
JUDICIAL INTERPRETATION OF ANIMAL WELFARE: THE ROLE OF CONSTITUTION IN SHAPING STREET DOG RIGHTS IN INDIA

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ABSTRACT

The issue of animal welfare and their rights, particularly the stray dogs in India, where it becomes an emerging part of concerns of animal safety and also the human beings. In which the apex court also actively takes part in the conflict between human beings' safety and the stray dogs' population in the surrounding. The Indian Constitution, through its provisions under Part III¹, Part IV and Part IV(51A)(g²), has laid down the framework of the protection of animals by the judiciary and also as the fundamental duties of the individual

citizen. This paper aims to examine the constitutional provisions that frame the rights of animals and the judicial interpretation regarding the welfare of animals, especially of stray dogs.

The on the doctrinal legal research, by reading primary sources such as the Indian Constitution, provisions like Prevention of Cruelty to Animals Act, 1960³, Animal Birth Control (Dogs) Rule, 2001 and 2023, Criminal Laws under IPC section 428 & 429 and Judicial intervention and some landmark judgement likely Animal Welfare Board of India v. A. Nagaraja⁴ and Animal Welfare Board of India v. People for Elimination of Stray Troubles (PEST).⁵

Article 21 encompass with the rights of the welfare of the animals and right to live with the dignity under the same umbrella this wide article where the human beings are also having protection of live with the dignity in the society. Despite of all these things the municipal concern about the safeguard of human lives especially stray dogs bite cases and the result of the spark of the rabies. But in that instance the judiciary also acknowledged that problem

¹ Indian Constitution Article 21

² To protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures

³ Prevention of Cruelty to Animals Act, No. 59 of 1960, INDIA CODE.

⁴ Animal Welfare Bd. of India v. A. Nagaraja, (2014) 7 S.C.C. 547 (India)

⁵ Animal Welfare Bd. of India v. People for Elimination of Stray Troubles (PEST), (2008) 6 S.C.C. 568 (India).

and emphasized a balanced approach by upholding the Animal Birth Control (Dogs) Rules, 2001 and 2023.

Keywords: Animal Welfare, Street Dogs, Constitution of India, Judicial Interpretation, Fundamental Rights, Animal Birth Control

INTRODUCTION

The animal welfare is also become the recognition part of the Indian Constitution which shows the evolving the rights jurisprudence. Street dogs especially become the highlighted concern of the current time and this phase is significantly become the legal and as well as the societal concern, they arose the tension between the human safety and animal dignity. In urban landscape the population of the stray dogs become the more concern able issue and arouses the conflict in there surrounding. Dogs' bites, which leads mainly to rabies like disease and their sudden aggressive behaviour arise the demand of human safety , relocate them and culling unfortunately. But like the coin have to sides, the animal actives talk about it as the animal cruelty and seek to the judiciary for animal welfare rights and ground of the constitutional morality.

The constitution framework provides the explicit basis of the animal welfare, where Article 21 guarantees the right life and personal liberty which the judiciary enlarge the umbrella for the animal rights to dignified life and without unnecessary suffering. In extension, A 48A directs the state to protect and improve the environment, including safeguarding forests and wildlife.⁶ Article 51A(g) imposes a fundamental duty on citizens to protect the natural environment and have compassion for living creatures⁷.

Landmark judgements are also the play a pivot role that extend the area for protection of the non- human entities . Judgements such as *Animal Welfare Board of India v. A. Nagaraja* recognized that animals possess intrinsic rights under Article 21 and must be treated with dignity and compassion.⁸ Similarly, in *Animal Welfare Board of India v. People for Elimination of Stray Troubles (PEST)*, the Supreme Court addressed the legal permissibility of culling stray dogs and emphasized sterilization as a humane alternative.⁹ These judicial pronouncements

⁶ Indian constitution art. 48A

⁷ Indian constitution art. 51 A(g)

⁸ *Animal Welfare Bd. of India v. A. Nagaraja*, (2014) 7 S.C.C. 547 (India).

⁹ *Animal Welfare Bd. of India v. People for Elimination of Stray Troubles (PEST)*, (2008) 6 S.C.C. 568 (India).

illustrate the shift towards recognizing street dogs as constitutional subjects entitled to protection.

