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Compensation Without Culpability: What the Stray-Animal Accident Ruling Means for Tort Law in India

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Law Beat

In 2007, a stray bull struck Vijay Kumar on a road in Sangrur. His widow waited nineteen years for a remedy. In Nisha v Municipal Council Sangrur (2026), the Supreme Court finally paid her, without any finding of negligence, and requested every State to build a compensation scheme for victims of stray cattle aggression. This article argues that the ruling quietly moves stray-animal harm out of fault-based tort and into public law compensation. It also argues that the court stopped one step short: a remedy that is "not precedent" and a scheme that is only "suggested," leaving the next victim where Nisha started.

1. Introduction

On 21st September 2007, Vijay Kumar was walking along the road in Sangrur, Punjab, when a stray bull struck him. He suffered a head injury, lost consciousness, and never fully recovered. His requests for compensation were refused during his lifetime. After his death, his widow, Nisha, took the claim to the Punjab and Haryana High Court.[1] A Single judge awarded her Rs. 29 lakhs as damages. After eighteen years, when the Supreme Court heard her appeal,[2] it awarded her a lump sum of Rs. 15 lakhs against the Municipal Council. The court also suggested that the Centre and every State create a mechanism to compensate victims of accidents caused by stray cattle, whether they were pedestrians or motorists.[3]



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This is not a one-time incident in India. The apex court's judgment itself records more than 1,100 deaths from animal attacks in India each year from 2018 to 2020.[4] The court observed that cattle are not meant to serve as "natural speed breakers" on national highways.[5]

This article reads Nisha's judgment as a tort-law decision, though it never uses the language of tort. It makes three claims: first, the court-imposed liability without finding fault and grounded it in the State's positive duties under statute and the Constitution. Second, this is a sound response to a harm that ordinary negligence law cannot reach. Third, the ruling's self-imposed limits, a non-precedential award and a merely suggested scheme mean that the real work of building no-fault compensation now falls to legislatures.

2. Background

Tort law has long treated animals on roads leniently. In Searle v Wallbank (1947), the House of Lords held that a landowner owed no duty to fence his land to keep animals off the highway. England abolished that immunity only through the Animals Act, 1971.[6] Indian law inherited the fault model. A victim must show that a defendant owed a duty, breached it, and caused the harm. With stray cattle, the chain breaks at the first link. In cases of stray animals, the owners have usually abandoned the animal, and thus the animal cannot be traced back to its owner. The colonial Cattle Trespass Act 1871 deals with impounding stray cattle, not with compensating the people they injure.[7]

Indian law has long recognized that fault is not always required. Rylands v Fletcher (1868) imposed strict liability for the escape of dangerous things.[8] In MC Mehta v. Union of India (1987), the apex court created the absolute liability doctrine, with no exceptions, for hazardous enterprises.[9] In public law, Nilabati Behera (1993) allowed courts to award compensation directly against the State for violations of fundamental rights without any defense of sovereign immunity.[10] The Parliament built a no-fault model as well: The Motor Vehicles Act 1988 now pays a fixed Rs 5 lakhs on death under Section 164 and Rs. 2 lakhs in hit-and-run cases under Section 161.[11]

In 2023, the Punjab and Haryana High Court heard more than 190 petitions arising from stray and wild animal attacks on civilians. The court applied the strict liability doctrine and held the State to be primarily liable. The court further directed district committees to decide claims.[12] A 2020 notification later set Rs. 5 lakhs for a death.[13]

In the Nisha case, the Single Judge held the Municipal Council liable and computed Rs. 29 lakhs by borrowing the multiplier method used in motor accident claims. The Division Bench later set the award aside as raising disputed questions of fact.[14] The apex court restored liability but not the method.

3. Analysis

Nisha judgment directs a public authority to pay for a harm caused by an animal it does not own. The judgment neither asks nor answers the liability of the State or the animal. That is compensation without culpability. The ruling is right in result but incomplete in design.

