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STRAY DOGS IN INDIA: A LEGAL ANALYSIS OF ANIMAL WELFARE AND PUBLIC SAFETY

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Abstract

The issue of stray dog control in India is a highly quarrelsome legal and constitutional issue that exists at the nexus of animal welfare, public health, and the country's constitutional mandate to ensure the safety of its citizens. India is home to one of the largest stray dog populations in the world and remains responsible for a large number of deaths caused by rabies globally. The legal framework surrounding stray dog control is a reflection of the country's strong commitment to humane treatment and non-lethal population management. The principal legislation - constituting the Prevention of Cruelty to Animals Act and the Animal Birth Control Rules (amended in 2023) - prohibits indiscriminate killing and provides for sterilization, immunization, and rehabilitation as the preferred course of action.

From a constitutional aspect, Articles 48A and 51A(g) of the Constitution of India incorporate environmental protection and compassion for living beings within the Indian legal system. At the same time, Article 21 of the Indian Constitution provides a guarantee for the right to life, raising important questions about the State's constitutional mandate to safeguard citizens against preventable animal attacks and public health risks. Several judgements in recent times, have highlighted the recognition of animal rights and welfare-oriented jurisprudence. However, conflicting judicial orders and decisions across the High Courts in related matters have exposed deep problems in the prioritization of animal welfare alongside human security. This research paper focuses on a thorough legal examination of the constitutional, statutory, and judicial framework surrounding stray dogs in the Indian legal system. This paper concludes by suggesting a harmonized regulatory framework that incorporates accountability and enhances institutional mechanisms to ensure that both animal welfare and public safety are

adequately protected in the Indian legal system.

INTRODUCTION

The regulation of stray dogs in India has become a contentious legal issue beyond mere municipal control to constitutional adjudication, urbanisation, poor waste management, and erratic sterilisation programmes have contributed to a sustained and visible stray dog population over the Indian city and semi-urban localities, reports of dog bite incidences, and rabies-borne fatalities have peaked public anxiety with a demand for intense state intervention animal welfare proponents, on the other hand, argue statutory and constitutional provisions guarantee stray dogs protection from cruelty and indiscriminate annihilation. The normative and policy framework regulating stray dogs is embedded primarily in the Prevention of Cruelty to Animals Act, and operationalised through the Animal Birth Control Rules which designate sterilisation and vaccination as the preferred forms of population control.

This has been worsened by judicial interventions with the Supreme Court in Animal Welfare Board of India v. A. Nagarajan.

Against this backdrop, this paper answers the following research questions:

1. Does the applicable statutory and constitutional framework effectively balance animal welfare obligations with the State's duty to preserve public safety under Article 21?
2. Has there been judicial inflation in animal rights jurisprudence thus creating doctrinal imbalance?
3. What structural and administrative inadequacies limit effective implementation of the current legal regime?

This paper advances the argument that the present framework, while normatively committed to humane treatment, is architecturally ambiguous with concomitant fragmented enforcement that in effect decimates objectives of animal welfare and constitutive outcomes of public safety measures.

This analysis is followed by an appraisal of the public health dimension of stray dog regulation, before recommending reforms that are aimed at introducing clarity, accountability and institutional coherence within the existing legal framework.

I. CONSTITUTIONAL FRAMEWORK: COMPASSION, ENVIRONMENT AND RIGHT TO LIFE

The legal regulation of stray dogs in India cannot be understood through statutory interpretation because constitutional values define its essential framework. The conflict between animal protection and public safety exists because Indian constitutional law contains two opposing mandates that must operate together. The existing mandates belong to Articles 21, 48A, and 51A(g) which establish the regulatory framework for this matter.