Despite the steps of judiciary, the implication is still complex. As municipal corporations fails to meet that properly and to enforce the Animal Birth Control (Dogs) Rule, 2001&2023, which introduces the leading to inconsistent treatment of street dogs across the country. Also, in several cases the state authorities to lie down there burden easily they attempted mass culling of them in the curtain of the human safeguard, leading to judicial intervention to reinforce constitutional protections.¹⁰

This paper especially explores the interpretation of judiciary in focus of the stray dogs right; how constitutional provision have taken a shape of this evolving area. Go through the constitutional provisions, statutes a judicial precedent and such as the academic documents and policies. The aim is to highlight how the Indian judiciary has gradually expanded the scope of rights jurisprudence to include animals, particularly street dogs, while addressing the practical challenges of cohabitation in a rapidly urbanizing society.

RESEARCH METHODOLOGY

The present research adopts a doctrine of legal research methodology, emphasizing on the constitutional provisions, statute and judicial precedent relating or reflexing the animal welfare. The doctrinal research is particularly compelled with this study as it involves the deep analysis of legal provision, principal and precedents that shape the legal impact on animal welfare and rights.¹¹

NATURE OF REASEARCH

The research is primarily qualitative in nature. It involves a detailed examination of constitutional provisions such as Articles 21, 48A, and 51A(g), as well as statutory laws like the Prevention of Cruelty to Animals Act, 1960 (PCA Act).¹² These provisions and statutes provide the foundational framework for analysing the judicial expansion of rights to non-human entities.

¹⁰ Gauri Maulekhi v. Union of India, (2015) 3 S.C.C. 94 (India)

¹¹ S.K. Verma, *Research Methodology in Law* 112 (Oxford Univ. Press 2018).

¹² Prevention of Cruelty to Animals Act, No. 59 of 1960, INDIA CODE.

SOURCE OF DATA

- The Constitution of India.
- Statutory provisions, particularly the PCA Act, 1960, and the Animal Birth Control (Dogs) Rules, 2001 and 2023.¹³
- Landmark judicial decisions of the Supreme Court and High Courts, including *Animal Welfare Board of India v. A. Nagaraja*⁴ and *Animal Welfare Board of India v. PEST*.¹⁴
- Academic commentaries, journal articles, and scholarly works on animal law.
- Reports and guidelines issued by the Animal Welfare Board of India.

OBSTRUCTION AND EXTEND

The extend of this report is sub judicate to the Indian Constitutional framework and judicial precedent as well as the provisions regard towards the street dogs. Instant of comparative references are included for contextual understanding; the paper primarily addresses Indian jurisprudence. The research is limited by the availability of reported judgments and official data on the enforcement of animal welfare rules.

Justification for Methodology

A doctrinal approach allows for a systematic analysis of the evolution of judicial reasoning and its alignment with constitutional morality. Through studying precedents and statutory frameworks, this research highlights how the judiciary has shaped animal welfare jurisprudence in India, particularly concerning the disputatious issue of street dog rights.

STUDIES AND PERSPECTIVES

Disclosure on animal rights and welfare regarding the constitutional law interpretation in India emerge in past few decades concern with the jurists, schoolers and the policy makers contributing there share to its growth and development along the situations. This literature

¹³ Animal Birth Control (Dogs) Rules, 2001, Gazette of India, Extraordinary, pt. II sec. 3(i); Animal Birth Control (Dogs) Rules, 2023, Gazette of India, Extraordinary, pt. II sec. 3(i).

¹⁴ Animal Welfare Bd. of India v. A. Nagaraja, (2014) 7 S.C.C. 547 (India).

review surveys the major academic works, judicial commentary, and policy studies that provide insight into the recognition of animal rights, particularly in relation to street dogs.

- **Constitutional Dimensions of Animal Welfare**

In the Indian Constitution many times the Article 21 is expanded its umbrella, where the rights and welfare of animals are also discussed by the Apex court in likely cases *Animal Welfare Board of India v. A. Nagaraja* (2014), that the animals have also right to live with dignity and honour. This case also regarded as the Landmark precedent where under the Articles 21, 48A, and 51A(g) of Indian Constitution shape the framework for the animal's rights in society. Scholars such as Ramaswamy have emphasized that constitutional morality requires expanding the notion of dignity beyond human beings to include sentient creatures.¹⁵

- **Equilibrium Between Safety Interests And Rights Protection**

As the heading describe the balance between two most important thing likelihood the first safety of human beings is also equality matter in side-by-side comparison and the rights for the animals to live with the dignity. In this contextual matter the Apex court gives the wordic in *Karnataka v. Indian Federation of Animal Protection Organisations* (2021), where the court emphasizing on the balance between public safety matter of public and rights of street dogs.

