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**HUMAN CRUELTY AND THE WELFARE OF STRAY
DOGS IN INDIA: A CRITICAL DOCTRINAL,
EMPIRICAL, AND JURISPRUDENTIAL APPRAISAL
OF ANIMAL PROTECTION LAW, POLICY, AND
ENFORCEMENT MECHANISMS.”**

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**HUMAN
CRUELTY
AND THE
WELFARE OF
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IN INDIA**

Abstract

The problem of stray dogs has become a significant issue of concern in India, with numerous incidents of dogs attacks and facilities being reported in the media. The issue has sparked intense discussion among the public, government officials, and animal welfare activist, who hold different views on how to tackle the problem. In this paper, we examine the issue of stray dogs in India from multiple perspectives, including legal, social and ethical. We analyse various sources, including the constitution of India, the Indian Penal Code, and the works of scholars like Dr. J.N. Pande, to gain a comprehensive understanding of the issue. We also consider the role of media, public opinion, and government policies in shaping the discourse around stray dogs in India. Our analysis reveals that problem of stray dogs is a complex issue that requires multi-faced approach, involving public awareness campaigns, community engagement, and

effective implementation of animal welfare laws. We conclude that a sustainable solution to problem of stray dogs in India can only be achieved by adopting a humane and inclusive approach that take into account the needs of both humans and animals.

INTRODUCTION

The relationship between humans and animals has always been complex—marked by coexistence, dependence, compassion, and at times, cruelty. Among all species that share urban and rural spaces with humans, **stray dogs** occupy a particularly contested position in Indian society. They are simultaneously viewed as companions, protectors, and community members by some, and as threats or nuisances by others. This dual perception has led to a persistent tension between human interests and animal welfare, often manifesting in acts of neglect, violence, and systemic apathy.

India, home to one of the world's largest stray dog populations, faces growing challenges in managing issues related to **animal welfare, public health, and community safety**. The rise in reported cases of human cruelty toward stray dogs—ranging from physical assaults and poisoning to illegal culling—reflects a deep-seated conflict between empathy and fear, governance and indifference. These incidents not only raise **ethical and moral questions** but also expose serious gaps in the **legal and institutional mechanisms** meant to safeguard animal welfare.

The **Prevention of Cruelty to Animals Act, 1960**, along with the **Animal Birth Control (Dogs) Rules, 2001 and 2023**, form the backbone of India's animal protection framework. These laws embody the legislative intent to prevent unnecessary suffering and to promote humane treatment of animals. Additionally, constitutional provisions such as **Articles 48, 48A, and 51A (g)** reflect India's moral and constitutional commitment to environmental and animal welfare. However, the persistent violation of these principles in practice reveals a **disjunction between law and implementation**, where enforcement agencies often lack resources, training, and institutional will.

The **judiciary** has played a transformative role in expanding the moral and legal imagination surrounding animal rights. Through landmark judgments such as *Animal Welfare Board of India v. A. Nagaraja* (2014) and subsequent rulings by various High Courts, Indian jurisprudence has recognized animals as **sentient beings** possessing intrinsic worth and a right

to live with dignity. Yet, despite this progressive judicial outlook, the everyday realities of stray dog welfare remain grim—dominated by inconsistent policies, conflicting administrative directives, and frequent human–animal confrontations.

Against this backdrop, the present study undertakes a **critical doctrinal, empirical, and jurisprudential appraisal** of the laws, policies, and enforcement mechanisms governing animal welfare in India, with a specific focus on stray dogs. A **doctrinal analysis** will evaluate the adequacy and coherence of statutory and constitutional provisions. An **empirical component** will examine ground realities—implementation challenges, enforcement lapses, and societal attitudes toward stray animals. A **jurisprudential inquiry** will explore how Indian courts have interpreted animal rights and whether such interpretations have translated into tangible welfare outcomes.

This research is therefore both a **legal and socio-ethical investigation**—an attempt to bridge the gap between the normative ideals of animal protection law and the practical realities of cruelty, neglect, and indifference. It seeks to contribute to the evolving discourse on **animal jurisprudence in India**, exploring whether the current legal framework truly advances the welfare of stray dogs or merely reinforces symbolic compassion without substantive change.

Background and Context: Human–Animal Coexistence in India

India’s streets have always had two constant companions, people and dogs. For thousands of years, the Indian Pariah, or Indie dog, has walked alongside us: guarding homes, cleaning up food scraps, and offering unconditional loyalty. In Hindu tradition, dogs are considered sacred as the devoted companions of Lord Bhairava, an incarnation of Lord Shiva.

And yet, in modern India, this ancient bond is fraying. Social media is littered with polarising narratives, reports of dog bites on one side, disturbing videos of dogs being beaten or killed.

India’s relationship with free-roaming dogs sits at the intersection of culture, public health, municipal governance, and animal welfare. Stray (often called “community”) dogs are ubiquitous in Indian cities and towns, where they perform informal ecological and social roles but also generate persistent conflict with humans — from nuisance complaints to dog-bite incidents and concerns about rabies. Reliable estimates of dog numbers are poor and contested, but multiple recent reports and government data show large, concentrated populations in urban

areas and rising numbers of reported bite cases, making the dog–human interface an important public-health and policy problem.

The principal statutory instrument governing animal cruelty in India is the Prevention of Cruelty to Animals Act, 1960 (PCA) Act, which criminalizes acts that inflict unnecessary pain or suffering on animals and established institutional machinery such as the Animal Welfare Board of India (AWBI). The PCA provides the basic doctrinal foundation for protecting animals from direct cruelty but was drafted in a different socio-legal era and faces implementation and enforcement constraints when applied to contemporary urban animal-management problems.

For free-roaming dogs specifically, Parliament (and the executive) has relied on subordinate rules and policy instruments rather than punitive removal. The Animal Birth Control (Dogs) Rules, 2001 (ABC Rules) — interpreted and operationalized through AWBI guidelines and municipal programmes — make sterilization, vaccination and release the legally prescribed means of population control and rabies prevention; killing or mass removal is not the statutory norm. These Rules set out responsibilities for animal birth-control programmes, identification of sterilized dogs, and the conditions for release and sheltering. Nevertheless, policy practice varies widely across municipalities, and resource, capacity and coordination gaps (between health departments, municipal corporations, and AWBI/NGOs) limit consistent implementation.

Empirically, the sector is hampered by weak data, uneven programme coverage, and contested policy narratives. The livestock census, ad-hoc surveys, and NGO data produce widely differing dog-population estimates; bite-reporting systems and rabies surveillance are fragmented; and many municipal bodies lack the funds, skilled veterinary teams, or political will to run comprehensive ABC campaigns. These empirical weaknesses shape both public perceptions (which often seek quick, punitive solutions) and judicial interventions that attempt to balance human safety with animal welfare.

Jurisprudentially, Indian courts have been active arbiters in the stray-dog debate. In recent years the Supreme Court and high courts have intervened on issues such as the legality of mass removal or confinement, the primacy of sterilization/vaccination programmes, and the duty of municipalities to protect both human life and animal welfare. Notably, high-profile judicial

directions in 2024–2025 prompted intense public debate and subsequent clarifications emphasizing humane, evidence-based measures (sterilize–vaccinate–return; sheltering only in limited cases) rather than wholesale removal — illustrating the courts’ role in shaping policy while exposing implementation bottlenecks on the ground.

Taken together, these doctrinal, empirical and jurisprudential strands justify a mixed- method appraisal. A doctrinal review reveals what the law permits and forbids (PCA Act, ABC Rules, AWBI guidance); empirical fieldwork exposes gaps between legal prescriptions and municipal reality (coverage, costs, bite/rabies data, community practices); and jurisprudential analysis shows how courts interpret law and influence policy.

The proposed study therefore examines

- 1) statutory and regulatory frameworks and their interpretive trajectories,
- 2) enforcement practices and operational constraints faced by municipal and veterinary authorities, and
- 3) the lived experiences of dogs, feeders, households and enforcement officers — to assess whether current law and policy protect animals from cruelty while also safeguarding public health.

India has a long and complex history of human–animal coexistence, deeply rooted in its cultural, religious, and ecological traditions. From ancient Vedic texts that extol compassion toward all living beings (ahimsa paramo dharmah) to modern constitutional mandates for the protection of the environment and wildlife, Indian society has long recognized animals as integral members of the ecological community. Cows, dogs, elephants, and other species have not merely been subjects of reverence and utility but have also symbolized the moral fabric of Indian civilization.

