
BEYOND A. NAGARAJA: REASSESSING THE LEGAL STATUS, DIGNITY AND RIGHTS OF ANIMALS IN INDIAN JURISPRUDENCE

Dr. Sejal Rushi, Assistant Professor, Parul Institute of Law, Parul University

Mr. Nirgun Rushi, Assistant Professor, Parul Institute of Law, Parul University

ABSTRACT

The legal status of non-human animals in India remains anchored in the Prevention of Cruelty to Animals Act, 1960, which regulates cruelty while preserving their formal classification as movable property. The constitutional mandate of compassion under Article 51A(g), reinforced by Article 48A, supplied the normative ground from which the Supreme Court constructed a more demanding idiom in *Animal Welfare Board of India v. A. Nagaraja* 7 SCC 547. Writing for the bench, Justice K.S. Radhakrishnan extended Article 21 to animal life, imported the Five Freedoms, and characterised Article 51A(g) as the magna carta of animal rights.

Ten years on, the doctrinal landscape around *A. Nagaraja* remains unsettled. The Uttarakhand and Punjab and Haryana High Courts declared the entire animal kingdom a legal person in *Narayan Dutt Bhatt and Karnail Singh*, while a Constitution Bench later narrowed the reach of that vision in *Animal Welfare Board of India v. Union of India*, upholding state amendments that re-authorised Jallikattu. The result is a jurisprudence in which dignity is articulated, the property classification endures, and rights are proclaimed without specified remedies.

This article undertakes a doctrinal analysis of *A. Nagaraja* and the cases that built upon, narrowed, or resisted its reasoning, tracing four recurring registers in Indian animal law — welfare, dignity, rights, and personhood. The central argument is that Indian courts have produced an uneven vocabulary of recognition without enforceable obligations. Until statutory law abandons the *res* classification and adopts a fiduciary guardianship model, the promise of *A. Nagaraja* remains constitutionally idealised but judicially fragile.

Keywords: Animal welfare; animal dignity; animal rights; legal personhood

"The greatness of a nation and its moral progress can be judged by the way its animals are treated."

— Mahatma Gandhi

India's cultural inheritance has always carried a strong, if uneven, ethic of restraint toward animals. The principle of ahimsa—that non-violence is itself the highest dharma—underwrites the practical regard many Hindus, Buddhists, and Jains extend to non-human life, even where everyday practice falls well short of the ideal.¹ From the earliest phases of Indian civilisation, humans and non-humans have occupied a shared moral economy, and the law has, albeit inconsistently, registered that mutual dependence.²

That legal registration has been slow. For most of the twentieth century, animals were treated in much the same way across common-law systems: as movable property on whom the law might impose a duty of humane care without ever disturbing the underlying title. The Prevention of Cruelty to Animals Act, 1960 ("PCA Act") was framed in exactly that register—seeking to curb "unnecessary pain or suffering" rather than to reorder the animal's legal status.⁵ What changed the conversation was the Supreme Court's decision in *Animal Welfare Board of India v. A. Nagaraja* 7 SCC 547, which read the PCA Act alongside Article 51A(g) and Article 48A and held, in the words commonly extracted from the judgment, that the rights guaranteed to bulls under the PCA Act "read with Articles 51A(g) and (h) of the Constitution cannot be taken away or curtailed." ³

The literature on animal sentience has, in parallel, grown considerably. Studies of farm-animal welfare now treat the Five Freedoms—freedom from hunger and thirst; from discomfort; from pain, injury or disease; to express normal behaviour; and from fear and distress—as the baseline analytical vocabulary⁴ and the FAO/OIE/WHO Tripartite commitment to One Welfare, One Health reframes animal welfare as integral to antimicrobial resistance, zoonotic risk, and food

¹ Nanditha Krishna, "Animal sentience in Indian culture: Colonial and post-colonial changes," 6 *Animal Sentience* (2022).

