

TITLE: ANIMAL RIGHTS IN INDIA: JUDICIAL RESPONSES, CONSTITUTIONAL PROVISIONS, AND GLOBAL COMPARISONS

ABSTRACT:

The concept of animal rights has evolved significantly worldwide, with India emerging as a notable jurisdiction recognizing animal welfare within its legal framework. This research examines the evolving landscape of animal rights in India, exploring the legal, cultural, and societal factors that influence the treatment of animals.

The study offers a detailed analysis of India's legal structures concerning animal welfare, especially the Prevention of Cruelty to Animals Act, 1960, and the role of the Animal Welfare Board of India (AWBI) in promoting animal protection. Significant judicial decisions, including the Animal Welfare Board of India v. A. Nagaraja case (2014), are highlighted to show how the Indian judiciary has progressively recognized animal welfare, with the Supreme Court acknowledging animals' right to live with dignity under Article 21 of the Indian Constitution. The paper also explores the role of NGOs and activists in raising awareness and influencing policy changes.

By comparing India's approach to animal welfare with global standards, the study identifies areas where India can improve and align its practices with international norms. The research calls for stronger enforcement mechanisms, societal attitude shifts, and a more comprehensive approach to animal welfare that balances India's cultural respect for animals with the need for modern, compassionate legislation.

1. INTRODUCTION:

India has a deep cultural and spiritual connection with animals, evident in practices like the reverence of sacred cows in Hinduism. However, animals in India often suffer from cruelty and neglect, including the abuse of stray dogs, poor conditions in zoos, and inhumane treatment of farm animals during transport. This stark contrast between cultural reverence and actual treatment highlights the need for stronger animal protection.

While laws against animal cruelty exist, they often lack sufficient enforcement, and public awareness of animal rights is still evolving. Unlike human rights, animals cannot advocate for themselves, making their suffering more likely to be overlooked.

In India, animal rights have gained attention through constitutional provisions, judicial activism, and socio-cultural factors. This paper will analyze these legal protections, focusing on the judiciary's role, constitutional mandates, and India's position compared to other nations. It will also examine the Animal Welfare Board of India's role and the rise of animal welfare consciousness in Indian society.

2. ANIMAL RIGHTS UNDER THE INDIAN CONSTITUTION:

Although the Indian Constitution does not explicitly address animal rights, it provides a strong framework that supports the welfare and protection of animals. This framework is shaped by a mix of Directive Principles of State Policy, Fundamental Duties, and progressive judicial interpretations that emphasize humane treatment and compassion toward animals.

Article 48¹ of the Directive Principles calls for the promotion of scientific and humane practices in agriculture and animal husbandry, as well as the prohibition of cattle slaughter. This reflects an early emphasis on animal protection in the context of agriculture.

Article 48A², which was added in 1976 through the 42nd Amendment, expands this framework by directing the state to protect and improve the environment, including safeguarding forests and wildlife. This provision extends protection to wild animals, signaling the state's responsibility to conserve natural habitats and biodiversity.

While these provisions are not legally enforceable, they serve as guiding principles for laws and policies, such as the Wildlife Protection Act and the Prevention of Cruelty to Animals Act, both of which enforce specific protections for animals that align with constitutional values.

Another key constitutional provision that promotes animal welfare is found in Article 51A(g)³, which is a Fundamental Duty that requires every citizen to show compassion toward living creatures and to protect the environment. Though Fundamental Duties are not enforceable by law, they serve as ethical guidelines and reinforce the importance of respecting animal life as a shared societal obligation.

Although these constitutional provisions are not enforceable in court, Indian courts have interpreted them as guiding principles that influence their decisions regarding animal welfare. For example, in the case ⁴*Animal Welfare Board of India v. A. Nagaraja* (2014), the Supreme Court extended the right to life under Article 21 to include the rights of animals, thereby prohibiting cruel practices like Jallikattu, a traditional bull-taming event. This landmark ruling

¹ Constitution of India, 1950, art. 48.

² Constitution of India, 1950, art. 48A.

³ Constitution of India, 1950, art. 51A(g).

