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LEGAL PERSONHOOD FOR FAUNA: JUDICIAL JURISPRUDENCE ON ANIMAL RIGHTS AND WELFARE

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ABSTRACT

The concept of legal personhood—traditionally reserved for human beings and subsequently extended to corporations, idols, and other juridical entities—has emerged as a transformative framework in Indian environmental jurisprudence. This article examines the evolution of legal personhood for fauna through judicial pronouncements, tracing the trajectory from anthropocentric welfare-based approaches to ecocentric rights-based paradigms. It analyses key judicial interventions, including the foundational Jallikattu judgment, High Court declarations conferring personhood upon the entire animal kingdom, and the Supreme Court's subsequent retreat from such expansive interpretations. The article critically evaluates the tension between animal welfare and public safety, as exemplified in the stray dog litigation, and examines emerging principles such as the constitutionalisation of corporate environmental responsibility through the Great Indian Bustard case. It concludes that while Indian judiciary has incrementally expanded the moral and legal standing of animals, the recognition of fauna as rights-bearing legal persons remains contested, with the Supreme Court adopting a cautious, anthropocentric stance that prioritises human life and constitutional interpretation over jurisprudential innovation.

Keywords: Legal personhood, animal rights, animal welfare, fauna, juristic person, non-human rights, Article 14, Article 21, Article 48A, Article 51A(g), constitutional interpretation, fundamental duties, fundamental rights, ecocentrism, anthropocentrism, public trust doctrine, intergenerational equity, sustainable development, precautionary principle, corporate environmental responsibility, judicial activism, PIL, suo motu proceedings, Wildlife (Protection) Act 1972

1. INTRODUCTION

The question of whether non-human animals possess rights capable of judicial enforcement represents one of the most profound challenges to contemporary legal theory. Traditionally conceived as property under common law, animals have historically occupied a position of legal invisibility—objects of protection under welfare statutes, yet devoid of independent legal personality. However, the burgeoning movement advocating legal personhood for animals has gained significant momentum, aiming to elevate animals from mere property to beings with protective rights.

This jurisprudential shift finds resonance in India, where a rich constitutional framework—embodied in Articles 14, 21, 48A, and 51A(g)—has provided fertile ground for judicial innovation. The Supreme Court has progressively expanded the interpretation of "life" and "dignity" to encompass non-human sentient beings, while High Courts have, at times, ventured further by declaring the entire animal kingdom as legal entities possessing distinct personae. Yet, this trajectory has not been linear. The Supreme Court has recently circumscribed the scope of legal personhood, holding that such status cannot be extended to non-humans, even as High Courts have creatively circumvented this limitation by invoking the conceptualisation of deity to protect natural entities.

This article examines the judicial jurisprudence on animal rights and welfare in India, focusing on the doctrinal evolution of legal personhood for fauna. It analyses key judgments, evaluates the competing constitutional values at stake, and assesses the implications for India's environmental jurisprudence.

2. Conceptual Foundations: Legal Personhood and Its Jurisprudential Basis

Legal personhood, as a jurisprudential concept, denotes the capacity to bear rights and duties within a legal system. As articulated by Judge John Salmond, the category of legal persons encompasses both natural persons (human beings) and artificial or juridical persons—entities such as corporations, trusts, idols, and estates that are recognised by law as capable of holding rights and incurring obligations.

The High Courts of Uttarakhand and Punjab and Haryana, in their landmark pronouncements, drew extensively upon this jurisprudential tradition. Both courts emphasised that the concept of a juristic person is widely recognised across jurisdictions, extending to diverse entities that enjoy legal rights and obligations through human representatives, much like guardians act on

behalf of minors. Professor Peter Birks' work on English Private Law was cited to underline the contextual nature of legal personality—that the specific rights and obligations conferred depend on the situation and societal values.