However, this moral and cultural recognition of animals stands in stark contrast to the realities of cruelty and neglect observed in contemporary India. Rapid urbanization, population growth, and the expansion of human settlements have significantly reduced natural habitats, forcing many species, particularly stray dogs, to adapt to urban environments. Stray dogs have become a visible and contested part of the public landscape—objects of both compassion and hostility. While some communities feed and care for these animals, others perceive them as public nuisances or threats to safety, often leading to acts of cruelty, displacement, or extermination.

The issue of stray dog welfare in India is not merely a social or ethical concern; it is fundamentally a question of legal responsibility and governance. The Prevention of Cruelty to Animals Act, 1960, and subsequent rules such as the Animal Birth Control (Dogs) Rules, 2001 and 2023, attempt to strike a balance between human safety and animal welfare. Yet, despite this legislative framework, incidents of cruelty—ranging from physical abuse to illegal culling—persist with alarming regularity. Weak enforcement, lack of public awareness, inadequate funding, and inconsistent municipal action have undermined the effectiveness of these legal instruments.

Judicial interventions have played a critical role in shaping the discourse on animal welfare, particularly through landmark judgments that recognize animals as sentient beings entitled to constitutional protection. The Supreme Court in *Animal Welfare Board of India v. A. Nagaraja* (2014) expanded the interpretation of “life” under Article 21 of the Constitution to include the right to live with dignity for animals. Nevertheless, translating such progressive jurisprudence into practice remains a formidable challenge due to systemic administrative failures and societal apathy.

In this context, the problem of human cruelty toward stray dogs emerges as a multidimensional issue—spanning the domains of law, morality, public health, and governance. It calls for a critical doctrinal analysis of existing legal frameworks, an empirical assessment of enforcement realities, and a jurisprudential examination of how courts have conceptualized animal rights and welfare.

This study situates itself at the intersection of these approaches to explore whether India’s animal protection regime effectively safeguards the welfare of stray dogs or whether it merely reflects symbolic legalism devoid of practical impact.

Here’s how we can start making it happen.

1. Support Sterilization and Vaccination Drives

The most effective way to prevent overpopulation and reduce aggression in community dogs is through sterilization and vaccination. Healthy, vaccinated dogs are not a threat — they’re allies in controlling disease. Every residential society should take responsibility for ensuring their local dogs receive both.

2. *Create Designated Zones for Responsible Feeding*

Hunger breeds desperation. Well-fed dogs are calmer, healthier, and less likely to roam into unsafe areas. Instead of banning feeding, RWAs should set up dedicated feeding spots away from building entrances or busy roads. This keeps the process safe, clean, and predictable for both animals and humans.

3. *Adopt, Don't Shop*

The Indian Pariah is a hardy, intelligent breed perfectly adapted to our climate. Yet, pet shops still sell imported breeds that often suffer in Indian conditions. By adopting Indies, we reduce abandonment, curb unethical breeding, and give deserving animals a home.

4. *Educate the Next Generation*

Children learn empathy when they are taught to respect life — all life. Schools, parents, and communities should instill in them an understanding of animal behaviour and the value of compassion. A child who grows up caring for animals grows into an adult who respects coexistence.

5. *Launch Rabies Awareness Drives*

Fear of rabies is one of the biggest drivers of hostility toward community dogs. Most people don't know that a vaccinated dog cannot transmit rabies. Local bodies, NGOs, and RWAs should hold awareness sessions, distribute educational material, and visibly mark vaccinated dogs with collars or tags to reassure the public.

Coexistence doesn't happen overnight. It's built on small, consistent actions, sterilizing one dog, feeding in one safe spot, teaching one child, correcting one misconception. But multiplied across a city, these actions can create neighbourhoods where every being, human or canine, feels safe. It's time we stop seeing community animals as a problem to be removed, and start seeing them as partners in the shared life of our streets.¹

PROBLEM STATEMENTS

Despite the existence of statutory provisions such as the Prevention of Cruelty to Animals Act, 1960 and the Animal Birth Control (Dogs) Rules, 2001, instances of cruelty, neglect and abuse of stray dogs in India continue to rise. This phenomenon is characterised by brutal assaults, illegal culling, abandonment, and a growing human–stray dog conflict, thereby undermining both animal welfare and public health outcomes. For example, a report from Nagpur recorded around a 30 % increase in reported animal abuse cases (including stray dogs) over an eight-to-nine-month period. Nagpur: With the rising population of strays, the city has also witnessed about 30% increase in the cases of animal abuse. According to animal welfare activists, what

has changed significantly is the brutality by which animals are being tortured and killed. From puppies being burnt alive, dog thrown from a terrace or mercilessly being beaten to death, activists say that such horrifying cases are becoming common. TOI has been reporting about these horrifying incidents, which as per activists have seen around 30% rise in last eight-to-nine months. According to Smita Mire, founder of NGO Save Speechless Organization (SSO), four cases of animal cruelty were reported in just last week. “In one incident, a dog was beaten so much by a man that it got unconscious. In another, a puppy’s tail was chopped and it was bleeding profusely. People are harming animals in the most brutal ways, as if they are getting sadistic pleasure out of it,” says Mire. Blaming police inaction when it comes to animal cruelty cases, Mire points out to the recent incident where a missing dog from her Gittikhadan-based animal shelter was found completely burnt, with the bones of his ribs broken. It’s been over a fortnight but the police has not filed a fir.

The stray dog population itself has become a pressing concern: current research estimates roughly 59 million free-ranging dogs in India. The environmental, social and infrastructural conditions— such as inadequate waste management, low rates of sterilisation and vaccination, weak institutional monitoring, and public indifference—compound the problem. Such conditions contribute not only to cruelty but also to health hazards (e.g., zoonoses) and governance challenges.¹

India’s long-standing cultural and moral tradition of compassion toward animals, enshrined in its religious philosophy and constitutional ethos, stands in stark contrast to the alarming rise in incidents of cruelty and neglect towards stray dogs. Despite having a fairly robust legislative framework—principally the Prevention of Cruelty to Animals Act, 1960, the Animal Birth Control (Dogs) Rules, 2001 and 2023, and constitutional provisions under Articles 48, 48A, and 51A(g)— the reality on the ground depicts widespread violations, weak enforcement, and societal apathy.

According to various reports and empirical findings, cases of human-inflicted cruelty toward stray dogs have risen significantly over the past decade. These acts include physical assaults, poisoning, illegal culling, abandonment, and organized killings by individuals or municipal bodies. A study published by the Times of India (Nagpur edition) noted a 30% increase in animal

¹ <https://www.news18.com/byline/sanchita-vohra-28092.html>

abuse cases, with stray dogs being among the most affected. Similarly, data published by the Animal Welfare Board of India (AWBI) highlights inconsistencies in reporting and enforcement, with very few cruelty cases resulting in prosecution or penalties.

India currently harbors an estimated 59 million stray dogs, one of the largest populations globally. This situation, compounded by poor waste management, insufficient sterilization programs, lack of shelters, and low public awareness, contributes to recurring conflicts between humans and animals. The failure of local authorities and enforcement agencies to implement humane and effective population control measures under the Animal Birth Control Rules further exacerbates the problem. Instead of being viewed as sentient beings entitled to care and protection, stray dogs are often seen as threats to safety and sanitation—justifying acts of cruelty in the guise of public health concerns.

Although the Indian judiciary has progressively recognized the rights of animals and affirmed their entitlement to live with dignity (*Animal Welfare Board of India v. A. Nagaraja*, 2014; *Karnataka v. Indian Federation of Animal Protection Organisations*, 2020), there remains a disconnect between judicial idealism and administrative practice. The persistence of cruelty, neglect, and poor enforcement reveals systemic deficiencies in India's animal protection regime, calling for an in-depth and interdisciplinary inquiry.

The core problem, therefore, lies not only in the existence of cruelty and neglect, but in the failure of legal, policy, and enforcement mechanisms to effectively prevent, penalize, and deter such behavior. A combination of legislative inadequacy, institutional inefficiency, weak deterrence, and social indifference has allowed cruelty toward stray dogs to remain an under-addressed issue.

