

## Case Study On the Landmark Ruling On Jallikattu- A Critical Analysis Contemplating the Deviation from Ecocentric Approach

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### Abstract

The case "Animal Welfare Board of India vs. A. Nagaraja & Ors," which was determined on May 7, 2014 and Animal Welfare Board of India & Ors vs Union Of India & Anr decided on May 18, 2023, dealt with the practice of Jallikattu. Jallikattu is a traditional event in Tamil Nadu and Maharashtra that involves bulls. This activity, in which individuals attempt to seize money fastened to the horns of a bull, has developed into a pastime that inflicts considerable suffering and injury to the animals. The Supreme Court of India determined that the utilization of bulls in activities such as Jallikattu and bullock cart racing amounted to cruelty, therefore infringing upon the animals' entitlements under Article 21 of the Indian Constitution, which ensures the right to life and freedom. The court's ruling underscored the need of ethical treatment of animals, in accordance with current perspectives on animal welfare. The verdict aimed to prohibit these activities in order to prevent the physical and psychological torment of bulls utilized for human amusement during cultural festivities. This ruling represented a noteworthy advancement in acknowledging and safeguarding animal rights in India, but also considering the need to prevent animal abuse and ensure public safety, while taking into account traditional customs. The case exemplified the convergence of law, culture, and animal ethics, establishing a precedent for the compassionate treatment of animals within the legal framework of the country.

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## 1. INTRODUCTION

The Supreme Court of India has ruled that animal rights are protected under Article 21 of the Indian Constitution, which guarantees life and liberty. The case revolves around the Jallikattu practice, which involves tying gold or silver coins to a bull's horns. The practice, which began as a daring competition for money, has evolved into a spectator sport where a bull is restrained by ropes around its neck while it moves quickly. In 2014, the Supreme Court of India banned the use of bulls and bullocks in bullock cart racing and Jallikattu. The Animal Welfare Board of India (AWBI) appealed the case, arguing that the cruelty

inflicted upon animals and the potential threat to public safety led to an internal boycott of Jallikattu. The case has raised important issues regarding the application and interpretation of laws, such as the Prevention of Cruelty to Animals Act, 1960, in light of changing public attitudes towards animal treatment and traditional customs. The Tamil Nadu government's 2017 legislation regarding jallikattu was challenged in the Supreme court by PETA and the AWBI. The case highlights the complex balance between cultural legacy and the need to safeguard animal welfare within the confines of Indian law.

## 2. CASE STUDY 1: JALLIKATTU CASE 1

### **Animal Welfare Board Of India vs A. Nagaraja & Ors decided on 7/05/2014**

Court: The Supreme Court of India

Bench: Pinaki Chandra Ghose, K.S. Radhakrishnan

Parties:

Appellant- Animal Welfare Board of India

Respondent- A. Nagaraja and Others

Acts involved: The Prevention of Cruelty to Animals Act, 1960 (PCA Act), The Wildlife Protection Act, 1972.

Important sections: Sections 3,11, 22 of the PCA Act,1960; Sections 2,9,39 of the Wildlife Protection Act,1972.

### **2.1 Description**

In the much-heralded ruling, there are minor imperfections that placed animal rights under the protection of Article 21 of the Indian Constitution, which guarantees life and liberty. This case involves a significant topic with laws, ethology, culture, tradition, religion, and animal rights in Tamil Nadu and Maharashtra. The main focus of the case is the Jallikattu practice, which involves tying gold or silver coins to a bull's horns. Back then, it was considered daring for people to battle for the money that was positioned around a bull's horns. Eventually, it developed into a spectator sport in which a bull was restrained by ropes around its neck while it moved quickly.

