



BALANCING ANIMAL RIGHTS WITH CITIZEN SAFETY: A CRITICAL COMMENTARY ON THE SUPREME COURT'S STRAY DOGS VERDICT (2026)

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INTRODUCTION

The escalating crisis of stray dog attacks and dog-bite incidents has emerged as a significant socio-legal challenge across urban and rural India. The Supreme Court has stepped into the heated “man vs stray dog” conflict to set clear rules for Local authorities. The court referred this issue to Article 21 of the Indian Constitution, the right to life and personal liberty, and highlighted that citizens have a fundamental right to walk through public roads and use public places without any fear of being attacked by dogs. The case originated from the suo moto cognisance taken on July 28, 2025, following the tragic rabies-induced death of a six-year-old girl in Delhi, which highlighted a 70% surge in dog bite cases and the failure of existing Animal Birth Control (ABC) rules. In a historical development, the Supreme Court of India delivered its definitive judgment in the landmark suo motu case, *In Re: “City Hounded by Strays, Kids Pay Price”* (Suo Motu Writ Petition (Civil) No. 5 of 2025), decided on May 19, 2026.¹

The three-judge bench, comprising Justices Vikram Nath, Sandeep Mehta, and N.V. Anjaria, adjudicated upon a web of petitions seeking to recall, clarify, or expand earlier judicial directions issued in November 2025. This judgment establishes a vital precedent by attempting to resolve the structural gridlock between the Animal Birth Control (ABC) Rules, 2023² and the fundamental right to life under Article 21³ of the Constitution.

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¹ In Re: “City Hounded by Strays, Kids Pay Price” (Suo Motu Writ Petition (Civil) No 5 of 2025)

² Animal Birth Control Rules 2023

³ The Constitution of India 1950, art 21

FACTS OF THE CASE

On July 28, 2025, the Times of India⁴ published an alarming investigative report titled “ City hounded by stress and kids pay price” The report highlighted a horrific surge in stray dogs, overtaking residential colonies in Delhi NCR and detailed the tragic death of a six-year-old girl, who succumbed to rabies after an unprovoked attack. Data showed a nearly 70% jump in dog-bite cases nationwide between 2022 and 2024. In 2024 alone, a staggering 3.7 million dog bites were officially logged, along with many suspected human rabies deaths.

Animal welfare organisations approached the Court arguing that municipal bodies were executing mass illegal roundups, violating the Animal Birth Control framework, which mandates capturing, sterilising, vaccinating, and re-releasing dogs to their original localities. Conversely, resident welfare associations and public health advocates highlighted the systemic administrative failure to regulate aggressive packs, arguing that institutional zones (hospitals, schools, and court complexes) had been rendered completely unsafe. Appalled by a clear threat to public health and child safety, the Supreme Court of India took Suo Motu cognisance of the article on the same day. The court converted the news report into a formal writ petition to address the systematic administrative failure of municipal bodies.

ISSUES RAISED

1. Whether the subordinate statutory rules under the Animal Birth Control (ABC) Rules, 2023, which mandate the absolute return of stray dogs to their original capturing sites, can override or limit the fundamental Right to Life, public safety and freedom of movement guaranteed to human citizens under Articles 21 and 19(1)(d)⁵ of the Constitution of India?
2. Whether restricted access, high footfall, public and institutional zones – specifically school premises, hospital compounds, University campus, Railway stations and court complexes- possess a unique legal status that permits local municipal authorities to exempt them from the “capture and release” model?
3. Whether animal welfare groups or individual feeders can be held tortiously or civilly liable for medical damages and financial compensation, if a stray dog under their active, regular care injures a member of the public?

⁴ 'City hounded by strays and kids pay price' The Times of India (Delhi, 28 July 2025) 4.

⁵ The Constitution of India 1950, art 19.

4. What are the exact evidentiary parameters under which municipal and local authorities can lawfully authorise the euthanasia of stray dogs without violating the Prevention of Cruelty to Animals (PCA) Act, 1960?

CONFLICT WITH PAST ORDERS

In *Swati Sudhirschandra Chatterjee v Vijay Shankarrao Talewar* (2022),⁶ a Bench of Justices Sanjiv Khanna and J.K. Maheshwari had stayed a portion of an order of the Bombay High Court at Nagpur dated 20 October 2022. The High Court had directed the Nagpur Municipal Corporation to ensure and take the required steps to enable the general public to feed the stray dogs only at appropriate locations demarcated by them. The Court had also directed the Corporation to take steps to deal with the 'nuisance' caused by ferocious and aggressive stray dogs, in accordance with the law. It also directed the general public not to cause public nuisance by feeding stray dogs. However, it allowed the proceedings before the High Court to continue.

