

Balancing Human Safety and Animal Protection: Legal Responses to Dog Bite Incidents in India

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Abstract: This paper examines the application of the common law principle of strict liability in India with reference to relevant judicial decisions. It further explores the legal remedies currently available to victims of dog bite incidents and highlights the limitations within the existing framework. The author argues for the introduction of more victim-centric legal measures, particularly in cases involving stray dogs. In 2016, the Supreme Court constituted a committee under the chairmanship of Justice Sri Jagan to assess compensation claims arising from stray dog attacks in Kerala. The paper suggests that a similar structured compensation mechanism should be extended nationwide to ensure uniform relief to victims. Additionally, the study analyses the tension between human fundamental rights and the statutory protections afforded to animals under the Prevention of Cruelty to Animals Act, 1960. It also incorporates relevant provisions of the Animal Birth Control Rules, 2023, recently notified by the Central Government, to evaluate the contemporary legal position.

Keywords: ABC Rules 2023, common law, Dog bites, Stray dogs, Strict liability.

I. INTRODUCTION

Under the traditional common law approach, animals are broadly divided into two categories: *ferae naturae* and *mansuetae naturae*. The first category refers to animals that are wild by nature and presumed to be inherently dangerous, such as lions, bears, and elephants. The second category includes animals that are ordinarily considered tame and capable of domestication, including dogs, cats, and horses. This classification has historically influenced the determination of liability where injury is caused by animals.ⁱ

India, being deeply rooted in the common law tradition, continues to rely on judicial precedents to determine liability in animal attack cases, as there is

no comprehensive legislation equivalent to the Animals Act 1971 of the United Kingdom. Consequently, courts have shaped the legal position through case law. In *Vedapuratti v. M. Koppan Nair*, the Madras High Court, drawing guidance from the English decision in *Filburn v. People's Palace and Aquarium Co.*, clarified that the owner's liability depends primarily on the classification of the animal rather than the fact that it has been domesticated. Even if an elephant is trained or kept under control, it remains an animal belonging to the *ferae naturae* class and therefore carries an inherent presumption of danger. On that basis, the owner was held liable for the damage caused.ⁱⁱ

In the context of dogs, which fall under *mansuetae naturae*, courts generally apply the doctrine of *scienter*. Under this rule, liability does not arise automatically. The injured person must establish that the dog displayed a dangerous propensity that was abnormal for its class and that the owner was aware of such a tendency. This principle was illustrated in *Prakash Kumar Mukherjee v. Harvby*,ⁱⁱⁱ where the defendant was held responsible because he had prior knowledge that his dogs were likely to bite without provocation and the incident was reasonably foreseeable. However, proving both abnormal viciousness and the owner's prior knowledge imposes a considerable burden on victims. In practice, this requirement often works to the advantage of dog owners. Although in certain instances courts have adopted a stricter approach resembling absolute liability, the traditional *scienter* rule continues to dominate Indian jurisprudence in pet dog cases.^{iv}

With respect to remedies, when a person is bitten by a pet dog, criminal law provisions are commonly invoked. Section 289 of the Indian Penal Code, 1860 (291 BNS, 2023) penalises negligent handling of

animals where the owner fails to take reasonable precautions to prevent danger. Although common law strict liability operates independently of negligence, Section 289 is grounded in negligent conduct. Courts may award compensation to victims during criminal proceedings by exercising powers under Section 357 of the Code of Criminal Procedure, 1973 (395 BNSS).^v In situations where a person intentionally sets a dog upon another individual, Section 338 IPC (125 BNS) may be attracted, particularly where grievous injury results from rash or negligent acts endangering life or personal safety.^{vi}

The legal position becomes more complex in cases involving stray dogs. The Union Government has previously informed Parliament that there is no specific statutory framework in India providing compensation for victims of stray dog bites. In the absence of legislation, several High Courts have relied upon constitutional principles to grant relief. In *Shri Yuseb v. State of Karnataka*, the Karnataka High Court held that municipal authorities have a statutory and constitutional duty to protect citizens from stray dog attacks and awarded compensation accordingly. The Court drew support from the reasoning in *Maruti Shrishailya Hale v. Commissioner, Sangli Miraj Kupwad Corporation*, where the Bombay High Court emphasised that Article 21 of the Constitution guarantees not merely survival but the right to live with dignity and safety. A failure to control the menace of stray dogs was viewed as a breach of this obligation.^{vii}

Similarly, in *Vijay Das Manikpuri v. State of Chhattisgarh*, the Chhattisgarh High Court awarded monetary compensation to the father of a child who died due to a stray dog attack. The Court acknowledged that no financial sum can truly compensate for the loss of a young life, yet recognised that compensation serves as a form of public law remedy for the suffering, trauma, and negligence involved. At the national level, the Supreme Court in *Animal Welfare Board of India v. People for Elimination of Stray Troubles* constituted a committee headed by Justice Sri Jagan to examine compensation claims arising from stray dog attacks in Kerala. The committee devised a structured process requiring submission of medical documentation and provided for interest on awarded amounts from the date of the

claim. This model demonstrated that an organised compensation mechanism is both feasible and necessary.

