



Research Paper

## Stray Dogs, the Supreme Court of India, and Constitutionality: A Legal Analysis

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### Abstract

India's long-running debate over street ("community") dogs sits at the intersection of public health, municipal governance, and animal welfare. Over the last decade, the Supreme Court has shaped this space through path-defining dicta on animal welfare (notably *AWBI v. A. Nagaraja*, 2014) and case-management orders in the *AWBI v. People for Elimination of Stray Troubles* line. In August 2025, a two-judge bench ordered authorities in Delhi-NCR to remove stray dogs from streets and relocate them to shelters permanently, sparking intense legal and policy pushback before a larger bench, which has now reserved orders. This paper maps the statutory scheme (Prevention of Cruelty to Animals Act, 1960; Animal Birth Control Rules, 2023), traces the Supreme Court's evolving approach, analyses competing constitutional claims (Articles 14 and 21 for humans, Article 21-inflected animal welfare, Directive Principles and Fundamental Duties), and evaluates the legality of mass relocation in light of the ABC Rules, evidence on rabies control, and proportionality. It concludes with a constitutionally grounded, programmatic roadmap: strict ABC implementation with transparent municipal accountability, targeted public-health measures, designated feeding and conflict-mitigation protocols, and judicial deference to the statutory framework unless narrowly tailored, evidence-based departures are justified.

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### I. Introduction

Street dogs in India are both social fact and legal subject: they are present across cities and villages, embedded in neighborhood ecologies, and simultaneously implicated in conflicts—bites, rabies risk, fear, and nuisance. The legal question is not whether the State may act; it must. The question is *how* the State should act within the architecture of statutes and rules that prioritize humane population management over elimination.

Two developments frame today's controversy. First, the Prevention of Cruelty to Animals Act (PCA) and the Animal Birth Control (ABC) Rules, 2023, require sterilization, anti-rabies vaccination, and return of healthy dogs to their territorial habitat (the "catch-neuter-vaccinate-release" model). Second, in August 2025, a two-judge bench of the Supreme Court directed Delhi-NCR authorities to pick up street dogs and shift them to shelters permanently; after widespread challenge, a larger bench heard the matter and reserved orders, criticizing municipal inaction on the ABC Rules. Global Animal LawPress Information BureauAP NewsIndiatimesMid-day This paper situates the 2025 directive within the Court's broader jurisprudence and evaluates its constitutionality against the statutory scheme and constitutional principles.

### II. The Statutory and Regulatory Framework

#### A. PCA Act, 1960

The PCA is India's foundational animal-welfare statute. Sections 3 and 11 impose duties to prevent unnecessary pain and cruelty, informing how governments may manage street dogs. While the Act does not grant "fundamental rights" to animals, the Supreme Court has read the statute with constitutional values—especially in *A. Nagaraja*—to elevate animal welfare as a constitutional concern. Indian KanoonNonhuman Rights Project

#### B. Animal Birth Control (ABC) Rules, 2023

The ABC Rules, 2023 supersede the 2001 Rules and crystalize the CNVR approach: municipal/local bodies are responsible for sterilization and immunization of street dogs; healthy dogs must not be killed and are to be returned to their original locations post-sterilization/vaccination. Euthanasia is permitted only for terminally ill or mortally injured dogs assessed by a veterinarian. The Rules institutionalize stakeholder committees and

mandate humane capture, post-operative care, and record-keeping. Global Animal LawPress Information Bureauawbi.gov.in

### **C. Municipal Duties and Fiscal Support**

The Union has reiterated that local bodies must implement ABC programs and has provided financial assistance to States for vaccinations and ABC, with the Animal Welfare Board of India (AWBI) issuing implementation advisories. Press Information BureauAnimal Husbandry & Dairying Dept.

