

The background of the journal cover features a top-down view of a wooden desk. On the left, there is an open notebook with a silver pen resting on it. On the right, a black leather watch with a silver face is visible. The overall aesthetic is professional and academic.

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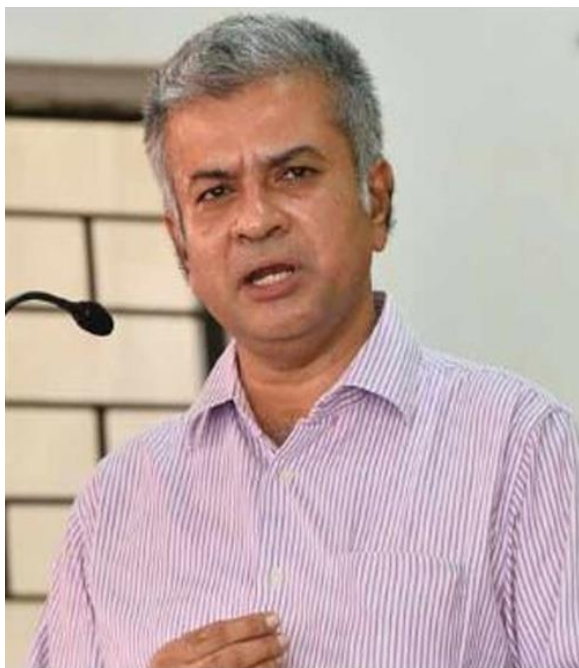
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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WHITE BLACK  
LEGAL

# **THE EVOLVING LANDSCAPE OF ANIMAL RIGHTS IN INDIA: SYMBIOSIS OF CONSTITUTIONAL ASPIRATIONS AND LEGAL DEVELOPMENTS**

AUTHORED BY - ANUSHRI JOSHI

Abstract:-

This legal article delves into the burgeoning realm of animal rights in India, a nation witnessing a fascinating confluence of evolving constitutional<sup>1</sup> pronouncements and legislative enactments. The discourse commences with a meticulous examination of the pertinent Constitutional<sup>2</sup> provisions that lay the groundwork for animal welfare. We dissect the implications of fundamental duties enshrined in Article 51A(g) and the expansive interpretation of Article 21, traditionally associated with human rights, to encompass the well-being of animals. The exploration shifts to the statutory framework safeguarding animal rights. A critical analysis of the cornerstone legislation, The Prevention of Cruelty to Animals Act, 1960,<sup>3</sup> dissects its strengths and weaknesses. The article then meticulously appraises other relevant statutes, such as the Wildlife Protection Act, 1972<sup>4</sup>, highlighting their contributions to the development of animal rights jurisprudence. The analysis culminates in an examination of landmark cases that have profoundly shaped the legal landscape in this domain. These judicial pronouncements, imbued with progressive interpretations, illuminate the trajectory towards a more robust legal framework for animal welfare in India.

## **INTRODUCTION:-**

The legal paradigm surrounding animal rights in India is in a state of dynamic evolution, reflecting a confluence of constitutional directives, legislative enactments, and judicial interventions. This article meticulously examines animal welfare's multifaceted legal framework, exploring its constitutional, statutory, and jurisprudential dimensions. As India navigates the complex terrain of animal rights, it is imperative to scrutinize the foundational legal principles, critical statutes,

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<sup>1</sup> Constitution of India

<https://legislative.gov.in/constitution-of-india/>

<sup>2</sup> ibid

<sup>3</sup> THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

[https://www.indiacode.nic.in/bitstream/123456789/11237/1/the\\_prevention\\_of\\_cruelty\\_to\\_animals\\_act%2C\\_1960.pdf](https://www.indiacode.nic.in/bitstream/123456789/11237/1/the_prevention_of_cruelty_to_animals_act%2C_1960.pdf)

<sup>4</sup> THE WILD LIFE (PROTECTION) ACT, 1972

<https://www.indiacode.nic.in/bitstream/123456789/1726/1/a1972-53.pdf>

landmark judicial decisions, and emerging challenges that shape this evolving landscape.

At the constitutional <sup>5</sup>level, animal welfare is entrenched within the core principles of the Indian legal system. Articles 48 and 48A of the Indian Constitution <sup>6</sup>explicitly mandate the State to endeavour towards the organization of agriculture and animal husbandry on modern and scientific lines, while simultaneously protecting and improving the environment and safeguarding the forests and wildlife. Furthermore, Article 51A(g) imposes a fundamental duty on every citizen to have compassion for living creatures, thus enshrining animal welfare as a constitutional ethos. These provisions collectively underscore the State's obligation to ensure humane treatment and protection of animals.

The statutory framework governing animal rights in India is principally anchored by the Prevention of Cruelty to Animals Act, 1960.<sup>7</sup> This seminal legislation delineates comprehensive measures to prevent cruelty towards animals, encompassing a broad spectrum of prohibitions and penalties. Critical analysis of key sections, such as Section 11, which enumerates various forms of cruelty, and Section 28, which addresses the limitations and exceptions related to religious sacrifices, reveals the Act's intricate balancing of animal welfare with societal practices. Complementing this Act is the Wildlife Protection Act, 1972<sup>8</sup>, which affords robust protection to wild animals and their habitats. Sections 9 and 11, for instance, impose stringent restrictions on hunting and prescribe conditions under which animals may be captured or killed, highlighting the Act's focus on preserving biodiversity and preventing exploitation. Together, these statutes form the cornerstone of India's legislative efforts to protect animal rights.

