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Review of Dog Population Management Legislation in Sri Lanka: History, Circumstances, Role of Local Authorities and Present Scenario

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Abstract

Dogs are the most abundant carnivore animal on the planet. Therefore, population management strategies are practiced in many countries. In the past, dogs lived with natives of Sri Lanka in isolated villages and were later exposed out with the development of infrastructure specially roads for plantation activities during the British era. The enactment of legislation and exercising its provisions to manage the dog population was initiated by British rulers in Sri Lanka. First, the dog destruction ordinance was enacted in 1842. Subsequently, the dog taxation ordinance was enacted in 1848. However, dog taxation ordinance was repealed in 1849. Afterwards, dog taxation including dog seizing and destruction were incorporated to local authority ordinances in the latter part of 19th century after establishment of Municipal councils, local boards and local boards for health and existed until the enactment of dog registration ordinance, No. 25 of 1901. The updating of this ordinance was carried out from time to time according to requirements of the provisions to address the issues until 1961. Today, most of the provisions including penalties are not adequate to address the issues arising from dog owners and the public since it has not been revised for 60 years. Therefore, it is a vital and current need to revise the dog registration ordinance to strengthen the legal side of the dog population management activities.

Keywords: Dog Taxation, Dog Registration Ordinance, Dog Destruction Ordinance

1. Introduction

Dogs are the most abundant carnivore animal on the planet (Belo et al., 2017). Therefore, the dog population management is being practiced through different strategies in many parts of the world. Out of them, enacting of legislation and exercising provisions of the legislation is one of the strategies broadly applied in many countries. OIE (World organization for animal health) also states the importance of legislation for the purpose of humane dog population management (OIE, 2022). This article reviews the legislation enacted relating to dogs in the

past, the legislation being exercised presently and its practical relevance to the country and the reasons for enactment of such legislation in Sri Lanka in the past.

1.1. History - pre - colonial period

Under this review, the history is discussed under two phases: pre-colonial period and colonial period up to 1948. The information related to any taxes or legislation on dogs was very limited prior to British invasion in Sri Lanka. After native people of the country embraced Buddhist philosophy in 3rd century, animal killing and hunting was banned by adopting “Magatha rule”. Mainly five kings namely king Amanda Gamini, Voharika Tissa, Sila- kala, Agha Bodhi iv and king kassapa III- king of Anuradhapura in 8th century were known to adopt the “Magatha rule” (Sean, 2016) . Therefore, it is hard to assume that a practice of massive destruction of animals including dogs used to control the population prior to colonial invasion.

1.2. History - Colonial era

Most of the documented incidences or nuisances relating to dogs were explained during the period of British era even colonial period commenced in 1505. One author had mentioned that Sri Lanka was a land of villages in 1797 (Mendis, 1952). These villages were usually in the places such as valleys where plenty of water could be obtained for the cultivation and the rest of the country was generally covered with jungles (Mendis, 1952, p. 31). Bennet (1836) had mentioned that presence of innumerable number of wild beasts like leopards, bears, sloth, elephants in the country. Hansard - UK parliament (1849, August 31, p. 724) mentioned that the natives of Ceylon were obliged to keep dogs to protect them from these wild beasts. Some authors named our local dog as “pariah” dog in their books (Bennet, 1843, p. 108) and described the nature of native villages and natives as “Native villages swarm with pariah dogs, Sinhalese will never destroy any of the progeny of these mongerals” (Bennet, 1843, p. 108). The dogs were described as good watchdogs (Hansard UK, 1849, p. 974) and scavengers (Cordiner, 1807, p.203). Author, Cordiner (1807, June 1, p. 182), also stated that the reluctance of natives to deprive life of any animal according to principals of the religion in this country. However, these dogs were considered as one of the greatest nuisances in the country (Bennet, 1843, p. 108; Hansard UK, 1849, p. 974) during the British era by the British rulers.



Figure 1: A picture of dogs at the execution place for prisoners in 17th century. Extracted from book (Nox, 1681, p. 39).

