

“DOGS IN THE DOCK: A CRITICAL ANALYSIS ON THE RIGHTS OF STRAY DOGS”

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BEST CITATION – M. MUKUNDAN & K. KEERTHANA, “DOGS IN THE DOCK: A CRITICAL ANALYSIS ON THE RIGHTS OF STRAY DOGS”, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (6) OF 2026, PG. 706-716, APIS – 3920 – 0001 & ISSN – 2583-2344. DOI – <https://doi.org/10.65393/IJLRV6I6473>

ABSTRACT:

The legal and judicial treatment of stray dogs in India reflects an evolving attempt to balance animal welfare with public safety and administrative practicality. This part of the study examines both the statutory framework governing stray dogs and the role of the judiciary in shaping and strengthening these legal principles. It analyses the Prevention of Cruelty to Animals Act, 1960, along with the Animal Birth Control regime and municipal laws, which together form the backbone of animal welfare regulation in the country. At the same time, it highlights how courts have stepped in to interpret these laws in light of constitutional values, often expanding their scope to recognise the dignity and protection of animal life. Through an exploration of landmark decisions, including *Animal Welfare Board of India v. A. Nagaraja*, the discussion demonstrates how judicial intervention has contributed to the development of a more humane and rights-oriented approach towards stray dogs. By bringing together statutory provisions and case law, this section seeks to provide a comprehensive understanding of how law and judicial reasoning interact in addressing the complexities surrounding stray dog welfare in India.

KEYWORDS: Stray dogs, Animal Rights, Cruelty, Public safety, Rules.

INTRODUCTION: The regulation of stray dogs in India cannot be understood through legislation alone; it is equally shaped by judicial interpretation and evolving societal attitudes towards animal welfare. Over time, the legal framework has moved away from purely control-oriented approaches to ones that emphasise humane treatment and coexistence. Central to this framework is the Prevention of Cruelty to Animals Act, 1960, which lays down the fundamental principles for preventing cruelty against animals and establishes the duties of both individuals and authorities. Complementing this are the Animal Birth Control Rules and municipal regulations, which

seek to manage stray dog populations through sterilisation, vaccination, and local governance mechanisms. However, the practical implementation of these laws has often been inconsistent, giving rise to conflicts between animal welfare concerns and issues of public safety. It is in this context that the judiciary has played a crucial role. Courts in India have not only interpreted statutory provisions but have also infused them with constitutional values such as compassion and dignity. A notable example is *Animal Welfare Board of India v. A. Nagaraja*, where the Supreme Court recognised that animals are entitled to live with intrinsic worth and without unnecessary suffering.

Although not directly related to stray dogs, the principles laid down in this case have significantly influenced subsequent rulings in this area.

In addition, Public Interest Litigations have enabled citizens and organisations to bring issues relating to stray dogs before the courts, resulting in important directions regarding feeding practices, sterilisation programmes, and the responsibilities of municipal bodies.

At the same time, courts have also acknowledged the concerns of residents, particularly in cases involving dog bites and public health risks, thereby attempting to strike a balance between competing interests.

Against this backdrop, these chapters aim to examine both the legal framework and the judicial approach governing stray dogs in India. By analysing statutes alongside landmark case laws, the discussion seeks to understand how the law has evolved in response to practical challenges and ethical considerations, and how the judiciary has contributed to shaping a more balanced and humane approach to stray dog welfare.

LAWS GOVERNING STRAY DOGS IN INDIA:

In India, the laws governing stray dogs are less in enactments however existing laws gives a wide impact in its protection. The laws include,

1. The Constitution of India, 1950
2. Prevention of Cruelty against Animals Act, 1960
3. Animal Birth Control Rules

THE CONSTITUTION OF INDIA:

In the Indian Constitution, there are no single provision dealing exclusively or directly dealing with the rights of stray animals. However certain provisions in the Constitution of India indirectly protects the rights and livelihood of the stray animals under Directive principles of state policy and Fundamental duties. The Indian Court of law expanded the interpretation to

provide constitutional support to the stray animals. The Constitutional Provisions include,

A) Directive Principles of State Policy:

1. Article 48 – Organisation and animal husbandry: This article states that the State shall organize agriculture and animal husbandry on modern and scientific lines and to take steps for preserving breeds of animals¹. This article also prohibits the slaughter of cows, calves, and other milch and draught cattle. This Provision pulls the burden towards the state to maintain cattle shelters control abandonment of animals and implement policies for animal welfare. Although Article 48 mainly focuses on cattle and its welfare, it pertinently shows the constitutional commitment towards animal welfare. In a Country like India, many stray animals (especially cows) arise due to abandonment after they stop producing milk, making article 48 relevant to the protection of stray animals.