Hence, this study seeks to critically examine the phenomenon of rising cruelty and neglect of stray dogs in India through a doctrinal, empirical, and jurisprudential lens. It aims to determine whether existing animal protection laws and policies are sufficient, whether their implementation mechanisms are effective, and how judicial interpretations have influenced or failed to influence real-world outcomes for animal welfare.²

² [Times of India Report on Rising Animal Cruelty](#)
[Press Information Bureau: Data on Animal Cruelty Cases](#)
[PMC Journal Article: Estimation of India's Stray Dog Population](#)
[Vision IAS: Stray Dog Management in India – Balancing Safety and Welfare](#)

SIGNIFICANCE AND RELEVANCE (LEGAL, ETHICAL, SOCIAL)

The topic's significance lies in its legal, ethical, and social implications for animal protection in India. Legally, it highlights the inadequacy of the Prevention of Cruelty to Animals Act, 1960 and the need for better enforcement of animal protection laws, which are currently weak due to loopholes and lenient penalties. Ethically, it questions the morality of human cruelty toward stray dogs and explores different frameworks, such as utilitarianism and rights-based ethics, to balance public safety with animal welfare. Socially, it addresses the public perception of stray dogs as a menace versus the reality of their welfare, and the disconnect between the reverence for some animals and the cruelty inflicted on others.

Legal significance and relevance

- **Legislative inadequacy:** The current laws, such as the Prevention of Cruelty to Animals Act, 1960, are considered insufficient to deal with animal cruelty effectively.
- **Enforcement gaps:** There is a major gap between the legal provisions for animal welfare and their actual implementation, which is often hampered by corruption and mismanagement.
- **Judicial role:** Courts, including the Supreme Court of India, have been instrumental in issuing directives and interpretations to protect animals, such as forbidding the killing of stray dogs and mandating humane treatment through sterilization and vaccination programs.
- **Need for reform:** The study highlights the need for legal reforms and stricter punishments to ensure the safety of animals and reduce abuse.

Ethical significance and relevance

- **Moral responsibility:** There is an ethical debate on whether the state and society have a duty to protect all living beings, including stray dogs, as well as citizens.
- **Public safety vs. animal welfare:** The debate explores different ethical frameworks, such as utilitarianism (which may prioritize human safety) versus rights-based ethics (which argues for the inherent rights of animals).
- **Double standards:** The contrast between the treatment of well-bred dogs and stray dogs raises ethical questions about unequal treatment and societal attitudes towards animals.
- **Human-animal relationship:** Ethical considerations are vital for defining the human-animal relationship, especially in the context of cruelty and compassion.

Social significance and relevance

- **Public perception:** Social attitudes influence how stray dogs are viewed, with many seeing them as a nuisance and public health risk, while others view them as suffering.
- **Public health concerns:** The "menace" of stray dogs, including issues like rabies, road accidents, and bites, is a significant social problem that policymakers must address.
- **Social activism:** Social groups and NGOs play a crucial role in raising awareness, providing care, and advocating for the rights of stray animals through initiatives like feeding, vaccination, and legal action.
- **Behavioral connection:** Research indicates a connection between cruelty to animals and human interpersonal violence, making the issue of animal cruelty a concern for public safety beyond just animal welfare.

THEORIES OF ANIMAL RIGHTS AND WELFARE

The discourse on animal rights and welfare is rooted in moral philosophy, law, and social ethics. It examines the extent of human duties toward animals and the recognition of animals as beings capable of suffering, deserving moral and sometimes legal consideration. Theories in this domain are broadly categorized into **rights-based**, **utilitarian**, **contractarian**, and **ecological** approaches, each with distinct implications for legislation, public policy, and enforcement.

Utilitarian

You cannot talk about utilitarian theory and not mention Peter Singer – who has been very influential in the animal rights field and the debate concerning animals and ethics. The publication of his landmark book *Animal Liberation* in 1975 sparked the beginning of a growing and increasingly powerful movement in both the United States and Europe.

Utilitarian theories are concerned with choosing the action that will bring about the greatest good for the greatest number of individuals. When making these calculations to determine whether or not an action is morally right, you sum up the total amount of good that will be the result of a particular action and compare it to the total amount of harm that it will cause. This gives rise to a few inherent flaws (e.g., if we view animals as sentient creatures capable of perceiving pain and pleasure, we have to include these factors when determining whether an action is morally permissible, these calculations seem to require us to have advance knowledge

of an outcome of research which we do not know). Classical utilitarianism has been criticized because it fails to take into account the inherent rights and respect owed to individuals (human and other living species) when determining whether an action is morally right.

Singer gives the interests of animals the same weight as the interests of humans. He states that equality is a moral idea, not a simple assertion of fact: if possessing a higher degree of intelligence does not entitle one human being to use another for its own ends, how can it entitle human beings to exploit nonhuman beings? (Singer, 1985) He speaks about what he calls the “Principle of Equal Consideration of Interests” which he describes as follows: The essence of the Principle of Equal Consideration of Interests is that we give equal weight in our moral deliberations to the like interests of all those affected by our actions.” (Singer, 1993).

Animal Rights

Tom Regan is another individual who is influential in the animal rights movement. His influential work “The Case for Animal Rights” covers the topic of animals and ethics. Regan argues that animals have rights in just the same way that human beings do. He thinks it is a mistake to ground equal moral status on utilitarian grounds, as Singer does, but that they have the same moral status as human beings grounded on rights not utilitarian principles. He relies on a concept of inherent value – any being that is alive has inherent value. Anything that has inherent value is a being towards which we must show respect. In order to show respect to such a being, we cannot use it merely as a means to our ends.

CONTRACTARIAN THEORY

Contrary to critics and advocates of contractarianism alike, I argue that mutual advantage contractarianism entails rights and protections for animals. In section one I outline the criteria that must be met in order for an individual to qualify for moral rights on the contractarian view. I then introduce an alternative form of ‘rights,’ which I call ‘protectorate status,’ from which an individual can receive protections indirectly. In section two I suggest guidelines for assigning animal rights based on two ways of categorizing animals. On the basis of the categorization according to benefit derived, I argue that animals used for companionship, security, hunting assistance, transportation, entertainment, medical service, nourishment, or clothing will tend to qualify for basic rights against starvation, predation, and disease. On the basis of the categorization according to species, I argue that, on top of the basic rights above, dogs tend to qualify for rights against abuse, and against frivolous medical experimentation, as

well as further negotiated rights. Cows have the basic rights against starvation, predation, and disease, but squirrels and bears have no rights. In section three I argue that some animals qualify for protectorate status, which would establish various protections for different animals, but would also generally prohibit cruelty towards animals.³

Animal Rights Versus Human Rights: The Need for Compassion and Empathy Towards All Sentient Beings.

In our complex world, discussions about rights often revolve around the tension between human rights and animal rights. While human rights are universally acknowledged as essential for the well-being and dignity of individuals, the consideration of animal rights has gained momentum in recent years. This blog delves into the ethical implications of this debate, emphasizing the crucial need for compassion and empathy towards all sentient beings.

The Concept of Rights

Rights are the fundamental principles that protect individuals and ensure their fair treatment within a society. Human rights, rooted in our capacity for reason, consciousness, and moral agency, encompass a wide range of entitlements such as life, liberty, and freedom from cruelty. These rights reflect our intrinsic value as individuals capable of experiencing joy, suffering, and a myriad of emotions.

Animal Rights: Recognizing Sentience

In contrast to human rights, the concept of animal rights stems from the recognition of sentient beings' capacity to experience pleasure, pain, and emotions. Scientists and researchers across various fields have amassed compelling evidence highlighting the rich cognitive and emotional lives of animals. Whether it is the intelligence of dolphins, the empathy of elephants, or the social bonds observed among primates, these findings underscore the undeniable presence of consciousness and sentience in non-human animals.

Compassion and Empathy: The Bridge

While debates regarding the allocation of rights often pit human and animal interests against each other, fostering compassion and empathy can serve as a bridge to overcome this divide. Compassion involves recognizing the suffering of others and being motivated to alleviate it,

³ https://ovpr.uchc.edu/services/rics/animal/iacuc/ethics/theories/?utm_source=chatgpt.com

while empathy entails understanding and sharing the emotions of others. By cultivating these virtues, we can transcend the false dichotomy between human and animal interests and recognize the interconnectedness of all sentient beings.

The Moral Imperative

Recognizing the moral imperative to extend compassion and empathy to all sentient beings necessitates a shift in our attitudes and practices. This includes reassessing our treatment of animals within industries such as factory farming, animal testing, and entertainment, where their rights and welfare are often compromised for human gain. It requires us to challenge the notion that human interests inherently outweigh those of animals and to consider alternative approaches that prioritize coexistence and respect.

