

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper is partially shown, and a black leather watch with a silver dial is resting on the desk. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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STRAY DOGS: A LEGAL ANALYSIS ON BALANCING ANIMAL RIGHTS AND PUBLIC SAFETY

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INTRODUCTION

The issue of stray dogs in India has emerged as a significant legal and socio-economic concern, involving a complex interplay between public safety, animal welfare, and regulatory governance. With increasing urbanisation and inadequate waste management systems, the population of stray dogs has risen substantially, particularly in metropolitan and semi-urban areas. This rise has led to frequent incidents of dog bites, transmission of diseases such as rabies, and growing tensions between local communities and animal welfare activists. At the same time, the legal framework in India emphasises the humane treatment of animals, thereby creating a need to balance human interests with animal rights.

Stray dogs occupy a unique position within the legal system, as they are neither privately owned animals nor entirely under the direct control of the State. This ambiguity in status complicates the application of legal principles relating to ownership, liability, and responsibility. While municipal authorities are tasked with managing stray dog populations, their powers are often limited by statutory provisions that prohibit cruelty and mandate humane treatment. As a result, authorities must adopt measures such as sterilisation and vaccination rather than elimination, which requires substantial resources and coordination.

The importance of this study lies in its attempt to critically examine the legal framework governing stray dogs and the challenges associated with its implementation. The increasing number of public interest litigations and judicial interventions in this area highlights the urgency of addressing these issues. Courts have frequently been called upon to resolve conflicts between public safety concerns and animal welfare principles, resulting in significant jurisprudence.

In the Indian context, the legal framework is primarily governed by statutes such as the Prevention of Cruelty to Animals Act, 1960 and the Animal Birth Control (Dogs) Rules, 2001 (as amended). These laws reflect a shift from traditional approaches of culling towards more humane methods of population control. However, the effectiveness of these measures has been questioned due to challenges in implementation, lack of infrastructure, and limited public awareness.

At a broader level, the issue of stray dogs raises important questions regarding governance, accountability, and the role of the State in ensuring both public safety and animal welfare. It also highlights the need for an integrated approach that combines legal regulation with administrative efficiency and community participation. This study aims to contribute to the existing body of knowledge by analysing these issues from a legal perspective and proposing practical solutions.

DEFINITION OF STRAY ANIMALS

Stray Animals refer to street animals that are born and reproduce on the street and have never been owned, lost animals that could not find their way home, or abandoned animals that are no longer wanted and are abandoned on the street or taken to a shelter by their owner. Wild animals live in the jungle or their earmarked territory away from human settlements and thus are different from stray animals. The most common cause of stray animals is uncontrolled breeding among stray animals after being abandoned, resulting in their multifold subsequent generations.

GROWTH OF STRAY DOG POPULATION ISSUES

The rise in stray dog populations in India is closely linked to socio-economic and environmental factors. Rapid urbanisation, inadequate waste management, and lack of effective population control measures have contributed to the proliferation of stray dogs. Urban areas, in particular, provide abundant food sources through unregulated garbage disposal, enabling stray dog populations to thrive.

The increase in stray dog populations has led to significant public health concerns, including the spread of rabies and incidents of dog bites. India accounts for a substantial proportion of global rabies cases, highlighting the urgency of addressing this issue.³ These concerns have brought the issue of stray dogs into the legal and policy domain, necessitating the development of regulatory frameworks.

The growth of stray dog populations has also intensified conflicts between different stakeholders, including local communities, municipal authorities, and animal welfare organisations. While some advocate for stricter control measures, others emphasise the need for humane treatment and protection of animal rights. This conflict underscores the complexity of the issue and the need for a balanced approach.

Validating All Perspectives: The Two Sides of a Complex Issue

Before delving into the statutes and judgments, it is essential to acknowledge the legitimacy of both viewpoints with the seriousness they deserve.

The Legitimate Concerns of Residents: Safety, Hygiene, and Fear

For many residents, the primary concern is the safety and well-being of their families. These concerns are not irrational phobias; they are rooted in real-world risks and deserve to be treated with respect and gravity.