2. Article 48A – Protection and Improvement of Environment:

This provision states that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the Country². Although the provision mainly deals with the wildlife and environment, it includes stray animals Aswell as the stray animals form the part of the urban ecosystem and biodiversity, which becomes a pivotal point in terms of environment². The state must therefore

- Maintain ecological balance
- Protect animals within the environment
- Implement humane population control measures.

The Indian Court of law have broadly expanded the interpretation of this provision broadly to include the protection of animals from cruelty.

B) Fundamental Duties:

1. Article 51A(g): This Provision of the Constitution of India is considered to be one of

the most important provisions relating to the protection of animals. It simply states that it shall be the duty of every citizen of India to protect the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures³. This provision lays down the moral and constitutional obligation on the citizen to treat animals with compassion, prevent cruelty towards animals, and to protect animal life. The Indian citizens must avoid harming stray animals, support humane treatment of street dogs, cats and cattle, and respect animal welfare regulations.

C) Fundamental Rights:

1. Article 21: Right to life – article 21 is considered to be the most important provision in the whole of Indian constitution. It deals with right to life and personal liberty of the individual. It states that No person shall be deprived of his right to life and personal liberty except according to procedure established by law⁴. Although the provision is originally meant for humans, The Supreme Court of India expanded its interpretation to include environmental protection and animal welfare. In the case of *animal welfare board Vs. Nagaraja (2014) 7 SCC 547*⁶, the Supreme Court of India took an important step in strengthening animal welfare jurisprudence. The Court held that the concept of 'life' under Article 21 is not limited only to human beings. Instead, it extends to all forms of life, including animals as they play a pivotal role in maintaining the ecological balance. The Court further stressed the relevance of Article 51A(g) of the Constitution of India which places a fundamental duty on the citizens to protect the natural environment and have compassion towards all living creatures. By reading together Both the Article, the court reinforced the Constitutional commitment to the protection of animals and its welfare.

D) Seventh Schedule – Legislative Powers

According to article 246 of the Indian Constitution deals with the subject matter to which the Parliament and state Legislature have power to make laws⁷. Article 246 is directly

connected to the Seventh Schedule enshrined in the Constitution which consist of three lists namely;

- Union List – subject matter to which the Parliament have power to make laws.
- State list – Subject matters to which the State legislature have power to make laws,
- Concurrent List – Subject matters to which both the Parliament and the State legislature have power to make laws.

a) According to entry 15 of the State list, the state can make with regarding to Preservation, protection and improvement of stock and prevention of animal disease. The State can make laws regarding the Animal Welfare, cattle management, stray cattle regulation etc.

b) According to entry 17B of the Concurrent list, Both the Parliament and State legislature have power to make laws in order to protect the wildlife and birds.

PREVENTION OF CRUELTY AGAINST ANIMALS ACT, 1960

The Prevention of Cruelty against Animals Act, 1960 (PCA) is the core legislation aimed at prohibiting the practice of cruelty against animals and protecting the animals from any kind of unnecessary pain and suffering. Although the Act is applicable to all animals, several provisions directly have its impact on the stray animals, especially to street dogs and abandoned animals. The Provisions dealing with stray animals include,

1. Section 2(a): Definition of animals – This section defines animals as any living creature other than human being⁸. The definition provided in this legislation is very broad, that it includes stray dogs, stray cattle, abandoned pets, and street animals. This Provision legally recognized stray animals as animals under the act. Therefore, any cruelty being practised on stray animals attracts punishments under this act.