In *Animal Welfare Board of India v People for Elimination of Stray Troubles*⁷ (2024), a Bench of Justices Maheshwari and Sanjay Karol noted the divergence among directions of different High Courts on the issue. The Kerala High Court had held that municipal laws dealing with the stray dogs should comply with the 2001 Rules, and discretionary powers cannot be granted to municipal authorities for killing stray dogs.

The Supreme Court had noted in its order that the Union has, in the meantime, enacted the ABC Rules, 2023. The object was to put in place a mechanism to prevent the infliction of unnecessary pain and suffering on animals, more specifically, the canines.

In Para 11 of its 2024 Order,⁸ the Court had made it clear that there cannot be any indiscriminate killings of canines in any circumstances. It had emphasised that compassion towards all living beings is a Constitutional value and mandated that authorities had the obligation to uphold it.

On 13 August, it was brought to the Court's notice that under the ABC Rules, 2023, only unsterilised dogs could be taken for the sterilisation drive. Further, the Rules prohibit the

⁶ *Swati Sudhirschandra Chatterjee v Vijay Shankarrao Talewar* SLP (C) No 19362-19363 of 2022.

⁷ *Animal Welfare Board of India v People for Elimination of Stray Troubles* (2024) 4 SCALE 221.

⁸ *Animal Welfare Board of India v People for Elimination of Stray Troubles* (2024) 4 SCALE 221, para 11.

relocation of stray dogs and require them to be dropped back to their original place of habitation after sterilisation.

Sharma told the CJI Bench that her appeal against a Delhi High Court judgement on the sterilisation matter is pending before the Supreme Court (Conference for Human Rights (India) v Union of India).⁹ In her SLP, she claimed that an impugned Delhi High Court order dated 18 August 2023 did not address her grievance that authorities were not performing their statutory duties and sterilisation programmes for stray dogs consistently. In this context, the CJI Gavai, as the Master of the Roster (MoR), referred the case pending before the Pardiwala-Mahadevan Bench to a larger Bench to address and resolve the conflict with previous orders.

IS THE MOR EMPOWERED TO RELIST A PENDING CASE BEFORE A NEW BENCH?

In *Shanti Bhushan v Supreme Court of India* (2018),¹⁰ the Supreme Court endorsed a previous Judgement in *State of Rajasthan v Prakash Chand* (1997).¹¹ In that case, it held that the CJI could take cognisance of an application before him under Rule 55 of the Rajasthan High Court Rules, 1952 and refer the case to the larger Bench for its disposal. This power was available even in a partly heard case.

In exercise of power under Article 145, the Supreme Court has framed rules from time to time. The latest are the Supreme Court Rules, 2013. Rule 2 of Order VI of the Rules reads: “Where in the course of the hearing of any cause, appeal or other proceeding, the Bench considers that the matter should be dealt with by a larger Bench, it shall refer the matter to the Chief Justice, who shall thereupon constitute such a Bench for the hearing of it.” Therefore, it is clear that the Chief is empowered to refer pending cases before one Bench to another, larger Bench when necessary.

ARGUMENTS OF THE PETITIONERS (ANIMAL WELFARE ADVOCATES)

Primacy of the Statutory Framework and Rule 11(19): The Argument: Counsel for the petitioners argued that the Animal Birth Control (ABC) Rules, 2023, issued under the Prevention of Cruelty to Animals (PCA) Act, 1960, form a complete, self-contained code.

⁹ Conference for Human Rights (India) v Union of India WP (C) No 844 of 2023.

¹⁰ *Shanti Bhushan v Supreme Court of India* (2018) 8 SCC 396.

¹¹ *State of Rajasthan v Prakash Chand* (1998) 1 SCC 1

The Legal Point: They fiercely defended Rule 11(19) of the ABC Rules, which explicitly mandates that once street dogs are captured, sterilised, and vaccinated, they must be released back into the same locality or place from which they were picked up. They contended that any judicial order directing the permanent removal or non-release of dogs from public or institutional zones directly violates this statutory mandate and amounts to illegal permanent confinement.

Scientific Futility of Vacuum Creation (Mass Relocation): The Argument: Animal rights advocates presented extensive scientific data to argue that mass relocation of stray dogs from specific public institutions creates a "territorial vacuum."