2. How dogs became nuisance

The social, economic, agricultural and administrative changes were initiated in later part of 18th century after ruling of the country went into the hands of the British rulers. The British had consolidated their position in Sri Lanka by 1830s and their interest was more on economic profitability and administration unification of the country (Britannica, n.d.). In order to achieve this the British had started experimenting with variety of commercial crops such as coffee. Therefore, the isolation of villages reduced and exposure of villages occurred due to construction of roads and rail way to fulfill the needs of coffee planters (Mendis, 1952, p.28). After development of infrastructure, the dogs who lived with villagers in isolated areas gradually exposed out as the construction of roads breaching the isolation of self- contained villages to certain extent (Mendis, 1952, p.28).

3. Establishment of legislation council and Local authorities

The ancient administration system prevailing in the country at the time of British invasion was the basic village-based administration known as “Village council” and it was abolished by British rulers in 1818 and reintroduced in 1856 (“Local Government in Sri,” n.d.). There were lot of administrative reforms happened after establishment of legislative body of the country, legislative council in 1833 under the recommendations of Colebrooke-Cameron- Commission (Britannica, n.d.) The major changes were enactment of legislation such as Municipal council ordinance No.17 of 1865, village community’s ordinance No. 26 of 1891, Sanitary boards ordinance No. 18 of 1892 and Local Boards ordinance No. 13 of 1898 (Mendis, 1952). The local government institutions were first established in major towns, Colombo and Kandy (Ministry of justice, n.d.) and Galle (Galle Municipal Council, n.d.) in 1865 and 1866 respectively. Subsequently, sanitary boards under the ordinance of No. 18 of 1892 and local boards of health and improvement under the ordinance of No. 13 of 1898 (Authority, 1898, August 12; “Local government in Sri Lanka,” n.d.) were established and spread outwards to the rural areas for smaller towns and larger towns respectively (Jones, 2004, pp. 56-57). The local boards ordinance was a complete replication of public health act in UK (Jones, 2004, pp. 57), in terms of wording and phrases on many aspects. One major consequence of establishment of local institutions was transferring the responsibility of local administration to local residents (“Local Government in Sri Lanka,” n.d.). The major purpose of establishing local authority institutions was providing public health services and other local services such as roads, water supply and, common amenities (Mendis, 1952).

4. Legislation relating to dogs - destruction

After establishment of local authorities, the legislation council had also enacted ordinances under different titles in order to carry on effective and efficient administration and also to abate the issues while providing services. The disease, Rabies due to dogs was seen as a major issue by the Governor, Vincent Torrington during his term. In 1842 the Governor, Viscount Torrington (“Governors,” n.d.) enacted first legislation relating to dogs known as No. 9 of 1842 “For the prevention of mischief by dogs” with the advice and consent of the legislative council (Ceylon, 1854, pp.134-135). According to this enactment, the governor had powers to order destruction of dogs who were not being led or carried in any part of the country within at least 24 hours’ notice publishing in the Government gazette or by beat of tom-tom.

Further review of this enactment, the section 3 showed that any person who had right to kill any dog who ferociously fly, attack, not being securely tied up or confined and also reasonable ground to believe to be mad. The section 4 of this enactment revealed that if any complaint made regarding any dog being dangerous before district court, the district judge was the one issued order to the owner to prevent the risk of future danger (Ceylon, 1854, pp. 134-135). Nevertheless, if the same complaint regarding the same dog happened again, the District judge can order an officer of police for destruction of such dog in addition to a fine of one pound.