2. Section 4: Establishment of Animal Welfare Board

– The act provides for the establishment of a specific Statutory Board called Animal Welfare Board of India (AWBI) to ensure implementation of animal protection laws⁹. The main function of this authority is to ensure the effective implementation of laws enacted to protect animals from the practice of cruelty. The functions of this board include,

- Acting as an advisory body, assisting and advising the government on animal welfare policies.
- Promoting humane treatment of the stray animals.
- Promoting and supporting animal birth control programs for stray dogs.
- Providing funds to build animal shelter and rescue organizations.
- Formulate and issue guidelines to be followed by the Local self-government bodies on stray dog management.

3. Section 11: Prevention of Cruelty – This is the most important legal provision of the act dealing with cruelty against animals, including stray animals. It penalizes all act of cruelty being practiced against animals¹⁰. The act of cruelty includes,

1. Beat, kick, overdrive, torture or otherwise treats an animal so as to subject to its unnecessary pain or suffering.
2. Employing the animal in any work or labour which is unfit to be employed.
3. Administering harmful drugs or substances.
4. Transporting and keeping or confining any animal in any cage or other receptacle which is not sufficient for the animal.
5. Being the owner, neglects or fails to provide food, drink and shelter, and being the owner neglecting to exercise or cause to be exercised reasonably any dog habitually chained up.
6. Being the owner, wilfully permits the animal into go to a large street while the animal is affected with contagious disease.

7. without any reasonable cause, abandons any animal in any circumstances which makes it likely that the animal will suffer pain by reason of thirst or hunger.

The act of cruelty mentioned in the act includes punishment of fine up to Rs. 50/- for the first offence and fine up to Rs. 100/- or imprisonment up to 3 months, or both.

4. Section 11(1)(i): Killing of Animals

– This clause specifically prohibits cruel killing of animals¹¹. However, killing of animal is permitted in some cases namely, (i) if the killing is done humanely, (ii) The animal is incurably ill and (iii) The act of killing the animal is performed by the proper authority in the prescribed manner established by law. In terms of stray dogs, this provision is applied in such a manner that stray dogs cannot be killed arbitrarily by individuals or municipalities.

5. Treatment and Destruction of Suffering for Animals – Section 13:

This provision allows for the practice of humane euthanasia of animals that are severally injured or incurably suffering¹². This include all stray animals which are suffering from incurable and contagious disease which may cause harm to other animals or humans. If an animal is seen suffering from incurable disease, then a police officer or magistrate may intervene and order for the medical examination of the animal by a certified veterinary surgeon. If the disease is found to be impossible to cure, then the animal may be humanely euthanized as per the legislation.

This Provision grants permission to local government authorities to humanely euthanize the suffering animal to relieve the suffering of the injured stray animal and to avoid unnecessary prolonged incurable pain. It is important to note that the practice of euthanasia shall be done in humane condition and medically justified in compliance with the statutory guidelines laid.

6. Section 34 and 29 – Power of Search, seizure and confiscation: According to section 34 of this act, Police officers are empowered and were authorized to enter any premises which they suspect any act of cruelty against animals and if they discovered any act of cruelty against such animal, then they are authorized with the power to seize the animal that are being abused. The authorities can intervene in cases such as illegal confinement of stray animals, poisoning or organized killing of street dogs¹³.

Similarly, according to section 29, if a person is convicted for the act of cruelty against any animal, the Court has the authority to confiscate the animal and also prevent the person from owning animals in the future¹⁴.

This provision is applicable in cases of stray dogs in which, any individuals illegally capture stray animals or when people abuse or torture street animals. The Court can ensure that the affected animal is rescued and relocated to a much safer place.

7. Section 35: Regulation of Animal Shelters and Pounds – If animals are seized due to cruelty under section 34 of this act, then the affected animals may be sent to animal shelters or infirmaries. These animal shelter shall provide medical treatment, temporary housing and rehabilitation of injured stray animals¹⁵. However, the Owner of the affected animal must pay the maintenance cost incurred in taking care of the dog.

The Act also enables the government to recognize and provide support to the organizations that are working towards the protection and betterment of animals. Under this act, various NGOs that are working on stray dog sterilization, animal rescue, shelter homes, and public awareness were supported under the Act.

