

(2025) 08 SC CK 0180

In the Supreme Court Of India

Case No : Suo Moto Writ Petition(Civil) No. 5 Of 2025 With Writ Petition(Civil) No(S). 784 Of 2025 Special Leave Petition (Civil) No(S). 14763 Of 2024 And Special Leave Petition (Civil) No(S). 17623 Of 2025

In Re: "City Hounded By Strays, Kids Pay Price" @APPELLANT @Hash

Date of Decision : 11-08-2025

Acts Referred:

Constitution of India, 1950 — Article 14, 19, 19(1)(d), 21, 48, 51A(g), 51A(h)Prevention of Cruelty to Animals Act, 1960 — Section 38(1), 38(2)Delhi Municipal Corporation Act, 1957 — Section 399Maharashtra Police Act, 1968 — Section 44Greater Hyderabad Municipal Corporation, 1955 — Section 249, 273Animal Birth Control (Dog) Rules 2023 — Rule 11, 11(19), 15, 16(6)

Citation : (2025) 08 SC CK 0180

Hon'ble Judges : J.B. Pardiwala, J;R. Mahadevan, J

Bench : Division Bench

Advocate : Tushar Mehta, Praveen Swarup, Rohit Swarup, Devesh Maurya, Ameet Singh, Purti Gupta, Henna George, Sunidhi Sah, Pooja Agarwal, Udian Sharma, Vishesh Sapra, Sahil Saraswat, Harsha Sadhwani, Sidharth Luthra, Supriya Juneja, Esha Dutta, Shaalini Agarwal, Karl P Rustomkhan, Parv Arora, Siddharth Pandey, Vivek Sharma, Dr. Vijay Kumar Sharma

Judgement

BY THE COURT

1. We heard Mr. Gaurav Agrawal, the learned Amicus appointed by this Court and Mr. Tushar Mehta, the learned Solicitor General appearing for the National Capital Region (NCR).

2. The learned amicus has provided us with some very important information. He assisted us today to the best of his ability to enable us to proceed further in the matter. The learned Solicitor General also assisted us very ably and submitted that stern action needs to be taken to combat the situation. He further submitted that the Government of NCT of Delhi and all other authorities of the National Capital Region (NCR) shall make all possible endeavours to ensure that the menace of dog bites is taken care of at the earliest and appropriate action in the right direction is also taken at the earliest.

3. What we have been able to gather after hearing both the learned counsel is that the situation is extremely grim. Immediate steps need be taken to take care of the menace of dog bites leading to rabies.

4. In the course of the hearing today, the learned Amicus furnished us with some information. The same reads thus:-

"NOTE FOR HEARING ON 11th AUGUST, 2025

1. On the website of Press Information Bureau, data of number of dog bites for the years 2022, 2023, 2024 and 2025 [January] have been published. In the year 2024, there were 37,15,713 reported dog bites in the country. In Delhi alone, there were 25,201 dog bites. In the month of January, 2025, in the city of Delhi, the number of dog bites were 3196. The cases of dog bites have increased over the last 3 years as per the table below. If figures of January, 2025 are any indication, the cases of dog bites are increased by 50%.

Dog Bite cases reported by States/UTs at IDSP [from 2022-2025]

2022

2023

2024

2025 January)

Delhi

6,691

17,874

25,210

3,196

India

21,89,909

30,52,521

37,15,713

4,29,664

2. Cases of dog bites are increasing because of the ever increasing population of stray dogs in our country. Dog bites causes immense pain and suffering to humans, especially to children, elderly and disabled persons. One has to thereafter undergo a very rigorous and timely process of taking multiple injections. If a person is not aware of the medical treatment or if the injections are not genuine, it would result in a very painful death. Sometimes, the person may not get necessary treatment in timely manner. The disease becomes

incurable after 24 hours and results in a certain death. In a number of cases, stray dogs have attacked children, elderly persons and even adults, which have resulted in painful death to the victims at the spot [or soon thereafter].

