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Liability of Pet Owners in Urban Dog Bite Cases and Municipal Inaction

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The relationship of humans and dogs has been regarded as a timeless bonding of friendly companionship with dogs as pets, assuming a prominent place in urban households. However, a surge in pet ownership coupled with the increase in dog bite incidents has reshaped this social relationship into a crucial legal concern. This study examines the extent of tortious liability of pet owners in incidents of injuries caused by their dogs in urban areas and the responsibility of municipalities for their inaction to regulate dogs leading to public injuries. It analyses the concepts of negligence, strict liability and the rule of scienter to explore the laws governing the liability of dog owners in incidents of harm caused by their pets. This study further highlights the role of municipal bodies in sterilisation, vaccination and implementation of population control measures of the unregulated dogs in public spheres and the defences available to the municipalities for the breach of their statutory duties. The study also argues that while strict liability aligns with a victim-centric approach, it is supplemented with various internal inconsistencies requiring the emphasis on negligence to assess liabilities. The study concludes that India requires a comprehensive legal framework that strikes an equilibrium between public safety and victim protection, pet owner accountability and safeguarding animal welfare in urban settings.

Keywords: dog bites, tortious liability, pet owners, municipal liability, strict liability.

INTRODUCTION

With accelerated urbanisation in the country supplemented by the expansion of cities, the urban households owning dogs as pets have witnessed a spurt in recent years. As a result of this phenomenon, the rise in dog bite cases and the consequent harm caused to the public has become a subject of serious legal concern. In the year 2025, the National Capital Region (NCR) observed an intensifying conflict between humans and dogs with respect to the Supreme Court's order regarding the displacement of stray dogs to shelter homes.¹ According to the data given by the National Crimes Record Bureau, the urban city of Delhi recorded 35,198 dog bite cases between January and June in the year 2025.² Reports supporting the newspaper article, which triggered the judicial action and public wrath, suggested that an average of 20,000 dog bite cases were recorded across the country daily, with approximately 2000 such cases taking place in the city of Delhi alone.³ Latest reports released by the hospitals treating the patients who have experienced injuries due to this issue reveal that over 75% of dog bite cases in most urban areas are caused by pet dogs rather than strays.⁴ In India, the law of torts functions as a remedial instrument under civil law to protect the rights of those who have suffered an injury or legal harm due to omissions or wrongful acts committed by others, mostly in the form of compensation.⁵ However, as pet ownership is becoming prevalent, it has drawn parallels with the debate of tortious liability of pet owners in dog bite cases. Also, the increase in attacks by unmonitored or stray dogs has sparked contentions regarding the responsibility and inaction of the municipal bodies to regulate and prevent such attacks, along with ensuring public safety.

This article explores two important questions: What is the extent of tortious liability imposed on pet owners in incidents of injuries caused by their dogs in urban settings, and whether the municipalities can be held responsible for the lack of action in regulating stray dogs leading

¹ IN RE: "CITY HOUNDED BY STRAYS, KIDS PAY PRICE" (2025) INSC 977

² 'Stray Dogs Management in India: Balancing Public Safety with Animal Welfare' (*Drishti IAS*, 20 August 2025) <<https://www.drishtiias.com/daily-updates/daily-news-analysis/stray-dog-management-in-india-balancing-public-safety-and-animal-welfare>> accessed 17 May 2026

³ Apoorva, 'The Stray Dog Case Explained: Key Developments and Updates' (*SCC Times*, 14 August 2025) <<https://www.sconline.com/blog/post/2025/08/14/supreme-court-stray-dog-case-development-and-updates/>> accessed 17 May 2026

⁴ Vijay Singh and Sharmila Ganesan Ram, 'Dog attacks in public spaces spark debate over pet parent onus' *The Times of India* (30 March 2025) <<https://timesofindia.indiatimes.com/dog-attacks-in-public-spaces-spark-debate-over-pet-parent-onus/articleshow/119743185.cms>> accessed 17 May 2026

⁵ Ratanlal & Dhirajlal and Akshay Sapre, *LAW OF TORTS* (29th edn, LexisNexis 2026)

to public injuries? The study aims to examine the ambit of tortious liability of pet owners in urban dog bite cases and to critically evaluate the accountability of the municipal bodies when such incidents occur through relevant legal provisions, statutes, case laws, research papers, reports, and the assistance of judicial interpretation.

