



ISSN: 2583-7753

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

[ISSN: 2583-7753]

Volume 3 | Issue 4

2025

DOI: <https://doi.org/10.70183/lijdlr.2025.v03.228>

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RECONCEPTUALIZING THE LEGAL STATUS OF ANIMALS IN INDIA: FROM WELFARE TO RIGHTS-A CONSTITUTIONAL AND JUDICIAL ANALYSIS WITH SPECIAL REFERENCE TO STREET DOGS

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I. ABSTRACT

The historical Indian legal regulation of animals has been based on a welfare-based model that considers animals as passive subjects of human sympathy and not as entities that possess their own legal rights. But current constitutional and judicial events suggest a slow but steady change towards treating animals with dignity, intrinsic worth and limited legal status as sentient beings. The paper critically reviews the changing legal status of animals in India by performing a historical analysis of how animal welfare approach has been replaced by an emerging approach of rights-based approach, with particular reference to a case of street dogs as a focal point of constitutional and judicial debates. The research paper will use a doctrinal and analytical approach to study the constitutional clauses, especially Articles 21, 48A and 51A (g) of the Indian Constitution, as well as the major judicial decisions of the Supreme Court and other High Courts. Cases like Animal Welfare Board of India v. A. Nagarajas, and other decisions on the management of street-dogs are discussed to show how the Indian courts have broadened the definition of the right to life and dignity beyond human beings. Using street dogs as an example, the paper brings out the intricate interface between animal rights, communal security, city regulation and constitutional morality. This paper explains that Indian courts have been critical in constitutionalizing animal rights using purposive interpretation that defeats the anthropocentric nature of the conventional animal welfare laws. However, it finds that there are still unsolved doctrinal ambiguities, inconsistent application of judicial precedence, and difficulties in enforcement that restrain optimal implementation of animal rights. The work has ended with a strong point that a consistent legal

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framework of rights must exist which balances human interests with constitutional pity towards non-human life.

II. KEYWORDS

Animal Rights; Animal Welfare; Constitutional Law; Street Dogs; Article 21.

III. INTRODUCTION

An anthropocentric system has conventionally determined the legal status of non-human animals in the world, according to which animals are regarded as property or objects of regulation in the interest of humans. In this paradigm, the law has been mostly limited to warding off cruelty and not the status of animals with inherent value or legal status of their own. In India this has traditionally been practiced by welfare-based laws, like the Prevention of Cruelty to Animals Act, 1960, which places statutory obligations on human beings without granting statutory rights to animals. The welfare-based model is conceptually constrained, though the goals of the legislation are progressive, since it only views animals as passive consumers of human sympathy as opposed to sentient beings with inalienable dignity.

However, gradual but significant normative change is experienced in the Indian constitutional jurisprudence in recent years. Courts have come to the recognition that animals are living creatures who can feel pain, suffer and become the victims of emotional distress, thus, requiring legal protection beyond the scope of welfare. This development has been occurring largely due to judicial interpretation of the constitutional provisions, especially Article 21 of the Constitution of India that protects the right to life and personal liberty, when contrasted with Article 48A and 51A(g) which highlights the need to ensure the environment is protected and to treat living creatures humanly.² By using purposive interpretation, Indian courts have broadened the moral concern of the constitutional law

² Constitution of India arts 21, 48A, 51A(g).

to encompass non-human life, and this has confronted the narrow human animal distinction enshrined in the conventional legal theory.

The decision of the Supreme Court in *Animal Welfare Board of India v. A. Nagaraja* (2014) marked a significant moment in Indian animal jurisprudence by recognising animals as sentient beings entitled to live with dignity and freedom from unnecessary suffering. The judgment articulated an ecocentric approach and appeared to signal a departure from a purely welfare-based model. However, the normative force of this rights-oriented reasoning has since been substantially recalibrated by the Constitution Bench decision in *Animal Welfare Board of India v. Union of India* (2023), which upheld the constitutional validity of State amendments permitting regulated traditional practices such as Jallikattu, Kambala, and bullock-cart racing. The 2023 verdict clarified that the Prevention of Cruelty to Animals Act, 1960 aims at preventing 'unnecessary' pain rather than eliminating all forms of animal suffering, and that cultural heritage and legislative judgment may justify regulated practices involving animals.

The situation with street dogs poses a very challenging and contentious one in the context of this law change. In contrast to wildlife or pets, street dogs coexist in the open areas and often form the source of conflict over safety, hygiene, city administration, and animal welfare. Such judicial issues involving street dogs may be characterized as tension between conflicting claims, namely, the duty to preserve animal life and to avoid animal cruelty on the one hand, and issues on human safety, health as well as administrative efficiency on the other.³ Such battles require courts to create a moral balance between the constitution and the pragmatics of governance that makes street dogs an important case study on the scope of animal rights and their limits in the city of India.

Courts have mostly responded to tensions arising over street-dogs by ruling out the use of extermination or mass relocation as an acceptable policy tool. Rather they have placed emphasis on sterilization, vaccination and coexistence models, as required by the animal

³ *Municipal Corporation of Greater Mumbai v People for Elimination of Stray Troubles* 2015 SCC OnLine Bom 431 (Bom HC).

birth control (Dogs) Rules, 2001. The Constitutional ethos of compassion to living creatures has been upheld by various High Courts which confirmed that a street dog has a right to life and cannot be killed or moved around arbitrarily. Meanwhile, the varying judicial approaches between jurisdictions demonstrate that there is no coherence of doctrine as to exactly what ought to be the content as well as enforceability of animal rights, especially when it comes to conflicts with human rights and administrative discretion.⁴ Although there has been a shift in language that the courts use, the status of the animals in India has become theoretically unclear. The vocabulary of rights is more and more used in judicial pronouncement, but the statutory system still is characterized by a welfare-type orientation and enforcement structures are weak and inconsistent. The failure of a definite constitutional doctrine on animal rights has led to inconsistent jurisprudence, particularly at the municipal level, over the issue of street dogs where the municipal governments tend to swing both ways; obedience and disobedience.

