

The Right to Life and Stray Animals: A Constitutional Interpretation of Co-existence



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Abstract

The presence and coexistence of humans and stray animals has been a long-standing feature of human civilization. For centuries animals such as dogs and cats have lived alongside human communities, particularly in South Asian societies where they occupy shared public spaces including streets, markets and religious sites. In countries like Nepal, this relationship reflects not only social reality but also cultural and religious traditions that promotes compassion toward living beings.¹ Despite this historical coexistence, stray animals continue to exist in a legal and constitutional grey area. While the Constitution of Nepal, 2072 guarantees the fundamental right to life and dignity to citizens, it does not explicitly recognize the rights or protections of non-human animals, even though they are sentient beings capable of suffering.² As a result, animals that have coexisted with humans for centuries remain largely unrecognized within the constitutional framework.

This research examines the constitutional, ethical, and social challenges faced by stray animals that undermine their right to life and dignity. Using doctrinal and comparative analysis, the study evaluates constitutional provisions, scholarly literature, and key judicial developments, including the landmark judgments which recognizes animals as sentient beings deserving protection from unnecessary suffering.³ It explores the tensions between animal welfare and human concerns such as public safety, health, and urban governance. The paper argues that constitutional values of dignity, compassion, and environmental responsibility provide a basis for a broader interpretation of the right to life that encourages humane coexistence between humans and stray animals.⁴ It concludes by proposing a framework that combines legal interpretation, humane management practices, and public responsibility to ensure sustainable and respectful coexistence within Nepal's constitutional order.

¹ Regan, T. (2004). *The Case for Animal Rights*. *Wellbeing International Studies Repository*, pp. 243–248

² Government of Nepal. (2015). *Constitution of Nepal, 2072*.

³ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547

⁴ Peters, A. (2016). *Liberté, Égalité, Animalité: Human–Animal Comparisons in Law*. *Transnational Environmental Law*, pp. 10–12

Introduction

The relationship between humans and animals is one of the oldest forms of coexistence in human civilization. Since the early human settlements, animals have shared environments with people, they have contributed to agriculture, protection, companionship, and ecological balance. Over time, this relationship evolved beyond simple utility and began to reflect deeper ethical and cultural values. Many societies developed traditions that recognized animals as living beings deserving care and compassion rather than merely resources for human use. Scholars in the field of animal ethics argue that the moral consideration of animals has long been embedded within cultural and philosophical traditions across the world⁵.

In South Asia, particularly within Hindu and Buddhist traditions, animals have historically occupied a unique moral and spiritual position. Religious teachings emphasize ahimsa (non-violence) and compassion toward all living beings, promoting the idea that humans share a moral duty to protect vulnerable life forms.⁶ These philosophical traditions significantly shaped social attitudes in Nepal, where animals are frequently viewed as participants in religious and cultural practices rather than solely as property or resources⁷.

Nepalese society offers a distinct example of this cultural relationship between humans and animals. Various animals are associated with religious symbolism, mythology, and festivals. A prominent illustration is the Hindu festival of Tihar, one of the most widely celebrated festivals in Nepal. During the festival, animals such as crows, dogs, and cows are worshipped on separate days as part of the ritual observance. On the second day of the festival, known as Kukur Tihar, dogs are honored with garlands, vermilion tika, and special food offerings. This practice symbolizes gratitude for the loyalty and protective role that dogs play in human society and reflects the deep cultural respect traditionally extended toward animals.⁸

In Hindu mythology, dogs are also closely associated with Yama, the god of death, who is believed to have two four-eyed dogs that serve as guardians of

⁵ Singer, P. (1975). *Animal Liberation*. HarperCollins, pp. 1–23

⁶ Gandhi, M. K. (n.d.). *Ahimsa: Its theory and practice in Gandhism*. Mahatma Gandhi Institute (conceptual discussion of non-violence toward all living beings)

⁷Peters, A. (2016). *Liberté, Égalité, Animalité: Human–Animal Comparisons in Law*. *Transnational Environmental Law*, pp. 8–10

⁸ *Nepal News*. (2023). *Kukur Tihar: Nepal's celebration of loyalty and love for dogs*.

the path to the afterlife and protect the gates of the underworld. Because of this mythological connection, dogs are often regarded not merely as ordinary animals but as sacred guardians and loyal companions who guide and protect human life both in the physical world and in the spiritual realm.⁹ Such beliefs reinforce the cultural perception of dogs as beings worthy of respect and care within Nepalese society.

Despite this long-standing cultural reverence, the reality faced by many animals, particularly stray animals, presents a striking contrast. Across urban and rural areas of Nepal, stray dogs, cats, and other animals inhabit streets, marketplaces, temples, and neighborhoods where they rely heavily on human environments for survival. These animals frequently encounter hunger, disease, road accidents, and at times deliberate cruelty.¹⁰ Their existence highlights a paradox within society: animals are culturally honored and religiously respected, yet their welfare often receives limited institutional protection.¹¹

The legal framework in Nepal reflects a similar tension. The Constitution of Nepal, 2015 places strong emphasis on fundamental rights, human dignity, and environmental protection. It recognizes the state's responsibility to maintain ecological balance and ensure the protection of natural resources. However, constitutional provisions primarily address human rights and do not explicitly recognize animals as holders of legal rights or constitutional protection¹² As a result, animals that share human spaces remain largely invisible within the constitutional framework despite their vulnerability and dependence on human societies.

Globally, legal thought regarding animals is gradually evolving. Courts and scholars increasingly recognize that animals are sentient beings capable of experiencing pain and suffering. A significant example is the landmark decision of the Supreme Court of India in *Animal Welfare Board of India v. A. Nagaraja*, where the court emphasized that animals possess intrinsic dignity and that humans have a duty to ensure their protection from unnecessary suffering.¹³ Such decisions illustrate a growing international

⁹ Doniger, W. (1999). *Merriam-Webster's Encyclopedia of World Religions*

¹⁰ Tamang, R. S. (2016, October 29). *No Dog Tihar for strays*. myRepublica.

¹¹ *The Rising Nepal*. (2026, January 6). *Challenges to managing stray dogs*.

¹² *Government of Nepal, Constitution of Nepal, 2015*

¹³ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547

recognition that legal systems may need to expand their ethical and constitutional perspectives regarding non-human life.¹⁴

Within this broader context, the issue of stray animals in Nepal raises important constitutional, ethical, and social questions. If animals have historically shared human communities and continue to depend on human environments, should the principles of dignity, compassion, and environmental responsibility extend to them as well? This research seeks to explore these questions by examining the historical coexistence of humans and animals, the religious and cultural significance of animals in Nepalese society, and the existing legal framework governing their protection. Through an analysis of constitutional principles, comparative jurisprudence, and scholarly perspectives on animal rights, this study aims to identify possible legal approaches that can promote humane coexistence between humans and stray animals in Nepal.¹⁵

Background

Constitutional Foundations of the Right to Life

The Concept of the Right to Life and Dignity

The right to life is widely regarded as the most fundamental of all rights because the enjoyment of every other right depends upon its protection. Traditionally, constitutional law interpreted the right to life narrowly as the protection of physical existence. However, modern constitutional jurisprudence has gradually expanded this concept to include the right to live with dignity, safety, and well-being. The idea of dignity recognizes that life is not merely biological survival but a condition that must be lived in a humane and respectful environment.¹⁶

Legal scholars have increasingly argued that dignity is not exclusively a human-centered value but a moral principle connected to the treatment of all

¹⁴ Kotzmann, J. (2023). *Sentience and intrinsic worth as a pluralist foundation for fundamental animal rights*. *Oxford Journal of Legal Studies*

¹⁵ Regan, T. (2004). *The case for animal rights* (p. 45). *Wellbeing International Studies Repository*

¹⁶ Peters, A. (2016). *Liberté, Égalité, Animalité: Human–Animal Comparisons in Law*. *Transnational Legal Theory*, 7(2), 123–145.

sentient beings capable of experiencing pain and suffering. This evolving understanding has led to broader debates in constitutional theory about whether the protection of life can extend beyond human beings to include animals that share human environments.¹⁷ Such discussions have become particularly relevant in urban societies where humans and animals coexist closely in shared ecological and social spaces¹⁸.

