

STRAY DOGS WITHIN THE LEGAL FRAMEWORK: BALANCING OF PUBLIC SAFETY AND ANIMAL WELFARE

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ABSTRACT

The issue of stray dogs remains a significant challenge in India, sparking concerns and debates over public safety, legal accountability, and animal welfare. The rising population of stray dogs has resulted in frequent incidents of human-animal conflict, including attacks on individuals and the transmission of diseases like rabies. At the same time, legal provisions under various statutes mandate the protection of these animals, emphasizing humane treatment and prohibiting harm, thereby creating a complex legal and ethical dilemma. This research aims to address and resolve this complex dilemma, in order find a solution for this quandary. The judiciary, as the guardian of constitutional rights, has played a crucial role in interpreting the law, balancing human safety with the protection of stray animals, and establishing guidelines for their management. As modern scenarios demand clearer interpretations of statutes by the judiciary, this research paper largely examines the judicial response to stray dog-related concerns with the help of landmark precedents, legislative measures, and municipal responsibilities, relying primarily on a doctrinal methodology. The research paper also attempts to concentrate on international statutes and other related concerns. The paper aims to propose practical pathways for harmonizing these competing interests in contemporary contexts.

Keywords: Stray Dogs, Public Safety, Animal Welfare, International Statutes, Legal Framework, Municipal Responsibility.

INTRODUCTION

The increasing incidence of stray dog-related conflicts and attacks has become a pressing concern not only in India but across the globe. Reports of fatal dog bites, the spread of zoonotic diseases such as rabies, and growing public safety concerns have intensified debates surrounding the regulation and management of stray dog populations. This raises a fundamental question: Who bears the responsibility for this crisis? The issue is multi-faceted, involving the failure of governmental bodies—both at the state and central levels—to implement effective population control measures, the role of citizens whose actions or inactions contribute to the problem, and the

natural consequences of unregulated canine presence in urban and rural spaces.

In response to this ongoing challenge, the Ministry of Fisheries, Animal Husbandry & Dairying notified the Animal Birth Control Rules, 2023, under the Prevention of Cruelty to Animals Act, 1960, replacing the Animal Birth Control (Dog) Rules, 2001. These new rules aim to manage stray dog populations through sterilization and immunization programs, addressing both animal welfare concerns and public safety issues²⁰⁵⁵. Despite these regulatory measures, the number of dog bite cases

²⁰⁵⁵ Ministry of Fisheries, Animal Husbandry & Dairying, Scientific Management of Stray Dog Population, Press Information Bureau (Aug. 6, 2024, 5:18 PM), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2042170>.

remains alarmingly high. The Integrated Disease Surveillance Plan – Integrated Health Information Platform (IDSP-IHIP) recorded 30,43,339 dog bite cases in 2023²⁰⁵⁶, highlighting the severity of human-animal conflict and the pressing need for effective legal interventions.

Globally, dog-mediated rabies remains a major public health concern. According to the World Health Organization (WHO), 59,000 human deaths occur annually due to dog-mediated rabies, with India alone accounting for 20,565 deaths (35%), based on a 2004 study. To combat this issue, the Ministry of Health & Family Welfare has been implementing the National Rabies Control Programme (NRCP) across all states and union territories (except Andaman and Nicobar Islands and Lakshadweep) since the 12th Five-Year Plan²⁰⁵⁷, focusing on mass vaccination, public awareness, and disease surveillance.

Further reinforcing the scale of this issue, data from the Integrated Disease Surveillance Programme (IDSP-IHIP) of the Ministry of Health and Family Welfare, Government of India, reveals that between January and December 2024, 21,95,122 dog bite cases were reported across rural areas in India, leading to 37 deaths²⁰⁵⁸. Additionally, 5,19,704 of these cases involved children under the age of 15²⁰⁵⁹, emphasizing the urgent need for policy reforms, stricter enforcement of stray dog regulations, and enhanced public health initiatives.

To facilitate the research paper, this research adopts the doctrinal methodology. This methodology will enhance the legal precedents, statutes, frameworks, judicial response, supplemented by recent data, to address implementation shortcomings and contribute to a cohesive legal-policy framework for India's stray dog conundrum.