3. Stray dogs are also a cause of large number of road accidents, which cause injuries/deaths of road users. Even if a person may not die of a dog bite, due to evasive action taken by him, he may fall down or hit another vehicle, resulting in death/injury.

4. Hence, the presence of stray dogs on our streets/public places like airports, railway stations is a direct infringement of our Fundamental Rights under Articles 19(1)(d) & 21 of the Constitution of India. There cannot be any quarrel with the proposition that our streets/public places should be free from stray dogs.

5. The Government of India's response to remedy this infringement of our Fundamental Rights is manifested in Animal Birth Control (Dog) Rules, 2001, and recently [after repeal of the 2001 Rules] in the Animal Birth Control Rules, 2023 [2023 Rules]. The said Rules have been framed in exercise of powers under Section 38(1) & (2) of Prevention of Cruelty to Animals Act, 1960.

6. These Rules broadly provide that:-

a) The local authority would provide for manpower and infrastructure for capturing of stray dogs, sterilization and immunization and thereafter releasing the dogs at the very same place from where they were captured [Rule 11 of 2023 Rules]. Rule 11(19) is quoted herein below for ready reference : -

"11. Capturing or sterilisation or immunisation or release : -

- xxx -

(19) The dogs shall be released at the same place or locality from where they were captured and the date, time and place of their release shall be recorded after their complete recovery and the representative of the local authority or of the animal welfare organization shall accompany the team at the time of release and from time to time, the Board may provide a suitable application for geo-tagging the location of the dogs during capture and release."

b) Even if the dog has bitten somebody, he has to be captured and observed. If the dog is found not to have rabies, but some other diseases or is furious in nature, he has to be handed over to Animal Welfare Organization, who shall cure the diseases and release the dog after 10 days of observation. Rule 16(6) is quoted herein below for ready reference:-

"16 Resolution of Complaints regarding dog bites or rabid dogs : -

- xxx -

(6) If the dog is found not to have rabies but some other disease or is furious in nature then it would be handed over to the Animal Welfare Organization who shall take the necessary action to cure and release the dog after ten days of

observation."

c) Rule 15 of the Rules provides for euthanasia of only incurably ill and mortally wounded dogs.

7. These Rules are perhaps premised on the fact that if dogs are sterilized, there would be no further progeny and over time the stray dog population would (somehow) disappear. Further, if the dogs are immunized, they would not transmit rabies. There is some thought process that perhaps sterilization would reduce aggression and chances of dog bites may get reduced after sterilization. The increasing stray dog population and dog bites belie these assumptions.

8. It is humbly submitted that the 2023 Rules, to the extent that they provide for release of dogs on the streets/colonies/public places, after capture, are violative of our Fundamental Rights guaranteed under Articles 19(1)(d) and 21 of the Constitution. It is the duty of the Central Government, the State Government and the local authorities to ensure that the streets are free from stray dogs, so that no human being is subjected to the pain and suffering [or even death] which is occasioned by an assault by stray dog(s). There is absolutely no material to suggest that the sterilization would eliminate the chance of the dog biting. Putting the dog back on the street, where there is grave harm to us, is a direct violation of our fundamental rights to move freely without the fear of a dog bite/assault.

9. The 2001 Rules, which have been in operation since December, 2001 miserably failed to control the dog population. Infact the stray dog population and number of dog bites have increased tremendously. There is absolutely no reason to believe that the 2023 Rules would do any better. It is rather strange that despite increasing dog bites, no active steps are contemplated by 2023 Rules.

10. Sterilization and immunization contemplated under the 2023 Rules, is no guarantee against biting by stray dog(s). Therefore, it is not clear as to how the 2023 Rules [even if fully implemented] would result in addressing the problem, which directly infringes the fundamental rights of large number of road users or those who frequent public spaces like airports, railway stations etc.