A. Article 21: Right to Life and Public Safety

The Article 21 provision establishes that no person may lose their life or personal freedom until the legal process establishes proper procedures. The judicial system developed this provision to protect people who need to live according to their human dignity and safe living conditions which they require to make their lives meaningful. The extended definition of the term allows Article 21 to protect people against all avoidable dangers which include attacks from animals that cause harm to their body. The State must protect its citizens through two essential duties first to protect against arbitrary actions and second to protect against expected threats. The management of aggressive and rabies-infected stray dog populations presents a constitutional question which asks whether states fail to fulfill their Article 21 responsibilities when they do not control these dangerous animal groups. Public officials who know about ongoing hazards but choose not to protect against them create a situation which leads to constitutional responsibility. The reading of Article 21 requires the reader to consider its full context. The application of this provision requires matching it with other constitutional rules which define environmental protection and ethical responsibilities towards animals.

B. Articles 48A and 51A (g): Environmental Protection and Compassion for Living Creatures

As one of the Directive Principles of State Policy set out in article 48A, the protection and preservation of the environment, including the conservation of forests and wildlife, is a duty of the State. In expanding the boundaries of environmental jurisprudence through judicial interpretation, issues relating to "environmental" and animal welfare have also been included, as dogs are currently classified as stray animals. Citizens have a fundamental obligation to show compassion to all living beings as per article 51A(g), which is enforceable by the Courts through their interpretation of statutory and constitutional obligations, thereby allowing courts

to incorporate concerns for both the environment and animal welfare into their interpretation of the law. In the case of the *Animal Welfare Board of India v. A. Nagaraja*, the Supreme Court of India recognised animals as having an intrinsic value and deserving of protection from any avoidable instance of suffering as part of the law. While the Court noted that compassion toward animals is a constitutional obligation rather than the choice of individual legislators, this initiative by the Court has created both a moral and legal basis for the use of non-lethal means of controlling the population of stray dogs through sterilisation and vaccination, both of which can be used as subordinate legislative instruments.

C. The Constitutional Tension: Reconciling Competing Mandates

The presence of Article 21 and Articles 48A and 51A (g) creates a structural conflict between the competing mandates of those provisions. The mandate requiring the State to protect citizens from avoidable harm is especially relevant when there is a risk to public health (e.g., risk of rabies). At the same time, however, constitutional morality prohibits cruelty and also prohibits the indiscriminate elimination of animals.

In the absence of a clearly articulated balancing test in the judicial decisions rendered by the courts, jurisdictions have taken inconsistent positions with regard to the applicability of human treatment and the prohibition against culling animals as opposed to the municipal authorities' responsibility to prevent public nuisance and to protect the residents of municipalities from potentially dangerous animals. This doctrinal inconsistency among the courts results from a failure of Indian constitutional law to provide a principled framework for resolving conflicts between concerns for the safety of humans and concerns for the welfare of animals.

In order to develop a coherent constitutional framework, there are certain components that must be incorporated:

- 1) Acknowledgment of the obligation imposed by Article 21 on the State to prevent foreseeable harm.
- 2) Recognition that protecting animals from harm is a constitutional value, but not an absolute value.
- 3) Creation of a proportionality-based mechanism using a balancing test to identify which of the alternatives with which the court is presented are necessary, the least restrictive alternatives to achieve the legislative/policy objectives aspired to, and the evidence of public health, in use of the animals in question.

In the absence of clear rules of law, administrative agencies may wander a disparate and fragmented constitutional landscape, which can result, on the one hand, in overly-cautious inaction, or, on the other, litigation against attempts by the State to enforce such a prohibition.

II. Statutory and Regulatory Framework: Design, Implementation, and Structural Gaps

The management of stray dogs in India is primarily under statutory and delegated legislation that embrace a non-lethal and humane approach to animal control.

However, the operational structure of the legislative framework is ambiguous and ineffective in terms of enforcement.

A. The Prevention of Cruelty to Animals Act, 1960

The Prevention of Cruelty to Animals Act (PCA Act) is the primary legislation on animal welfare in India. The Prevention of Cruelty to Animals Act (PCA Act) is the basic legislative structure for animal welfare in India. The PCA Act may not exclusively regulate stray dogs, but it provides a legal baseline upon which any population control mechanism must be based. The PCA Act does not exclusively regulate stray dogs, but it establishes a legal framework within which any viable population control mechanism has to operate. The legislative orientation is visible in subsequent regulatory amendments.

