

## BALANCING THE SCALES OF GOVERNANCE: MAN VS STRAYS

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### Abstract

*A government is not just some democratic body selected by the people to take major decisions and frame laws on their behalf. Looking after each big and small issue which concerns the public is what forms the core of "good governance. An issue which at the start looked too minor to be concerned about but has spread across the country under the bliss of ignorance is the "havoc of street dogs." Even now when we start to talk about this issue its gravity wouldn't be understood unless we analyze the subject matter in detail. In this paper, the Authors have made an attempt to address the issue of the huge population of stray dogs and how they are affecting the livelihood of the people. The most known and prevalent side of this menace is the disease of 'rabies' which is caused due to dog bites and has a mortality rate of nearly 100% because of the reason that they are not being properly regulated by the authorities concerned even though laws and policies are in place for the same. Also, highlighted are the cases and reports associated with the problem of stray dog attacks and measures taken by the State and Central governments for addressing the same. Additionally, scrutinized the issue from the perspective of victims and dog lovers by reflecting a balanced view. Furthermore, is the role of judicial activism in this sufficient to address the grievances associated with it. It also serves as an analysis of how this issue is being dealt with and how properly are the policies and guidelines being implemented in India and how other countries are serving the same purpose without affecting the people.*

**Keywords:** Animal Welfare, Health Concern, Welfare of People, Stray Dogs, Good Governance

### Introduction

"Man's best friend" is a common phrase used to describe domestic dogs, referring to their millennia-long 23,000 years long history of close relations, loyalty, friendship, and

companionship with humans. The History of domestication of dogs was first started with the gray wolf in Siberia. As per published data and theories, back then humans were hunters and used to hunt for their survival and slowly these gray wolves started invading in the territory, which slowly built a relation. Some scientists linked this relationship with the utilitarian theory, which means that these wolves in search of food and shelter entered the human-occupied areas and these humans tried to help them and in return, these wolves use to assist them in their hunting thus building a relationship of trust and intermingling between the humans and the dogs. Uncertainty exists over the timing and reasons of dog domestication<sup>1</sup>. The oldest known dog burial is from 14,200 years ago, suggesting dogs were firmly installed as pets by then. One scenario has wolves scavenging human garbage dumps and becoming acclimated to people, while the other has people domesticating dogs to assist them with hunting<sup>2</sup>.

Over the years humans observed that some dogs are better suited for some particular traits. Some are good hunters like the “Jack Russell Terriers”, and “Dachshunds”. Some are good herders like the “Sheepdogs”, or the “Collies”, and some are good guards like the “Doberman”. So, the humans started selectively breeding the dogs, according to their traits, and that was how dog breeds came to existence. But the biggest question is how the concept of stray dogs came into picture? But first we have to understand the definition of stray dogs. There can be mainly three types of stray animals or stray dogs. Firstly, those who freely roam around are partially dependent on humans. Where the people living around them feed and help them to survive, but they have the right to unrestricted movement. Secondly, those who are unrestricted, and not dependent on humans. Even if humans don’t feed them, they would survive, because of the garbage dumps near them, or stealing food from dustbins, they can survive on their own. Lastly, the pets who have been abandoned by their owners. There is a huge difference between the second and last categories, because the stray dogs of the second category are habituated to survive on their own, ever since they are grown, they learn skills such as drinking water from puddles, looking for food in a garbage dump, navigating the roads, but the pets who have been abandoned, the third category, they are not trained of these habits. They are often killed in road accidents, and get diseases from drinking unclean water. The increasing number of stray dogs are a big concern for human welfare as the World Health Organisation (WHO) estimated that

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<sup>1</sup> Robin Mckie, The Guardian, How hunting with wolves helped humans outsmart the Neanderthals, <https://www.theguardian.com/science/2015/mar/01/hunting-with-wolves-humans-conquered-the-world-neanderthal-evolution>, last updated on: 01/03/2015.