## **III. Supreme Court Jurisprudence on Stray Dogs and Animal Welfare**

### **A. *AWBI v. A. Nagaraja* (2014)**

In a landmark decision curbing Jallikattu, the Supreme Court recognized that animal welfare forms part of constitutional morality. It read the PCA Act with Articles 48, 48A (Directive Principles), and 51A(g) (Fundamental Duty of compassion to living creatures), and identified “five freedoms” for animals—freedom from hunger, discomfort, pain/injury/disease, fear/distress, and to express normal behavior. Although *A. Nagaraja* did not address street dogs directly, its reasoning has informed humane management standards and judicial caution against cruelty. Indian KanoonNonhuman Rights Project

### **B. *AWBI v. People for Elimination of Stray Troubles (PEST)* line (2009–2016)**

Multiple SLPs concerning stray dog management culminated in interim case-management orders. Notably, in 2016 the Court recorded AWBI’s “Implementation Framework for street dog population management, rabies eradication and reducing man-dog conflict” and engaged with the Union’s response—signaling institutional preference for the ABC-plus-public-health model, not indiscriminate removal. Spotlawsupremecourtcases.com

### **C. Feeding Disputes and the Nagpur Orders (2022)**

When the Nagpur bench of the Bombay High Court imposed penalties and restrictions on feeding stray dogs, the Supreme Court stayed key observations and emphasized that feeders cannot be compelled to adopt dogs; it indicated that feeding should occur at designated places identified by civic bodies—balancing compassion with public order. www.ndtv.comIndia TV NewsHindustan Times

## **IV. The 2025 Delhi-NCR Directive and Immediate Aftermath**

On August 11, 2025, a two-judge bench directed authorities to remove all stray dogs from Delhi-NCR streets and shift them permanently to shelters, citing rising bite incidents and rabies risk. The order extended to adjoining NCR cities. The directive triggered widespread outcry from animal-welfare NGOs and public figures, with petitions seeking recall/stay on grounds that mass removal violates the ABC Rules and is impractical and illegal. A larger bench later heard challenges, criticized municipal inaction in implementing ABC (sterilization and vaccination), and reserved orders. AP NewsLive LawIndia Legal LiveMid-day

Media and civil society responses highlighted capacity constraints in shelters, risks of ecological imbalance (e.g., surge in rodents/monkeys), and public-health concerns if territorial, vaccinated dogs are removed (opening niches for unvaccinated entrants). Protests in multiple cities underscored the controversy. The Times of India+2The Times of India+2

## **V. Constitutional Questions Raised**

### **A. Does mass removal comport with the governing statute and rules?**

Under the ABC Rules, healthy street dogs are to be sterilized, vaccinated, and returned to their original localities; permanent sheltering is not the default and, in practice, is limited by humane capacity and public-health rationales (retaining vaccinated territorial dogs blocks unvaccinated entrants). A sweeping relocation directive arguably conflicts with this framework unless (i) the Rules are read down, (ii) an emergency public-health exception is narrowly crafted, or (iii) the Court explains why statutory purpose is better served by removal in Delhi-NCR’s special facts. Absent such tailoring, the directive risks being *ultra vires* the scheme. Global Animal Law

### **B. Article 21 and Public Safety vs. Animal Welfare**

Human life and bodily integrity (freedom from violence and disease) are core Article 21 interests. Dog-bite spikes and rabies mortality (though often linked to post-exposure prophylaxis gaps) can justify State action. Yet *A. Nagaraja* constitutionalizes animal welfare and condemns unnecessary cruelty. The constitutional task is proportionality: do measures (mass relocation) rationally pursue a legitimate aim (safety), minimally impair competing interests (animal welfare, statutory scheme), and maintain a fair balance? Well-implemented ABC

programs have been endorsed in policy and prior case-management orders; a blunt removal order may neither be the least restrictive means nor empirically superior. Indian KanoonNonhuman Rights ProjectSpotlaw

#### **C. Articles 14 and 19—Equality and Occupation**

Arbitrary differentiation (e.g., Delhi-NCR-only removal without evidence-based criteria) invites Article 14 scrutiny. For feeders, caregivers, ABC contractors, and NGOs, restrictions on lawful activity may implicate Article 19(1)(g) (occupation) and 19(1)(c) (associations). Reasonable restrictions are possible, but they should be proportionate, guided by designated feeding protocols the Court itself has previously endorsed. [www.ndtv.com](http://www.ndtv.com)