International human rights instruments have also emphasized the centrality of the right to life. For instance, Article 3 of the Universal Declaration of Human Rights recognizes that “everyone has the right to life, liberty and security of person.”¹⁹ Although these protections are directed toward human beings, the expanding interpretation of dignity has influenced legal scholarship exploring how constitutional values might encourage humane treatment of animals and environmental responsibility.²⁰

Right to Life in the Nepal Constitution

Within Nepal’s constitutional framework, the right to life is guaranteed under Article 16 of the Constitution. This provision affirms that every person has the right to live with dignity and shall not be deprived of life except in accordance with law.²¹ The inclusion of dignity within this provision reflects the Constitution’s broader commitment to protecting not only physical existence but also the moral and social conditions necessary for a meaningful life.

The interpretation of constitutional rights is not static; rather, it evolves as courts respond to changing social values and emerging ethical concerns.²² Constitutional interpretation often relies on underlying principles such as justice, fairness, and respect for life. These principles allow legal systems to adapt to new challenges and to consider broader social responsibilities.²³

¹⁷ Regan, T. (2004). *The case for animal rights*. WBI Studies Repository.

¹⁸ Stucki, S. (2020). *Towards a theory of legal animal rights: Simple and fundamental rights*. *Oxford Journal of Legal Studies*

¹⁹ *Universal Declaration of Human Rights (1948), Article 3*

²⁰ Peters, A. (2016). *Liberté, égalité, animalité: Human–animal comparisons in law (pp. 12–14)*. *Transnational Legal Theory*

²¹ *Government of Nepal, Constitution of Nepal, 2072 (2015)*

²² Peters, A. (2016). *Liberté, égalité, animalité: Human–animal comparisons in law (pp. 5–6)*. *Transnational Legal Theory*.

²³ Verniers, E. (2021). *Animal rights and constitutional interpretation: Balancing human and non-human interests (pp. 45–47)*. *Journal of Comparative Constitutional Law*.

Although Article 16 refers specifically to human beings, the constitutional commitment to dignity, justice, and environmental responsibility may provide a conceptual basis for discussions about the humane treatment of animals.²⁴ In particular, animals that share human environments such as stray dogs and cats often depend entirely on human societies for food, shelter, and protection. Their vulnerability raises questions about whether constitutional values should influence policies aimed at preventing cruelty and unnecessary sufferings.²⁵

Directive Principles, Policies and Responsibilities of the State

The Constitution of Nepal also contains Directive Principles and State Policies that guide the government toward building a socially just and environmentally responsible state. These principles emphasize environmental protection, sustainable development, and the conservation of biodiversity. Although they are not directly enforceable in courts, they provide important guidance for legislative and policy development.

Environmental protection is closely linked to the welfare of animals because animals are essential components of ecological systems. Protecting biodiversity and maintaining ecological balance necessarily involve safeguarding the habitats and lives of animals. Consequently, constitutional commitments to environmental sustainability indirectly support the protection of animal welfare. Moreover, for animals to survive and thrive, it is crucial that they have access to clean water, uncontaminated food, and safe living areas, highlighting the practical dimensions of humane environmental management.²⁶

The idea of compassionate governance also resonates with Nepal's cultural and philosophical traditions, which emphasize respect for living beings and harmony with nature. These ethical foundations reinforce the importance of legal frameworks that promote humane treatment of animals while maintaining ecological balance.

²⁴ Peters, A. (2016). *Liberté, égalité, animalité: Human–animal comparisons in law* (pp. 12–14). *Transnational Legal Theory*

²⁵ Regan, T. (2004). *The case for animal rights* (pp. 67–69). *WBI Studies Repository*.

²⁶ Ladwig, B. (2023). *Do animals have rights?* *Animals*, 13(7), 1220, pp. 5–6.

Human-Centric Constitutionalism and Its Limits

Despite the growing recognition of environmental and ethical responsibilities, most constitutional systems remain primarily human-centered in their structure and interpretation. Constitutional rights are generally designed to safeguard human interests, freedoms, and dignity, while animals are typically categorized within legal systems as property or resources.

This human-centric approach creates limitations when addressing issues related to animal welfare. In many urban environments, stray animals such as dogs and cats coexist closely with human communities but lack meaningful legal recognition or protection. Their survival often depends on informal community-care or limited municipal policies rather than comprehensive legal frameworks.

As a result, problems such as animal cruelty, neglect, and unmanaged stray populations continue to raise complex legal and ethical questions.²⁷ These challenges demonstrate the limitations of strictly human-centered constitutional systems when dealing with social realities in which human and animal lives intersect.

Could the Constitution be Expanded to Include Non-Human Animals?

Recent developments in other jurisdictions demonstrate that constitutional-interpretation can gradually evolve to recognize the welfare of animals. Courts have increasingly acknowledged that animals are sentient beings capable of experiencing pain and suffering, which necessitates humane treatment under the law.

A landmark example is the decision of the Supreme Court of India in *Animal Welfare Board of India v. A. Nagaraja & Ors.* (2014). In this case, the Court recognized that animals possess intrinsic value and emphasized that constitutional principles such as compassion, dignity, and respect for life should guide human interactions with animals.²⁸ The judgment highlighted that animal welfare forms an important aspect of constitutional morality and that unnecessary suffering inflicted on animals is inconsistent with a civilized

²⁷ Garner, Robert. *Animal Ethics*. Polity Press, 2005

²⁸ *Animal Welfare Board of India v. A. Nagaraja & Ors.*, (2014) 7 SCC 547

legal system.²⁹ It is important to point out that this level of protection was possible only because the Indian Constitution contains statements about compassion, dignity, and respect for all life, which the Nepali Constitution does not. This distinction provides a foundation for recommending that the Nepalese Constitution be amended to include explicit provisions supporting animal welfare, thereby strengthening humane coexistence.³⁰

This interpretation is particularly relevant in the context of Nepal because Nepal and India share deep historical, cultural, and religious connections. Both countries are influenced by Hindu and Buddhist philosophical traditions that emphasize compassion toward all living beings and the moral responsibility to avoid causing harm.³¹ Cultural practices in Nepal and India often reflect this shared worldview, where animals are recognized as part of a broader moral community. Festivals, religious teachings, and traditional practices in both societies emphasize coexistence and respect for animal life.³²

Given these similarities, constitutional developments in India may provide persuasive guidance for legal interpretation in Nepal. Although the constitutional systems of the two countries are distinct, they operate within comparable cultural and ethical frameworks. The reasoning adopted by the Indian Supreme Court demonstrates how constitutional principles such as dignity and compassion can be interpreted in a way that recognizes the welfare and intrinsic value of animals.

Therefore, the jurisprudence developed in neighboring jurisdictions offers an important reference point for scholars and policymakers in Nepal. Expanding constitutional interpretation does not necessarily require granting animals full legal personhood. Instead, it may involve recognizing the state's obligation to ensure humane treatment, prevent cruelty, and promote responsible management of stray animals that share human environments. It is also important to point out that the Nepalese Constitution would need to be amended for such protections to be enforceable, because a new interpretation

²⁹ Arora, I. (2023). *Protection of animal life: The Indian judiciary and the enshrinement of animal rights* (pp. 18–20). *International Journal of Law, Management & Humanities*.

³⁰ Peters, A. (2016). *Liberté, égalité, animalité: Human–animal comparisons in law* (pp. 15–16). *Transnational Legal Theory*.

³¹ Sharma, A. (2010). *Animals and ethics in South Asian traditions: Hindu and Buddhist perspectives* (pp. 45–48)

³² Keown, D. (2001). *Buddhism and animal ethics* (pp. 22–25). *Palgrave Macmillan*.

alone is insufficient.³³ This distinction exists because the Indian Constitution explicitly states that living beings are deserving of dignity and that all citizens have a duty to be compassionate and respect life.³⁴

Such an approach would align constitutional interpretation with Nepal's cultural traditions of compassion toward animals while also addressing contemporary challenges related to the welfare of stray dogs and cats in urban communities.

