

A Study on Legal Framework Relating to Stray Animals with Special Reference to Tamil Nadu

Mrs. SALINI C, Mrs. SHONA K P

ABSTRACT¹²

The stray animal populations have always been a problem in both urban and rural settings, there has been a noticeable increase in conflicts between humans and these animals in recent years. Stray animals that commonly walk the streets for food and shelter include abandoned dogs, cats, and other domesticated species. This situation raises several problems, including property damage, animal welfare, and public health and safety. Due to the complexities of the situation, a thorough examination of the laws governing stray animals, community members' rights and obligations, and numerous methods for resolving these conflicts is required. This article analyzing the existing legal framework relating to stray animals and also provide a comprehensive understanding of the problem and recommend practical solutions. The findings of this study will be useful for policymakers, animal welfare organizations, and municipal corporations seeking to improve stray animal regulation and prevent accidents in Tamil Nadu.

Key words: Stray animal, Tamil Nadu Municipal Laws, Animal Birth Control (ABC) Rules 2001, The Local Animal Birth Control Monitoring Committee, Prevention of Cruelty to Animals Act (1960), Euthanasia Laws.

INTRODCUTION

India is a country which recognizes the inherent rights of all living beings, including animals under Indian Constitution. The Seventh Schedule of the Constitution empowers states to preserve, maintain, and improve animal stock, prevent animal diseases, and enforce veterinary training and practices. In Tamil Nadu, the legal framework governing stray animals is multifaceted, involving various statutes and regulations. This study aims to examine the existing legal framework relating to stray animals in Tamil Nadu, highlighting its strengths, weaknesses, and areas for improvement. The Indian Constitution recognizes the inherent rights of all living beings, including animals. The Seventh Schedule of the Constitution empowers states to preserve, maintain, and improve animal stock, prevent animal diseases, and enforce veterinary training and practices. Furthermore, the Constitution emphasizes the importance of animal welfare through various provisions. The Prevention of Animals cruelty, listed in the Concurrent List 14, which aims to prevent animal cruelty and promote their well-being. Additionally, the protection of wild animals and birds is also a concurrent responsibility under 17B. Article 48A Directive principles of state policy mandates the state to protect and improve the environment, including forests and wildlife. Moreover, Article 51A(g) Fundamental duties imposes a duty on every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures. This study aims to examine the existing legal framework relating to stray animals in Tamil Nadu, highlighting its strengths, weaknesses, and areas for improvement.

DEFINITION FOR STAY ANIMALS

Tamil Nadu Animal Preservation Act, 1958 and The Animal Birth Control (Dogs) Rules, 2001 does not expressly defines stray animals but for the purpose of this context stray animals defines as “An animal that does not have an identifiable owner or caregiver and animal roaming freely in public places, such as streets, roads, parks, or other areas.” E.g. Stray dogs, Stray cattle (e.g., cows, bulls, oxen), Stray horses, Stray donkeys, other animals that are roaming freely without an owner or caregiver.

¹ Mrs. SALINI C, ASSISTANT PROFESSOR, SCHOOL OF LAW, VISTAS

² Mrs. SHONA K P, ASSISTANT PROFESSOR, SCHOOL OF LAW, VISTAS

PROBLEMS CAUSED BY STRAY ANIMALS

Tamil Nadu, is an urbanized state in southern India, having 48% of population living in urban areas. Urbanization of Tamil Nadu state has leads to an increase in stray animal populations, as animals are often abandoned or displaced from their natural habitats. Stray animals can cause significant problems for both community residents and animals. Also threaten to human safety, particularly for motorists, pedestrians, cyclists, etc.

These challenges can take a variety of forms such as aggressive behaviour in stray animals, particularly dogs, can endanger humans and other animals. Although they occur infrequently, bite-and-attack occurrences can be harmful and frequently cause inhabitants to feel more fearful and anxious. This is especially problematic in areas with large stray populations and poor animal control measures.

Stray animals can generate noise pollution, particularly at night. Howling cats and barking dogs can disturb the peace, contributing to sleep problems and overall unhappiness in society. Stray animals can spread diseases such as rabies, parasites, and zoonotic infections. These animals can increase the risk to public health, including the spread of infectious diseases to humans and pets, especially when they are in large numbers.

Strays seeking food and shelter may cause damage to gardens, cars, and trash cans. Residents may grow frustrated and incur financial losses as a result of this. Stray animals can face harsh living conditions, including malnutrition, weather exposure, and limited access to healthcare. These creatures are abused, neglected, and occasionally cruel, raising severe ethical and animal welfare concerns.

In addition to that the state's growing urbanization has resulted in an increase in stray animal populations, as animals are frequently abandoned or displaced from their natural habitats. Stray animals on state roadways pose a substantial hazard to human safety, especially for cars, pedestrians, and cyclists. In 2020, the National Crime Records Bureau (NCRB) of Tamil Nadu reported 13,170 traffic accidents involving animals, with 1,414 fatalities and 12,756 injuries. According to NCRB data, stray animals caused 62% of animal-related road incidents in Tamil Nadu. In 2022, the Tamil Nadu Police performed a survey that indicated 1,376 accidents caused by stray animals in Tamil Nadu, resulting in 804 deaths and 572 injuries. In 2023, Road Accident Analysis in Tamil Nadu reported 499 accidents. There were 205 fatalities and 462 injuries.

