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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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BETWEEN THE STREET AND THE SHELTER: RETHINKING INDIA'S LEGAL FRAMEWORK FOR STRAY ANIMAL WELFARE

AUTHORED BY - SUHANA BRAR

Stray animals have long been part of India's shared spaces wandering in markets, curling up in front of shop entrances, or trailing behind roadside vendors. They are as much a part of the urban and rural landscape as the people who pass them by. Yet, their presence often triggers conflicting reactions: affection from some, hostility from others, and indifference from many. Over the years, India has recognised that these animals are not "ownerless" in the moral sense. The Constitution itself, through Articles 48A and 51A(g)¹, places a duty on both the State and citizens to protect and improve the natural environment, which includes all living creatures. The Prevention of Cruelty to Animals Act, 1960 (PCA Act) and the Animal Birth Control (Dogs) Rules, 2023 attempt to translate this principle into practice, laying down protections against abuse and providing a humane framework for population control.

Despite this, the reality is uneven. Some cities have sterilisation and vaccination programmes in place, while others lack even basic shelters. Laws are often interpreted differently from one municipal jurisdiction to another. Even the courts, while generally protective of animal rights, have sometimes struggled to balance them with concerns over public safety and sanitation.

The scope of this paper is two-fold:

1. To examine India's current legal framework for stray animal care and shelter, identifying where it works and where it falters.
2. To compare these systems with foreign models—both progressive and controversial—to understand what lessons can be adapted to the Indian context.

The analysis is not anchored to any single ongoing case, even though recent court developments have brought the issue into public focus. Instead, it seeks to create a longer shelf life by focusing on structural patterns, legislative intent, and practical challenges, while offering original policy

¹ Constitution of India, Art. 48A and Art. 51A(g)

suggestions. At the heart of this research lies a simple question: how can India build a humane, effective, and sustainable approach to coexisting with stray animals—one that neither compromises public safety nor violates the dignity and rights of the animals themselves?

Existing Legislation in India

India's legal approach to stray animals rests on a surprisingly strong foundation, at least on paper. Over the decades, lawmakers have woven together constitutional principles, central statutes, and state-level rules that, in theory, guarantee stray animals protection from cruelty and promote humane population control.

Two *constitutional provisions* anchor India's commitment to animal welfare:

- Article 48A – Directs the State to protect and improve the environment and to safeguard forests and wildlife. While the term “wildlife” might seem distant from stray dogs or cats, the Supreme Court has interpreted animal protection broadly, recognising the State's duty to ensure humane treatment for all animals, domestic or otherwise.
- Article 51A(g) – Places a fundamental duty on every citizen to have compassion for all living creatures. This makes animal welfare not just a governmental obligation but a civic responsibility.

These provisions are not merely decorative. Courts have cited them in landmark decisions, affirming that animals have a right to live with dignity and be free from unnecessary pain.

The *Prevention of Cruelty to Animals Act, 1960 (PCA Act)* remains India's central statute on animal welfare. Its goals include preventing unnecessary suffering and to set minimum standards for the care of animals. For stray animals, the Act's most relevant provisions are those that prohibit cruel acts—such as beating, starving, or mutilating animals—and allow for the rescue and rehabilitation of those in distress.

While penalties under the original Act were criticised as being far too low (often no more than a few dozen rupees), recent amendments and proposed bills aim to raise fines and introduce imprisonment for severe cruelty. This shift reflects growing recognition that cruelty toward animals cannot be dismissed as a minor offence.

The *Animal Birth Control (Dogs) Rules, 2023* are perhaps the most direct legal tool for managing India's stray dog population. They replace earlier versions from 2001 and 2009,

setting out a humane, sterilisation-based approach to population control. Key features include:

- Sterilisation and vaccination as the only approved methods for controlling stray dog populations—explicitly banning culling.
- The creation of designated feeding spots for community dogs, in consultation with Resident Welfare Associations (RWAs) and local authorities.
- Mandatory record-keeping by local bodies and NGOs engaged in sterilisation drives.

The Rules also give citizens a clear right to feed and care for community animals, provided it is done in designated areas and without creating public nuisance.

