

# **INTERNATIONAL JOURNAL OF LEGAL STUDIES AND SOCIAL SCIENCES [IJLSSS]**

ISSN: 2584-1513 (Online)

Volume 3 | Issue 5 [2025] | Page 140 - 147

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# **PAWS AND LAWS: ANALYSING THE JUDICIAL BALANCING OF ANIMAL RIGHTS VS. HUMAN SAFETY**

**-Manan Grover<sup>1</sup>**

## **ABSTRACT**

Animal safety and Human rights go hand in hand in the Indian society. They are parallel duties in a civilized society. The Honourable Supreme Court's recent decision regarding removal and permanent sheltering of dogs in the National Capital Territory of India. While human safety is a paramount concern in any society, animal welfare too forms part of the moral and constitutional fabric of a nation. . In the Indian legal conscience, compassion for animals and protection of human life must coexist, not compete. This article examines the Judicial Balancing between these imperatives.

## **INTRODUCTION**

The nation has over 60 million stray dogs, many succumbing to disease and accidents. On August 11, 2025, the Supreme Court has directed Delhi, Noida, Gurgaon, and Ghaziabad authorities to urgently round up and shift stray dogs to shelters within eight weeks, stressing the need to protect children from rabies attacks. The directions were given in a case the top court took up suo motu on July 28 after what it said was a "very disturbing and alarming" newspaper report about the death of a six-year-old girl due to rabies. While some residents see the dogs as a menace, others consider them to be family. Many dogs are fed daily by community feeders who provide food, water and veterinary care. The hearing saw intense exchanges over balancing public safety with humane treatment of Delhi-NCR stray dogs. Reconciliation of these competing interests is not only a test of governance but of jurisprudence sensitivity of the nation.

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<sup>1</sup> 2nd year Student at Maharaja Surajmal Institute, Janakpuri.

## **INDIA'S STRAY DOG TOTAL POPULATION: SCALE AND RISKS**

The last dog census, in 2012, put Delhi's stray population at 60,000 and the figure now is estimated to be closer to 1 million. Dog packs roam parks, construction sites and residential lanes. Attacks on children and elderly people often make news headlines. Thus inciting the suo moto cognizance of the Honourable Supreme Court of India.

Between January and June this year, Delhi reported 35,198 animal bite incidents and 49 rabies cases, municipal data shows.

The Animal Birth Control Rules, 2023, require local bodies to manage stray dog populations through sterilisation and anti-rabies vaccination programmes.

## **IMPLICATIONS OF RELOCATING STRAY DOGS TO SPECIALLY CONSTRUCTED SHELTERS**

Constructing dog shelters in the NCR will involve significant costs, including land acquisition, construction, staffing, and ongoing operational expenses. While a precise cost estimate is difficult without specific details, the scale of the problem (millions of stray dogs) and the requirements for adequate facilities (sterilisation, vaccination, housing, etc.) suggest a multi-million-dollar investment is likely needed. The Delhi government and local municipal bodies would need to allocate significant funds for shelter construction and operation. In addition, animal welfare organisations often rely on private donations, fundraising events, and corporate sponsorships to support their work. Collaboration between government bodies and private organisations can help pool resources and expertise.

## **LEGALESE FOR STRAY DOGS IN INDIA**

As per the Animal Birth Control (Dogs) Rules, 2001, dogs cannot be relocated or removed from their territory.

The Environment (Protection) Act, 1986 and Wildlife (Protection) Act 1972 at various places protect stray dogs against any kind of cruelty.

The Constitution of India supports the right of citizens to show compassion towards all living creatures, including strays and to feed them, under *Article 51A(g), Part IV of the constitution of India*.

## PAST COURT STANCE IN INDIAN JUDICIARY

The legal battle traces back to a Public Interest Litigation filed in the Delhi High Court in 2018, seeking proper sterilisation and vaccination of stray dogs under the ABC Rules, named *RE: CITY HOUNDED BY STRAYS, KIDS PAY PRICE SMW(C) No. 5/2025*. After the High Court disposed of the case in August 2023 without specific orders, the petitioner approached the Supreme Court.

