evaluate Breed Specific Legislation in countries like the UK, Italy, and the Netherlands in relation to the Indian context. The analysis is framed using legal principles, public safety considerations, and animal welfare ethics.

A. Primary Sources

Statutes such as the Bharatiya Nyaya Sanhita, 2023 and the Prevention of Cruelty to Animals Act, 1960, Judicial decisions, including relevant Indian and foreign case laws, Government circulars and official notifications regarding banned dog breeds.

B. Secondary sources

Academic articles, books, and journals related to animal law and public safety, Reports from organizations like the Nebraska Humane Society and the National Canine Research Council, Credible media publications and expert commentaries.

Limitations include the absence of field based empirical data such as surveys or interviews, and the reliance on publicly available secondary materials. Additionally,

⁹ Nebraska Humane Society, 2012 Dog Bite Statistics

¹⁰ Nathan J. Winograd, *Redemption: The Myth of Pet Overpopulation and the No Kill Revolution in America* 45 (2009).

findings may not fully reflect regional variations within India or recent legal developments.

VI. OBJECTIVES OF THE STUDY

- To critically examine the effectiveness of Breed Specific Legislation (BSL) in reducing dog bite incidents and fatal attacks in India and selected international jurisdictions.
- To assess the adequacy of legal provisions under Section 291 of the Bharatiya Nyaya Sanhita, 2023, by analyzing its deterrent impact and comparing it with prior legislation (IPC Section 289).
- To identify the primary factors contributing to aggressive behaviour in dogs, including owner responsibility, training, and environmental conditions.
- To evaluate alternative regulatory mechanisms, such as leash laws, owner liability measures, and public awareness campaigns, as more humane and effective solutions to breed bans.
- To propose actionable policy recommendations for Indian lawmakers and local authorities aimed at promoting responsible pet ownership while ensuring public safety.

VII. CONSTITUTIONAL PROVISIONS

India's constitutional framework recognizes the ethical and legal responsibility of individuals and the State toward animals and the environment.

A. Fundamental Duty under Article 51A(g)

Article 51A(g) of the Constitution of India imposes a fundamental duty on every citizen "to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures."¹¹

¹¹ Constitution of India, 1950, Art 51A(g).

This duty underscores the moral obligation of citizens to treat animals, including domesticated pets, with kindness and care, which serves as the ethical foundation for stronger animal welfare laws and responsible pet ownership.

B. Right to Life under Article 21

Article 21 of the Constitution guarantees the fundamental right to life and personal liberty. The Supreme Court has interpreted the scope of “life” to extend beyond human beings, affirming that animals too have the right to live with dignity and free from unnecessary pain.

In *Animal Welfare Board of India v. A. Nagaraja*, the Court held that: “Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word 'life' has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21.”¹² Additionally, the Court emphasized the doctrine of “species best interest”, recognizing animals as sentient beings deserving of constitutional protection.

This jurisprudence places an obligation not only on the State but also on citizens and institutions to uphold animal welfare, particularly relevant in evaluating the ethics and legality of breed specific bans and pet ownership regulation.

VIII. RESEARCH QUESTION

This study is guided by the following legally oriented and specific research questions:

- Does the imposition of Breed Specific Legislation (BSL) in India and other jurisdictions effectively reduce incidents of dog bites and fatal attacks?
- To what extent does Section 291 of the Bharatiya Nyaya Sanhita, 2023, provide an adequate legal deterrent against negligent pet ownership, and how does it

¹² *Animal Welfare Bd. of India v. A. Nagaraja*, (2014) 7 S.C.C. 547 (India)

compare with the earlier provision under Section 289 of the Indian Penal Code, 1860?

- Are dog breeds listed as “dangerous” under proposed or existing government bans empirically proven to be more aggressive than other breeds, or are owner behaviour and environmental factors more significant causes of attacks?
- What constitutional, ethical and public safety considerations should guide the formulation of laws regulating dog ownership and breed bans in?

IX. BREED SPECIFIC LEGISLATION

Breed Specific Legislation (BSL) has been implemented in various countries in response to dog attacks and concerns about aggressive behaviour in certain breeds. However, the effectiveness and ethical justification of such laws remain contested globally.