5. Legislation for taxation

In 1848 an ordinance known as “To require the owner of dog to take out license for the same” (No. 9 of 1848) was passed by the legislation council (Ceylon, 1853, p. 386) with the intention of keep down the number of dogs

in the island. According to this ordinance any person to have in his custody or possession or to keep or permit to be kept or to remain in his houses or premises any dog or dogs had to obtain a license. Therefore, any person who violated this rule became guilty of an offence and also conviction of fine not exceeding ten shillings. The dog license fee was one shilling on stamp and it was valid till 31st of December. During this period Sterling pound and shillings were the currency used for monetary transactions in the country (“Colombo -Pound sterling-1827,” n.d.). The section two of this ordinance revealed that the Government agent or Assistant government agent of the province where the person who wish to obtain the license was the authorized person to issue the license. Another important fact pointed out in clause 5 of the ordinance was that any superintendent of police or any inspector of police authorized in writing by the superintendent of police or any constable or police officer authorized in writing by government agent or assistant government had the powers to check the residences for license. However, the specificity noted in clause six was that if any authorized officer failing to do his duty, he too subjected to guilty of an offence and conviction of fine not exceeding 5 pounds.

6. Repealing of legislation - No.9 of 1848

The natives were also burdened with the burden of contemporarily imposed different taxes except dog tax in 1848: Firearm tax, pole tax, boats and carriages tax, Palanquin and other carriages tax, retail traders tax, road tax etc. (Bandarage, 1982, p.15). The expected revenue from dog taxation was 2635s (Bandarage, 1982, p.15). Therefore, about 4000 people presented a petition against taxes on 6th July 1848 (Mendis, 1952, p. 87) and furthermore the Sinhalese peasantry revolted against these taxes on 26th July 1848. This revolt was known as “Mathale rebellion” (“Memorial of crushing the 1848 Matale rebellion”, n.d). However, this ordinance was repealed in 1849 due to petitions and grievances from native people of the country (“Hansard’s parliamentary debates”, 1849, pp.997-998).

7. Dog taxation by Municipal councils, Sanitary boards and local boards of health and improvement

The ordinance, No. 13 of 1898 local boards of health and improvement was enacted by the governor with the advice and consent of the legislative council in 1898 (Authority, 1898, August 12) and it was operated from the 1st of September 1898. The salient feature of this ordinance was that the provisions of this ordinance were broadened by in-cooperating most of the provisions of unrepealed ordinances and repealed ordinances (Authority, 1898, August 12) for the purpose of strengthening and extending the system (Wright, 199). The chapter V of this ordinance was named as “Tax on dogs” and this section has described all the enacted provisions relating to the dog rearing by the owners. Accordingly, any dog raised within the limits of local board was liable for the payment of fifty cents before March 1 in each year and it was due on January 1 each year. Apart from that, the occupier of every house within the town should had to furnish the number of dogs within that house with the names of owners to the authorized officer by the board on or before February 15 in each year. On payment of tax, the board had to furnish a stamped collar by charging twenty-five cents to be worn by such dog (Authority, 1898, August 12). According to clause five of the chapter v, any dog without wearing a duly stamped collar could be seized and the claimant had to pay fifty cents together with six cents per diem for every day for the period under seizure. The destruction of unclaimed dogs had taken place after expiration of forty - eight hours from the time of seizure. In respect of any person failing to pay the tax within seven days of notification, the chairman of the board had powers to report to police courts to recover it as sum of fine imposed by the courts. The maximum levying for a dog under the section 129 of ordinance No. 07 of 1887 was Rs. 1.50 (Authority, January 25,1901).

8. Dog registration ordinance

After repealing of the ordinance, No. 9 of 1848 in 1849, the ordinance for registration of dogs was enacted again approximately after 53 years in 1901 (Authority, 1902). The provision of dog taxation in cooperated in other ordinances was repealed after enacting the ordinance for registration of dogs. This ordinance was also amended periodically several times up to 1961 such as No.20 of 1915, No. 3 of 1920, No. 21 of 1921, No. 26 of 1938, No. 61 of 1939, No. 12 of 1945, No. 23 of 1946, No. 29 of 1947 and No. 60 of 1961.

Table 1: The repealed sections of other ordinances after enactment of dog registration ordinance No. 25 of 1901.