<sup>2</sup>Liz Langley, National Geographic, Stray dogs have the natural ability to understand human gestures, <https://www.nationalgeographic.com/animals/article/stray-dogs-communication-rabies-health>, last updated on: 17/01/2020.

there are around 30 million stray dogs and around 20,000 people a year die of rabies in India<sup>3</sup>. Through this paper we are trying to address the issues associated with stray dogs in India, the role of the judiciary and states in eliminating the issue and the approach of other countries who successfully curbed the problems with regard to stray dogs. Lastly, the paper provides effective and practically enforceable suggestions to eliminate the issues from the grassroots level.

### **Problems Associated with Stray Dog at Grassroots Level**

According to a survey conducted by an independent NGO in 10 Indian metro cities found a strong link between human population and the amount of municipal and food waste generated, overall and per capita, with the number of stray dogs in the cities. This problem takes a more aggressive facet in cities which are seeing a rapid growth in real estate and construction business as dogs often are looked after the daily wage workers who are working in these sites, but those families eventually move out when their employment ends. “In this period, the dogs settled and got easy food from labourers. They get aggressive if that source of food is threatened in any way”. Garbage breeds stray animals, vermin and vectors. Kerala, the Indian state which has been severely affected by the menace of street dogs, also held “street dumped food” a major cause for this menace. Another major issue which we are facing is caused due to ‘holding capacity’ of dogs as a particular area can only accommodate a fixed number of dogs as this number reaches its end it automatically gives rise to the problem of food accessibility for all the dogs residing in the vicinity. As the shortage of food grows the dogs get more and more violent and this leads to attacks and such incidents.

Another cause which gives rise to this issue is the problem of non-sterilization of dogs whether pet or stray, as dogs remain unsterilized they multiply their number. If a female dog remains unsterilized, she can give birth to 78000 puppies. When these puppies grow in size, they create another problem for the localities they are residing in and thus creating a never-ending problem.

The last of the problems but which is of the most major concern is that of the disease “Rabies” which is caused due to animal bites. In India, dogs are responsible for about 97 percent of human rabies, followed by cats (2 percent), jackals, mongooses and others (1 percent). The disease is endemic throughout the country. It infects the central nervous system, ultimately affecting the brain and resulting in death. The time lag between the bite to rabies and onset of

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<sup>3</sup> Neetu Chandra, India Today, Rabies stalks India with its 30 million stray dogs, <https://www.indiatoday.in/india/north/story/rabies-stalks-india-stray-dogs-who-animal-welfare-board-of-india-187811-2014-04-05>, last updated on: 06/04/2014.

symptoms of the disease, is usually about a few days to few months in humans, depending on the site and severity of exposure. Once the disease reaches the brain there is no going back and the mortality rate is 100%.

The last issue which has evolved in recent years and is gruesome by any standard is that of the recent killings which have occurred. Since 2019, India has recorded over 1.5 crore dog bite cases. Uttar Pradesh, which has the most number of strays, has witnessed the most incidents with 27.52 lakh cases, followed by Tamil Nadu (20.7 lakhs) and Maharashtra (15.75 lakhs). Data collected shows that 9000 people have lost life due to dog bites and attacks. Victims range from young toddlers to middle-aged people to old age men and women.

The government has not mandated dog care centres for the same and even the existing shelters are not in proper condition. If the roadmap is not revisited this problem will not be solved easily and the problem will keep multiplying and the consequences will be severe and catastrophic.

### **Stand of States for Addressing the Issue**

Since the 12-year-old's death, newspapers and TV stations in Kerala have covered dog attacks nonstop; some have even inserted daily portions specifically for cases from each district in the state. Similar to what occurred in 2015–16 when an increase in dog attacks led to strays being publicly killed, the events have sparked concern in Kerala. National anger resulted from certain people, including a well-known businessman, offering bounties for such killings<sup>4</sup>. An online boycott campaign was started in the state, which draws millions of tourists each year, as horrifying images of dead dogs—some of which turned out to be fake—began to spread on social media. Local activists who attempted to defend stray dogs claimed they encountered popular resentment.