Recent developments have further intensified the debate. According to data placed before Parliament and various state legislatures in 2024 and 2025, India records lakhs of dog bite incidents annually, with several reported fatalities, particularly among children. The National Centre for Disease Control has indicated that dog bites remain a significant public health concern due to the continuing risk of rabies transmission. In response, certain states such as Karnataka and Kerala have introduced or revised compensation guidelines, providing fixed monetary relief in cases of serious injury or death caused by stray dogs. Additionally, judicial observations by the Supreme Court in 2025 and early 2026 have underscored that state authorities may face substantial compensation liabilities if they fail to effectively implement sterilisation and vaccination measures under the prevailing animal birth control framework. These observations reflect a growing recognition that public safety and humane animal management must coexist within a legally coherent structure.^{viii}

The evolving judicial trend indicates a gradual shift from reliance solely on traditional *scienter* principles towards a broader public law approach that prioritises victim protection. While India still lacks a comprehensive national statute specifically addressing compensation for dog bite victims, especially in stray dog cases, judicial innovation and recent state-level initiatives signal the need for a uniform, victim-oriented compensation framework. A structured national scheme, calibrated according to the severity of injury or fatality and supported by clear administrative accountability, would bring much-needed consistency and fairness to this area of law.

II. ARTICLE 21 IN RELATION TO RIGHTS OF ANIMALS UNDER THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

The welfare of animals in India receives statutory recognition under the Prevention of Cruelty to Animals Act, 1960. Sections 3 and 11 of the Act impose duties on persons having charge of animals to ensure their well-being and to prevent the infliction of unnecessary pain or suffering. Judicial interpretation

has further connected these statutory protections with the constitutional duty imposed under Article 51-A(g) of the Constitution, which obligates citizens to show compassion towards living creatures. Courts have observed that animals are entitled to live in conditions that are safe and free from cruelty. However, such statutory and moral recognition of animal welfare does not elevate animal interests above the fundamental rights guaranteed to human beings under the Constitution.

The tension between public safety and animal protection became evident in *People for Elimination of Stray Troubles v. State of Goa*. In that case, a public interest petition sought directions to compel the State and municipal authorities to discharge their statutory responsibilities in controlling stray dogs and cattle. The petitioners also sought compensation for victims of dog bites in circumstances where animal welfare groups allegedly obstructed municipal action. The Court acknowledged the importance of preventing cruelty to animals but made it clear that where human suffering is weighed against the discomfort of stray animals, priority must necessarily be accorded to the protection of human life and safety.

A similar constitutional question arose in *Animal Welfare Board of India v. Ombudsman for Local Self Government Institutions*, where the Kerala High Court examined whether measures aimed at controlling stray dogs could override the Animal Birth Control regime then in force. The Court concluded that the right to life under Article 21 of the Constitution prevails over subordinate legislation framed for animal control, and that protection of human life cannot be compromised.^{ix}

The broader constitutional issue whether Article 21 can be extended to confer fundamental rights upon animals was addressed by the Supreme Court in *Animal Welfare Board of India v. Union of India*. The Court clarified that although Article 21 applies to “persons” rather than merely citizens, it would be inappropriate to judicially expand its scope to include animals within the framework of enforceable fundamental rights. The Court expressed reservations about extending remedies such as habeas corpus to animals, noting that such an expansion would amount to judicial overreach. At the same time, it left open the possibility that Parliament may, if it deems

appropriate, enact legislation conferring broader legal recognition upon animals.

Recent judicial developments continue to reflect this delicate balance. During hearings in 2025 and early 2026 concerning stray dog management across several states, the Supreme Court reiterated that while compassion for animals remains a constitutional value, it cannot eclipse the State’s primary obligation to safeguard human life. Data placed before courts and legislative bodies indicate that India records millions of dog bite cases annually, with children constituting a significant proportion of fatalities linked to rabies. These figures have intensified debates over whether existing animal protection laws adequately address public safety concerns.

III. CULLING AND EUTHANASIA UNDER THE ANIMAL BIRTH CONTROL RULES, 2023

The Supreme Court in *Animal Welfare Board of India v. A. Nagaraja* recognised that although animals are entitled to protection from unnecessary suffering, Section 11(3) of the Prevention of Cruelty to Animals Act incorporates the doctrine of necessity, permitting destruction of animals in circumstances justified by law. This principle acknowledges that humane killing may be lawful where required for legitimate reasons.