EXTENT OF TORTIOUS LIABILITY IMPOSED ON PET OWNERS IN INCIDENTS OF INJURIES CAUSED BY THEIR DOGS IN URBAN SETTINGS

According to the common law system, animals are divided into two categories based on the degree of harm they can pose to humans, these are: *ferae naturae* and *mansuetae naturae*. The former category includes those animals that are found to be intrinsically dangerous, like lions, tigers, and bears, while the latter refers to those that are naturally harmless. Dogs belong to the family of *mansuetae naturae*.⁶ India, being a part of the common law system, adheres to these categorical divisions in deciding the tortious liability of pet owners based on the class to which the animal belongs. The most common standard in tort law for holding pet owners liable in cases of injuries by their dogs is negligence. In public spaces, the dog owners are required to exercise “reasonable duty of care” while controlling their pets, which includes leashing their dogs, ensuring that they are vaccinated against rabies to maintain public safety and monitoring their aggressive behaviour opposed to individuals, especially children and the elderly. Breach of these reasonable precautions and failure to prevent foreseeable harm result in negligence under tort law⁷ and liability under Section 291 of BNS.⁸ Additionally, in instances of grievous hurt endangering human life in dog bite cases, Section 125 of BNS can be applied.⁹ In case of dog bites, the “rule of scienter” is implemented to enforce strict liability¹⁰ on the owners of the dogs. As the dogs belong to the class of *mansuetae naturae*, the tortious liability arises when the injured party can prove two essentials: (a) the dog had the propensity to cause such danger; (b) the pet owner had the

⁶ Ms Ravina Gautam, ‘EXPLORING LEGAL REMEDIES: URGENCY FOR A HOLISTIC FRAMEWORK TO PROTECT AND COMPENSATE VICTIMS OF DOG BITES IN INDIA’ (2024) 1(4) LawFoyer International Journal of Doctrinal Legal Research <<https://lijdlr.com/2024/02/18/exploring-legal-remedies-urgency-for-a-holistic-framework-to-protect-and-compensate-victims-of-dog-bites-in-india/-collapse-8417e716a3a7ba3770a7>> accessed 17 May 2026

⁷ *Municipal Corporation of Delhi v Subhagwanti & Ors* AIR 1966 SC 1750

⁸ Bharatiya Nyaya Sanhita 2023, s 291

⁹ Bharatiya Nyaya Sanhita 2023, s 125

¹⁰ *M C Mehta & Anr v Union of India & Ors* AIR 1987 SC 1086

knowledge of the harm.¹¹ The authority of *Mason v Keeling*¹² established that a dog owner is liable for the injury caused by their pet dog if it can be proven that the owner was aware of the dog's past tendency to inflict harm. Also in *Prakash Kumar Mukherjee v Harvey*,¹³ the rule of strict liability came into application as the defendant's servant cautioned the aggrieved party not to come near the dog, thus he was clearly in knowledge of the foreseeable harm which could have been caused by the dog without provocation and was held liable. Additionally, in *Raman v Cochin Devaswom Board*,¹⁴ it was upheld that the rule of scienter will be evoked to administer the injuries caused by mansuetae naturae class of animals. The Indian courts in many cases of dog bites have also applied absolute liability, extending the scope of tortious liability of pet owners, independent of their knowledge or care.¹⁵ In a recent judgment of 2025, *State of Maharashtra v Rishab Muashik Patel*,¹⁶ strict liability of pet owners in urban residential areas was declared with four-month imprisonment of the dog owner. In the United Kingdom, with reference to the common law system, the principle of scienter was replaced by the Animals Act 1971,¹⁷ with similar upholding of strict liability against the pet parents. The onus of proof always rests with the plaintiff, as it becomes difficult to ascertain whether the dog's propensity to cause harm was uncommon in its class and the owner's knowledge about the same.¹⁸

Strict Liability or Fault Liability: From an early stage of owner-friendly legislation, the law of torts has transformed into a victim-centric one, declaring the pet owner solely accountable for the injuries and harm inflicted by their dogs without the requirement to prove the rule of scienter.¹⁹ If the two conditions mentioned above, i.e. that the dog had the propensity to cause the level of danger and the pet owner had the knowledge of the harm, are proven by the injured party, strict liability is imposed on the dog owner. However, this has been subject to differences of opinion due to various inconsistencies. The scholars are of the perspective that the pet owners will be burdened to be responsible for all the unanticipated events that might

¹¹ Gautam (n 6)

¹² *Mason v Keeling* [1792] 91 ER 1305

¹³ *Prakash Kumar Mookerjee v ADF Harvey* (1909) Supreme (Cal) 139

¹⁴ *Raman v Cochin Devaswom Board Represented by its Secretary* (2015) Supreme (Ker) 349