Several states and *municipal corporations* supplement central laws with their own regulations. For example, some urban local bodies require licensing for pet ownership and impose penalties for abandonment. Others have bylaws on waste disposal, recognising that open garbage can indirectly increase stray populations by providing a constant food source.

The *judiciary* has often stepped in to fill enforcement gaps. In *Animal Welfare Board of India v. A. Nagaraja* (2014)², the Supreme Court recognised that animals have the right to live with dignity, echoing human fundamental rights in spirit. High Courts, too, have passed orders protecting community feeders from harassment and mandating sterilisation drives in line with the ABC Rules.

Despite these layers of legal protection, the problem lies in inconsistent implementation. Many municipalities lack the budget, infrastructure, or trained personnel to carry out sterilisation and vaccination on a meaningful scale. Feeding spots often remain unmarked or poorly enforced, leading to conflicts between feeders and residents. Record-keeping, where it exists, is patchy at best. India's legislation, therefore, is not short on intent—it is short on execution. The law promises a humane, structured system, but on the ground, stray animals still often depend more on the goodwill of individuals and NGOs than on any reliable state-led mechanism.

Implementation Gaps in India

If one were to judge India's stray animal welfare landscape only by the written law, it would look well-ordered and humane. But the real story begins when those laws step off the page and

² *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547

into the lanes, markets, and empty plots where stray animals actually live. That's where the cracks start to show — and they're not small hairline fractures, but deep structural gaps that have persisted for years.

1. *No Unified Animal Tracking System*

At present, there is no integrated, nationwide database to track sterilisation, vaccination, or relocation of stray animals. Municipal bodies may keep basic records, but these are often in paper form, scattered across departments, or incomplete. Without a centralised tracking system, it's impossible to measure progress, identify high-risk areas for rabies outbreaks, or ensure that sterilised animals aren't mistakenly caught again. This absence of data creates a vicious cycle: policy decisions are made based on rough estimates, leading to underfunded sterilisation drives and misplaced interventions.

2. *Limited Budget Allocation*

Even in India's major cities, you'd be surprised how paltry the budgets for stray animal welfare often are. Take Delhi's Municipal Corporation (MCD), for instance: in the financial year 2021–22, it spent just ₹5.9 crore on stray dog management. Of that, ₹5 crore went toward actual sterilisation, while only ₹70 lakh were allocated to build or maintain sterilisation centres. That's a stark contrast to the MCD's overall budget, which runs into tens of thousands of crores—so the welfare of tens of lakhs of animals ended up receiving barely a fraction of attention. Mumbai and Bengaluru are in the same boat. Together, between 2022 and 2024, each city spent less than ₹40 crore on stray dog issues—tiny sums considering their populations and urban scale.³

Why does it matter? Sterilisation isn't just a surgery—it's a full process. You need trained vets, anaesthesia, post-op care, vaccine doses, and safe transport for animals that often can't travel stress-free. And shelters add another layer of cost entirely: clean kennels, bedding, food, professional caregiving, daily medical attention—none of it runs cheap. To give one vivid picture, In Coimbatore, the Corporation proposed a whopping ₹3 crore expansion for the Vellalore ABC centre—adding multiple kennel bays and new operating theatres. While critics questioned the high price tag, the move itself underscores how expensive humane care has become, especially when done with

³ Dogs on the Loose, Budgets on a Leash, Moneycontrol, available at: <https://www.moneycontrol.com/news/india/dogs-on-the-loose-budgets-on-a-leash-13451098.html> (last visited Aug. 14, 2025)

scale and standards.⁴

All this illustrates why even the best-written laws on paper—like those mandating ABC programmes—can’t translate into real-world solutions if the money isn’t there. In too many places, stray animal care ends up competing with sidewalks or streetlights in municipal priorities, and it’s almost always losing. Without consistent funding, sterilisation drives get reduced to short-term “campaigns” instead of year-round work, and shelters struggle to operate at even minimal standards.