11. In almost all developed countries, there are no stray dogs on the streets. This shows that 2023 Rules are totally inadequate and do not address the problem. If the Rules continue to govern, it is certain that there would be exponential increase in stray dog population and consequential dog bites, putting the lives of our children at grave risk.

12. The 2023 Rules somehow seems to suggest that the fundamental rights of stray dogs to roam around in the street(s), attack human beings and create public nuisance is at a higher pedestal than the fundamental rights of human beings. Time has come for this Hon'ble Court to clearly hold that stray dogs cannot be allowed to remain on streets and all steps have to be taken to ensure

that the streets/all public spaces are cleared of stray dogs.

13. Recently, a Constitution Bench of this Hon'ble Court in *Animal Welfare Board of India v. Union of India*, (2023) 9 SCC 322 has categorically held as follows : -

"29. On the question of conferring fundamental rights on animals we do not have any precedent. The Division Bench in *A. Nagaraja [Animal Welfare Board of India v. A. Nagaraja]*, (2014) 7 SCC 547 : (2014) 3 SCC (Cri) 136] also does not lay down that animals have fundamental rights. The only tool available for testing this proposition is interpreting the three Amendment Acts on the anvil of reasonableness in Article 14 of the Constitution of India. While the protection under Article 21 has been conferred on person as opposed to a citizen, which is the case in Article 19 of the Constitution, we do not think it will be prudent for us to venture into a judicial adventurism to bring bulls within the said protected mechanism. We have our doubt as to whether detaining a stray bull from the street against its wish could give rise to the constitutional writ of habeas corpus or not. In the judgment of *A. Nagaraja [Animal Welfare Board of India v. A. Nagaraja]*, (2014) 7 SCC 547 : (2014) 3 SCC (Cri) 136], the question of elevation of the statutory rights of animals to the realm of fundamental rights has been left at the advisory level or has been framed as a judicial suggestion. We do not want to venture beyond that and leave this exercise to be considered by the appropriate legislative body. We do not think Article 14 of the Constitution can also be invoked by any animal as a person. While we can test the provisions of an animal welfare legislation, that would be at the instance of a human being or a juridical person who may espouse the cause of animal welfare.

- xxx -

42. As we proceed on the basis that the Constitution does not recognise any fundamental right for animals, we shall have to test the legality of the three statutes against the provisions of the 1960 Act along with the constitutional provisions of Articles 48, 51-A(g) and (h)."

14. When there is a direct infringement of fundamental rights of human beings, especially under Article 21, the State is duty bound to take all steps to prevent such infringement. Unfortunately, the 2023 Rules perpetuate the said infringement rather than prevent the violation of the fundamental rights of the human beings.

15. Number of Municipal Laws and Police Laws in the country, provide for confinement and even destruction of stray dogs. The relevant portions of some of the Municipal/Police Acts are Section 399 of the Delhi Municipal Corporation Act, 1957, Section 44 of Maharashtra Police Act, 1968 and Sections 249 & 373 of Greater Hyderabad Municipal Corporation, 1955.

16. In foreign countries, there are provisions for destruction of stray dogs if there is no owner or if nobody comes for adoption of the stray dog."

5. The exercise that we propose to undertake, is not to be performed in a casual

manner. The burning issue that we have embarked upon is not driven by a momentary impulse. On the contrary, it is only after the deepest of deliberations, and having reached the firm conclusion about the systematic failure of the concerned authorities over the past two decades to address an issue that strikes at the heart of public safety, that we have decided to take the matter in our hands. We have, over a considerable period of time, examined the prevailing circumstances, heard the voices of those who have been directly affected and reflected upon a disturbing pattern of dog bites in this country. Now is not the time for any resistance or hesitation born of complacency. It is a time for decisive and collective action and to confront the realities of our society. If we fail to act with urgency, we risk allowing yet another two decades to slip into the ledger of neglect, leaving future generations to inherit the same problems and the same dangers.