#### **D. Directive Principles and Fundamental Duties**

Article 48 and 48A compel the State to organize agriculture and animal husbandry on modern scientific lines and protect the environment; Article 51A(g) imposes a duty of compassion. While non-justiciable, these provisions are interpretive beacons: they favor scientifically validated humane control over ineffective, cruel methods. The ABC Rules operationalize that constitutional morality. Global Animal Law

### **VI. Evidence, Efficacy, and the “Least Restrictive Means”**

Scholarly and programmatic literature (including WHO-aligned guidance) supports CNVR for sustainable rabies control when implemented at sufficient coverage (70% sterilization and vaccination) and coupled with PEP access. Recent reporting in the wake of the 2025 order highlighted studies showing most human-street-dog interactions are peaceful and aggression is a minority phenomenon, which argues for targeted, not indiscriminate, interventions. The Supreme Court itself, while reserving orders, criticized municipal non-implementation of ABC—suggesting the problem is governance failure, not the ABC model. The Times of IndiaMid-day

Mass removal to shelters faces practical limits (capacity, welfare conditions) and may paradoxically worsen risks if territorial, vaccinated dogs are displaced and ecological niches open to unvaccinated dogs. Reports from NCR centers warn of overcrowding and resource strain, reinforcing feasibility concerns and potential cruelty. The Times of India

### **VII. Comparisons and State-level Divergence: The Kerala Debate**

Kerala’s periodic moves to seek permission for culling “dangerous” or rabid dogs—especially amid high bite reportage—show the pressure states face. But culling demands statutory and evidentiary thresholds and courts have, thus far, preferred ABC-plus-public-health approaches. Proposals to invoke CrPC Section 133(f) to destroy “dangerous” animals require careful, case-specific application and veterinary determination; blanket approaches are vulnerable to challenge. The New Indian ExpressIndia Today

### **VIII. The Feeding Question: Designing Public Order with Compassion**

Feeding often catalyzes neighbor disputes. The Supreme Court’s 2022 intervention, holding that citizens cannot be barred entirely from feeding nor compelled to adopt the dogs they feed, and urging municipalities to create designated feeding areas, offers a constitutionally sensitive compromise. It reduces conflict and channels caregiving into managed spaces, which also aids ABC capture and post-release monitoring. Any Delhi-NCR strategy should retain this balance. [www.ndtv.com](http://www.ndtv.com)India TV News

### **IX. Assessing Constitutionality of the 2025 Removal Directive**

#### **1) Legislative Supremacy and Rule-Consistency:**

Courts ordinarily interpret and enforce statutory policy; they do not replace it. The ABC Rules are a recent, detailed executive framework with a humane, evidence-based architecture. A blanket order for permanent relocation appears in tension with the CNVR-return mandate unless justified as a narrowly tailored, time-bound emergency measure with clear statutory footing. Without that, the directive is arguably inconsistent with the scheme and risks being set aside or read down by a larger bench. Global Animal Law

#### **2) Proportionality:**

The aim—public safety—is legitimate. But proportionality asks: (i) Is there a rational connection? (ii) Is it the least restrictive means? (iii) Does it strike a fair balance? Given the Supreme Court’s own prior reliance on ABC implementation frameworks and the Union’s policy, a city-wide, permanent removal is unlikely to be the least restrictive means where sterilization/vaccination coverage, waste-management, and conflict-mitigation protocols are the established, less intrusive tools. Spotlaw

### 3) Equal Protection and Non-Arbitrariness (Art. 14):

Targeting Delhi-NCR alone could be justified by bite/rabies data, density, and governance failures. However, constitutional defensibility would improve if the order (a) is reasoned with data, (b) is time-bound, (c) is accompanied by measurable ABC catch-up benchmarks, and (d) includes humane sheltering standards. Otherwise, arbitrariness challenges remain open.