¹⁵ Gautam (n 6)

¹⁶ *State of Maharashtra v Rishab Maushik Patel* (2025) SCC OnLine Dis Crt (Bom) 9

¹⁷ Animals Act 1971

¹⁸ Gautam (n 6)

¹⁹ Srijeeta Chakraborty, 'Strict or Fault Liability Caused By Dogs: A Comprehensive Analysis' (2022) SSRN <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4031454> accessed 17 May 2026

happen in future, irrespective of the aspect of reasonable duty to care and precaution. Also, it would equate dogs as inherently dangerous animals, nullifying their categorisation in the *Mansuetae naturae* class. This is contrary to the timeless notion that dogs are considered friendly companions to humans. Thus, negligence instead of strict liability should be emphasised. The aggrieved party could prove the negligence of the dog owner in breach of duty of care without assuming their liability just for the sake of their ownership of the dog.

RESPONSIBILITY OF MUNICIPALITIES FOR THE LACK OF ACTION IN REGULATION OF STRAY DOGS LEADING TO PUBLIC INJURIES

The municipal bodies can be held directly accountable for their negligence in monitoring the stray dogs, causing injury and harm to the public. Under Article 243W²⁰ in the context of the 12th Schedule of the Indian Constitution, the municipalities are obliged with the statutory duty to ensure public safety and control the animal population on streets. The breach or omission of such duty poses predictable harm to the public, thus attracting tortious liability upon the municipal bodies.²¹ In *Vandana Jain v Indore Municipal Corporation*,²² the municipal body was held liable for the failure to execute their statutory responsibilities due to ineffective management of uncontrolled dogs, risking public safety. The Prevention of Cruelty to Animals Act 1960²³ provides for the effective management, protection and humane treatment of animals. Under the Animal Birth Control Act,²⁴ which was revised in 2023, it is the mandatory duty of the municipal authorities to operationalise the sterilisation and vaccination of the stray dog population against rabies, along with funding and establishing dog shelters. Non-compliance with these duties leads to negligence and liability under tort law. In the case of *Animal Welfare Board of India v People for Elimination of Stray Troubles*, the unrestrained killings of stray dogs were curbed along with the establishment of the dominance of the ABC Rules. Although in the *Jallikatu Ruling* of 2014,²⁵ the scope of Article 21 was also extended to animals, the fundamental rights of humans were given primacy in case of infringement. According to the Supreme Court, there's an immediate violation of Fundamental Rights under Article 19(1)(d) and Article 21 of the Indian

²⁰ Constitution of India 1950, art 243W

²¹ *Municipal Corporation of Delhi v Subhagwanti & Ors* (1966) AIR 1750

²² *Vandana Jain v Indore Municipal Corporation* (2025) Supreme (Online) (MP) 10217

²³ Prevention of Cruelty to Animals Act 1960

²⁴ Animal Birth Control Act 2023

²⁵ *Animal Welfare Board of India v A Nagaraja & Ors* (2014) 7 SCC 547

Constitution due to the existence of an uncontrolled stray dog population in public spaces like streets, airports, etc.²⁶ Inaction to regulate the stray dog population and the consequent increase in their presence in public spaces, accompanied by the escalating dog bite cases, creates an emergent risk to the life and bodily integrity of citizens, evoking Article 21 of the Indian Constitution, thus holding the municipalities liable for compensation.

Suo Moto Writ Petition by Supreme Court of India on Stray Dogs, 2025: 'It is often said that 'no person is above the law'; however, of equal significance is the flip side of that maxim; 'no person is below the law' either.'

A newspaper article published in the Delhi edition of *The Times of India* covered the death of a six-year-old due to a dog attack, the incident that ignited public and judicial wrath, emphasising civil negligence in ensuring public safety.²⁷ Triggered by this incident and the astonishing figures of dog attacks, the Supreme Court of India issued a the *Suo Moto Writ Petition (Civil) No(s) 05 of 2025* titled 'In Re 'City Hounded By strays, Kids Pay the Price' in August 2025, directing the Municipal Corporation of Delhi to remove and permanently relocate the stray dogs to shelter houses from the streets of Delhi NCR within the time of eight weeks. The directive also gave rise to public outrage. However, the Supreme Court actively condemned the municipal authorities, declaring that the "whole problem is because of the inaction of authorities", with the authority pleading lack of logistics and infrastructure.²⁸ The Court stressed that the streets should not be the places of vulnerability and remarked that "It is often said that 'no person is above the law', however, of equal significance is the flip side of that maxim; 'no person is below the law' either".²⁹ It focused on finding an equilibrium, emphasising well-planned municipal action of displacing, sterilising, and vaccinating the stray dogs and their further relocation to the same places they were vacated from, along with the mechanisms for compensation of the aggrieved party, while