⁴ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547 (Supreme Court of India).

emphasized that animals, too, have the right to live with dignity, marking an important step toward recognizing animal rights in India.

3. RULES AND REGULATIONS GOVERNING ANIMAL PROTECTION IN INDIA

India has a robust legal framework for animal welfare, established primarily under the Prevention of Cruelty to Animals Act, 1960 (PCA Act) and complemented by rules and regulations that address specific aspects of animal protection. These rules regulate practices in various sectors like transportation, experimentation, entertainment, and animal husbandry.

1. The Prevention of Cruelty to Animals Act, 1960⁵

Objective: Prevent unnecessary pain or suffering to animals and promote their welfare.

Defines cruelty, including overloading, beating, mutilation, and neglect.

Empowers the government to formulate specific rules for animal welfare.

Establishes the Animal Welfare Board of India (AWBI), which advises the government on animal welfare and oversees implementation.

2. Rules Under the PCA Act

The central government has issued several rules to operationalize the PCA Act. Some notable ones include:

a. Performing Animals (Registration) Rules, 2001⁶

Governs the use of animals in entertainment industries like circuses and films.

Mandates registration and outlines guidelines for humane treatment during performances.

b. Transport of Animals Rules, 1978⁷

Sets standards for the humane transportation of animals via road, rail, air, or sea.

Includes requirements for ventilation, space, and provisions for food and water.

Prohibits overcrowding and ensures compliance with the welfare needs of transported animals.

c. Prevention of Cruelty to Animals (Slaughter House) Rules, 2001⁸

Regulates operations of slaughterhouses, ensuring humane slaughter practices.

Mandates compliance with hygienic conditions and prohibits slaughter in unauthorized facilities.

⁵ Performing Animals (Registration) Rules, 2001, G.S.R. 784(E), 2001 (India).

⁶ Performing Animals (Registration) Rules, 2001, G.S.R. 784(E), 2001 (India).

⁷ Transport of Animals Rules, 1978, G.S.R. 465, 1978 (India).

⁸ Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 G.S.R. 66(E), 2001 (India).

d. The Animal Birth Control (Dogs) Rules, 2001⁹

Focuses on sterilization and immunization of stray dogs as a humane method for population control.

Encourages municipalities to adopt scientific and ethical practices in dealing with stray dog populations.

e. Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017¹⁰

Addresses the care of animals confiscated in cases of cruelty or illegal transportation.

Ensures the wellbeing of animals under temporary custody, with guidelines for shelter and medical attention.

f. Experimentation on Animals¹¹

The Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 regulate the use of animals in scientific research.

Establishes standards for care and housing and mandates prior approval of experiments from ethical committees.

3. Wildlife Protection Act, 1972¹²

Protects wild animals, birds, and plants and regulates hunting, poaching, and trade.

Prohibits hunting of protected species listed under Schedules I-IV.

Establishes national parks, wildlife sanctuaries, and conservation reserves.

Regulates international trade in wildlife through compliance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

4. ¹³Bharatiya Nyaya Sanhitha

Sections 325 criminalizes acts of killing, poisoning, maiming, or injuring animals.

Provides penalties for the destruction or harm to animals, especially those of value.

⁹ The Animal Birth Control (Dogs) Rules, 2001, G.S.R. 108(E), 2001 (India).

¹⁰ Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, G.S.R. 153(E), 2017 (India).

¹¹ The Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998, G.S.R. 433(E), 1998 (India).

¹² Wildlife Protection Act, 1972, No. 53 of 1972, (E) 9 (India).

¹³ Bharatiya Nyaya Sanhitha Bill, 2020, E 325 (India).

4.SOCIO-LEGAL ISSUES RELATED TO HUMAN-ANIMAL CONFLICT IN INDIA AND OTHER JURISDICTIONS

Human-animal conflict is a pressing global issue, deeply rooted in the intersection of expanding human populations and shrinking wildlife habitats. Across India and other regions of the world, these conflicts manifest in various forms, including crop destruction, livestock predation, and even human fatalities caused by animals venturing into human settlements. These encounters often highlight the delicate balance between conservation efforts and human welfare, raising socio-legal challenges that demand urgent attention.

