

News

Delhi stray dog order: dubious procedure, polycentric issue



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The Supreme Court of India took suo motu cognisance of the increasing number of stray dog attacks in Delhi and the surrounding National Capital Region on July 28 in response to a media story. A disproportionate impact on children and elderly people, hundreds of dog bite instances, and rabies infections were among the "extremely troubling details" in the study, the Court said.

On August 11, less than two weeks later, the Court issued an order that had significant ramifications. It instructed the Delhi government, Delhi's municipal bodies, and the authorities

in Noida, Ghaziabad, Gurugram, and Faridabad, among other places, to start collecting stray dogs from all areas right away and placing them in dog shelters that would be constructed in eight weeks. The injunction said that these shelters will vaccinate, sterilize, and keep the dogs in permanent housing. Under no circumstances were any to be released. Within a week, a hotline was to be established, and every report of a dog bite would result in the animal's apprehension within four hours. **"The strictest of actions,"** including contempt procedures, would be taken against anyone who opposed this exercise.

There is no denying the seriousness of the issue. Attacks by stray dogs, particularly on youngsters, are extremely upsetting; rabies is a deadly disease.

The issue is unquestionably worthy of consideration, but the question is whether the Court's approach to it is both institutionally and procedurally sound. The response raises concerns on both points.

A issue that is polycentric

The nature of the issue presents the first challenge. The problem of stray dogs is multifaceted. Touching one strand in such situations causes vibrations to spread across the entire web, as Lon Fuller once explained in his "spider's web" analogy. Here, the strands include the fundamental rights of humans to life and safety, the constitutional and statutory protections for animals, the capacity and budget of municipal bodies, the practicalities of building and maintaining shelters and the long-term public health implications of altering animal control practices.

These are issues that do not lend themselves to hasty, one-sided legal resolutions. They call for thoughtful decision-making, deep stakeholder participation, and cooperation between various governmental and civil society tiers. We have previously seen that court interventions in polycentric situations have resulted in unanticipated outcomes due to an underestimation of the implementation's complexity. For example, there were concerns about the unproven nature of CNG, its lack of infrastructure, its impractical timelines, and the financial strain that the change would place on government agencies when the court ordered a switch to CNG buses in Delhi through judicial fiat without legislative consideration or adequate public consultation. The existing guidelines regarding stray dogs run the risk of making the same mistakes.

Improper procedure

Second, claiming that the order was the product of "**deepest of deliberation**" as opposed to "**momentary impulse**" conflicts with the Court's own procedure. According to the record, the interim substantive ruling was delivered on August 11 after **suo motu cognisance** was obtained on July 28. This timing is scarcely appropriate given the intricacy of the issues at hand.

More significantly, the Court specifically refused to consider pleas for intervention from anyone who could have been sympathetic to the cause. In its own words:

We are not currently willing to consider any intervention applications because this is an ongoing effort. Following the placement of these pertinent facts, we will evaluate the intervention proposals based on their own merits.

The issue with this strategy is clear. The Court has reversed the natural justice principles by reserving the right to hear from additional parties only after resolving the central matter (albeit temporarily). Before, not after, the decision is reached, the impacted parties have a right to be heard.

Fairness in the procedure is not a technicality. A fundamental element of the rule of law is this. No matter how well-meaning the result, the legitimacy of the Court's orders is undermined when it itself circumvents these protections.

Misuse of the law

Third, the underlying legislative framework seems to be rewritten by the directives. According to the Animal Birth Control Rules, 2023, which were created under the Prevention of Cruelty to Animals Act, 1960, stray dogs that are caught must be vaccinated, sterilised, and returned to their original location. This clause is not a byproduct; rather, it is a well-considered policy decision based on the idea that indefinite confinement is inhumane and ineffective at managing stray populations.

This legal obligation is overturned by the Court's decision to hold all stray canines forever "**under no circumstances**" before releasing them. Although the Court's finding that the 2023 Rules "perpetuate infringement" of human fundamental rights is a serious one, it will need careful consideration and a thorough argument before the Court can simply invalidate the legislative framework.

The importance of method

To be clear, this is not a defense of not addressing the problem of stray dogs. It is a defense against doing so in a manner that disregards the legal system, avoids impacted parties' opinions, and reduces intricate, interconnected factors to a single judicial order. When the Court acts too swiftly in certain cases, it runs the risk of going beyond its institutional authority, issuing decisions that are hard or impossible to carry out, and eroding public trust in its own processes.

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