

**NARAYAN DUTT BHATT V. UNION OF INDIA AND OTHERS. WRIT PETITION
(PIL) NO. 43 OF 2014**

**UTTARAKHAND HIGH COURT’S DECISION: “ENTIRE ANIMAL KINGDOM AS
LEGAL ENTITY, WITH RIGHTS, DUTIES & LIABILITIES OF A LIVING PERSON.”**

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India had a glorious tradition in the past, wherein the Hindu community even animals were treated equally along with human beings. They regarded both men and animals to be the creations of the same God (Prajapati). But, as time passed humans started committing cruelty on animals either by way of animal sacrifices or by engaging them in serious unhygienic conditions of work to satisfy the selfish needs of man.

However, the concern regarding the protection of animals from human cruelties, on the other hand, has become much important. Thereby, several nature lovers and environmental activists are sincerely devoting their efforts to safeguarding these animals. The recent activity that attracted serious attention regarding animal rights was the judgement passed by the Uttarakhand High Court on July 4, 2018, whereby the members of the animal kingdoms were assigned legal personality. The judgement was an outcome, due to a Public Interest Litigation (PIL) on the health of transport animals (including donkeys, horses and other such animals) which were used along the 14 km route from the town of Banbasa Uttarakhand, India to Mahendra Nagar, Nepal. (*Narayan Dutt Bhatt v Union of India And Others*. Writ Petition (PIL) No. 43 of 2014)

Regarding the constitutional validity of the judgement, the Court said: “ Article 21 of the Constitution, while safeguarding the rights of humans protects life and the word ‘life’ means the animal world”. This interpretation of Article 21 of the Constitution of India has extended its scope to even include animals within its ambit. Further, this interpretation may be looked upon as a revolutionary change from anthropocentrism to ecocentrism in India to some extent.

The Division Bench of Justice Rajiv Sharma and Lokpal Singh while making this judgement issued a series of directions to prevent cruelty upon animals and said: “ ...to protect and promote the

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greater welfare of animals including avian and aquatic animals are required to be conferred with the status of legal entity legal person”. The entrusting of legal rights upon animals has now made animals capable of being represented by a custodian in the Court of Law for their rights. The Court further issued several directions upon both the citizens of Uttarakhand and the state for ensuring better conditions for the animals. The PIL also prayed for, to include provisions for vaccination and health check-ups of these animals before entering India and for regulating the traffic in the Indo-Nepal border.

However, there are many opportunities for misapplication of this judgment because all the citizens of Uttarakhand has been declared *loco parentis* but, how they shall take care of the animals, or to what extent one shall be responsible, shall one be responsible as a guardian for the acts of other citizens, etc. are not been clearly provided. Moreover, as regards to rights between animals which are owned and those which are wild are not precisely demarcated, as such it is not clear as to whose rights will prevail when there will be a clash between these two groups of animals.

Such is the scenario which makes it difficult to decide when the matter comes to the implementation of such judgments. This judgment is not the single judgment on this issue, there had been several such judgments made in succession from time to time, yet the conditions remained pathetic.

In most countries like New Zealand, for instance, have several institutions for claiming rights on behalf of the ecosystem in general and also on behalf of animals in particular. But, such an institutional framework in India is yet to be acknowledged.

However, we must also not deny the importance of this judgment, since this judgment makes it clear that some sections of the humanity are still working for the ecosystem and the hope of their protection remains lighted to some extent, provided some more efforts are seriously needed in this direction.