LEGAL FRAMEWORK

1. CONSTITUTIONAL INTERPRETATION

Constitutional rights are fundamental and must always be both safeguarded and enforced. As the concept of "Equality" is explicitly emphasized in the Preamble of the Constitution, it is essential to recognize that these rights serve as a shield for both humans and animals alike. The Right to life under the article 21²⁰⁶⁰ of the Constitution empowers the same. Ensuring public protection from aggressive animal behaviour and penalizing cruelty inflicted upon animals by humans should be viewed as interconnected responsibilities, representing two sides of the same principle.

The impact of Article 21 of the Indian Constitution formed between the public safety and animal welfare is well established. The Supreme Court emphasized that animals have the right to live with dignity under Article 21, reinforcing compassionate treatment. However, this ruling conflicts with public safety concerns, where uncontrolled stray dog populations pose risks of attacks and disease transmission, raising debates on regulation versus protection.²⁰⁶¹

Article 48A²⁰⁶² (DPSP) directs the state to protect the environment and wildlife, reinforcing ecologically responsible stray animal management.

2. LEGAL CONCEPTS

- ***The Prevention of Cruelty to Animals Act, 1960***²⁰⁶³: Section 11 of this Act states that, criminalizes cruelty to animals, including beating, killing, or maiming stray dogs. Establishes the Animal Welfare Board of India (AWBI) to regulate and oversee animal protection measures.
- ***The Animal Birth Control (Dogs) Rules, 2023***: Enacted by the Prevention of Cruelty to Animals Act of 1960 as a

²⁰⁵⁶ Id.

²⁰⁵⁷ National Rabies Control Programme (NRCP), Ministry of Health & Family Welfare, <https://www.ncdc.gov.in/index1.php?lang=1&level=2&sublinkid=274&lid=163>.

²⁰⁵⁸ Ministry of Health & Family Welfare, Menace of Stray Animals, Press Information Bureau (Feb. 4, 2025, 5:20 PM), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2099680>.

²⁰⁵⁹ Id.

²⁰⁶⁰ Article 21 of the Indian Constitution.

²⁰⁶¹ Animal Welfare Board of India v. A. Nagaraja (2014) 7 SCC 547.

²⁰⁶² Article 48A of Indian Constitution.

²⁰⁶³ Section 11 of Prevention of Cruelty to Animals Act, 1960.

replacement for the 2001 Rules. Makes sterilization and immunization the primary means for managing the street dog population. Mandates the use of birth control programs by the municipalities as alternatives to culling.

- **Section 325 of the BNS²⁰⁶⁴:** This section mainly penalizes all acts of cruelty such as killing, poisoning, maiming or rendering useless any animal. Penalty for such acts under this section is up to two years' imprisonment, or fine or both. Municipal authorities are, however, permitted to deal with the issue of stray dog populations by undertaking legally sanctioned sterilization and vaccination programs and not by destructive methods.
- **Local Laws and Municipal Government:** Various Municipal Corporation Acts empower the municipalities to take charge of street dogs, conduct sterilization drives, and ensure public order. Mumbai and Delhi have specific by-laws regulating street dog control.

3. INTERNATIONAL STATUTES

An effective stray dog management system has been successfully implemented in many countries outside India because of a strong framework evident in their laws, regulations, and statutes. As time files, most of the international convention and Global Organisation began to raise concerns regarding animal welfare including:

- **European Convention for the Protection of Pet Animals, 1987²⁰⁶⁵:** One of its main goals was to promote responsible animal and stray dog ownership as well as the humane treatment of animals. It requires member states to implement legislation and administrative practices that prevent animals from suffering unnecessarily through promoting humane catching, neutering, and

vaccination. It also requires the employment of non-lethal population management in lieu of culling and the regulation of animal ownership to avoid abandonment, one of the primary causes of stray dog populations. It serves as a model for countries wishing to adopt a legally firm and ethical stray dog management strategy that would prioritize animal welfare as well as public security.