6. We are conscious and sensitive of co-existence. The idea behind co-existence is not the existence of one's life at the cost of the other. In the case in hand, we are attempting to flag the experience of those who use the streets daily. Streets should not prove to be vulnerable places. Among a bundle of concerns, we are at pains to take cognizance of the experiences of visually impaired persons, young children, elderly persons, people from humble background who are not able to afford even a day's meal, let alone the medical expenses. The visually impaired persons are at the highest risk of dog bites as their primary support, their canes, are seen as threats by the dogs. Young children are susceptible to dog bites due to which parents find it very difficult to allow their children to navigate on streets on their own. We have come across concerns of elderly persons being attacked by rambunctious dogs. We are not casting aspersions, but there is no way one can identify or classify between a rabies-carrying dog and others. More particularly, the situation is worse when it comes to persons who are forced to sleep on the streets. It is painstaking to note the pangs of such persons who neither have the knowledge of the consequences of dog bites nor have any precautionary or post-exposure measures accessible to them.

7. It is often said that "no person is above the law", however of equal significance is the flip side of that maxim; "no person is below the law" either. The protection, dignity, and security that the law affords are not privileges conferred at the discretion of those in authority; they are rights inherent to every individual, regardless of station, circumstance, or means. Obedience to the law is not solicited as an act of grace, nor extended as a favour, it is commanded and demanded as a matter of right. Reciprocally, the assurance of the law's protection is owed as a matter of duty. To forget this is to hollow out the very purpose of the rule of law, reducing it to an instrument that speaks only to the powerful while turning a deaf ear to the powerless. The true test of a legal order lies not in how firmly it restrains those at the top, but in how faithfully it safeguards those at the margins.

8. In light of the concerns of the interveners, we urge all to adopt and give dogs

a shelter in their homes. However, we do not ascribe to the virtue signalling of all those who share love and concern for the animals. A virtual divide is being attempted to be created between 'animal lovers' and persons indifferent towards animals. But the heart of the problem remains unanswered, for all practical reasons. As a court, our heart pains equally for everyone. We condemn those who, beneath the cloak of "love and care" for the voiceless, pursue the warmth of self-congratulation. The directions given by us, as a court which functions for the welfare of the people, are both in the interest of humans as well as dogs. This is not personal.

9. The Judiciary must not assume or take on the colouration of the prevailing popular sentiments of the time, for its role is not to echo the passions of the moment but to uphold the enduring principles of justice, conscience and equity. As the sentinel on the qui vive, a guardian of rights, the Judiciary bears the solemn responsibility to possess the courage and the strength to remind the people of truths that they may not like or prefer not to hear.

10. At the same time, being conscious about the genuine love and care towards stray dogs that many stakeholders of the public share, we urge them to come forward and become a part of this exercise. To adorn the care and upkeep of the stray dogs responsibly at the dog shelters/pounds. To volunteer their valuable time and resources towards the proper functioning of such shelters/pounds and assisting the concerned authorities therein.

11. In such circumstances, referred to above, as a part of immediate action, the following directions:-

(I) The Government of National Capital Territory of Delhi (NCT), the Municipal Corporation of Delhi (MCD) and the New Delhi Municipal Corporation (NDMC) and authorities of NOIDA, Ghaziabad, Gurugram and Faridabad shall at the earliest start picking up stray dogs from all localities, more particularly the vulnerable localities of the city as well as areas on the outskirts. How to do it, is for the authorities to look into. For this, if they have to create a force, they shall do it at the earliest. However, this should be the first and foremost exercise to make all localities within the State and its outskirts free of stray dogs.

