



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE GAJENDRA SINGH

RESERVED ON THE 1st OF MARCH, 2025

WRIT PETITION No. 21831 of 2023

VANDANA JAIN

Versus

INDORE MUNICIPAL CORPORATION AND OTHERS

Appearance:

Petitioner – Ms. Vandana Jain is present in person.

Shri Kamal Nayan Airen, learned counsel for the respondent / Municipal Corporation.

Shri Himanshu Joshi, learned counsel for respondent No.8.

Shri Vishwajeet Joshi, learned Additional Advocate General for the respondents / State.

WITH

WRIT PETITION No. 4803 of 2024

MAHESH GARG

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Prateek Maheshwari, learned counsel for the petitioner.

Shri Vishwajeet Joshi, learned Additional Advocate General for the respondents / State.

Shri Kamal Nayan Airen, learned counsel for the respondent / Municipal Corporation.

Reserved on : 01st March, 2025

Delivered on : 12th March, 2025

O R D E R

Per : Justice Vivek Rusia



The petitioners have filed the present writ petition under Article 226 of the Constitution of India in the nature of Public Interest Litigation seeking directions for the effective implementation of the **Prevention of Cruelty to Animals Act, 1960** and the **Animal Birth Control (Dogs) Rules of 2001 and 2023**, and for comprehensive census of stray and pet dogs, introduction of a digital pet registration system and establishment of adequate shelter homes for stray dogs.

02. These writ petitioner were heard analogously as they raise common issues concerning the rising incidents of dog bites, alleged inefficiencies in sterilization and vaccination programmes, lack of a proper census of stray dogs, and the absence of public awareness campaigns regarding the humane treatment of community and stray dogs.

FACTS OF THE CASE

03. Petitioner – Vandana Jain (W.P. No.21831 of 2023), being an animal welfare activist and founder of the “Dogitization” initiative claims that she has dedicated her past six years in stray dog management, public awareness and strategic interventions in Indore. By focusing on 100% sterilization and vaccination of community dogs, conducting public awareness programs and training local police on handling animal cruelty cases, she claims to have achieved a zero dog bite model in Old Palasia where she resides. According to her, if same model is applied in entire Indore by IMC then there will be no case of dog bites.

3.1. Mr. Mahesh Garg, a former Municipal Corporator claims that he is a social worker with over 73 years of engagement in public interest issues, has contributed through his involvement in multiple PILs on civic matters and has held prominent social leadership positions, including Trustee of



Shraddhanand Anath Ashram and Ex-Director of the Swadesh Newspaper.

3.2. It is the case of the petitioners that despite existing legal mandates, the Indore Municipal Corporation (IMC) and other responsible authorities have failed to discharge their statutory obligations, leading to escalation in risk to public safety and a lack of effective stray dog population management. They submit that dog bite incidents have been increasing at an alarming rate, contradicting the respondents' claims of conducting extensive sterilization and vaccination programs. They further allege that no proper census of stray dogs has been conducted, which is crucial for implementing any scientific, structured and effective sterilization program.

3.3. Additionally, the petitioners also submit that no significant public awareness campaigns have been undertaken by the municipal authorities, despite clear mandates under the law. They submit that public misconceptions, fear and hostility towards stray animals continue to persist due to the failure of authorities to engage in proactive educational campaigns on coexisting with stray dogs.

3.4. Petitioner – Vandana Jain emphasizes the need for a humane and structured approach towards stray dogs, whereas petitioner Mahesh Garg, stresses the urgent necessity for policy interventions, creation of shelter homes and improved infrastructure to control stray dog-related issues.

SUBMISSIONS OF PETITIONERS

04. The petitioner is present in person and has also filed multiple rejoinders to the reply, comprehensive report and compliance reports of the respondents. The petitioner contends that the Indore Municipal Corporation (IMC) has failed to comply with **Rule 9(4) of the Animal Birth Control (ABC) Rules**, which mandates a comprehensive census of stray dogs.