Ethical and Philosophical Foundations of Animals Rights

Sentience, Dignity and Moral Status

The ethical justification for protecting animals begins with the concept of sentience, which refers to the ability of a being to experience pain, pleasure, and other forms of conscious awareness. Modern scientific and philosophical discussions increasingly acknowledge that many animals possess neurological structures and behavioral responses indicating the capacity for suffering. This recognition has significant moral implications because the ability to experience pain creates an ethical obligation to avoid causing unnecessary harm.

Philosopher Peter Singer argues that the capacity for suffering is the most important criterion for moral consideration. According to Singer, if a being can suffer, its interests deserve equal consideration with similar interests of other beings. Ignoring the suffering of animals simply because they belong to a different species constitutes what Singer calls speciesism, a form of unjustified discrimination based solely on species membership.³⁵

The idea that animals deserve moral consideration is not only present in modern philosophical debates but also appears in long-standing religious and cultural traditions. In Hindu philosophy, the principle of ahimsa (non-

³³ Arora, I. (2023). *Protection of animal life: The Indian judiciary and the enshrinement of animal rights* (pp. 22–24). *International Journal of Law, Management & Humanities*.

³⁴ *Animal Welfare Board of India v. A. Nagaraja & Ors.*, (2014) 7 SCC 547

³⁵ Peter Singer, *Animal Liberation* (1975)

violence) plays a central role in guiding moral behavior.³⁶ Ahimsa teaches that harm to living beings should be avoided whenever possible, reflecting the belief that all forms of life possess spiritual significance. Hindu texts and teachings often emphasize compassion toward animals and encourage humans to treat other living beings with care and respect.³⁷

Additionally, the concept of dharma in Hindu thought reflects a broader moral duty to maintain harmony and balance within the natural world. Within this framework, humans are seen not as absolute rulers over nature but as participants in a larger moral order that includes animals and other forms of life. These philosophical traditions reinforce the ethical argument that animals should not be subjected to unnecessary suffering or cruelty.³⁸

Scientific studies in animal behavior further support these ethical perspectives. Research demonstrates that many animals exhibit complex cognitive abilities, emotional responses, and social relationships.³⁹ Such findings challenge earlier views that animals are purely instinctive beings and strengthen the argument that animals deserve moral consideration and humane treatment.⁴⁰

Rights Based Theories of Animal Protection

While the recognition of animal suffering provides a powerful ethical starting point, some philosophers argue that reducing suffering alone is not enough. From this perspective, animals should not merely be treated kindly, they should be recognized as holders of moral rights.⁴¹

Tom Regan's influential theory of animal rights rests on the concept of animals as "subjects of a life." According to Regan, many animals possess beliefs, desires, memories, emotional experiences, and a sense of future well-being. Because of these characteristics, they are individuals with lives that

³⁶ Sharma, A. (2010). *Animals and ethics in South Asian traditions: Hindu and Buddhist perspectives* (pp. 45–47)

³⁷ Krishna, S. (2002). *Hinduism and the ethical treatment of animals*. *Journal of Religious Ethics*, 30(2), 197–217

³⁸ Doniger, Wendy. *The Hindus: An Alternative History*. Oxford University Press, 2009

³⁹ Bekoff, M. (2007). *The emotional lives of animals: A leading scientist explores animal joy, sorrow, and empathy – and why they matter*. New World Library, pp. 15–22.

⁴⁰ Griffin, D. R. (2001). *Animal minds: Beyond cognition to consciousness*. University of Chicago Press, pp. 45–50

⁴¹ Francione, G. L. (2000). *Introduction to animal rights: Your child or the dog?* Temple University Press, pp. 45–49.

matter to them. For Regan, this inherent value means that animals should never be treated solely as instruments for human purposes.⁴²

Rights-based theories therefore challenge one of the most deeply embedded assumptions of human society: the idea that animals exist primarily for human use. In agriculture, entertainment, scientific experimentation, and even urban governance, animals are often treated as resources or property. Rights theorists argue that such treatment is morally problematic because it fails to recognize animals as individuals with morally relevant interests.⁴³

Gary Francione further develops the rights-based argument by criticizing legal systems that treat animals as property. Francione argues that as long as animals remain legally classified as property, their interests will always be subordinate to human economic interests.⁴⁴ From this perspective, meaningful protection of animals requires fundamental changes in the legal status of animals within the law.

Rights-based theories have had a significant influence on contemporary debates in animal law, encouraging scholars and policymakers to reconsider the ethical and legal foundations of human relationships with animals.

Welfare vs. Rights: A Conceptual Distinctions

The modern debate on animal protection is often framed through the distinction between animal welfare and animal rights. Although both approaches aim to reduce animal suffering, they differ significantly in their ethical foundations and policy implications.⁴⁵

Animal welfare approaches focus on improving the conditions in which animals live. Welfare laws typically regulate issues such as humane slaughter, appropriate housing conditions, and protection from cruelty. Under this framework, the use of animals for human purposes such as food production, research, or transportation is generally accepted, provided that suffering is minimized.⁴⁶

⁴² Tom Regan, *The Case for Animal Rights*. University of California Press, 1983.

⁴³ Francione, G. L. (1997). *Animal rights theory and utilitarianism: Relative normative guidance* (pp. 80–82). *Animal Law Review*, 3, 75–101.

⁴⁴ Gary L. Francione, *Introduction to Animal Rights: Your Child or the Dog?* Temple University Press, 2000.

⁴⁵ Sumner, L. W. (1988). *Animal welfare and animal rights* (pp. 160–162)

⁴⁶ World Organisation for Animal Health. (2016). *Terrestrial Animal Health Code: Introduction to animal welfare* (pp. 1–2).

Animal rights theorists challenge this approach by arguing that welfare reforms do not address the deeper moral problem of treating animals as property. From a rights perspective, even the most humane treatment cannot justify practices that fundamentally exploit animals for human benefit. As Gary Francione argues, improving the conditions of exploitation may alleviate suffering but does not eliminate the ethical problem of using animals as resources.⁴⁷

Despite their differences, both welfare and rights approaches contribute to the evolving field of animal law. Welfare frameworks often serve as an initial step toward recognizing the moral importance of animals, while rights-based theories push legal systems to reconsider the fundamental status of animals in society.

Coexistence in Species – Mixed Communities

Human societies do not exist in isolation from other forms of life. Cities, villages, and rural landscapes increasingly function as species-mixed communities in which humans and animals share physical spaces and ecological systems. Stray dogs, cats, birds, and other animals often depend on human settlements for food and shelter, creating complex relationships between species.

Political theorists Sue Donaldson and Will Kymlicka argue that animals living in close proximity to humans should be viewed not merely as external entities but as members of shared communities. Their theory proposes that different categories of animals: domesticated animals, wild animals, and urban animals require different forms of ethical and political consideration.⁴⁸

For animals that live within human communities, such as stray dogs and cats, humans may bear special responsibilities. These responsibilities may include ensuring humane population control, protecting animals from cruelty, and creating policies that allow peaceful coexistence between humans and animals.

⁴⁷ Francione, G. L. (2000). *Introduction to animal rights: Your child or the dog?* (pp. 50–52). Temple University Press

⁴⁸ Sue Donaldson & Will Kymlicka, *Zoopolis: A Political Theory of Animal Rights*. Oxford University Press, 2011

This framework is particularly relevant for societies where animals are visible and active participants in everyday life. Rather than treating stray animals solely as problems to be eliminated, ethical governance may require recognizing them as vulnerable members of shared environments who deserve humane management and protection.⁴⁹

In contexts such as Nepal, where stray animals frequently share public spaces with humans, the concept of species-mixed communities highlights the need for compassionate and sustainable governance strategies that respect both human safety and animal welfare.

The Principle of Inherent Value and Justice

The principle of inherent value suggests that animals possess moral worth independent of their usefulness to humans. According to this view, animals should be treated with respect not because they provide benefits to humans but because they are living beings capable of experiencing life.⁵⁰

Tom Regan argues that recognizing inherent value is essential for achieving justice in human relationships with animals. If animals possess inherent value, then moral reasoning requires that their interests be taken seriously and protected from unnecessary harm.⁵¹

Philosophers such as Martha Nussbaum have also explored how concepts of justice may apply to non-human animals. Nussbaum's capabilities approach suggests that justice involves enabling living beings to flourish according to their natural capacities.⁵² Applying this framework to animals implies that societies should protect animals from cruelty and ensure conditions that allow them to live in ways consistent with their biological and behavioral needs.