- **Safety of Children and the Elderly:** This is the most potent and valid concern. Children, due to their small stature and unpredictable movements, are particularly vulnerable. A single negative encounter, even if it doesn't result in a bite, can instill a lifelong fear and curtail a child's freedom to play outdoors. The elderly face a different risk; with reduced mobility and balance, they are less able to defend themselves or move away from a charging or overly friendly pack of dogs, leading to a high risk of falls that can result in life-altering injuries like hip fractures.
- **Hygiene and Sanitation:** Concerns about dog excrement in common areas, leftover food attracting rodents and other pests, and the general cleanliness of the society premises are entirely valid. These are not just aesthetic issues; they are public health concerns.
- **Noise and Disturbance:** A pack of dogs barking at night can be a significant nuisance, disrupting the sleep and mental peace of hundreds of residents.
- **Fear and Phobia:** Many people have a genuine, deep-seated fear of dogs (cynophobic). For them, encountering a stray dog, even a friendly one, in a confined space like a lift lobby, basement, or narrow corridor can be a traumatic and anxiety-inducing experience. Their right to feel safe in their own home's common areas must be respected.

The Compassionate Stand of Feeders: Care, Co-existence, and Responsibility

Equally valid is the perspective of those who care for these animals. Their actions are often rooted in a deep sense of empathy, a constitutional duty, and a belief in the principle of responsible co-existence.

- **Ethical and Constitutional Duty:** Feeders are often guided by **Article 51A(g) of the Constitution**, which mandates compassion for all living creatures. They believe that as the dominant species, humans have a moral duty to care for the vulnerable animals who

share their environment, animals often displaced by the very urbanization that created these housing societies.

- **Proactive Community Health Management:** Far from being a nuisance, dedicated community feeders often play a crucial, unpaid role in the welfare of stray dogs. They are the first to notice if a dog is sick, injured, or exhibiting unusual behavior. They are instrumental in facilitating vaccination and sterilization drives, which are the only scientific methods for managing the stray population humanely and safely.
- **Building Trust and Reducing Conflict:** Regular, structured feeding can make dogs less aggressive, less territorial over resources, and less fearful of humans. A well-fed, sterilized, and vaccinated dog is generally calmer, healthier, and poses a significantly lower risk to the community than a hungry, frightened, and unvaccinated one.

LEGAL AND REGULATORY FRAMEWORK GOVERNING STRAY DOGS

The issue of stray dogs in India cannot be understood in isolation from its historical and theoretical foundations.¹ The evolution of laws relating to animal welfare and public safety reflects broader societal attitudes towards animals and the State's role in regulating human-animal interactions. Historically, the management of stray dogs was guided by utilitarian considerations, focusing primarily on public safety and disease control. However, over time, there has been a significant shift towards recognising the intrinsic value of animals and the need for humane treatment. This transformation is evident in both legislative developments and judicial interpretations. This chapter examines the historical evolution of laws relating to stray dogs and explores the theoretical frameworks that underpin modern legal approaches.

INTERNATIONAL LEGAL FRAMEWORK

At the international level, there is no single binding convention specifically governing stray dogs. However, several international organisations and guidelines influence national policies on animal welfare and stray animal management. These frameworks emphasise humane treatment, disease control, and ethical considerations in handling animals.

The World Organisation for Animal Health (OIE) has developed guidelines for the control of

1. Prevention of Cruelty to Animals Act, 1960.
2. Animal Birth Control (Dogs) Rules, 2001.
3. World Health Organization (WHO), *Rabies Reports*.

stray dog populations, advocating humane methods such as sterilisation, vaccination, and responsible ownership. These guidelines discourage inhumane practices such as indiscriminate culling and emphasise the importance of community participation and governmental responsibility.¹

Similarly, the World Health Organisation (WHO) has addressed the issue of stray dogs primarily from a public health perspective, focusing on the prevention of rabies and other zoonotic diseases. WHO guidelines highlight the importance of vaccination programmes, population control, and public awareness campaigns as key strategies for managing stray dog populations.²

International human rights frameworks, while not directly addressing animal welfare, influence the regulation of stray dogs through principles such as the right to life and health. These principles require States to take appropriate measures to protect citizens from health risks associated with stray animals while ensuring humane treatment.