The extension of legal personhood to animals rests on a fundamental reorientation of legal philosophy: a shift from an anthropocentric to an ecocentric worldview. This transformation finds support in the dissenting opinions of United States Supreme Court Justices Douglas and Blackmun in *Sierra Club v. Morton* (1972), which advocated for more adaptable legal concepts when addressing environmental challenges. As the courts observed, legal persons are created as part of the "artificial world" of legal concepts to serve certain purposes, and personhood can be understood to depend on "whether the community values a particular being or object enough to make of it a subject of rights".

3. The Constitutional Architecture: Articles 14, 21, 48A, and 51A(g)

The Indian Constitution provides the foundational framework for animal rights jurisprudence through a combination of fundamental rights, directive principles, and fundamental duties. Article 21 guarantees the right to life and personal liberty, which the Supreme Court has expansively interpreted to encompass the right to a healthy environment and, significantly, the right of animals to live with dignity.

Article 14 mandates equality before the law and equal protection of laws, serving as a touchstone for assessing the rationality of legislative classifications affecting animal welfare. Article 48A, introduced by the Forty-second Amendment, imposes a duty upon the State to protect and improve the environment and to safeguard forests and wildlife. Complementing this directive principle, Article 51A(g) imposes a fundamental duty upon every citizen "to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures."

The Supreme Court, in a series of judgments, has invoked these provisions to construct a robust framework for environmental and animal protection. In *M.K. Ranjitsinh v. Union of India*, the Court extended the fundamental duty under Article 51A(g) to corporate entities, interpreting "citizen" to include legal persons such as companies. This constitutionalisation of corporate environmental responsibility marked a significant expansion of the jurisprudence, elevating statutory obligations under the Companies Act, 2013, into constitutional mandates.

4. The Foundational Judgment: *Animal Welfare Board of India v. A. Nagaraja* (Jallikattu Case, 2014)

The 2014 Supreme Court judgment in *Animal Welfare Board of India v. A. Nagaraja* represents a watershed moment in Indian animal rights jurisprudence. While the case did not explicitly grant legal personhood to animals, it laid the groundwork for such recognition by expansively interpreting the scope of constitutional protection afforded to non-human life.

The Court observed: "Every species has a right to life and security.... So far as animals are concerned.... life means something more than mere survival or existence or instrumental value for human beings, but to lead a life with some intrinsic worth, honour, and dignity". This pronouncement effectively recognised that animals possess an inherent worth beyond their utility to humans—a radical departure from the traditional anthropocentric paradigm.

The judgment drew upon scientific evidence regarding animal sentience, citing Professor D.M. Broom's research from the University of Cambridge on the universality of pain and suffering across species. By grounding its reasoning in empirical evidence of animal cognition and capacity for suffering, the Court bridged the gap between science and law, establishing a foundation for subsequent judicial interventions.

The case further expanded the interpretation of "life" under Article 21 to include animals, thereby subjecting animal welfare to constitutional scrutiny. This interpretative move transformed animal protection from a matter of legislative grace to a constitutional imperative, with significant implications for the justiciability of animal rights claims.

5. High Court Pronouncements: Declaration of Animal Kingdom as Legal Entities

Building upon the jurisprudential foundations laid by the Supreme Court, the High Courts of Uttarakhand and Punjab and Haryana took a more assertive stance in extending legal personhood to animals.

5.1 *Narayan Dutt Bhatt v. Union of India & Ors* (Uttarakhand High Court, 2018)

In this case, the Uttarakhand High Court addressed a petition seeking directions for the welfare of animals, including the conferment of legal entity status upon the entire animal kingdom. The Court, after an extensive review of jurisprudential, scientific, and ethical considerations, declared that "the entire animal kingdom including avian and aquatic are

declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person".

The Court reasoned that legal personhood could be understood to depend on "whether the community values a particular being or object enough to make of it a subject of rights". Finding no inherent constraints in extending legal personality to animals, the Court deemed it advantageous, as the "shelter of the legal umbrella would also provide more effective protection of animal interests than is available under current animal welfare law".