Judicial pronouncements have significantly enriched the jurisprudence of animal rights in India. Notably, the Supreme Court's ruling in *Animal Welfare Board of India v. A. Nagaraja & Ors.* (2014)<sup>9</sup> affirmed the intrinsic value of animal life and underscored the necessity of compassion towards animals, thereby expanding the interpretative ambit of Article 21 to encompass animal welfare. Similarly, in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & Ors.* (2005)<sup>10</sup>, the Supreme Court upheld the constitutionality of a state law prohibiting cow slaughter, emphasizing the

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<sup>5</sup> *ibid*

<sup>6</sup> *ibid*

<sup>7</sup> *ibid*

<sup>8</sup> *ibid*

<sup>9</sup> *Animal welfare board of India v. a. nagaraja & ors.* [(2014) 7 SCC 547]

<sup>10</sup> *State of Gujarat v. Mirzapur Moti Kureshi Kassab. Jamat & Ors.* (2005) (8) SCC 534)



importance of protecting animals in consonance with cultural and religious sensibilities.

Public Interest Litigation (PIL)<sup>11</sup> has emerged as a potent instrument in the advancement of animal rights in India. By enabling concerned citizens and organizations to seek judicial redress for animal welfare issues, PIL has facilitated proactive judicial interventions that have led to significant policy and regulatory changes. This legal mechanism has empowered the judiciary to act as a vigilant guardian of animal rights, ensuring that legislative and executive actions align with the principles of humane treatment and environmental stewardship.

Despite these legal advancements, the contemporary landscape of animal rights in India is beset with numerous challenges. Balancing animal welfare with competing interests, such as agricultural practices, religious traditions, and economic considerations, presents a complex legal conundrum. A critical evaluation of current practices reveals significant gaps in enforcement mechanisms and regulatory oversight, necessitating a concerted effort to enhance the efficacy of existing laws and ensure stringent compliance.

To address these challenges and fortify the legal framework for animal rights, legislative reforms and policy recommendations are imperative. Proposals for amending existing statutes to incorporate stricter penalties, better enforcement provisions, and enhanced protection measures are crucial. Judicial activism continues to play a vital role in strengthening animal protections, with courts increasingly recognizing the need to adapt legal principles to evolving ethical standards and societal expectations.

The evolving landscape of animal rights in India is characterized by a robust legal framework supported by constitutional mandates, statutory protections, and judicial pronouncements. However, the realization of comprehensive animal welfare requires ongoing legislative refinement, effective enforcement, and a steadfast commitment to ethical stewardship. Through a holistic and progressive approach, India can continue to advance the cause of animal rights, ensuring the humane treatment and protection of all sentient beings.

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<sup>11</sup> Public interest litigation in India  
<https://main.sci.gov.in/pdf/Guidelines/pilguidelines.pdf>

## The Evolving Framework of Animal Rights in India:-

The legal landscape governing the treatment of animals in India presents a fascinating confluence of tradition, evolving societal values, and burgeoning animal rights activism. This article delves into the intricate web of legal principles that underpins the discourse on animal rights within the Indian legal system.

At its core lies the foundational recognition of the state's obligation towards animal protection. This obligation finds expression in the Constitution itself, enshrined as a fundamental duty under Article 51A(g). This duty transcends mere prevention of cruelty, nudging the state towards fostering a culture of respect and co-existence with animal life. This constitutional imprimatur serves as the bedrock upon which subsequent legislative and judicial pronouncements are built.

Statutory enactments such as the Prevention of Cruelty to Animals Act, 1960 (PCA Act) and the Wildlife Protection Act, 1972 (WLPA) provide the operational framework for animal welfare. The PCA Act, a pioneering piece of legislation, criminalizes acts of cruelty against animals, establishing a baseline for acceptable treatment. The WLPA, on the other hand, focuses on the conservation and preservation of wildlife, recognizing the inherent value of these species and their ecological significance.

However, the legal terrain extends beyond these core statutes. Judicial pronouncements by the Supreme Court and High Courts have played a pivotal role in shaping the interpretation and application of animal welfare laws. In landmark cases, courts have expanded the ambit of legal protection for animals, recognizing their inherent worth and sentience. This judicial activism has served to bridge the gap between legislative intent and practical implementation, fostering a more nuanced understanding of animal rights within the legal system.

This article embarks on a detailed exploration of this dynamic legal landscape. It will dissect the interplay between constitutional principles, statutory provisions, and judicial pronouncements, highlighting both the progress achieved and the challenges that remain in India's evolving framework of animal rights.