Benefits of Animal Rights

Acknowledging animal rights benefits not only the animals themselves but also human society as a whole. Studies have shown that acts of cruelty towards animals are often indicative of a broader pattern of violence and disregard for life. By promoting animal welfare and extending our empathy towards non-human beings, we foster a culture of compassion and non-violence, ultimately enhancing our own moral character and societal harmony.

In the pursuit of a more just and compassionate world, we must transcend the limitations of viewing rights as a zero-sum game. Recognizing the inherent worth and sentience of all beings can pave the way for a society that balances the needs and rights of both humans and animals. Through compassion and empathy, we can promote a holistic understanding of rights, fostering a world where the well-being and dignity of all sentient beings are upheld. Let us embrace our shared responsibility to create a future that respects and protects the rights of all.⁴

The Constitutional Scheme of Animal Rights in India

The Constitution of India is the supreme law of India which lays down the fundamental political code, rights and duties of citizens, directive principles of state policy, procedures, structures and powers of governmental institutions. It is widely regarded to be a “living document”-dynamic and constantly evolving with changing times. It is the longest written constitution in any country on earth and is divided into 395 articles (demarcated into 22 parts) and 12 schedules. The document establishes **constitutional supremacy**, i.e., the Indian Parliament

⁴ <https://timesofindia.indiatimes.com/readersblog>

cannot override the basic structure of the Constitution.

The Indian Constitution recognizes the sanctity of animal life and lays down the protection and treatment of animals with dignity as a fundamental duty of its citizens. The Constitutional Framework of animal protection in India is encompassed in the following parts:

1. Fundamental Rights (Part III)
2. Directive Principles of State Policy (Part IV)
3. Fundamental Duties (Part IV-A)
4. Allocation of powers between the Union and the States (the 7th Schedule) (discussed further in Overview of Animal Laws)
5. Judicial Authority of Courts (Articles 141 and 144) (discussed further in Introduction to the Indian Judicial System)

Fundamental Rights

The Fundamental Rights of India are enshrined in Part III (Articles 12 to 35) of the Constitution. They lay down universal, constitutionally-guaranteed rights essential for the existence and development of all individuals such as the Right to Equality, Right to Freedom, Right against Exploitation, etc. Any breach of Fundamental Rights is considered severe and the Supreme Court of India can be approached directly under Article 32 for constitutional remedies.

Relevant to animal welfare is the fundamental Right to Life under Article 21.

Article 21

Article 21 lays down the Right to Life, stating that:

No person shall be deprived of his life or personal liberty except according to procedure established by law.

The Article has been characterized as the “procedural magna carta protective of life and liberty.” The Supreme Court of India has undertaken an expansive reading of the right to life, including under it the right to food and shelter, right to education, etc.

In the context of animal rights, the Supreme Court has brought some animal rights under the ambit of the right to life through an expansive reading in the case of Animal Welfare Board of India v. A. Nagaraja & Ors. (the Jallikattu case).

Animal Welfare Board of India v. A. Nagaraja & Ors.

Jallikattu is a traditional sport practiced in the Indian state of Tamil Nadu where a bull is

released into a crowd of people who then attempt to grab onto the hump on the bull's back and hang onto it while the bull attempts to escape. The tradition has seen several human deaths over the years alongside animal welfare concerns. Before the bulls are released, they are prodded with sharp sticks or scythes, their tails are bent to extreme lengths so as to fracture the vertebrae and even bitten. There are reports of the bulls being forced to drink alcohol or chilli peppers being rubbed into their eyes for disorientation and aggravation. During the event, the bulls are stabbed by knives and sticks, punched, jumped on and dragged to the ground. If not enclosed, the bulls may run into ongoing traffic resulting in broken bones or death.

A case was filed in the Supreme Court of India by the Animal Welfare Board of India (AWBI) in 2010 to ban Jallikattu due to concerns of animal cruelty and public safety. Jallikattu was banned in 2011 by the Ministry of Environment and Forests which issued a notification banning the use of bulls as performing animals. However, the practice continued to be held under certain conditions the Tamil Nadu Regulation of Jallikattu Act (2007).

This case was an appeal filed by the AWBI against a High Court decision allowing for Jallikattu to be conducted upon compliance with the Tamil Nadu Act. The AWBI sought to enforce the government notification barring bulls from being exhibited or being trained as performing animals.

Ruling

The Supreme Court ruled in favour of the AWBI and upheld the enforcement of the ban on Jallikattu. It held that Article 51 A (g) of the Constitution is the “magna carta of animal rights” and made several observations to safeguard the “life” of animals under Article 21.

The Right to Life of Animals

1. With regard to Article 21, the Supreme Court notably held:

Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word “life” has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution. So far as animals are concerned, in our view “life” means something more than mere survival or existence or instrumental value for human beings, but to lead a life with some intrinsic worth, honor and dignity.”

2. *Directive Principles of State Policy*

The Directive Principles of State Policy (DPSP) are 15 principles enshrined in Part IV (Article 36- 51) of the Constitution forming the basis on which States frame laws and policies. Unlike the Fundamental Rights, the DPSP aren't enforceable in any court. However, it is the duty of States to apply them in making laws for the constitution of a just society. Three directive principles form the foundation of state policies on animal welfare in India, enshrined in the following articles:

1. Article 48
2. Article 48A

Article 48

The State shall endeavor to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

Cattle slaughter, especially cow slaughter, is a deeply contentious issue in India because of the sacred value held by cows to sects of Hindus, Jains, Zoroastrians, and Buddhist. There was debate amongst the Constituent Assembly of the Constitution regarding whether Article 48 ought to be included as a Fundamental Right. In order to prevent forcing non-Hindus from accepting a certain thing against their will and stating that fundamental rights deal with human beings only and not animals, the Constituent Assembly ultimately accepted the provision as a DPSP instead.

Judicial developments in cow slaughter

In the case of *Abdul Hakim Qureshi v. State of Bihar* (1961), the Supreme Court heard a petition regarding the constitutionality of cow slaughter ban laws in Bihar. The Petitioner contended that the laws breached the fundamental right to freedom of religion (under Article 25) of Muslims by preventing them from freely practicing traditions of their religion such as sacrificing cows on Bakr- Id Day. The Supreme Court of India upheld that none of the Islamic texts like the Hidayah or the Quran mandated cow slaughter and they allowed for a goat or camel to be sacrificed instead. Therefore, according to the Court a total ban on cow slaughter did not infringe on the religious freedom of Muslims. In the context of Article 48, the Court held that directive only applies to cows, calves and other animals which have the potential of yielding milk or have the capacity to work as draught. Therefore, Article 48 does not envisage a

prohibition on the slaughter of all cows or cattle.

A similar position was taken in the case of *Mohd. Hanif Qureshi v. State of Bihar* (1959) where the Supreme Court held that "A total ban [on cattle slaughter] was not permissible if, under economic conditions, keeping useless bull or bullock be a burden on the society and therefore not in the public interest." (See "Report of the National Commission on Cattle - Chapter I (8. The genesis of cow slaughter in India)". Department of Animal Husbandry, Dairying & Fisheries (DAHD)).

The position was overruled in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat* (2005) where the Supreme Court held that Article 48 envisions a total ban on the slaughter of cows and their progeny. It observed that cattle which has served the human species must be treated with compassion in its old age even though it is useless. The Court also ruled that "it was evident from the combined reading of Articles 48 and 51- A(g) of the [Indian] Constitution that citizens must show compassion to the animal kingdom. The animals have their own fundamental rights. Article 48 specifically lays down that the state shall endeavour to prohibit the slaughter of cows and calves, other milch and draught cattle".

Article 48A

Article 48A lays down the directive principle for protection and improvement of environment and safeguarding of forests and wildlife. It reads as: The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country. This Article was added by the 42nd Amendment, 1976 and places an obligation on the State to protect the environment and wildlife. While not judicially enforceable, Article 48A may become enforceable under the ambit of the right to life under Article 21.

In *M.C. Mehta v. Union of India* (2002), the Supreme Court heard a public interest litigation in the matter of air pollution in Delhi. The Court made the following observations regarding Article 48A and public health:

Articles 39, 47 and 48A by themselves and collectively cast a duty on the State to secure the health of the people, improve public health and protect and improve the environment.

