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SC on Stray Dogs: Euthanasia Permissible, But Right to Life Debate Continues

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**Bharat Choudhary**

UPSC Educator & Content Creator

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SC on Stray Dogs: Euthanasia Permissible, But Right to Life Debate Continues

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WHY IN NEWS

The **Supreme Court of India** ruled in **May 2026** that euthanasia of stray dogs that are **dangerous to human life** is legally permissible under existing law, holding that the **right to life under Article 21** of the Constitution encompasses the right to live free from the threat of life-threatening animal attacks. The Court directed that such euthanasia must follow specific conditions and must be authorised by the competent authority under the **Prevention of Cruelty to Animals Act, 1960** and the **Animal Birth Control (ABC) Rules, 2023**.

BACKGROUND — THE STRAY DOG MENACE IN INDIA

India has one of the largest stray dog populations in the world, estimated at approximately **35 million** as of the most recent national survey. Dog bite incidents cause significant public health concern, with annual fatalities recorded primarily among children, the elderly, and the economically marginalised who lack access to timely rabies post-exposure prophylaxis.

| STATISTIC | DATA |
|---|--|
| Estimated stray dog population in India | ~ 35 million (approx.) |
| Annual dog bite cases reported (National Health Mission data) | ~ 17–18 lakh (1.7–1.8 million) cases annually |
| Rabies deaths in India (WHO estimate) | ~ 20,000 per year — highest globally |
| Global rabies deaths annually (WHO) | ~ 59,000 — India accounts for ~36% |
| Children under 15 bitten | ~ 30–60% of all dog bite cases |
| States with highest incidence | Goa, Himachal Pradesh, Delhi, Uttarakhand (per capita) |

The issue has long been caught between two competing imperatives: **animal welfare** (supported by the Prevention of Cruelty to Animals Act, 1960 and successive ABC Rules) and **public safety / fundamental rights** (Article 21 right to life for humans).

PREVIOUS SUPREME COURT POSITIONS AND KEY CASES

| CASE / ORDER | YEAR | RULING / SIGNIFICANCE |
|--|---------------------|--|
| Suo Motu Cognizance — Stray Dog Attacks (Kerala) | 2023 | SC took cognizance after Kerala fatalities; directed states to implement ABC Rules strictly |
| Animal Welfare Board of India (AWBI) vs A. Nagaraja | 2014 | SC read animals' right to live with dignity into the Constitution; landmark for animal welfare jurisprudence |
| Debi Goenka vs Union of India | Earlier litigation | SC upheld ABC Rules, held that killing of street dogs was not the solution |
| Corporation of Chennai vs AWBI | HC-level precedents | High Courts split — some permitted culling in emergency; others held ABC Rules as the only permissible route |
| Kerala HC — 2023 fatal attack orders | 2023 | Kerala HC permitted culling of aggressive dogs after child fatalities; challenged before SC |

The SC's May 2026 ruling resolves this split by laying down a **structured framework** that permits euthanasia in exceptional, defined circumstances without abandoning the ABC framework.

THE MAY 2026 RULING — WHAT THE SUPREME COURT HELD

Core Holdings

The Supreme Court, in its May 2026 judgment, held:

- ❶ **Euthanasia is permissible** — where a stray dog has been identified as **imminently dangerous** (having bitten and critically injured a human, or displaying consistent unprovoked aggression), euthanasia by the competent authority is lawful.
- ❷ **Article 21 creates a positive obligation on the State** to protect citizens from life-threatening dangers, including dangerous animals in public spaces. The right to life includes the **right to safe public spaces**.
- ❸ **ABC Rules 2023 remain the primary framework** — sterilisation, vaccination, and release-in-territory remain the default. Euthanasia is a **last resort exception**, not the rule.

- ④ **Culling drives and mass killing are expressly prohibited** – the ruling does not permit blanket culling or removal drives targeting entire stray dog populations.
- ⑤ **Procedure before euthanasia is mandatory** – see conditions below.