4.1. RTI responses dated 11.02.2023 reveal that no such census has been conducted, making it impossible to determine the extent of the stray dog population or assess the effectiveness of sterilization programs. Without a structured approach, sterilization efforts remain arbitrary, violating Schedule II, Point 3(vi) of the ABC Rules and rendering dog population control measures ineffective.

4.2. The Petitioner has presented data which demonstrates a continuous rise in dog bite incidents despite increasing expenditure on sterilization. According to the data between 2016-17 and 2023-24, sterilization numbers increased from 10,804 to 36,883, while municipal spending escalated from ₹ 47.3 lakh to ₹3.47 crore.

4.3. However, dog bite cases more than doubled from 20,410 to 43,976. This alarming trend contradicts the respondents' claim that sterilization alone effectively reduces dog bites and highlights their failure to implement Schedule II, Point 3(v) of the ABC Rules, which mandates monitoring and corrective measures to reduce human-dog conflicts.

The petitioner further submits that the lack of public awareness has exacerbated the problem. Despite **Section 9 (k) of the Prevention of Cruelty to Animals (PCA) Act 1960** requiring public education on humane animal treatment.

4.4. The respondents have conducted only four advertisements between 2018 and 2024, as per RTI responses which shows the failure of the respondents to engage citizens in responsible pet ownership and street dog management, necessitating immediate corrective action.

4.5. The petitioner asserts that the respondents have acted only in response to legal proceedings, rather than proactively addressing the issue. A Rabies Task Force meeting was convened only on 28.02.2024, after the



court's intervention, and a ₹10 crore budget request for sterilization centers was made on 09.02.2024, coinciding with this litigation.

4.6. The petitioner thus prays for strict judicial oversight to enforce adherence to the Rules, Act and previous judicial directives on stray dog management.

SUBMISSIONS OF RESPONDENTS

05. The respondents have filed detailed reply, comprehensive reports and latest compliance report as per directions of this court. The respondents submit that the Indore Municipal Corporation (IMC) has been actively implementing **the Animal Birth Control (ABC) Rules, 2023** framed under **the Prevention of Cruelty to Animals Act, 1960**.

5.1. As per **Rule 10 of the ABC Rules of 2023**, the IMC has established dog control cells, sterilization centers, and monitoring committees to oversee dog population management. The municipality has sterilized 2,51,122 dogs and vaccinated 55,189 dog bite patients against rabies between April 2023 and March 2024 under the **National Rabies Control Programme (NRCP)**.

5.2. Additionally, budget allocations for sterilization and rabies control have increased by 433% from 2014 to 2024, demonstrating the respondents' commitment to controlling the stray dog population in compliance with the law.

5.3. The respondents submit that the demand of petitioner for a city-wide dog census is unwarranted; as **the ABC Rules 2023** do not mandate a separate census before sterilization measures are implemented.

5.4. **Rule 10 of ABC Rules 2023** mandates a structured sterilization program in which dogs are caught, sterilized, vaccinated, and released in a phased manner, ensuring that the population is controlled without



unnecessary delays.

5.5. Furthermore, IMC has deployed dedicated dog-catching vehicles, trained personnel, and veterinary staff to conduct sterilization in compliance with **Rule 10(6) of the ABC Rules**, which prohibits dislocation of sterilized dogs from their original territories. The claim that sterilization is ineffective without a census is thus scientifically and legally unfounded.

5.6. The respondents further submit that extensive public awareness campaigns have been conducted under **Section 9(k) of the Prevention of Cruelty to Animals (PCA) Act, 1960**, to educate citizens about stray dog behavior and rabies prevention. Pamphlets have been published in leading newspapers such as Nai Duniya, Dainik Bhaskar, Patrika, and Agniban, and awareness programs have been held in schools and residential areas.

5.7. Additionally, 121 feeder ID cards have been issued to individuals engaged in responsible feeding, ensuring that stray dogs receive food in designated areas to reduce their aggression towards humans. Furthermore, radio jingles and announcements on municipal garbage collection vehicles have been implemented to spread information on rabies prevention and responsible pet ownership.

5.8. The respondents submit that the petitioner's claims should be dismissed as the Supreme Court has already issued directives on stray dog management, and parallel litigation on the same issue before different courts is impermissible.

