



E-ISSN: 2790-0681
P-ISSN: 2790-0673
Impact Factor: RJIF: 5.67
www.lawjournal.info
IJLJJ 2025; 5(2): 493-495
Received: 02-09-2025
Accepted: 05-10-2025

S Nivetha
BBA, LLB (Hons), LLM,
University of Madras, Chennai,
Tamil Nadu, India

Balancing human safety and animal freedom: A comparative study on India's supreme court approach on stray dog regulation

S Nivetha

DOI: <https://www.doi.org/10.22271/2790-0673.2025.v5.i2f.262>

Abstract

The evolution of stray dogs in India traces back to ancient times when dogs roamed freely as informal guardians. In recent decades, the term "stray" has emerged to describe abandoned, unmonitored dogs lacking proper care. Factors such as poor waste management, uncontrolled breeding, and abandonment have led to a surge in stray dog populations, resulting in serious public health risks including rabies, leptospirosis, and toxocariasis. India records the highest rabies-related deaths globally, with over 1.75 crore dog bite cases reported between 2019-2022. Major incidents in Kerala (2022) and Delhi (2023) involving child fatalities triggered legal scrutiny and public interest litigations. The Supreme Court responded with directives under the Animal Birth Control (ABC) Rules, 2023, mandating sterilization, vaccination, and infrastructure development for stray dogs. However, the order to retain dogs post-treatment sparked nationwide controversy, clashing with earlier judicial precedents and raising ethical concerns. India's legal and constitutional framework, including the Prevention of Cruelty to Animals Act, 1960 and Articles 21 and 51(g), affirms the dignity and rights of animals. The debate continues over balancing public safety with animal welfare, emphasizing humane treatment, responsible governance, and the ethical imperative to protect all living beings.

Keywords: Stray dogs, rabies, public health, animal welfare, supreme court

Introduction

Background & history of stray dogs in India

The evolution of stray dogs goes way back to the ancient period. Initially dogs were informal guards and they were free-roaming in streets. The concept of having dogs as pets evolved in the recent decades. The word 'stray' itself has evolved in the recent decades. Earlier it was just dogs or street dogs. Since they are abandoned and have no proper guardian and care, they are termed as stray dogs. The factors such as improper waste management, abandoning dogs, improper reproduction and breeding led to the increase in number of stray dogs. Over a point of time, the stray dogs started causing trouble in the society which led to the reformation and activism of animal rights and legal provisions were made.

Public health risks

There are many risks involved because of stray dogs and some are very serious often resulting in death.

- **Rabies:** It is transmitted from animals, mainly stray dogs. It affects the central nervous system of the human being and it is fatal in nature. Many children are affected due to this. However, vaccination is done to safeguard from this.
- **Leptospirosis:** It is a bacterial zoonotic disease caused by the urine of infected animals. Stray dogs urinate in public spaces. People and children who come in contact with this gets affected. It causes fever, jaundice, kidney damage and sometimes death.
- **Toxocariasis:** It is a parasitic infection from roundworms of dog feces. It results in fever, cough, vision loss and lung damage.
- **Dog Attacks and Dog Bites:** Many stray dogs attack children, elders etc at streets. These people cannot control them and end up getting attacked by them. This creates fear among people, pain, infection and trauma. This sometimes requires medical treatment and injections.

Correspondence Author:
S Nivetha
BBA, LLB (Hons), LLM,
University of Madras, Chennai,
Tamil Nadu, India

Statistical Data of Dog bite cases in India

- Over 1.75 crore dog bite cases took place in the year 2019-2022 based on a report submitted before the Supreme Court.
- Major states like Kerala, Uttar Pradesh, Delhi are facing this and mainly children are the victims in this.
- Based on data of the WHO, India has highest rate of rabies in the world.
- Over 20,000 deaths takes place annually due to rabies.

Major dog bite cases in India

In 2022, Kerala faced a big stray dog issue. Many children and elderly people were affected due to stray dog bite and attack. Children below the age of 10 were majorly effected. This created huge fear in the society. The municipal corporations failed to provide proper care such as sterilization and vaccination which led to the filing of Public Interest Litigation before the Supreme Court. It is mainly because of stray dogs in unmonitored urban areas.

A much similar incident took place in Delhi in 2023. A 7 year old child was mauled by stray dog inside a housing society grabbed media attention and became serious.

These kinds of issues led to the filing of PIL before the Supreme Court.

Legal framework in India

- **Prevention of cruelty to animals act, 1960:** To prevent unnecessary pain or suffering on animals and establish punishments for cruelty. It defines cruelty, sets duties for animal caretakers, and includes provisions for establishing an Animal Welfare Board.
- **The Animal Birth Control (ABC) Rules, 2023:** These are guidelines in India to manage stray dog populations through a humane Capture-Neuter-Vaccinate-Release (CNVR) program. These rules, framed under the PCA Act 1960 to mandate local bodies and animal welfare organizations to conduct large-scale sterilization and vaccination drives to control dog numbers and prevent rabies.

Constitutional Provisions

- **Article 21:** This includes right to life which includes right to live with dignity for animals.
- In *Animal welfare board of India vs Nagaraja*, The Supreme Court emphasized that the dogs too has dignity just like humans in this society.
- **Article 51(g):** Imposes duty on every citizen to protect living creatures with compassion.

Landmark judicial dog bite case

The landmark case that created widespread controversies across India is the Stray dog issue, where Justice JB Pardiwala and Justice R Mahadevan took suo motu cognizance after a report titled "City hounded by strays, Kids Pay Price" was released on the Times of India. Several dog bite cases were reported in the areas of Delhi -NCR, Faridabad, Ghaziabad etc, including child deaths due to rabies. No action was taken further and municipal authorities failed to do so which ultimately led to the suo motu cognizance.