No. and year	Ordinance	Extent of repealed
7 of 1887	Municipal Council ordinance	Section 129
19 of 1896	An ordinance to declare certain by-laws to be in forced within the Municipality of Kandy.	Chapter 9
20 of 1896	The Nuwara Eliya board of improvement ordinance 1896	Part 5 and schedule A related to dogs.
13 of 1898	The local boards ordinance 1898	Part vi and schedule D (ordinance 02 of 1901) Chapter ix related to dogs

Source: Extracted from No.25 of 1901 the dog registration ordinance published in Ceylon Government gazette No. 5,827. on 1902.01.10

9. Present scenario – Dog registration ordinance

Before the independence, penultimate update / amendment for dog registration ordinance was done in 1947 and this ordinance was updated on 8 occasions between 1901 and 1947. However, this ordinance was updated only once that was in 1961 (approximately 60 years back) during the period from 1947 to date. Therefore, lack of proper amendments in terms of meeting the current need of the country on management of free- roaming owned dogs are the major drawback in legislation of the country. Apart from that, the penalties also do not match with today's currency value. Taking steps to revise the penalties in order to be compatible with the current currency values is a crucial requirement in the process of stabilizing the law related to responsible dog ownership in the country. The dog destruction was stopped island wide in 2006 after “no kill” policy was imposed (Harischandra et al., 2016). Subsequently, surgical sterilization of dogs is the only strategy being practiced throughout the country. Nevertheless, the clauses of the dog registration ordinance is being not revised accordingly even more than 15 years has already passed from 2006.

The formation of by- laws under the provisions of section 5 of the dog registration ordinance, No. 60 of 1961 could address common public issues like dog abandonment on roads and public places, public nuisances due to dog owners' irresponsible practices on dog keeping etc. Nevertheless, such by-laws have been not formulated or enforced in the country and it is a major issue in the process of taking actions on public complaints against irresponsible dog owners.

OIE Terrestrial Code recommends dog population management as an integral part of rabies control programs (Ahamad et al., 2021; World Health organization, 2022) and also OIE's terrestrial code states that an importance of legislation in order to manage stray dog population. Therefore, some countries have formulated legislation in order to improve community safety, encourage responsible dog ownership and abate nuisance behaviour of dogs and dog owners (“Dog registration in the ACT,” n.d.). In most of the countries, the local government institutions of the respective area is responsible for enforcing the Acts related to dogs. Some information revealed that the dog registration fee in other countries is categorized under several schemes: senior citizens, pensioners, lifetime registration, unsterilized dogs, sterilized dogs etc. (“Dog registration in the ACT,” n.d.). However, such categorization is not included in the currently enforced ordinance No. 60 of 1961 in Sri Lanka.

The Ministry of provincial councils and local government planned to amend this dog registration ordinance (No. 60 of 1961) by adding more provisions and imposing fine not exceeding Rs. 10 000.00 for the people who fails to register their dogs in 2016 (Rotaractlawfaculty,2020). However, this amendment never saw light of the day (Rotaractlawfaculty,2020). The dog registration ordinance of Sri Lanka urgently needs to be revised in order to get the reciprocal effect of the dog sterilization programs conducted in the country.

Table 2: Comparison of dog registration fee and the relevant penalties in 1901 and today

Penalties	No. 25 of 1901	No. 60 of 1961 (Current values)
Annual dog Registration fee	Annual registration fee not exceeding Rs. 1.50 Including town Nuwara Eliya (outside town Fifty cents).	Within the limits of a town (Municipal council, urban council, town council) or village area brought under the operation of village council Rs. 5.00 for each dog . twenty five cents for each dog outside the such limits.
Penalties	Rs. 20 for not duly registered dog. Fifty cents for each dog if not obtain the license after such order. Not exceeding Rs. 20 for breaching of any by-law made under the provisions of section 5, Default of payment simple imprisonment not exceeding 2 weeks.	Rs. 20 for not duly registered dog. Fifty cents for each dog if not obtain the license after such order. Not exceeding Rs. 20.00 for breaching of any by-law made under the provisions of section 4. Default of payment simple imprisonment not exceeding 2 weeks.
Production of certificate	In case of refuse to produce – fine not exceeding Rs. 5.00	In case of refuse to produce – fine not exceeding Rs. 5.00

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