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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 67/2023, CM APPL. 179/2023**

PRATIMA DEVI

.....Petitioner

Through: Ms. Malavika Chandramouli, Adv.
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versus

MUNICIPAL CORPORATION OF DELHI & ORS.

.....Respondent

Through: Mr. Siddhant Nath, SC with Mr.
Bhavishya Makhija and Mr. Amaan
Khan, Adv. for MCD.
M: 9910870397
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Mr. Deepin Deepak Sahni, Adv. for
R-3.
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CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

21.05.2025

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1. Pursuant to the directions passed by this Court *vide* the last order dated 25th March, 2025, this Court is informed that a joint meeting was conducted between the concerned officials of the Municipal Corporation of Delhi ("MCD"), Animal Welfare Board of India ("AWBI") and the representative of the petitioner.

2. A copy of the unsigned Minutes of the Meeting has been handed over

to this Court, by learned counsel appearing for the AWBI, which is taken on record.

3. As per the said Minutes of the Meeting, it has been decided that after the dogs have been sterilized and vaccinated, they will be left back in the vicinity of the shelter, without relocating them.

4. This Court is of the view that leaving the dogs on the streets, after their vaccination and sterilization, is not the proper solution in the present matter, due to the large number of dogs involved in the present case.

5. This Court notes that various instances of dog bites by stray dogs have come forth, which are reported regularly in the newspapers, along with several petitions before this Court, wherein, instances of dog bites have been brought to the notice of this Court.

6. This Court in the case of *Geeta Devi Versus Govt. of NCT of Delhi and Others, 2024 SCC OnLine Del 7064*, dealt with a writ petition which was filed seeking compensation of Rs. 50 Lacs, emanating from an unfortunate incident, wherein, a 5-month-old infant child was fatally bitten by a stray dog which led to the death of the child. This Court, while dealing with the said case, observed numerous instances being dealt with by the High Courts all across the country, in relation to fatalities and injuries caused due to untoward incidents in relation to stray dogs. The said observations are reproduced as under:

“xxx xxx xxx

22. The stray dog menace and the responsibility of maintaining stray dogs in a safe condition is a subject-matter of various petitions across High Courts and the Supreme Court. Recently, the Supreme Court in Animal Welfare Board of India v. People for Elimination of Stray Troubles, while acknowledging the evolving legal landscape aimed at protecting animals from unnecessary pain and suffering, particularly canines, closed the various proceedings in light of the

newly notified Animal Birth Control Rules, 2023. The court emphasised that the parties retain the right to seek remedies through appropriate legal forums if future circumstances so require. The court also observed that there is a stern prohibition against the indiscriminate killing of dogs, underscoring the fact that all authorities must strictly adhere to the letter and spirit of the prevailing legislation. Highlighting compassion as a fundamental constitutional value, the court reiterated the obligation of authorities to protect and care for all living beings while maintaining a balance between human lives and dogs.

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30. In Bhaiya Lal Gond case, a Division Bench of the High Court of Chhattisgarh was hearing four appeals by the State, challenging the compensation granted by the learned Single Judge for the death caused by rabies infection due to stray dog bites. The Division Bench, while allowing all appeals, modified the orders reducing the grant of Rs 10,00,000 to an ex gratia amount of Rs 6,50,000. The court held that despite all efforts of the State authorities to take due care and precaution, the unknown fear or illiteracy or casual approach by the general public allowed the accident to turn fatal.

31. In Vijay Das Manikpuri case also, the High Court of Chhattisgarh was considering another case, wherein, the petitioner sought compensation for the death of his 7 year old daughter due to a stray dog bite while she was returning home from school. The court while relying on the decision of the Division Bench in Bhaiya Lal Gond case, awarded an ex gratia amount of Rs 6,50,000 to the petitioner.

32. In Maruti Shrishailya Hale case, the Division Bench of the High Court of Bombay was deciding a prayer for compensation by the petitioners being parents of a 5 year old boy, who was attacked and killed by stray dogs within the limits of the Sangli-Miraj-Kupwad Municipal Corporation. The petitioners therein, alleged negligence on the part of the Municipal Corporation and the State Government in controlling the stray dog menace, claiming a violation of their son's fundamental right under Article 21 of the Constitution of India. **The court found that there was a clear failure on the part of the Municipal Corporation and the State Government to protect the citizens from the stray dog menace, which resulted in the violation of the fundamental rights of the deceased child under Article 21 of the Constitution of India. Consequently, the court directed the State Government and the Municipal Corporation to jointly and severally pay interim compensation to the petitioners, with the final amount of**

compensation to be decided upon the completion of further proceedings. The Division Bench also took note of the pertinent observations made in Nilabati Behera case to uphold that the monetary compensation awarded under Article 32 by the Supreme Court or Article 226 by the High Courts is a public law remedy that holds the State strictly liable for the violation of fundamental rights and unlike private law cases based on tort, where sovereign immunity may apply, this public law remedy does not allow for such defence. This distinction is crucial for understanding the basis on which the compensation in appropriate cases can be awarded.