²⁶ *IN RE: "CITY HOUNDED BY STRAYS, KIDS PAY PRICE" (2025) INSC 977*

²⁷ V Venkatesan, 'Stray Dog 'Menace': Making Sense of the Supreme Court's intervention' (*Supreme Court Observer*, 16 August 2025) <<https://www.scobserver.in/journal/stray-dogs-menace-making-sense-of-the-supreme-courts-intervention/>> accessed 17 May 2026

²⁸ 'Stray dogs case: Supreme Court says whole problem is because of 'inaction' of authorities; 10 takeaways from hearing' *The Times of India* (14 August 2025) <<https://timesofindia.indiatimes.com/india/stray-dogs-row-protest-supreme-court-hearing-august-11-order-delhi-government-civic-authority-latest-updates/articleshow/123297274.cms>> accessed 17 May 2026

²⁹ *IN RE: "CITY HOUNDED BY STRAYS, KIDS PAY PRICE" (2025) INSC 977*

ordering against indiscriminate culling. The stray dog case reflects a perfect example of the liability of municipal bodies for the lack of action in maintaining public safety.

Defences Available to Municipalities in this Context: Municipal bodies often plead defence stating lack of logistics, like manpower or infrastructure, with respect to the management of stray dogs. They put up a defence of contributory negligence by people who feed these dogs, and a lack of duty of care and precaution by dog owners. They also argue that the sterilisation and vaccination are a gradual process, reflecting their compliance with the ABC rule and that the eradication of the stray dog population is impossible overnight. These defences give limited immunity to these local bodies. However, absolute immunity is not valid in cases of violations of Fundamental Rights due to negligence.

COMPARATIVE STUDY

Unlike other countries, such as the United Kingdom, which codifies the Animal Act of 1971,³⁰ India does not have any statute for supervising the injuries and harms caused by dog bites. The Cattle Trespass Act of 1871,³¹ along with the English enacted principle of scienter, regulates a pet owner's liability for injuries in most of the countries. India, being a part of the common law system, follows the principles of strict liability.³² While dealing with the case of *Vedapuratti v M. Koppan Nair*,³³ the High Court of Madras took reference from the English authority of *Filburn v People's Palace and Aquarium Co.*,³⁴ declaring that the liability of the pet owners will depend on the class of animals which they fall under, even if they can be domesticated. As acknowledged by the Supreme Court in its recent Suo Moto directive, unlike India, the streets of most of the developed countries are free of a stray dog population. It affirmed that the 2023 rules were highly inadequate in their application and that the stray dog population is on a constant rise. Countries like the Netherlands have country-wide 'Catch-Neuter-Vaccinate-Release (CNVR)' to remove the stray dog population, while Singapore has obligatory 'microchipping links' to manage breeding restrictions.³⁵

³⁰ Animals Act 1971

³¹ The Cattle-Trespass Act 1871

³² Gautam (n 6)

³³ *Mankara Kovilagam Manager Vedapuratti v Malankattil Koppan Nair and Ors* (1911) 21 MLJ 434

³⁴ *Filburn v People's Palace and Aquarium Co Ltd* [1890] 25 QBD 258

³⁵ 'Stray Dogs Management in India' (PMF IAS, 13 August 2025) <<https://www.pmfias.com/stray-dogs-management/>> accessed 17 May 2026

CONCLUSION

The constant rise in the rates of dog bites in India brings into light the overlap of both tortious negligence by pet owners and the lack of action by municipalities to ensure the safety of the public from dog attacks. The owners of the dogs must practice a reasonable duty of care in public spaces while controlling their pets in urban settings and public spaces. Pet parents are liable under the principles of strict liability if it is proven by the injured party that the dog had the propensity to pose such danger and the owner had the knowledge of the same. However, there is a need for a codified statute to navigate cases of injuries and harm by dogs. The municipal bodies have the statutory duty to maintain public safety and are accountable in case of omission of the same. They are responsible for the management of stray dogs and ensure their sterilisation and vaccination to limit the risks of injuries to the public. A coded legal framework accompanied by effective application and awareness among the pet owners is the need of the hour to minimise injuries to the public by dogs.