

The Stray Dog Conflict: Judicial Overreach or Necessity in Restricting the Animal Birth Control (ABC) Rules, 2023?

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ABSTRACT

The Hon'ble Supreme Court's decisive ruling in *In Re: "City Hounded by Strays"* addressed a long-standing legal paradox between animal welfare groups and ordinary residents, both of whom pointed out the systemic failure of municipal bodies to prevent stray dog bites and the unregulated feeding of leftover food. This administrative failure ultimately violated citizens' fundamental rights to life and to a safe environment under Article 21 of the Indian Constitution which restricted, sensitive, and gated institutions. This piece of work analyses the critical convergence where the constitutional guarantee of human dignity meets subordinate executive legislation, specifically Rule 11(19) of the Animal Birth Control Rules, 2023.

This paper examines the Court's interpretation of Section 2(i) of the Parent Prevention of Cruelty to Animals Act, 1960 which ruled that sensitive, restricted-access zones such as gated institutions, schools, and university campuses cannot be considered "streets" accessible to the general public. By doing so, the Court preserved the legislature's original intent and imposed necessary restrictions on the executive's power to alter or expand statutory definitions. More significantly, the work explores how the casual disposal of leftover food by residents creates territorial "feeding spots" that trigger intense canine aggression when expected food sources are absent, creating an active, predictable physical hazard that breaches the strict and non-delegable duty of care owed by municipalities under civil law. In a nutshell, this paper highlights the Court's intervention not as judicial overreach, but as a necessary application of checks and balances to safeguard human safety among the widespread administrative failure.

INTRODUCTION

Stray animal jurisprudence hit a crucial turning point on May 19, 2026. Delivering its verdict in *In Re: City Hounded by Strays, Kids Pay Price*², the Hon'ble Supreme Court's unanimous

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² *In Re: City Hounded by Strays, Kids Pay Price*, 2025 SCC OnLine SC 1792.

bench finalised months of judicial intervention, which originated with interim orders in late 2025. For years before this judgment, municipal bodies and residents were trapped in a legal paradox. On one side, animal lovers heavily protested any attempts made to clear or relocate strays, while on the other side, ordinary citizens faced a reasonable fear of bodily harm; this situation created a policy failure across the urban areas. The empirical data noticed by the Court is alarming. During the first four months of 2026, Tamil Nadu and Karnataka registered over 4.5 lakh dog-bite cases with 42 fatalities combined, while Shri Ganganagar recorded 1,840 incidents within three months.³ These figures represent a complete collapse of public safety on the ground. Ordinary vulnerable residents like school-going children, the elderly, college hostellers and scholars are the ones paying the ultimate price, finding themselves unable to walk safely within their own gated areas and neighbourhood. Relying on this data, the Court held that municipal failure directly violates a citizen's right to life and safety guaranteed under Article 21 of the Constitution.⁴

The core learning is straightforward that animal welfare laws cannot override human bodily dignity under Article 21. Moving forward, protecting human dignity requires municipalities to address localised civic negligence. Mainly, the unregulated practice of feeding leftover food to strays must be made accountable to made hazard.

THE CORE REASON: DEFINING THE AMBIT OF 'LOCALITY'

The Animal Welfare advocates rely heavily on Rule 11(19) of the Animal Birth Control Rules 2023⁵. Under the CVSR Model (Capture, Sterilise, Vaccinate, Release), they argued that relocating local strays will trigger the dangerous "vacuum effect," and the new, unsterilised dogs will enter that territory. They treated the "vacuum effect" as an absolute rule of nature, attempting to contend that any displacement, even out of sensitive or restricted campuses, would contradict the ecological balance of nature. They used this theory to claim that municipal bodies had no choice but to return strays to the place from which they were captured, thereby treating a sensitive or restricted area the same as an open space accessible to the general public.

³ Express News Service, 4.8 lakh dog bites, 42 deaths: Citing 2026 surge, Supreme Court orders stray dog removal from public spots, THE INDIAN EXPRESS (May 21, 2026), <https://indianexpress.com/article/legal-news/supreme-court-stray-dog-bite-judgment-2026-data-10700843/>.

⁴ INDIA CONST. art. 21.

⁵ Animal Birth Control Rules, 2023, Rule 11(19), Ministry of Fisheries, Animal Husbandry and Dairying, 2023 (India).

Therefore, they wanted this rule to apply universally, requiring municipal bodies to release strays even into sensitive and restricted zones such as schools, universities, and gated campuses. But the Supreme Court firmly rejected this universal interpretation because subordinate legislation (ABC Rules, 2023) cannot exceed the ceiling set by its parent act, the Prevention of Cruelty to Animals Act, 1960⁶. The executive cannot use its power to alter definitions enacted by the legislature. Since the parent act (PCA Act, 1960) is the ultimate source of authority, any administrative act attempting to relocate strays into these restricted zones would likely defeat the original intent of the legislature and make this universal interpretation legally void.

The Court then invoked Section 2(i) of the PCA Act to define “street” as a public road, highway, or path accessible to the general public, rather than mere physical space. Because sensitive zones like schools, universities, and gated societies have restricted access (gates, guards, etc.), they do not qualify as “street,” meaning municipal bodies cannot be required to return strays to them.

THE SHIFT IN LIABILITY

The judgment marks a monumental shift by holding municipal bodies financially liable under Civil Law for stray-dog attacks within restricted zones. Due to this liability, the Court established that municipal bodies owe a strict duty of care to maintain safety within these restrictive and sensitive zones. Before now, municipal bodies escaped liability by giving excuses like a lack of funds to capture dogs or treating dog bites as inevitable accidents. The Court has made this a non-delegable duty by introducing strict financial liability; now, if a municipality fails to maintain a safe environment within these restricted zones, it will bear the financial consequences under civil law.

In practical terms, protecting human dignity requires municipal bodies to address the unregulated practice of giving leftover food to strays, which poses a direct physical hazard. The casual disposal of leftover kitchen waste creates a fixed gathering spot for stray dogs. If residents ignore this pattern, it fundamentally alters the habits of the strays, when these food sources are absent, the dogs will display intense aggression in anticipation of that leftover food, thereby creating a severe, active hazard for ordinary residents residing within these restricted

⁶ Prevention of Cruelty to Animals Act, 1960, § 2(i), No. 59, Acts of Parliament, 1960 (India).

and sensitive zones and ignoring this hazard creates packs of aggressive, unsterilised strays within restricted zones, and that will completely breach the strict duty of care of municipalities.

CONCLUSION

While the critics might view the Court's limitation of the ABC Rules, 2023, as an overreach into the executive's shoes, rather, it was an act of necessity to protect the citizens' right to safety and dignity under Article 21 as, prima facie, it may appear to be a violation of the principle of separation of powers. Still, in reality, the right to life under Article 21 can never be secondary to executive rules. When administrative bodies fail to provide a safe environment within these sensitive public spaces, the Hon'ble Supreme Court is bound by its constitutional mandate to ensure the safety of its citizens; this is not an overreach, but a necessary application of checks and balances.

This crucial judgment will bear fruit only when it translates into ground-level implementation, which will depend entirely on how municipal authorities discharge their strict duty to take action against locally created hazards posed by residents, such as the unregulated feeding of leftover food.

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