33. In Bibhuti Charan Mohanty case, a public interest litigation was filed seeking direction to manage, and regulate the presence of stray dogs in residential areas to safeguard human lives and that a compensation of Rs 10 lakhs be granted to the family of the deceased child, who while playing by the side of his house adjacent to the public road, was attacked by four roving dogs furiously. While surveying some of the aforementioned decisions, the High Court of Orissa granted compensation of Rs 10,00,000.

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45. In various judicial decisions cited by the petitioner, the courts have addressed instances where dog-biting incidents occurred in public places or places which were not petitioner's own houses. In the said cases, the courts relied upon the reasoning that the presence of stray and rabid dogs in public areas constituted a breach of the State's duty to ensure public safety and maintain order. Those decisions underscore the responsibility of State authorities to take proactive steps in mitigating the risks associated with stray dogs and to ensure that public spaces remain safe for all citizens.

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(Emphasis Supplied)

7. However, this Court is not unmindful towards the rights attributable to animals, and the compassion required to deal with matters of such sensitivity. This Court in the aforesaid case, i.e., *Geeta Devi (supra)*, in conclusion emphasized upon the aspect of compassion that is to be observed while dealing with such matters, *whilst* taking into consideration the stray dog menace affecting human lives and dignity. Thus, it was observed as follows:

“xxx xxx xxx

50. Notwithstanding the factual scenario of the present case, before parting, it is pertinent to observe here that the stray dog menace in Delhi is a serious issue affecting human life and dignity. Undeniably, the relationship between humans and dogs is at times a relationship of compassion and unconditional love. The responsible authorities should endeavour to manage the menace with the same compassion to ensure equilibrium in the living conditions of both, humans and dogs. It cannot be gainsaid that the issue requires a multi-faceted response, fostering an environment of empathy and balanced co-existence.

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(Emphasis Supplied)

8. The Supreme Court in the case of ***Animal Welfare Board of India and Another Versus People for Elimination of Stray Troubles and Others, 2024 SCC OnLine SC 3218***, while dealing with a batch of petitions in relation to stray dogs, further emphasized on the aspect of exhibiting compassion towards all living beings, and the same being an obligation cast upon the authorities as a constitutional mandate, made the following observations:

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11. We only hasten to add, that under all circumstances, there cannot be any indiscriminate killings of canines and the authorities have to take action in terms of the mandate and spirit of the prevalent legislation(s) in place. There is no gainsaying in the fact that exhibiting compassion to all living beings, is the enshrined Constitutional value and mandate, and cast obligation on the authorities to maintain.

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9. Furthermore, this Court in the case of ***Dr. Maya D. Chablani Versus Radha Mittal and Others, 2021 SCC OnLine Del 3599***, while dealing with a petition in relation to feeding stray dogs, observed as follows:

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124. Animals have a right under law to be treated with compassion,

respect and dignity. Animals are sentient creatures with an intrinsic value. Therefore, protection of such beings is the moral responsibility of each and every citizen including the governmental and non-governmental organisations.

125. We have to show compassion towards all living creatures. Animals may be mute but we as a society have to speak on their behalf. No pain or agony should be caused to the animals. Cruelty to animals causes psychological pain to them. Animals breathe like us and have emotions. The animals require food, water, shelter, normal behaviour, medical care, self-determination.

126. Community dogs (stray/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, hinderance, harassment and nuisance to other individuals or members of the society.

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(Emphasis Supplied)

10. This Court notes that in the order dated 25th March 2025, passed in the present petition, this Court had noted that there are over 200 stray dogs, which were staying in the makeshift shelter. Thus, if the said dogs are to be left in the vicinity or in the open, it may create a very serious situation, as over 200 stray dogs cannot be allowed to be let loose in the streets. Furthermore, the said solution would not be prudent in relation to the dogs as well, as the same would cause efflux of the stray dogs in one vicinity, thereby, creating hardships for the residents, and burden upon the dogs themselves.

11. Accordingly, this Court is of the view that in reference to the discussion hereinabove, and considering the facts that have arisen in the present case, it would incumbent upon the concerned authorities to consider formulation of a policy for rehabilitation of stray dogs, and the same being a policy decision, would have to be taken with the coordinated efforts of the

Delhi Government, the MCD as well as the AWBI.

12. Accordingly, it is directed that a policy decision be taken by the stakeholders, to ensure that provisions are made for the rehabilitation of the stray dogs at an Institutional Level, so that stray dogs are rehabilitated and phased out from the public roads and streets.

13. Considering the sensitivity of the case and the magnanimity of the problem which the general public faces on account of incidents in relation to the stray dogs, the matter is referred to the Chief Secretary, Government of National Capital Territory of Delhi (“GNCTD”).

14. The Chief Secretary, GNCTD is requested to call a meeting of all the concerned stakeholders, with a view to take a policy decision, as to how the stray dogs, who roam about in the streets and parks of the capital, are ultimately removed from the street, and rehabilitated and kept in an Institutional Shelter.

15. Decision in this regard, shall be placed before this Court, before the next date of hearing.

16. The Registry of this Court is directed to supply a copy of this order to the Chief Secretary, GNCTD.

17. Re-notify on 6th August, 2025.

18. Interim orders to continue.

MINI PUSHKARNA, J

MAY 21, 2025/neha