Where the public matter safety is also a most concern matter as like the increasing cases of rabies in urban and dense areas where the dog bites become common which direct strikes the public matter safety but in coherence with the public matter safety there is inhuman culling of stray dogs is also strikes the violation of the constitutional rights and laws and the protection under the Article 21, 48A, and 51A(g). Which is the become significant dispute between the public safety and the street dogs right.

- **Policies and Statutory Provisions**

In India the *Prevention of Cruelty to Animals Act, 1960* (PCA Act) laid the statutory foundation of the animal welfare and rights and guidelines for them¹⁶. The act enforce against the cruelty should be abandoned though the punishment and imposing the fines. Under the light of this act

¹⁵ K. Ramaswamy, *Constitutional Morality and Animal Welfare*, 12 Indian J. Const. L. 45, 52 (2015).

¹⁶ Animal Birth Control (Dogs) Rules, 2001, Gazette of India, Extraordinary, pt. II sec. 3(i); Animal Birth Control (Dogs) Rules, 2023, Gazette of India, Extraordinary, pt. II sec. 3(i).

the other provision is passed *Animal Birth Control (Dogs) Rules, 2023*, which emphasize to control the population of street dogs in humane condition of the population of them in the urban areas and these things take place by the help of municipalities and often with collaboration of Animal Welfare Organizations.

The statutory provisions and policies are there for the rights of animals as well maintaining the balance between the public and the dogs but at the ground level not every is much soother as in the written provisions, there much more implications and complexity to go through it. Which results the both visions where the animals are culling and the public safety also get compromise in some conners in result of rabies and the dog bites increasing cases and the miserable news about the culling of street dogs.

- **Comparative Animal Rights Frameworks**

India: India constitution has the recognition of animal welfare and rights by Article 48 (Directive Principal of State Policy) for protection environment and wildlife and the Article 51A (g) talks about our fundamental duties towards the nation in which protection of wildlife and the surrounding is the duty of every individual. Where Apex Court also held that animals have also rights to live with dignity and no Beare any unnecessary pain suffering in *Animal Welfare Board of India v. A. Nagaraja* (2014).

Western Countries: On the other hand, the majority of Western nations (e.g., USA, UK, EU states) codify animal welfare legislation mainly in the form of statutory acts such as the *UK's Animal Welfare Act, 2006*¹⁷ or the EU's acknowledgement of animals as sentient creatures under Article 13 of the Treaty of Lisbon.¹⁸ Constitutional protection is not common in India.

India: Street dogs are protected by the Prevention of Cruelty to Animals Act, 1960.[4] Judicial rulings and rules framed under the Act ban mass culling. The Animal Birth Control (Dogs) Rules, 2001 mandate compulsory sterilisation and immunisation as alternatives to removal.

Western Nations: Street dog populations are largely absent due to rigorous licensing, adoption drives, spaying/neutering initiatives, and shelter initiatives. In the USA, for example, stray animals are rehomed or, in a few cases, euthanized under regulated control of regional animal

¹⁷ Animal Welfare Act, 2006 (UK).

¹⁸ Treaty on the Functioning of the European Union (Lisbon Treaty), Article 13.

control authorities.

India: Courts emphasize **co-existence** and balance between **human safety and animal rights**, especially in street dog cases such as *Animal Welfare Board of India v. People for Elimination of Stray Dogs* (2015, Kerala HC).¹⁹

Western Nations: The focus is more on **human safety first**, with animal rights protected primarily in domestic, farm, and experimental settings. Since stray populations are minimal, the debate is less pronounced.²⁰

India: Implementation is weak due to inadequate infrastructure, finance, and regulation. The legal framework is sophisticated, yet there is no effective implementation.

Western Countries: It is more stringent with specialized animal control services, animal police squads, and more punishment for cruelty. Public involvement in shelters and NGOs is also much greater.