The United Kingdom introduced the Dangerous Dogs Act 1991 (UK) following a series of high-profile attacks. The Act prohibits ownership of specific breeds such as the Pit Bull Terrier, Japanese Tosa, Dogo Argentino, and Fila Brasileiro. However, studies have shown that the Act did not lead to a significant reduction in dog bites.¹³ For example, a study by Klaassen et al. concluded that there was no measurable decrease in dog related injuries before and after the implementation of the Act.¹⁴

Similarly, the Netherlands implemented BSL in the 1990s, including a nationwide ban on Pit Bulls. After 15 years of enforcement, the Dutch government repealed the ban in 2008, citing a lack of evidence that it had reduced dog bite incidents.¹⁵ Instead, they adopted an individualized behaviour-based policy, emphasizing owner responsibility and animal training.

¹³Dangerous Dogs Act 1991, c. 65 (UK), <https://www.legislation.gov.uk/ukpga/1991/65/contents>

¹⁴ B. Klaassen, J.C. Buckley & A.J. Esmail, Does the Dangerous Dogs Act Protect Against Animal Attacks: A Prospective Study of Mammalian Bites in the Accident and Emergency Department, 16 *Injury* 5, 378–380 (1996)

¹⁵Dutch Ministry of Agriculture, Nature and Food Quality, Evaluation of Breed Specific Legislation in the Netherlands (2008) (available summary reports on file with the Netherlands Government Archive)

In Italy, the Ministry of Health had also published a list of 92 “dangerous breeds” in 2003, but later withdrew the list in 2009, concluding that any breed could be dangerous if poorly managed. The focus shifted toward education, responsible ownership, and behaviour assessments.¹⁶

A well known and controversial case that reflects the consequences of BSL is that of “Lennox,” a family-owned dog in Belfast, Northern Ireland, who was seized under the UK’s Dangerous Dogs Act in 2010. Lennox, a registered American Bulldog Labrador cross, was misidentified as a Pit Bull-type and removed from his home despite being well trained and never having harmed anyone. Despite widespread international campaigns, including offers to rehome him abroad, Lennox was euthanized in 2012 after being held in confinement for two years.¹⁷

These examples illustrate that breed based bans often result in misidentification, discrimination, and emotional harm to families, without demonstrable public safety benefit. They also raise constitutional and ethical concerns, especially when applied without due consideration of the owner’s conduct and the dog’s actual behaviour.

X. MEDIA’S LABELING AND THE CHANGING PATTERNS IN REPORTED DOGBREED ATTACKS

The portrayal of certain dog breeds as inherently dangerous has been significantly influenced by media framing and public perception, rather than objective data. Over the decades, different breeds have been cyclically labeled as the most dangerous, often in response to isolated incidents sensationalized by the press.

For example, during the 1970s, German Shepherds were among the most commonly blamed breeds for fatal attacks in North America. In the 1980s, the focus shifted to

¹⁶ Italian Ministry of Health, *Ordinanza 2009 sulla Tutela dell'Incolumità Pubblica dall'Aggressione dei Cani*, G.U. No. 68 (Mar. 23, 2009)

¹⁷BBC News, *Death of Belfast 'Dangerous' Dog Lennox Sparks Outrage*, BBC (July 11, 2012), <https://www.bbc.com/news/uk-northern-ireland>

Dobermans, followed by Pit Bulls in the 1990s.¹⁸ A pattern has emerged wherein media attention cycles through dog breeds, contributing to public fear and reactionary policy responses rather than evidence-based regulation.

In the United Kingdom, after the passage of the Dangerous Dogs Act 1991 (UK), researchers examined whether the legislation had any measurable effect on reducing dog bites. In a widely cited study, Klaassen et al. conducted a prospective analysis of mammalian bite injuries in an emergency department and concluded that the Act did not significantly reduce dog attacks in the short term.¹⁹ This reinforces the argument that media driven legislative responses often fail to address the root causes of dog aggression.

These shifting narratives highlight that no single breed is consistently responsible for fatal attacks over time, and that public perceptions are heavily shaped by biased reporting, not long-term statistical patterns. As Arluke et al. note, the media often presents Pit Bulls and similar breeds as inherently violent, ignoring the role of human behaviour, environment and training in shaping a dog's actions.²⁰

Thus, Breed Specific Legislation based on shifting media narratives not only lacks empirical grounding but also fosters stigma and misinformation leading to ineffective and unjust regulation.