Because the liability of the State flowed from its duty to care for the citizens, not from any proven fault, in substance that is strict liability for a failed public function. The court did not examine what the Municipal Council knew, what its actions and omissions were. It treated the facts as undisputed. Article 48 directs the State to organize animal husbandry on modern lines.[15] Article 51A(g) makes compassion for living creatures a fundamental duty.[16] Section 11(h) of the Prevention of Cruelty to Animals Act 1960 punishes failure to give an animal food, water and shelter.[17] From this, the courts derived a positive obligation of the State: owners must be held responsible, and abandoned animals must go to adequately staffed shelters. Once the duty exists and the harm occurs, liability follows.[18]

The obvious anchor for such an award is the constitutional tort line of Nliabati Bahera, which treats State liability for violation of Article 21 as ultimate. The judgment does not cite these cases; instead, it relied on animal welfare jurisprudence such as the Nagraja Case (2014) and the Constitution bench in Animal Welfare Board of India v Union of India (2023).[19] This choice has real insight because the same omissions, like the absence of tagging, impounding, and sheltering, create the same danger to life for both the animal and the human. A shelter, as a solution, protects both simultaneously. Wise decision by the Supreme Court, but it leaves a doctrinal gap because lower courts, as well as the personnel without legal jurisprudence, will struggle to rest liability on statutory duty, on Article 21, or on quality in a much complicated case.

The court further refused to apply the motor accident multiplier method “as a matter of rule in every case”.[20] It awarded a lump sum of Rs. 15 lakhs citing long delay and the severity of injury and directed that the order ‘shall not be treated as a precedent’.[21] The restraint is understandable, since no statute fixes the measure. However, such an open-ended decision leaves the next claimant without any formula. A widow in Punjab in 2020 received Rs. 15 lakhs as compensation after eighteen years of legal battle; the next victim may/ may not receive any compensation.

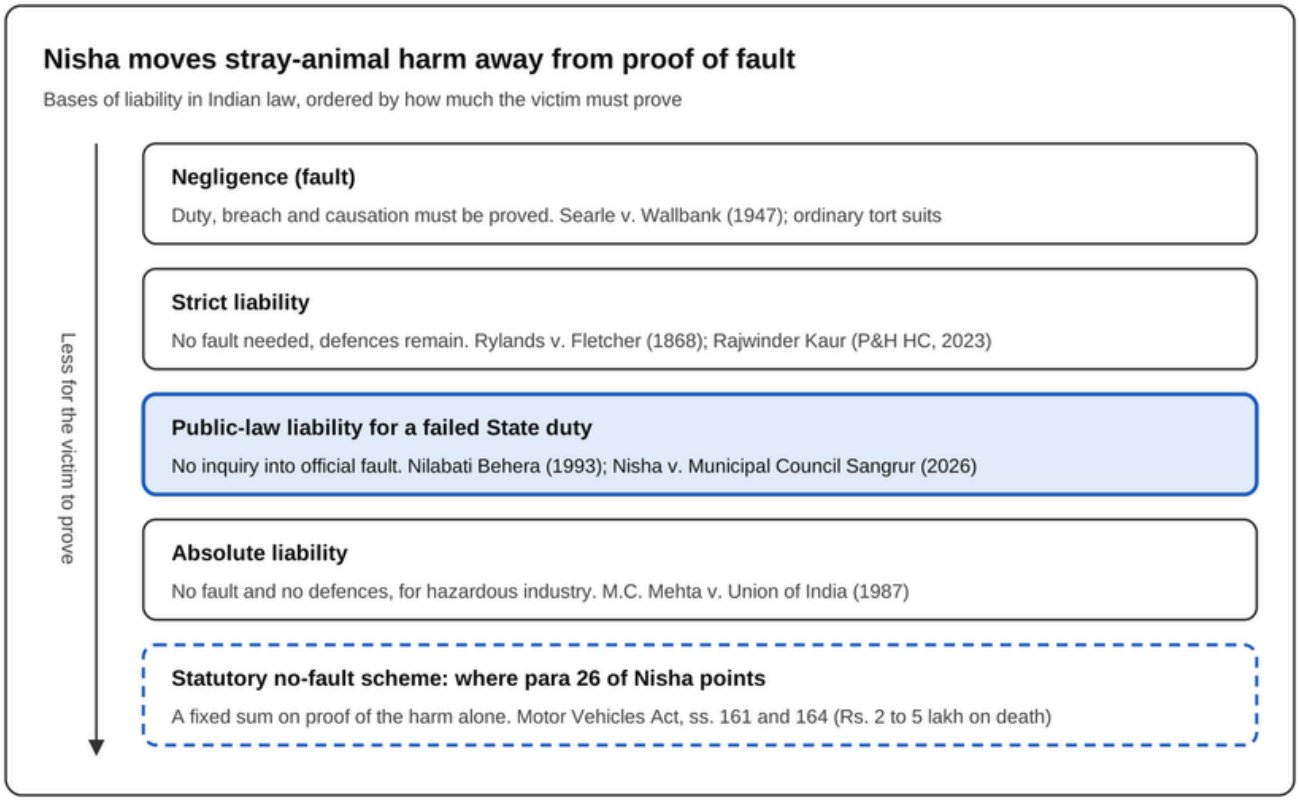
The most consequential part of Nisha is paragraph 26, which requests States to create a compensation mechanism for both pedestrian and vehicular accidents, mandates tagging of all animals so they can be traced back to owners, requires shelters to issue receipts for transferred animals and appoints a nodal officer in every corporation.[22] Read together, these describe a no-fault scheme. The