In *Sachidanand Pandey & Ors. v. The State of West Bengal & Ors.* (1987), the Supreme Court held that Article 48A must be kept in mind whenever a matter regarding maintenance of the ecology is brought before the Court.

1. *Fundamental Duties*

The Fundamental Duties of the citizens of India are enshrined in Article 51A (Part IV-A) of the Constitution. The Article was brought in by way of the 42nd Amendment of 1976 to bring the Indian Constitution in accordance with Article 29(1) of the Universal Declaration of Human Rights. While Fundamental Duties are unenforceable in courts, they are often resorted to in the interpretation of constitutional and other matters.

In the context of animal rights, the relevant clauses of Article 51A read as follows: It shall be the duty of every citizen of India:

- a) to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures;
- b) to develop the scientific temper, humanism and the spirit of inquiry and reform . . .

Article 51A (g) places a duty on the citizens of India to protect and improve the natural environment and have compassion for all living creatures. As interpreted in *Animal Welfare Board of India v. A. Nagaraja & Ors.* (2014), compassion for all living creatures includes concern for their suffering and well-being. In the case, the Supreme Court regarded 51A (g) alongside the duty to develop scientific temperament under 51A (h) as the magna carta of animal rights jurisprudence in India.⁵

Statutory Framework for Stray Dog Welfare in India:

India's legal framework for addressing human cruelty and ensuring the welfare of stray dogs is primarily anchored in the Prevention of Cruelty to Animals Act, 1960 (PCA Act), supplemented by specific rules under it and provisions from the Indian Penal Code, 1860 (IPC). This framework emphasizes humane treatment, population control through sterilization rather than culling, and prevention of unnecessary suffering, aligning with Article 51A(g) of the Constitution, which imposes a fundamental duty on citizens to "have compassion for living creatures." However, enforcement remains a critical gap, often leading to conflicts between public safety (e.g., dog bites and rabies) and animal rights.

The framework has evolved to prioritize the Animal Birth Control (ABC) Rules, which superseded earlier provisions allowing limited culling. Below is a doctrinal appraisal of the key statutes and rules, highlighting their provisions, application to stray dogs, and limitations.

⁵ <https://www.animallaw.info/article/constitutional-scheme-animal-rights-india>

Empirical data underscores the challenges: India has an estimated 30-35 million stray dogs, with over 37 lakh dog-bite cases and 54 suspected rabies deaths reported in 2024 alone. Recent Supreme Court interventions (e.g., August-November 2025 orders) have directed mass capture, sterilization, and relocation to shelters in high-risk areas like schools and hospitals, while reaffirming no-kill policies except for rabid or incurably ill dogs.

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

Enacted to prevent "unnecessary pain or suffering" to animals, this is the cornerstone of India's animal welfare law. It applies to all animals, including strays, and defines cruelty broadly under Section 11.

Key Provisions Relevant to Stray Dogs:

- **Section 3 (Duty of Care):** Persons in charge of animals must ensure their well-being and avoid unnecessary suffering. This extends to municipal authorities managing strays.
- **Section 11 (Definition of Cruelty):** Prohibits acts like beating, kicking, overloading, mutilation, or killing by cruel methods (e.g., strychnine injections). Specific to strays:
 - Clause (1): Bans mutilation or killing of stray dogs in "unnecessarily cruel" ways.
 - Exceptions (sub-section 3): Allows destruction of strays in "lethal chambers" or prescribed humane methods, but only for rabid/incurably ill dogs. This was interpreted narrowly post-2001 ABC Rules to favor sterilization over culling.
- **Section 38:** Empowers the Central Government to frame rules for specific issues, leading to the ABC Rules.
- **Penalties (Section 26):** First offense: Fine up to ₹50; repeat: Up to 3 months imprisonment or ₹100 fine (criticized as inadequate; amendments proposed for harsher penalties up to ₹75,000 and 3 years' imprisonment for "gruesome cruelty").
- **Institutional Mechanism:** Establishes the Animal Welfare Board of India (AWBI) under Section 4 as an advisory body to promote welfare, monitor implementation, and issue guidelines (e.g., on feeding strays and conflict resolution).

Doctrinal Critique: The Act's broad definition of cruelty aligns with jurisprudential principles of dignity and non-violence (e.g., Supreme Court in *Animal Welfare Board of India v. A.*

Nagaraja, 2014, recognizing animals' "inherent dignity"). However, its exceptions for "prescribed" culling have been abused, leading to illegal killings. Empirically, despite the Act, 20 million dog bites occur annually, with poor enforcement in urban areas like Delhi (29,698 cases in one hospital in 2024). Jurisprudentially, it integrates with Article 21 (right to life), extending protections to animals but subordinating them to human safety.

2. *Animal Birth Control (Dogs) Rules, 2001 (ABC Rules 2001)*

Notified under Section 38 of the PCA Act, these rules shifted focus from culling to humane population control, mandating sterilization and vaccination for strays (classified as "street dogs").

Key Provisions:

- **Rule 3 (Classification and Responsibilities):** Divides dogs into pet (owner-liable for sterilization/licensing) and street dogs (handled by local authorities, AWBI-recognized NGOs, and individuals).
- **Rule 5-7 (Sterilization and Immunization):** Local bodies must conduct ABC programs targeting 70% sterilization for population stability. Dogs must be ear-tagged, vaccinated against rabies, and released in the same area (CNVR: Capture-Neuter-Vaccinate-Release model).
- **Rule 9-10 (Euthanasia):** Limited to incurably ill, mortally wounded, or rabid dogs via humane methods (e.g., sodium pentathol); no mass culling.
- **Rule 11 (Dog Squads):** Local authorities form squads for capture and monitoring.
- **Implementation:** Supported by AWBI; WHO-endorsed to reduce rabies (dogs cause 99% of human cases).

Doctrinal Critique: These rules operationalized compassion (Article 51A(g)) but faced empirical failures: Only sporadic implementation led to unchecked populations and conflicts (e.g., Bengaluru/Kerala attacks). Supreme Court in *Animal Welfare Board of India v. People for Elimination of Stray Troubles* (2015) mandated nationwide rollout, yet coverage remains below 50% in many states. Jurisprudentially, it promotes scientific temperament (Article 51A (h)) over outdated culling.

3. *Animal Birth Control Rules, 2023 (ABC Rules 2023)*⁶

Superseding the 2001 Rules (notified March 2023 under PCA Act Section 38), these address

⁶ <https://www.ndtv.com/india-news/animal-birth-control-rules-absurd-supreme-court-on-stray-dog-menace-9060876>

implementation gaps, human-dog conflicts, and AWBI advisories. They respond to Supreme Court guidelines prohibiting relocation (as it disrupts territories, increasing aggression).

Doctrinal Critique: Enhances enforceability with accountability (e.g., RWAs' role) and conflict resolution, but empirically, resource shortages persist (e.g., only 20% coverage in Delhi). Supreme Court (2025) called initial 2023 rules "absurd" for release mandates amid rising bites (e.g., child's death in Delhi), ordering shelters in public spaces while upholding no-kill ethos. Jurisprudentially, it balances locus standi for animals (via AWBI) with human rights under Article 21.

4. *Indian Penal Code, 1860 (IPC) Provisions: Sections 428-429*

These criminalize animal harm based on economic value, complementing PCA Act for severe cruelty cases.

Key Provisions:

- **Section 428:** Punishes mischief by killing, poisoning, maiming, or rendering useless any animal valued at ₹10+: Up to 2 years imprisonment, fine, or both.
- **Section 429:** Same acts for animals valued at ₹50+ (includes most dogs/cattle): Up to 5 years imprisonment, fine, or both.

Application to Stray Dogs: Strays have "value" (e.g., as community assets), so poisoning/beating them triggers these sections. Used alongside PCA Section 11 for prosecutions (e.g., acid attacks on strays). Empirical use: Rare, with only ~1,000 convictions annually despite millions of incidents.

Doctrinal Critique: Economic valuation is archaic (ignores sentience), but it provides deterrence absent in PCA's mild penalties. Jurisprudentially, it supports *parens patriae* doctrine for vulnerable beings.