On May 7, 2014, the Supreme Court of India apparently rendered a landmark decision in the case of "Animal Welfare Board of India vs. A. Nagaraja & Ors. (Civil Appeal No. 5387 of 2014) in the Supreme Court of India" along with a number of related appeals and petitions. It was forbidden to utilize bulls and bullocks in shows like bullock cart racing and Jallikattu. In the states of Tamil Nadu and Maharashtra, bulls and other animals were cruelly and mentally tortured for the amusement and delight of humans during celebrations. The Supreme Court is considering an internal boycott of Jallikattu due to the cruelty inflicted upon animals and the potential threat to public safety, as per the Animal Welfare Board of India's (AWBI) appeal of the case. In an attempt to "agreeable" the animals and claim the prize, the villagers throw themselves on top of the frightened creatures.

### **2.2 Background Of The Case**

During this era, the term Jallikattu was created. The term "Jalli" described the gold or silver coins fastened to the bulls' horns. There are injuries and even murders in Jallikattu. In several locations in 2004, there were at least five confirmed deaths and several hundred injuries. In the last twenty years, two hundred have gone away. In contrast to Spanish bullfighting, no bull is put to death. The bulls hardly ever experience any losses. Every year, a few animal advocates draw attention to this dangerous diversion, but their protests have not been successful thus far. The Tamil Nadu government also passed the Tamil Nadu Registration of Jallikattu Act, 2009 (also known as the TNRJ Act) because Tamil Nadu had expressed reluctance to the idea of outlawing the diversion, citing concerns that it would hurt local sentiments. In India, the Prevention of Cruelty to Animals Act, 1960 (also known as the PCA Act) governs how cruelty to animals must be prohibited. Four days after the Supreme Court's January 2008

prohibition, it changed its decision and said that the sport might continue as long as certain rules were observed. A notice under Section 22 of the PCA Act prohibiting the preparation and performance of bears, monkeys, tigers, and dogs was issued by MoEF on 2.3.1991, ahead of schedule. The Indian Circus Organization challenged the notice in the Delhi High Court, but subsequently, a corrigendum was released, removing the mention of dogs from the notice. A Committee was formed in response to the Delhi High Court's directive, and after considering its report, a warning was issued on October 14, 1998, prohibiting dogs from the area. The legality of the notice was contested in *N. R. Nair and Others v. Union of India and Others*, which upheld the notification. Subsequently, the MoEF published a revised notice on 11.7.2011, specifically mentioning bulls, outlawing their training or exhibition as performance animals.

### **2.3 Facts**

There were two sets of cases in this specific case. A number of writ petitions have been filed contesting the legality of the Ministry of Environment and Forests' (hereinafter referred to as MoEF) notification dated July 11, 2011, the Madras High Court's Division Bench Judgment, the Tamil Nadu Registration of Jallikattu Act, and another case challenging the Bombay High Court's Division Bench Judgment upholding the MoEF Notification. Upholding animal rights and drawing attention to the "untold cold-bloodedness" that cows endure, the Supreme Court recently outlawed Jallikattu, a centuries-old sport that included bullfights and bullock cart racing that took place during festivals in Tamil Nadu and surrounding areas.

### **2.4 Issues**

- Whether the events that are being conducted in the States of Tamil Nadu and Maharashtra are in violation of Sections 3, 11(1)(a) & (m), 21 and 22 of the PCA Act read with Articles 51A(g) and (h) of the Constitution.
- Whether provisions of the TNRJ Act, which is a State Act, is repugnant to the PCA Act, which is a Central Act, since, both the Acts fall under Entry No. 17 in the Concurrent List.

### **2.5 Arguments**

#### **2.5.1 By Petitioners**

1. The AWBI ruled that bulls used in bullock cart races, jallikattu, and other similar events are not "performing animals" as defined by Sections 21 and 22 of the PCA Act. Bulls are employed for agriculture, farming, and livestock, and they are classified as Draught and Pack animals under the Prevention of Cruelty to Draught and Pack Animals Rules, 1965. It was also mentioned that they exhibit a flight response, which expresses fear, pain, and suffering, during Jallikattu.
2. According to AWBI, the bulls that were made to compete in the race under duress suffered agony, in violation of Section 3 and Sections 11(1)(a) and (m) of the PCA Act, as well as Article 51A(g) and Article 21 of the Indian Constitution.