Constitutional Provisions Related to Animals' Right to Life in India

Article 51A(g) – Fundamental Duty

- It is the fundamental duty of every citizen “to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.”
- This is the primary constitutional recognition of the duty towards animals, emphasizing compassion and welfare.

Article 48 – Directive Principle of State Policy

- The State is directed to organize agriculture and animal husbandry on modern and scientific lines.
- It specifically mentions protection of animals from cruelty and mandates the State to ensure their welfare.

Article 21 – Right to Life

- Article 21 guarantees the right to life and personal liberty to all “persons.”
- The Supreme Court has interpreted this expansively to include protection of animals under the ambit of life, emphasizing that cruelty towards animals violates public morality and legal duty.

Prevention of Cruelty to Animals Act, 1960 (Statutory Backing)

- While not directly part of the Constitution, this law complements constitutional provisions.

- It gives legal backing to protect animals from unnecessary suffering, abuse, and cruelty, aligning with Articles 48 and 51A(g).

HISTORICAL EVOLUTION OF ANIMAL WELFARE LAWS IN INDIA

The legal regulation of animals in India has its roots in colonial legislation, which primarily focused on preventing cruelty and maintaining public order. Early laws were largely influenced by British legal principles and reflected a limited concern for animal welfare. The primary objective was to regulate human behaviour rather than to recognise animals as entities deserving of protection.

The enactment of the Prevention of Cruelty to Animals Act, 1960 marked a significant milestone in the development of animal welfare laws in India.¹ This legislation represented a shift from a purely utilitarian approach to a more humane and welfare-oriented framework. The Act established legal standards for the treatment of animals and created institutional mechanisms such as the Animal Welfare Board of India to oversee its implementation.

In the context of stray dogs, earlier practices often involved culling as a means of population control. However, growing awareness of animal rights and advancements in veterinary science led to the adoption of more humane methods. This shift was formalised through the introduction of the Animal Birth Control (Dogs) Rules, 2001, which prioritised sterilisation and vaccination over elimination.²

Judicial intervention has also played a crucial role in shaping the evolution of animal welfare laws. Courts have increasingly recognised the importance of protecting animals from cruelty and have interpreted existing laws in a manner that promotes humane treatment. This evolution reflects a broader societal shift towards recognising the moral and ethical obligations of humans towards animals.

INDIAN LEGAL FRAMEWORK

In India, the legal regulation of stray dogs is primarily governed by statutory provisions, subordinate legislation, and municipal laws. The framework reflects a dual objective of protecting animals from cruelty while ensuring public safety.

Legal Framework for Animal Welfare in India

India has several **animal welfare laws** that provide some level of protection to stray dogs. The primary legal protections for animals, including stray dogs, are derived from the **Prevention of Cruelty to Animals (PCA) Act, 1960** and guidelines issued by the **Animal Welfare Board**

of India (AWBI). These laws aim to prevent cruelty and provide humane treatment to all animals, including strays.

a. Prevention of Cruelty to Animals (PCA) Act, 1960

The **Prevention of Cruelty to Animals Act, 1960**, is one of the cornerstone pieces of legislation aimed at preventing cruelty to animals in India. This law applies to all animals, including **stray dogs**, and establishes guidelines for their treatment.

Under the PCA Act, **killing, maiming, or inflicting unnecessary pain** on animals, including stray dogs, is illegal. The act includes provisions for punishing individuals who abuse animals and sets standards for humane treatment, including the **prohibition of animal cruelty**.

While the PCA Act does not specifically address stray dogs, it extends to all animals, ensuring that stray dogs are protected from **cruelty and neglect**. It is unlawful to harm or abuse stray dogs, and people can be prosecuted under this law for mistreating them.

b. The Animal Welfare Board of India (AWBI)

The **Animal Welfare Board of India (AWBI)** is a statutory body under the Ministry of Fisheries, Animal Husbandry, and Dairying. AWBI plays a pivotal role in promoting and overseeing animal welfare in India. It has issued guidelines for the **humane treatment** of stray dogs, particularly in urban areas.

