

C.S.DIAS, J.

**W.P.(C) Nos. 18013 of 2017, 15312 of 2020,
13554 of 2024, 2709 of 2024, 17269 of 2024,
45100 of 2024, 17627 of 2025 and 21206 of 2025**

Dated this the 28th day of July, 2025

C O M M O N O R D E R

The batch of writ petitions highlight the serious issue of recurring and alarming increase of stray dog attacks in the State of Kerala and the compensation claims of the victims!

2. The writ petitions are filed, inter alia, seeking the following reliefs:

- (i) W.P.(C) No.21206/2025 is filed to direct the 8th respondent to consider Ext.P3 complaint due to the injuries suffered by her in an attack by a group of stray dogs.
- (ii) W.P.(C) No.17627/2025 is filed to quash Ext.P7 order directing the petitioner — Panchayat to pay compensation to the 7th respondent due to the death of her daughter in a stray dog attack.
- (iii) W.P.(C) No.45100/2024 is filed to direct the 1st respondent to continue to provide infrastructure facilities and the funds for the continued functioning of the Justice Siri Jagan Committee,

and the local authorities to disburse the compensation payable to the victims.

- (iv) W.P.(C) No.17269/2024 is filed to direct the respondents 1 and 3 to take immediate steps to remove the dogs from the 4th respondent's property.
- (v) W.P.(C) No.2709 of 2024 is filed to direct the respondents 1 to 3 to take immediate action to remove 60 stray dogs from the 4th respondent's house.
- (vi) W.P.(C) No.13554 of 2024 is filed to quash Ext.P2 order directing the petitioner — Panchayat to pay compensation to the 2nd respondent-victim on account of the injuries suffered by him in a stray dog.
- (vii) W.P.(C) No.15312/2020 is filed to quash Ext.P4 letter directing the petitioner — Municipality to pay compensation to the 3rd respondent — victim on account of the injuries suffered by him in a stray dog.
- (viii) W.P.(C) No.18013/2017 filed to quash Ext.P1 order directing the petitioner — Panchayat, to pay compensation to the 2nd respondent —

victim, on account of the injuries suffered by him in an accident due to a stray dog.

3. The issue at hand is not novel. In **Ajayan M.R and others v. State of Kerala and others** [2015 (5) KHC 752] and **In re: Bruno (Suo Motu) Public Interest Litigation proceedings initiated by the High Court in the matter of Executive and Legislative Inaction of the State Government in the Matter of Protection of Animal Rights v. Union of India and others** [2022 (6) KHC 52], Division Benches of this Court have issued comprehensive directions to combat the stray dog menace rampant in the State. Notwithstanding the directions, the situation has worsened over the years.

4. The statistics furnished by the State reveal a grim picture: there are over three lakh stray dogs in the State. In the past six months alone, sixteen lives have been lost, and more than one lakh persons have

suffered injuries in stray dog attacks. The exponential increase in population of stray dogs is primarily attributable to the failure of stakeholders to implement the provisions of the Prevention of Cruelty to Animals Act, 1960, the Animal Birth Control Rules, 2001 and 2023, and the directions passed by this Court from time to time.

5. Article 19 of the Constitution of India guarantees citizens the right to move freely throughout the territory of India, and more importantly, the fundamental right guaranteed under Article 21 of the Constitution is not merely a right to survive, but a right to live a dignified and meaningful life. The state and its instrumentalities have a corresponding duty to ensure that the rights guaranteed to persons under Article 21 are not infringed.

6. In **Animal Welfare Board of India and another v. Ombudsman for Local Self Government Institutions and others** [2006 KHC 561], a Division Bench of this Court has unequivocally held that the right to life of a human being shall take precedence over the statutory rights afforded to animals. While humane treatment of animals is mandated, it cannot override human safety.

7. In **Animal Welfare Board of India v. Union of India** [2023 KHC 6583], a Constitutional Bench of the Hon'ble Supreme Court observed that animals do not possess fundamental rights under the Constitution, while considering the question whether the Prevention of Cruelty to Animals (Tamil Nadu Amendment Act) 2017 is a piece of colourable legislation for the conduct of the sport popularly known as 'Jallikattu'. It was held that the protection

under Article 21 has been conferred on a person as opposed to a citizen, which is the case of Article 19 of the Constitution, and Article 14 cannot be invoked by any animal as a person. Nonetheless, the provisions of animal welfare legislations can be tested at the instance of a human being or a juridical person to espouse the cause of animal welfare. It is also observed that animals cannot demand their rights in the same way that human beings can assert their rights to bring about legislation. However, as part of social and cultural policy, lawmakers have recognised the rights of animals by essentially imposing restrictions on human beings regarding how they deal with animals.