XI. CAUSES FOR DOG BITES, CRUEL TREATMENT AND SOME IMPACTS BY BAN

In some places such breed dogs are used for fight purposes and to be more active and consistent, people who owned such dogs are cropping their ears at young ages to avoid interruptions while they fight and docks their tail to strengthen their back and also to

¹⁸ Janis Bradley, *Dogs Bite but Balloons and Slippers Are More Dangerous* 68-71 (James & Kenneth Publishers, 2005)

¹⁹ Klaassen, J.C. Buckley & A.J. Esmail, *Does the Dangerous Dogs Act Protect Against Animal Attacks? A Prospective Study of Mammalian Bites in the Accident and Emergency Department*, 27 *Injury* 89 (1996)

²⁰ Arnold Arluke et al., *The Media and Dogs: How Dangerous Dogs Make News*, 7 *Society & Animals* 2, 137-160 (1999)

increase the speed of a dogs. Even though there are some beneficial reasons for such acts like preventing injuries, disease control, this kind of acts will definitely end up and turns their dogs into aggressive natured one. Incidence which involves brutal behaviour and the cruelty towards animals has to be noted importantly nowadays

Dog aggression and bite incidents often arise not from breed specific traits but from poor human management, cruelty, and inadequate supervision. Cases of abuse can significantly affect canine behaviour and are more predictive of future attacks than breed alone. One notable example is the 2016 Chennai incident, where two medical students were caught on video throwing a stray dog from a terrace. The incident gained national outrage and was reported widely across media platforms.²¹ Another case occurred in 2018 in Mumbai, where a group of men was accused of sexually assaulting a female stray dog, sparking public protest and calls for stronger enforcement of animal cruelty laws.²² These events illustrate how human cruelty, not breed, often leads to trauma and behavioural issues in dogs.

In the United States, Breed Specific Legislation (BSL) has led to several legal and ethical controversies. A notable example is the case of “Lennox” in Belfast, Northern Ireland, who was euthanized under BSL despite being a well behaved, family-owned dog wrongly identified as a Pit Bull.²³ Another legal landmark is *Tellings v. City of Toledo*,²⁴ In this case, the Ohio Supreme Court upheld a municipal ban on Pit Bulls, rejecting the argument that such laws were unconstitutional. However, the dissent emphasized the lack of evidence correlating breed with dangerousness, reinforcing concerns about arbitrary and overbroad classifications.

²¹ Medical Students Throw Dog Off Terrace in Chennai, Video Sparks Outrage, NDTV (July 6, 2016), <https://www.ndtv.com/chennai-news/medical-students-throw-dog-off-terrace-in-chennai-video-sparks-outrage>

²² 2. Mumbai Shocker: Street Dog Sexually Assaulted by Four Men, One Arrested, Hindustan Times (Feb. 26, 2018), <https://www.hindustantimes.com/mumbai-news/mumbai-shocker-street-dog-sexually-assaulted-by-four-men-one-arrested/story-2E8lMfuvT8GiRCw9OySGTN.html>

²³ 3. Death of Belfast 'Dangerous' Dog Lennox Sparks Outrage, BBC News (July 11, 2012), <https://www.bbc.com/news/uk-northern-ireland-18793959>

²⁴ *Tellings v. City of Toledo*, 871 N.E.2d 1152 (Ohio 2007)

A major consequence of breed-based bans and stereotyping is the misidentification of dogs in shelters. A study conducted by the Maddie's Shelter Medicine Program at the University of Florida found that animal shelter staff misidentified dog breeds approximately 87.5% of the time when compared to DNA testing.²⁵ This raises serious ethical concerns, as dogs are often euthanized or deemed unadoptable based on incorrect visual assessments rather than behaviour. The cumulative impact of these issues owner negligence, abuse, legal overreach, and systemic errors in breed identification highlights the need for behaviour-based regulation, rather than bans rooted in breed bias or public panic.

XII. VIEWS AND FINDINGS

If a dog's particular breed is banned, at some instance, it doesn't mean that the dog bite ratio will be lesser and minimized, when compared to prior years. It will definitely make people to increase and have a mental state to be involved in adapting such dogs as a pet, for domestication and for breeding purposes will leads to illegal possession of such dogs in a further away accordingly. More or less, whenever common people get to know about a dog bite which includes fatal incidents or a fatal attack, they just look merely on it, like what type of dog is that? And will leave such situation being judgmental, stating and mentioning specific breeds like a Pitbull, Rottweiler, and Dane etc. are likely to cause this and such dogs are not supposed to be domesticated. But they won't look deeply into why it has been occurred in real and the environment it was been and the trauma it went through their owner and many factors.