3. A lot of emphasis was placed on the phrase "or otherwise" in Section 11(1)(a), and it was argued that unless it is expressly authorized by one of the PCA conduct's sections or by rules enacted under it, any conduct that causes an animal needless pain or suffering is illegal.
4. It was further claimed that Article 21 of the Constitution, which protects human rights, also protects life, and that the term "life" has been defined broadly to include any disturbance of the basic environment, which encompasses all life, including animal life, which is essential to human existence.
5. Animals have a right under Sections 3 and 11 of the PCA Act read with Article 51A(g) of the Constitution to live in a clean and healthy environment and to be protected from humans who inflict needless pain or suffering.
6. AWBI provides additional support for their claims by citing study data about the conduct of the Jallikattu event. It said that in contravention of Section 11(1)(a) and (l), bulls were made to participate against their will and subjected to intentional taunting, tormenting, mutilation, stabbing, beating, chasing, and denial of even their most basic needs—food, water, and cleanliness.

#### 2.5.2 *By Respondents*

1. Jallikattu organizers have made it clear that these activities happen occasionally during temple festivals and at the end of the harvest season. Organizers of bullock-cart races in the state of Maharashtra, on the other hand, asserted that the practice dates back more than 300 years and that great care and precautions are taken to ensure the bullocks competing in the event suffer no harm.
2. The organizers also claimed that the State makes money from this kind of sport. Additionally, they maintain that sporting events should only be strictly regulated rather than outright banned, and the State of Tamil Nadu has already passed the TNRJ Act to allay the concerns raised by the Board.
3. Added that the District Collector, Police Officials, and other officials are always on duty to avoid cruelty on animals and that no cruelty is inflicted upon the performing bulls in bullock-cart races in violation of Section 11(1)(a) of the PCA Act.
4. It was also mentioned that the bulls participating in these activities are specifically chosen, trained, and fed for the stated sporting event, and their owners spend a significant amount of money on the bulls' upkeep, maintenance, and training.
5. Citing Section 11(3) of the PCA Act, the State of Tamil Nadu argued that as the Act does not forbid the infliction of any kind of pain or suffering on animals, Section 11(1)(a) must be read and interpreted in that light.

6. The attorney made reference to Sections 11(1)(a), (g), (h), (j), (m), and (n), arguing that because the term "unnecessary pain or suffering" is not used in those clauses, situations like Jallikattu do not result in a great deal of pain or suffering for the animal. They also emphasized how significant the event was historically and culturally.

#### 2.6 *Ratio Decidendi*

The Supreme Court of India upheld that the practice violates the Prevention of suffering to Animals Act, 1960 because jallikattu inflicts inherent suffering on bulls. The Court emphasized the critical necessity of animal welfare while acknowledging the traditional relevance of Jallikattu and stating that customs cannot excuse animal abuse. The Court also took into account the possible threats to public safety posed by the practice, since jallikattu matches frequently resulted in participant and spectator injuries, sometimes even fatalities. In addition, the Court emphasized that in order to stop animal exploitation and suffering, animal welfare rules must be consistently enforced.