However, the PCA Act has two structural weaknesses, which are relevant to the governance of stray dogs:

Outdated Penalty Structure: The penalties under Section 11 still remain minimal and have long been ridiculed as feeble deterrents. Weak sanctions threaten enforcement credibility and fail to guarantee compliance with humane treatment obligations.

Absence of Public Health Integration: The Act primarily focuses on cruelty prevention rather than population management or zoonotic disease control. As a result, it does not address directly the public safety component that regulation of stray dogs inevitably involves.

Thus, although the PCA Act provides ethical direction, it does not present a regulatory masterplan to pursue welfare without jeopardizing safety.

B. The Animal Birth Control Rules: Sterilisation as Policy

The operational framework for stray dog management is under the Animal Birth Control Rules (as amended in 2023). These Rules institutionalise the Animal Birth Control (ABC) programme, which mandates sterilisation and anti-rabies vaccination as the ultimate stabilisation mechanism.

Key features include Dog capture, sterilisation, vaccination, and release to the same locality; Prohibition of indiscriminate relocation or mass culling; Euthanasia allowed only in the case of terminally ill dogs or rabid dogs; Local authorities/municipal bodies are the responsibility.

The sterilisation-based model represents a public health approach that eliminates the goal of instantaneous extermination in favor of slow population control. It conforms to the international animal welfare ethics that disapprove mass culling as an unrealistic and unethical measure. Yet, the implementation model assumes that there is municipal capacity, which is often lacking.

Considering the following structural challenges:

- a. Administrative Inadequacy:** Many municipal bodies lack sufficient funding, veterinary infrastructure, and trained personnel to conduct sustained sterilisation drives.
- b. Fragmented Accountability:** Responsibility is shared between state governments, local authorities, animal welfare organisations, and veterinary departments, creating coordination failures.
- c. Delayed Impact:** Sterilisation programmes produce slow results while public safety issues often require immediate attention from any incidents of aggressive behaviour or actual outbreak of rabies.
- d. Ambiguity in emergency situations:** Although euthanasia can rightly be carried out on dogs with rabies or severe mortal wounds, the Rules do not clearly state protocols addressing aggressive and uncontrollably dangerous non-rabid animals that present imminent life hazard.

C. Municipal Laws and Public Nuisance Provisions

Apart from the central legislation, municipal corporation statutes as well as state public health laws have introduced duties on local authorities to prevent public nuisance. Stray dog proliferation directly relates to waste management, open garbage systems and city planning.

However, municipal statutes rarely provide for specific clauses of harmonisation to the ABC framework. This creates a no-action situation, as the authorities do not want to violate the animal welfare statutes, and the residents rely on the public nuisance aspect to have them removed or contained.

Regulatory uncertainty has also resulted from the absence of an explicitly designated hierarchy between the public health mandates and the animal welfare directives. This results in a litigation and ad hoc executive order-driven system instead of a deliberate governance model.

D. Structural Imbalance in the Current Framework

While the current statutory structure is driven largely by welfare, there is a clear lack of public health governance integration. On one hand, it is normatively appropriate that indiscriminate culling is not allowed; however, at this time, local governments do not have processes for implementing all actions needed to address emergencies or measurable performance targets for assessing the target's implementation, nor do they have enforceable consequences for an agency's inaction.

As a result, the legal framework generates outcomes that are contrary to everyone's agreeability : Animal welfare has not been achieved in a consistent manner due to poor implementation; Public safety has not been protected because of either slow or fragmented administration.

Therefore, the primary challenge is not the presence of humane principles but rather the absence of an integrated and coherent regulatory system that is capable of moving animal welfare principles into action with the objective of protecting citizens' public safety rights that are guaranteed by the US Constitution.

III. Judicial Approaches and Doctrinal Inconsistency

India's stray dog laws have been significantly shaped through judicial intervention. The Court's role has not only been one of interpretation of the Statutes but also the establishment of Constitutional meaning; most notably through the enhancement of animal welfare jurisprudence. The practical absence of an agreed upon framework of balancing factors has resulted in doctrinal inconsistencies between different jurisdictions.