The Legal Point: They argued that when an existing, sterilised pack is permanently removed from an area (like a university campus or hospital compound), it leaves behind an abundance of food resources and open space. Therefore, they argued that permanent removal is an unscientific, short-sighted measure that actually increases long-term public risk.

Shift of Blame from Animal Rights to Municipal Failures: The Argument: The petitioners contended that the public health crisis surrounding dog bites is not a failure of animal compassion, but a direct result of gross administrative apathy and fragmented municipal execution.

The Legal Point: They argued that the solution is to force local authorities to build the necessary infrastructure, such as district-level ABC centres, rather than punishing the animals for the executive's historical failure to implement the law efficiently.

Mismanagement of Urban Waste as the True Root Cause: The Argument: Counsel argued that stray dog populations thrive and form aggressive packs solely because of poor urban planning and terrible waste management.

The Legal Point: The petitioners argued that instead of rounding up dogs, the court should issue strict directives to local bodies to implement proper waste disposal and clean up public areas, which would naturally control the canine population.

Compassion as a Fundamental Constitutional Value: The Argument: The advocates invoked the constitutional ethos of India, reminding the court that animal welfare is built directly into the text of the Constitution.

The Legal Point: They heavily relied on Article 51A(g)¹² of the Constitution, which states that it is the fundamental duty of every citizen of India to have compassion for all living creatures. They argued that passing orders that permit indiscriminate roundup, permanent containment in poorly funded pounds, or any relaxed rules around culling would severely compromise this constitutional value and pave the way for institutionalised cruelty.

ARGUMENTS OF THE RESPONDENTS (STATE AUTHORITIES & CITIZEN GROUPS)

Absolute Primacy of Article 21 and the Right to Safe Public Spaces: The Argument: Counsel representing the Resident Welfare Associations (RWAs) and public health advocates argued that the Right to Life under Article 21 of the Constitution is the apex human right, which must take absolute precedence over any statutory rules.

The Legal Point: They argued that Article 21¹³ does not merely mean the right to physical existence; it includes the right to live with dignity, personal security, and the freedom to walk on public streets without the constant threat of animal attacks. They contended that when citizens, particularly vulnerable children and senior citizens, are terrorised by aggressive packs in their own neighbourhoods, the State has completely failed its primary constitutional duty to protect its people.

The Failure of the ABC Rules and the Reality of Population Explosion: The Argument: The State authorities and municipal corporations presented local data to prove that the Animal Birth Control (ABC) Rules¹⁴ have failed to control the ground reality.

The Legal Point: They argued that the "Capture-Sterilize-Vaccinate-Release" model is mathematically and structurally failing because municipal bodies lack the massive funding and infrastructure required to sterilise 100% of the dog population at once. Therefore, relying solely on the ABC Rules¹⁵ while ignoring the immediate safety of the public is an administrative failure.

¹² The Constitution of India 1950, art 51A(g).

¹³ The Constitution of India 1950, art 21.

¹⁴ The Constitution of India 1950, art 21.

¹⁵ Animal Birth Control Rules 2023

Distinction Between Institutional Zones and Open Residential Areas: The Argument:

Counsel for public services argued that certain high-footfall, restricted-access public institutions must be treated as completely dog-free zones under the law.

The Legal Point: They contended that allowing stray dogs to nest and form territorial packs inside a hospital where patients have open wounds, or inside primary schools where toddlers walk, is a gross public hazard. They argued that municipal bodies must have the legal authority to permanently relocate dogs from these specific zones to closed shelters.

Tortious Liability and the Nuisance of Unregulated Street Feeding: The Argument: The respondents fiercely attacked the practice of unregulated street feeding by self-proclaimed animal lovers, pointing out that it creates localised public safety hazards.

The Legal Point: The respondents argued that if a private "feeder" claims the right to protect and feed an animal, they must also accept strict tortious (civil) liability and pay financial compensation to any victim if that animal attacks an innocent passerby.

Strict Interpretation of Section 11 of the PCA Act for Dangerous Animals: The Argument: The municipal corporations argued that they must not be legally blocked from euthanising animals that pose an active, clear danger to society.

The Legal Point: They argued that Section 11¹⁶ of the Prevention of Cruelty to Animals (PCA) Act, 1960, was never intended to protect rabid, terminally ill, or excessively aggressive pack-hunting animals at the cost of human lives. They contended that local authorities must be granted the administrative discretion to humanely cull or permanently isolate dogs that display unprovoked, repeated aggression, as leaving them on the streets violates the state's police power to maintain public order and health.