Conditions for Permissible Euthanasia

| CONDITION | REQUIREMENT |
|------------------------------|---|
| Identification | Specific dog(s) identified as the source of attack – not area-wide removal |
| Documentation | Incident report + medical records of victim on file |
| Authority | Chief Veterinary Officer (CVO) / designated municipal authority must authorise |
| AWBI notification | Animal Welfare Board of India must be informed; objections may be filed within 48 hours |
| Veterinary assessment | Licensed veterinarian must certify the dog is untreatable or irrecoverably dangerous |
| Method | Humane method only – as prescribed under PCA Act and ABC Rules |
| Record-keeping | Full documentation – photographs, authorisation order, vet certificate – to be maintained |

Who Decides

The **municipal corporation / local body** (through its Chief Veterinary Officer) is the primary decision-making authority. The **Animal Welfare Board of India (AWBI)**, a **statutory** body under the Prevention of Cruelty to Animals Act, 1960, has an oversight and objection role. Resident Welfare Associations (RWAs) may file a **complaint and request** but have **no independent power to order or conduct euthanasia**.

ARTICLE 21 — THE RIGHT TO LIFE DEBATE

The Constitutional Tension

| COMPETING INTEREST | CONSTITUTIONAL / LEGAL BASIS |
|--|---|
| Human right to life and safety | Article 21 — Right to Life; includes right to live with dignity, free from immediate mortal threats |
| Animal welfare / right of animals | Prevention of Cruelty to Animals Act, 1960; AWBI vs A. Nagaraja (2014) — dignity of animals recognised |
| Right to food / feeding of dogs | Some courts have held that citizens who feed strays have a corresponding responsibility for vaccination/sterilisation |

How the SC Balanced These Interests

The Court applied a **proportionality test** — a rights-limitation framework now standard in Indian constitutional law since *K.S. Puttaswamy vs Union of India* (2017, Privacy judgment):

- **Legitimate aim:** Protecting human life (Article 21)
- **Rational nexus:** Euthanasia of a specific dangerous dog is rationally connected to preventing further attacks
- **Necessity:** Only when sterilisation/vaccination + behavioural management has failed or the danger is immediate
- **Proportionality stricto sensu:** Harm to animal (loss of life) weighed against harm to humans (death or grievous injury) — permissible in exceptional cases

The Court **explicitly rejected** the argument that animals have an absolute right to life equivalent to humans under the Constitution, while affirming that **cruelty to animals without justification** remains prohibited.

ANIMAL BIRTH CONTROL (ABC) RULES 2023

The **Animal Birth Control Rules, 2023** replaced the earlier ABC Rules, 2001. Notified under the **Prevention of Cruelty to Animals Act, 1960**, they represent the primary legal framework for management of stray dog populations in India.

| FEATURE | DETAIL |
|--------------------------------------|---|
| Parent legislation | Prevention of Cruelty to Animals Act, 1960 (Section 38 rule-making power) |
| Earlier rules | Animal Birth Control (Dogs) Rules, 2001 |
| Current rules | ABC Rules, 2023 |
| Notified by | Ministry of Fisheries, Animal Husbandry and Dairying |
| Core mandate | Sterilisation (spay/neuter) + anti-rabies vaccination + return to territory of origin |
| RWA role | May apply for sterilisation/vaccination drives; cannot order removal or killing |
| Feeding of strays | Citizens who feed strays are encouraged to get them vaccinated (responsibility-linking provision) |
| Population control target | Reduce stray dog population through ABC, not culling |
| Euthanasia provision (Rule 9) | Permitted only for terminally ill, mortally wounded, or irremediably vicious dogs — with veterinary certification |

KEY TENSIONS — GOVERNANCE ARCHITECTURE

| ISSUE | DETAILS |
|---|---|
| Municipal corporation responsibility | Urban local bodies (ULBs) are obligated to run ABC programmes but most cities have inadequate infrastructure and funding |
| Accountability gaps | ABC drive data rarely published; many municipalities outsource poorly |
| RWA powers | RWAs frequently demand removal/culling; SC has consistently held they have no independent legal authority to remove or kill dogs |
| AWBI oversight capacity | AWBI is a statutory advisory body with no field enforcement capacity; relies on complaints and representations |
| Feeder-responsibility gap | Citizens who feed and maintain colonies of stray dogs rarely ensure vaccination, creating a divided-responsibility problem |
| Inter-jurisdictional problem | Dogs migrate across municipal ward or city boundaries; ABC records become inaccurate |
| Vaccination coverage | Only ~10–15% of India’s stray dog population estimated to be vaccinated against rabies — far below the 70% herd immunity threshold (WHO target) |