3. *Legal Ambiguity Around Feeding Zones*

The Animal Birth Control Rules, 2023, attempt to solve disputes over community feeding by creating “designated feeding areas.” On paper, this sounds like a neat compromise between animal welfare and public order. But in practice, many municipalities have been slow to identify or mark these areas, leaving feeders vulnerable to harassment from residents or RWAs. The lack of clear, well-publicised feeding zones means disputes often escalate into legal battles — wasting resources and further polarising communities on the issue of stray animals. Moreover, feeding often excites territorial instincts in dogs, making them more aggressive and protective while eating, which can increase the risk of dog bites if not managed in safe, designated spaces.

4. *Overburdened Shelter Facilities*

Even in metropolitan areas, the number of functional, well-equipped shelters is far below what’s needed. Those that do exist are often overcrowded, leading to compromised hygiene, inadequate medical care, and high disease transmission rates. Smaller towns and rural districts may have no shelters at all, forcing rescued animals to be kept in temporary, makeshift spaces. Overcrowding also discourages adoption drives — visitors are less likely to take home an animal they see in a stressed, unhealthy environment.

Even in major Indian cities, the gap between the stray animal population and the number of functional, well-equipped shelters is glaringly large. For instance, India hosts approximately 52.5 million stray dogs, yet only 8 million are accommodated in shelters across the country, leaving millions unaddressed.⁵

⁴ Coimbatore Corporation’s Plan to Expand Vellalore ABC Centre Comes Under a Cloud, Times of India, available at: <https://timesofindia.indiatimes.com/city/coimbatore/coimbatore-corporations-plan-to-expand-vellalore-abc-centre-comes-under-a-cloud/articleshow/123103650.cms> (last visited Aug. 14, 2025)

⁵ Reuters, “India’s top court orders Delhi authorities to move stray dogs to shelters” (Aug. 11 2025) (noting 52.5 million strays nationwide, 8 million in shelters).

Delhi alone is estimated to have nearly 1 million strays. This reality has made the recent Supreme Court directive to relocate all stray dogs to shelters particularly contentious—many cities simply lack the infrastructure to comply. In Gurgaon, a city with some 50,000 stray dogs, there are shelters for just 100⁶. The rest have nowhere to go. In Delhi's neighboring welfare centres, facilities that already care for around 300 dogs per month express concern that permanent housing mandates would quickly push them beyond capacity.

It's clear that shelter shortages are not theoretical, they are a tangible, everyday crisis affecting animals, volunteers, and animal welfare groups alike.

At the same time, the plight of stray cows (commonly managed in gaushalas) presents its own set of welfare challenges. A welfare survey of 54 cow shelters across six Indian states revealed worrying conditions: cows had very limited movement, poor flooring, tight quarters, and inadequate access to grazing land. Half of the cows examined displayed health problems like joint lesions. These structural issues reflect serious gaps in both care infrastructure and biosecurity.⁵

These gaps aren't just operational hiccups; they point to a systemic failure in translating India's animal welfare laws into everyday reality. Without fixing them, even the most progressive legal frameworks will remain aspirational rather than transformative.

Policy Recommendations

When you look closely at the way stray animal care works in India, there's one thing that stands out: the people who are most invested in the welfare of these animals — volunteers, local feeders, and small NGOs — are often working in isolation. They are out in the streets every day, but their work rarely connects directly with the official machinery. This disconnect is where the Buddy Point Model comes in.

The idea is simple: every designated community feeding zone (as per the Animal Birth Control Rules, 2023) becomes a Buddy Point — a physical, marked space where stray animals can be fed, monitored, vaccinated, and sterilised in a structured way. But instead of leaving it to one group, each Buddy Point is “co-owned” by:

⁶ Times of India, “Delhi-NCR stray dog order leaves civic bodies in a fix: Gurgaon told to relocate 50k canines with just 100 shelter slots” (Aug. ?? 2025).

1. A local volunteer or feeder who knows the animals personally and can identify new arrivals or sick/injured cases quickly.
2. An NGO partner responsible for veterinary support, sterilisation, and vaccination drives.
3. A municipal liaison officer tasked with keeping records, ensuring cleanliness, and coordinating funds or supplies.