This concept also resonates with Hindu philosophical traditions, which emphasize respect for all living beings. The principle of ahimsa encourages individuals to avoid causing harm to animals, while religious narratives and

⁴⁹ Clare Palmer, *Animal Ethics in Context*. Columbia University Press, 2010.

⁵⁰ Regan, T. (2004). *The case for animal rights* (pp. 235–238). University of California Press.

⁵¹ Tom Regan, *The Case for Animal Rights*. University of California Press, 1983.

⁵² Sunstein, Cass R., and Nussbaum, Martha (eds.). *Animal Rights: Current Debates and New Directions*. Oxford University Press, 2004.

practices often highlight the interconnectedness of all life forms.⁵³ Many Hindu traditions regard animals as spiritually significant beings that deserve compassion and moral consideration.

These philosophical frameworks provide a foundation for contemporary legal debates about animal protection. By recognizing animals as beings with inherent value and morally relevant interests, ethical theory supports the development of stronger legal frameworks aimed at preventing cruelty and promoting humane coexistence between humans and animals.

Objectives of this Study

The primary aim of this study is to examine the constitutional, ethical, and social challenges faced by stray animals in Nepal and to explore approaches for promoting humane coexistence between humans and non-human animals. Specifically, the objectives are:

- To analyze the constitutional framework of Nepal with regard to the right to life, dignity, and environmental responsibility, and to assess its implications for the protection of stray animals.
- To evaluate ethical and philosophical foundations of animal rights, including theories of sentience, inherent value, and moral status, and their relevance to contemporary governance and legal frameworks.
- To examine comparative jurisprudence, including landmark judicial decisions in neighboring countries such as India, that recognize animals as sentient beings deserving protection from unnecessary suffering.
- To identify social and practical challenges affecting stray animals in urban and rural contexts, such as neglect, cruelty, population management, and public health concerns.
- To propose legal and policy recommendations aimed at promoting humane treatment of stray animals, ensuring responsible coexistence, and aligning state practices with constitutional and ethical principles.

⁵³ Doniger, Wendy. *The Hindus: An Alternative History*. Oxford University Press, 2009

- To contribute to scholarly discourse on the expansion of constitutional and legal interpretations to include non-human animals as part of socially and ethically responsible governance.

Methodology

With an emphasis on examining the constitutional interpretation of the Right to Life and its application to stray animals, this study adopts a qualitative research approach to analyze the issue of coexistence between humans and stray animals in Nepal. The research aims to understand the legal, ethical, and social dimensions of stray animal protection while balancing public safety, health, and urban management concerns.

By examining constitutional provisions, existing laws, judicial interpretations, and comparative international practices, this methodology seeks to provide an in-depth understanding of whether the Right to Life under the Constitution of Nepal can be interpreted to include stray animals within a broader framework of dignity and coexistence.

Research Design

This study follows both descriptive and analytical research designs.

The descriptive design is used to explain the current legal framework, constitutional provisions, public attitudes, and existing policies related to stray animals in Nepal.

The analytical design is applied to examine whether constitutional principles particularly the Right to Live with Dignity, can be interpreted progressively to include protection for stray animals.

The main objective of this research is to analyze the constitutional scope of the Right to Life and propose a framework for humane coexistence between humans and stray animals. The study relies on qualitative methods, including document analysis and survey research, to evaluate cultural, ethical, and legal perspectives.

Data Collection Methods

This research utilizes both primary and secondary sources of data collection.

Primary Data Collection

The primary data for this study was collected through a structured questionnaire survey.

The survey was designed to understand public awareness, experiences, and opinions regarding stray animals and their constitutional protection.

The questionnaire included questions related to:

Demographic profile (gender, age, residence, occupation)

Frequency of encountering stray animals

Types of stray animals commonly seen

Experiences of problems caused by stray animals

Public perception of animal protection from cruelty

Interpretation of the constitutional Right to Life under Article 16

Responsibility for stray animal management

Preferred solutions such as sterilization, vaccination, shelter, or removal

Possibility of peaceful coexistence

Suggestions for balancing public safety and animal protection

The survey responses provide empirical insight into societal attitudes toward stray animals and constitutional interpretation. This data contributes to understanding whether there is public support for expanding legal protection to stray animals within Nepal's constitutional framework. No interviews, institutional consultations, or field observations were conducted for this study.

Secondary Data Collection

This research primarily relies on secondary sources of data to examine constitutional, legal, and theoretical aspects of stray animal protection.

The secondary sources include:

Constitutional Documents

- Constitution of Nepal, 2072 (2015), particularly provisions relating to:
- Right to Live with Dignity (Article 16)
- Right to Clean Environment (Article 30)
- State policies (Article 51)
- Fundamental rights framework

These provisions are analyzed to determine the scope for progressive constitutional interpretation.

National Laws and Policies

- Criminal Code of Nepal, 2017
- Relevant municipal regulations on stray animal control

These laws are examined to assess existing protections, enforcement gaps, and policy limitations concerning stray animals.

Judicial Decisions

Relevant case law and comparative constitutional judgments are analyzed, including decisions from neighboring jurisdictions that recognize animal dignity and humane management principles.

These cases provide interpretative guidance on expanding constitutional rights through judicial reasoning.

Comparative Legal Frameworks

The study includes comparative analysis of animal welfare and stray animal management models from:

- Bhutan
- Pakistan
- India
- Thailand
- Switzerland

These countries provide examples of humane sterilization programs, animal protection policies, and constitutional or statutory recognition of animal welfare.

Scholarly Articles and Reports

Academic journal articles, legal commentaries, research papers, and investigative reports were reviewed to understand global trends in animal constitutionalism, legal animal rights, and coexistence-based governance models.

Data Analysis

The collected data was analyzed using:

- Qualitative analysis of survey responses
- Doctrinal legal analysis of constitutional and statutory provisions
- Comparative legal analysis of foreign jurisdictions
- Interpretative principles such as:
 - Purposive interpretation
 - Harmonious construction
 - Living constitutionalism

These methods help determine whether the Right to Life under the Constitution of Nepal can be interpreted in an inclusive manner to support humane coexistence with stray animals.

Limitations of the Study

The primary data was limited to a questionnaire survey only.

No interviews with government officials or field observations were conducted.

The sample size may not represent the entire population of Nepal.

Judicial interpretation regarding stray animal rights in Nepal remains limited.

Despite these limitations, the research provides a structured constitutional and comparative analysis supported by both primary survey data and extensive secondary sources.

Findings and Analysis

This section summarizes the key findings of the research based on constitutional analysis, ethical evaluation, comparative study, and survey responses. The results indicate that although Nepal's Constitution does not explicitly recognize animals as rights holders, there are interpretative possibilities that support humane coexistence.

Constitutional Gaps and Interpretative Possibilities

The Constitution of Nepal, 2072 guarantees the right to live with dignity under Article 16; however, it applies specifically to human beings. There is no explicit constitutional provision recognizing animal rights. This creates a legal gap regarding the protection of stray animals.

Nevertheless, constitutional values such as dignity, environmental protection, and state responsibility provide scope for progressive and purposive interpretation. Provisions relating to environmental protection and sustainable development may indirectly support stronger animal welfare measures. Therefore, while animals are not expressly recognized, constitutional principles allow room for humane and coexistence-oriented interpretation.

Ethical Justification for Extending Protection

Ethical and philosophical traditions strongly support compassion toward animals. The principle of ahimsa (non-violence) emphasizes respect for all living beings. Modern theories of animal rights and sentience further argue that animals capable of suffering deserve moral consideration.

Survey responses in this study indicate general public support for animal protection and preference for humane solutions such as sterilization and vaccination. These findings suggest that extending protection aligns with both ethical principles and public attitudes.

Lessons from Comparative Jurisprudence

Comparative analysis shows that other jurisdictions have adopted progressive approaches to animal welfare.