Scientifically, a dog's behavioural pattern and their characteristics or obtained from association of genetics and from the care and the training they have been given and also the level of socialization. One should remember themselves that biting is a biological activity in each and every dog and that there will be a risk for causing harms by it to the persons every owner of a dog should be made aware of this and should be made

²⁵ 4. Julie K. Levy et al., Use of Genetic Testing to Determine Dog Breed in Animal Shelters, 243 J. Am. Vet. Med. Ass'n 4, 469-475 (2013), <https://doi.org/10.2460/javma.243.4.469>

completely answerable and liable for their dog's activity. But there is no certainty and assurance presents and these things have to be globally realized by the owner of every dog that they have to take the needed measures for proper guidance, training and socializing their pet dogs.

Let us make an example by using Google to know how it has been traumatized about dog. At first, I have searched in google as "dog attacks in India" and the results are with the following headlines:

- Man's Best Friend or Ferocious Foe [NDTV Marathi live]
- ban foreign dog breed which are identified as dangerous to human life [the Indian express]
- A retired teacher mauled to death by her Pitbull dog [videos search YouTube]
- Seven years old girl was dragged by her pet Pitbull in Delhi [economic times]

This study finds that banning specific dog breeds fails to address the root causes of dog aggression and may even undermine effective animal welfare and public safety efforts. Aggression in dogs is influenced more by owner behaviour, training, environment, and early socialization than by genetics or breed identity alone.

Judicial trends also reflect skepticism about blanket bans. The Delhi High Court, in response to W.P. (C) No. 2442/2024, directed the Central Government to reconsider its March 2024 circular banning 23 so called ferocious breeds, mandating that a scientific, transparent, and participatory consultation process be followed.²⁶ This move reinforces the importance of evidence-based policy making in the realm of animal laws. Public consultation responses, including inputs from animal welfare organizations, veterinary professionals, and pet owners, have emphasized that enforcement of leash laws, mandatory behaviour assessments, and public education campaigns are more effective than breed bans in reducing dog bite incidents.

²⁶ Federation of Indian Animal Protection Organisations (FIAPO) v. Union of India, W.P. (C) No. 2442/2024, Delhi High Court, Order dated Mar. 14, 2024.

XIII. DOGS WHICH ARE TO BE BANNED IN INDIA

As per the March 2024 circular issued by the Department of Animal Husbandry and Dairying, the following 23 dog breeds were proposed for prohibition in India due to perceived risks to human life and it includes:

“Pit Bull Terrier, Tosa Inu, American Staffordshire Terrier, Fila Brasileiro, Dogo Argentino, American Bulldog, Boerboel, Kangal, Central Asian Shepherd Dog, Caucasian Shepherd Dog, South Russian Shepherd, Tornjak, Sarplaninac, Japanese Tosa, Akita, Cane Corso, Moscow Watchdog, Rhodesian Ridgeback, Wolf Dogs, Akbash, Presa Canario, Mastiffs, and Terriers”

However, this list is now under judicial and administrative review following the Delhi High Court’s directive.²⁷

A. Temperament Overview and Supporting Evidence

While these breeds are often perceived as aggressive, veterinary science and kennel club’s consistently highlight that temperament is breed independent when training, socialization, and environment are controlled. Here are temperament summaries of select breeds:

- **American Staffordshire Terrier:** The American Kennel Club describes this breed as confident, smart, and good natured.²⁸
- **Akita:** Known to be loyal and calm, Akitas can be protective and affectionate when socialized early.²⁹
- **Boerboel:** Bred as a working farm dog, Boerboels are described by FCI as confident, territorial, and reliable, requiring experienced handlers.³⁰

²⁷ Ministry of Fisheries, Animal Husbandry and Dairying, Circular No. AH-Policy/4/2024, dated Mar. 11, 2024.

²⁸ American Kennel Club, American Staffordshire Terrier, <https://www.akc.org/dog-breeds/american-staffordshire-terrier/> (accessed July 8, 2025).