- **World Health Organization (WHO):** Rabies remains a significant public health issue with stray dogs being the primary carriers in most of the world. WHO Guidelines for Rabies Control provide detailed recommendations for reducing human-stray animal conflict for effective prevention of the disease. These guidelines encourage mass vaccination of stray dogs as the most effective method. They also stress legislation for promotion of humane stray dog management.²⁰⁶⁶ Most of the country-based rabies elimination programs like India's National Rabies Control Programme are formed based on these WHO guidelines because of their influence on global rabies control strategy.
- **OIE Terrestrial Animal Health Code²⁰⁶⁷:** The OIE Terrestrial Animal Health Code establishes international guidelines on the prevention, detection, and control of animal diseases, including rabies and stray dog control. The Code recommends science-based vaccination and sterilization programs as the control measures of choice, along with responsible pet ownership law to preclude uncontrolled stray population growth. It also recommends humane killing of sick or very aggressive stray

²⁰⁶⁴ Section 325 of Bharatiya Nyaya Sanhita, 2023.

²⁰⁶⁵ European Convention for the Protection of Pet Animals, opened for signature Nov. 13, 1987, CETS No. 125 (entered into force May 1, 1992).

²⁰⁶⁶ World Health Organization, WHO Expert Consultation on Rabies: Third Report, WHO Tech. Rep. Ser. No. 1012 (2018), <https://www.who.int/publications/i/item/WHO-TRS-1012>.

²⁰⁶⁷ Citation: World Organisation for Animal Health (OIE), Terrestrial Animal Health Code, ch. 7.7, 29th ed. (2021), <https://www.woah.org/en/what-we-do/standards/codes-and-manuals/>.

dogs. Member countries of the OIE are obligated to follow these guidelines as part of their agreement to harmonize national policy with international best practice in disease control and animal welfare and to achieve a balanced approach to public health and animal protection.

ANALYSIS AND DISCUSSIONS

Street dog problem presents the issue of balancing animal welfare and public protection in the guise of a multifaceted challenge that is both ethical and legal in nature and also societal. While the Constitution, laws, and judicial precedents frame the administration of street dogs, public opposition, inadequate municipal funds, and enforcement variability keep the effective enforcement thereof from happening. This segment critically examines the issue's ethical, legal, and societal dimensions, examines landmark case laws and implications, examines comparative legal perspectives, and determines enforcement issues in practice.

LEGAL, ETHICAL, AND SOCIETAL ISSUES

The law that governs the stray dog is premised on the twin ideologies of human rights and animal rights. Public safety has been constitutionalized in the Constitution of India by Article 21, which ensures that citizens are entitled to live in a safe environment that does not pose any harm from stray animals. At the same time, the Supreme Court in *Animal Welfare Board of India v. A. Nagaraja*²⁰⁶⁸ held that the right to live with dignity also applies to animals and grants them more protection by law. That is where the paradox in law arises because the aggressive or sick stray dog directly puts human life in jeopardy yet indiscriminate killing or removal violates the law that protects animals.

Ethically, coexistence is the main argument in the protection of stray dogs. Animal welfare activists defend the intrinsic value of life and claim that the life of the stray dog cannot be

subjected to brutality, forced relocation, or killing. Public safety activists retort that human life should take priority, particularly in the case of dog attacks, rabies deaths, and the urban growth in the number of stray dogs. The 2016 Kerala High Court judgment²⁰⁶⁹ brought the ethical dilemma into the limelight by observing that the government has the obligation to balance humane treatment and public protection.

Societally, the stray dog overpopulation results in frequent conflicts in residential complexes, public spaces, and urban areas. Public outrage and demands for tougher measures have been fuelled by reported dog bites, fatal rabies attacks, and pack attacks. Simultaneously, illegal dog killing, public intimidation of feeders, and the lack of coordinated efforts by municipalities further raise the tension. Public opinion remains very polarized, with animal rights activists, municipal authorities, and citizens often differing on the most effective approach towards controlling stray dogs.