5.9 Furthermore, the respondents submit that the Division Bench of this Court by order dated 09.05. 2019 passed in ***W.P. No. 13735/2013 (Sanjay v/s District Collector & Another)***, had already issued detailed guidelines for stray dog management, which IMC has been following and in



compliance with the High Court's direction the, IMC has also constituted a Quick Response Team (QRT), and has also sought an additional budget of ₹10 crore for improving sterilization infrastructure, and has engaged NGOs and veterinary experts to strengthen the implementation of rules and guidelines.

5.10. The respondents respectfully submit that they are fully complying with the **ABC Rules of 2023** and the directives of Apex Court judgments and thus the allegations of petitioners of inaction by respondents are misleading and factually incorrect.

5.11. As sterilization and vaccination programs, awareness campaigns, and quick response mechanisms are already in place. The respondent thus humbly prays that in view of the ongoing proceedings before Supreme Court and compliance with legal mandates, the present petition lacks merit and should be dismissed.

06. Heard all the parties at length. The petitioners have raised various concerns regarding the increasing population of stray dogs in Indore and other parts of Madhya Pradesh and their ill treatment. They have alleged that the authorities have failed to take effective measures for sterilization and immunization, thereby endangering public safety and violating fundamental rights.

07. The petitioners contended that there is non-compliance with the Animal Birth Control (ABC) Rules, 2023, which has resulted in frequent dog bite incidents and other public health concerns. That there is need for educating the public to peacefully co-habit with dogs as due to aggressive and ill treatment and cruelty with dogs they react and harm individuals.

08. The counsel of respondents, including Indore Municipal Corporation (IMC) and the State Government, have placed emphasis on compliance



reports demonstrating the implementation of sterilization and vaccination programs in accordance with Supreme Court guidelines.

09. The Madhya Pradesh Government has also enacted the **Madhya Pradesh Municipal Stray Animal Birth Control Rules of 2023**, which provide a structured framework for dog population management.

10. The Apex Court has laid down clear guidelines for the management of stray dogs, balancing public safety with animal welfare. In *Animal Welfare Board of India v/s People for Elimination of Stray Troubles (Special Leave Petition (Civil) No. 691 of 2009)*, the Apex Court held that indiscriminate culling or relocation of stray dogs is unconstitutional and directed municipal bodies to strictly follow the **Animal Birth Control (ABC) Rules, 2023**, which mandate sterilization and vaccination as the only lawful methods for population control. The order **passed by the** of Apex Court in *Animal Welfare Board of India (supra)* has reaffirmed that the **ABC Rules of 2023**, have replaced the earlier ABC rules of 2001 and all municipal programs must align with this framework.

11. Upon a thorough review of the compliance reports and submissions made by both parties, it is evident to us that the respondents have undertaken necessary measures in accordance with the Rules of 2023, and is progressively implementing sterilization and vaccination programs though much more needs to be consistently done to solve this issue.

12. In our view while the issue of stray dog management and controlling the human dog conflicts are indeed a matter of public importance, the legal framework are already in place which provides a structured mechanism for the regulation and management of stray dogs.

13. Though this petition in our view does not warrant further judicial intervention, but we in the interest of effective implementation of the ABC



Rules, 2023 and for reducing rising incidents of dog bites and for peaceful coexistence of humans and dogs hereby direct as follows:-

(i) The Indore Municipal Corporation and all municipal authorities to strictly comply with **Animal Birth Control (ABC) Rules, 2023**;

(ii) The State Government and local authorities to allocate adequate funds for sterilization, vaccination, and establishment of animal shelters as per Supreme Court directives in *Animal Welfare Board of India (supra)*;

(iii) To ensure that the municipal authorities conduct awareness campaigns to educate the public on responsible pet ownership, safe feeding zones, and rabies prevention;

(iv) And the State Animal Welfare Board to periodically review the ABC programs and submits reports to the concerned departments.

14. With the aforesaid directions, both the PILs stand disposed of. No order as to costs.

(VIVEK RUSIA)
J U D G E

(GAJENDRA SINGH)
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