This gap between constitutional ideals and ground level practice poses important questions of whether Indian law has truly shifted to animal rights or has remained an animal welfare jurisprudence. It is on this context that the current research will aim to redefine the legal nature of animals in India with a keen focus on street dogs through a critical analysis of constitutional and judicial transformation of welfare to rights. This paper evaluates the breadth, consistency, and constraints of recognition of animal rights in Indian constitutional law using a focused case study of the constitutional provisions, landmark judicial cases and street-dog jurisprudence. By doing so it leads to more general arguments about the constitutional morality, the justice of species and the development of rights in modern Indian legal philosophy.

A. Research Objectives

The present study seeks to achieve the following objectives:

⁴ *Dr Maya Chablani v Radha Mittal* 2021 SCC OnLine Del 3593 (Del HC).

1. To analyse the constitutional foundations of animal protection and animal rights in India, with particular reference to Articles 21, 48A, and 51A(g) of the Constitution of India.
2. To examine the judicial evolution of animal protection jurisprudence, tracing the shift from a welfare-based framework to a rights-oriented discourse in Indian constitutional law.
3. To critically evaluate street dog jurisprudence as a case study reflecting the practical implementation, limitations, and contradictions of animal rights in urban governance.
4. To assess the impact of recent Supreme Court jurisprudence, particularly the post-*Nagaraja* developments, on the doctrinal clarity and scope of animal rights in India.

B. Research Questions

In order to fulfil the above objectives, the study seeks to answer the following research questions:

1. What constitutional principles and provisions form the normative basis for animal protection and animal rights in India?
2. To what extent has Indian judicial interpretation transformed animal protection from a welfare-based model to a rights-based constitutional framework?
3. How does street dog jurisprudence illustrate the tensions between animal dignity, public safety, and municipal governance?
4. Does recent Supreme Court jurisprudence indicate a regression from rights-based reasoning or a balanced constitutional approach to animal protection?

C. Review of Literature

The study of legal status of animals has historically been dominated by welfare-based approaches to the study of both the international and Indian legal statuses of animals. The initial jurisprudence tended to understand animal protection as the expansion of the moral responsibilities of humans, with attention given to the prevention of cruelty, and not to the legal status of animal subjects. Such orientation is also observed in traditional welfare-based theories, which seek to justify animal protection on the basis of mitigation of suffering, which is the main justification of animal protection, but without questioning the anthropocentric nature of the law.⁵ Such literature, although somehow fundamental, avoids much to do with the constitutional implications of animal sentience and dignity.

Conversely, recent scholarly research in the international community has increasingly played in favor of a rights approach to animals. Gary Francione, along with a group of scholars like Martha Nussbaum, contend that welfare regimes are inherently incomplete since they allow suffering every time it is socially or economically permitted. More specifically, the capabilities developed by Nussbaum provide a theoretical basis for acknowledging the existence of animals as beings with rights that enable them to live dignified lives. This paradigm shift in international discourse has made its impact on constitutional and judicial discourses in a number of jurisdictions and the courts have acquired the move beyond the rhetoric of welfare toward the actual recognition of animal rights. However, a significant part of this literature is rooted in the Western constitutional frameworks and fails to adequately account on the distinctive socio-legal conditions of some nations, including India.⁶

Early Indian legal literature on animal protection was reflective of the welfare-oriented orientation of the statutory law of animal protection, particularly the Prevention of Cruelty to Animals Act, 1960. The initial commentaries were more biased towards the intent of the legislation and the enforcement of the regulations by the administrative

⁵ R Sunstein, 'Can Animals Sue?' (2000) 91 *California Law Review* 163.

⁶ G Francione, *Animals, Property, and the Law* (Temple University Press 1995).

authorities and the functions of the animal welfare boards, where animals were considered rather as the beneficiaries of the regulatory protection rather than as rights-holders.⁷ These works were important in providing knowledge on the mechanism that are relevant in institutions and yet they did not challenge the constitutionality of animals or the potential of animal rights in the Indian constitutional law.

Since the ruling of the Supreme Court in *Animal Welfare Board of India vs. A. Nagaraja*, the discourse of Indian academia has been inclined towards the rights-oriented view. The judgment has been discussed by a number of scholars, who see it as a legal extension of Article 21, beyond its conventional human-centric focus, to the recognition of animal sentience and dignity.⁸ The use of Articles 48A and 51A (g) by the Court to constitutionalize compassion toward animals has been praised by commentators, who have also praised the judgment in introducing the language of rights into animal protection jurisprudence.⁹ However, others warn that the decision is not very clear in terms of doctrine since it fails to clearly state the scope, content, or enforceability of animal rights, and thus the decision creates a lot of ambiguity when it comes to interpretation.

The legal transformation of street dogs has received a specific academic interest due to the high level of conflict with the areas of health, city politics, and animal welfare. The literature that exists analyzes the High Court decisions on the policies of street dog sterilization, relocation, and culling, and tends to analyze such decisions in terms of the need to reconcile the interests of human security and animal security.¹⁰ Whereas these studies are cognizant of the fact that the courts have disapproved extermination-based solutions, they tend to evaluate the cases of street dogs in terms of administrative or policy, and not necessarily as a subset of a constitutional rights discussion. Therefore,

⁷ S Desai, *Commentary on the Prevention of Cruelty to Animals Act* (LexisNexis 2010).