In *Master Jishnu v. Bruhat Bengaluru Mahanagara Palike*, the Karnataka High Court clarified that neither the 1960 Act nor the rules framed under it impose an absolute prohibition on extermination of dogs. The Court observed that where a dog has bitten individuals or poses a repeated nuisance, the municipal authority is empowered to take an appropriate decision in accordance with statutory guidelines. However, any such action must strictly follow the procedure prescribed by law and be carried out in a humane manner. The Court also issued administrative directions aimed at improving sterilisation drives and strengthening municipal accountability.

The regulatory framework has since been updated through the Animal Birth Control Rules, 2023, notified by the Central Government. These Rules replace the earlier 2001 framework and provide detailed procedures for sterilisation, vaccination, relocation, and monitoring of street dogs. Rule 15 specifically permits euthanasia of dogs that are incurably ill or mortally wounded, subject to certification by a

designated committee and execution by a qualified veterinarian through approved humane methods. The Rule mandates proper documentation and prohibits euthanasia in the presence of other animals, reflecting an attempt to maintain ethical standards in implementation.^x

Significantly, the 2023 Rules do not authorise indiscriminate culling of dogs merely on the ground of aggression or a single biting incident. The emphasis remains on sterilisation, anti-rabies vaccination, and community-based management rather than mass elimination. Nevertheless, rising incidents of dog attacks in several states have prompted renewed public debate. In 2025, certain High Courts directed state governments to reassess enforcement mechanisms under the 2023 Rules, particularly in areas surrounding schools, hospitals, and densely populated residential zones. Discussions at the policy level have also considered whether additional amendments are required to address habitual aggressive behaviour while maintaining humane standards.

Thus, the current legal position attempts to strike a balance: animals are protected from cruelty and arbitrary killing, yet the State retains authority under statutory and constitutional mandates to intervene where public safety is seriously threatened. The evolving jurisprudence indicates that while animal welfare is an important legislative objective, it cannot displace the overarching constitutional commitment to the protection of human life and dignity.

IV. JUDICIAL GUIDELINES TO ADDRESS THE ISSUE OF STRAY DOGS

Indian courts have, over the years, issued several operational directions to local authorities in order to manage the growing problem of stray dogs while ensuring compliance with animal welfare laws. The judiciary has consistently maintained that, where destruction of a dog becomes legally unavoidable, such action must strictly conform to the procedure prescribed under the Prevention of Cruelty to Animals Act, 1960 and the rules framed thereunder. Any such step must be carried out in a humane manner so as to minimise pain and suffering.

In *Master Jishnu v. Bruhat Bengaluru Mahanagara Palike*^{xi}, the Karnataka High Court clarified that stray dogs may be captured primarily for sterilisation and

immunisation purposes and, after such procedures, should ordinarily be released in the same locality. The Court emphasised that capture and handling must be humane and in accordance with statutory safeguards. These directions reinforced the principle that population control measures must balance public safety with animal protection.

In another significant development, the Kerala High Court, in *In Re: Bruno v. Union of India*, took suo motu cognisance of the brutal killing of a dog named Bruno. The Court constituted an advisory body under the 1960 Act to formulate an action plan aimed at spreading awareness about animal rights and corresponding civic responsibilities. The judgment underlined that while public frustration over stray dog incidents may exist, vigilante violence against animals cannot be tolerated.

The issue of public feeding of stray dogs also reached the courts. In *Vijay Shankarrao Talewar v. State of Maharashtra*^{xii}, the Bombay High Court directed municipal authorities in Nagpur to impose fines on individuals feeding dogs in public places and suggested that such persons should adopt the animals or shift them to shelters. This observation was later stayed by the Supreme Court in *Swati Sudhichandra Chatterjee v. Vijay Shankarrao Talewar*,^{xiii} which ordered that no coercive action or penalty should be imposed for feeding street dogs pending further consideration. The interim protection indicated the Court's recognition of the need to balance compassionate feeding practices with public order concerns.

The Animal Birth Control Rules, 2023 have attempted to address this controversy by permitting feeding of community dogs at designated "feed spots," which are to be identified away from areas frequently accessed by children, senior citizens, and hospitals. The responsibility for organising such feeding arrangements has been placed upon Resident Welfare Associations or local bodies, thereby institutionalising regulated feeding rather than prohibiting it altogether.