Courts in India have interpreted constitutional rights to recognize animal dignity.

Bhutan and Thailand have implemented humane sterilization and vaccination programs.

Some countries, such as Switzerland, include animal protection within constitutional frameworks.

These examples demonstrate that humane stray animal management is legally possible and practically effective. They provide persuasive guidance for Nepal's legal development.

Feasibility of a Coexistence Model in Nepal

The findings suggest that peaceful coexistence between humans and stray animals is feasible in Nepal. Stray animals are already part of urban and rural environments, and complete removal is neither sustainable nor consistent with constitutional values.

A coexistence model based on:

- Sterilization and vaccination
- Responsible pet ownership
- Strengthened municipal policies
- Public awareness
- Enforcement of anti-cruelty laws can balance public safety with animal welfare.

Therefore, the research concludes that Nepal can adopt a humane and constitutionally grounded coexistence framework that protects both human interests and stray animal dignity.

Discussion

Comparative Constitutional Jurisprudence on Animal Rights

The development of animal protection laws and jurisprudence across different jurisdictions demonstrates an emerging global shift toward recognizing animals as sentient beings deserving of legal protection. While constitutional systems traditionally focus on human rights, several countries have gradually incorporated animal welfare principles into constitutional interpretation, legislation, and judicial reasoning. A comparative analysis of India, Pakistan, Bhutan, Thailand, and Switzerland reveals different approaches to animal protection and provides valuable lessons for Nepal in strengthening its legal framework for animal welfare.⁵⁴

India represents one of the most influential jurisdictions in South Asia regarding the judicial recognition of animal welfare. In *Animal Welfare Board of India v. A. Nagaraja & Others* (2014), the Supreme Court of India expanded the interpretation of Article 21 of the Constitution of India—the right to life—to acknowledge that animals possess intrinsic value and deserve protection from unnecessary suffering. The Court emphasized that compassion toward animals is embedded in the Constitution through Article 51A(g), which imposes a fundamental duty on citizens to protect living creatures.⁵⁵ The judgment recognized that animals are sentient beings capable of experiencing pain and therefore must be treated with dignity. This case marked an important moment in constitutional jurisprudence by linking animal welfare to broader constitutional values such as dignity, compassion, and environmental ethics.

Subsequent judicial developments in India have continued to address the balance between animal welfare and public safety. In *In Re: City Hounded by Strays, Kids Pay Price*, the Supreme Court considered the issue of stray dog management in urban environments. The Court acknowledged public concerns regarding safety but emphasized that policies addressing stray animals must comply with humane treatment principles. The judgment encouraged non-lethal population control strategies such as sterilization and vaccination programs,⁵⁶ reflecting a broader understanding that humane governance must balance human safety with ethical responsibilities toward animals.

Indian courts have also addressed the issue of animal dignity in cases involving the use of animals for entertainment and commercial purposes. In *People for Ethical Treatment of Animals (PETA) v. Union of India*, the courts

⁵⁴ David Favre, *Animal Law: Welfare, Interests, and Rights*. Wolters Kluwer, 2016.

⁵⁵ *Animal Welfare Board of India v. A. Nagaraja & Ors.*, Supreme Court of India (2014)

⁵⁶ *In Re: City Hounded by Strays, Kids Pay Price*, Supreme Court of India (2015)

emphasized that animals should not be subjected to exploitation or cruelty for human entertainment when such activities cause suffering.⁵⁷ The decision reinforced the emerging view that animals possess a form of dignity that requires legal recognition and protection.

A similar development can be observed in Pakistan through the Islamabad High Court's judgment concerning the elephant Kaavan in 2020. In this case, the Court held that animals possess natural rights and that humans have a moral and legal obligation to protect them from cruelty. The Court recognized that animals have intrinsic value and should be allowed to live in environments consistent with their biological and behavioral needs.⁵⁸ This decision was notable because it explicitly referred to philosophical and ethical principles in recognizing that animals are living beings deserving of respect and protection under the law.

While India and Pakistan have primarily advanced animal protection through judicial interpretation, other countries have adopted legislative and constitutional approaches. Bhutan provides an interesting example where animal protection is influenced by Buddhist ethical principles emphasizing compassion toward all living beings. Bhutan's environmental and wildlife protection laws, including the Forest and Nature Conservation Act 1995, emphasize conservation, humane treatment of animals, and ecological balance.⁵⁹ The country's policy framework reflects a broader philosophy of environmental stewardship that aligns with its national development philosophy of Gross National Happiness.

Thailand has also made significant legislative progress through the Prevention of Cruelty and Provision of Animal Welfare Act 2014, the first comprehensive national law specifically addressing animal welfare in the country. The legislation prohibits acts of cruelty such as torture, neglect, and abandonment of animals and imposes criminal penalties for violations.⁶⁰ It also establishes responsibilities for animal owners to ensure adequate care, shelter, and food.

Among the jurisdictions examined, Switzerland provides one of the strongest constitutional foundations for animal protection. Article 80 of the Federal Constitution of the Swiss Confederation explicitly mandates the federal

⁵⁷ *People for Ethical Treatment of Animals v. Union of India.*

⁵⁸ *Islamabad High Court, Kaavan Elephant Case (2020)*

⁵⁹ *Forest and Nature Conservation Act, Bhutan (1995)*

⁶⁰ *Prevention of Cruelty and Provision of Animal Welfare Act, Thailand (2014)*

government to legislate on animal protection.⁶¹ Swiss animal welfare laws regulate multiple aspects of human interaction with animals, including animal housing, transportation, experimentation, and slaughter practices.

Comparing these jurisdictions reveals several important trends in the development of animal protection law. First, courts in countries such as India and Pakistan have played a critical role in expanding constitutional interpretation to recognize animal welfare as a matter of legal and ethical concern. Second, countries such as Thailand and Bhutan demonstrate the importance of comprehensive legislation and policy frameworks in promoting humane treatment of animals. Third, Switzerland illustrates how constitutional recognition can provide a strong institutional foundation for animal protection.

For Nepal, these comparative experiences provide valuable guidance. Nepal shares significant cultural, religious, and legal similarities with India, particularly in relation to constitutional interpretation and ethical traditions emphasizing compassion toward animals. Judicial reasoning from Indian courts may therefore serve as a persuasive reference for Nepalese courts when interpreting constitutional principles related to dignity, environmental protection, and humane governance.

At the same time, Nepal could benefit from adopting legislative and policy approaches similar to those seen in Thailand and Bhutan. Developing a comprehensive national animal welfare law could address issues such as cruelty prevention, humane management of stray animals, and responsibilities of animal owners. Furthermore, the Swiss model demonstrates the potential benefits of incorporating explicit constitutional provisions for animal protection, which could strengthen long-term policy commitments toward animal welfare.

Ultimately, the comparative experiences of these jurisdictions demonstrate that the protection of animals is increasingly recognized as an important ethical and legal concern. By examining the progress made in India, Pakistan, Bhutan, Thailand, and Switzerland, Nepal can identify effective strategies for developing a more comprehensive and humane legal framework that promotes coexistence between humans and animals.

⁶¹ *Federal Constitution of the Swiss Confederation, Article 80*

Social and Practical Challenges in Protecting Stray Animals

Protecting stray animals involves several social and ethical challenges, particularly in rapidly urbanizing societies. As cities expand, animals increasingly adapt to human-dominated environments where open waste systems and dense settlements provide food sources for stray populations. Research shows that poor waste management significantly contributes to the growth of stray dog populations in urban areas.⁶² However, this challenge also creates an opportunity for reform. Improved waste management, urban planning, and environmental policies can reduce stray populations while improving public sanitation and urban health.

Another important issue is the abandonment of domesticated animals. Economic pressures, housing restrictions, and a lack of awareness about responsible pet ownership often lead individuals to abandon pets, which later join stray populations. International animal welfare studies identify abandonment as a major factor driving stray animal populations in many regions of Asia. Strengthening responsible pet ownership policies, such as pet registration, sterilization programs, and public awareness campaigns can significantly reduce abandonment and promote a culture of compassion and accountability toward animals.