⁸ A Bhatia, 'Animal Rights under the Indian Constitution: A Critical Analysis of *A Nagaraja*' (2015) 7 *NUJS Law Review* 231.

⁹ P Sankaran, 'Constitutional Compassion and Animal Dignity in India' (2016) 58 *Journal of the Indian Law Institute* 412.

¹⁰ R Dhavan, 'Street Dogs, Public Spaces and the Law' (2017) 9 *Indian Journal of Public Law* 89.

street dogs are often addressed as a governance issue as opposed to a constitutional case study on the rights of animals.

Several pieces of socio-legal writing criticize this piecemeal approach and state that the Indian courts have implicitly acknowledged a restricted right to life of animals without expressing a clear constitutional doctrine.¹¹ Researchers note the lack of uniformity in judicial rationale in various High Courts and this has led to a lack of transparency where local authorities have chosen to ignore animal protection standards selectively. Meanwhile, empirical research points out ineffective implementation of laws on animal protection with the implication of lack of correlation between the progressive judicial statements and practice on the ground.¹² These critiques underscore the need for a more systematic and principled analysis of animal rights within Indian constitutional law. Although the literature on animal welfare and judicial intervention is growing, it still has a big gap in research.

The literature is either general on the subject of animal protection without constitutional consideration or analyzes street dog jurisprudence without putting it into context with the broader transformation to animal rights movements. It lacks a thorough analysis of the doctrines that would combine the provisions of the Constitution, the jurisprudence of the Supreme Court, and the cases on the streets in order to determine whether India has actually shifted the animal welfare system to the animal rights one. This paper attempts to address this gap by recast legal position of animal in constitutional and judicial perspective by taking the case of street dogs as a detailed case study to measure the depth, clarity, and restriction of animal rights status in India.

¹¹ V Menon, 'Beyond Welfare: Reimagining Animal Rights in Indian Jurisprudence' (2019) 11 *Oxford Journal of Law and Policy* 267.

¹² Centre for Animal Law Studies, *Enforcement Gaps in Animal Protection Laws in India* (NALSAR University of Law 2020).

D. Research Methodology

The research paper embraces a doctrinal and analytical research approach as a way of studying how the legal status of animals in India is evolving with specific reference to the constitutional and judicial process of moving the animal welfare protection position to animal rights protection. This question is particularly best approached using doctrinal legal research, because much of the study will concern itself with constitutional clauses, statutory law, and judicial dicta that have influenced animal-protection law in India.¹³ The methodology enables a systematic analysis of how courts have interpreted and applied constitutional principles in extending legal recognition and protection to non-human animals.

The study is largely qualitative in nature and is based on a comprehensive study of the primary legal documents, the Constitution of India, primary enactment statutes such as the Prevention of Cruelty to Animals Act 1960, and subsidiary legislations such as the Animal Birth Control (Dogs) Rules 2001. Cases of the Supreme Court of India and other High Courts are the main primary material of this research, especially the landmark cases that have dealt with animal sentience, animal dignity, and animal right to life. This particular focus is placed on the cases of street dogs because they offer a practical and repetitive situation upon which the constitutional base of animal protection can be challenged against the security and administrative interests of the community.

The study also uses a large number of secondary sources in addition to primary sources, such as books, peer-reviewed journal articles, reports by Law Commissions, and policy documents relevant to the subject of animal welfare and animal rights. Literature is critically reviewed to follow the development of theoretical approaches to animal protection, evaluate the reasoning of the courts and detect the inconsistency of the doctrine of existing jurisprudence. There is also selective international literature on animal rights which is used to place developments in India within the wider global

¹³ M McConville and H Chui (eds), *Research Methods for Law* (2nd edn, Edinburgh University Press 2017).

discussion but with the awareness of the unique constitutional and socio-legal context in India.

The analytical part of the methodology is thematic consideration of judicial reasoning with the emphasis on the way courts utilized the constitutional values of dignity, compassion, and inherent worth in making the extension of protection to animals. The study does not just present the case outcomes; it evaluates their coherence and consistency and normative consequences of judicial interpretations. Street-dog jurisprudence itself is considered the case study, which allows evaluating the work of animal rights discourse in practice specifically with references to urban governance, the situation of municipal authorities and the idea of interest of people.

The study is limited to the Indian constitutional and judicial developments, and the study is restricted to the street dogs as representative category of the urban animals. Although the paper takes into account the challenge of enforcement and policy implications, it lacks an empirical or field-based study. This is not in vain, and the study is aimed to make a contribution mostly to doctrinal clarity and constitutional theory. Through the use of a systematic doctrinal approach, the study seeks to establish whether the Indian law has substantially evolved beyond the welfare-based model to the rights-based model of animals, or whether there exist constraints to this transformation in the current legal model.

IV. CONSTITUTIONAL FOUNDATIONS OF ANIMAL RIGHTS IN INDIA

The Indian constitutional system does not clearly grant fundamental rights to non-human animals. However, several clauses in the Constitution will provide a normative basis of animal protection and, more and more, of the acknowledgement of animal rights via judicial interpretation. The current jurisprudence in animal rights in India is largely based on the intentional and harmonious interpretation of Parts III, IV and IVA of the

Constitution and in totality these points indicate a constitutional desire to ensure environmental protection, compassion and dignity of life.