In India, where biodiversity is both abundant and integral to cultural heritage, human-animal conflict is a recurring issue. Rapid urbanization and deforestation have encroached upon wildlife habitats, forcing animals like elephants, tigers, and leopards into close proximity with human populations. For instance, in states like Assam and Karnataka, elephant herds frequently raid crops, leading to economic losses and sometimes fatal confrontations. While laws like the Wildlife Protection Act, 1972, aim to safeguard wildlife, enforcement remains inconsistent, and the interests of affected communities often go unaddressed. Furthermore, government compensation schemes for victims of wildlife-related damage are plagued by delays, leaving affected families with little recourse.

The socio-legal complexities of human-animal conflict in India also stem from a unique cultural paradox. On the one hand, animals are revered in religious traditions, such as the worship of cows or the celebration of elephants during festivals like Ganesha Chaturthi. On the other, instances of cruelty and neglect, often driven by human frustration or economic pressures, persist. This duality complicates the formulation of policies that balance cultural sentiments, conservation priorities, and human livelihoods.

Globally, human-animal conflicts take on different dimensions based on ecological and legal contexts. In the United States, for example, disputes over wolves preying on livestock or deer damaging crops have sparked debates on species conservation under the Endangered Species Act¹⁴. Similarly, African nations like Kenya and Tanzania face conflicts involving elephants and lions, where conservation efforts sometimes clash with the needs of farming communities. Programs such as eco-tourism and community-led conservancies have attempted to mitigate these conflicts, offering economic incentives for coexistence.

In Australia, human-animal conflict often involves invasive species, such as feral cats and foxes, which threaten native wildlife. Legal frameworks, such as the Environment Protection and Biodiversity Conservation Act, 1999¹⁵, address these issues, though they often prioritize

¹⁴ Endangered Species Act, 16 U.S.C. § 1531-1544 (1973) (U.S.).

¹⁵ Environment Protection and Biodiversity Conservation Act, 1999, No. 91 (Australia).

ecological concerns over ethical considerations. In Europe, countries like Switzerland and Germany have taken a more animal-centric approach, emphasizing coexistence through habitat restoration and public engagement. Swiss laws¹⁶ that recognize the dignity of animals provide a legal foundation for innovative strategies, such as creating wildlife corridors and promoting ethical conservation practices.

The resolution of human-animal conflict requires a multi-faceted approach that integrates legal reforms, community engagement, and technological advancements. India could benefit from global practices, such as the community-driven conservation models in Africa or the ethical frameworks adopted in Europe. At the same time, there is a need to strengthen domestic enforcement mechanisms and ensure fair and timely compensation for affected communities. Ultimately, the challenge lies in fostering a culture of coexistence that respects both human livelihoods and the intrinsic value of wildlife, creating a harmonious balance between development and conservation.

5. JUDICIAL RESPONSE TO ANIMAL RIGHTS IN INDIA:

India's judiciary has played a vital role in advancing animal rights, often broadening constitutional provisions to ensure humane treatment of animals.

Some key judicial decisions include:

***Animal Welfare Board of India v. A. Nagaraja (2014):*¹⁷**

In this case, the Supreme Court banned Jallikattu, emphasizing that animals have a right to life and dignity under Article 21. Jallikattu, a traditional sport in Tamil Nadu where bulls are released into a crowd, was found to be inherently cruel. The Court ruled that the state must prevent unnecessary pain and suffering to animals, thus prioritizing animal welfare over traditional practices.

***Tarun Bharat Sangh, Alwar v. Union of India (1992)*¹⁸:**

This Public Interest Litigation (PIL) filed under Article 32 sought to stop illegal mining in the Sariska Tiger Reserve, which threatened local wildlife. The Supreme Court ordered a halt to

¹⁶ Swiss Federal Act on Animal Protection, 2008, Art. 1 (Switzerland).

¹⁷ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547 (Supreme Court of India).