ANIMAL BIRTH CONTROL RULES, 2001

The Animal Birth Control (ABC) rules, 2001 were framed under the Prevention of Cruelty to Animals Act, 1960 with the main objective of

humane control of Stray dog population and protection of street dogs¹⁶. The idea behind the rule is that, instead of removing or killing of stray dogs. The law follows a simple method of catch, sterilise, vaccinate and release. This simply means that the dogs first caught, then they are sterilised so they cannot reproduce, vaccinated against rabies, and then they are released back to the same place. This approach helps in reducing the population of the stray dogs gradually and also prevents the spread of the harmful diseases.

1. Classification of Dogs: Under rule 3 of this ABC rules, Dogs are classified into two classifications namely Pet dogs and Stray dogs.

Pet dog owners must ensure the sterilisation, vaccination and licensing as mandated the Government. Whereas in terms of Stray dogs, they must sterilise, and vaccinated by the local government authorities and NGOs.

According to rule 6 of ABC rules, the local government authorities must provide infrastructure facilities such as Dog shelters/ Kennels, Dog catching vans, veterinary facilities, mobile sterilisation units etc. This ensures for the proper care and non-cruel handling. This rules completely prohibited the practice of Mass killing of stray dogs with certain exemptions. The Exemptions includes,

Dogs that are

- Incurably ill
- Mortally wounded
- Infected with rabies.

Such dogs may be euthanised only by a qualified veterinarian using humane methods in compliance with section 13 of the Prevention of Cruelty against Animals (PCA) Act, 1960.

The rules strictly provide for the method for the capturing of stray dogs under rule 6 and 7. The rules strictly mandated that the dog must be caught using humane method and with no use of cruelty. Soft loop catchers or lasso shall be used to capture. The dog capturing squad

shall consist of 1 animal welfare representative, and one trained personnel who is capable of handling the stray dog. Brutal methods like beating, poisoning or electrocution are considered illegal and any person involving in such practice shall be punished under section 11 of the Prevention of Cruelty against Animals (PCA) act, 1960.

Once the stray dogs are being captured by the Dog catching squad, the dogs shall be sent to be sterilised and vaccinated against rabies and this sterilisation and vaccination shall be performed only by the qualified veterinarians. The main purpose of this mandatory rule in to control the population growth of the stray dogs, Prevent the spread of rabies disease, and to maintain ecological balance. The stray dogs shall be released in the same area from where they were captured. The dogs must be released back to the same locality from where they were captured and relocation of the dogs is strictly prohibited. This prevents Vacuum effect and protect the territorial stability.

Under rule 8 of this ABC rules, the sterilised dogs and non-sterilised dogs are differentiated by using identification marks marked by the authority. The sterilised dogs are either Ear notched (or) Tagged (or) Collared. This protects them from being captured unnecessarily and from being harmed by authorities or public. The rules also provide for the special protection for female dogs. The female dogs shall not be sterilised if the dog is pregnant, Protecting both the mother and the pups. They can be sterilised only after the delivery of the puppies, and they shall be released after the delivery. This avoids the practice of cruelty.

The local authorities must maintain a monitoring committee under rule 4 and 5 of the ABC rules, which supervises the Effective implementation of ABC programmes and rules. The Committee includes,

- Municipal officials
- Veterinarians

- Animal Welfare Organisations

The functions of this monitoring committee include Supervising ABC programmes, ensuring humane treatment of dogs and in Raising awareness on the safety and protection of the stray dogs. This prevents the abuse of powers and ensuring strict compliance of the ABC rules.

JUDICIAL APPROACH AND LANDMARK CASE LAWS

The concept of stray dogs and the problems arising out of it is not just a legal issue, but also a reflection of how the society balance compassion and public safety. The Indian Courts have consistently upheld the humane and Natural justice, recognizing that the stray dogs as the living beings entitled to dignity and protection instead of treating them as nuisance.

KEY PRINCIPLES

The Indian Courts have developed a fairly consistent philosophy built mainly on three key ideas namely:

1. Animals have the right to live with dignity:

The Indian Courts have directed and constantly emphasized that animals are not objects. They are also considered human beings with sentiment beings capable of feeling pain., fear, and comfort. Therefore, right to life under article 21 of the Indian Constitution has been interpreted in such a way that it becomes applicable to Animals as well¹⁷.