The Patna Municipal Corporation (PMC) has planned to establish the city's first animal birth control centre, following the lead of places like Jaipur and Dehradun, where canines are sterilised and subsequently released, in response to complaints about the rising population of stray dogs in the state capital<sup>5</sup>. 32% claimed to have abandoned a cat and 34% admitted to having left a dog on the streets. India had the greatest rate of pet homelessness among the nine

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<sup>4</sup>Meryl Sebastia, BBC News Cochin, <https://www.bbc.com/news/world-asia-india-62949005>, last updated on: 28 September 2021.

<sup>5</sup> Shuchismita Chakraborty, PMC bid to muzzle dog menace, The telegraph, <https://www.telegraphindia.com/bihar/PMC-bid-to-muzzle-dog-menace/cid/1380302>, last updated on: 19 July, 2017.

nations surveyed, scoring 2.4 on a scale of 10 (a lower score indicates a worse situation), followed by Mexico at 3.9 and South Africa at 4<sup>6</sup>.

An organisation in the south-central Kottayam district offered to provide financial aid to people purchasing air rifles to fend off aggressive dogs. An illustrious college's alumni association in Pala, a town and a municipality in the Kottayam district of Kerala has provided a 10% subsidy to individuals who purchase air rifles for the first time and a further 25% subsidy to those who are charged by the police with killing stray dogs. An air gun can be purchased without a licence and normally costs approximately 4000<sup>7</sup>.

Many local government agencies never even contemplate using the legal and scientific method required for population management of stray dogs—an animal birth control (ABC) program—because killing stray dogs is an easy way out for them<sup>8</sup>. Following a high-level meeting with representatives of the Local Self-Government, Health, and Animal Husbandry ministries, Kerala's Minister for Local Self Governments Excise Department M.B. Rajesh unveiled an action plan to solve the problem amid the rising number of stray dog attacks<sup>9</sup>. An extensive vaccination campaign for stray dogs, the construction of dog shelters in every panchayat and block, and the removal of trash piles from public areas are all part of the multifaceted strategy.

Despite the fact that there has been no study of the city's stray dog population, which is home to multiple dog bite incidents every day, municipal corporation authorities in Ludhiana are incredibly pleased with the ongoing animal birth control programme. Locals who deal with the problem on a daily basis, however, are not happy. Despite the sterilising drive, they claim the dog threat is far from finished. Residents suggested setting a deadline for sterilisation and finding a long-term remedy for dog bite incidents. Sterilization, according to the officials, is a never-ending procedure. Even while it might occasionally slow down, it would still go on. The number of canines getting sterilised increased from June through November 2021, but then it

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<sup>6</sup> Mohua Das, The times of India,

Pet regret: Many abandoned dog or cat after lockdown, says survey in Mumbai, last updated on: 06 December 2021.

<sup>7</sup> Kerala: As street dog menace returns, livemint, <https://www.livemint.com/news/india/kerala-as-street-dog-menace-returns-so-does-air-guns-in-kasargod-kochi-read-here-11663324260299.html>, last updated on: 16 September 2022.

<sup>8</sup> Dr Kishorekumar K J, Dr Sonika Sathish & Dr Jackin Jayaram, The Times of India, Unlawful execution, [http://timesofindia.indiatimes.com/articleshow/84912303.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/84912303.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst), last updated on: 31 July 2021.

<sup>9</sup> Minister announces action plan to address stray dog menace, The Hindu, <https://www.thehindu.com/news/national/kerala/minister-announces-action-plan-to-address-stray-dog-menace/article65882763.ece>, last updated on: 13 September, 2022.

began to decline. The quantity of dogs sterilised increased from June to November 2021, but then it began to decline. There were 1,475 dog operations in March 2022. Dog catchers are having a hard time finding stray canines these days that haven't been sterilised<sup>10</sup>.

In order to start efforts for the state government's stray dog birth prevention, the Maharashtra government has set aside a fund of Rs 17 crore. The Mumbai municipal corporation's furnished kennels are the site of a mass sterilising effort. performed about 250 sterilisations a month on average. More than 33,500 stray dogs were neutered<sup>11</sup>. In its largest-ever effort to regulate the canine population and ensure that they do not spread rabies, the Karnataka Municipal Corporation (KMC) plans to vaccinate and sterilise 84,000 stray dogs over the course of six months. The Animal Welfare Board of Ministry of Environment and Forestry is contributing to the funding of project<sup>12</sup>.