²⁹ Fédération Cynologique Internationale, Akita Breed Standard, <https://www.fci.be/en/nomenclature/AKITA-255.html> (accessed July 8, 2025)

- **Kangal Shepherd Dog:** The Turkish Kennel Club identifies the Kangal as calm and protective an ideal guardian breed when well managed.³¹
- **Cane Corso:** According to the AKC, the Cane Corso is trainable, affectionate, and loyal, but must be socialized from a young age.³²

The generalization of entire breeds as dangerous, without individual assessment, contradicts animal behaviour science and leads to injustice and overreach. Modern regulatory frameworks are increasingly shifting toward individual dog behaviour assessments, leash and muzzle enforcement, and mandatory training for owners of large or working breeds. Thus, instead of categorical prohibitions, targeted regulations based on behaviour, proper licensing, and enforcement of existing public safety laws may serve as more humane and constitutionally defensible alternatives.

XIV. SURVEY AND STATISTICAL REPORTS

In Empirical research has consistently shown that dog aggression and fatal attacks are not primarily caused by breed, but by human related factors such as neglect, abuse, poor socialization, and irresponsible ownership. In her extensive study, Karen Delise (2017) found that 84% of fatal dog attacks in the U.S. involved dogs that were abused, neglected, or inadequately supervised, and 78% of those dogs were not kept as family pets, but were instead maintained for breeding, guarding, or fighting purposes.³³ These findings challenge the assumption that banning certain breeds will automatically reduce aggression or fatalities.

Supporting this view, Cunningham (2009) (often cited in relation to breed data analysis) notes that statistical comparisons across breeds are unreliable due to a lack of accurate

³⁰Fédération Cynologique Internationale, Boerboel Breed Standard, <https://www.fci.be/en/nomenclature/BOERBOEL-324.html> (accessed July 8, 2025)

³¹ Turkish Kennel Club, Kangal Breed Info, <https://www.kif.org.tr/kangal> (accessed July 8, 2025)

³² American Kennel Club, Cane Corso – Breed Information, <https://www.akc.org/dog-breeds/cane-corso/> (accessed July 8, 2025)

³³ Karen Delise, *The Pit Bull Placebo: The Media, Myths and Politics of Canine Aggression* 84–87 (2d ed. 2017).

population data. He cautions that without knowing how many dogs of each breed exist in a region, comparing incident numbers is mathematically and legally flawed.³⁴

The Nebraska Humane Society (2012) also reported significant misinterpretation of post-ban data. When so called “dangerous breeds” were banned from Omaha, the number of dog bites did not decline; instead, other breeds (like Labradors, Boxers, and Chihuahuas) rose in incident reports.³⁵ This shift suggested that aggression is not breed specific, and that bans merely redirect the statistics rather than solving the root problem.

These findings reinforce the argument that enforcement should focus on owner accountability and dog behaviour rather than breed label alone. They also illustrate the need for more scientifically grounded policy frameworks and reliable dog population data, neither of which currently exist in India.

XV. HYPOTHESIS

- **H1:** Breed Specific Legislation (BSL) alone does not significantly reduce the incidence of dog bites or fatal dog attacks in the jurisdictions where it is implemented.
- **H2:** Aggressive behaviour in dogs is more strongly correlated with factors such as abuse, neglect, lack of socialization, and owner irresponsibility than with breed identity.
- **H3:** Regulatory approaches that focus on behaviour-based assessments and responsible pet ownership are more effective than breed bans in ensuring public safety.

³⁴ Thomas G. Cummings, Pit Bull Panic: How Media Mislabeled Dogs and Public Hysteria Led to Overbroad Legislation, 91 J. Crim. L. & Criminology 91, 124–26 (2009).

³⁵ Nebraska Humane Society, Omaha Dog Bite Statistics – Post-BSL Analysis Report (2012), Report at <https://www.nehumanesociety.org> (accessed July 8, 2025).

XVI. GUIDELINES FOR THE PET OWNERS AND METHODS TO BE IMPLEMENTED

To promote responsible pet ownership and reduce the risk of dog-related injuries, it is essential to implement enforceable guidelines supported by existing Indian animal laws and municipal regulations.

The following regulatory mechanisms are proposed:

A. Legal Foundation

- Under Section 3 and Section 11 of the Prevention of Cruelty to Animals Act, 1960, pet owners are required to treat animals with care and prevent unnecessary suffering.³⁶The Animal Welfare Board of India (AWBI) has issued circulars and guidelines, including the 2016 and 2021 circulars on pet ownership, covering housing society obligations, leash norms, and anti-abandonment responsibilities.³⁷
- Municipal Corporations, including the Municipal Corporation of Delhi and Greater Chennai Corporation, have enacted by laws requiring registration of pets, vaccination records, and leashing/ muzzling in public spaces.