In July 2024, a bench led by Justice Gavai issued notice to Delhi authorities, giving them four weeks to respond. However, despite a September 2024 direction to list the case again, it has not been heard since, until now.

In *Animal Welfare Board of India v. People for Elimination of Stray Troubles (P.E.S.T.) & Ors.* (2009) 12 SCC 49, the Supreme Court granted a stay against the removal, culling, or dislocation of stray dogs, except under the Animal Birth Control (Dogs) Rules, 2001. This reflected a humane, sterilisation-focused policy, contrasting with relocation focus in the 2025 order.

## JUDEMENT ON AUGUST 11,2025 AND ITS IMPLICATIONS

Justices JB Pardiwala and R Mahadevan directed authorities to pick up stray dogs from all localities across Delhi-NCR and shift them to animal shelters, setting aside existing norms. The court stressed that the decision was purely in the public interest, urging that no sentiments or rules should stand in the way of ensuring dog-free neighbourhoods.

It dismissed India's animal birth control (ABC) rules, which mandate that sterilised dogs be returned to their territories, as "absurd" and ineffective. "All these so-called animal lovers, will they bring back the children who have lost their lives?"

The Supreme Court has warned that anyone obstructing its stray dog removal orders will face legal action and may extend accountability to feeders in upcoming hearings.

The following points represent the *Ratio Decidendi and Obiter Dicta* of the said Order:-

- *Mandatory Capture & Detention:* Strays to be picked up from all areas, prioritising vulnerable localities; resistance will invite contempt of court.
- *Infrastructure & Personnel:* Authorities must set up shelters/pounds for at least 5,000 dogs within 6–8 weeks, with adequate staff.
- *Sterilisation & Immunisation:* All captured dogs to be sterilised and vaccinated.
- *Permanent Confinement:* Strict CCTV surveillance of shelters; no dog to be released — violation will attract stern action.
- *Public Safety Focus:* Emphasis on protecting infants and children from rabies; no sentiments to interfere with public safety.
- *Rapid Response Mechanism:* Helpline to be created; all dog bite incidents must be acted upon within four hours of reporting.
- *Victim Support:* Authorities to ensure immediate medical assistance and maintain data on anti-rabies vaccine availability and usage.

## GLOBAL PERSPECTIVE ON THE ISSUE OF STRAY DOGS

Countries like Turkey have demonstrated that large-scale, government-supported infrastructure can effectively address the stray animal challenge without resorting to such measures. Municipal shelters in Turkish cities are equipped with medical facilities, public feeding stations, ensuring that stray dogs are not only housed but also adequately nourished. This approach fosters community participation, as residents are encouraged to interact with and care for the animals in a safe environment.

Similarly, Brazil has adopted a proactive strategy based on mass vaccination and widespread sterilisation campaigns, drastically reducing the spread of rabies and controlling the stray population over time. The Brazilian model invests in long-term, preventive solutions that protect human health while preserving animal welfare.

These international examples show that humane management and public safety are not mutually exclusive—with adequate planning, funding, and public awareness, both objectives can be achieved in harmony.

## **AFTERMATH OF THE DECREE**

The decree of the Supreme court made sure that the implications are the sides of a coin, while some agreed to the judgement while some protested on the roads of the capital of India, New Delhi.

## **IN FAVOUR OF THE JUDEMENT**

Several individuals and groups, including Residents' Welfare Association (RWAs), have welcomed the order. Atul Goyal, president of United Resident Joint Action (URJA), an apex body of RWAs in Delhi, said that dog bite cases have been rising steadily, and this order will help provide relief from the problem.

"Along with stray dogs, cattle on the roads have also started attacking people and causing traffic jams. The authorities should take similar action for such animals as well," said Goyal.