² Andrew N Rowan et al., "Animal sentience: history, science, and politics," 6 *Animal Sentience* (2021).

³ Nanditha Krishna, "Animal sentience in Indian culture: Colonial and post-colonial changes," 6 *Animal Sentience* (2022).

⁴ Gabriela Ferreira Siano et al., "Knowledge and perception about the welfare and mistreatment of dogs in Brazil," 19, in F. Dutra-Rêgo (ed.), *PLOS ONE* e0302317 (2024).

security.⁵ Comparative jurisdictions have responded: the EU Treaty of Lisbon, the UK Animal Welfare Act 2022, and the Spanish civil code amendment of 2021 all now expressly acknowledge animal sentience, and a 2024 US bipartisan "Octopus Act" proposes a federal ban on octopus farming.⁶

Indian constitutional text is unusually hospitable to this kind of analysis. Article 48A obligates the State to protect and improve the environment and to safeguard forests and wildlife.⁷ Article 51A(g), added to Part IV-A by the Forty-Second Amendment, casts compassion for living creatures as a fundamental duty of every citizen. In *A. Nagaraja*, the bench of Justices K.S. Radhakrishnan and Pinaki Chandra Ghose coupled these provisions with the PCA Act to construct what has since been called, perhaps loosely, the "magna carta of animal rights."⁸

And yet—as the May 2023 Constitution Bench ruling in *Animal Welfare Board of India v. Union of India* dramatically confirmed—the doctrinal centre will not hold by judicial declaration alone.⁹ The five-judge bench upheld state amendments that re-legalised Jallikattu and Kambala, on the basis that the Nagaraja rights were statutory in character and therefore amenable to legislative override.¹⁰ This article takes that reversal as its starting point. It asks what *A. Nagaraja* actually meant, what it failed to settle, and what Indian animal law must still accomplish if dignity is to be converted into enforceable rights.

The Common-Law Backdrop: Animals as Chattels

Historically, Indian common law placed animals within the category of movable property—chattels without independent standing in court. The English lineage of this rule is well known: Blackstone rationalised animal ownership through the doctrine of Genesis 1:28, treating

⁵ Dr. Swati Rautela, "Reimagining Animal Welfare Through a Socio-Legal Lens: From Compassion to Constitutional Consciousness" (2025); RAHUL YADAV, "Deconstructing the 'Juristic Person' Status of Animals in Indian Jurisprudence: A Critical Examination and Challenges to Speciesism" (2025).

⁶ Andrew N Rowan Et Al., "Animal Sentience: History, Science, And Politics," 6 *Animal Sentience* (2021); Alexandra K. Schnell Et Al., "Sentience in Cephalopod Molluscs: An Updated Assessment," 101 *Biological Reviews* 1311–33 (2026).

⁷ Amrutha Rose J. Valavi, Manjeri Subin Sunder Raj and Anto Sebastian, "Examining the possibility of Integrating Sustainable Agricultural Practices into Laws for safeguarding the rights of farm animals: A Comparative Study," 15 *Derecho Animal. Forum of Animal Law Studies* 83–115 (2025).

⁸ https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_1e4484b1d8cc483eb3f25059cecf67d4.pdf

⁹ Nanditha Krishna, "Animal sentience in Indian culture: Colonial and post-colonial changes," 6 *Animal Sentience* (2022).

¹⁰ https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_1e4484b1d8cc483eb3f25059cecf67d4.pdf

humanity's "dominion" as a theological warrant for property.¹¹ Indian courts imported this stance largely without challenge, and the early case law on animals in transport, agriculture, and ritual tended to treat the animal as an object whose protection was parasitic on the owner's interest in its value.