#### 2.7 *Judgment*

It was decided that the AWBI was correct to argue that Jallikattu, Bullock-cart Races, and similar events in general violate Sections 3, 11(1)(a) and 11(1)(m)(ii) of the PCA Act. As a result, the Central Government's notification dated 11.7.2011 was upheld, and bulls are no longer permitted to be used as performance animals for Jallikattu events or Bullock-cart Races in the states of Tamil Nadu, Maharashtra, or any other part of the nation. The Court ruled that the Bulls' rights, as protected by PCA Act Sections 3 and 11 read with Articles 51A(g) & (h), cannot be restricted or taken away, with the exception of PCA Act Sections 11(3) and 28. The judgment also added five freedoms includes i) Freedom from hunger and thirst; ii) Freedom from discomfort; iii) Freedom from pain, injury, and disease; iv) Freedom from fear and distress; v) Freedom to express normal behaviour. The aforementioned five freedoms are enshrined in Sections 3 and 11 of the PCA Act and are guaranteed by the States, the Union Territories, the MoEF, the AWBI, and the Central Government. Governments and the AWBI were instructed to take the necessary actions to guarantee that those responsible for the care of animals take reasonable precautions to safeguard their well-being. Governments and the AWBI were instructed to take action to stop animals from being subjected to needless pain or suffering because Sections 3 and 11 of the PCA Act legally protect their rights. Additionally, AWBI was instructed to make sure that the rules in Section 11(1)(m)(ii) are adhered to. This means that the person responsible for the animal's care must not encourage any animal to fight against people or other animals. The AWBI and the governments were also required to ensure that, even in situations where Section 11(3) is applicable, the animals did not endure needless suffering and that appropriate, scientific procedures were used to accomplish the same goals. It was mandated that the governments and the AWBI take action to educate people about how to treat animals humanely in compliance with Section 9(k), instilling the spirit of Articles 51A(g) and (h) of the Constitution. In order to preserve the honor and dignity of animals, Parliament was anticipated to raise their

rights to the status of constitutional rights, as many other nations have already done. It is the governments' responsibility to ensure that officials who violate the PCA Act's provisions, declarations, or directions are held accountable and subject to disciplinary action, with the ultimate goal of fulfilling the Act's intended purpose. The AWBI was instructed to promptly and effectively carry out the PCA Act's provisions in cooperation with the SPCA and to submit quarterly reports to the governments. In the event that a breach is discovered, the governments are to address it by taking necessary corrective measures.

### 3. CASE STUDY 2: JALLIKATTU CASE 2

#### **Animal Welfare Board Of India & Ors vs Union Of India & Anr decided on 18/05/2023**

Court: The Supreme Court of India

Bench: K.M. Joseph J, Ajay Rastogi J, Aniruddha Bose J, Hrishikesh Roy J, C.T. Ravikumar J

Parties:

Petitioner(s)- Animal Welfare Board of India & Ors

Respondent(s)- Union Of India & Anr

Acts involved: The Prevention of Cruelty to Animals Act, 1960 (PCA Act), The Wildlife Protection Act, 1972.

Important sections: Sections 3,11, 22 of the PCA Act,1960 ; Sections 2,9,39 of the Wildlife Protection Act,1972.

#### 3.1 *Description*

The Indian legal system grappled with pivotal issues at the nexus of legal interpretation, cultural tradition, and animal welfare have been addressed. This case raised important issues regarding the application and interpretation of important laws, mainly the Prevention of Cruelty to Animals Act, 1960, in light of changing public attitudes regarding the treatment of animals and the preservation of traditional customs. The Tamil Nadu government's 2017 legislation regarding jallikattu was challenged in the Supreme court by PETA and the Animal Welfare Board of India (AWBI). Through an analysis of the legal arguments, court hearings, and final verdict, a sophisticated comprehension of the intricate equilibrium between cultural legacy and the necessity of safeguarding animal welfare within the confines of Indian law is shown.

#### 3.2 *Background Of The Case*

The Animal Welfare Board of India reported to the Supreme Court that, in accordance with the guidelines of the Prevention of Cruelty to Animals Act, 1960, Jallikattu is inimical to the humane treatment of animals. The Madras High Court outlawed jallikattu in the entire state in 2006. The state government quickly introduced the Tamil Nadu Regulation of Jallikattu Act of 2009 to get around the prohibition. Bulls were removed from the list of animals whose training and exhibition were forbidden by the central government in 2011, thereby ending the practice. The Supreme Court ruled in 2014 that Jallikattu was cruel to bulls and outlawed bull racing and other related activities in the nation. The Union Environment Ministry withdrew its 2011 notification, which served as the foundation for the top court's decision of prohibition, in 2016. The

Prevention of Cruelty to Animals (Conduct of Jallikattu) Rules of 2017 and the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act of 2017 were passed by the Tamil Nadu state government, once again allowing for the conduct of the sport. Peta and the Animal Welfare Board of India (AWBI) petitioned the Supreme Court in February 2018 to overturn laws that the Tamil Nadu government had approved in 2017.