- **Need for the Study**

Whilst the literature that does exist does provide significant analysis of animal welfare law and broader judicial trends, it is significant that there has not been significant attention given to the more specific issue in relation to the rights of street dogs within the constitutional framework of law. The majority of scholarly research and studies have a propensity to address the issue of animal welfare in general, traditionally having the focus of their attention on the policies and practices of wildlife conservation.¹⁴ As a result, there exists a significant lack of comprehension regarding how the decisions of the judiciary have specifically influenced the legal standing of street dogs, in particular the need to balance the competing interests of public safety against the inherent dignity of such animals. In this attempt to address this significant shortfall in research and debate, this paper aims to present a thorough analysis of the pertinent constitutional provisions and case law, thus shedding light on the judiciary's progressive trend in recognizing and protecting the rights of street dogs in India.

¹⁹ *Animal Welfare Board of India v. People for Elimination of Stray Dogs*, 2015 SCC Online Ker 4562.

²⁰ World Animal Protection, "Animal Protection Index (API) – Global Rankings 2020."

CONCLUSION & OPINION

Animal welfare of street dogs in India raises the dilemma of constitutional values, public safety, and humanitarianism. The interpretation of constitutional values by society is the fulcrum of the argument. Street dogs are socially and legally a concern, weighing their right to dignity against the protection of humankind from the health menace of bites and rabies.

The Indian judiciary has also played an important role in shaping this debate. Although the Constitution does not explicitly welcome animal rights as fundamental, judicial interpretation has widened their scope. The Supreme Court has utilized Article 21 to extend the right to life and dignity to animals, recognizing that living beings capable of feeling have a right to constitutional safeguard. Articles 48A and 51A(g) also lay stress on the State and the citizens' duty to preserve the environment and be benevolent towards living beings.

Landmark decisions have fortified constitutional principles. In *Animal Welfare Board of India v. A. Nagaraja*, the Supreme Court reiterated animals' right to dignity in life, in favor of humane well-being. Similarly, in *Animal Welfare Board of India v. PEST*, the Court rejected mass killing of street dogs and preferred sterilization and immunization as humane measures. These decisions reflect the judiciary's continued attempt to weigh human safety against animal dignity, in favor of cohabitation rather than exclusion.

Actualizing judicial principles continues to be a challenge. Municipal authorities responsible for enforcing the Animal Birth Control (Dogs) Rules of 2001 and 2023 frequently fail to do so. Physical infrastructure limitations, financial restrictions, and administrative inefficiencies result in patchy enforcement throughout the nation. This has the result of creating two worlds: out-of-control stray dog populations within cities and inhumane culling under the guise of public safety. Both are abhorrent to constitutional protection and judicial orders. Public health problems such as rabies and dog bites need to be addressed but not at the expense of animal dignity. A balanced policy is the way forward. Sterilization, mass vaccination, NGO coordination, and sensitization can have long-term payoffs. Involvement of people is essential because legal frameworks require civil society involvement in order to be effective.

Through a comparative lens the unique position of India is clear; while India faces challenges with enforcement, the United States and United Kingdom accommodated the numbers of strays/displaced through licensing/shelters. In terms of advocacy, the Indian Constitution is

unmistakably pro animal welfare, which places a burden on government and society which is both an advantage and a caveat; in order for progressive ideals to be enforced a greater commitment/trust will be required.

Animal welfare is integral to constitutional morality and social ethics, not a secondary concern. How India treats stray dogs is a measure of its commitment to justice and compassion. Animal cruelty hurts animals and drains the moral capital of society. Respecting their dignity strengthens democracy by preserving compassion and justice for all. Briefly, the judiciary has spoken by expanding animal protections and emphasizing humane treatment of street dogs. It is the State's, local governments', and citizens' turn now to implement these ideals. India can harmonize human security and animal well-being through collective government, good enforcement of laws, and an educated citizenry. Street dogs of uncertain status remind us of keeping constitutional guarantees to all living beings. Real justice is in living together, where security and compassion are inseparable.

In the end, the challenge of street dog welfare in India is not just a matter of law but ultimately a moral test of our ability to be human. A society that learns to share space with its most vulnerable beings is living out the imperfect spirit of a Constitution. With a commitment to compassion and safety, India can create a future where every life - human and animal - can live with dignity.