The categorical grammar of "person" and "thing" itself was historically unstable. Gaius and Justinian never sharply differentiated the two, and Roman law in fact treated slaves as both persons and things.¹² Modern Indian jurisprudence has retained the bifurcated scheme but has, in a handful of cases, worked around it—the Nagaraja line and the river-Ganga rulings being the most cited. These workarounds, for animal personality do not have a clear plan. People are still debating if these workarounds make sense as a theory of animal legal personality or if they are just random solutions. The idea of animal personality is still being figured out.

These two features of the inherited property framework are going to be important. First, under the property model, protection runs through regulation of human conduct: the law says "do not beat your horse" rather than "the horse has a right not to be beaten." The animal's interest is at best an externality of the owner's interest in its market or productive value.¹³ . Second, the model survives in modern Indian statute largely because no court has formally repudiated it. The PCA Act's penal provisions, with their nominal first-offence fine of ₹50 under Section 11 and Section 26, are widely treated in the academic literature as a relic of mid-century legislative thinking.¹⁴

A. Nagaraja: The Constitutionalisation of Animal Dignity

In *Animal Welfare Board of India v. A. Nagaraja*, the Supreme Court faced the legality of Jallikattu and bullock-cart races under the PCA Act.¹⁵ The judgment reads, on its face, as a tightly reasoned statutory decision—Sections 3, 11(a), and 11(m)(ii) of the PCA Act were held to be violated, and the "doctrine of necessity" was rejected because entertainment did not fit

¹¹ Geeta Shyam, "How Community Attitudes Can Strengthen Arguments for Changing the Legal Status of Animals," 2020.

¹² *ibid*

¹³ Cass R. Sunstein, "The Rights of Animals," 70 *The University of Chicago Law Review* 387 (2003).

¹⁴ Cass R. Sunstein, "The Rights of Animals," 70 *The University of Chicago Law Review* 387 (2003).

¹⁵ G. N. Gill, N. Chowdhury and N. Srivastava, "Biodiversity and the Indian Judiciary: Tracing the Trajectory," 8 *BRICS Law Journal* 10–40 (2021).

the Section 11 exception clause.¹⁶ But beneath the statutory surface, the Court did something less conventional: it drew on Articles 21, 48A, and 51A(g) to construct a constitutional floor beneath the animal-protection regime.

There are three doctrinal moves which can be seen below. They are:

First, the Court expanded Article 21 to non-human animals—a step whose radicalism has often been overstated in commentary but whose textual mechanics’ matter. The bench did not say that animals are "persons" for the purposes of Part III; it said that the right to "life" within Article 21 ought not be reduced to bare physical existence, and that inflicting unnecessary pain on a sentient being engages that right.¹⁷ This is a softer claim than Constitutional personhood, but it is doctrinally consequential because Article 21 carries horizontal-application potential through the Maneka Gandhi line of cases, and because the State, in any welfare challenged under Article 21, would now have to demonstrate proportionality in its treatment of animal life.

Second, the Court activated Article 51A(g).¹⁸ Fundamental duties have, since *Minerva Mills v. Union of India*, carried no enforceable force in the absence of implementing legislation—but Justice Radhakrishnan read 51A(g) as a "magna carta" of animal rights whose content could be teased out from the PCA Act itself, and as a hermeneutic key that obliged purposive construction of welfare statutes.¹⁹ This use of Part IV-A as a tool of construction, rather than as a self-executing source of rights, is consistent with how Indian courts have generally treated the chapter; but the judgment deploys it with unusual intensity.

Third, the Court explicitly adopted the Five Freedoms of the UK Farm Animal Welfare Council as the operational benchmark for what Section 3 of the PCA Act actually requires.²⁰ These freedoms—originally articulated for farm animals and since revised in 2020 to incorporate affective-state science—were treated not as hortatory aspirations but as concrete duties owed

¹⁶ Vishrut Kansal, "The Curious Case of *Nagaraja* in India: Are Animals Still Regarded as 'Property' With No Claim Rights?" 19 *Journal of International Wildlife Law & Policy* 256–67 (2016).