This three-way partnership ensures that no single stakeholder bears the entire burden, and the Buddy Point becomes both a care hub and a monitoring station. Each point has named individuals responsible for follow-up ensuring no more “passing the file” when something goes wrong. Volunteers and NGOs feed information into a shared database through a simple mobile app helping track sterilisation, vaccinations, and adoptions. By placing these Buddy Points in safe, accessible locations, you normalise the presence of feeding and care activities, reducing social conflict.

Instead of large, slow-moving municipal budgets, smaller, rapid grants should be made available to trained volunteers. Even ₹2,000–₹5,000 a month can cover basic food and first-aid expenses for a feeding zone, without bureaucratic delays. Designate Buddy Points through municipal notifications so that feeding there is legally protected. This would also protect volunteers from harassment and allow police to act against anyone who obstructs welfare work. A government-NGO joint platform should record each animal’s basic details — sterilisation date, vaccination history, health alerts. Volunteers can upload this data directly from the field, creating a living, city-wide database. Every quarter, Buddy Points can host adoption days in collaboration with shelters, turning care zones into adoption hotspots. This reduces shelter overcrowding and increases community participation. Municipalities should run street-level awareness programmes near Buddy Points — teaching residents how to coexist with strays, report cruelty, and adopt rather than buy pets.

The Buddy Point Model bridges the most dangerous gap in India’s stray animal management: the one between law and lived reality. It acknowledges that the government alone cannot manage the scale of the challenge, and that volunteers and NGOs are not just “supporting actors” but central to any lasting solution. With the right policy backing, this model can transform unstructured, often tense street-level encounters into a coordinated, humane, and data-driven system.

Comparative International Models

When it comes to stray animal management, there's no single "perfect" global model — each country's approach is shaped by its legal traditions, cultural attitudes toward animals, and available resources. Still, a few countries have developed frameworks that offer lessons India could adapt, while others serve as cautionary tales of what to avoid.

Countries with Humane, Community-Centric Models include :

- The Netherlands: Often cited as the only country with "zero stray dogs," the Netherlands achieved this not through mass culling but through sustained sterilisation drives, strict anti-abandonment laws, and a strong culture of adoption. Municipalities work closely with citizen volunteers, and animal cruelty carries penalties strong enough to deter neglect.
- Turkey: In cities like Istanbul, the law guarantees stray dogs and cats the right to live in their territories. Municipal governments are required to feed, vaccinate, and sterilise them, often partnering with neighbourhood volunteers. Stray animals wear tags after sterilisation, which reduces duplication of effort and helps communities identify vaccinated animals.
- Italy: Many Italian municipalities run open shelters "canili rifugio" where animals are housed without time limits until adopted. Feeding colonies for stray cats are legally recognised, and registered volunteers receive municipal support in the form of food supplies and vet services.

These models work because they combine three elements India often struggles to align: consistent sterilisation, legal recognition of community caregiving, and a reliable funding structure.

On the other end of the spectrum are countries like the United States (in many states), Australia, and South Korea, where "euthanasia", often a euphemism for killing healthy but unclaimed animals, is permitted after a set holding period in shelters. While the stated reason is overcrowding and budget constraints, this practice has been criticised by animal welfare advocates as violating the basic principle that life, once given, should not be taken for administrative convenience.

From an animal rights perspective, euthanising a healthy stray simply because it is homeless is an inherent contradiction. Animal rights philosophy, unlike welfare pragmatism, does not

measure an animal's worth by its utility to humans or the convenience of its existence within human society. It rests on the principle that non-human animals possess an intrinsic value and a right to live, independent of whether they are owned, housed, or "useful." Killing a healthy dog or cat purely for being unclaimed reframes life as a conditional privilege rather than an inherent right—a view that mirrors outdated attitudes once applied to vulnerable human groups. This not only erodes the moral foundation of animal protection laws but also weakens public perception of their purpose. If the law itself condones the destruction of life as a management tool, it sends a mixed message: on one hand, it encourages compassion and adoption; on the other, it normalises death as an acceptable solution to overpopulation.