### 4) Animal Welfare as a Constitutional Value:

*A. Nagaraja* makes cruelty-minimization a constitutional imperative. Overcrowded shelters, long-term confinement, and breakdowns in humane standards could render mass relocation unconstitutional in application, even if facially justified. Courts must ensure that any departure from ABC's "return to locality" principle is exceptional, evidence-based, and rights-protective. Indian Kanoon

## X. A Programmatic, Constitutional Roadmap

### A. ABC at Scale with Transparent Accountability

1. **Coverage Targets:** Mandate and publicly track ward-wise sterilization and ARV coverage ( $\geq 70\%$ ) with independent audits, as the Union and AWBI have emphasized. Press Information Bureau
2. **Vendor Vetting & Monitoring:** Standardize SOPs, inspections, and dashboards; tie payments to postoperative outcomes and microchip records.
3. **Waste Management:** Reduce attractants through municipal solid-waste enforcement (a known driver of dog density).

### B. Public-Health Integration

1. Ensure **PEP availability** and awareness at primary health facilities.
2. **School & community education** on dog behavior to reduce bites; map hotspots for targeted interventions.

### C. Conflict-Mitigation & Designated Feeding

1. **Designated feeding zones** with RWA participation, time windows, and cleanliness rules—exactly the balance the Supreme Court articulated in 2022. [www.ndtv.com](http://www.ndtv.com)
2. **Complaint triage:** Rapid response for aggressive dogs, veterinary assessment, quarantine for suspected rabies, and lawful euthanasia only when medically indicated under the Rules. Global Animal Law

### D. Shelter as the Exception, Not the Rule

1. **Criteria-bound admissions** (injured, diseased, special needs, bite-risk dogs post-assessment).
2. **Humane capacity standards** and third-party audits to prevent cruelty and disease spread—addressing concerns reported by NCR shelters after the 2025 directive. The Times of India

### E. Judicial Role and Remedies

1. **Structural compliance orders** compelling municipalities to meet ABC targets, file periodic affidavits, and face contempt for non-compliance (consistent with earlier *AWBI v. PEST* case-management). Spotlaw
2. **Narrow tailoring** if emergency relocation is ordered: specify duration, humane standards, funding, and measurable exit criteria tied to ABC coverage and incident reduction.

## XI. Counter-Arguments and Rebuttals

**Argument:** "Delhi-NCR has unique density and bite incidents; only removal will work." **Rebuttal:** Density strengthens the case for rapid, ward-wise ABC saturation and waste control. Evidence shows that stable, vaccinated territorial dogs suppress entry of unvaccinated dogs; blanket removal risks ecological replacement and worse public-health outcomes. A time-bound, hotspot-based relocation with mandatory return post-sterilization/vaccination would be more proportionate. Global Animal Law

**Argument:** "ABC has failed; municipalities tried and bites still occur."

**Rebuttal:** The Supreme Court itself recently criticized municipal inaction as the principal cause—indicating *implementation failure*, not model failure. The remedy is enforced implementation, not departure from the Rules without evidence. Mid-day

**Argument:** “Feeding causes aggression; it must be banned.”

**Rebuttal:** The Court has already balanced this: feeding at designated spots with civic oversight. Total bans are overbroad and were stayed/softened by the Supreme Court. [www.ndtv.com](http://www.ndtv.com)

## **XII. Conclusion**

The constitutional question in the Delhi-NCR stray dog case is not a choice between human safety and animal welfare, but how to achieve both within India’s legal and moral commitments. The PCA Act and ABC Rules, 2023, backed by the Supreme Court’s animal-welfare jurisprudence, set a humane, evidence-based baseline: sterilize, vaccinate, and return; euthanize only when medically necessary; manage waste; educate the public; and create designated feeding zones.

A blanket, permanent removal order faces three vulnerabilities: (i) **statutory inconsistency** with the ABC mandate; (ii) **proportionality deficits** given less-restrictive, proven alternatives; and (iii) **practical cruelty risks** in overcrowded shelters. The larger bench’s criticism of municipal non-implementation signals the likely constitutional middle path: compel ABC compliance and accountability, allow targeted, time-bound relocations in exceptional hotspots with humane standards, and preserve designated feeding protocols to reduce conflict.

Ultimately, a rights-compatible solution demands judicial stewardship that enforces the statutory scheme, executive capacity that delivers at scale, and civic partnership that aligns compassion with public order. That is the constitutional equilibrium the Supreme Court itself has been shaping—one that protects people **and** the animals who live among them.

## **Key Sources**

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