A. Article 21 and the Expansion of the Right to Life

The right to life and personal liberty as stated in article 21 of the Constitution has been historically understood as a humanistic provision. However, Indian courts have always expanded the reach of Article 21 to include a wide range of substantive rights such as the right to live with dignity, the right to a healthy environment and the right to an ecologically balanced environment.¹⁴ this broad-minded interpretation provided the foundation to expand the constitutional protection to non-human animals related to the animal life and environmental integrity as well as ethics.

The Supreme Court in *Animal Welfare Board of India v. A. Nagaraja* (2014) clearly recognised that animals are sentient living beings capable of experiencing pain and suffering, and that their protection must be understood within the broader constitutional conception of life and dignity. The Court's reasoning draws upon the expansive interpretation of Article 21 developed in *Maneka Gandhi v. Union of India*, AIR 1978 SC 597, which transformed the right to life into a substantive and dynamic guarantee, and further refined in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, AIR 1981 SC 746, where the right to life was held to include the right to live with human dignity. Although animals were not declared fundamental rights holders equivalent to humans, the Court acknowledged their intrinsic value and affirmed that they are entitled to live with dignity and freedom from unnecessary suffering.¹⁵

Despite the Court not making any unconditional statements of animals being in the same category of fundamental rights holders as humans, it is acknowledged that animals have an intrinsic value and they have a right to live with dignity without any unnecessary

¹⁴ *Subhash Kumar v State of Bihar* (1991) 1 SCC 598 (SC).

¹⁵ *Animal Welfare Board of India v A Nagaraja* (2014) 7 SCC 547 (SC).

suffering. This interpretation was a decisive move towards a paradigm shift of a welfare-based paradigm to an approach based on rights-oriented constitutional debate.

The Court made the issue of animal protection constitutional, not statutory, by basing the animal protection on Article 21. The change is important, because constitutional protection places a greater burden of justification on a state action pertaining to animal life and restricts the arbitrary or utilitarian decision-making of the ruler of the people. The acknowledgment of the quality of life as a dignity value of animal beings is a shift in anthropocentrism in law and an indication of a new constitutional ethic of interspecies justice.

B. Directive Principles and Fundamental Duties: Articles 48A and 51A(g)

Articles 48A and 51A(g) are at the center of the development of the constitutional approach of animal protection in India. Article 48A guides the State to conserve and enhance the environment and preserve forests and wildlife, and Article 51A(g) establishes a basic imperative among citizens to be compassionate with living beings.¹⁶ Although these provisions are non-justiciable, Indian courts have consistently relied upon them to inform the interpretation of fundamental rights and statutory obligations.

In the case of *A. Nagaraja*, the Supreme Court made much use of Articles 48A and 51A(g) to explain why animal welfare and dignity should be constitutionalized. The Court noted that animal compassion is not just a moral duty but a constitutional value to be used as a guide in legislative and administrative action.¹⁷

The Court succeeded in applying non-enforceable constitutional principles as operational legal principles by incorporating the essential responsibilities into the interpretation of Article 21. This can be interpreted approach highlights the transformative nature of the Indian constitutionalism which links the Directive Principles and Fundamental Duties as an interpretive mean of broadening rights. These provisions have allowed the courts to

¹⁶ *Constitution of India* arts 48A, 51A(g).

¹⁷ *Animal Welfare Board of India v A Nagaraja* (n 2) paras 62–63.

fill the gap between the rights-based recognition and welfare obligations in the animal protection context, thus making animal rights jurisprudence more normative.

C. Judicial Creativity and Constitutional Morality

The introduction of animal rights in India is the work of the judiciary, which has been very inventive and has used constitutional morality. The courts have reiterated that the interpretation of the constitution should change according to the change in societal values, scientific knowledge of the sentience of animals and ethical issues..¹⁸ The Indian courts by recognizing that animals have an inherent value regardless of the utility that humans have of an animal have adopted a constitutional morality which fades beyond humanistic justice.

This judicial expansion has not gone without controversy, however. Critics claim that giving animals constitutional protection is tantamount to the watering down of human rights or overreach by courts.¹⁹ However, the courts have defended their decision by highlighting that animal rights do not exclude human rights but instead place justifiable limits on human behavior to avoid cruelty to safeguard co-existence. The balancing method is especially pronounced with the situations of street dogs, where courts are trying to strike a balance between animal dignity and the interests of the community in terms of safety.

D. Limitations of the Constitutional Framework

Although such developments were progressive, the constitutional basis of animal rights in India has not been fully realized and dogmatic. The fact that animal rights have not been explicitly recognized in the constitution has led to the adoption of interpretive creativity by a court instead of the unambiguous constitutional obligations. A resultant

¹⁸ *Navtej Singh Johar v Union of India* (2018) 10 SCC 1 (SC).

¹⁹ R Posner, 'Animal Rights: Legal, Philosophical, and Pragmatic Perspectives' (2004) 5 *Journal of Animal Law* 1.

consequence of this is that animal rights are subject to inconsistent results, based on the scope and enforceability of the rights, depending on both cases and jurisdictions.

Moreover, the reliance on fundamental duties and directive principles raises questions about the justiciability and limits of animal rights. While courts have successfully employed these provisions to expand constitutional protection, the lack of legislative reinforcement has constrained effective implementation. This gap becomes particularly evident in street dog cases, where municipal authorities often resist judicial directives, citing administrative and public safety concerns.

In sum, the constitutional foundations of animal rights in India represent a dynamic but evolving framework shaped primarily by judicial interpretation. While Articles 21, 48A, and 51A(g) provide a robust normative basis for recognizing animal dignity and intrinsic value, the absence of explicit constitutional guarantees and coherent legislative support continues to limit the full realization of animal rights.