B. Proposed Behavioural Guidelines for Pet Owners

- Mandatory registration and licensing of all pet dogs with local authorities
- Enforcement of leash and muzzle laws in public spaces to reduce unpredictable behaviour in crowded areas
- Mandatory training and socialization certifications for owners of large or high energy breeds (e.g., Rottweilers, Mastiffs, Pit Bulls)

³⁶ The Prevention of Cruelty to Animals Act, 1960, §§ 3, 11 (India)

³⁷ Animal Welfare Board of India, Guidelines for Pet Owners and Housing Societies, Circular No. 9/2016 and Circular No. 4/2021, available at: <https://awbi.gov.in/> (accessed July 8, 2025)

- Obligation to provide regular veterinary care, vaccination, and sterilization, in accordance with AWBI and state rules
- Prohibition of ear cropping, tail docking, and the use of dogs for fighting or illegal breeding, which constitute cruelty under PCA Act
- Clear regulations to ensure safe interaction between pets and children within residential settings
- Penalties for abandoning pets, as per AWBI's 2014 guidelines, with enforcement through housing welfare associations and civic authorities.

C. Public Awareness and Implementation

- Local governments should conduct awareness programs on reading canine body language, child pet interaction safety, and ethical dog handling.
- Establishment of municipal animal control units trained to assess behaviour-based risks rather than breed identity.
- Use of community vet panels to advise authorities before designating any dog as dangerous

These measures reflect a holistic approach grounded in constitutional duties (Art. 51A(g)) and public safety objectives, promoting animal welfare without resorting to ineffective breed bans.

XVII. CONCLUSION AND SUGGESTIONS

There is a problem exists throughout the world and that is only after a particular tragedy happens in government and local bodies will implement measures and offers solution regarding such incident. This is what exactly happens in dog bite incidents also. Banning dogs, making community safer by implementation of such kind of acts so and so will be made as a solution only and after when a dog attack has been taken place on a particular human and hyped in media Rather than having a precaution method , government, local bodies, even people only preventing and stopping them from for a

while and whenever it is hyped particularly through media about a specific breed of dogs bite injuries and fatal reports and after some days or weeks, it will be belittle and left unlooked by the society. This study demonstrates that Breed Specific Legislation (BSL), while often well-intentioned, is ineffective in reducing dog attacks and injuries and is inconsistent with both constitutional values and empirical evidence. A review of legal frameworks in India and abroad reveals that aggression in dogs is more often the result of poor ownership, lack of training, and environmental factors, rather than inherent breed characteristics.

The blanket ban on 23 dog breeds proposed by the Government of India in March 2024, now under judicial review, highlights the urgent need for evidence based, humane, and constitutionally compliant policy solutions. The Delhi High Court's interim direction mandating public consultation and expert veterinary review affirms that laws affecting both human and animal rights must be proportionate, reasonable, and transparent.

It is imperative that regulations be grounded in behaviour-based assessments rather than breed generalizations. Legislation like Section 291 of the Bharatiya Nyaya Sanhita (BNS), 2023, while a step forward, requires enhancement in its deterrent effect including higher fines, mandatory liability insurance, owner training, and strict enforcement. Pet ownership responsibilities must be codified not only through criminal penalties but also through education and municipal oversight mechanisms.

A. Key Policy Recommendations

- Establish municipal animal control units to conduct behaviour-based assessments before classifying dogs as dangerous, as practiced in Italy and the Netherlands.
- Implement national pet registration, training, and licensing programs, with priority for working breeds and large guard dogs.
- Mandate leash, muzzle, and supervision laws in public spaces for all dogs, regardless of breed, with tiered penalties for violations.

- Launch public awareness programs on canine behaviour, early socialization, and child-pet safety to reduce the likelihood of negative interactions.
- Involve Resident Welfare Associations (RWAs) in enforcing local pet rules while respecting constitutional rights and animal welfare standards.
- Prohibit cruel practices such as ear cropping, tail docking, and unregulated breeding, which not only harm animals but often correlate with aggressive outcomes.

In conclusion, dog aggression is a behavioural problem, not a breed problem. Regulating dog ownership based on scientific understanding, judicial oversight, and compassion will lead to more humane outcomes and better community safety. *“If a man aspires towards a righteous life, his first act of abstinence is from injury to animals” - Albert Einstein.*³⁸

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