A. Expansion of Animal Welfare Jurisprudence

A major milestone in the evolution of animal rights law took place in the case of Animal Welfare Board of India v. A. Nagaraja. Although the primary issue was whether Jallikattu was constitutional, the Supreme Court developed a much broader interpretation of animal rights, stating that every animal is a sentient being deserving of dignity and protection from unnecessary suffering. The Court cited Articles 48A and 51A(g) of the Constitution of India, which provide that "Compassion for all living creatures is part of the Constitutional ethos of India". Although the Nagaraja case focused on the Jallikattu issue, the Court's reasoning in the decision has established a foundation for the consideration of animal welfare issues within the context of the Constitution. Thus, the subsequent application of the Court's reasoning to stray dogs has built on this broader conceptualisation, allowing the Courts to more readily reject acts they view as cruel or inhumane. Nevertheless, nowhere in the Nagaraja decision did the Supreme Court offer any guidance on how to balance animal protection principles against competing claims grounded in Article 21. Therefore, lower courts will have to resolve potential conflicts between the interests of the public and the welfare of animals in a manner that lacks a consistent and structured approach.

B. Divergent High Court Approaches

Disparate judicial treatment of the issues regarding stray dogs has resulted from High Court litigation over the matter. In the People for Elimination of Stray Troubles v.

State of Goa, public interest litigants argued for adequate measures to control the population of stray dogs due to the threat they pose to the community. The case illustrates the competing interests of nuisance law, municipal duties and animal protection mandates. Courts in many jurisdictions have consistently indicated that local governments have a responsibility to uphold public safety while also respecting their statutory limitations on how they can respond to stray dog populations by killing animals indiscriminately. Judicial orders in Kerala and Delhi have been alternating between a strict application of the Animal Birth Control criteria and temporary authorisations for increased intervention when dog bites have increased significantly.

These alternating decisions show the court's difficulty in squaring off two competing constitutional constructions of animal law :

- 1) A welfare-based construction which favours compassion and non-lethality in the treatment of animals; and
- 2) A rights-based construction which favours the protection of human life and bodily integrity over other interests.

The failure of the courts to provide structured proportionality analysis or an articulated hierarchy of values in their analyses of how to respond to stray dogs has resulted in time and again the courts reacting to immediacy of public sentiment rather than applying a stable doctrine.

C. The Absence of a Constitutional Balancing Test

In areas where the Constitution provides conflicting rights, such as free speech versus maintaining law and order, Indian courts have not yet provided a unified proportionality framework to govern the conflicting rights of animal welfare and public safety. While the idea of proportionality has gained prominence in adjudicating human rights cases, however, the methodical application of proportionality to the regulation of stray dogs remains limited in comparison.

A principled framework for balancing would require that Indian courts assess the following issues when balancing the rights of an animal versus the public :

- Evidence that a substantial threat to public safety exists;
- The necessity of the proposed measures being put in place by the state;
- The availability of alternatives to proposed measures (i.e. sterilisation or targeted confinement) which may still serve the public interest; and
- The extent of the impact of the proposed measure(s) on animal welfare in relation to the public interest that will be attained.

If the Indian court system operates without a structured way of reasoning, courts run the risk that their decisions will appear to be arbitrary and inconsistent. This unpredictability will have an adverse effect on the ability of administrators to make sound administrative decisions and will contribute to the lack of regulatory consistency.

IV. Public Health and Rabies: The Epidemiological Dimension of Legal Governance

To assess the legal control of stray dogs in India, we have to understand this issue in the context of the country's public health system. The management of stray dogs is more than an issue of animal welfare or local laws. Stray dog management connects directly to public health protections from rabies and other zoonotic diseases, both of which remain serious public health threats in India today.

A. Rabies and the Right to Health under Article 21

India accounts for a huge percentage of the world's rabies deaths, with the majority being due to dog-bites. Once symptoms develop, rabies virtually always leads to death. Therefore, it is critical to prevent the onset of rabies by getting vaccinated and managing exposure. Also, Article 21 places obligations on the State to go beyond just providing passive protection to proactively help with the prevention of disease and the governance of public health in the delivery of services.