Public health concerns, particularly rabies, are frequently raised in debates about stray animal management. Dog-mediated rabies continues to cause thousands of preventable deaths each year, especially in parts of Asia and Africa where vaccination coverage remains limited.⁶³ Nevertheless, scientific research consistently demonstrates that humane strategies such as mass vaccination and sterilization programs are the most effective methods for controlling rabies and stabilizing stray populations over time.⁶⁴ These strategies show that protecting public health and promoting animal welfare can work together rather than in conflict.

The perceived conflict between human safety and animal protection is therefore often a matter of short-term responses rather than long-term solutions. Courts have increasingly recognized this balance. In *Animal Welfare Board of India v. A. Nagaraja & Others* (2014), the Supreme Court

⁶² Margaret R. Slater, "The Role of Municipalities in Managing Stray Dog Populations." *Animals Journal*, 2015.

⁶³ World Health Organization. *Rabies Fact Sheet*. WHO, 2018.

⁶⁴ Hampson, Katie et al. "Estimating the Global Burden of Endemic Canine Rabies." *PLoS Neglected Tropical Diseases*, 2015.

of India emphasized that compassion toward animals is an important constitutional value.⁶⁵ Similarly, in *In Re: City Hounded by Strays, Kids Pay Price* (2015), the Court encouraged humane population control strategies such as sterilization and vaccination instead of indiscriminate killing of animals.⁶⁶ These judicial developments demonstrate a growing legal recognition of animal dignity alongside public safety considerations.

Another practical challenge lies in the limited capacity of municipal authorities. Many local governments face financial constraints, lack of veterinary infrastructure, and weak coordination with animal welfare organizations. Despite these limitations, successful programs around the world demonstrate that collaboration between municipalities, veterinary professionals, and civil society organizations can significantly improve animal population management.⁶⁷

Cultural and societal attitudes also play a crucial role. In many South Asian societies, religious traditions such as Hinduism and Buddhism emphasize the principle of ahimsa (non-violence), encouraging kindness toward all living beings.⁶⁸ These ethical traditions provide a strong moral foundation for animal protection movements and reflect the deep-rooted compassion many communities feel toward animals.

Ultimately, the challenges surrounding stray animal protection should not weaken the promotion of animal rights. Instead, they highlight the need for integrated and humane policies that address both ethical responsibilities and practical concerns. Through responsible pet ownership, improved waste management, vaccination and sterilization programs, and stronger legal frameworks, societies can move toward a model of coexistence where both humans and animals can live safely and respectfully.

Recommendations

Based on the findings of this study, several steps are recommended to promote humane coexistence between humans and stray animals in Nepal. The judiciary should adopt a progressive interpretation of constitutional

⁶⁵ *Animal Welfare Board of India v. A. Nagaraja & Ors.*, Supreme Court of India (2014).

⁶⁶ *In Re: City Hounded by Strays, Kids Pay Price*, Supreme Court of India (2015).

⁶⁷ Favre, David. *Animal Law: Welfare, Interests, and Rights*. Wolters Kluwer, 2016.

⁶⁸ Chapple, Christopher Key. *Nonviolence to Animals, Earth, and Self in Asian Traditions*. SUNY Press, 1993.

provisions, particularly Article 16 on the Right to Live with Dignity, to extend protection and humane treatment to stray animals. By recognizing values such as dignity, compassion, and environmental responsibility, courts can provide guidance on balancing public safety with animal welfare. Legislative measures are also crucial; Nepal should enact a comprehensive Animal Welfare Act that addresses cruelty prevention, stray population management, mandatory sterilization and vaccination, regulation of pet ownership, and penalties for neglect and abuse. Local governments and municipalities must be strengthened to ensure effective implementation of such laws through regular sterilization and vaccination programs, establishment of shelters and rehabilitation centers, proper waste management, and coordination with veterinary services and civil society organizations. Public awareness and community participation are equally important; educational campaigns should promote responsible pet ownership, compassion toward animals, and public health benefits of humane management practices. Schools, NGOs, and media can play a central role in fostering ethical attitudes and civic responsibility.

Finally, animal welfare should be integrated into broader national policies related to environmental protection, urban development, public health, and sustainable governance. A coordinated approach combining judicial guidance, legislative reform, municipal accountability, and community engagement will ensure a sustainable framework for the coexistence of humans and stray animals in Nepal.

Constitutional Framework of Coexistence

Harmonious Construction of Human and Animal Interests

A constitutional framework for animal protection requires the harmonious construction of human and animal interests. Traditionally, legal systems have prioritized human welfare while treating animals primarily as property. However, contemporary legal developments increasingly recognize that animals are sentient beings capable of experiencing pain and suffering, and therefore deserve a certain level of legal protection. Harmonious construction means interpreting constitutional principles in a manner that accommodates both human needs and animal welfare rather than treating them as mutually exclusive.⁶⁹

⁶⁹ Garner, Robert. *Animal Ethics*. Polity Press, 2005.

Courts have begun to adopt such approaches in progressive constitutional jurisprudence. In *Animal Welfare Board of India v. A. Nagaraja & Others* (2014), the Supreme Court of India held that animals possess intrinsic value and that constitutional principles such as compassion should guide human conduct toward animals.⁷⁰ The Court emphasized that animal welfare is not merely a moral concern but also a constitutional commitment derived from the duty of citizens to show compassion toward living creatures.

For Nepal, adopting a harmonious approach would allow the judiciary to balance public safety concerns with humane treatment of animals. Stray animal management policies can therefore be designed to protect human communities while ensuring that animals are treated with dignity and care.

The Principle of Proportionality in Managing Conflict

The principle of proportionality is an essential constitutional tool for resolving conflicts between competing interests. It requires that state action interfering with protected interests must pursue a legitimate objective, employ necessary measures, and ensure that the harm caused is not disproportionate to the intended benefit.⁷¹

In the context of animal management, proportionality discourages extreme measures such as mass culling of stray animals. While public safety is a legitimate concern, indiscriminate killing often fails to address the underlying causes of stray populations and may produce only temporary results. Scientific and policy studies demonstrate that humane population control methods are more effective in the long term.

Judicial recognition of proportionality in animal welfare cases has also emerged in comparative jurisprudence. Courts increasingly acknowledge that protecting human safety does not require abandoning humane principles.

⁷⁰ *Animal Welfare Board of India v. A. Nagaraja & Ors.*, *Supreme Court of India* (2014).

⁷¹ *Barak, Aharon*. *Proportionality: Constitutional Rights and Their Limitations*. Cambridge University Press, 2012.

Instead, proportional policies such as sterilization and vaccination programs can address public health concerns while respecting animal welfare.

In Nepal, the application of proportionality could guide courts and policymakers toward solutions that protect both community safety and the welfare of stray animals.

Humane Management Practices: Sterilization, Vaccination, and Rehabilitation

Effective animal protection requires practical and humane management strategies. International organizations such as the World Health Organization and the World Organization for Animal Health recommend sterilization and vaccination programs as the most effective methods for controlling stray dog populations.⁷²

Sterilization programs prevent uncontrolled reproduction and gradually stabilize animal populations. Vaccination campaigns, particularly against rabies, protect both animals and human communities from serious public health risks. Rehabilitation programs such as shelters, adoption initiatives, and veterinary treatment provide humane care for injured or abandoned animals.

Studies on urban animal management demonstrate that cities implementing consistent sterilization and vaccination strategies experience significant reductions in stray populations and rabies transmission rates.⁷³ These findings reinforce the idea that humane animal management policies can simultaneously advance public health and animal welfare.

For Nepal, strengthening veterinary infrastructure and supporting community-based sterilization and vaccination initiatives could play a critical role in achieving sustainable coexistence between humans and animals.

Public Responsibility and Civic Duty

⁷² World Organisation for Animal Health. *Stray Dog Population Control Guidelines*. Paris: OIE, 2019.

⁷³ Hampson, Katie et al. "Estimating the Global Burden of Endemic Canine Rabies." *PLoS Neglected Tropical Diseases*, 2015.

Constitutional protection of animals cannot rely solely on state institutions; it also requires active participation from society. Public responsibility and civic duty therefore form an important component of animal protection frameworks.