RESPONSIBILITY OF MUNICIPAL CORPORATIONS IN STRAY DOG MANAGEMENT

Municipal authorities also have the responsibility for ensuring proper waste management as improper waste disposal promotes the growth in the number of street dogs by providing them easy access to abundant food. Inadequate sanitation practices have a direct contribution towards the number of street dogs in urban areas, leading to more dog bites, territorial attacks, and pack behaviour. Municipal corporations must ensure waste disposal practices and prevent breeding among street dogs where there is piling up of waste food in order to achieve the overall public health and urban sanitation goal.

Moreover, municipal corporations need to raise public awareness and promote responsible pet ownership to prevent pet abandonment, one of the main causes for the rising number of street dogs. Unlike Germany and the United Kingdom,

²⁰⁶⁸ *Animal Welfare Board of India v. A. Nagaraja* (2014) 7 SCC 547.

²⁰⁶⁹ *Animal Welfare Board of India v. People for Elimination of Stray Troubles (P.E.S.T.)*, 2016 SCC OnLine Ker 15089.

where dog ownership is tightly controlled by pet licensing and microchipping laws, there exists no overall system in India for tracking and monitoring pets. Due to this legislative gap, uncontrolled breeding and abandonment take place, causing further pressure on the municipal authorities. Public education programs on the importance of sterilization, good feeding practices, and rabies prevention need to be implemented in order to facilitate community participation in the management of street dogs.

OTHER SIDE OF THE COIN

These statistics underscore the rapid increase in the dog population in India, leading to a surge in stray dog-related incidents. While a portion of these dogs are adopted as pets or trained as K-9s, millions continue to roam the streets without owners, ultimately being classified as “stray dogs”. Although dogs are generally affectionate and social animals, their behaviour is heavily influenced by environmental factors. In unpredictable surroundings, they may become ferocious and aggressive, posing a serious threat to public safety.

The Despised and Dishonoured: The Non-Human 'Beast' and the Non-Conforming 'Khairati'

The article documents a number of cases of violence against stray animals, and particularly street dogs. The article elucidates that street dogs are mostly viewed as public nuisances and are attacked with unrestrained brutality, including sexual violence. The paper details horrific cases where stray dogs were raped, mutilated, or tortured, often for sexual gratification. An example is the case of a male street dog in Mumbai, whose spine and jaw were broken and his penis was cut off before he succumbed to his injuries. Another example from Goa reports how a stray dog, Black Lill, was found with a screwdriver handle forcibly inserted into her uterus, allegedly as a form of community punishment. The paper criticizes the failure of legal mechanisms in providing sufficient protection to stray dogs from such violence and calls for their inclusion in the

discussion of gendered sexual violence and victimhood²⁰⁷⁰.

PUNISHMENT FOR CRUELITIES AGAINST STRAY DOGS

- ***Prevention of Cruelty to Animals Act, 1960 (PCA, 1960):*** Section 11(1) of this Act²⁰⁷¹ deals with cruelty to animals (including stray dogs) includes beating, kicking, torturing, starving, or mutilating them. Punishment: Fine of ₹10 to ₹50 for the first offense. For subsequent offense within three years, fine of ₹25 to ₹100 or imprisonment for up to three months, or both. Limitation: Penalties under this Act are very insufficient, and hence there is a demand for a more stringent law.
- ***Section 325 of Bharatiya Nyaya Sanhita-Mischief:*** by killing or maiming animal, Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. Imprisonment for 5 years, or fine, or both.
- Section 377 (before decriminalization of homosexuality in 2018) of IPC : Used to prosecute sexual crimes against animals (including stray dogs) as “unnatural offenses,” carrying a punishment of imprisonment for life or up to 10 years and a fine. But this laws and punishment disappeared after the emergence of Bharatiya Nyaya Sanhita, 2023.

PRACTICAL ENFORCEMENT CHALLENGES IN STRAY DOG MANAGEMENT

Despite the strong provisions in law that are meant to control the dog population in India, enforcement remains the biggest challenge. All the stakeholders – the municipal authorities, the judiciary, and the public – have significant roles in the process of enforcement, yet gaps in

²⁰⁷⁰ Alok Hisarwala Gupta, *The Despised and Dishonoured: The Non-Human 'Beast' and the Non-Conforming 'Khairati'*, 13 NUJS L. Rev. 433 (2020).

