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Legal Analysis of Policies on Stray Dogs: Euthanasia, Sterilisation, or Rehabilitation

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ABSTRACT

This paper talks the rising issue of mis-management of stray dogs leading to increase in number deaths and attacks on people and children in the present time as per the data reported by States/UTs on Integrated Health Information Platform portal under Ministry of Health and Family Welfare, Government of India the cases of dog bites has gone to 519704 till year 2024, calling out for an urgency in this arena. It aims at understanding the three options to deal with them: euthanasia, sterilization, or Rehabilitation keeping in its ambit the main laws, like the rights in Article 21 of the Constitution, the Prevention of Cruelty to Animals Act, 1960, and the rules called Animal Birth Control (Dogs) Rules of 2001 and 2023. The paper also checks important decisions from the Supreme Court and High Courts and comparative analysis of other countries like the UK, Germany, Brazil, and Sri Lanka on how they handle stray dogs and what India can learn.

This research aims to highlight that there exists a constant fight between human rights that is protecting and keeping people safe from diseases like rabies on one hand and legal duty emphasised on states to protect animals recognised in the Constitution. It is pertinent to note that, rabies exists as a big problem even having laws, programs like sterilization do not get enough funds or the funds being misused and city authorities not following the rules laid down. At the end this paper suggests a full plan on making dog sterilization a success not mere theory in books and rules, steps on controlling city garbage preventing dogs' hunch for food, laying down rules for dog owners' involvement of people and strict adherence to rules mandated by court checks aiming to keep people, animal safe. It also helps India reach goals under One Health plan and world aim of stopping rabies by 2030.

Keywords: Stray dogs; euthanasia; sterilisation; rehabilitation; animal rights; public health; constitutional law; Animal Birth Control (ABC) Rules.

I. Introduction

A. Background and Significance

The issue of stray or "community" dogs is a very tricky and sensitive matter in India. On one side, India has the unfortunate record of the highest number of rabies cases in the world, and most of these cases are caused by stray dog bites, making it a major public health emergency. On the other side, the country's laws and constitution show a deep commitment to caring for animals. There are strong laws against hurting animals, and courts have repeatedly said that animals must be treated with dignity and respect. Because of this, simply euthanasia stray dogs to solve the problem is not a legally or morally acceptable option.

This situation creates a difficult problem, a constant pull between the urgent need to keep humans safe from deadly diseases and the legal duty to protect animals. Officers, many to culminate the incidents and under stress from rising dog bites and complaints, public uprisings, have sometimes tried to kill many stray dogs to solve problem fast. But the courts, pointed out alternatively mainly Supreme Court of India and notable High Courts, emphasised on euthanasia as a resort for dogs without proper reason is not allowed by law or constitution. Courts directed to use proper and kind ways like Sterlization or Catch-Neuter-Vaccinate-Release (CNVR), as been mentioned in Animal Birth Control (ABC) Rules.

The current legal situation is therefore an uneasy compromise. Euthanasia, or mercy euthanasia, is allowed only in very limited situations defined by law. The main strategy is sterilisation and vaccination to control the population, while rehabilitation in shelters is reserved only for dogs that are injured, sick, or dangerously aggressive.

B. Research Objectives and Methodology

This paper looks at Indian laws about stray dogs, focusing on three main ways to deal with them. First, it talks about euthanasia dogs, checking why the law allows it, the rules that must be followed, and the moral questions it brings. Second, it looks at sterilisation (CNVR method), seeing what the law says, the scientific proof that it works, and the support it has from courts. Third, it looks at rehabilitation, showing how small its role is in India and comparing with how shelters work in other countries.

The paper also studies recent court cases to see how the law about animal rights is changing. It looks at laws in India and other places to see what can help. At last, it gives easy ideas for a system that keeps people safe and treats animals well.

This paper is made by reading laws, government rules, and court decisions from Supreme Court and High Courts. It checks how laws changed over time and how judges say what they mean. Extra information comes from reports of Animal Welfare Board of India (AWBI), studies about how sterilisation works, and advice from world health groups like WHO and WOA. The study wants to understand laws clearly, see missing parts, find where policies do not match, and show the big gap between what law says and what really happens.