Such policies also risk creating a cultural desensitisation to animal suffering. When euthanasia becomes routine, it can dull public empathy and reduce pressure on authorities to invest in long-term, humane solutions like sterilisation, vaccination, behavioural rehabilitation, and community feeding programmes. In other words, the very framework that is supposed to protect animals ends up institutionalising their disposability. The ethical case against euthanasia for healthy stray animals runs deeper than it first appears. Proponents sometimes argue that the threat of euthanasia would push people to adopt more quickly, thereby reducing the shelter burden. While this may be true in a narrow sense, it is a deeply flawed moral calculus. A surge in adoptions is not an automatic victory if it comes from a place of panic or guilt rather than a genuine, prepared commitment to the animal's lifelong care. Hasty adoptions can lead to abandonment, neglect, or return to shelters—often leaving the animal in a worse psychological state than before.

Moreover, the animals who do not get adopted—whether due to age, disability, breed prejudice, or behavioural issues—are left with no second chance. For them, euthanasia policies act as a countdown clock to death rather than an opportunity for rehabilitation or alternative placement. This creates a two-tier system of "adoptable" and "expendable" lives, undermining the core philosophy of animal welfare, which is supposed to value life regardless of market-driven notions of desirability. In essence, the mere existence of euthanasia as a policy tool can shift the conversation from "How do we care for every life?" to "Which lives are worth saving?"—a slippery slope that sits uneasily with both ethics and the spirit of animal rights legislation. Ultimately, a rights-based approach demands that the starting question should never be "Which animals can we afford to save?" but rather "How do we restructure our systems so that every life is given the chance to be lived?"

Countries like Germany operate “no-kill” shelters but impose strict ownership responsibilities. If you abandon an animal, you face heavy fines, and adoption is encouraged through tax benefits. Japan, while still facing criticism for past euthanasia rates, has shifted toward aggressive adoption campaigns, mobile sterilisation units, and public education — proving that even countries with flawed histories can turn toward humane models.

The lesson from foreign countries for India isn't to import any one country's laws wholly, but to weave the best elements — like Turkey's legal feeding zones, the Netherlands' community partnership model, and Germany's strong penalties for abandonment — into a framework that works within India's social and economic realities. At the same time, India must remain firm in rejecting the notion that euthanasia is a “quick fix” for stray population control, as it ultimately undermines the spirit of animal welfare.

Conclusion

Stray animals are part of India's everyday landscape—whether on busy city streets or in small towns—and how we treat them says a lot about our values as a society. While the law recognises their right to live and protects them from cruelty, the gap between legislation and reality is hard to ignore. Rules like the Prevention of Cruelty to Animals Act and the Animal Birth Control framework provide the scaffolding, but the on-ground picture is shaped more by patchy implementation, budget constraints, and unclear responsibilities between authorities.

Looking abroad shows us what's possible. Countries like Germany and the Netherlands have demonstrated that large stray populations can be reduced without harming the animals, relying instead on systematic sterilisation, registration, and community participation. In contrast, some nations allow euthanasia as a quick fix for overpopulation—a path that not only raises moral concerns but also clashes with the idea, affirmed by the Supreme Court in *Animal Welfare Board of India v. Nagaraja*, that animals have an inherent right to dignity and life.¹

The Buddy Point Model suggested in this paper is an attempt to bridge India's persistent gaps with a solution rooted in local realities. By assigning small “care zones” to trained volunteers and partnering NGOs, the model spreads responsibility evenly and creates a sense of shared ownership. It is neither a purely top-down government plan nor an entirely charity-driven approach—it's a blend that draws on community networks while retaining accountability.

India has the legal tools, constitutional backing, and a growing community of animal welfare advocates. What’s missing is the coordinated push to connect these dots. If we can do that—through ideas like the Buddy Point Model and beyond—we won’t just be solving a policy problem. We’ll be taking a step towards a more compassionate and responsible society, one where sharing our streets with other living beings is seen not as a burden, but as a duty we proudly uphold.

However, models and policies mean little without the will to put them into action. This is where a shift in mindset is critical. Stray animals cannot remain an “invisible” population we only notice when there’s a complaint or a court case. They need to be part of the planning of our neighbourhoods, budgets, and laws. When municipal records, feeding points, sterilisation drives, and shelter facilities are integrated into a single functioning system, backed by citizens who care, the impact can be transformative.