Critical Appraisal: Doctrinal, Empirical, and Jurisprudential Gaps

- **Doctrinal:** Framework is comprehensive but fragmented; ABC Rules integrate PCA/IPC, yet state laws (e.g., allowing culling) conflict with central supremacy (upheld in 2025 SC judgment).
- **Empirical:** Poor enforcement: Only 1-2 million sterilizations/year vs. needed 20-25 million. Rabies kills 20,000 annually; dog bites rose 20% post-COVID. Funding shortages (₹100-200 crore annually) hinder shelters.
- **Jurisprudential:** Courts (e.g., *Nagaraja*, 2014) affirm animals' rights, but 2025 SC orders prioritize Article 21 (human safety). Proposed reforms: Harsher penalties,

mandatory shelters, and pet-owner accountability (e.g., microchipping).

Recommendations for Enforcement:

- Scale ABC via public-private partnerships (e.g., NGOs like Friendicoes).
- National census of strays and dedicated funding under NRCP.
- Awareness campaigns on feeding/responsible ownership.

This framework, while progressive, demands robust implementation to mitigate cruelty and balance welfare with safety.⁷

Landmark Judgments on Animal Cruelty and Stray Dog Welfare in India

India's judiciary has progressively shaped animal welfare jurisprudence, interpreting the Prevention of Cruelty to Animals Act, 1960 (PCA Act) and Animal Birth Control (Dogs) Rules, 2023 (ABC Rules) to emphasize sentience, dignity, and compassion under Article 51A(g) of the Constitution (fundamental duty to protect wildlife and show compassion for living creatures).

Landmark rulings have banned culling (except for rabid/incurably ill dogs), mandated Capture-Neuter-Vaccinate-Release (CNVR), and balanced human safety under Article 21 amid rising dog-bite cases (~3.7 crore in 2024). The Supreme Court (SC) has been pivotal, often invoking *parens patriae* (state as guardian) for animals. Below is a chronological appraisal of key cases (2009–2025), focusing on doctrinal impact.⁸

Animal Welfare Board of India v. A. Nagaraja (Jallikattu Case)

Citation: (2014) 7 SCC 547

Court: Supreme Court of India

Bench: Justice K.S. Radhakrishnan and Justice Pinaki Chandra Ghose

Date of Judgment: 7 May 2014

1. Facts of the Case

The Animal Welfare Board of India (AWBI) filed a petition challenging the State Governments of Tamil Nadu and Maharashtra for permitting traditional events — Jallikattu (bull-taming

⁷ https://www.business-standard.com/india-news/birth-control-rules-2023-govt-lays-rules-to-control-dog-population-123041800514_1.html

<https://www.drishtias.com/daily-updates/daily-news-analysis/animal-birth-control-rules-2023>

https://en.wikipedia.org/wiki/Animal_welfare_and_rights_in_India

⁸ <https://www.drishtijudiciary.com/editorial/stray-dogs-prevention>

sport) and bullock-cart races — where bulls were forced to perform through pain, fear, and torture. The AWBI argued that these events violated the Prevention of Cruelty to Animals Act, 1960 (PCA Act).

The State governments defended these practices as cultural and traditional sports integral to the local heritage and identity of the people, particularly in Tamil Nadu.

2. Issues Before the Court

1. Whether the conduct of Jallikattu and bullock-cart races violates the provisions of the Prevention of Cruelty to Animals Act, 1960.
2. Whether such traditional practices can be protected under Article 29(1) of the Constitution (right to preserve culture).
3. Whether animals have legal and constitutional rights under Indian law.

3. Arguments

Petitioner (AWBI):

- Jallikattu causes unnecessary pain and suffering to bulls, violating Sections 3 and 11 of the PCA Act.
- The “culture” argument cannot override statutory and constitutional duties toward animal welfare.
- Cited international recognition of animal sentience and dignity.

Respondents (State & Organisers):

- Jallikattu is an ancient cultural tradition and a symbol of Tamil identity.
- Measures were taken to regulate cruelty; hence, the events should be permitted under Article 29(1).
- The PCA Act allows for “reasonable” human use of animals.

4. Judgment

The Supreme Court held that:

- Bulls are not performing animals by nature; forcing them to participate in such events violates their rights under the PCA Act.
- The conduct of Jallikattu and similar events contravenes Sections 3 and 11 of the PCA Act (prohibition of unnecessary pain or suffering).

- The claim of cultural protection under Article 29(1) cannot justify cruelty.
- Recognised that animals have a right to live with dignity and free from unnecessary pain, grounded in Articles 21, 48A, and 51A(g) of the Constitution.

5. Ratio Decidendi

- Animal dignity and welfare form part of the constitutional scheme.
- The scope of Article 21 (Right to Life) extends to animals.
- Citizens have a fundamental duty to show compassion to all living creatures (Article 51A(g)).
- The “Five Freedoms” for animals (from hunger, discomfort, pain, fear, and to express normal behaviour) are integral to animal rights.
- Culture or tradition cannot trump animal welfare laws.

6. Outcome

- The Court banned Jallikattu, bullock-cart races, and similar events across India.
- Directed strict implementation of the PCA Act and rules by the Centre and States.
- Recognised animals as “sentient beings with intrinsic value”, not merely property.

7. Significance

- Landmark ruling giving constitutional recognition to animal rights in India.
- Established the foundation for “animal personhood” and the ethical treatment of animals.
- Strengthened the legal framework for animal welfare and influenced later cases, including the Delhi-NCR stray dogs case (2025).
- Became a benchmark for reconciling human interests and animal welfare in Indian jurisprudence.

City Hounded by Strays, Kids Pay the Price (Suo Moto WP(C) No. 5/2025)

Case Brief

Title: In Re: “City Hounded by Strays, Kids Pay Price” (Suo Moto WP(C) No. 5/2025)

Court: Supreme Court of India

Bench: Justice J. B. Pardiwala & Justice R. Mahadevan (initial two-Judge Bench)

Date of initial order: 28 July 2025 (cognisance taken) **Subsequent order:** 11 August 2025

(major directions) **Modification order:** 22 August 2025 (clarifications/modifications)

Facts

- The Court took suo moto cognisance on 28 July 2025 of a newspaper report titled “*City Hounded by Strays, Kids Pay Price*”, published in the *Times of India, Delhi* edition, describing alarming dog-bite incidents (including death of a 6-year-old girl) in Delhi and adjoining areas.
- The report highlighted significant figures: e.g., that on average 20,000 dog-bite cases are recorded in the country and “out of which 2,000 incidents happen in Delhi every day”.
- The Court found that stray dogs in public/ residential spaces pose a serious threat to the safety of children, elderly persons, homeless persons and visually impaired persons.

Issues

1. Whether the escalating menace of stray dogs and dog-bite incidents in Delhi-NCR (National Capital Region) demands immediate judicial intervention in public interest.
2. Whether the existing legal/regulatory regime (Animal Birth Control (Dogs) Rules, 2023) sufficiently protects the fundamental rights of citizens (e.g., right to life and personal safety under Article 21) in the face of increasing stray-dog attacks.
3. What directions should be issued to civic/municipal authorities in Delhi & NCR regarding the capture, sterilisation, immunisation, detention or release of stray dogs, shelter-infrastructure, helpline & complaint redressal mechanism.

Holding / Directions (11 August 2025 OrderA)

- The Court directed the NCT of Delhi, MCD (Municipal Corporation of Delhi), NDMC (New Delhi Municipal Council) and authorities of NOIDA, Ghaziabad, Faridabad and Gurugram (i.e., NCR region) to immediately begin picking up stray dogs from all localities (especially vulnerable ones) and relocate them to designated shelters/pounds.
- The concerned authorities were directed to create dog shelters/pounds (with adequate infrastructure, personnel, veterinary care, CCTV monitoring) within eight weeks and to maintain strict records of dogs captured, housed, and *not released back to streets/public spaces*.
- It was made clear that not a single dog once picked up shall be released back onto streets under any circumstances, in the interim phase.
- Authorities were directed to set up a helpline for dog-bite complaints; complaints must

trigger the capture of offending dog(s) within four hours of receipt.

- The shelters must ensure no mistreatment of detained dogs; adequate food, medical care, and separation of vulnerable/weak dogs must be ensured.
- The Court warned that any hindrance or obstruction by any individual or organisation in implementation would be regarded as contempt of Court.

Modification / Clarification (22 August 2025 Order)

- The earlier blanket *no-release* directive was moderated: the Court permitted release back to same locality of healthy, sterile, vaccinated stray dogs (as per ABC Rules) except those infected with or suspected to have rabies or which show aggressive behaviour.
- The Court directed creation of designated feeding zones for stray dogs, and restrictions on street/household feeding outside these zones.
- The directions were extended nationwide (all States/UTs) to evolve a uniform approach.