II. Constitutional & Statutory Framework

A. Constitutional Mandate

The rule about Article 21 of the Constitution of India, which guarantees the right to life and personal liberty, has grown over the years. Originally seen as a right only for humans, the courts have expanded it to include the well-being of the environment and animals. In the very important case of *Animal Welfare Board of India v. A. Nagaraja* (2014), the Supreme Court made a landmark decision, stating that animals have their "own value" (intrinsic worth) and have a right to live a life with dignity and respect.¹ This idea is also supported by other parts of the Constitution, like the Directive Principles of State Policy, especially Article 48A, which talks about protecting the environment, and the Fundamental Duties under Article 51A(g), which says that every citizen has a duty to "be kind to living beings". Even though these principles are not directly enforceable in a court of law, judges often use them as guiding tools to understand and apply existing laws. The Constitution, therefore, requires a careful balance: the right of citizens to be safe and healthy must be weighed against the duty to prevent cruelty towards animals. Court after court say they like smart, kind, fair answers more than hard and useless ones. campaigns to kill animals.

B. Statutory Framework

The main law for animals in India is The Prevention of Cruelty to Animals Act, 1960. Section 11(1) of this law shows many things that are cruel to animals and says they are not allowed. However, there is an important exception in Section 11(3)(b), which says that euthanasia stray dogs in a legally specified way is not considered an act of cruelty. The courts have interpreted this exception very narrowly, meaning it can only be used in a kind and scientifically approved manner.

Using the power given by Section 38 of the PCA Act, the Central Government created the Animal Birth Control (Dogs) Rules, first in 2001 and then updated them in 2023. These rules are very important for dealing with stray dogs. They say the only right way to control street dogs is CNVR (Catch-Neuter-Vaccinate-Release). These rules tell that street dogs should be caught carefully, stopped from having babies, given rabies shots, and put back where they were taken from. The new 2023 rules say this more clearly, that only CNVR can be used. They also say that killing dogs is allowed only if the dog has rabies or is very sick and cannot be treated, and they also say there should be fixed places for feeding street dogs. The Supreme Court said many times that every city in the country must follow these rules and these rules are stronger than any state law that says something else.

III. Policies on Stray Dogs: Euthanasia, Sterilisation, and Rehabilitation

A. Euthanasia: Legal and Ethical Dimensions

The legal basis for putting stray dogs to sleep in India is very limited and strictly controlled by Section 11(3)(b) of the PCA Act and the ABC Rules. The law is very clear that euthanasia large numbers of dogs at once (mass culling) is illegal. Euthanasia is only allowed as an act of mercy in specific situations: when a dog is confirmed to have rabies, is suffering from a terminal illness, or is so badly hurt that it cannot recover. This procedure must be carried out by a licensed veterinarian using kind and painless methods. The courts have consistently stopped local city authorities when they have tried to expand their powers to kill more dogs.

The debate around euthanasia is complicated. Some people say it should be allowed for health reasons because many people die from rabies and the sterilization work does not happen well due to no money. But other people say euthanasia dogs is cruel and does not help. When dogs are killed, new dogs come from other places and fill the space. The courts try to find a middle way and say dogs can be killed only in very special cases and only when a doctor watches it.

B. Sterilisation (CNVR Model): The Mandated Approach

The Animal Birth Control (Dogs) Rules have made sterilisation and vaccination (CNVR) the main and only legally approved method for controlling the stray dog population. The courts have consistently supported this scientific approach. In the *People for Elimination of Stray Troubles* case, the Supreme Court ordered that the ABC Rules must be followed all over India². Scientific studies from around the world have shown that if at least 70% of the female dogs in an area are sterilised, the overall dog population becomes stable and the spread of rabies can be effectively stopped by creating "herd immunity".

¹ *Animal Welfare Board of India v. A. Nagaraja & Ors.*, (2014) 7 SCC 547.

² *Animal Welfare Board of India v. People for Elimination of Stray Troubles*, SLP (C) No. 691 of 2009.

Real-world examples from Indian cities like Jaipur and Goa have proven that this model works. In these cities, well-managed CNVR programs led to a huge drop in rabies cases. However, putting these programs into action across the country is very challenging. The main problems are a lack of money, not enough facilities like veterinary hospitals and trained dog-catching teams, and sometimes opposition from the public. Despite these difficulties, the courts have been firm in their position that these administrative problems cannot be used as an excuse to illegally kill dogs.