INSTITUTIONAL FRAMEWORK AT A GLANCE

| INSTITUTION | ROLE |
|---|--|
| Animal Welfare Board of India (AWBI) | Statutory body under PCA Act 1960; advises government on animal welfare; oversight on ABC implementation |
| Ministry of Fisheries, Animal Husbandry and Dairying | Nodal ministry; notifies ABC Rules; coordinates with states |
| Municipal Corporations / ULBs | Primary implementation authority for ABC programmes; responsible for stray dog management |
| Chief Veterinary Officer (CVO) | Authorises euthanasia under the May 2026 SC framework |
| State Animal Husbandry Departments | Coordinate veterinary infrastructure for ABC |

UPSC RELEVANCE

| PAPER | ANGLE |
|--|--|
| GS2 – Polity / Fundamental Rights | Article 21 scope – positive obligations of the State; proportionality test; balancing competing rights |
| GS2 – Governance / Local Bodies | Urban local body responsibilities; 74th Amendment and devolved functions; accountability in ABC programme delivery |
| GS2 – Social Justice | Public health dimension – rabies deaths, marginalised communities disproportionately affected |
| GS3 – Environment | Animal welfare law; human–animal conflict; PCA Act 1960 |
| GS4 – Ethics | Competing moral duties: preventing animal cruelty vs. protecting human life; proportionality as an ethical principle |

Mains Keywords: Article 21, right to life, stray dogs, Prevention of Cruelty to Animals Act 1960, ABC Rules 2023, Animal Welfare Board of India (AWBI), euthanasia permissibility, proportionality test, municipal corporation, K.S. Puttaswamy, urban local bodies, rabies, human-animal conflict

Potential Mains Questions:

- *“The Supreme Court’s ruling on stray dog euthanasia reflects the evolving scope of Article 21. Critically examine the balancing of human right to life with animal welfare jurisprudence in India.” (250 words)*
 - *“Discuss the institutional gaps in India’s stray dog management framework and suggest reforms.” (150 words)*
-

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STRAY DOG STATISTICS — INDIA:

Estimated stray dog population: ~35 million

Annual dog bite cases: ~17–18 lakh (1.7–1.8 million)

Annual rabies deaths in India: ~20,000 — highest in the world (~36% of global deaths)

Global annual rabies deaths: ~59,000 (WHO)

Vaccination coverage needed for herd immunity (rabies): 70% of stray population (WHO target)

KEY LAWS AND RULES:

Prevention of Cruelty to Animals Act: 1960 (central legislation)

Animal Birth Control Rules (current): ABC Rules, 2023 (replaced 2001 Rules)

Rule-making authority under PCA Act: Section 38

Nodal ministry: Ministry of Fisheries, Animal Husbandry and Dairying

CONSTITUTIONAL PROVISIONS:

Article 21 — Right to Life and Personal Liberty (includes right to live free from mortal threats — SC May 2026)

Article 48A — Directive to protect environment and show compassion for living creatures

Article 51A(g) — Fundamental Duty to have compassion for living creatures

AWBI — ANIMAL WELFARE BOARD OF INDIA:

Statutory body under Prevention of Cruelty to Animals Act, 1960

Advisory and oversight role; no direct field enforcement capacity

Role in euthanasia: must be notified; may file objections within 48 hours

SC MAY 2026 RULING — KEY POINTS:

Euthanasia of dangerous stray dogs is permissible (last resort)

Article 21 creates a positive State obligation to protect citizens from life-threatening animal attacks

Blanket culling / mass killing: expressly prohibited

Authorising authority: Chief Veterinary Officer / designated municipal authority

ABC Rules 2023 remain the primary framework — euthanasia is the exception

Proportionality test applied: legitimate aim + rational nexus + necessity + proportionality stricto sensu

KEY SC CASES – ANIMAL WELFARE / ARTICLE 21:

AWBI vs A. Nagaraja (2014) – animals’ right to live with dignity recognised

K.S. Puttaswamy vs Union of India (2017) – proportionality framework in rights cases

RWA POWERS:

RWAs may file complaints and requests – they have no independent power to order or conduct euthanasia

Sources: [Supreme Court of India](#), [PIB](#)

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Bharat Choudhary

UPSC Educator & Content Creator

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