AWBI has been instrumental in advocating for the **sterilization and vaccination** of stray dogs as humane methods to control the stray dog population while ensuring their health and safety. The Board also encourages local municipalities and animal welfare organizations to provide **shelter, food, and medical care** for strays.

c. The Animal Birth Control (ABC) Program for Stray Dogs

One of the key initiatives by the Indian government to address the issue of stray dogs is the **Animal Birth Control (ABC) Program**, which aims to manage the stray dog population humanely. The program was introduced under the guidance of the **Supreme Court of India** in the early 2000s.

The **ABC program** encourages municipalities and animal welfare organizations to carry out **sterilization surgeries** for stray dogs, reducing the overall population through **birth control** rather than euthanasia. The program also promotes **vaccination** to prevent **rabies** and other diseases. This is seen as an effective method of controlling the stray dog population without resorting to harmful measures like **culling or euthanasia**.

The program is in line with the directives set by the **Supreme Court**, which issued clear instructions regarding the humane management of stray dogs, including their **protection from cruelty** and **ensuring their right to live peacefully** on the streets.

d. Stray Dogs and Municipalities

While Indian law offers several protections for stray dogs, municipalities are responsible for implementing animal welfare programs, such as the ABC program, at the local level. These municipalities are tasked with managing the stray dog population and ensuring their humane treatment.

Local authorities are required to provide **dog pounds** or **shelters** for stray dogs, particularly in cities and towns with high stray dog populations. However, the **effectiveness** of these measures varies from city to city. In some urban areas, municipal bodies are not equipped with the resources or infrastructure to fully implement these programs, leading to **poor living conditions** for the strays and limited medical care.

Additionally, municipalities must also ensure that stray dogs are not subjected to abuse, and public spaces where they roam are safe for both dogs and humans. Under municipal regulations, there is often a delicate balance between ensuring the safety of residents and protecting the rights of stray dogs.

e) The Animal Birth Control (Dogs) Rules, 2001 (amended in 2023) provide the primary mechanism for the management of stray dog populations. These rules mandate the sterilisation and vaccination of stray dogs as the preferred method of population control. The rules also prohibit the relocation or killing of stray dogs, except in cases where they are incurably ill or pose a significant threat to public safety. The responsibility for implementing these measures lies with local authorities, including municipal corporations.

The Indian Constitution also provides a normative framework for animal welfare. Article 51A(g) imposes a fundamental duty on citizens to show compassion towards living creatures, while Article 21, which guarantees the right to life, has been interpreted by courts to include the right to a safe and healthy environment. These provisions create a constitutional basis for balancing animal welfare with public safety.

JUDICIAL APPROACH TO ANIMAL WELFARE

Indian courts have consistently recognised the importance of animal welfare as an integral part of the legal system. The landmark judgment in *Animal Welfare Board of India v A Nagaraja* marked a significant development in this regard. In this case, the Supreme Court emphasised that animals have a right to live with dignity and free from unnecessary pain and suffering.¹ The Court interpreted statutory provisions in light of constitutional values, particularly Article 51A(g), which imposes a duty on citizens to show compassion towards living creatures.

This judgment expanded the scope of animal rights and established that welfare laws must be interpreted in a manner that promotes humane treatment. Although the case did not directly deal with stray dogs, its principles have been widely applied in subsequent cases involving animal welfare.

CONFLICT BETWEEN PUBLIC SAFETY AND ANIMAL RIGHTS

One of the central issues in judicial decisions relating to stray dogs is the conflict between public safety and animal rights. Courts have been required to balance the right to life and safety of citizens under Article 21 of the Constitution with the protection of animals under statutory and constitutional provisions.

In several cases, courts have emphasised that neither interest can be given absolute priority. Instead, a balanced approach is required, taking into account the specific circumstances of each case. This has led to the adoption of principles such as proportionality and reasonableness in determining appropriate measures.