¹⁸ *Tarun Bharat Sangh, Alwar v. Union of India* (1992) Supreme Court of India, Writ Petition No. 509 of 1991.

mining operations in the protected area, affirming the state's responsibility to protect wildlife sanctuaries and animal habitats.

People for Ethical Treatment of Animals v. Union of India (2004)¹⁹:

In this case, PETA filed a writ petition against a film for violating animal welfare laws during filming. The Bombay High Court ruled that filmmakers must obtain certification from the Animal Welfare Board of India (AWBI) to ensure animals are treated ethically and that they comply with the Prevention of Cruelty to Animals Act.

Gauri Maulekhi v. Union of India²⁰:

This case addressed the illegal export of cattle for sacrifice at the Gadhimai Festival in Nepal, one of the world's largest animal sacrifice events. The Supreme Court ruled that causing unnecessary pain to animals is unacceptable, even in the name of tradition or religion.

V. Nair, N.R. And Ors v. Union of India²¹:

This case concerned a government ban on using certain animals in performances. The Court upheld the ban, ruling that the suffering animals endure during training and performances constitutes cruelty, which takes precedence over the right to conduct business.

These rulings highlight the judiciary's commitment to interpreting constitutional provisions in favor of animal welfare, sometimes even overriding cultural or traditional practices that harm animals. Indian courts often refer to international standards and norms, such as the Universal Declaration of Animal Welfare, to guide their rulings, even though India has not formally adopted these global norms. This judicial activism showcases India's distinctive approach, where courts play an active role in expanding animal rights in the absence of specific constitutional protections.

¹⁹ People for Ethical Treatment of Animals v. Union of India (2004)
Bombay High Court, Writ Petition No. 2338 of 2004.

²⁰ Gauri Maulekhi v. Union of India
Supreme Court of India, Writ Petition No. 881 of 2014

²¹ V. Nair, N.R. and Others v. Union of India and Others (2005)
Supreme Court of India, Civil Appeal No. 195 of 2005.

6. COMPARATIVE ANALYSIS: GLOBAL JURISDICTIONS ON ANIMAL RIGHTS

To understand the global context, a comparison of animal rights in India with other countries reveals diverse approaches:

United States:

The U.S. relies primarily on federal and state laws, such as the Animal Welfare Act (AWA) 1966²² and the Endangered Species Act (ESA) 1973²³, but does not grant constitutional rights to animals. Although animals are still largely treated as property, some landmark cases, like *ASPCA v. Ringling Bros.* (2009)²⁴, have provided protections for animals, such as elephants in circuses. However, efforts to grant legal personhood to certain animals, like chimpanzees, have been rejected.

United Kingdom:

In the UK, the Animal Welfare Act, 2006²⁵ criminalizes the neglect and mistreatment of animals. The Animal Welfare (Sentience) Act, 2022²⁶ further introduced the concept of animal sentience into law, setting the stage for future judicial interpretations of animal welfare.

Germany:

Germany's Basic Law (Article 20a)²⁷ was amended in 2002 to explicitly mandate animal protection, giving courts a constitutional basis for enforcing animal welfare laws. German courts have ruled on issues like factory farming and animal testing, emphasizing ethical limits on such practices.

Switzerland:

Switzerland's constitution and Swiss Animal Welfare Act²⁸ mandate strict welfare standards, including protecting animals' dignity. Swiss courts interpret these provisions to ensure humane treatment in practices like farming and animal research, and have upheld bans on cruel farming practices.

²² : Animal Welfare Act, 7 U.S.C. § 2131-2159 (1966) (U.S.).

²³ Endangered Species Act, 16 U.S.C. § 1531-1544 (1973) (U.S.).

²⁴ *ASPCA v. Ringling Bros.*, 597 F.3d 936 (D.C. Cir. 2009).

²⁵ Animal Welfare Act 2006, c. 45 (U.K.).

²⁶ Animal Welfare (Sentience) Act 2022, c. 10 (U.K.).

²⁷ Basic Law (Grundgesetz), Art. 20a (Germany).

²⁸ Federal Constitution of the Swiss Confederation, Art. 80 (Switzerland).