5.2 Kamali Singh and Ors v. State of Haryana (Punjab and Haryana High Court, 2019)

Justice Rajiv Sharma, who had also authored the *Narayan Dutt Bhatt* judgment, delivered a similar pronouncement in the Punjab and Haryana High Court, declaring the entire animal kingdom as legal entities. A unifying element in both judgments was the multidisciplinary approach adopted by the Court, integrating jurisprudential, scientific, spiritual, ethical, and philosophical studies to strengthen the argument for recognising animal rights and personhood.

The Court acknowledged the significance of scientific research in unveiling animals' emotional and cognitive lives, referencing David R. Boyd's "The Rights of Nature" and other scholarly works. It also cited the recognition of dolphins as "non-human persons" by the Ministry of Environment, Forests, and Climate Change, which led to the prohibition of dolphinariums and the capture of dolphins based on compelling scientific evidence of cetacean intelligence.

6. The Supreme Court's Retreat: Foreclosing Non-Human Personhood

Despite the progressive pronouncements of High Courts, the Supreme Court has demonstrated a more cautious approach to the question of legal personhood for non-human entities.

6.1 Stay on Uttarakhand High Court's Ganga-Yamuna Personhood Order

In 2017, the Supreme Court stayed the Uttarakhand High Court's judgment in *Mohammed Salim v. State of Uttarakhand*, which had granted "legal personality" to the Ganga and the Yamuna rivers. This stay effectively halted the momentum of the rights-of-nature movement in India, signalling the Supreme Court's reluctance to endorse the conferment of legal personhood upon non-human entities.

6.2 *People's Charioteer Organization* (2023)

The Supreme Court, in the *People's Charioteer Organization* case, definitively held that "legal personhood status" cannot be extended to non-humans. This judgment, delivered in 2023, appeared to foreclose the possibility of further judicial innovation in this domain, at least at the level of the Supreme Court.

6.3 *The Tamirabharani Circumvention: Deity as a Conceptual Vehicle*

Notwithstanding the Supreme Court's stance, the Madurai Bench of the Madras High Court, in a judgment delivered on 23 July 2026, found a creative way to circumvent the Supreme Court's position. In the *Tamirabharani* case, the Court categorised the river as a deity, holding that it was capable of being treated as a "legal person".

This move allowed the Court to recognise the "intrinsic value" of the river without directly contravening the Supreme Court's prohibition on extending personhood to non-humans. The Court was particular in emphasising that this conferment of "legal personality" was solely to ensure that the river was not polluted, and laid down stringent measures to prevent pollution. This judicial technique—utilising the established legal conceptualisation of deity to extend personhood to natural entities—represents a subtle yet effective circumvention of the Supreme Court's restrictive precedent.

7. Public Safety vs. Animal Welfare: The Stray Dog Litigation

The tension between animal welfare and public safety has been most starkly manifested in the Supreme Court's suo motu proceedings concerning the management of stray dog populations across India.

7.1 The Suo Motu Proceedings

Alerted by rising media reports and statistics about dog bites, the Supreme Court initiated suo motu proceedings in July 2025. Initially limited to Delhi-NCR, the Court issued urgent directions to local authorities to pick up stray dogs from specific public places—schools, hospitals, bus stands, highways—and move them to designated shelters.

The Court framed the issue of stray dogs as a threat to citizens' right to life under Article 21, emphasising that children walking to school, patients at hospital entrances, and motorists on highways have a constitutional right to safety that municipal governments had failed to

secure. Early interim orders forbade re-release of dogs to the same public spaces and empowered authorities to penalise obstruction.

7.2 Modification and Balancing

Following public outcry and interventions highlighting the lack of infrastructure to implement the order, the matter was relisted before a larger bench of three judges. The subsequent order on 22 August 2025 modified the initial approach, noting that the earlier direction was "too harsh" and "unworkable". The revised order allowed the release of stray dogs back into the same locality after sterilisation, with the exception of dogs infected with rabies or displaying aggressive behaviour.

7.3 The Final Judgment: Human Life Paramount

On 19 May 2026, a three-judge bench of Justices Vikram Nath, Sandeep Mehta, and N.V. Anjaria pronounced the final judgment, strongly reaffirming the November 2025 order to remove stray dogs from public institutions and spaces. The Court upheld the Animal Welfare Board of India's Standard Operating Procedure and issued a fresh set of directions to States, Union Territories, and civic authorities for implementation of the Animal Birth Control framework.