C. Rehabilitation (Shelter-Based Models): A Limited Role

The legal system in India does not plan for large-scale, permanent sheltering of stray dogs. Rehabilitation is seen as an option for special cases, not as a general rule. The ABC Rules say that dogs that are overly aggressive must be kept in shelters for observation, and dogs that are sick or injured should be treated in shelters until they are healthy enough to be released. In the case of *People for Animals v. MCD* (2011), the Delhi High Court said that dogs which are healthy and sterilised can live in their own place and cannot be kept in shelters all the time, because this is cruel.³ This approach is very different from the models used in countries like Germany and the United Kingdom, where a large network of shelters, combined with very strict pet ownership laws, is the main strategy. The Indian legal model rejects the idea of mass sheltering because it is simply not practical. It would be incredibly expensive, impossible to manage given the huge number of stray dogs, and could lead to poor living conditions for the animals in overcrowded shelters. Therefore, the courts and lawmakers have decided that sterilisation is the best main policy, with euthanasia and rehabilitation used only as limited, exceptional tools.

IV. Judicial Landscape

A. Supreme Court Jurisprudence

The Supreme Court of India has been the most important force in shaping the laws related to stray dog welfare. In the 2014 case of *Animal Welfare Board of India v. A. Nagaraja & Ors.*, while looking at the tradition of Jallikattu, the Court made a powerful statement that animals have a right to a life of dignity. This decision set a new, higher standard for all policies related to animals in India. It directly means that euthanasia of stray dogs in large numbers is a violation of their dignity.

In the long-running legal battles concerning the group *People for Elimination of Stray Troubles (PEST)*, the Court has repeatedly issued orders to ensure that the ABC Rules are strictly followed. It has blocked High Court orders which let dogs be killed and keeps saying that sterilisation is the only legal and proper way. The Supreme Court also said that central government rules, like the PCA Act and ABC Rules, are stronger than any state or city rules. This makes sure there is one same rule for all the country. More recently, the Court has given orders to create designated feeding areas for stray dogs and to set up systems to compensate victims of dog bites, reinforcing the idea that the safety of humans and the well-being of animals must go hand in hand.

B. High Court Jurisprudence and Synthesis of Trends

Various High Courts across the country have followed the Supreme Court's lead and built upon this legal foundation. Kerala High Court first was strict, looked more for public safety than animal care, but later followed Supreme Court orders.⁴ The Bombay High Court always act forward and cancel any order that say animals can be killed without right reason. The Delhi High Court try to find real ways to stop fight between people and animals, like making special places for feeding. A big case happened in Uttarakhand High Court in *Narayan Dutt Bhatt v. Union of India*, where court said animals are "legal persons" and they have rights of their own.⁵ This made the idea of animal respect stronger.

Seeing all these court decisions together, it look clear that all courts support the CNVR way, they take euthanasia rules in small meaning, and they think shelters are only a half solution, not the main one. The courts, with the Supreme Court leading the way, have effectively stepped in to create policy where the government has failed to act, becoming the main rule-makers in this area.

V. Comparative International Law

Seeing how other countries deal with stray dogs shows many different ways they do their work. The United Kingdom uses a shelter-based model, where stray dogs are captured and kept for seven days. If they are not claimed by an owner, they can be rehomed or, in some cases, euthanised. This system requires a lot of resources, which is possible because rabies is not a widespread problem there and there are very strict laws about owning pets. Germany also relies on a large network of shelters and has a "no-kill" policy. This is supported by strong rules for dog licenses and mandatory microchips, which almost completely stops the problem of new stray dogs appearing. However, these models are not practical for India because of the huge difference in available resources and the extremely large number of stray dogs.

On the other hand, countries like Brazil and Sri Lanka, which have similar public health and economic situations to India, offer more relevant examples. In the past, both of these countries used to kill stray dogs. However, they later switched to CNVR and mass vaccination programs after they found that euthanasia was not an effective long-term solution. Their success in greatly reducing the number of rabies cases shows that India's ABC plan can work and that CNVR is a feasible strategy even in places with limited resources.

³ *People for Animals v. Union of India & Ors.*, 180 (2011) DLT 460.

⁴ *Keerthana Sarin v. State of Kerala*, 2025 SCC OnLine Ker 5692.