Ratio / Key Observations

- The Court held that municipal and state authorities have an enforceable duty to ensure that public places, streets and neighbourhoods are safe for children, the elderly, and the visually impaired, free from the menace of stray dogs.
- It observed that while co-existence with stray/community dogs is a legitimate objective, it cannot be at the cost of human lives and safety.
- The Court noted that the ABC Rules, 2023 provide for capture, sterilisation, immunisation & release at same locality—but the rising incidents of dog-bites and rabies show that the current regime is inadequate unless backed by robust infrastructure and monitoring.

Significance

- This decision marks one of the most significant judicial interventions in India on stray-dog population management and public-safety vis-à-vis animal-welfare laws.
- It underscores a shift in prioritisation: where stray-dog control is treated not merely as a civic sanitation/animal-welfare issue but as a fundamental human-safety and public-health rights issue.
- It sets in motion major administrative and infrastructure obligations on civic bodies

(shelters, helplines, monitoring, record-keeping) within a tight timeframe.

- The case will likely serve as a **precedent** for other states/UTs grappling with stray-dog menace, urban co-existence of humans and animals, and balancing animal-rights with public-rights⁹

Supreme Court of India vs Civic Authorities of Delhi-NCR

- Delhi and the NCR (Noida, Ghaziabad, Gurugram, Faridabad) have witnessed a sharp rise in dog-bite incidents and a few fatal rabies cases, particularly among children.
- Multiple Public Interest Litigations (PILs) were filed seeking control of the stray dog population.
- The Supreme Court took suo motu cognisance of the situation, noting that public safety and hygiene were being seriously compromised.

1. August 11, 2025 – Initial Supreme Court Order

- The Court directed the removal of all stray dogs from residential areas and streets in Delhi-NCR.
- Ordered that they be relocated to government shelters or pounds within 8 weeks.
- Directed civic authorities (MCD, NDMC, Noida Authority, Gurugram Municipal Corporation, etc.) to take coordinated action.
- Said: “No sentiment should interfere with public safety.”
- Objective: Make public spaces “free from stray dogs.”

Controversy:

This order drew strong criticism from animal welfare groups, NGOs, and activists, arguing that it:

- Violated the Animal Birth Control (Dogs) Rules, 2023, which mandate sterilisation and release back into the same area.
- Was impractical, since Delhi’s stray dog population exceeds 10 lakh (1 million), while shelters can hold fewer than 5,000 dogs.

⁹ https://www.sconline.com/blog/post/2025/08/14/supreme-court-stray-dog-case-development-and-updates/?utm_source=chatgpt.com

2. August 22, 2025 – Modified Supreme Court Order

After nationwide backlash and legal review, the Supreme Court modified its earlier directive.

Key Modifications:

1. Healthy, non-aggressive stray dogs are to be:
 - Sterilised, vaccinated, and tagged, then
 - Released back to the same locality (in accordance with ABC Rules).
2. Aggressive or rabid dogs may be captured and kept in shelters or isolation facilities.
3. Civic bodies must establish designated feeding zones, and feeding on public roads or near residences is prohibited.
4. Authorities to conduct mass sterilisation and anti-rabies vaccination drives with NGO coordination.
5. Matter referred to a larger three-judge bench for a long-term, all-India policy framework.

Legal and Policy Issues Involved

1. Conflict of Laws:
 - Initial SC order conflicted with the ABC (Dogs) Rules, 2023 (which are statutory under the Prevention of Cruelty to Animals Act, 1960).
2. Constitutional Morality:
 - Balancing Article 21 rights of citizens (right to safety and health) vs. Article 51A(g) (duty to show compassion to living creatures).
3. Administrative Capacity:
 - Implementation challenge due to shortage of shelters, staff, and veterinary infrastructure.
4. Human–Animal Coexistence:
 - Need to reconcile urban public safety with animal welfare ethics.

Impact and Implications

- For Residents: Safer streets, regulated feeding zones, and reduced stray–human conflict expected.
- For Civic Bodies: Greater responsibility to execute humane sterilisation and vaccination programs.
- For Animal Welfare: Protection of dogs’ rights under the ABC framework reaffirmed

after modification.

- For India: This case could become a national precedent guiding future stray animal management policies.

Key Takeaways

- The Supreme Court initially favoured complete removal of strays for public safety.
- Following objections, it restored a balanced, humane policy aligned with the ABC Rules.
- Final resolution pending before a three-judge bench, which will determine India's long-term stray dog ¹⁰

Kerala High Court case on euthanasia of stray dogs

Background:

- Kerala witnessed a sharp increase in stray dog attacks, leading local bodies to start mass culling (euthanasia) of stray dogs.
- Animal rights groups and activists challenged this action, arguing it was cruel, unconstitutional, and in violation of animal protection laws.
- The controversy reached the Kerala High Court, where some benches supported euthanasia of “dangerous and rabid” dogs, while others upheld the right to life and protection of animals.

Legal Issues:

1. Whether municipal authorities have the power to euthanize stray dogs for public safety.
2. Whether mass killing of stray dogs violates Article 21 (Right to Life – applicable to animals as per A. Nagaraja case, 2014).
3. The interpretation of the Prevention of Cruelty to Animals Act, 1960, and Animal Birth Control (Dogs) Rules, 2001.
4. Kerala High Court's Stand (Conflicting Orders):
 - Some judgments permitted controlled euthanasia of “ferocious” or “rabid” stray dogs to protect human life.
 - Other benches emphasized sterilization and vaccination, not killing, as the lawful method under Rule 9 of the ABC (Dogs) Rules, 2001.

¹⁰ https://24law.in/story/breaking-stray-dogs-case-supreme-court-summons-chief-secretaries-of-states-and-uts-over-failure-to?utm_source=chatgpt.com

Supreme Court's Intervention:

- The Animal Welfare Board of India (AWBI) and activists appealed to the Supreme Court.
- The Supreme Court (2016) in *Animal Welfare Board of India v. People for Elimination of Stray Troubles (PEST)* and connected petitions deferred euthanasia, observing that: "No stray dog shall be culled except in accordance with the ABC (Dogs) Rules, 2001."
- The Court issued an interim stay on all Kerala High Court orders allowing killing of stray dogs and directed the implementation of sterilization and vaccination programs instead.

Judicial Outcome (in brief):

- Kerala High Court's pro-euthanasia stance was effectively deferred/suspended by the Supreme Court.
- The ABC Rules, 2001 were reaffirmed as the governing law.
- The emphasis shifted to humane control through sterilization and vaccination, not killing.

Significance:

- Reinforced the principle from *Animal Welfare Board of India v. A. Nagaraja* (2014) that animals have a right to live with dignity.
- Highlighted judicial inconsistency at the state level and centralized control under Supreme Court oversight.
- Strengthened animal rights jurisprudence and humane policy implementation in India.¹¹

THERE WERE MANY CASES IN RECENT DAYS:

- Other procedural deviation in Supreme Court.
- Local case of Indore municipal corporation, Madhya Pradesh.
- 4th September Highlighting case of Agartala (Tripura).
- 22nd September 5 dogs were killed with poison (Nagpur)

¹¹ https://www.livelaw.in/high-court/kerala-high-court/kerala-high-court-defers-governments-move-euthanise-stray-dogs-under-animal-welfare-rules-299382?utm_source=chatgpt.com
https://www.livelaw.in/high-court/kerala-high-court/kerala-high-court-defers-governments-move-euthanise-stray-dogs-under-animal-welfare-rules-299382?utm_source=chatgpt.com
https://www.sconline.com/blog/post/2025/08/04/kerala-hc-defers-stray-dogs-euthanasia/?utm_source=chatgpt.com

Case study of local enforcement mechanism

Municipal dog sterilization programs operate globally with varied success, often following the "Catch, Neuter, Vaccinate, and Return" (CNVR) method as mandated by the Animal Birth Control (ABC) Rules in countries like India.