The Court's observations were emphatic:

"The right guaranteed under Article 21 of the Constitution stands at the highest pedestal of constitutional protection, and casts upon the State an affirmative, non-negotiable and continuing duty to take all expedient, effective, preventive and legally permissible measures to secure citizens against threats to life and safety arising from stray dog attacks".

Significantly, the Court held that "compassion for animal life, howsoever important, cannot be interpreted in a manner that compels citizens to endure recurring threats to their own lives, safety and bodily integrity". The Court further observed:

"When safety and lives of human beings are weighed against the interests and welfare of sentient beings, the constitutional balance must necessarily and unequivocally tilt in the favour of the preservation and protection of human life".

In a landmark direction, the Court permitted euthanasia of "incurably ill, rabid or demonstrably dangerous dogs" in areas where aggressive attacks have become frequent and pose a continuing threat to public safety. The Court warned that if such conditions continue unchecked, civic life could regress into a "Darwinian theory of evolution" where survival of

the fittest governs public spaces—a situation "wholly incompatible with a constitutional democracy governed by the rule of law".

8. Corporate Environmental Responsibility: The Great Indian Bustard Case

The *M.K. Ranjitsinh v. Union of India* litigation, spanning multiple judgments between 2021 and 2025, represents a significant contribution to environmental and animal jurisprudence, particularly in its extension of constitutional duties to corporate entities.

8.1 The 2021 and 2024 Judgments

The case originated from a 2019 writ petition seeking protection for the critically endangered Great Indian Bustard (GIB) and Lesser Florican from threats posed by overhead energy transmission lines in Rajasthan and Gujarat. In April 2021, the Supreme Court adopted a blanket approach, ordering all overhead transmission lines to be placed underground within a year across approximately 99,000 square kilometres.

In March 2024, the Court modified this stance on grounds of technical infeasibility and grid safety concerns, appointing an expert committee to adopt a more calibrated approach. The 2024 judgment also recognised, for the first time, a distinct "right against the adverse effects of climate change" grounded in Articles 14 and 21 of the Constitution.

8.2 The 2025 Final Judgment

On 19 December 2025, the Supreme Court delivered its final judgment, adopting a revised operating framework for renewable energy projects situated in GIB-sensitive areas. The Court stepped back from the blanket approach of the 2021 order and adopted a more targeted model, identifying "Revised Priority Areas" comprising 14,013 sq. km in Rajasthan and 740 sq. km in Gujarat.

Within these areas, restrictions and mitigation obligations are tied to clearly delineated, scientifically defined conservation areas. No new wind turbines and no new solar plants above 2 MW are permitted in Revised Priority Areas, and new overhead lines are permitted only if routed through designated power corridors.

8.3 Extension of Article 51A(g) to Corporate Entities

The most significant jurisprudential contribution of the 2025 judgment lies in its interpretation of Article 51A(g). The Supreme Court extended the fundamental duty to

protect and improve the natural environment to corporate entities, holding that "a citizen" under Article 51A(g) includes legal persons such as companies.

This interpretation elevates the corporate sector's statutory responsibility under the Companies Act, 2013, into a constitutional mandate. The Court held that corporate social responsibility under Section 135 of the Companies Act is "not charity to the community or the environment; it is a statutory obligation grounded in constitutional commitment". By interpreting "community" to include the natural world and recognising the link between human activities and planetary health, the Court underscored the principle of ecological justice and the public trust doctrine.

9. Analysis: The Contours of Judicial Jurisprudence

9.1 The Doctrine of Legal Personhood: A Comparative Perspective

The Indian judicial experience with legal personhood for fauna reflects a broader global movement towards recognising the rights of nature. Internationally, courts and legislatures in countries such as Ecuador, Bolivia, New Zealand, and Colombia have conferred legal personality upon rivers, forests, and other natural entities. India's engagement with this movement, however, has been marked by institutional tensions between High Courts and the Supreme Court.