Since the beginning of the animal birth control programme in 2015, approximately 45,000 stray dogs have been sterilised. In the absence of a survey, authorities still don't know how many dogs are left. As per officials, not a single Indian city has so far ever achieved 100% success in sterilising<sup>13</sup>.

### **Role of the Judiciary in Addressing the Issues Related to Stray Dogs**

The courts in India are always vigilant related to the rights and management of stray dogs all over India. Stray dogs are protected under the Prevention of Cruelty to Animals Act, 1960<sup>14</sup> and Rules enacted under Section 38 of the Act<sup>15</sup>, particularly, the Animal Birth Control (Dogs) Rules, 2001 which makes it illegal for an individual, Resident Welfare Organization or estate management to remove or relocate dogs. A 2006 Office Memorandum of the Central government carried specific rules against government servants who indulge in acts of cruelty to animals<sup>16</sup>. The rules make the government servant liable for action under the Prevention of Cruelty to Animals Act. The High Court noted that despite the clear position of law in

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<sup>10</sup> The times of India, Sterilization of stray dogs: Residents seek deadline, MC say it's never-ending process [http://timesofindia.indiatimes.com/articleshow/90301070.cms?utm\\_source=contentofinterest&utm\\_medium=txt&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/90301070.cms?utm_source=contentofinterest&utm_medium=txt&utm_campaign=cppst), last updated on: 18 March 2022.

<sup>11</sup> Welfare of stray dogs, WSD Activities, <https://www.wsdindia.org/sterilization.htm>.

<sup>12</sup> Saikat Ray, The Times of India, Kolkata: 84,000 stray dogs to be sterilized in six months, <https://timesofindia.indiatimes.com/city/kolkata/84000-stray-dogs-to-be-sterilized-in-six-months/articleshow/90111188.cms>, last updated on: 10 March 2022.

<sup>13</sup> Ibid.

<sup>14</sup> The Prevention of Cruelty to Animals Act, 1960, No. 59, Acts of Parliament, 1960 (India).

<sup>15</sup> The Prevention of Cruelty to Animals Act, 1960, § 38, No. 59, Acts of Parliament, 1960 (India).

<sup>16</sup> Soibam Rocky Singh, The Hindu, Delhi HC issues directions on feeding, managing stray dogs, <https://www.thehindu.com/news/national/delhi-hc-issues-directions-on-feeding-managing-stray-dogs/article35081095.ece>, last updated on: 01/06/2021.

prohibiting cruelty to animals, including stray dogs, there is an increasing tendency among citizens to defy it.

Recently the Delhi High Court in the year 2021 also stated that “Street dogs are sometimes subjected to abusive treatment by some residents of the community because of “widespread wrong or misplaced beliefs that all street dogs carry the rabies virus”, the court said, adding, “It is the responsibility of the community residents to get their dogs vaccinated against rabies every year to prevent the spread of rabies.” Feeding stray dogs is legal both within and outside any society, and what is prohibited is threatening dog feeders from carrying out their essential obligation under Article 51A (g) of the Constitution of India.

The Animal Welfare Board of India has issued extensive guidelines on feeding stray dogs, and there have been numerous judicial decisions protecting dog feeders and caretakers who face the wrath of ill-informed neighbors. Stray dogs are protected under the *Prevention of Cruelty to Animals Act (PCA), 1960*, and rules enacted under Section 38 of the act, particularly, the *Animal Birth Control (Dogs) Rules, 2001*; *Indian Penal Code*, sections 428 & 429 and Article 51A (g) of the *Constitution of India*. Street dogs cannot be beaten, killed or driven away or displaced, or dislocated, they can only be sterilized in the manner envisaged in *The Animal Birth Control (Dogs) Rules, 2001*, vaccinated, and then returned to their original locations. The stray dogs can be sterilized only when they’ve attained the age of at least 4 months and not before that. Killing, maiming, poisoning, or rendering useless any animal is punishable by imprisonment for up to two years or with a fine or with both, under Section 428 of the *Indian Penal Code, 1860*.