This simply means that stray dogs cannot be killed arbitrarily without any sufferings. Mere human convenience alone is not sufficient and a valid justification for the practice of cruelty against animals.

2. Humane and scientific population control:

The second key idea developed by the Indian courts in the protection of stray dogs is that the society must practice a humane approach and attitude towards the strays and the State must follow the scientific population control methods instead of killing directly. The courts consistently held that the stray dogs shall not be discriminately eliminated merely out of fear or inconvenience. The court stressed the

importance of Animal Birth Control rules instead of this idea of elimination, by way of vaccination, sterilisation and release to the location where they were captured earlier. This principle is strongly supported in the case of *Animal Welfare Board of India Vs. People for Elimination of Stray Troubles (PEST)*¹⁸ in which the apex court emphasized the control of growing population must align with the statutory protections guaranteed for the strays.

Further the apex court highlighted that discriminately eliminating the stray dogs from a particular area creates a vacuum effect making the area very prone for unsterilised and unvaccinated dogs to migrate and multiply, thereby worsening the problem. Therefore, the courts stressed the municipal authorities to release the captured dogs immediately to the same place where they were captured from after sterilising and vaccinating them, making the environment safe for both humans and dogs.

- 4. Balancing animal rights with public safety:** The last but not the least principle laid down by the courts is the need to create a balance between the existence of stray animals and the safety of the public within the same margin. The courts instead of adopting a human centric approach, adopted a more harmonious approach where both can co-exist without creating any troubles. It recognized that the interest of both dogs and humans must be protected and in line with the constitutional framework of the State. One such landmark precedent includes *Dr. Maya D. Chablani Vs. Radha Mittal*¹⁹ in which the courts recognized the rights of the individuals to feed stray dogs as an expression of compassion, while also emphasising and stressing the importance of not causing endanger to others. This balancing approach by the courts reflects a deeper commitment of the courts towards the protections of stray dogs as it expands the scope of fundamental rights under

article 19 and article 21 to include rights of dogs as well.

5.

LANDMARK JUDICIAL PRECEDENTS:

As we discussed earlier, the Indian courts have constantly emphasized the importance of adopting the humane approach in balancing the stray dog's rights and the safety of the public.

- 1. Animal Welfare Board of India Vs A. Nagaraja:** In this case of *AWBI vs Nagaraja*²⁰, the practice of Jallikattu was challenged contending that it imposes the practice of cruelty towards bulls. Though the case not directly deals about the stray dogs, the courts have briefly discussed about the animal rights expanding the scope to include stray animals. The Animal Welfare Board of India (AWBI) challenged the practice of cruelty against the bulls under the Prevention of Cruelty to Animals act, 1960. The issue of whether animals have constitutional protection and rights was raised and the court have answered the issue by expanding the scope of fundamental rights to include the rights of animals as well. The court established that the animals including stray dogs have the right to life and right to live the life with dignity under article 19 of the Indian Constitution. The Jallikattu was initially banned by the court but later it was removed from being banned as it is considered to be one of the games which upholds cultural heritage of the state of Tamil Nadu and no act of cruelty against animals were proved.

- 2. Animal Welfare Board of India Vs. People for Elimination of Stray Troubles**²¹: In this case, multiple states, and mainly the state of Kerala witnessed a raising concerns and problems between the humans and stray dogs notably the dog attacks on the individuals. Various petitions were filed across the country seeking permission to cull the stray dogs to ensure their safety from the attacks. In contradictory the animals' rights groups opposed the contents of the petitions and opposed the mass killing of animals, whether stray dogs can be killed to

protect the public safety was key issued raised in this precedent, and to answer this issue, the apex court has held that culling of stray dogs must be stayed and instead directed the authorities to implement the guidelines of Animal Birth Control (ABC) rules. The Apex court observed that stray dogs cannot be discriminately eliminated and the proper method to protect the individuals from the dog attacks is the proper method of sterilisation, vaccination and releasing them back to the area where they were captured from. This reinforced that killing of dogs without any reasonable cause is illegal. Killing of dogs can be permitted only in exceptional circumstances like when the dog is incurably ill, affected by rabies etc. this approach of the apex court significantly strengthened the humane and harmonious approach and management policy contributing to the balance.