(II) There should not be any lethargy or compromise in undertaking this exercise. If any individual or any organization comes in the way of forceful picking up of the stray dogs and rounding them up, and if it is reported to us, we shall proceed to take the strictest of actions against any such resistance which may be offered. We are issuing these directions keeping only one thing in mind and that is the larger public interest. Infants, young children, aged should not at any cost fall prey to such dog bites that have the propensity to lead to one of the deadliest diseases known to mankind, if not the most i.e., rabies. The action should inspire confidence in the minds of people, young and old that they can move freely and safely on the roads and vicinity of their own homes without any fear of being bitten by a stray dog or a pack of dogs. No sentiments should be

involved in this entire exercise. This should be the first step in the process.

(III) The Government of National Capital Territory of Delhi (NCT), Municipal Corporation of Delhi (MCD), New Delhi Municipal Council (NDMC) and the appropriate authorities of NOIDA, Ghaziabad, Gurugram & Faridabad are directed to immediately create dog shelters/pounds and report to this Court the creation of such infrastructure all over the National Capital Region (NCR), within a period of eight weeks from today.

(IV) The dog shelters/pounds should have sufficient personnel to sterilize, deworm and immunize stray dogs and also for looking after the stray dogs who would be detained there and not released on the streets/colonies/public places. The dog shelters would be monitored by CCTV to ensure that no dogs are released or taken out.

(V) We are mindful of the fact that the exercise of rounding up and relocation of the stray dogs in the shelters and pounds carries concerns over the well-being of such stray dogs. We are sympathetic to their lives as-well. Accordingly, we make it clear to all authorities concerned and the personnels deployed at such shelters/pounds, that at no stage should these dogs be subjected to any mistreatment, cruelty or deplorable standards of care. In lieu of this, we direct all the concerned authorities to ensure that there is no overcrowding at the dog shelters/pounds, and all measures shall be taken promptly for avoiding such a situation. The stray dogs who are brought to these shelters/pounds shall not be starved, and it shall be the duty of the concerned officials/authorities to ensure that they are adequately and regularly fed. The stray dogs who are brought to these shelters/pounds shall at no point of time be left completely unmonitored. In this regard, the concerned authorities must ensure that at least two responsible personnels are present at the shelter/pound at all times and proper duty schedule should be drawn up to ensure the same. Apart from the above, timely medical care should be provided by trained veterinarians to all the stray dogs, and the vulnerable and weak stray dogs should be accommodated separately within the shelter/pound as far as possible.

(VI) We further clarify that it would be open to the concerned authorities to decide the viability of implementing an adoption scheme in respect of the stray dogs that would be kept at the shelters/pounds. However, any such adoption must take place only after a careful consideration, and in terms of the Standard Protocol for Adoption of Community Animals dated 17.05.2022 issued by the Animal Welfare Board of India, and any other condition that the concerned authorities find necessary to impose for such adoption to ensure that the entire exercise envisaged by us, is not defeated. At the cost of repetition, we make it clear, that no such adoption, if any, should result in the re-release of a stray dog back on to the streets. If we find even a single infraction of such kind, we will proceed to take the strictest of action against the official responsible as-well as the individual.

(VII) Since this is a progressive exercise i.e. the dog shelters would have to be increased over a period of time, authorities concerned shall begin by creating dog shelter(s) for say 5,000 dogs in the next six-eight weeks.

(VIII) All the Authorities, referred to above, are directed to maintain records of daily stray dogs captured as-well the number of dogs housed in shelters homes/ dog pounds. Such records shall be produced before us on the next date of hearing. However, what is important is, without which this entire exercise which we have undertaken may go futile, that not a single dog picked up from any part of the locality shall be released back on the streets/public spaces. If we come to know that this has happened, we shall take stern action in this regard.

(IX) We clarify that in this entire exercise, the abovementioned records shall be maintained regularly by the concerned authorities, such that in the event this Court finds any infraction of the directions issued herein, necessary action shall be taken. In this regard, proper measures should be taken for earmarking the stray dogs who have been captured, for the purpose of later identification such that none of them are released back on to the streets.