The Delhi High Court in March 2022 had opined that there is a need to spread awareness that even animals have a right to live with respect and dignity and said that "street dogs have the right to food and citizens have the right to feed community dogs but in exercising this right, care and caution should be taken to ensure that it does not impinge upon the rights of others or cause any harm.”

### **Status of Efforts for Stray Dogs Issue Vis-A-Vis International Perspective**

Although the serial killing of humans is widely acknowledged on a global scale, this kind of crime against animals is rarely discussed. Animal cruelty is a known behaviour of psychopaths. Thirty-seven dogs and cats found dead in plastic bags in Sao Paulo, Brazil, were examined at

the necropsy, and toxicological results were reported<sup>17</sup>. The World Health Organization (WHO) and the World Society for the Protection of Animals (now called as World Animal Protection) produced Guidelines for Dog Population Management, which advocated a long-term plan for the management of stray-dog populations by a methodical sterilisation programme, approximately thirty years back<sup>18</sup>.

The World Health Organization estimates that there are over 200 million stray dogs in the world. The Netherlands is impressively excluded from this statistic. The absence of stray dogs has made it the top nation in the world. The Collect, Neuter, Vaccinate, and Return (CNVR) programme, a national, publicly financed sterilisation campaign, helped the Dutch to do it. The World Animal Protection Agency considers it to be the most successful strategy for reducing the number of stray dogs<sup>19</sup>.

In the city of Cali, owned pets make up about 85% of the overall companion animal population. An initiative operated by WSPA and member organisation Paraiso de la Mascota offers humane education workshops on responsible pet management for kids and adults, as well as a mobile clinic where owners can bring their animals. Before the groups got engaged in 2003, the Cali government was capturing dogs at night and electrocuting them to death. Now, the government collaborates with Paraiso de la Mascota to give dog owners in low-income communities educational materials and affordable sterilisation<sup>20</sup>.

The canines of Sierra Leone endure terrible suffering from disease and famine as a result of the country's pervasive and catastrophic poverty. One of the greatest populations of stray dogs in all of Africa may be found in Freetown, the nation's capital, where there are about 100,000 of them. Together with the Sierra Leone Animal Welfare Society (SLAWS), WSPA offers vaccinations and neutering services to dogs whose owners have no alternative access to veterinary care, as well as education on ethical pet ownership. Additionally, they are collaborating with agencies of local government to support their efforts to manage rabies and dogs<sup>21</sup>.

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<sup>17</sup> Salvagni FA, de Siqueira A, Fukushima AR, Landi MFA, Ponge-Ferreira H, Maiorka PC. Animal serial killing: The first criminal conviction for animal cruelty in Brazil. *Forensic Sci Int*, last seen on: 27 July 2022.

<sup>18</sup> Manilal Valliyate, A case for India's stray dogs, <https://www.downtoearth.org.in/blog/governance/a-case-for-india-s-stray-dogs-65166>, last updated on: 19 June 2019.

<sup>19</sup> Freya Sawbridge, Dutch Review, How did the Netherlands become the first country without stray dogs?, <https://dutchreview.com/culture/how-did-the-netherlands-become-the-first-country-to-have-no-stray-dogs/>, last updated on: 27 July 2022.

<sup>20</sup> Suffering in Slums: The global stray dog problem, <http://support.michiganhumane.org/site/News2?id=11701>.

<sup>21</sup> Ibid.

In Romania, the government implemented a euthanasia programme that killed about 80,000 animals between 2001 and 2003 as a response to growing media attention regarding stray dog attacks<sup>22</sup>.

The stray dog's number in Pakistan is increasing at an unprecedented rate, and every other day, news stories about dog bites, animal mistreatment, and rabies are published. Although the exact number is unknown, it is estimated that there are at least 3 million stray dogs in the country. Every year, more than one million dog bite incidents are reported throughout Pakistan, and between 2,000 and 5,000 people pass away from rabies<sup>23</sup>.