The Supreme Court, as it has done with other sections, has interpreted Article 21 to mean that every person has a right to health care and a right to access medical facilities. If the uncontrolled population of stray dogs is a contributing factor to the transmission of diseases that are preventable by vaccination, then a failure to take effective measures to address this may lead to constitutional liability on the part of the State. For these reasons, the concept of public health cannot be treated as a public policy matter external to the Constitution of India; rather, it is a fundamental right contained within the right to life in Article 21 of the Constitution.

B. The Sterilisation–Vaccination Model: Strengths and Limitations

The adoption of a sterilisation and anti-rabies vaccination (ARV) model under the Animal Birth Control Rules is an attempt to control stray dog populations and to provide public health benefits. The advantages of this model include:

- A. Long-term reduction of breeding rates;
- B. Vaccination contributing to herd immunity;
- C. Avoiding the disruption to ecosystems that culling creates.

Studies conducted within the field of public health internationally have shown that combining sterilisation with vaccination can stabilise and ultimately decrease stray dog populations over time provided that adequate vaccination coverage (usually considered to be at least 70% of the local dog population) exists. Unfortunately, due to limitations of resources, logistics, and monitoring systems in many municipalities in India, coverage is often inconsistent. As a result, the sterilisation model may not be effective enough to meaningfully reduce the incidence of dog bites or transmission of rabies.

In addition, the current legal framework does not adequately incorporate other contributing

factors to influencing stray dog population dynamics such as urban planning, garbage disposal practices, and community awareness about responsible ownership. Poor waste disposal systems, no oversight of meat disposal, and unregulated dog feeding will continue to create ecological conditions that allow for the continued existence of large stray dog populations, regardless of whether or not they have been sterilised.

C. Fragmented Governance: Welfare without Health Integration

The management of stray dogs in India is characterised by institutional fragmentation; various agencies responsible for managing stray dogs including the veterinary department, municipal corporation, public health authority, and animal welfare organisations are functioning in overlapping yet poorly coordinated areas. These factors, compounded by the absence of an agreed upon public health/animal welfare governance framework results in:

- Delays in vaccinations
- Insufficient data collection for bites
- Inadequate follow-up of sterilised dogs
- Poor awareness regarding medical mapping of bite events for vulnerable communities.

The existing system has normative objectives that seek to treat stray dogs humanely but does not have a solid epidemiologic approach that is included in the municipal governance structure.

V. Toward a Harmonised Regulatory Model: Reconciling Animal Welfare with Public Safety

The previous analysis has established that the conflict of interest between public safety and stray dogs' welfare does not stem from opposing constitutional values, but from the inefficiencies of existing regulatory structures and doctrine. Therefore, the main goal is not to give priority to one interest or another, but to create a legal and administrative system which allows for both to coexist.

This section develops an integrated regulatory framework that incorporates constitutional principles of proportionality with reference to public health as a matter of good governance and the accountability of agencies/agencies executing public functions.

A. Structured Constitutional Balancing Standard

When deciding cases where there's a conflict between protecting animals from death by invalidly causing harm and protecting the public from danger, courts in India should adopt a clear legal process for making decisions about injuries caused by animals through (1) making a factual-based assessment of the risks of such behaviour;

(2) conducting a necessity assessment (i.e., can the animal be killed to achieve a legitimate public health objective); (3) using the least restrictive means (e.g., using non-lethal approaches such as increasing spay/neuter, vaccination programs, quarantine, or relocating to animal shelters) to achieve the goal; and (4) assessing the proportional impact of the decision being made on animal welfare against the degree and urgency of the public safety threat. By implementing this approach, arbitrary killings of animals will not occur and concerns about Article 21 of the Constitution relating to a right to life will not be sacrificed to an absolute view of compassion in Article 48A and Article 51A(g) of the Constitution.

B. Tiered Intervention Model for Municipal Authorities

Presently, the existing government does not have separate responses, therefore, introducing a tiered approach could improve consistency:

TIER I : Preventative Governance

- Clear target for mandatory sterilisation
- Clear target for mandatory rabies vaccinations
- Clear reforms in waste management to remove open food sources
- Clear public awareness campaigns about safe interaction with humans & animals.