V. JUDICIAL EVOLUTION FROM WELFARE TO RIGHTS

In India, animal rights have mainly been elevated through the action of the court and not by statute; hence, judicial intervention has played a major role in transforming the legal status of animals. In the past, the courts had taken a welfare-based approach to animal protection by focusing on ensuring that cruelty was avoided but never considered animals to have intrinsic rights. Nevertheless, in the last ten years, the Indian jurisprudence shows a relative move to the more rights-based rationale, where animals are becoming sentient beings which deserve dignity and constitutional attention.

A. Early Welfare-Oriented Judicial Approach

Before the constitutional turn in animal protection, the judicial rationale was largely working under the statutory measures of the Prevention of Cruelty to Animals Act 1960 and viewed animal protection as a regulatory obligation upon human beings and did not consider animal rights as rights. Courts were concerned about whether acts had constituted unnecessary pain or suffering under the statute, hence remained

anthropocentric in their orientation.²⁰ Animal protection was thus framed as a matter of humane governance, not constitutional justice. This approach reflected the broader legal understanding that animals were objects of protection rather than subjects of rights. Judicial decisions rarely invoked constitutional provisions in animal protection cases, and where they did, the emphasis remained on environmental or administrative concerns rather than animal dignity.

B. The Constitutional Turn: A Nagaraja as a Watershed

A decisive shift occurred with the Supreme Court's judgment in *Animal Welfare Board of India v A Nagaraja*.²¹ The case, concerning the legality of Jallikattu and bullock-cart races, became a turning point in animal protection jurisprudence. The Court recognized animals as sentient beings and held that they have a right to live with intrinsic worth, honour, and dignity. By invoking Articles 21, 48A, and 51A(g) of the *Constitution of India*, the Court elevated animal protection from statutory welfare to constitutional significance.

Importantly, the Court adopted an ecocentric approach, rejecting the notion that animals exist solely for human use. It emphasized that compassion toward living creatures is a constitutional value and that human interests cannot automatically override animal dignity.²² Although the Court stopped short of declaring animals' full constitutional rights holders, its reasoning effectively laid the foundation for a rights-based framework.

C. Post-Nagaraja Jurisprudence

Subsequent judicial decisions have reinforced and expanded this constitutional reasoning. In *People for Ethical Treatment of Animals v Union of India*, the Supreme Court reiterated that animals cannot be subjected to cruelty for entertainment or commercial gain, further entrenching dignity-based reasoning.²³ High Courts have

²⁰ *Prevention of Cruelty to Animals Act 1960*.

²¹ *Animal Welfare Board of India v A Nagaraja* (2014) 7 SCC 547 (SC).

²² *ibid* paras 62–74.

²³ *People for Ethical Treatment of Animals v Union of India* (2016) 1 SCC 226 (SC).

echoed this trend, emphasizing that animal protection is grounded in constitutional morality and not merely statutory regulation.

Several High Courts have explicitly recognized animals as legal entities entitled to protection. For instance, the Uttarakhand High Court declared animals to be legal people with corresponding rights and duties imposed on citizens as guardians.²⁴ Although this decision remains controversial and its practical implications uncertain, it reflects an emerging judicial willingness to reconceptualize animals within legal personhood frameworks.

D. Street Dogs and Rights-Based Reasoning

Street dog litigation provides a practical illustration of this jurisprudential evolution. Courts have repeatedly rejected extermination policies, holding that killing street dogs violates statutory and constitutional principles. In *Municipal Corporation of Greater Mumbai v People for Elimination of Stray Troubles*, the Bombay High Court emphasized that municipal authorities must adhere to sterilization and vaccination protocols rather than resorting to culling.²⁵ Similarly, the Delhi High Court in *Dr Maya Chablani v Radha Mittal* stressed that street dogs possess a right to life and must be protected from arbitrary harm.²⁶

These decisions reveal a clear departure from a purely welfare-oriented approach. Courts increasingly frame street dog protection in terms of rights, dignity, and constitutional compassion, thereby integrating animal interests into public law discourse. At the same time, they balance these rights with legitimate public safety concerns, illustrating that animal rights jurisprudence in India operates within a framework of coexistence rather than absolute prioritization.

²⁴ *Narayan Dutt Bhatt v Union of India* 2018 SCC OnLine Utt 645 (Uttarakhand HC).

²⁵ *Municipal Corporation of Greater Mumbai v People for Elimination of Stray Troubles* 2015 SCC OnLine Bom 431 (Bom HC).

²⁶ *Dr Maya Chablani v Radha Mittal* 2021 SCC OnLine Del 3593 (Del HC).

E. Doctrinal Inconsistencies and Judicial Limits

Despite this progressive trajectory, judicial evolution remains uneven. Some courts continue to adopt welfare-based reasoning, particularly in cases involving public health risks or administrative burdens. The absence of clear constitutional doctrine on the scope of animal rights leads to divergent outcomes, with some judgments emphasizing dignity while others revert to utilitarian balancing. Moreover, legislative responses, such as amendments permitting traditional practices, indicate tensions between judicial innovation and political considerations. This dynamic highlights the fragility of rights-based animal protection in the absence of explicit constitutional or statutory recognition.

F. Assessment of the Judicial Shift

Overall, Indian jurisprudence demonstrates a gradual but undeniable shift from welfare to rights in animal protection. The language of dignity, intrinsic worth, and constitutional compassion increasingly shapes judicial reasoning, particularly in cases involving street dogs. However, the transition remains incomplete, marked by doctrinal ambiguity, inconsistent enforcement, and institutional resistance.