(X) We direct the Authorities, referred to above, to create helpline number within a period of one week from today so that all cases of dog bites are immediately reported. Action must be taken to round up/pick up/catch the dog(s) within four hours from the complaint being received. Any resistance offered by any individual or organizations in this regard will be viewed strictly and we may proceed for contempt against such individual or organizations coming in the way of this Court.

(XI) The stray dogs shall be captured, sterilized, dewormed and immunized as required by Animal Birth Control Rules, 2023 and as noted above, shall not be released under any circumstances.

(XII) The Authorities concerned shall inform the victim of the medical authorities so that the victim is treated immediately.

(XIII) Report in this regard shall be presented before us on the next date of hearing.

(XIV) Availability of rabies vaccines is a major concern especially genuine vaccine. The Authorities concerned, more particularly, the Government of NCT of Delhi is directed to put detailed information about the places where such vaccines are available, full stock of the vaccines and the number of persons who report for treatment on monthly basis.

11. For the present, the aforesaid directions shall be complied with and implemented scrupulously. We, at the cost of repetition, again make it abundantly clear to the above concerned authorities in clear words that it shall at the earliest : -

(i) Start picking up and rounding the stray dogs from all localities of Delhi,

Ghaziabad, NOIDA, Faridabad, Gurugram as well as areas on the outskirts, and relocate these dogs into designated shelters/pounds.

(ii) The appropriate authorities of NCT of Delhi, NOIDA, Ghaziabad, Gurugram & Faridabad are directed to immediately create dog shelters/pounds and report to this Court the creation of such infrastructure all over the National Capital Region (NCR). A report in this regard shall be filed before this Court within a period of eight-weeks.

(iii) In no circumstances, should these stray dogs after their relocation be once again released back onto the streets. In this regard proper records should be maintained by the concerned authorities regularly.

(iv) The stray dogs shall be captured, sterilized, dewormed and immunized as required by Animal Birth Control Rules, 2023 and as noted above, shall not be released back. The dog shelters/pounds should have sufficient personnel to sterilize, deworm and immunize stray dogs and also for looking after the stray dogs who would be detained.

(v) We further make it clear that both the exercise of rounding-up of stray dogs as-well as the creation of necessary infrastructure in the form of shelters/pounds for the relocation, sterilization, deworming and immunization, shall be undertaken simultaneously. We do not want to hear about even a semblance of lethargy from the concerned authorities on the pre-text of awaiting the creation of shelters/pounds, otherwise, we will proceed to take strict action against these authorities. All authorities are directed to immediately begin the picking up stray dogs and in the same breadth creation of appropriate and adequate shelter homes and pounds across the National Capital Region.

12. Any hindrance or obstruction that may be caused by any individual or organization in the smooth and effective implementation of our aforesaid directions will be viewed as contempt of this Court and we shall proceed to take appropriate action in accordance with law.

13. Since this is an ongoing exercise, we are not, at this stage, inclined to entertain any intervention applications that have been filed before us. We first want to hear from the concerned authorities as to what they have to say, and the progress made by them. Once these relevant details are placed before us by the concerned authorities, we will take into consideration the intervention applications before us on their own merits.

14. During the course of the hearing, we were apprised about the pendency of a writ petition being W.P. (C) No. 67 of 2023, titled Parthima Devi v. Municipal Corporation of Delhi before the High Court of Delhi, wherein a similar initiative of construction of a dog shelter/pound by the municipal corporation was stayed by the High Court. Keeping in mind the similitude of issues involved in the aforesaid matter and the case in hand, we are of the view that the aforesaid petition should be heard by this Court. In such circumstances, we direct the High Court of

Delhi to transfer W.P. (C) No. 67 of 2023, titled Parthima Devi v. Municipal Corporation of Delhi to this Court along with the entire record at the earliest.

15. Notify this matter once again with an appropriate Status Report along with all the intervention application(s) after a period of four weeks on top of the Board.