CASE ANALYSIS

In *Blue Cross of India v. Chennai Corporation (2018)*: Chennai Corporation had no authority to seize and impound stray dogs, as it was not empowered to do so under the Chennai City Municipal Corporation Act, 1904. The corporation's actions were in contravention of the Animal Birth Control (Dogs) Rules, 2001, which mandate that stray dogs be sterilized and released back into their original habitats. The court directed the Chennai Corporation to follow the Animal Birth Control (Dogs) Rules, 2001, and to work with animal welfare organizations to implement the rules effectively.

In *T.M.Velu vs The Secretary to Government (2019)*, Madras High Court, highlighting the issue of stray cattle causing accidents on roads and train tracks. The petitioner sought directions to the government to take measures to prevent such accidents and ensure animal welfare and further directed the state to take action to control stray animals.

In *T. Sivakumar v. The Secretary to Government (2019)* – Under section 133 Chennai City Municipal Corporation Act, Chennai Corporation can impose fines on owners of stray cattle. Further state that Section 133 is fair, reasonable, and transparent, and that the owners of stray cattle are held accountable for the damage or injury caused by their animals.

In *M. Govindan v. The District Collector (2020)* Seizure of the cattle without serving a notice to the owner, was invalid under sec 133. It limits the administrative power of authorities, such as the District Collector, and ensures that they follow established procedures before taking action.

In *S. Selvakumar v. The Commissioner of Police* (2022) court held that Commissioner of Police had the authority to impose a fine under Section 133.

In *NYAYA BHOOMI vs. Govt. of National Capital Territory of Delhi & Ors.* (2024) This case is related to a public interest litigation (PIL) concerning stray animal attacks on persons with disabilities and the general public in Delhi. Delhi High Court ordered against municipal authorities for not taken sufficient steps to control stray animals on roads. The court emphasized the need for a balanced approach to address the issue, ensuring both animal welfare and public safety.

LEGISLATION TO REGULATE STRAY ANIMALS

Local, state, and federal regulations work together in a complex way to govern how stray animals are handled. Animal welfare, public safety, and animal control are only a few of the topics addressed by these regulations. It is vital to understand these legal frameworks in order to provide sound solution ideas.

Municipal governments typically implement animal-keeping regulations. These restrictions may include requirements for rabies vaccines, leash laws, and licensing. These ordinances aim to preserve public safety, regulate animal populations, and reduce the likelihood of disease transmission.

State legislation improves animal welfare and management rules, supplementing local regulations. State regulations may, for example, define what constitutes animal abuse, impose penalties on those who abandon their pets, and govern how animal shelters operate.

In Tamil Nadu, The Tamil Nadu Animal Preservation Act of 1958, Section 14 penalizes livestock owners who cause harm to people or property. The Tamil Nadu Municipal Laws (Amendment) Act, 2013. Section 247A of The Tamil Nadu Municipal Laws (Amendment) Act, 2013. This act authorizes municipal authorities to levy fines on owners of stray livestock that cause accidents or property damage. According to Section 289 of the Tamil Nadu Municipal Laws (Amendment) Act, 2013, owners of stray animals who cause accidents or property damage can face a fine ranging from ₹5,000 to ₹10,000. If the accident causes serious injuries or death, the owner may face a fine ranging from ₹20,000 to ₹50,000.

Federal laws can have an impact, particularly on interstate trade and animal welfare problems. The statutes of India that regulate stray animals are the Indian Constitution.

As part of the Fundamental Duties, Article 51A(g) of the Indian Constitution states that every Indian citizen must care for all living things, including forests, lakes, rivers, and wildlife, as well as conserve and promote the natural environment. In essence, it encourages people to maintain and preserve the environment, as well as to treat animals with kindness.

The Directive Principle of State Policy, as stated in Article 48A, which declares that the State shall work to preserve and promote the environment, as well as to conserve the nation's forests and wildlife, strengthens animal protection.

THE ANIMAL BIRTH CONTROL RULES 2023

According to the Prevention of Cruelty to Animals (PCA) Act of 1960, abandoning pets or allowing them to become stray is against the law. Owners of animals must also accept responsibility for their well-being. The Union Ministry of Culture was the first to announce the Animal Birth Control (ABC) Rules 2001, which were based on the PCA Act 1960. The rules' objective was to minimize the number of stray dogs through vaccinations and sterilizing. Local governments and non-governmental organizations run the initiative, with financial assistance from the government. However, the government has not implemented any effective regulations to control the number of stray dogs and ensure their welfare. The Animal Birth Control Rules 2023 are a comprehensive guide for the humane implementation and regulation of animal birth control programs in India. These rules supersede the Animal Birth Control (Dogs) Rules, 2001

According to the new laws, local self-government will run the ABC programs for stray dog sterilization and vaccination. The Local Animal Birth Control Monitoring Committee-appointed team that diagnoses "incurably ill and mortally

wounded dogs" is required by the rules to put them to death. The rules require RWAs to designate areas for dogs to eat that are away from kid-friendly play areas, entrance and exit points, stairwells, or areas where young people and the elderly are unlikely to visit. It also advises establishing an Animal Help Center where individuals may file concerns about cat and dog bites. Local authorities will be responsible for any infractions or disagreements between animals and people. As a result, while addressing concerns about animal welfare, successful implementation of these rules will help to reduce the number of stray dogs.