THE JUDGMENT (OPERATIVE DIRECTIONS OF THE COURT)

The Supreme Court balanced the competing interests of public safety and animal welfare by issuing a series of binding, mandatory directives to all State Governments, Union Territories, and municipal corporations across India:

¹⁶ Prevention of Cruelty to Animals Act 1960, s 11.

Declaration of the Supremacy of Article 21: The Court categorically ruled that the fundamental Right to Life and Personal Liberty under Article 21 of the Constitution forms the bedrock of Indian jurisprudence and cannot be restricted by subordinate or delegated legislation like the Animal Birth Control (ABC) Rules, 2023.¹⁷ The Bench held that the State bears an absolute, non-negotiable constitutional obligation to protect its citizens from public hazards, including unprovoked wildlife and domestic animal attacks on public streets.

Permanent Ban on Strays in Institutional Zones: A complete prohibition on stray dogs nesting, packing, or being re-released within institutional premises. Municipal authorities are legally empowered and mandated to capture stray dogs from specific zones and permanently relocate them to designated public shelters rather than releasing them back into the same compounds.

Absolute Mandatory Framework for District ABC Centres: Every State and Union Territory must ensure the construction and full operationalisation of at least one heavily funded Animal Birth Control (ABC) centre in every single district across India. These centres must strictly carry out the "Capture-Sterilise-Vaccinate" loop under the scientific supervision of qualified veterinary doctors to systematically curb the canine population growth over the next decade.

Fixation of Financial Liability on Unregulated Feeders: Local municipal corporations are directed to identify and demarcate "Designated Feeding Zones" in residential areas, away from public pathways, main gates, and busy streets. The Court ruled that if a private citizen or animal welfare group insists on feeding stray dogs outside these designated zones, they shall be held personally and tortiously liable to pay complete financial and medical compensation to any victim who is bitten or injured by a dog in that specific localised pack.

Permission for Humane Euthanasia of Dangerous Dog: The Bench clarified the interpretation of the Prevention of Cruelty to Animals (PCA) Act¹⁸, 1960, regarding aggressive animals: Local authorities are granted the legal clearance to execute the humane euthanasia (culling) of stray dogs that are medically diagnosed as rabid, terminally ill, or permanently suffering. Furthermore, if a specific pack or dog demonstrates repeated, unprovoked, and extreme predatory aggression toward humans, local authorities can authorise culling, provided

¹⁷ Animal Birth Control Rules 2023

¹⁸ Prevention of Cruelty to Animals Act 1960, s 11

the animal is first evaluated and certified as an active public danger by a committee of local veterinary officers.

Implementation Timelines and Contempt Warnings: The Chief Secretaries of all States and the Commissioners of all major Municipal Corporations are personally tasked with executing these directives. The Supreme Court scheduled a national compliance review hearing for November 17, 2026. The Court explicitly warned that any state authority failing to show substantial progress in building ABC centres or clearing stray dogs from high-risk institutional zones by this deadline will face immediate Contempt of Court proceedings.

CRITICAL ANALYSIS

The Supreme Court's 2026 verdict represents a historic shift, explicitly ruling that subordinate animal welfare laws cannot override the fundamental Right to Life and Personal Safety under Article 21. However, the judgment contains two major practical challenges:

The Vacuum Effect: Permanently removing stray dogs from "Institutional Zones" (schools, hospitals) without building airtight physical fencing creates a territorial vacuum. Ecologically, neighbouring unsterilized street dogs will inevitably migrate to fill these areas to claim abandoned food waste.

Impossible Timelines: Ordering every district in India to build a fully functional ABC centre by November 17, 2026, completely ignores the financial distress and lack of infrastructure in tier-2 and tier-3 municipalities.

By referencing the Chief Justice's absolute authority as the Master of the Roster (Order VI Rule 2), the Court successfully unified years of fragmented, conflicting regional High Court precedents into one definitive national policy.

CONCLUSION

The Supreme Court's 2026 verdict marks a historic shift in Indian jurisprudence, decisively holding that statutory animal rules cannot override the fundamental Right to Life and Safety under Article 21. By resolving years of conflicting High Court orders, the judgment balances human safety with animal welfare without resorting to cruel or indiscriminate culling.

By banning strays from sensitive institutional zones, setting strict guidelines for designated feeding areas, and holding unregulated feeders civilly accountable, the Court has provided a realistic blueprint for urban cohabitation. Ultimately, the success of this ruling relies on strict executive implementation. State and municipal authorities must rapidly build the mandated district ABC centres to ensure that compassion for animals and safe public spaces for humans can finally coexist.