Judicial engagement with this issue has continued in recent years. In 2024, the Supreme Court, while hearing petitions relating to stray dog attacks across various states, reiterated that effective implementation of sterilisation and vaccination programmes under the

Animal Birth Control framework is a mandatory statutory obligation. The Court observed that failure of municipal authorities to discharge these duties may expose the State to compensation claims grounded in constitutional principles of public law liability. High Courts in Kerala, Karnataka, and Delhi have also, during 2024–2025, issued directions to strengthen district-level monitoring committees and ensure that aggressive or rabid dogs are dealt with strictly in accordance with veterinary certification norms.^{xiv}

Recent judicial developments reflect increasing concern over the growing incidence of dog bites and rabies cases across India. In 2024 and 2025, the Supreme Court of India repeatedly expressed dissatisfaction with the inadequate implementation of the Animal Birth Control (ABC) Rules by State authorities, observing that failure to effectively sterilise and vaccinate stray dogs has serious public health consequences. In mid-2025, the Court reportedly took suo motu cognisance of rising dog-bite incidents and rabies-related deaths, describing the situation as alarming and calling for coordinated action by municipal bodies and State governments. In early 2026, during hearings concerning stray dog management policies, the Court warned that continued administrative negligence could result in directions for substantial compensation to victims, emphasising that public safety falls squarely within the State's constitutional obligations. The Court also examined the balance between animal welfare protections and citizens' right to life and safety under Article 21 of the Constitution. Parallel proceedings before various High Courts, including the Kerala High Court and the Punjab and Haryana High Court in 2024–2025, underscored the doctrine of strict or no-fault liability in cases where authorities failed to prevent foreseeable harm caused by stray dogs, with directions issued to streamline compensation mechanisms and ensure timely relief to victims. Media coverage by agencies such as Reuters and NDTV in 2025–2026 further reported judicial scrutiny of municipal preparedness,^{xv} shelter capacity, vaccination drives, and designated feeding regulations under the Animal Birth Control Rules, 2023, highlighting a judicial trend toward holding governments accountable for lapses in public health governance while maintaining statutory protections for animals.^{xvi}

V.CONCLUDING OBSERVATIONS

The steady increase in dog bite incidents presents a pressing public health and governance challenge. Official data placed before Parliament in recent years indicates that India records millions of dog bite cases annually, with children accounting for a substantial number of fatalities linked to rabies. These statistics highlight deficiencies in enforcement of sterilisation drives, vaccination campaigns, and municipal monitoring.

In cases involving pet dogs, victims typically have clearer legal recourse and can pursue remedies against owners under criminal or civil law principles. The situation is markedly different where stray dogs are concerned. In many instances, state authorities decline compensation on the ground that no specific statutory scheme exists. Consequently, victims are often compelled to approach constitutional courts for relief.

The Chhattisgarh High Court in *State of Chhattisgarh v. Bhaiya Lal Gond* adopted a progressive stance by holding that deaths caused by rabies following stray dog bites may fall within the doctrine of strict or no-fault liability. The Court reasoned that if compensation is payable for fatalities caused by wild animal attacks, a similar principle can logically extend to deaths caused by stray dogs. This interpretation significantly broadened the scope of public law compensation.^{xvii}

A noteworthy development occurred in 2023 when the Punjab and Haryana High Court, in *Rajwinder Kaur v. State of Haryana*^{xviii}, directed the States of Punjab, Haryana, and the Union Territory of Chandigarh to establish a mechanism for determining compensation claims arising from injuries caused by stray, pet, or wild animals. The Court prescribed a minimum compensation benchmark and recognised the application of strict liability principles, fastening primary responsibility on the State with liberty to recover the amount from negligent pet owners. This marked an important step toward structured compensation jurisprudence.^{xix}

Earlier, in *Animal Welfare Board of India v. A. Nagaraja*,^{xx} the Supreme Court had underscored that while animal welfare is constitutionally significant, statutory protections must operate within a framework that does not endanger human life. Subsequent observations by the Supreme Court in 2024 and 2025

have reaffirmed that municipal and state authorities cannot remain passive in the face of escalating attacks. The Court has warned that administrative inaction may justify imposition of substantial compensation in appropriate cases.^{xxi}

Kerala already operates a structured compensation mechanism for dog bite victims, providing monetary relief based on the severity of injury. Judicial trends across multiple High Courts suggest a gradual shift toward recognising public law liability where authorities fail to control stray dog populations effectively. Importantly, courts have also clarified that even where an injury is inflicted by a pet dog on a public road, the State may bear initial responsibility to compensate the victim, with subsequent recovery from the owner.^{xxii}

Taken together, recent case law reflects an emerging consensus that the doctrine of strict or no-fault liability may appropriately apply in cases of severe injury or death caused by stray dogs. While animal welfare remains a protected legislative objective, it cannot supersede the constitutional guarantee of safety and dignity under Article 21.^{xxiii} A coherent national policy, incorporating clear standards for sterilisation, vaccination, euthanasia of rabid or mortally wounded animals, and a uniform compensation framework, would provide much-needed clarity. Such a framework would harmonise public safety concerns with humane animal management and reduce the present dependence on ad hoc judicial intervention.^{xxiv}

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