THE PREVENTION OF CRUELTY TO ANIMALS ACT (1960)

This rule, often known as the PCA, prohibits anybody from creating, tolerating, or inflicting unnecessary pain or suffering on any animal, even if the owner is doing so. The act provides penalties and jail sentences for violently beating, kicking, tormenting, disfiguring, administering a harmful drug to, or murdering an animal. The PCA has the following sections on stray animals.

- The PCA and regulations established under Section 38 of the Act protect street dogs.
- Section 11 of the PCA prohibits poisoning street canines.
- Removing stray animals violates the PCA's Sections 11(1) (i) and (j).
- Rights and responsibilities: Balancing the interests of residents with animal welfare

One of the most difficult aspects of dealing with the stray animal problem is reconciling local individuals' rights with the moral imperative to treat animals humanely. This equilibrium includes many essential factors:

Everyone has the right to live in a peaceful and safe environment, free from potential threats from stray animals. This includes protection against potential assaults, disturbances caused by loud noises, and property damage. Furthermore, the citizenry may expect municipal governments to address public health risks associated with stray animals.

On the other hand, the need to maintain animal welfare is becoming more obvious. Stray animals, even when not owned, are sentient beings with feelings of pain. Many argue that it is society's moral responsibility to ensure that these creatures receive compassionate treatment, which includes providing them with food, housing, and medical care, as well as removing unnecessary suffering through euthanasia or cruel treatment.

Conflicting agendas can cause legal and ethical challenges. To ensure public safety, aggressive strays, for example, may need to be removed from the community, although the most humane methods of doing so are debatable. Similarly, while it is critical to reduce the number of stray animals, euthanasia and other comparable measures are divisive and frequently opposed by animal rights activists.

IMPLICATIONS

Analysing case studies and legal precedents can provide valuable insights into how other jurisdictions have managed the issue of stray animals. These images depict a variety of techniques and their outcomes, which can inform future policy decisions.

Cities such as San Francisco have implemented comprehensive programs to reduce stray animal populations. These projects usually include collaboration with local veterinarians, community education, and free or low-cost services. These efforts have served as models for other municipalities because of their effectiveness in reducing the number of stray animals and the conflicts they generate.

Stronger enforcement of anti-animal cruelty laws has led to fewer stray animals in certain places. To address one of the root causes of the stray animal problem, this strategy emphasizes holding pet owners accountable for abandonment and cruelty.

Some countries have established euthanasia laws to manage stray populations. Although this tactic can quickly reduce the number of stray animals, animal rights organizations and members of the public who prefer more humane methods typically oppose it.

Community involvement has proven to be beneficial in a variety of scenarios. Along with public awareness campaigns regarding ethical pet ownership, programs that encourage residents to adopt or foster stray animals have helped to reduce the number of strays and improve community attitudes about these animals.

In Tamil Nadu, the implications of The Animal Birth Control Rules, 2023 strengthen the implementation of animal birth control programs, and improved animal welfare, effective population control and enhanced accountability by emphasize the need for humane treatment of stray animals which also promoting a safer and healthier environment for humans.

STRIKING THE BALANCE

Given the complexities of the problem, any legal solutions should aim to strike a compromise between locals' rights and the welfare of stray animals. Some of the possible legal actions are enforcing current restrictions, such as leash and licensing requirements, can reduce stray animals. To further deter reckless pet ownership, consider increasing the penalty for noncompliance. Further to launch initiatives to educate the public on pet ownership rights, the importance of spaying and neutering, and ethical animal treatment. Furthermore, by dispelling common preconceptions about stray animals, these efforts help promote humane solutions. Animal breeding laws can help reduce overpopulation. This can include regulating breeders to obtain permits, limiting the number of animals they can breed, and mandating spaying or neutering for non-reproducing pets. By providing necessary resources, we can improve animal care, facilitate adoptions, and provide spay and neuter services. Investigating and funding non-lethal population management strategies, such as feral cat trap-neuter-return (TNR) programs, can lead to humane alternatives to euthanasia.

Legal remedies are not always straightforward to implement. A variety of issues can impede the effectiveness of rules and regulations, including a lack of financing, popular opposition to particular measures (such as euthanasia), and enforcement challenges. Furthermore, cultural attitudes about pets and animals can differ, influencing public acceptance of diverse techniques.

CONCLUSION

Resolving the conflict between residents and stray animals requires a diverse approach that includes community involvement, public education, and legislative changes. Communities can work together to create an effective and ethical solution that balances local rights and animal welfare. For human and animal populations to cohabit peacefully, policymakers, animal welfare advocates, and locals must collaborate. Stray can be reduced by adoption.