Summary of the case

After the report was published, on 11th August 2025, the Hon'ble Supreme Court issued the following directions,

- To capture stray dogs in the areas of Delhi, Ghaziabad, Faridabad, Ghaziabad, Gurugram and Noida and to relocate them.
- To sterilize, deform and immunize the stray dogs in accordance with the ABC Rules 2023.
- Should not release the stray dogs back to the street and to submit reports on compliance.
- To create proper infrastructure for the stray dogs.

Controversies & Criticisms

The order passed by the Supreme Court created major controversies across the nation. Some of them includes,

- Public feeding is banned and can be fed only in designated areas.
- Contradictory view to the precedents *Swati Sudhirchandra Chaterjee vs Vijay Shankarrao Talewar*, where public feeding was encouraged.
- The order to keep the stray dogs and not release them sounded very harsh to the animal advocates, activists and other general class of people too.
- It is unnecessary to keep the stray dogs themselves rather releasing them.

Fallout of the Order passed

Since the order created major outleash and controversies, the order was later stayed by the Supreme Court and the authorities were asked to release the stray dogs back after proper sterilization and other medical care. Also NGO's were required to deposit welfare funds.

Animal freedom-constitutional & legal perspective

Just like human beings, animals too are entitled to freedom in the society. Just like how the fundamental rights under Part III of the Indian Constitution are guaranteed to citizens of the country, the dogs too requires to be treated with dignity, proper health care, clean environment, right to live freely.

Just because they are not able to communicate doesn't give human beings to take complete control over them. Properly sterilising them and giving proper medical care and treating their diseases are duties of the government. But retaining them after all the treatment is a huge debate whether actually needed or not.

Stray dogs are protected under the Prevention of Cruelty to Animals Act, 1960, and under Rules enacted under Section 38 of the Act the offender will have to pay a fine, extending to fifty rupees. If it is the case of a second offense, he will be fined not less than twenty-five rupees but which may extend to one hundred rupees or imprisonment for up to three months or both.

Conclusion

The issue of stray dogs in India presents a complex challenge that intertwines public health, legal responsibility, and ethical compassion. While the rise in dog bite incidents and zoonotic diseases demands urgent and systematic intervention, it is equally vital to uphold the dignity and rights of animals as enshrined in the Constitution and legal statutes. A balanced approach must prioritize humane solutions such as widespread sterilization, vaccination, and

responsible urban planning while ensuring the safety of citizens, especially vulnerable groups like children and the elderly. Municipal bodies, NGOs, and citizens must collaborate to create designated feeding zones, proper shelters, and educational campaigns that foster empathy without compromising public safety. True progress lies not in choosing between human welfare and animal rights, but in harmonizing both through thoughtful policy, compassionate enforcement, and inclusive dialogue. In doing so, society can evolve into a space where both people and animals coexist with dignity, care, and mutual respect.

23. Indian Express. 7-year-old mauled by stray dogs in Delhi housing society. 2023.

References

1. Panicker Radhakrishnan KSJ. *Animal Rights: Advanced Legal Studies*. New Delhi: LexisNexis; 2017.
2. Agarwal A. *Law Relating to Protection of Animals*. New Delhi: Universal Law Publishing; 2020.
3. Madhava Menon NR. *Changing Perspectives on Human Rights and Animal Rights*. Lucknow: Eastern Book Company; 2018.
4. Rao S, Ramana BV. *Environmental Law*. Lucknow: Eastern Book Company; 2022. Chapter: Animal Welfare.
5. Chungath P, Kumar V. Stray dog management in India: legal and ethical dimensions. *Indian J Public Adm*. 2021;67(3).
6. Gupta R. Balancing animal rights and human rights: judicial trends in India. *J Indian Law Soc*. 2020;12.
7. Singh A. Rabies in India: challenges and public health response. *Int J Infect Dis*. 2019.
8. Ramaswamy S. Stray dogs and urban governance: a public health perspective. *Econ Polit Wkly*. 2022;57(14).
9. Government of India. *The Prevention of Cruelty to Animals Act, 1960*. Ministry of Fisheries, Animal Husbandry & Dairying; 1960.
10. Government of India. *Animal Birth Control Rules, 2023*. Ministry of Fisheries, Animal Husbandry & Dairying; 2023.
11. Ministry of Health and Family Welfare. *National Rabies Control Programme: Annual Report 2022*. New Delhi: Government of India; 2022.
12. Ministry of Environment, Forest & Climate Change. *Municipal Solid Waste Management Rules, 2016*. New Delhi: Government of India; 2016.
13. World Health Organization (WHO). *Rabies: Key Facts and Global Data Report*. Geneva: WHO; 2022.
14. World Organisation for Animal Health (OIE). *Global Framework on Dog Population Management*. Paris: OIE; 2021.
15. *Animal Welfare Board of India v. A. Nagaraja & Ors*. (2014) 7 SCC 547.
16. *Gauri Maulekhi v. State of Uttarakhand*. 2018.
17. *People for Elimination of Stray Troubles (PEST) v. State of Goa*. 2021.
18. *Municipal Corporation of Greater Mumbai v. People for Ethical Treatment of Animals (PETA)*. 2015.
19. *Swati Sudhir Chatterjee v. Vijay Shankarrao Talewar*. Bombay High Court; 2021.
20. *In Re: Stray Dogs in Delhi-NCR (Suo Motu)*. 2025.
21. *The Hindu*. Kerala stray dog attacks rise; PIL filed in Supreme Court. 2022.
22. *Times of India*. City hounded by strays, kids pay price. 2025.