The High Courts' expansive pronouncements declaring the entire animal kingdom as legal entities reflect a progressive, ecocentric worldview. The Supreme Court's subsequent retreat, however, indicates a cautious, anthropocentric orientation that prioritises constitutional interpretation over jurisprudential innovation. The Court's position that "legal personhood status" cannot be extended to non-humans appears to foreclose the possibility of direct conferment of rights upon animals, at least in the absence of legislative intervention.

9.2 The Anthropocentric-Ecocentric Tension

The stray dog litigation vividly illustrates the tension between anthropocentric and ecocentric values within constitutional jurisprudence. While the Supreme Court acknowledged that "compassion for animals is a constitutional value," it unequivocally subordinated animal welfare to human safety, holding that "the constitutional balance must necessarily and unequivocally tilt in favour of the preservation and protection of human life".

This reasoning reflects a hierarchical conception of rights, where human life occupies a superior position in the constitutional hierarchy. The Court's invocation of the "Darwinian

theory of evolution" to justify state intervention in managing stray dog populations underscores its perception of the issue as one of public safety, not animal rights.

9.3 Corporate Environmental Responsibility: A Constitutional Turn

The extension of Article 51A(g) to corporate entities represents a significant constitutional development. By interpreting CSR as a statutory obligation grounded in constitutional commitment, the Supreme Court has constitutionalised corporate environmental responsibility, potentially subjecting corporate actions to constitutional scrutiny.

This development aligns with emerging global frameworks on environmental, social, and governance (ESG) standards, where environmental performance is increasingly viewed as an integral part of corporate responsibility. The Court's ruling that corporations "cannot claim to be socially responsible while ignoring the ecological impact of their operations" establishes a new benchmark for corporate accountability.

However, the practical implications of this ruling remain to be seen. The Court's observations in *Ranjitsinh* were made in the specific context of species conservation, and their broader application to corporate environmental liability may require further judicial elaboration.

9.4 The Limits of Judicial Competence

The stray dog litigation also raises questions about the limits of judicial competence in administrative policy-making. Critics have argued that the Court's initial operational directions risked overstepping separation of powers and conflicting with existing animal-welfare laws. The later modifications showed judicial restraint, but the case exposed the limits of judicial competence, procedural fairness concerns in suo motu PILs, and the dangers of policy-making from the Bench.

As one commentator observed, "long-term solutions lie in legislative reform and stronger executive capacity," suggesting that judicial intervention, however well-intentioned, may be an inadequate substitute for institutional reform.

10. CONCLUSION

The judicial jurisprudence on legal personhood for fauna in India reflects a dynamic and contested terrain. From the foundational recognition of animal dignity in the *Jallikattu* case to the High Courts' declarations of the animal kingdom as legal entities, and from the Supreme Court's retreat from non-human personhood to its constitutionalisation of corporate

environmental responsibility, the judiciary has traversed a complex doctrinal landscape. Three key themes emerge from this analysis. First, the concept of legal personhood for animals has been judicially recognised but remains contested and circumscribed. While High Courts have embraced innovative extensions of personhood, the Supreme Court has adopted a cautious stance, holding that non-humans cannot be conferred legal personhood status. Second, the tension between anthropocentric and ecocentric values persists within constitutional jurisprudence. In cases involving direct conflict between human safety and animal welfare, the Supreme Court has unequivocally prioritised human life, framing the issue in terms of constitutional duty rather than rights discourse. Third, the constitutionalisation of corporate environmental responsibility represents a significant jurisprudential development, embedding ecological obligations within the framework of fundamental duties. This expansion of constitutional accountability to corporate entities may have far-reaching implications for environmental governance. Ultimately, the trajectory of legal personhood for fauna in India will depend on the continued interplay between judicial innovation, legislative action, and evolving societal values. While courts have played a pioneering role in expanding the moral and legal standing of animals, the full realisation of animal rights—including the recognition of animals as legal persons—may require legislative intervention to provide a comprehensive statutory framework for animal personhood and rights.

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