8. The above judgments collectively affirm that while animal rights are necessary and have to be respected, they cannot trump the fundamental rights

of human beings. However, a balance has to be struck for co-existence.

9. Sections 325 and 291 of the Bharatiya Nyaya Sanhita, 2023, further demonstrate the balance of co-existence and they read as follows:

“325. Mischief by killing or maiming animal.- Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

291. Negligent conduct with respect to an animal.- Whoever knowingly or negligently omits to take such measures with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both”.

10. The above provisions confirm that the law safeguards both human and animal life.

11. The Honourable Supreme Court in **Anupam Tripathi v. Union of India and others** (I.A.No.4 of 2015 in W.P.(C) No.599/2015) taking into account the stray dog attacks in the State, constituted a three-

member Committee comprising of (i) Mr.Justice S.Siri Jagan, formerly a Judge of this Court, (ii) Secretary, Department of Law, State of Kerala and (iii) Director of Health Services, Government of Kerala, to adjudicate claim petitions filed by victims of stray dog bites for compensation and for proper medical care.

12. The Committee functioned until the Honourable Supreme Court, by order dated 09.05.2024, in **Animal Welfare Board of India and another v. People for Elimination of Stray Troubles and others** [2024 KHC OnLine 8496], closed all cases in view of the implementation of the Animal Birth Control Rules, 2023. The parties were permitted to approach the jurisdictional High Courts for the redressal of their grievances.

13. When the present writ petitions came up for hearing, this Court *suo motu* impleaded the Kerala

Legal Services Authority (KeLSA) in W.P.(C) No.45100/2024, and directed the State to formulate guidelines and establish a mechanism to deal with claim petitions filed by the victims for compensation.

14. Pursuant to the above direction, a high-level meeting was convened on 16.07.2025, under the joint Chairmanship of the Minister of Local Self Government, Access and Parliamentary Affairs and the Minister of Agriculture, Animal Husbandry, Dairy Development and Livestock, to discuss the steps to be taken to prevent stray dog attacks and to control the number of stray dogs. A copy of the minutes of the said meeting was handed over to this Court by the learned Additional Advocate General. The minutes reveal that there are approximately 2-3 lakh stray dogs in the State. There are 17 ABC Centres in the State, which are not functional at present, and the

existing ABC Centres are inadequate to control the increasing number of stray dogs. Only 15,767 stray dogs were sterilised in 2024-2025. Rs.98/- Crore was allotted to the Local Self Government Department for stray dog control, but only Rs. 13/- Crore was spent.

15. The decisions taken by the Government of Kerala have been communicated by the Additional Chief Secretary to the Additional Advocate General, by letter dated 26.07.2025, stating the ongoing initiatives and the recent policy decisions taken by the Government of Kerala, in respect to the challenges posed by the stray dog attacks. A copy of the said letter was handed over to this Court, which reads as follows:

GOVERNMENT OF KERALA
No. LSGD-RC1/157/2025-LSGD
Local Self Government (RC) Department
26-07-2025, Thiruvananthapuram

From
Additional Chief Secretary to Government

To

The Advocate General,
High Court of Kerala, Ernakulam
(Attention Additional Advocate General)

Sir,

Sub: LSGD - Update on Measures for Animal Welfare and Stray
Dog Control, with reference to Public Interest Litigations
WP(PIL) 76/2025 and WP (PIL) 80/2025

Ref: Your letter No. AAG/WP(PIL) 76/2025 dated 11.07.2025

Inviting your attention to the reference cited and to submit herewith the ongoing initiatives, and recent policy decisions undertaken by the Government of Kerala in response to the challenges posed by stray dog attacks.

The Government have implemented various programmes for the control of stray dogs. The Government have taken active steps to implement the Animal Birth Control (ABC) Programme and vaccination, which are the only permissible actions after the implementation of Animal Birth control Rules, 2023 to address the stray dog menace. An order issued on September 15, 2022 (G.O. (Rt) No. 2244/2022), initiated immediate preventive measures, leading to intensified sterilization and vaccination drives, and extensive awareness campaigns. Local self-government bodies have been directed to ensure the sterilization and vaccination of stray dogs, arrange shelter facilities for those that cannot be returned to the streets, and regularly report progress.