¹⁷ Amrutha Rose J. Valavi, Manjeri Subin Sunder Raj and Anto Sebastian, "Examining the possibility of Integrating Sustainable Agricultural Practices into Laws for safeguarding the rights of farm animals: A Comparative Study," 15 *Derecho Animal. Forum of Animal Law Studies* 83–115 (2025).

¹⁸ *ibid*

¹⁹ *ibid*

²⁰ Gabriela Ferreira Siano et al., "Knowledge and perception about the welfare and mistreatment of dogs in Brazil," 19, in F. Dutra-Rêgo (ed.), *PLOS ONE* e0302317 (2024).

by "the person in charge of" any animal.²¹ One practical consequence is that welfare conditions in dairies, poultry operations, research facilities, and circuses are now, in principle, justiciably measurable against a known international standard, even though Indian courts have so far been cautious about issuing detailed remedial directions.

A subsidiary but important strand of Nagaraja is the Court's invocation of the doctrine of *parens patriae* to justify a protective jurisdiction over animals who cannot self-represent.²² The doctrine of necessity was rejected for the same reason: the Court accepted that neither bulls nor their owners could speak for the bulls' interest in Jallikattu, and that the State, through the AWBI, must do so. The doctrinal significance of *parens patriae* for animal law seems to be under-explored in the Indian literature; subsequent courts have used it loosely, and its boundary with the *in loco parentis* rule that High Courts applied to animal guardianship is unclear.

Post-Nagaraja Judicial Trajectory

The post-2014 trajectory bifurcated sharply.

In *Narayan Dutt Bhatt v. Union of India*, the Uttarakhand High Court declared the entire animal kingdom—including birds and fish—to be "legal entities" having "legal personality" with corresponding rights, duties, and liabilities.²³ The Court grounded this in Nagaraja, in the doctrine of *parens patriae*, and in a sweeping reading of the State's trusteeship obligations over natural resources. A year later, in *Karnail Singh v. State of Haryana*, the Punjab & Haryana High Court extended this logic by treating every citizen as a guardian-in-fiduciary-relationship to animals as a class.²⁴ Justice Rajiv Sharma's judgment, drawing on the Article 51A(g) language of "compassion for living creatures," treated animal personhood as the natural corollary of constitutional duty.

These High Court rulings are striking, but three caveats are worth registering. First, on a strict

²¹ Amrutha Rose J. Valavi, Manjeri Subin Sunder Raj and Anto Sebastian, "Examining the possibility of Integrating Sustainable Agricultural Practices into Laws for safeguarding the rights of farm animals: A Comparative Study," 15 *Derecho Animal. Forum of Animal Law Studies* 83–115 (2025).

²² [https://3fdef50c-add3-4615-a675-](https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_1e4484b1d8cc483eb3f25059cecf67d4.pdf)

[a91741bcb5c0.usrfiles.com/ugd/3fdef5_1e4484b1d8cc483eb3f25059cecf67d4.pdf](https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_1e4484b1d8cc483eb3f25059cecf67d4.pdf)

²³ RAHUL YADAV, "Deconstructing the 'Juristic Person' Status of Animals in Indian Jurisprudence: A Critical Examination and Challenges to Speciesism" (2025).

²⁴ Amrutha Rose J. Valavi, Manjeri Subin Sunder Raj and Anto Sebastian, "Examining the possibility of Integrating Sustainable Agricultural Practices into Laws for safeguarding the rights of farm animals: A Comparative Study," 15 *Derecho Animal. Forum of Animal Law Studies* 83–115 (2025).

doctrinal view, both Narayan Dutt Bhatt and Karnail Singh depend on the Nagaraja expansion of Article 21, which—as the 2023 Constitution Bench later held—rested in part on the PCA Act. Second, the rulings have not been uniformly followed: other High Courts have been more cautious and several later decisions have distinguished them on facts without squarely engaging with their reasoning. Third, as critics have noted, declaring every animal a "person" without specifying what standing attached, what remedies were available, and who was empowered to sue, leaves the practical content of the legal personality in question unusually thin.²⁵