#### 3.3 *Facts*

The first of these writ petitions have been brought by Animal Welfare Board of India and others including one Anjali Sharma, but in course of hearing, the Animal Welfare Board changed its stance and sought to support the stand of the State and Union of India mainly on the ground that the 1960 Act and certain State Amendments which were enacted in the year 2017 were not repugnant and the Board had framed guidelines to prevent suffering of the bovine species during holding of the aforesaid events. We shall refer to the three State Amendment Acts later in this judgment. However, the second writ petitioner- Anjali Sharma, a practicing advocate of this Court and also a member of the Board prosecuted the aforesaid writ petition as a single writ petitioner. Later in its ruling, the Supreme Court made reference to the three State Amendment Acts. Nevertheless, the aforementioned writ petition was prosecuted as a single writ petition by the second writ petitioner, Anjali Sharma, a member of the Board and a practicing advocate of this Court.

#### 3.4 *Issues*

- Whether Jallikattu be protected as a cultural practice?
- Whether the Tamil Nadu Amendment contrary to the SC's ban on Jallikattu in A. Nagaraja v Animal Welfare Board of India (2014)?
- Whether Jallikattu violate the Prevention of Cruelty to Animals Act, 1960?
- Whether the President assent to the Amendment without sufficient information?
- Whether the Amendment violate the Rights to Equality and Life of animals?

#### 3.5 *Arguments*

##### 3.5.1 *By Petitioner(s)*

The Hon'ble Court thereafter addressed the petitioners' argument, contesting the validity of the State Amendments through the application of the "Doctrine of Pith and Substance." Their submission on that count is predicated on two ideas. First, it has been argued that these sports' performance still causes pain and harm to the participating bulls, even after the Amendment was passed. Secondly, this Court determined in the A. Nagaraja case that these sports violated the aforementioned 1960 Act provisions when the three State Amendments were not yet passed. On top of that, the learned counsel representing the petitioners contended that the Amendment Acts do not offer any corrective actions that may have healed the three sports from the legal deficiencies implied by the aforementioned clauses. The petitioners claim that the purpose of these Acts is to limit the activities that fall under the 1960 Act's acceptable guidelines to the Jallikattu, Kambala, and Bullock Cart Race. The stipulations

of Sections 3, 11(1)(a) and (m) of the 1960 Act remain applicable even if specific sports are included in the scope of acceptable activity. The petitioners also argue that the State Assemblies lacked the legislative authority to adopt the Amendment Acts since the topic of Jallikattu does not fall under the purview of Entry 17 of List III of the Seventh Schedule to the Indian Constitution. The petitioners urge that the said incompetency would not be remedied by presidential consent. The bench, considering the provisions of Article 254(2) of the Indian Constitution, found no flaws in the procedure for obtaining presidential consent.

### 3.5.2 *By Respondent(s)*

The parties challenging the continuation of these deemed harsh sports have been represented by learned Senior Advocates Mr. Shyam Divan, Mr. Anand Grover, Mr. Sidharth Luthra, Mr. Krishnan Venugopal, and Mr. V. Giri. The learned Senior Advocates Mr. Rakesh Dwivedi, Mr. Mukul Rohatgi, Mr. Kapil Sibal, and Mr. Tushar Mehta, the former Solicitor General, have primarily argued for the Respondents' cases in favor of keeping these sports going. The petitioners' principal argument is that, despite the State Amendments, the actions they are trying to justify are nonetheless harmful and go against Sections 3, 11(1)(a) and (m) of the 1960 Act. They argue that the shortcomings or flaws caused by the A. Nagaraja ruling are not remedied by the Amendment Acts. Through these Amendment Acts, the ratio of the aforementioned ruling is attempted to be circumvented, which is legally prohibited. Additionally, it has been argued that the term "person" as used in Article 21 of the Indian Constitution includes sentient animals, and that the three Amendment Acts, which serve as a means of legitimizing the aforementioned bovine sports, are irrational and arbitrary, failing to meet the requirements of Article 14 of the Indian Constitution. The petitioners aim to establish an animal rights regime by weaving together Articles 14, 21, 48, 51-A (h) and (g). According to their argument, sentient animals have a right to protection from distressing and painful behaviours that solely serve to amuse humans, as a result of Indian citizens' fundamental duty to acquire humanism and compassion for all living things.