Judicial evolution thus reflects both progress and limitation: while courts have expanded the moral and constitutional community to include non-human animals, the absence of a coherent legislative framework constrains the full realization of animal rights.

VI. STREET DOGS AS A CONSTITUTIONAL CASE STUDY

Street dogs occupy a unique and contested space within Indian constitutional jurisprudence. Unlike wildlife, which is protected primarily through conservation frameworks, or domesticated animals, which exist within private ownership structures, street dogs inhabit shared public spaces. Their presence generates recurring conflicts involving public safety, municipal governance, public health, and animal protection. These tensions make street dog litigation an ideal site for examining how courts negotiate the transition from animal welfare to animal rights within a constitutional framework.

A. Street Dogs and the Right to Life

Indian courts have increasingly interpreted the protection of street dogs through the prism of the right to life and dignity. Although Article 21 of the *Constitution of India* does not explicitly extend to animals, judicial interpretation has linked animal life with constitutional compassion and ecological balance.²⁷ Courts have held that street dogs cannot be arbitrarily killed or displaced, as such actions would violate statutory protections and undermine the constitutional ethos of respect for living creatures.²⁸ This reasoning reflects an implicit recognition that the lives of street dogs possess intrinsic worth independent of human utility.

At the same time, courts have clarified that animal rights are not absolute. Judicial reasoning often emphasizes coexistence, acknowledging that the right of animals to live must be balanced against legitimate concerns relating to human safety and public order.²⁹ This balancing exercise illustrates the evolving nature of animal rights in India, where constitutional protection operates within a framework of proportionality rather than absolutism.

B. Municipal Governance and Constitutional Limits

Street dog jurisprudence frequently arises in disputes involving municipal authorities, who are tasked with maintaining public safety and sanitation. Municipal bodies have historically relied on culling or relocation as mechanisms for managing street dog populations. However, courts have consistently rejected such measures as inconsistent with statutory mandates and constitutional values.

In *Municipal Corporation of Greater Mumbai v People for Elimination of Stray Troubles*, the Bombay High Court emphasized that municipal authorities must follow sterilization and vaccination procedures under the Animal Birth Control (Dogs) Rules 2001, rather

²⁷ *Constitution of India* arts 21, 51A(g).

²⁸ *Animal Welfare Board of India v A Nagaraja* (2014) 7 SCC 547 (SC)

²⁹ *Dr Maya Chablani v Radha Mittal* 2021 SCC OnLine Del 3593 (Del HC).

than resorting to indiscriminate killing.³⁰ Similarly, courts have observed that administrative convenience cannot override constitutional compassion and the statutory objective of humane treatment.³¹ These decisions demonstrate that municipal powers are subject to constitutional and statutory limitations when they affect animal life.

C. Public Safety Concerns and Judicial Balancing

One of the central challenges in street dog litigation is reconciling animal protection with public safety concerns, particularly in cases involving dog bites or rabies outbreaks. Courts have acknowledged that the State has a duty to protect citizens from health risks; however, they have rejected the argument that such risks justify mass extermination.³² Instead, judicial reasoning has favored scientific and humane solutions, such as vaccination drives and sterilization programs, which align public health objectives with animal protection norms.

This approach reflects a shift from a reactive, elimination-based policy to a preventive, coexistence-oriented model. By endorsing sterilization and vaccination, courts recognize the legitimacy of public safety concerns while affirming that animal life cannot be treated as expendable. Such reasoning embodies the constitutional principle of proportionality, ensuring that state action affecting animals is necessary, humane, and legally justified.

D. Street Dogs and Constitutional Morality

Street dog cases also illustrate the role of constitutional morality in shaping judicial outcomes. Courts have repeatedly invoked the constitutional duty to show compassion toward living creatures under Article 51A(g), interpreting it as a guiding principle for both state authorities and citizens.³³ This reliance on constitutional morality expands the

³⁰ *Municipal Corporation of Greater Mumbai v People for Elimination of Stray Troubles* 2015 SCC OnLine Bom 431 (Bom HC).

³¹ *Animal Birth Control (Dogs) Rules* 2001.

³² *People for Ethical Treatment of Animals v Union of India* (2016) 1 SCC 226 (SC).

³³ *Constitution of India* art 51A(g).

ethical foundations of public law by integrating compassion and ecological sensitivity into governance.

By framing street dog protection as a constitutional issue rather than a mere administrative concern, courts reinforce the broader shift from welfare to rights. Street dogs thus become symbolic of a larger jurisprudential transformation, where the law recognizes animals as members of the moral community entitled to dignified treatment.

E. Doctrinal Tensions and Practical Limitations

Despite progressive judicial reasoning, street dog jurisprudence reveals significant doctrinal tensions. Some decisions emphasize animal dignity and rights, while others prioritize human safety and administrative discretion. This inconsistency reflects the absence of a clear constitutional doctrine defining the scope of animal rights.

Enforcement challenges further complicate the picture. Municipal authorities often cite resource constraints and public pressure to justify non-compliance with sterilization and vaccination mandates. Consequently, the gap between judicial ideals and practical implementation remains substantial, raising questions about the effectiveness of rights-based reasoning without institutional support.

F. Street Dogs as a Lens for Constitutional Transformation

Street dog litigation thus serves as a microcosm of the broader transformation in the legal status of animals in India. It reveals how constitutional principles of dignity, compassion, and proportionality are applied to non-human life, while also exposing the limits of judicial innovation in the absence of legislative clarity and administrative capacity. Through this case study, the evolving recognition of animal rights becomes visible not as abstract theory but as a lived constitutional practice shaped by conflict, negotiation, and gradual doctrinal development.

