

## Daily Orders for Case WP 8409/2024

Sl. No	Judge(s) Name	Date of Order	Daily Order
1	M.NAGAPRASANNA	19/03/2024	<p>Learned DSGI accepts notice for respondent No.1. Learned Additional Government Advocate is directed to accept notice for respondent No.2. Learned counsel for the petitioners to serve copy of the petition papers upon the aforesaid learned counsel, forthwith. Petitioners shall also serve the 3rd respondent by way of hand summons. Petitioners are before this Court calling in question a circular issued by the 1st respondent/Ministry of fisheries, Animal Husbandry and Dairying department of the Government of India dated 12.03.2024 which bans certain breed of dogs. The breeds that are indicated in the circular are as follows: "breeds (including mixed and cross breeds) like Pitbull Terrier, Tosa Inu, American Staffordshire Terrier, Fila Brasileiro, Dogo Argentino, American Bulldog, Boerboel, Kangal, Central Asian Shepherd Dog (ovcharka), Caucasian Shepherd Dog (ovcharka), South Russian Shepherd Dog (ovcharka), Tornjak, Sarplaninac, Japanese Tosa and Akita, Mastiffs (boerbulls), Rottweiler, Terriers, Rhodesian Ridgeback, Wolf Dogs, Canario, Akbash dog, Moscow Guard dog, Cane corso and every dog of the type commonly known as a Ban Dog (or Bandog)." The circular, while banning rearing of the aforesaid breed of dogs, further directs that all those who have reared the aforesaid breed of dogs as pet with them, shall be sterilized for stopping further breeding of those breeds. This appears to be pursuant to a Expert Committee constituted under the Chairmanship of Animal Husbandry Commission with members from various stake holder organizations and experts. The committee appears to have identified the aforesaid breed of dogs as ferocious and dangerous to human life. Therefore, the effect of the circular is pan India and has a devastating effect on the aforesaid breed of dogs. Learned DSGI would submit that this circular is issued on the strength of the order passed by the High Court of Delhi in a public interest litigation. The High Court of Delhi has permitted the Union of India to consider the representation of the petitioner therein and while so doing, it has clearly indicated that the Union of India shall, after consulting all the stake holders, shall decide the petitioner's representation, as expeditiously as possible, within 3 months from the date of receipt of the said order of the High Court of Delhi. The High Court of Delhi was unequivocal in directing that all stake holders must be consulted before consideration of the representation of the petitioner therein and only then, any action should be taken. The circular though refers to members of several stake holder organization being a part of the Expert Committee, there are several who would not be heard. According to the learned counsel for petitioner the Kennel Club of India which has various chapters all over the nation has not been heard. They are the only certifying Kennel club. The learned counsel submits that to identify a particular breed of dog to be ferocious and dangerous to human life, would require profound expertise for such identification as to whether those breed of dogs are appropriately trained or not. It is his submission that several breeds are identical to the breeds that are found in India, which are not the part of the circular. The High Court of Delhi had clearly indicated that all the stake holders shall be consulted, not a few or various. All means, each and every, the Kennel Club of India is one, which is not consulted is the submission. Therefore, till the learned DSGI would produce those documents that went into decision making of the impugned circular on the strength of the records, the circular dated 12.03.2024 issued by the 1st respondent shall remain stayed, only in the State of Karnataka. List the matter on 05.04.2024 at 2.30 p.m. for further hearing.</p>