²⁰⁷¹ Section 11(1) of Prevention of Cruelty to Animals Act, 1960 (PCA, 1960).

coordination, law ambiguity, and public participation hamper effective enforcement.

One of the most important problems is the lack of municipal coordination in the operation of the Animal Birth Control programs. The street dogs are not effectively sterilized and vaccinated by most municipalities, leading to uncontrolled breeding. It is because there is no proper financing, there are no veterinary clinics, and there are no trained experts who are capable of conducting large-scale sterilization and vaccination drives. So most municipalities either resort to illegal indiscriminate killing or do nothing and the issue gets exacerbated.

A contributing factor towards the challenge is judicial uncertainty in which the courts balance humane treatment and public safety and hence interpret the two in conflicting terms. While the Supreme Court has held in *Animal Welfare Board of India v. A. Nagaraja*²⁰⁷² that animals have the right to live in dignity, the courts have also held that human safety must take priority in the case of dog bites. Judicial inconsistency in the enforcement of these two makes enforcement more difficult for municipalities in deciding if the stray dogs are to be rescued or killed in certain situations, causing confusion in enforcement. Public opposition and misconceptions pose another enforcement issue. Public opinion regarding the stray dog issue is highly polarized—some individuals and groups actively feed and protect the stray dogs and resist any form of removal or relocation, while others demand instant and extreme measures to eradicate the dog bite and rabies threat. This leads to frequent clashes between animal welfare societies, the local government, and citizens, once again hindering the process of effective policy implementation.

Another contributing factor towards the stray dog issue is the lack of awareness and inadequate pet ownership laws. Many dogs are not spayed or neutered by the pet owners, and abandoned pets are simply let loose on the

streets, contributing to the street dog population. Unlike the United Kingdom and Germany where strict microchipping and licensing laws hold pet owners responsible for registration and microchipping, there exists no system in India that regulates pet ownership, tracks abandoned animals, or regulates uncontrolled breeding. This results in uncontrolled street dog populations that pose long-term issues for the authorities.

Lastly, disease management and rabies control remain a significant public health problem. Mass dog vaccination has remained the most effective method of rabies control based on the World Health Organization recommendations. Nevertheless, the rabies vaccination coverage in India remains irregular among the rural and underserved populations. While the National Rabies Control Programme has been successful, there remain areas that have no access to rabies awareness programs and vaccinations, leading to continuing outbreaks and high dog bite rates.

RECOMMENDATION

Based on the observations and analysis conducted in this research paper, the following recommendations are proposed to solve the issues of stray dogs and have a more humane and structured approach:

- ***Keep the Vicinity Clean.*** Keeping the residential and commercial areas clean and disposing of waste properly can effectively decrease the appeal of garbage and leftover food for stray dogs, reducing their presence in public places.
- ***Every Family Feeds One Stray Dog.*** Encouraging a community-oriented program where each family takes the responsibility of feeding at least one stray dog can foster coexistence and reduce instances of starvation and aggression among stray populations.
- ***Implement Sterilization Programs.*** Empowering and strengthening sterilization operations under the Animal

²⁰⁷² *Animal Welfare Board of India v. A. Nagaraja* (2014) 7 SCC 547.

Birth Control (ABC) program will control stray dog populations effectively, preventing uncontrolled breeding and reducing related conflicts.

- ***Schemes and Compensation for Victims of Stray Dog Bites:*** Government-backed schemes to provide medical compensation and rehabilitation support to victims of stray dog bites will guarantee public safety while promoting responsible management of strays like ABC-ARV programmes.

CONCLUSION

India's legal, ethical, and societal challenges in dealing with stray dog management are extremely controversial. Court rulings weigh public safety against animal welfare, but practical application faces many hurdles. Ineffective municipal implementation, ambiguity in law, and extremely divided public opinion still hinder sustainable initiatives. Drawing from international best practices, India needs greater municipal accountability, more stringent pet ownership laws, and enhanced public education initiatives for reconciling legal imperatives and practical reality. Efficient enforcement and public compliance through well-regulated law continue to be the foundation for addressing the issue of stray dogs.

GRASP - EDUCATE - EVOLVE