The 2017 state legislative amendments in Tamil Nadu, Karnataka, and Maharashtra, and the 2023 Constitution Bench decision in *AWBI v. Union of India*,²⁶ introduced a sharp constitutional counterweight. The Bench's holding has three operative components:

Statutory, not absolute, rights. The Bench held that Nagaraja's recognition of animal rights was grounded in the PCA Act and therefore defeasible by competent legislation. The expansion of Article 21 was, on its view, a construction of statutory dignity rather than an immutable constitutional command.

Cultural heritage and Article 29. Whether a practice forms part of a state's cultural heritage is, the Bench held, primarily a legislative question. The judiciary would not normally strike down an event simply because some irreducible distress remained, provided the legislature had made rules to minimise the harm.²⁷

Standard of cruelty. Once the legislature had acted, the judicial standard under Section 11(m)(iii) shifted: residual animal distress, of itself, would not invalidate the event.²⁸

It is fair to say that the May 2023 ruling unsettled the doctrinal architecture that Narayan Dutt Bhatt and Karnail Singh had presumed. Whether one treats the Constitution Bench decision as a corrective or as a regression depends largely on how one reads the original Nagaraja

²⁵ Geeta Shyam, "HOW COMMUNITY ATTITUDES CAN STRENGTHEN ARGUMENTS FOR CHANGING THE LEGAL STATUS OF ANIMALS," 2020.

²⁶ Nanditha Krishna, "Animal sentence in Indian culture: Colonial and post-colonial changes," 6 *Animal Sentience* (2022).

²⁷ https://3fdef50c-add3-4615-a675-a91741bcb5c0.usrfiles.com/ugd/3fdef5_1e4484b1d8cc483eb3f25059cecf67d4.pdf

²⁸ W. Blackstone, *Commentaries on the Laws of England: With Notes Selected from the Editions of Archbold, Christian, Coleridge, Chitty, Stewart, Kerr, and Others, Baron Field's Analysis and Additional Notes, and a Life of the Author*, by George Sharswood (Childs & Peterson, 1859).

judgment—did Justice Radhakrishnan elevate animal dignity to a constitutional plateau, or did he merely load the PCA Act with constitutional freight?²⁹ Both readings have adherents.

Are Animals Rights-Bearers? A Doctrinal Test

Whether animals can be rights-bearers is, in the end, a doctrinal question that ties jurisprudence to moral philosophy.

The Will Theory of rights, derived from Kant and arguably dominant in nineteenth-century English legal thought, requires that the right-holder possesses the capacity for rational agency, choice, and assertion of claims.³⁰ On this view, animals cannot hold rights: they cannot comprehend legal systems, perform duties, or waive entitlements. The argument has obvious appeal but runs into an embarrassingly well-known objection—the human infant. Newborns, patients in comas, and individuals with severe cognitive impairments do not exercise rational agency, yet the legal system treats them as full rights-bearers.³¹ Recognising them as moral patients rather than moral agents is a familiar analytic move in disability-rights theory, and there is no obvious reason the same logic cannot apply to sentient non-humans.

The Interest Theory, articulated by Feinberg and developed for animal-rights purposes by Tom Regan, inverts the analytic emphasis.³² A right exists to protect a fundamental interest. A sentient non-human has interests in bodily integrity, in not experiencing pain, in continued existence, and in the freedom to behave in species-typical ways—regardless of whether it can articulate those interests as legal claims.³³ The argument works because the existence of interest is, in the moral-philosophical register, taken to ground duties on the part of others. The doctrine, not incidentally, also fits the Indian constitutional framework: if the Court can accept that

²⁹ Amrutha Rose J. Valavi, Manjeri Subin Sunder Raj and Anto Sebastian, “Examining the possibility of Integrating Sustainable Agricultural Practices into Laws for safeguarding the rights of farm animals: A Comparative Study,” 15 *Derecho Animal. Forum of Animal Law Studies* 83–115 (2025).