Delhi chief minister Rekha Gupta said the stray dog menace in the city had reached “gigantic” proportions and assured that her government would soon roll out a comprehensive policy to address the problem in line with the Supreme Court’s directives, adding that it will be “planned and systematic”.

Delhi mayor Iqbal Singh also backed the Supreme Court order, saying the people of Delhi were facing problems.

*“I welcome the Supreme Court’s order as the people of Delhi were facing a lot of problems. We will try our best to implement this order in the next 6 weeks. We don't have shelter homes, but we have 10 operational sterilisation centres. We can make temporary and permanent shelter homes. MCD and the Delhi government will ensure that no one faces problems due to stray dogs. We will make an action plan after holding meetings with our officers,”* said by the Mayor.

## **AGAINST THE JUDGEMENT**

Animal rights activist and former Union minister Maneka Gandhi called the directive "impractical", "financially unviable" and "potentially harmful" to the region's ecological balance.

Maneka Gandhi said that the scale of the task makes it "unworkable".

“You have three lakh dogs in Delhi. To get them all off the roads, you’ll have to make 3,000 pounds, each with drainage, water, a shed, a kitchen, and a watchman. That will cost about ₹15,000 crore. Does Delhi have ₹15,000 crore for this?” Maneka Gandhi said.

Later, Maneka Gandhi also said the order is not “doable”, adding that it is a “very strange judgment given by someone who is in anger”. "Angry judgments are never sensible," she said to the Media.

The Federation of Indian Animal Protection Organisations (FIAPO) also called the Supreme Court order as “shocking”, adding that it runs “contrary to global public health guidance, India’s own laws, and humane, evidence-based practice.” Bharati Ramachandran, the chief executive of the Federation of Indian Animal Protection Organisations, urged large-scale sterilisation, vaccination, and public awareness campaigns.

Animal protection groups called the order “impractical and inhumane”..

Mini Aravindan, a senior official at Peta India, said: “It’s infeasible to build and staff enough shelters for hundreds of thousands of dogs” and the cost would be huge.

## **RECONSIDERATION OF THE JUDEGEMENT**

Barely three days later, Chief Justice B.R. Gavai reassigned the matter to a new three-judge bench, Justices Vikram Nath, Sandeep Mehta, and N.V. Anjaria reserved their verdict after intense hearings.

## **POLICY RECOMMENDATIONS**

To create a sustainable and compassionate solution, India must look beyond short-term fixes and invest in measures that address both human safety and animal welfare.

- Shelter capacity should be expanded with humane living conditions—clean enclosures, proper veterinary care, and opportunities for socialisation—so that dogs are not treated as mere “problems” to be contained, but as living beings deserving dignity.
- Increased funding for sterilisation and vaccination drives is crucial to break the cycle of overpopulation and curb the spread of rabies.
- Public awareness campaigns can play a transformative role, teaching communities how to safely coexist with stray animals, report aggressive behaviour, and support humane control measures.
- Clear legal timelines and accountability mechanisms for municipal authorities will ensure that policies don’t remain paper promises but translate into real, measurable action.

In doing so, we build not just safer streets, but also a society that reflects empathy, responsibility, and respect for all life.

## **CONCLUSION**

The stray dog crisis in India is not just a policy challenge—it is a moral crossroads for the whole nation. Every wagging tail on our streets, every child walking to school, every headline about a tragic attack reminds us that we are bound together in the same shared spaces, experiencing the same fears. The Supreme Court’s recent directive is more than a legal order; it is a call to our collective conscience to protect our children without turning our backs on the voiceless. These dogs are not intruders—they are survivors of our neglect, living each day on the fringes of a society that often forgets them. We owe them more than indifference. By choosing humane shelters over cages of despair, vaccinations over violence, and education over fear, we can create cities where

safety and compassion are not competing interests but shared victories. In the end, how we treat the most vulnerable—whether human or animal—will define the kind of nation we truly are.

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