VII. FINDINGS AND DISCUSSION

The analysis demonstrates that the legal status of animals in India has evolved through judicial interpretation towards recognising animal dignity and intrinsic value; however, this evolution remains doctrinally incomplete and institutionally fragile. While earlier judicial trends suggested a movement towards a rights-oriented constitutional framework, recent developments indicate that this transition is neither linear nor settled and remains significantly contingent upon legislative intervention and judicial balancing. Through a purposive interpretation of Articles 21, 48A and 51A(g) of the Constitution of India, the courts have expanded the moral and legal community and included non-human animals as sentient beings, thus approaching them with intrinsic value and a right to dignified existence. This emergence is a conceptual shift of the old perception of animals as objects of control.

One of the major findings of this study is that the Indian courts have succeeded in the constitutionalisation of animal protection whereby it has become a constitutional value and not just a statutory duty. Judicial decisions such as *Animal Welfare Board of India v. A. Nagaraja* played a crucial role in introducing the language of dignity, intrinsic worth, and ecocentrism into Indian animal protection jurisprudence. The judgment challenged anthropocentric legal reasoning by recognising that animal life possesses value independent of human utility. However, the subsequent Constitution Bench decision in *Animal Welfare Board of India v. Union of India* (2023) significantly recalibrated this trajectory by upholding legislative amendments permitting regulated traditional practices.

The Court clarified that the Prevention of Cruelty to Animals Act, 1960 seeks to prevent 'unnecessary' pain rather than all suffering, and that cultural considerations and legislative judgment may legitimately inform animal regulation. Contemporary jurisprudence thus reflects a nuanced constitutional position in which animal protection is treated as a matter of constitutional morality, but not as an absolute or overriding right. The 2023 verdict underscores the judiciary's willingness to balance animal welfare

against competing constitutional considerations, including cultural rights under Article 29 and legislative competence.

This reveals a structural tension wherein progressive judicial interpretations recognising animal dignity remain vulnerable to statutory amendments, highlighting that legislative action can effectively dilute or override earlier rights-oriented judicial advances. Nevertheless, there is also a lot of doctrinal ambiguity in the study. Although courts are increasingly using the language of rights, they infrequently give the exact contents, extent or enforceability of the rights. Animal rights in India, therefore, continue to be derivative and contextual as they are based on judicial balancing as opposed to constitutional recognition. Such ambiguity produces different results in different jurisdictions especially with the cases of street dogs where the issue of public safety always comes up.

The evolving framework and its promise and limitations are manifested through the jurisprudence of street dogs. The extermination policies have always been opposed by the courts that have insisted on sterilisation and vaccination according to Animal Birth Control (Dogs) Rules, 2001, and condemned coexistence to elimination. Simultaneously, the issues of enforcement and administrative opposition demonstrate a discrepancy between the concept of judicial and ground-level administration.

The very fact of culling persistence and pressure on it exemplifies the fact that the societal attitudes tend to trail behind the innovation in judicial practice. The next important observation is that the use of Directive Principles and Fundamental Duties as interpretative aids highlights the transformative possibilities of Indian constitutionalism and at the same time reveals its weaknesses. Articles 48A and 51A(g) offer a solid normative ground; however, their non-justiciability nature makes it difficult to implement them, and the courts rely on innovative reading instead of strict constitutional requirements.

On the whole, it is possible to note that India is at the middle position in the development of its legal system. The jurisprudential change of status towards acknowledging the

dignity and intrinsic value of animals is clear but the lack of legislative enactment and dogmatism hinders the complete implementation of the rights-based regime. A frequent litigation topic, such as street dogs, is how constitutional compassion works in practice, which is by bargaining, proportionality, and coexistence, instead of absolute rights. The shift between welfare and rights can therefore be viewed as a continuous constitutional process as opposed to a total transformation.

VIII. SUGGESTIONS AND WAY FORWARD

The transition of Indian animal law from a welfare-based model toward a rights-oriented constitutional framework remains jurisprudentially vibrant but structurally incomplete. To ensure that the recognition of animal dignity and sentience translates into meaningful protection, doctrinal clarity, legislative reform, and institutional strengthening are necessary.

A. Legislative Recognition of Animal Sentience and Legal Status

The *Prevention of Cruelty to Animals Act 1960* (PCA Act) remains rooted in a welfare paradigm that conceptualizes animals primarily as property requiring protection from unnecessary suffering. Despite progressive judicial interpretation, the statute has not been updated to reflect constitutional developments recognizing animals as sentient beings with intrinsic value. Parliament should amend the PCA Act to:

1. Explicitly recognize animal sentience and dignity.
2. Incorporate the principle of “intrinsic worth” of non-human life.
3. Provide a statutory definition of cruelty aligned with contemporary scientific and ethical standards.
4. Increase penalties to ensure deterrence.

Such reform would harmonize statutory law with constitutional morality articulated by the Supreme Court.³⁴

B. Clarifying the Content of Animal Rights

Indian courts frequently employ the language of “rights” without specifying their legal content. A rights-based approach requires articulation of minimum core protection, such as:

1. The right to live free from unnecessary pain and suffering.
2. The right to species-specific behavior (especially for community animals like street dogs).
3. The right against arbitrary killing or displacement.