New Zealand:

New Zealand's Animal Welfare Act, 1999²⁹ explicitly acknowledges animal sentience, setting high standards for animal welfare in agriculture and research. The High Court has upheld bans on animal testing for cosmetics, using the Act's provisions to ensure humane treatment.

Countries like Germany and Switzerland, with constitutional protections for animals, empower courts to prioritize animal welfare. India has made strides through judicial interpretation, while countries like the U.S. and UK still operate within statutory frameworks. Explicit constitutional or statutory recognition of animal sentience, as seen in New Zealand, provides a stronger foundation for enforcing animal rights.

7. EMERGENCE OF ANIMAL WELFARE IN INDIA

The emergence of animal welfare in India has been influenced by the country's cultural, religious, and ethical foundations, particularly through the principles of non-violence (ahimsa) in Hinduism, Jainism, and Buddhism. Historically, respect for animals has been embedded in Indian traditions, such as the reverence for cows and the worship of certain animals, but formal animal welfare movements have gained significant traction only in recent decades.

The first significant step in animal welfare legislation came during British colonial rule with the *Prevention of Cruelty to Animals Act, 1890*. Post-independence, India introduced the *Prevention of Cruelty to Animals Act, 1960*, which became the cornerstone of animal welfare laws. Although the 1960 Act criminalized various forms of cruelty, its penalties were seen as insufficient, prompting calls for stronger measures.

Judicial activism has played a vital role in advancing animal rights in India. Landmark rulings, like the *AWBI v. A. Nagaraja* case (2014), in which the Supreme Court banned Jallikattu, have been instrumental in recognizing animals' right to live with dignity. This judicial recognition, based on constitutional provisions such as Article 21 (Right to Life) and Article 48A (Wildlife Protection), has strengthened animal rights in India.

The rise of NGOs like *People for Animals* and *Blue Cross of India*, along with increasing public awareness, has further propelled the animal welfare movement. These organizations work on issues ranging from stray animal care to advocating for policy reforms. Through their efforts, significant public support has emerged for more humane treatment of animals, leading to reforms and stronger enforcement of animal welfare laws.

²⁹ Animal Welfare Act 1999, No. 142 (New Zealand).

8. ROLE OF THE ANIMAL WELFARE BOARD OF INDIA (AWBI)

The **Animal Welfare Board of India (AWBI)**, established in 1962 by Rukmini Devi Arundale under the *Prevention of Cruelty to Animals Act, 1960*, is a central body dedicated to promoting animal welfare and preventing cruelty. Operating under the Ministry of Fisheries, Animal Husbandry, and Dairying, AWBI plays a key advisory role in shaping legislative policies, advocating for stronger penalties for animal cruelty, and issuing guidelines across sectors like breeding, transport, and slaughter to ensure humane practices. It also certifies the use of animals in films and enforces bans on using certain wild animals in circuses.

AWBI promotes public education on animal welfare through collaborations with schools, NGOs, and communities, while supporting shelters and initiatives like sterilization and rescue operations. It serves as a grievance redressal body for animal cruelty complaints, investigates cases, and advocates for legal action. Notably, AWBI's role in *AWBI v. A. Nagaraja (2014)* led to the Supreme Court banning Jallikattu, setting key precedents for animal welfare. AWBI also works with the Committee for Control and Supervision of Experiments on Animals (CPCSEA) to ensure ethical treatment in research.

While AWBI has made significant strides, India's reliance on judicial interpretation underscores the need for stronger legislative measures and expanded enforcement to build a more compassionate framework for animal rights.

9. CONCLUSION

In conclusion, while India's judiciary has made important advances in establishing animal rights, there is a pressing need for legislative reforms to strengthen protections and improve enforcement. By aligning more closely with international standards, India can ensure that animals are treated with dignity and compassion. Future reforms should focus on implementing stricter penalties for animal cruelty, setting enforceable welfare standards, and providing more support for institutions like the AWBI. With comprehensive policies in place, India has the potential to lead by example in the global movement toward recognizing animal rights.

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