TIER II : Targeted Containment

- Time-limited capture and behaviour assessment of dogs that are reported for ongoing aggression.
- Temporary quarantine of dogs for veterinary assessment.
- A structured and documented decision making process.

TIER III : Exceptional Intervention

- Humane euthanasia of dogs only where they pose an immediate and unacceptable risk to humans or in the case of confirmed rabies.
- Complete records of any euthanasia and review of records after the euthanasia occurs

will allow for accountability.

This will continue to reflect the spirit of the Animal Birth Control Rules while providing clarity around emergency situations.

C. Integrating Public Health and Animal Welfare Governance

Regulations for stray dogs belong as a subset of a comprehensive zoonotic disease control strategy which also involves: (1) Coordinated data-sharing between Veterinary and Public Health Departments; (2) Increasing accessibility of post exposure prophylaxis in high-risk areas; and (3) Restructuring management of stray animals in relation to national rabies elimination programs. By combining animal welfare policy with epidemiological management, rabies incidence can be decreased without using ethically questionable methods.

D. Moving Beyond Binary Framing

The polarised discourse around stray dogs tends to view the problem in a very binary way, meaning that the disagreement is framed as being between either compassion or the need for security. Such framing completely disregards the important constitutional reality that both values represent valid and current commitments of the Constitution. The aim of a government that adheres to the Constitution is not moral absolutism but rather principled reconciliation.

The creation of a model of governance that is based on principles of harmonisation implies that:

- A. Animal protection is a constitutional principle, however, it is not an unlimited right;
- B. Public safety is protected by the Constitution, however, that is not a blanket right to cause indiscriminate harm to others;
- C. Effective governance is based on clarity and evidence as opposed to creating a wrong or ill-conceived law as a reaction to a court case or civil litigation.

Conclusion

In India, the regulation of stray dogs constitutes a significant regulatory and constitutional issue that cannot be easily resolved. As previously discussed in this paper, the tension between public safety and animal welfare does not result from two fundamentally opposing values, but rather, the lack of a coherent framework that appropriately balances the two concepts. The Prevention of Cruelty to Animals Act as well as the Animal Birth Control Rules represent a progressive

and humane commitment to non-lethal population control. At this constitutional level, Articles 48A and 51A(g) embody compassion for all living creatures as a foundational principle of governance. At the same time, the State's duty under Article 21 is to preserve the life, bodily integrity, and health of the public.

Yet, the result of these two efforts has been the prevalence of structural ambiguity in lieu of legitimate doctrinal clarity. The broadening of constitutional animal welfare jurisprudence by the courts, particularly in the context of *Animal Welfare Board of India v. A. Nagaraja*, has enhanced the court's judgment; however the expansion of the constitutional principle of compassion has not included a specific framework to adequately balance public safety risk when such conditions exist. The legal landscape is therefore fragmented with a variety of High Court approaches, inconsistencies in administrative practices, and reactive modes of governance. The statutory framework operates under presumptions of municipal capability and continual sterilization coverage which oftentimes is not met in practice. Weak penalties, fragmented institutional responsibility, inadequate funding, and lack of integration with public health governance undermines animal welfare goals and safety outcomes.

Consequently, there is insufficient and inconsistent protection of animals and inadequate prevention of rabies transmission and of the incidence of dog bites.

The answer does not lie in abandoning humane values or legitimizing indiscriminate extermination. However, clarity of law, redesign of institutions, a balanced constitutional proportionality test, a tiered intervention model to execute municipal authorities, measurable standards of accountability, and integration of stray dog management into broader zoonotic disease control programmes would permit constitutional value to co-exist meaningfully. The discussion of stray dogs in India raises a broader constitutional issue regarding how a rights-based democracy balances compassion with safety. The answer involves achieving balance between the two by developing governance mechanisms that provide both with transparency, evidence, and proportional restraint. Only through balance will India be able to demonstrate both its constitutional commitment to humane treatment and continue to recognize the right to live with substance and not just as an aspiration.

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