Judicial guidelines or legislative codification would reduce inconsistency and provide clearer standards for lower courts and authorities.³⁵

C. Strengthening Implementation of Street Dog Management Laws

The Animal Birth Control (Dogs) Rules establish sterilization, vaccination, and return-to-territory as the primary regulatory model. However, poor implementation, lack of municipal infrastructure, and public hostility undermine effectiveness. Reform should focus on:

1. Dedicated budgetary allocation for sterilization and vaccination programs.
2. Independent monitoring bodies to oversee compliance.
3. Scientific population management rather than reactionary culling demands.
4. Training of municipal officers in humane control methods.

³⁴ *Animal Welfare Board of India v A Nagaraja* (2014) 7 SCC 547 (SC).

³⁵ *ibid.*

This ensures that constitutional compassion operates at the administrative level, not merely in courtrooms.³⁶

D. Institutionalizing Animal Representation

Animals lack procedural voice in litigation, often depending on NGOs or individuals to approach courts. Establishing:

1. A statutory “Animal Welfare Ombudsman,” or
2. Court-recognized guardians/ad litem for animals

would strengthen access to justice and ensure that animal interests are directly represented in proceedings affecting them.⁴

E. Harmonizing Human Safety and Animal Protection

Street dog conflicts highlight the need to balance public safety with animal protection. A rights-based model does not negate human interests but requires proportional solutions. Policies should integrate:

1. Public health measures (vaccination drives).
2. Community awareness campaigns.
3. Waste management reforms to reduce food sources sustaining unregulated populations.

This approach reframes street dog governance as coexistence management rather than eradication.

F. Constitutional Entrenchment

In the long term, explicit constitutional recognition of animal protection as a justiciable right either through judicial development under Article 21 or constitutional amendment

³⁶ *Animal Birth Control (Dogs) Rules 2001*.

would remove doctrinal ambiguity. Such recognition would align Indian law with emerging global trends toward ecocentric constitutionalism.

G. Concluding Direction

The future of animal law in India lies in consolidating judicial advances through legislative reform and institutional capacity building. Street dogs illustrate that animal rights discourse in India is not abstract philosophy but a lived constitutional issue involving urban governance, public ethics, and the boundaries of legal personhood. A coherent rights-based framework, grounded in dignity, coexistence, and ecological responsibility, represents the logical evolution of India's constitutional vision.

IX. CONCLUSION

This paper examined whether the legal status of animals in India is transitioning from a traditional welfare-based system towards a rights-based constitutional framework, using street dogs as a case study. The analysis demonstrates that while earlier judicial trends – particularly following *Animal Welfare Board of India v. A. Nagaraja* (2014) – appeared to advance such a transition, the Supreme Court's Constitution Bench decision in 2023 represents a significant doctrinal setback, recalibrating animal protection jurisprudence towards a balancing model rather than a rights-centric framework. The analysis of the constitutional texts, statutory law, and judicial rulings proves that a transition of this kind is actually taking place, but it is incomplete in doctrinal terms and institutionally weak.

The Indian animal law has a background in a regulatory welfare paradigm which was predominantly evident in the Prevention of Cruelty to Animals Act 1960 which aims at preventing unnecessary suffering but does not acknowledge animals as having independent legal rights. This has dramatically changed, however, with the constitution being interpreted to give a new landscape. Courts have brought in constitutional values of animal protection through Articles 21, 48A and 51A(g), which makes compassion to living creatures a moral expectation to a legal tenet. The judiciary rulings, especially *Animal Welfare Board of India v. A. Nagaraja* have shown that animals are sentient

beings who have intrinsic value and have applied the concept of dignity outside the human realm.

This is the paradigmatic change in the anthropocentric to the ecocentric reasoning. The work of this change is well exemplified in street-dog jurisprudence. The courts have always opposed extermination-based reactions and allowed sterilization, vaccination, and return-to-territory as per the Animal Birth Control Rules. This is a constitutional obligation to co-existence and not domination. However, the case of street dog fights which keep happening also reveals the constraints of judicial creativity. Non-compliance by administrators, fears of insecurity, and resistance by society demonstrate that constitutional compassion is yet to be translated into a steady result in governance.

One of the key findings of this paper is that animal rights in India are currently in their quasi-constitutional version: they are expressed through judicial reasoning but are not defined and consolidated by law. Animal dignity and animal rights are talked about in courts, yet the contents of animal rights are context-specific and implemented by exercises of balancing, as opposed to standard norms. Such ambiguity in its doctrines is dangerous to implement unevenly and exposes animal protection to changing judicial sentiments.

However, the trajectory of Indian constitutionalism reveals that the expansion of the moral and legal community to include non-human animals is neither uniform nor inevitable. While judicial interpretations have, at times, aligned with the transformative ethos of the Constitution by recognising animal dignity and intrinsic worth, the Supreme Court's 2023 acceptance that cultural traditions may justify regulated forms of animal suffering underscores the limits of this transformation. The present constitutional position thus reflects a conditional and contested extension of moral concern, shaped by judicial restraint, legislative supremacy, and the need to accommodate cultural pluralism alongside animal protection.

The acknowledgment of animals as deserving intrinsic value is consistent with ecological justice, intergenerational responsibility, and the constitutional vision of a compassionate society. Street dogs, who are usually seen as little more than an urban nuisance, are brought into this discussion as constitutional individuals whose care would be a test of how deep Indian devotion to non-human life runs. Finally, one must not consider the shift to rights as an outright break but one of the successive changes in the Constitution.

The normative basis has been laid by judicial interpretation; legislative reform and institutional processes need now to cement it. An integrated structure that acknowledges the sentience and the dignity of animals and their limited rights, weighed with justifiable human interests, will be the rational next step in the constitutional morality of India. To guarantee animal law in India has a future not only in trying to ensure no cruelty is done, but also in re-established the relationship between human and non-human existence under an established constitutional order.

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