³⁰ Fruzsina Gárdos-Orosz and Bernadette Somody, “Conceptualizing the Legal Capacity to Fundamental Rights,” 32 *Studia Iuridica Lublinensia* 385–405 (2023).

³¹ Christian List, “Group Agency and Artificial Intelligence,” 34 *Philosophy & Technology* 1213–42 (2021); Giacomo Floris, “A pluralist account of the basis of moral status,” 178 *Philosophical Studies* 1859–77 (2021).

³² Leonie N. Bossert, *Gemeinsame Zukunft Für Mensch Und Tier: Tiere in Der Nachhaltigen Entwicklung* (Verlag Karl Alber, 2022); Wayne S. J. Boardman et al., “Serological evidence of exposure to a coronavirus antigenically related to severe acute respiratory syndrome virus (SARS-CoV-1) in the Grey-headed flying fox (*Pteropus poliocephalus*),” 68 *Transboundary and Emerging Diseases* 2628–32 (2021).

³³ Giacomo Floris, “A pluralist account of the basis of moral status,” 178 *Philosophical Studies* 1859–77 (2021) ; Rafael Vázquez and Ángel Valencia, “La creciente importancia de los debates antiespecistas en la teoría política contemporánea: del bienestarismo al abolicionismo” *Revista Española de Ciencia Política* 147–64

Article 21 protects interests that cannot be exercised autonomously, the same logic extends to non-human animals whose interests are equally concrete, even if differently instantiated.³⁴

A purely property-based framework cannot adjudicate these competing accounts; it merely begs the question by classifying the animal as the object of the obligation rather than the subject of the right. Indian law's slow drift toward something more substantial—a jurisprudence in which non-human life is treated as having some form of independent standing, even if not full personality—strikes me as doctrinally consistent with the Interest Theory³⁵ but doctrinally vulnerable because it cohabits uneasily with the statutory language of "person in charge," which still treats animals as property.

Moving Past A. Nagaraja: The Statutory Asks

In my view, the only durable way to honour the Nagaraja promise is through substantive statutory reform—not because constitutional adjudication is incapable, but because statutory rights are the ones that survive a Constitution Bench review of the kind the Court delivered in 2023.³⁶ Three interlocking changes would suffice.

- i. Recognition of animal sentience in the PCA Act itself. The Act currently regulates conduct without ever defining what an animal is in biological or experiential terms. An amendment defining "animal" to include sentient non-human vertebrates—and, following the 2021 Birch et al. work that informed the UK Sentience Act, the relevant invertebrates such as cephalopods and decapods—would give the statute a foundations anchor that statutory exemptions, however drafted, could no longer erase.³⁷
- ii. A fiduciary-guardianship model. Replace the "ownership" vocabulary of the general law of property with explicit "guardian" language in statutes touching animal welfare, accompanied by fiduciary duties—care, loyalty, and avoidance of conflict—on the

³⁴ Cass R. Sunstein, "The Rights of Animals," 70 *The University of Chicago Law Review* 387 (2003) ; Gary Lawrence Francione, *Animals as Persons: Essays on the Abolition of Animal Exploitation* (Columbia University Press, New York, 2008) ; Giacomo Floris, "A pluralist account of the basis of moral status," 178 *Philosophical Studies* 1859–77 (2021)

³⁵ RAHUL YADAV, "Deconstructing the 'Juristic Person' Status of Animals in Indian Jurisprudence: A Critical Examination and Challenges to Speciesism" (2025).

³⁶ Nanditha Krishna, "Animal sentience in Indian culture: Colonial and post-colonial changes," 6 *Animal Sentience* (2022).