### 3.6 *Ratio Decidendi*

The Prevention of Cruelty to Animals Act, 1960, and its implementation in light of the state-introduced Amendment Acts are at the Center of this dispute. The Court notes the legislative approach that recognizes the rights of animals and highlights the state's obligation to arrange agriculture and animal husbandry along contemporary, scientific lines, protect and enhance breeds, and forbid the killing of certain animals. The Court finds that the Amendment Acts have significantly lessened the painful practices, changing the nature of these games, even as it considers the cultural significance of bovine sports. The Court concludes that the Amendment Acts, which address the prevention of animal cruelty, fall within legislative competence and rejects the notion that they attempt to supersede judicial decisions. Furthermore, the Court does not evaluate concerns about possible negative impacts on livelihoods, preferring to concentrate on whether the 1960 Act's provisions are being broken.

### 3.7 *Judgment*

The Hon'ble Supreme Court held that the Tamil Nadu Amendment Act isn't a law of colourable legislation. In essence, it pertains to Entry 17 of List III of the Seventh Schedule of the Indian Constitution. It reduces animal cruelty in the relevant sports, and after the Amendment Act, their Rules, and their Notification are put into effect, the aforementioned sports will not be included in the harm that Sections 3, 11(1)(a) and (m) of the 1960 Act seek to correct. The Hon'ble Bench was persuaded, based on the facts presented to them, that jallikattu, a form of cow sports, has been practiced in the State of Tamil Nadu for at least the last few centuries. In essence, a bull is let loose in an arena, and players' goal is to collect points by grabbing the hump to win the "game." However, a more thorough examination of religious, cultural, and social factors is necessary to determine whether or not this has become ingrained in Tamil society. We believe that the judiciary is not equipped to carry out this task. The House of People must reach a decision on the contentious topic of whether the Tamil Nadu Amendment Act will protect a specific State's cultural legacy. This shouldn't be a part of a judicial investigation, and given the nature of the conduct in question and the texts that both the petitioners and the respondents referenced in court, it is impossible to make a firm decision on this during the writ process. The bench did not disagree with the legislature's viewpoint because a legislative exercise had already been conducted and it was determined that jallikattu was a part of Tamil Nadu's traditional heritage. They disagree with the assertion made in the A. Nagaraja case that the State of Tamil Nadu's citizens' cultural heritage does not include the act of jallikattu. It has also been held that the verdict in the A. Nagaraja case and the judgment of this Court rendered on November 16, 2016, dismissing the plea for review of the A. Nagaraja judgment do not directly conflict with the Tamil Nadu Amendment Act read in conjunction with the Rules framed therein. This is because the bench believes that the shortcomings identified in the aforementioned two judgments have been addressed by the State Amendment Act read in conjunction with the Rules made therein.

### 4. CASE ANALYSIS

The Kantian notion of human dignity identifies that well-being of animals could only be safeguarded indirectly via the consideration of human interests. Put simply, humans have a responsibility to safeguard animal life only for the sake of human well-being. Over time, there has been a transition from the concept of animals having "duties" to animals being recognized as rights holders. This movement has occurred as the interest theory of rights has gained favour in legal discussions. According to Joseph Raz's formulation, the interest theory asserts that a person may possess rights if their well-being is seen to have inherent or ultimate worth. The Court advocated for the inclusion of animal rights within the constitutional framework and proposed a revision of the concept of dignity, shifting from the Kantian notion of human dignity. The revised concept would acknowledge the inherent worth of non-human sentient beings, granting them a moral status and including them in the same moral community as human beings. Hence, the Court acknowledged that the inhumane treatment of animals should no longer be justified by human dignity, but rather by the inherent dignity of non-human creatures. The interest theory of rights has been the foundation for court rulings regarding animal rights in

India, as will be emphasized in the following discussion. The case of *N.R. Nair v. Union of India*<sup>1</sup> was a challenge to the legality of a notice issued by the Central Government, which prohibited the training and display of animals.