3. People for Animals Vs state of Goa²²: In this case, the complaints regarding the stray dog's attack, and the increase in the population of stray dogs constantly increased which became a concern in the state of Goa. The authorities began to consider the removal or killing of stray dogs in order to address the raising concern. The issue of whether removal of stray dogs violates animal protection laws was raised and to answer this issue, the Court ruled that stray dogs are protected under the laws of India and killing of stray dogs is a prohibited practice and immoral act. The court again re-emphasized the importance of following the ABC rules and humane and harmonious approach in addressing this concern. It held that removal of stray dogs from a particular area cannot be a solution for the raising concern and held to follow the ABC rules. The court considered that dogs have a right to territory and they shall not be displaced for no reason.

4. Dr. Maya D. Chablani Vs. Radha Mittal²³: In this case, there is a raising concern between 2 set of people in which one set of people who feeds the stray dogs and the other set of people/ residents who are opposing the stray dogs. In this juncture, the feeding food to stray

dogs becomes the question here and the court answered the question holding that feeding the stray dogs is the legal right of the individual and it must be done in a way that doesn't cause nuisance to anyone. This feeding of stray dogs is interpreted into Article 51A(g) of the Indian Constitution, holding that feeding the stray dogs show the human's duty to show compassion under the said legal provision. Further the court ordered and directed the authorities to create guidelines for feeding namely identify designated feeding spots and ensuring the balance between feeders and residents. By this judgment, the court emphasized the key principle that stray dogs have a right to food, and humans have the duty to show compassion under Article 51A(g) of the Indian Constitution, 1950.

5. State of Uttar Pradesh v. Mustakeem (2002)²⁴: In State of Uttar Pradesh v. Mustakeem, the Supreme Court dealt with the seizure and custody of animals under cruelty laws. While the case did not specifically involve stray dogs, its principles have been widely applied in animal welfare cases. The Court held that animals should not be returned to persons who have subjected them to cruelty, even if legal ownership is claimed. The emphasis was on the well-being of the animal rather than proprietary rights.

This judgment is often cited in stray dog cases to reinforce the idea that animals are not mere property but sentient beings deserving protection. It strengthens the argument that municipal authorities cannot treat stray dogs as objects to be disposed of at will.

6. Kerala High Court (Suo Motu Cases on Stray Dog Menace, 2015–2023): The Kerala High Court has taken suo motu cognizance in multiple instances concerning the rising number of dog bite cases. These proceedings reflect a judiciary grappling with a genuine public health crisis. In some orders, the Court permitted euthanasia of dangerously aggressive or rabid dogs, distinguishing them from the general stray population. This distinction is important

because it introduces a risk-based approach rather than a blanket policy. At the same time, the Court repeatedly stressed that the State must implement sterilization programs effectively, indicating that long-term solutions must remain humane and scientific.

ROLE OF PIL IN ENSURING THE RIGHTS:

Public Interest Litigation (PIL) has emerged as one of the most transformative tools in Indian constitutional jurisprudence, allowing courts to transcend traditional boundaries of locus standi and respond to issues affecting marginalized and voiceless sections of society. While PIL initially focused on human rights, its scope has significantly expanded to include environmental protection and animal welfare. In this broader framework, stray dogs—often subjected to cruelty, neglect, and arbitrary state action—have found a measure of protection through judicial intervention. PIL has thus played a crucial role in upholding the rights of stray dogs by recognizing them as sentient beings deserving of dignity and humane treatment.

Constitutional Foundations of Animal Welfare:

The role of PIL in protecting stray dogs is deeply rooted in constitutional principles. Article 21 of the Constitution, traditionally interpreted as the right to life and personal liberty, has been expansively construed by the judiciary to include the right to live with dignity—not only for humans but also for animals in a limited sense. Further, Article 48A imposes a duty on the State to protect and improve the environment and safeguard forests and wildlife. Complementing this, Article 51A(g) casts a fundamental duty upon citizens to show compassion towards living creatures.

Through PILs, courts have harmonized these provisions to create a jurisprudential framework that acknowledges the intrinsic value of animal life. Stray dogs, being part of the urban ecosystem, fall within this protective umbrella, thereby obligating both the State and citizens to ensure their welfare.