Despite being a relatively wealthy country, Dubai's streets are crowded with abandoned, ill, injured, and pregnant stray cats. Instead of assisting them, the town hires pest control companies to get rid of them. These animals are viewed as a problem to be solved rather than as live beings deserving of respect and a decent life. Animals like cats and dogs are frequently ruthlessly put to death; some are poisoned, while others are captured and left to starve to death in the desert without access to food or water or in excruciating pain. Numerous family pets and stray animals with licence plates have already vanished, and no one has been able to locate them or determine whether they are still alive.

In Dubai, it is prohibited for locals and visitors to feed the stray animals, even if they urgently require medical attention. Several residential areas have posted circulars informing residents that feeding and watering stray animals is completely forbidden and that violators face harsh fines and perhaps jail time. Local animal rescue organizations and animal rights organisations are also prohibited from assisting and caring for street animals as a result of the suspension of their permissions<sup>24</sup>.

For instance, the German Animal Welfare Act forbids feeding any animals on the streets. Dogs are not permitted to roam the streets in Switzerland or Austria due to public nuisance regulations. Both the United Kingdom and the United States have similar laws<sup>25</sup>. These are the

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<sup>22</sup> Stray dogs problem, DW, <https://www.dw.com/en/not-just-for-the-dogs-strays-problem-is-also-human-rights-issue/a-15275219>, last updated on 08/01/11.

<sup>23</sup> Fatima Farooq Murawat, Countering the stray dog crisis in Pakistan, The bulletin, <https://thebulletin.brandtschool.de/countering-the-stray-dog-crisis-in-pakistan>, last updated on: 05 August 2022.

<sup>24</sup> Fawaz, DUBAI, THE CITY OF LUXURY AND OSTENTATION IS INSTEAD A TERRIBLE HELL FOR STRAYS. RAISE YOUR VOICE AND HELP US STOP THE MASSACRE, Inserito da oipainternational, <https://www.oipa.org/international/dubai-hell-for-strays/>, last updated on: 22 March 2022.

<sup>25</sup> Rohin Dubey, Bar and Bench, Should feeding stray dogs be banned?, <https://www.barandbench.com/columns/should-feeding-stray-dogs-be-banned>, last updated on: 09 November 2022.

specific actions or initiatives being made on a global scale to solve the issues associated with stray dogs.

### **Conclusion & Suggestions**

The issue of stray dog populations in India, is the main concern we addressed through this article. It emphasizes the necessity for the government to intervene to manage the expanding issue while also taking into account the right of the animals to live. However, the majority of Indian municipalities have failed to implement efficient dog population control laws and policies, frequently only acting when a problem manifests itself. Quick remedies could make things worse, therefore comprehensive strategies and long-term investment are needed.

According to the Food and Agriculture Organization (2014), eradicating rabies needs collaboration between regions and sectors, yet many local governments are underfunded and disinterested in using an integrated strategy. It is crucial to inform regional authorities and other interested parties about ABC programmes and SOPs established by the Animal Welfare Board of India. To stop the spread of illnesses like rabies, experts advise educating the public about disease risks and supporting health-protective behaviors including hand washing, canine vaccinations, and deworming. It is important to establish educational programmes that instruct the general population, and in particular youngsters, on how to deal with animals and what to do if a dog approaches while displaying indications of fear or hostility. However, the majority of Indian cities currently lack such programmes.

To stop the mass slaughter of stray dogs, vaccination and sterilization programmes are crucial. However, a typical hindrance in India is a lack of funding. To address this, the government must create visionary policies that promote dog population management with qualified employees and sufficient funding. Innovative legislative measures, such as the implementation of a dog tax that entails registration and licensing fees for pet dogs, might make ABC programmes self-sustaining. For instance, only 4,455 dogs were registered with the Municipal Corporation in Chandigarh in 2016, despite the city's estimated pet dog population of around 15,000 dogs. The same story goes around for the whole of India with the condition worsening in Tier2 and 3 cities where the local authorities are underfunded and the officers are also not trained enough to handle such situations. Implementing these aforementioned regulations might lead to more revenues as well as more responsible dog ownership.