1. **Animal Welfare Board of India v. A. Nagaraja & Ors. (2014)** – Recognised animals' right to life and dignity under Article 21.
2. **People for Ethical Treatment of Animals (PETA) v. Union of India (2012)** – Strengthened prohibition of animal suffering.
3. **State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005)** – Allowed Directive Principles to protect animals.
4. **Geeta Seshamani v. Union of India (2008)** – Directed that sterilised and vaccinated dogs be released back.
5. **Municipal Corporation of Greater Mumbai v. PEST (2005)** – Confirmed sterilise-and-release policy under ABC Rules.
6. **Centre for Environmental Law, WWF-India v. Union of India (2013)** – Recognised species' right to exist.
7. **Gauri Maulekhi v. Union of India (2017)** – Linked animal welfare to fundamental duties under Article 51A(g)

JUDICIAL PRINCIPLES EMERGING FROM CASE LAW

The analysis of judicial decisions reveals several key principles that guide the regulation of stray dogs.

Principle of Animal Welfare

Courts have consistently upheld the principle that animals must be treated with dignity and compassion. This principle limits the use of coercive measures and promotes humane methods of population control.

Principle of Public Safety

At the same time, courts recognise the State's duty to protect citizens from harm. This principle justifies regulatory measures aimed at controlling stray dog populations and preventing public health risks.

Doctrine of Proportionality

The doctrine of proportionality requires that measures taken by authorities must be reasonable and not excessive. For instance, indiscriminate culling may be considered disproportionate if less harmful alternatives are available.

Principle of Natural Justice

Judicial decisions emphasise the importance of fairness and due process in implementing regulatory measures. Authorities must act in accordance with legal procedures and ensure transparency in decision-making.

Duty of Authorities

Courts have repeatedly highlighted the responsibility of municipal authorities to implement sterilisation and vaccination programmes effectively. Failure to discharge this duty may result in judicial intervention.

ROLE OF JUDICIARY IN POLICY FORMULATION

In addition to interpreting laws, the judiciary has played a significant role in shaping policy relating to stray dogs. Courts have issued directions to authorities regarding the implementation of sterilisation programmes, establishment of shelters, and conduct of awareness campaigns.

Judicial directions have often served as a catalyst for policy reforms, prompting authorities to take action and address deficiencies in the system. However, the reliance on judicial intervention also highlights the shortcomings of administrative mechanisms.

CHALLENGES FACED BY THE JUDICIARY

The judiciary faces several challenges in dealing with stray dog-related cases. One of the primary challenges is the absence of clear and uniform legal standards, which leads to inconsistent decisions. Different courts may adopt varying approaches, resulting in legal uncertainty.

Another challenge is the complexity of the issue, which involves scientific, ethical, and administrative considerations. Courts must rely on expert opinions and evidence, which may not always be readily available.

The increasing number of cases also places a burden on the judicial system, highlighting the need for effective administrative solutions.

The role of the judiciary in regulating stray dogs has been both significant and transformative. Through its decisions, the judiciary has strengthened animal welfare laws, clarified the duties of authorities, and emphasised the need for a balanced approach.

However, judicial intervention alone cannot address the underlying issues. The effectiveness of legal regulation depends on proper implementation by authorities and active participation by stakeholders. The lack of uniformity in judicial decisions also underscores the need for clearer legislative guidelines.

CONCLUSION

The regulation of stray dogs in India represents a complex legal and policy challenge that requires balancing competing interests of public safety and animal welfare.² Over the years, India has developed a legal framework that reflects a humane and progressive approach towards animals, particularly through statutes such as the Prevention of Cruelty to Animals Act, 1960 and the Animal Birth Control (Dogs) Rules. However, despite the existence of these legal provisions, the persistent issues associated with stray dog populations indicate significant gaps in implementation and governance. This chapter consolidates the findings of the study, evaluates the effectiveness of the existing legal framework, and proposes recommendations for improving the regulation of stray dogs in India.

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1. ² Prevention of Cruelty to Animals Act, 1960.
 2. Animal Birth Control (Dogs) Rules, 2001 (as amended 2023).
 3. World Health Organization (WHO), *Rabies Control Guidelines*.