Judicial Recognition of Animal Rights: PIL has been instrumental in bringing issues concerning stray dogs before constitutional courts. One of the landmark developments in this regard was the judicial recognition that animals are not mere property but living beings capable of suffering. Courts have repeatedly emphasized that cruelty towards animals violates not only statutory provisions but also constitutional morality.

In several PILs, the judiciary has interpreted the Prevention of Cruelty to Animals Act, 1960, in light of constitutional values. This has led to the recognition of certain basic rights of animals, including the right to live in a healthy environment and the right to be free from unnecessary pain and suffering. Such interpretations have strengthened the legal position of stray dogs and curtailed arbitrary actions like mass culling.

Regulation of State Action and Municipal Authorities:

One of the most significant contributions of PIL has been in regulating the actions of municipal authorities. Stray dogs are often perceived as a public nuisance, leading to reactionary measures such as indiscriminate killing or relocation. PILs have challenged such actions, compelling authorities to adopt humane and scientifically backed methods.

The judiciary, through PILs, has consistently upheld the Animal Birth Control (ABC) Rules, which provide for sterilization and vaccination of stray dogs as the primary method of population control. Courts have directed municipalities to implement these rules effectively, thereby ensuring that public health concerns are addressed without compromising animal welfare.

This judicial oversight has created a system of accountability, where state authorities are required to balance human safety with animal rights. PIL thus acts as a check against arbitrary governance and ensures adherence to statutory and constitutional mandates.

Balancing Human Rights and Animal Welfare:

A recurring challenge in PILs concerning stray dogs is the need to balance competing interests—public safety on one hand and animal welfare on the other. Courts have adopted a nuanced approach in this regard. While acknowledging incidents of dog bites and rabies as serious concerns, the judiciary has refrained from endorsing extreme measures such as mass extermination.

Instead, PILs have facilitated a balanced discourse, encouraging solutions that are humane, sustainable, and legally compliant. The emphasis has been on coexistence rather than conflict. Judicial pronouncements have highlighted that eliminating stray dogs is neither an effective nor an ethical solution, and that long-term strategies like sterilization and vaccination are more viable.

Empowerment of Civil Society and Animal Welfare Organizations:

PIL has also empowered individuals and animal welfare organizations to act as guardians of stray dogs. Given that animals cannot approach courts themselves, PIL serves as a vital mechanism through which concerned citizens can seek justice on their behalf. This has democratized access to justice and enabled a more participatory form of governance.

Animal welfare groups have utilized PIL to challenge inhumane practices, demand better implementation of laws, and raise awareness about the rights of stray dogs. This has led to increased public consciousness and a gradual shift in societal attitudes towards stray animals.

Development of a Rights-Based Approach:

Through sustained PIL litigation, the judiciary has gradually moved from a welfare-based approach to a rights-based framework. This shift is significant because it changes the perception of animals from passive recipients of human kindness to holders of certain enforceable rights.

Courts have recognized that animals have a right to live with dignity and that this right

imposes corresponding duties on humans. PIL has been the primary vehicle for this transformation, enabling courts to articulate and enforce these emerging rights.

Challenges and Limitations: Despite its achievements, the use of PIL in protecting stray dogs is not without challenges. One major issue is the inconsistent implementation of judicial directions. Municipal authorities often lack the resources or the will to carry out sterilization and vaccination programs effectively. Additionally, there is sometimes a tension between judicial activism and administrative practicality. Courts may issue well-intentioned directives, but their execution on the ground remains uneven. PILs also face criticism for overburdening the judiciary and for occasionally encroaching upon executive functions. Moreover, public perception continues to be a significant hurdle. Fear and misinformation about stray dogs often lead to resistance against humane policies, thereby undermining the impact of judicial interventions.

CONCLUSION:

To conclude, it is very pertinent that the laws of the State and the judiciary department consistently work towards to protection of stray dogs through various enactments, guidelines and judgment. However, it is necessary to address the implementation gaps at the local body level as it need for a better governance and accountability in complying with the enactments and precedent. Ultimately, the judicial approach towards stray protection significantly strengthens the core objectives of the legislative enactments, thereby upholding the eco centric and humane treatment of stray dogs.

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