³⁷ Alexandra K. Schnell et al., "Sentience in cephalopod molluscs: an updated assessment," 101 *Biological Reviews* 1311–33 (2026).

model of trust law. The Indian Trusts Act, 1882, already supplies doctrinally familiar fiduciary vocabulary; existing guardianship statutes for minors and persons with disabilities offer templates that can be adapted without constitutional difficulty.

- iii. Independent institutional enforcement. The Animal Welfare Board of India performs important functions but depends for its prosecutions largely on police and state machinery with no specialised competence in animal welfare. Funding through a capped levy on the livestock and aquaculture industries—calibrated against the 92 billion land animals raised annually for food, of whom nearly three-quarters are dosed with antibiotics in industrial systems³⁸—would give the regulator both independence and expertise.

A fourth, less frequently canvassed reform concerns the residual penalty structure. The ₹50 first-offence fine under Sections 11 and 26 is plainly inadequate, and Indian empirical work suggests enforcement rates collapse when the cost-benefit of prosecution is unfavourable.³⁹ A graduated fine schedule with provision for corporate offenders in the livestock, dairy, poultry, and aquaculture sectors, and for repeat offenders, is overdue.

These reforms are not utopian; they are within the ordinary legislative competence of Parliament. They would not require constitutional amendment. They would, however, require political will that the post-2023 climate does not currently favour.

Henceforth, A. Nagaraja moved the Indian legal conversation about animals from one of humane treatment to one of dignity. That movement is genuine, and Indian courts have, with some exceptions, refused to retreat from the language of inherent worth and constitutional compassion.⁴⁰ But the 2023 Constitution Bench ruling has shown what readers have long suspected: judicial declarations of animal rights, untethered from a statutory rights regime, are politically and constitutionally fragile. The work that remains is legislative. Without statutory recognition of sentience; without a fiduciary guardianship model that displaces the property

³⁸ Philip Lymbery, “Animal Welfare as an Essential Element of One Health,” 3 *Animal Research and One Health* 454–7 (2025).

³⁹ Clive J. C. Phillips (ed.), *Nutrition and the Welfare of Farm Animals* (Springer International Publishing, Cham, 2016), xvi; Cass R. Sunstein, “The Rights of Animals,” 70 *The University of Chicago Law Review* 387 (2003).

⁴⁰ Andrew N Rowan et al., “Animal sentience: history, science, and politics,” 6 *Animal Sentience* (2021); RAHUL YADAV, “Deconstructing the ‘Juristic Person’ Status of Animals in Indian Jurisprudence: A Critical Examination and Challenges to Speciesism” (2025).

vocabulary; without an adequately funded and institutionally independent welfare regulator; and without a penalty regime that actually deters, the Nagaraja promise will remain a doctrinal flourish rather than a substantive reordering of the legal status of non-human life. The post-Nagaraja jurisprudence—Narayan Dutt Bhatt, Karnail Singh, and the 2023 Constitution Bench—has laid out the options. The choice between personhood-by-judgment and rights-by-statute is, in the end, a political choice. For now, that choice has not been made.