infographics below show that the Nisha judgment sits between the fault-based negligence and the statutory no-fault model of the Motor Vehicles Act.

Section 498A IPC/Section 85 BNS is the criminal law route for the victim-wife. The Domestic Violence Act, enacted in 2005, remains the civil law option. One of the common modes of statute interpretation is scrutinizing the 'intent of the lawmakers/legislatures' behind enacting it. The DVA,

4. Counter Arguments and Limitations

(i) States can rightfully afford to pay the compensation. Critics would argue that making the State insurer for compensation would put a dent in the public purse; however, the numbers suggest otherwise. At the 2020 Punjab rate of Rs. 5 lakhs per death, the 1,305 deaths recorded nationally in 2002 would cost around Rs. 65 lakhs across all states combined. This is a more affordable strategy than bearing the cost of litigating the same claim for twenty years. Given the victims are mostly rural and pedestrians, the cost of litigation stretching for years would not be the best alternative. It is also a cost the State can shift back to owners once the animal is tagged and the owner can be identified.



(ii) Critics can argue that fault-based liabilities give owners a reason to keep their cattle off roads. A state-funded scheme might weaken that incentive. However, as has already been settled in Rajwinder Kaur, the State can always recover what it pays from the agency or the private person, i.e., the owner responsible. The incentive to recover the amount from the owner can push the states to undertake the tagging, naming and impounding of stray animals more efficiently.

(iii) One reading of the Nisha judgment is that the court rightly left the formation of the scheme to the legislatures. Separation of powers counsels against the courts designing compensation tables. In the judgment, hence, the courts rightly used the language of suggestion. Paragraph 26 of the judgment imposes no deadlines, reporting or auditing duties, and directions without deadlines have a poor record of meaningful implementation.

5. Conclusion

Nisha v Municipal Council Sangrur answers a question that tort law in India has long avoided: who pays when an ownerless animal kills someone on a public road? The apex court's answer is the State, and without proof that any official was careless or negligent. It reached that result through the State's own duties under the Constitution and animal welfare law, not through negligence. In doing so, it recognized that the protection of animals and the protection of people are the same administrative task.

The ruling's limits are deliberate. The award is not a precedent, and the scheme is only a suggestion. Those limits mean that the shift from culpability to compensation is announced but not yet built. Nisha waited eighteen years for Rs. 15 lakhs; whether the next family waits as long depends less on the courts than on whether State legislatures turn the court's suggestions into law.

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