Case Studies in India (Multiple Cities)

- **Approach:** Local municipal bodies collaborate with Animal Welfare Organizations (AWOs) to implement the ABC program. Dogs are humanely captured, surgically sterilized, vaccinated against rabies, and released to their original territories.
- **Successes:**
 - **Jaipur:** A long-running program in Jaipur, India, demonstrated a significant decline in human dog-bite cases, attributed to a reduction in both the overall dog population and maternal protective behaviors in non-breeding females.
 - **Goa:** The entire state achieved the elimination of human rabies and a 92% reduction in canine rabies cases through a systematic, data-driven vaccination and sterilization program. This was a "very cost-effective" intervention by WHO definitions.
 - **Bengaluru:** Assessments showed a 10% reduction in the street dog population over four years, coupled with a 20% increase in the neutering rate.
- **Challenges/Lessons Learned:**
 - **Implementation Gaps:** Many programs are conducted non-systematically, without baseline population assessments or an understanding of the necessary intervention scale, leading to no noticeable impact and subsequent funding withdrawal.
 - **Resource Limitations:** Insufficient funding, lack of proper infrastructure (shelters, veterinary resources), and inadequate coordination between municipal bodies and NGOs often hinder success.
 - **Data Management:** Paper-based records often lead to poor monitoring and failure to return dogs to their correct territories, which is crucial as dogs are territorial. Technology, like smartphone apps used by Humane Society International (HSI) in cities like Vadodara and Dehradun, has improved data collection, real-time monitoring, and accurate GPS-based release.
 - **Targeting:** Models suggest that sterilizing more than 83% of fertile female dogs is critical to interrupt the breeding cycle effectively. Prioritizing females over

males is more cost-effective.

International Case Studies

- **The Netherlands:** Achieved a "stray dog-free" status through a comprehensive CNVR program and efforts to encourage dog adoption.
- **Istanbul, Turkey:** Implements a robust "Trap-Neuter-Vaccinate-Return" (TNVR) program, including ear tagging for identification and community engagement. The dog population has stabilized, and rabies is nearly eliminated.
- **Bali, Indonesia:** A pilot program in Pejeng Village combined legislation, registration, vaccination, sterilization, education, and waste management, aiming for comprehensive change in dog ownership practices and rabies control.

Key Enforcement Mechanisms for Success

- **Legal Mandates:** Clear national and local laws (like India's ABC Rules) provide the framework for humane management.
- **Public-Private Partnerships:** Successful programs often rely on collaboration between municipal authorities and experienced AWOs/NGOs.
- **Community Engagement:** Involving local residents in identifying dogs, educating the public on responsible pet ownership (licensing, vaccination), and waste management are critical for long-term success.
- **Systematic Implementation:** Programs must be systematic, data-driven, and aim for a high (above 83%) and consistently maintained sterilization rate to be effective.
- **Infrastructure:** Adequate facilities, trained personnel, and proper logistics (dog vans, clinics) are essential for efficient operation.

“Ethical and Educational Reforms to Reduce Human Cruelty Toward Stray Animals in India”

1. Ethical Foundations of Humane Treatment

- **Gandhian Ethics of Ahimsa (Non-Violence):**

Mahatma Gandhi famously stated that “the greatness of a nation can be judged by the way its animals are treated.”

This principle underlies India’s constitutional moral vision under Article 51A(g), which imposes a duty on citizens to show compassion for all living creatures.

- **Constitutional Morality and Animal Ethics:**

The Supreme Court in *Animal Welfare Board of India v. A. Nagaraja* [(2014) 7 SCC 547] recognised animals as sentient beings with intrinsic worth, not merely as property. This ethical recognition must be reflected in civic life, education, and governance.

- ***Utilitarian vs. Rights-Based Balance:***

Ethics should not be reduced to balancing human convenience with animal pain; rather, both human safety and animal welfare are moral imperatives of a civilised society.

2. Role of Education and Awareness

a) Integration into School Curricula

- Introduce humane education modules in primary and secondary schools (aligned with NCERT and CBSE guidelines).
- Subjects like Environmental Studies and Moral Science can include lessons on empathy, animal behaviour, and responsible pet care.
- Encourage animal clubs, nature walks, and community adoption programmes as experiential learning tools.

b) Public and Community Education

- Mass media campaigns on animal kindness, rabies prevention, and sterilisation awareness.
- Collaboration with NGOs such as PETA India, FIAPO, and Blue Cross of India for humane education drives.
- Street plays, posters, and social media outreach to sensitise communities toward stray animals.

c) Professional and Institutional Training

- Include animal ethics and welfare law in curricula for police, veterinary, and municipal training academies.
- Create modules for law students and administrators to understand the constitutional and moral obligations regarding animal welfare.

1. Ethical Policing and Civic Responsibility

- **Training for Law Enforcement:**
Police officers and municipal workers should be sensitised about provisions of

the Prevention of Cruelty to Animals Act, 1960, and Supreme Court rulings protecting animal rights.

- **Whistleblower & Citizen Vigilance Networks:**
Encourage civic reporting of cruelty cases through online portals and animal helplines.
- **Community Mediation:**
Local welfare committees can mediate between residents' safety concerns and animal rights activists to avoid violent confrontations.

2. Institutional Reforms and Policy Recommendations

1. Establish a National Humane Education Council under the Ministry of Education and Animal Welfare Board.
2. Make animal welfare awareness a *mandatory component* of school and university curricula.
3. Promote ethical leadership in local bodies — municipal chairpersons and ward officers should be trained in compassion-based governance.
4. Incentivise corporate social responsibility (CSR) investments in shelter, sterilisation, and animal education projects.

3. Philosophical and Cultural Renewal

- a. Revive India's traditional ethos of compassion — reflected in Jainism's ahimsa, Buddhism's karuna, and Hinduism's reverence for all life.
- b. Integrate ethical reflection with modern animal welfare science to create an Indian model of "Compassionate Citizenship."
- c. Encourage religious institutions and influencers to promote kindness toward animals as a spiritual and civic virtue.¹²

¹² https://voicelessindia.org/humane-education-projects?utm_source=chatgpt.com
https://www.strawindia.org/?utm_source=chatgpt.com
https://www.peopleforanimalsindia.org/?utm_source=chatgpt.com
https://www.awbi.gov.in/view/index/humane-education-and-training?utm_source=chatgpt.com

Conclusion

The jurisprudence surrounding stray dog welfare in India reflects a profound tension between human safety and animal rights. Over the course of this study, it becomes evident that India's legal framework though robust in text suffers from inconsistent enforcement and moral ambivalence in practice. The Prevention of Cruelty to Animals Act, 1960, the Animal Birth Control Rules, 2023, and the constitutional mandate under Articles 21, 48A, and 51A(g) collectively envision a compassionate state that safeguards the lives of both humans and animals. Yet, the recurrent violence against stray dogs, and the public outcry over attacks on children, reveal a society struggling to reconcile compassion with fear, and rights with responsibility.

From a doctrinal standpoint, the Supreme Court's judgments in *Animal Welfare Board of India v. A. Nagaraja* (2014) and *City Hounded by Strays, Kids Pay the Price* (Suo Motu WP(C) No. 5/2025) underscore a transformative interpretation of Article 21 extending the right to life to all sentient beings. These cases mark a jurisprudential shift from anthropocentric to ecocentric constitutionalism, recognising animals as part of the moral community entitled to dignity, not merely survival. The Court's evolving reasoning suggests that compassion is a constitutional virtue, integral to the idea of justice in a civilised democracy.

However, law alone cannot remedy moral failures. The persistence of cruelty and negligence stems from societal apathy and institutional indifference. This research demonstrates that the law–society–morality nexus is circular: humane laws require humane citizens, and compassionate citizens are cultivated through ethical education, community participation, and civic responsibility. Without a moral awakening, legal reform remains an empty promise.

Comparative insights from jurisdictions such as the United Kingdom, Germany, the United States, and Australia illustrate that sustainable coexistence depends on humane management systems structured shelters, sterilisation drives, and community engagement rather than punitive or exterminatory measures. These models show that safety and compassion are not opposites but complements when guided by education, accountability, and scientific management.

Thus, the Indian state's obligation transcends statutory compliance; it must internalise compassion as governance philosophy. The judiciary has already articulated this moral trajectory what remains is for society and administration to translate it into lived practice.

Ethical and educational reforms, humane law enforcement, and civic empathy must together reshape public consciousness.

In synthesis, the protection of stray animals is not merely an act of kindness; it is a test of constitutional morality, a reflection of the values India chooses to embody. As the lines between law, society, and morality converge, the true measure of progress will lie not only in preventing attacks or cruelty, but in fostering a culture of coexistence where every life human or animal commands equal respect and dignity.