In many legal systems, citizens are encouraged or even legally obligated to demonstrate compassion toward animals and avoid acts of cruelty. Responsible pet ownership, proper waste disposal, and participation in sterilization and vaccination initiatives can significantly reduce stray animal populations and improve community safety.⁷⁴

Education and awareness programs are particularly important in shaping social attitudes toward animals. Schools, civil society organizations, and local governments can promote humane values by encouraging empathy toward animals and highlighting the benefits of responsible animal management.

For Nepal, fostering a culture of compassion toward animals consistent with the ethical traditions of non-violence (ahimsa) found in South Asian religious and philosophical traditions can strengthen public support for animal welfare initiatives.⁷⁵

Integrating Environmental Constitutionalism and Animal Protection

Modern constitutional frameworks increasingly recognize the importance of environmental protection and ecological balance. Environmental constitutionalism emphasizes the responsibility of states to protect biodiversity, ecosystems, and natural resources for present and future generations.

Animals play a vital role in maintaining ecological balance, and their protection therefore contributes to broader environmental objectives. Recognizing animal welfare within environmental constitutional principles encourages a more holistic understanding of justice that includes both human and non-human life.

⁷⁴ Favre, David. *Animal Law: Welfare, Interests, and Rights*. Wolters Kluwer, 2016.

⁷⁵ Chapple, Christopher Key. *Nonviolence to Animals, Earth, and Self in Asian Traditions*. SUNY Press, 1993.

Several jurisdictions have adopted constitutional provisions that indirectly support animal protection. For example, Article 80 of the Federal Constitution of Switzerland mandates the protection of animals and requires the state to regulate their treatment and welfare.⁷⁶ Such constitutional recognition reflects the growing global consensus that animals deserve legal protection as part of broader environmental governance.

Nepal's constitutional commitment to environmental protection provides an important opportunity to incorporate animal welfare into environmental jurisprudence. By recognizing the ecological significance of animals, courts can strengthen the legal foundation for humane animal protection policies.

Proposal for Judicial and Legislative Reform in Nepal

To establish a comprehensive framework for animal protection, Nepal may consider both judicial innovation and legislative reform. The judiciary can play a crucial role by interpreting constitutional provisions particularly those relating to environmental protection and human dignity in ways that acknowledge the intrinsic value of animals.

Comparative jurisprudence from countries such as India, Pakistan, Bhutan, and Switzerland demonstrate that courts can significantly advance animal protection through progressive constitutional interpretation. For example, the Islamabad High Court in Pakistan recognized that animals are sentient beings entitled to dignity and protection under constitutional principles.⁷⁷

Legislatively, Nepal could adopt comprehensive animal welfare laws addressing cruelty prevention, humane management of stray populations, and responsibilities of public authorities and citizens. Establishing national standards for sterilization, vaccination, shelter management, and veterinary services would strengthen animal protection efforts.

Institutional collaboration between municipalities, veterinary professionals, and civil society organizations would also be essential for effective implementation. Such partnerships have proven successful in various

⁷⁶ *Federal Constitution of the Swiss Confederation, Article 80.*

⁷⁷ *Islamabad High Court, Kaavan Elephant Case, 2020.*

international contexts where humane population management programs have replaced ineffective culling practices.⁷⁸

Ultimately, Nepal has the opportunity to develop a progressive constitutional framework that promotes coexistence between humans and animals. By integrating ethical principles, scientific policy approaches, and constitutional values, Nepal can establish a legal system that protects both public safety and the dignity of animals.

Conclusion

This study examined the constitutional, ethical, and social dimensions of stray animal protection in Nepal, focusing on whether the Right to Life under Article 16 of the Constitution can be interpreted in a broader and more inclusive manner. Although the Constitution does not explicitly recognize animals as rights holders, its principles of dignity, environmental protection, justice, and compassionate governance provide scope for progressive interpretation. Through doctrinal and comparative analysis, the research shows that constitutional values can support humane treatment and sustainable coexistence between humans and stray animals.

The ethical discussion and comparative review demonstrate that animals, as sentient beings capable of suffering, deserve meaningful protection from cruelty. Jurisdictions such as India, Pakistan, Bhutan, Thailand, and Switzerland show that animal welfare can be strengthened through judicial interpretation and legislative action. The findings of the survey also indicate public awareness of stray animal issues and significant support for humane solutions such as sterilization, vaccination, and shelter-based management rather than harmful or extreme measures.

Overall, the study concludes that peaceful coexistence is both constitutionally possible and practically achievable in Nepal. By adopting humane management strategies, strengthening legal frameworks, enhancing municipal responsibility, and promoting public awareness, Nepal can balance human safety with animal welfare. Such an approach would align constitutional

⁷⁸ Hampson, Katie et al. "Estimating the Global Burden of Endemic Canine Rabies." *PLoS Neglected Tropical Diseases*, 2015.

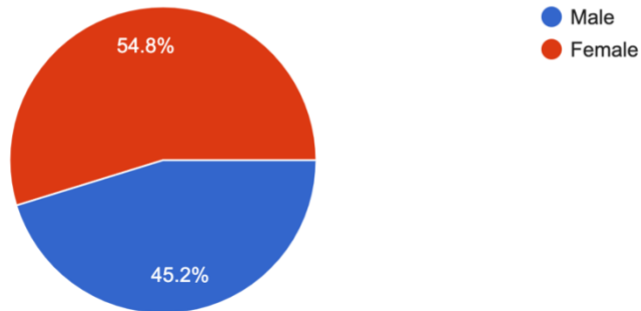
interpretation with ethical principles and contribute to a more compassionate and sustainable society.

Appendix-I

Survey Data

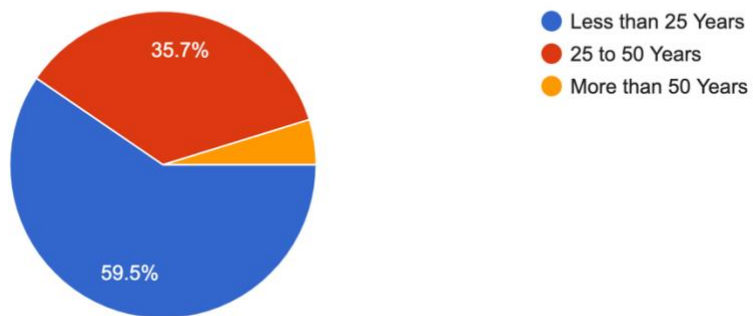
Part I: Demographic Profile Please put a tick mark in the box in a appropriate option for each of the following. 1. Gender

42 responses



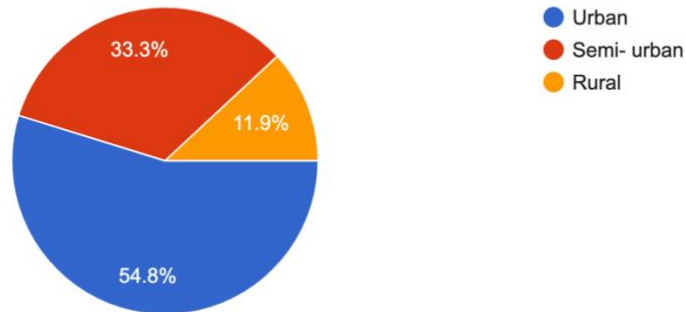
2. Age

42 responses



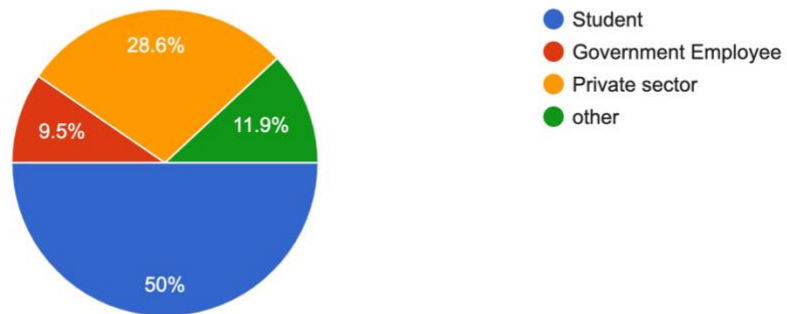
3. Area of residence:

42 responses



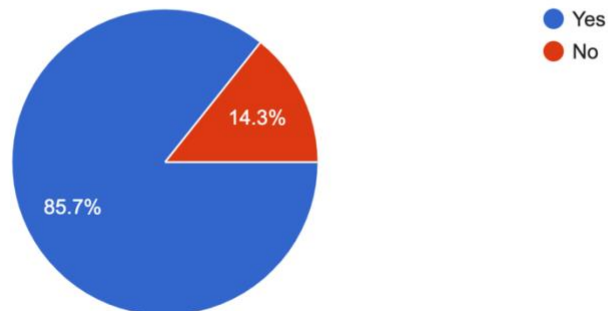
4. Occupation

42 responses



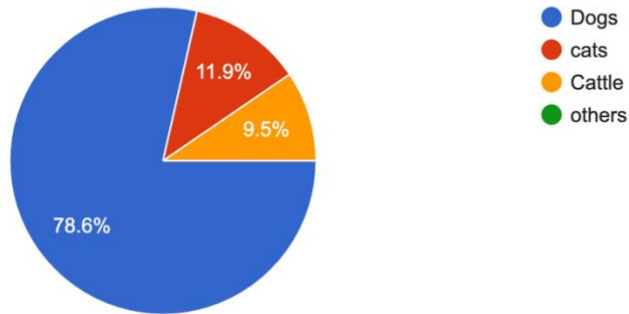
Do you frequently see stray animals in your locality?

42 responses



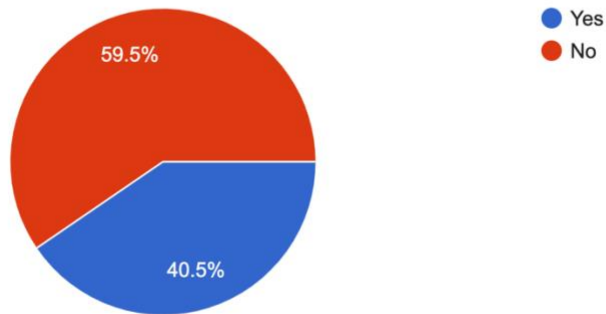
Which stray animals are most common in your area?

42 responses



Have you ever experienced problems caused by stray animals?

42 responses



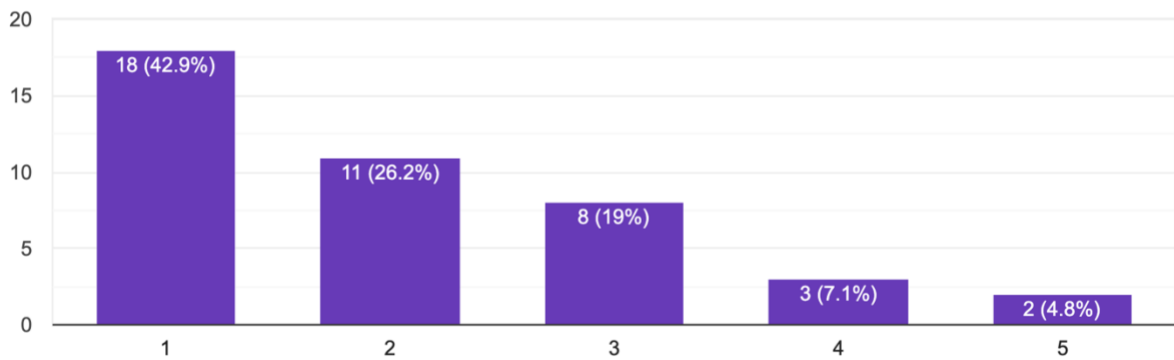
If yes, what kind? 15 responses

- destroying property
- Noise pollution
- i was chased by a dog
- Chased by a cat
- Loud noise and disturbance
- eating plants
- Chased by a dog
- Chasing
- Bite
- I was bitten by a dog
- attack
- Once a cat attacked me
- pollution

Dog chases and barks randomly causing terror and trauma in young kids
Crying and shouting at night

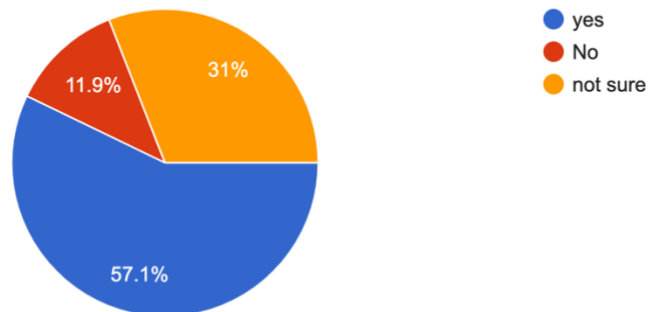
Do you believe stray animals deserve protection from cruelty?

42 responses



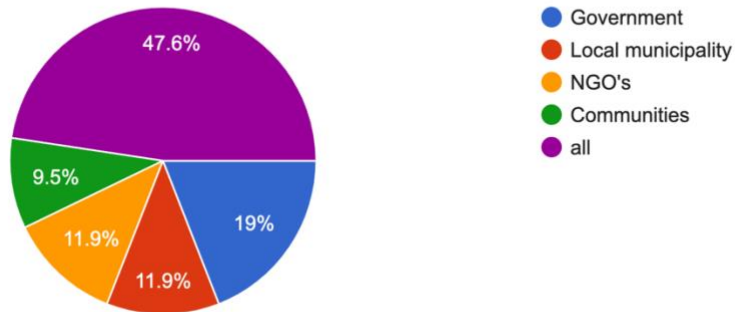
The Constitution of Nepal guarantees the Right to live with dignity which presents the notion of right to life under Article 16. Do you think this right should be interpreted to include animals?

42 responses



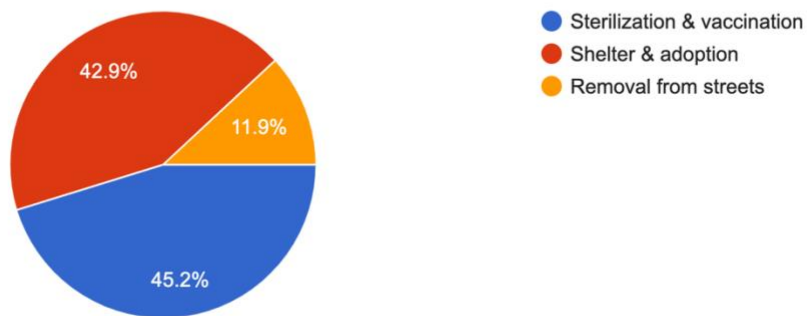
Who should be primarily responsible for managing stray animals?

42 responses



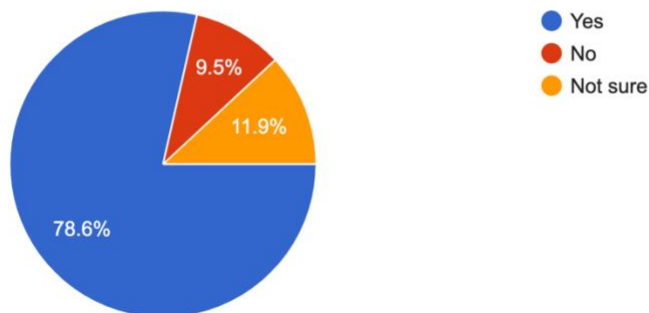
What is the most appropriate solution for managing stray animals?

42 responses



Do you believe peaceful coexistence between humans and stray animals is possible?

42 responses



Briefly suggest one measure Nepal can adopt to balance public safety and animal protection: 24 responses

Vaccination

Promotion of adoption of stray animals
Create stray zones
animal chipping and adoption
Proper laws
Sterilization
Monitoring stray population
Adoption of stray animals
taking care of them and respecting their dignity
Proper vaccinations
proper care and management of stray animals
proper law making
Provide veterinary aid
Educating public on animal care
Respecting their spaces
Sterilization and focusing on adoption or providing a proper shelter
Sterilization
Provide healthcare to sick animals
sterilization
Vaccinate all animals
Harsh punishment for animal cruelty
Give good shelter homes
Make strict laws and acts