⁵ *Narayan Dutt Bhatt v. Union of India & Ors.*, AIR 2018 UTR 153

Furthermore, international organizations like the World Health Organization (WHO) and the World Organisation for Animal Health (WOAH) strongly recommend controlling rabies by vaccinating dogs and using humane methods like sterilisation. They have said for sure that euthanasia dogs do not help control disease. This makes India's laws same with world science and moral rules and makes stronger legal reason not to kill stray dogs.

VI. Empirical Evidence, Public Health, and Policy Challenges

India have very big number of street dogs, maybe around 35 to 60 million. Because of this, many people die from rabies, almost 18,000 to 20,000 every year. This big problem show that India need quick and strong plan to handle these street dogs. Scientific evidence from cities like Jaipur and Goa shows that when sterilisation programs cover about 70% of the dogs in an area, the number of dogs stops growing and the cases of rabies also drop significantly. Not doing this properly in other places like Kerala made more dog bite cases happen, showing what goes wrong when the plan is not done right.

The main challenges are related to money and management. The amount of funding that city authorities provide for ABC programs is only a small fraction of what is actually needed to run them effectively. There are also major gaps in infrastructure, with not enough ABC centres, veterinary surgeons, and trained staff. These problems get worse because cities do not manage waste properly, and this gives food to stray dogs and make them more in number. Also, government offices and NGOs do not work together. So, the law looks kind and good on paper, but in real life, it does not work well. Because of this, people stop believing in the system and fights happen between those who feed street dogs and other people living nearby.

VII. Proposed Legal-Policy Model for India

To fill the big gap between what law says and what really happens, a mixed legal and policy plan is advised. This plan is made on main ideas of saving public health, caring for animals, and keeping law in control. This would require major changes in several areas:

Law and Rule Changes:

- A new concerning Public Health and Animal Care Law should be drafted to consolidate all the laws at one place reducing the confusion that existing laws create. This new code would clearly state the responsibilities of the central, state, and local governments.
- The PCA Act needs to be strengthened by increasing the outdated fines and penalties for animal cruelty and by adding new offenses for abandoning pets, which is a major reason why dogs end up on the streets.

All dogs that people own should have rules for license and microchip, like in Germany. This will make owners responsible and stop many dogs being left alone.

Institutional and Funding Improvements:

- State Animal Welfare Boards must be given the power and money they need to do their job of monitoring the implementation of animal welfare laws properly.
- Special Stray Dog Control Cells should be set up in every town and city to manage the ABC programs, handle public complaints, and run awareness campaigns.
- A National Rabies and Stray Dog Control Fund could be created to provide dedicated money for this work. Investing in sterilisation and vaccination makes economic sense because every dollar spent on prevention saves much more in the cost of treating rabies in humans.

Policy and Community Actions:

- There should be good handling of waste. Cleaner places with less trash everywhere will make stray dogs fewer and healthier.
- People in the area should help by making fixed feeding places for dogs, so there will be less fighting between locals.
- Big awareness programs are needed to tell people how to care for pets properly and act safely near stray dogs.

With a clear and well-supported plan like this, courts can stop making rules themselves and just check if the government is doing its job.

VIII. Conclusion

The law system in India about stray dogs looks very good in rules and ideas, but it works very poorly in real life. Now the law sees stray dogs as living beings who also have rights, and the Supreme Court said they have the right to live with respect under Article 21 of the Constitution⁶. The law called ABC Rules uses the best ways used in other countries by stopping killing of dogs and making sterilization the only method.

⁶ World Organisation for Animal Health, "Terrestrial Animal Health Code" (Chapter 7.7: Stray Dog Population Control).

However, in practice, the system is failing. Bad city management, no money, and no proper work together made a big problem, people lost trust and now ask for wrong and unlawful euthanasia of dogs. The answer is not to turn back and make these kind laws weaker, but to go ahead with full changes so they work right. This needs one law that keeps public health and animal care in balance; enough money and proper plans to do sterilisation widely; firm rules for keeping pets and teaching people to stop more dogs living on streets; and a way for courts to make government do its job. India has the chance to become a world leader in eliminating rabies in a humane way, but only if it can turn its legal compassion into effective action on the ground. The choice is no longer between euthanasia, sterilising, or sheltering; the real challenge is to combine these elements into a practical, fair, and effective legal model that works for everyone.