The Kerala High Court affirmed the notice, emphasizing that the rules pertaining to animal protection should be seen as safeguarding their "rights" rather than just as "duties". The Court expanded the legal protections for animals by recognizing that, with the exception of the least intelligent species, they are entitled to a dignified life due to their display of varying levels of intellectual behavior, ranging from learnt reflexes to sophisticated thinking. Every complex entity have an intrinsic ability to flourish, which is essential for its existence to operate properly. Therefore, any obstruction or disruption to the execution of this vital life function might be considered a tragedy. The Kerala High Court's verdict emphasizes the need of recognizing animal rights by acknowledging the intrinsic capabilities of animals and respecting them as valuable entities in their own right, rather than as mere tools for human needs. In the case of *Centre for Environment Law, WWF-I v. Union of India (UOI) and Others*<sup>2</sup>, the Supreme Court justified the transition from an anthropocentric perspective of rights by invoking the theoretical foundation of interest theory. The court acknowledged that "Eco-centrism" is a nature-centered approach, where humans are considered as part of nature and non-human entities possess inherent value. Put simply, human interest does not automatically come first, and people have responsibilities to non-humans that are separate from human interest. Animal rights are granted based on the safeguarding and conservation of their welfare, regardless of human interests. This demonstrates that the legal system regarding animal rights in India is based on the interest theory of rights, which connects the animals' ability to possess rights to their inherent worth.

The cases of *N.R. Nair* and *Jallikattu I* demonstrated the possibility of understanding the constitutional structure of animal rights by linking basic freedoms to the inherent value of animals. The ruling in *Jallikattu II* has reversed the progress made in recognizing animal rights by reintroducing the Kantian belief that animals lack agency or inherent value. Thus, they have the ability to provide protection just to the degree required to meet human

or cultural needs. Regrettably, this ruling has ignited a misinterpretation of animal protection legislation, such as the PCA, where they are seen as obligations rather than safeguarding the rights of animals.

## 5. CONCLUSION

The Kantian notion of human dignity, which indirectly protects animal welfare through human interests, has evolved towards recognizing animals as rights holders. This transition aligns with the interest theory of rights, as formulated by Joseph Raz, which asserts that beings possess rights if their well-being has inherent value. The Indian judiciary has progressively incorporated animal rights within the constitutional framework, advocating a shift from the Kantian view of dignity to one that acknowledges the intrinsic worth of non-human sentient beings. This shift was evident in the Kerala High Court's ruling in *N.R. Nair v. Union of India*, which affirmed that animal protection laws safeguard the rights of animals, recognizing their entitlement to a dignified life based on their intellectual behavior and intrinsic capabilities. The Supreme Court's decision in *Centre for Environment Law, WWF-I v. Union of India* furthered this perspective by endorsing eco-centrism, which values non-human entities inherently, independent of human interests. This approach underpins the legal system concerning animal rights in India, grounding these rights in the animals' inherent worth rather than human utility. However, the ruling in *Jallikattu II* regressed by reintroducing the Kantian view, suggesting that animals lack inherent value and are protected only to fulfill human or cultural needs. This regression undermines previous advancements and misinterprets animal protection laws as obligations rather than rights safeguards, hindering the progress in recognizing and protecting animal rights in India

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## 7. CONFLICT OF INTEREST

Conflict of interest declared none.

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<sup>1</sup> 2001 (3) SCR 353

<sup>2</sup> AIR 1999 SC 354