

NGOs turn to history to save dogs

Shibu Thomas | TNN

Mumbai: Drawing a leaf out of history, animal rights NGOs cited Manu, Kautilya's Arthashastra, and the city's colonial history to support their case before the Bombay High Court to continue the ban on killing of stray dogs. The arguments were on Tuesday and came after the BMC had told a full bench of the HC that the civic law allowed the civic chief discretionary powers to kill stray dogs who cause nuisance.

Advocate Rahul Thakur, representing the NGO In Defence of Animals went back to the Vedic times to prove that the killing of animals, except for food, was an anathema to Indian culture. "Prevention of cruelty to animals is a philosophy that has been ingrained in the our society historically," said Thakur.

The advocate referred to the laws laid down by Manu in the Rigveda, where the punishment prescribed for cruelty to animals was chopping off of the hands.

In 300 BC, Chanakya in his Arthashastra had emphasised on the



LICENCE TO KILL: Chanakya in his Arthashastra had emphasised on the need for compassion to animals

need for compassion to animals, where a person maiming a dog or any other animals could have his thumb chopped off and those found killing animals, except for food, could be awarded the death punishment, said the advocate.

Advocate Thakur also pointed out to the court of the first riot over animals in the city had occurred over the feeding of stray dogs by Parsis, in which three Englishmen were in-

jured. This led to the setting up of an infirmary for animals in Parel by the Petit family.

The NGOs further focussed on the statistics furnished by the BMC to drive home the point that killing strays has not worked. Between 1984 and 1994, the BMC killed around 4.49 lakh stray dogs at a cost of Rs 2.01 crore. The deaths occurring due to rabies during this period was 50 per year. Since the 1998 ban on the killing of stray dogs, NGOs with little help of the corporation have sterilised around 62,702 strays. The advocate pointed out that average deaths due to rabies have fallen by more than half to 24 per year.

"It is a scientific fact that the more you try to annihilate a species, it will resort to survival tactics," said Thakur. "For over 150 years, the BMC has followed the policy of killing strays but met with failure. This itself is a good reason to adopt a new strategy since the last five years of sterilisation have given effective results," urged the lawyer.

The advocate also contended that the BMC Act authorising the the dis-

cretionary power to kill stray dogs went against the fundamental duty enshrined in the Constitution to show "compassion to all living beings".

At this Justice Radhakrishnan asked whether it was compassion to kill a mortally wounded/rabid dog or to let it live and suffer.

Advocate Norma Alvares, counsel for a Goa-based NGO, told the court that even with a violent dog it was necessary to isolate it and hold it in a shelter to verify whether it actually had rabies, so that all the people who had come in contact with the animal could be administered anti-rabies shots.

A full bench of the high court comprising Justices S Radhakrishnan, Vijaya Kapse-Tahilramani and Dilip Bhosale is hearing petitions seeking a lifting of the court's ban on the killing of stray dogs. Senior advocate K K Singhvi, counsel for the corporation had earlier argued that the the BMC Act gave discretionary powers to the municipal commissioner to order the killing of stray dogs.

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Stray dog debate: NGO bats for sterilisation, says killing 'barbaric'

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KILLING of stray dogs is barbaric and unconstitutional and does not help in controlling their population, but sterilisation can be a better tool. This is what an NGO, In Defence of Animals, has given in its written submission before the Bombay High Court where hearing on the matter is on.

According to the NGO, the Brihanmumbai Municipal Corporation (BMC) had adopted the strategy to destroy dogs in the past and failed. From 1939 to 1999, though the municipal body did away with 25 lakh dogs, it failed to control the stray dog population, the petitioner against killing of stray dogs states.

The NGO states that throughout the world, countries that opt for sterilisation have been successful in controlling dog population. "The same sentiment finds an echo in the submission made by the central government and affirmed by the WHO which contends that sterilisation is the only remedy to curb population of dogs," the NGO states.

Senior counsel Aspi Chinoy, who appeared for NGO Welfare of Stray Dogs (which is carrying out a sterilisation drive), submitted that although



the population of the dogs really never went down, death due to rabies had been cut down by one-third. He argued that it was not right to say the city was at the mercy of rabid dogs.

The state government had earlier supported the BMC regarding the validity of the BMC Act which gives them powers to kill stray dogs. According to provision 191 B A (2) of the Municipal Corporation Act, the Municipal Commissioner at his discretion may sell, provide shelter or destroy stray dogs.

BMC had stated that it had the powers to kill the dogs. BMC had also stated before the full Bench of Justice Dr S Radhakrishnan, Justice D B Bhosale and Justice V K Tahilramani about the huge financial con-

straints in rehabilitation of stray dogs in dog shelters.

BMC contended there was no need for additional dog shelters as they had kennels. Besides dogs could also be given for adoption.

However, NGOs and animal activists say that the provision under the corporation act goes against article 51 A (g) of the Constitution of India which says it is the fundamental duty of every citizen to be compassionate to animals.

Earlier, an affidavit by the joint executive health officer G T Ambe stated that, "Maintenance of stray dogs at dog shelters involves huge expenditure running into crores of rupees which would be a huge financial strain on the MCGM. It is questionable whether MCGM should spend crores of rupees on feeding stray dogs when we do not do so for the poor in Mumbai, who are starving."

Ambe further stated that "Municipal corporation feeding dogs taken out of Mumbai certainly does not deserve priority over the poor people of Mumbai." The court was also informed that as per the dog census of October 2007, there are 70,182 stray dogs in Mumbai and 26,900 pet dogs.

The hearing will continue on October 10.