Bibliography

- i. Alexandra K. Schnell et al., “Sentience in cephalopod molluscs: an updated assessment,” 101 *Biological Reviews* 1311–33 (2026).
- ii. Amrutha Rose J. Valavi, Manjeri Subin Sunder Raj and Anto Sebastian, “Examining the possibility of Integrating Sustainable Agricultural Practices into Laws for safeguarding the rights of farm animals: A Comparative Study,” 15 *Derecho Animal. Forum of Animal Law Studies* 83–115 (2025).
- iii. Andrew N Rowan et al., “Animal sentience: history, science, and politics,” 6 *Animal Sentience* (2021).
- iv. Cass R. Sunstein, “The Rights of Animals,” 70 *The University of Chicago Law Review* 387 (2003).
- v. Christian List, “Group Agency and Artificial Intelligence,” 34 *Philosophy & Technology* 1213–42 (2021).
- vi. Clive J. C. Phillips (ed.), *Nutrition and the Welfare of Farm Animals* (Springer International Publishing, Cham, 2016), xvi.
- vii. Dr. Swati Rautela, “Reimagining Animal Welfare Through a Socio-Legal Lens: From Compassion to Constitutional Consciousness” (2025).
- viii. Fruzsina Gárdos-Orosz and Bernadette Somody, “Conceptualizing the Legal Capacity to Fundamental Rights,” 32 *Studia Iuridica Lublinensia* 385–405 (2023).
- ix. G. N. Gill, N. Chowdhury and N. Srivastava, “Biodiversity and the Indian Judiciary: Tracing the Trajectory,” 8 *BRICS Law Journal* 10–40 (2021).
- x. Gabriela Ferreira Siano et al., “Knowledge and perception about the welfare and mistreatment of dogs in Brazil,” 19, in F. Dutra-Rêgo (ed.), *PLOS ONE* e0302317 (2024).
- xi. Gary Lawrence Francione, *Animals as Persons: Essays on the Abolition of Animal Exploitation* (Columbia University Press, New York, 2008).
- xii. Geeta Shyam, “How Community Attitudes Can Strengthen Arguments for Changing the Legal Status of Animals,” 2020.
- xiii. Gema Varona, “Restorative Justice for Illegal Harms Against Animals: A Potential Answer Full of Interrogations,” in B. Pali, M. Forsyth, et al. (eds.), *The Palgrave Handbook of Environmental Restorative Justice* 305–31 (Springer International Publishing, Cham, 2022).

- xiv. Giacomo Floris, “A pluralist account of the basis of moral status,” 178 *Philosophical Studies* 1859–77 (2021).
- xv. Leonie N. Bossert, *Gemeinsame Zukunft Für Mensch Und Tier: Tiere in Der Nachhaltigen Entwicklung* (Verlag Karl Alber, 2022).
- xvi. Nanditha Krishna, “Animal sentience in Indian culture: Colonial and post-colonial changes,” 6 *Animal Sentience* (2022).
- xvii. Ngaire Naffine, “Who are Law’s Persons? From Cheshire Cats to Responsible Subjects,” 66 *The Modern Law Review* 346–67 (2003).
- xviii. Philip Lymbery, “Animal Welfare as an Essential Element of One Health,” 3 *Animal Research and One Health* 454–7 (2025).
- xix. Rafael Vázquez and Ángel Valencia, “La creciente importancia de los debates antiespecistas en la teoría política contemporánea: del bienestarismo al abolicionismo” *Revista Española de Ciencia Política* 147–64 (2016).
- xx. Rahul Yadav, “Deconstructing the ‘Juristic Person’ Status of Animals in Indian Jurisprudence: A Critical Examination and Challenges to Speciesism” (2025).
- xxi. Simon Stern, “William Blackstone, Commentaries on the Laws of England, Vol. 4 (1769)” *SSRN Electronic Journal* (2013).
- xxii. Vishrut Kansal, “The Curious Case of *Nagaraja* in India: Are Animals Still Regarded as ‘Property’ With No Claim Rights?,” 19 *Journal of International Wildlife Law & Policy* 256–67 (2016).
- xxiii. W. Blackstone, *Commentaries on the Laws of England: With Notes Selected from the Editions of Archbold, Christian, Coleridge, Chitty, Stewart, Kerr, and Others, Baron Field’s Analysis and Additional Notes, and a Life of the Author, by George Sharswood* (Childs & Peterson, 1859).
- xxiv. Wayne S. J. Boardman et al., “Serological evidence of exposure to a coronavirus antigenically related to severe acute respiratory syndrome virus (SARS-CoV-1) in the Grey-headed flying fox (*Pteropus poliocephalus*),” 68 *Transboundary and Emerging Diseases* 2628–32 (2021).