Key provisions of ABC Rules, 2023, are mandatory sterilization and vaccination of dogs. Even though the Rules are very stringent, and many of the provisions are very impractical which means that achieving complete targets under ABC seem difficult; some of the provisions are indicated below:-

- Close Circuit Television to be installed in the entire premises specifically in the Operation theatre and where the animals are housed at Animal Birth Control Centre, and shall maintain the record of video surveillance for a minimum of one month or as specified from time to time by the Board or State Board and the video recordings may be made available for the inspecting authority, monitoring committee or the Board upon enquiry or request.

- After recovering from the surgery, the dogs shall be kept in kennels for at least four days after the Sterilisation for

postoperative care and adequate and healthy food twice a day and potable drinking water at all times shall be provided to each dog. Male and female dogs should be housed separately.

- 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 organisation 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.
- If the dog is found to have a high probability of having rabies, it shall be isolated till it dies a natural death. Death normally occurs within ten days of contracting rabies.

We have also been facing severe protests in the establishment of ABC centres for mass sterilization. For example, an ABC Centre was set up in Koppalam, Kodiyeri, Thalassery where around 77 dogs underwent sterilization. But soon protests emerged citing that it will affect the safety of surroundings. As a result, the center could not resume functioning.

As a result of the stringent rules and public protests, even though funds were earmarked and transferred to District Panchayats, the same could not be effectively utilized.

Significant steps are being taken in waste management systems to curb the stray dog population. Actions are underway to prevent the public dumping of waste. Food waste and slaughter waste are processed at their source, or handed over to authorized agencies if on-site processing is not feasible. Chicken stall waste, for instance, is transferred to rendering plants for conversion into animal feed. To discourage the dumping of food and slaughter waste in public and uninhabited areas, local self-government bodies are imposing fines on responsible parties. Measures such as offering rewards to individuals who provide information leading to the fining of waste dumpers are also being implemented. For effective enforcement, Local Vigilance Squads, IVO Squads, and District-Level Enforcement squads are actively involved.

Govt. considered the present situation of stray dog menace posed by the surge in stray dog attacks with utmost importance and recently conducted a high level meeting with

ministers and officials of Local Self Government department and Animal Husbandry Department and decided to take strict action in accordance with the following decisions.

1. In addition to the existing ABC centers, new portable ABC centers will be established in all the blocks in the state. Land will be identified by local bodies and human resources will be arranged by Animal Husbandry department.

2. A state-wide vaccination drive for stray dogs will be carried out in August, 2025, followed by a camp in September to provide vaccinations and licenses to pet dogs with urgent priority.

3. To control the stray dog menace, the assistance of CAWA, Indian Veterinary Association and Kudumbashree will be utilised more extensively.

4. An all-party people's committee is to be formed promptly to supervise the project.

5. A proposal will be submitted by Animal Husbandry Department to the Government of India to amend ABC Rules by easing the provisions so as to enable local governments to overcome the threat of stray dog attacks.

6. The matter on formation of a new committee to consider the compensation to the victims of stray dog attacks in each district consisting Secretary, DLSA, District Medical Officer and JD, LSGD and has been placed before Hon'ble High Court in WP(C) 45100/2024. Till its formation Siri Jagan Committee will continue its functioning.

7. Steps will be taken for increased compliance with pet dog licensing and vaccinations, holding the pet owners accountable.

8. The remuneration of dog catchers appointed to control the stray dog menace will be revised from time to time.

9. Under the Prevention of Cruelty to Animals (Animal Husbandry Practices and Procedures) Rules, 2023.

Rule 8: Manner for Euthanasia of animals.-(1)The Euthanasia of an animal shall be carried out under the following circumstances, namely:-

(a) when the Central Government or the State Government who finds any animal which is so diseased that, it can spread the disease, in order to control such disease; and

(b) if the registered veterinary practitioner certifies that the animal is mortally injured or so severely injured or in such a physical condition that it, shall be cruel to keep it alive.

Wherever such conditions are noticed and euthanasia is necessitated, the veterinarians and local bodies will execute the same.

10. There will be timely revision of the rates for dog catching for ABC.

These comprehensive measures demonstrate the State's proactive and multi-faceted approach to addressing the challenges posed by stray dogs. Therefore, it is requested that the above information may be brought to the notice of the Honorable Court.

It is also informed that, Health Department shall take action in the case of ineffectiveness of rabies vaccine. Therefore, the Secretary, Health Department is also be made a respondent in this case and a direction may be given to take action on the ineffectiveness of rabies vaccine.

Yours Faithfully,
ASHA A K

JOINT SECRETARY

For Additional Chief Secretary to Government.

Approved for Issue

16. This Court appreciates the proactive measures proposed by the Government of Kerala to address the pressing issue of stray dog attacks. If the initiatives are implemented earnestly and, in their letter, and spirit, it would substantially mitigate the

problem at hand and ensure human life and safety. Notably, as per Clause No.6 of the above letter, the Government has resolved to form district level committees, subject to the orders of this Court, to process and adjudicate claim petitions for compensation filed by victims of the stray dog attacks in the 14 Districts, until statutory rules are framed in this regard. The committee shall comprise of the (i) Secretary, District Legal Services Authority, (ii) District Medical Officer and (iii) Joint Director of the Local Self Government Department. The multi-tiered composition would ensure legal, administrative and medical oversight in adjudicating claims.

17. However, in light of the decisions of this Court in **Ajayan M.R.'s case** (supra) and the Honourable Supreme Court in **Animal Welfare Board of India v. People for Elimination of Stray Troubles** [2024

KHC OnLine 8496] and the implementation of the Animal Birth Control Rules, 2023, the decision of the Government to implement Rule 8 of the Prevention of Cruelty to Animals (Animal Husbandry Practices and Procedures) Rules, 2023, that is to euthanise animals, as mentioned in Clause 9 of the letter cannot be permitted until further orders.

18. In light of the above discussions and taking into consideration the above letter dated 26.07.2025, this Court passes the following interim directions:

- (i) The Government of Kerala and all the Local Self Government Institutions in the State of Kerala are directed to implement the directions in **Ajayan M.R.'s case** and **In re: Bruno's case** (supra), the provisions of the Prevention of Cruelty to Animals Act, 1960 and the Animal Birth Control Rules, 2023.
- (ii) The Principal Secretary of the Local Self Government Department is directed to file a counter-affidavit in W.P.(C) No.45100/2024,

within two weeks from today, specifically stating the approximate population of the stray dogs in the State, the number of untoward incidents that have taken place in the State during the last one year due to stray dog bites, including deaths, and number of patients who have been administered with anti-rabies vaccine.

- (iii) The State Police Chief and the State Disaster Management Authority are *suo motu* impleaded in W.P.(C) No.45100/2024 as additional respondents 7 and 8. The Registry to carry out the impleadment both in the physical copy as well as the Metadata.
- (iv) The State Police Chief is directed to file a statement, within two weeks from today, stating the details of the crimes that have been registered in the State for offences punishable under Sections 291 and 325 of the BNS in the last one year.
- (v) The competent authority of the State Disaster Management Authority shall place on record the Regulation/Notification, by which compensation is paid to victims of wild animals attacks.

- (vi) The Member Secretary, KeLSA (additional 6th respondent in W.P.(C) No.45100/2024) is directed to forthwith collect the pending claim petitions from the Registry of Justice Siri Jagan Committee and forward the claim petitions to the District Legal Services Authorities having jurisdiction over the place where the incident occurred.
- (vii) The Member Secretary, KeLSA, is directed to take steps to constitute the District Level Committees in the 14 Districts, in consultation with the Government of Kerala, within one month from today.
- (viii) The Committees shall renumber all the claim petitions received and treat them as duly filed, and issue notices to the complainants and the Local Self Government Institutions, adjudicate the claim petitions, in accordance with law and as expeditiously as possible.
- (ix) The Committees are directed to uniformly adopt the method and procedural framework of the Justice Siri Jagan Committee while adjudicating the claim petitions.

- (x) The victims of stray dog attacks are permitted to file fresh claim petitions, either physically or online, before the offices of the District or Taluk Service Committees. If claim petitions are filed before the Taluk Service Committee, the same shall be forwarded to the office of the District Legal Service Authority. The Nodal Officers of the DLSAs/TLSAs are directed to render all support and assistance to the victims to file the claim petitions.
- (xi) The District Legal Services Authority are directed to maintain all the necessary Registrars and Records, and ensure that regular sittings are conducted.
- (xii) The Member Secretary, KeLSA, is directed to frame and issue necessary practice directions and procedural guidelines to ensure the uniform, effective and streamlined functioning of the Committees. He shall also file a report regarding the steps taken to implement the directions in this order within one month.
- (xiii) The decision of the Government of Kerala to implement Rule 8 of the Prevention of Cruelty to

Animals (Animal Husbandry Practices and Procedures) Rules, 2023 is directed to be deferred until further orders for the reasons stated in paragraph 17 of this order.

- (xiv) Considering the seriousness of the matter, Senior Advocate Sri. Deepak P. is appointed as Amicus Curiae. The Registry is directed to provide the learned Amicus Curiae with copies of the pleadings in all the cases.

Post on 19.08.2025.

Sd/-

C.S.DIAS, JUDGE

dkr