## The Constitution of India <sup>12</sup>

The Indian Constitution provides a profound jurisprudential foundation for the protection and welfare of animals, intricately weaving principles of environmental stewardship and compassion for living creatures into its fabric. This constitutional edifice is primarily articulated through Article 21, the Fundamental Duties, and the Directive Principles of State Policy. Each of these provisions collectively underscores the nation's commitment to animal rights and environmental conservation.

### Article 21: Right to Life and Personal Liberty

Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty, has been expansively interpreted by the Supreme Court to encompass a life of dignity and well-being for all creatures. In the landmark case of *Animal Welfare Board of India v. A. Nagaraja & Ors.* (2014), <sup>13</sup>the Supreme Court unequivocally affirmed that the right to life under Article 21 includes the right to live in a humane and dignified manner. The Court ruled that practices causing unnecessary pain and suffering to animals are unconstitutional, thus embedding animal welfare within the ambit of Article 21. This case exemplifies the judiciary's progressive stance in expanding constitutional protections to encompass animal rights, thereby recognizing animals' intrinsic value and the moral obligation to treat them with compassion.

### Directive Principles of State Policy: Article 48A

Article 48A, one of the Directive Principles of State Policy, mandates the State to endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country. This provision explicitly enjoins the State to adopt measures that promote environmental protection and wildlife conservation, reflecting an ecological ethos. In *M.C. Mehta v. Union of India* (1997)<sup>14</sup>, the Supreme Court emphasized the State's obligation under Article 48A, directing the government to take comprehensive measures to protect the environment and wildlife. This case underscores the judiciary's role in enforcing Directive Principles, thereby fortifying the legislative framework for environmental and animal protection.

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<sup>12</sup> supra pg 1

<sup>13</sup> Supra

<sup>14</sup> *M.C. Mehta vs Union Of India (Uoi) And Ors.* JT1998(7)SC275, (1998)9SCC93, AIR ONLINE 1997 SC 492.

## Fundamental Duties: Article 51A(g)

Article 51A(g) of the Constitution enshrines a fundamental duty upon every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures. This provision imparts a moral and civic duty upon citizens, fostering a collective responsibility towards environmental stewardship and animal welfare. In *L.K. Koolwal v. State of Rajasthan* (1988)<sup>15</sup>, the Rajasthan High Court highlighted the significance of Article 51A(g), stressing that it reflects the ethical dimension of the Indian Constitution. The Court observed that while Fundamental Duties are not enforceable by writ, they are essential in interpreting the scope of statutory and constitutional obligations related to environmental and animal protection.

The constitutional framework for animal rights is further elucidated through various landmark judicial pronouncements. In *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & Ors.* (2005),<sup>16</sup> the Supreme Court upheld the constitutional validity of a law prohibiting the slaughter of certain animals, linking the directive principles and fundamental duties to the broader goal of animal welfare. The Court's reasoning reinforced the notion that protecting animals is not only a statutory obligation but also a constitutional mandate.

The constitutional underpinnings of animal rights in India are firmly rooted in Articles 21, 48A, and 51A(g), which collectively embody the principles of environmental conservation, compassion for living creatures, and the right to life with dignity. The judiciary has played a pivotal role in interpreting and reinforcing these provisions, thereby advancing the cause of animal welfare within the constitutional framework. This intricate legal architecture reflects India's deep-seated commitment to fostering a humane and ecologically balanced society.

## Legislative Instruments Governing Animal Protection:-

In India, the legislative framework governing animal protection constitutes a comprehensive

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<sup>15</sup> *L.K. Koolwal v. State of Rajasthan* (1988) AIR 1988 Raj 2; [1987] (1) WLN 134.

<sup>16</sup> *Supra* pg 1



structure designed to safeguard both domestic and wild fauna. The Indian Penal Code (IPC), 1860<sup>17</sup> assumes a pivotal role in this context, notably through Sections 428 and 429, which delineate offenses pertaining to cruelty against animals. Section 428 addresses instances of mutilation or killing of animals that are the property of another, while Section 429 pertains to acts of malicious injury or killing of animals. These provisions establish legal culpability and prescribe penalties, thereby serving as a deterrent against acts of cruelty and fostering societal adherence to principles of animal welfare.

The Prevention of Cruelty to Animals Act (PCA Act), 1960<sup>18</sup> constitutes a cornerstone of India's animal protection statutes. Enacted to prevent the infliction of undue pain or suffering upon animals, the PCA Act encompasses a broad spectrum of issues ranging from the transportation and treatment of animals to the establishment of state and national-level animal welfare boards. This statute provides a robust legal foundation for addressing instances of animal cruelty and advocates for responsible practices in the ownership and care of animals.

The Wildlife Protection Act (WLPA), 1972<sup>19</sup> assumes critical significance in the conservation of India's diverse biodiversity and habitats. The WLPA<sup>20</sup> prohibits the hunting and capturing of specified wild animals, thereby safeguarding endangered species and their ecosystems. It regulates activities such as the trade and possession of wildlife products to prevent exploitation and ensures the sustainable preservation of India's natural heritage. The WLPA<sup>21</sup> imposes stringent penalties for offenses related to wildlife crimes, reinforcing the nation's commitment to biodiversity conservation and ethical treatment of wild fauna.

These legislative instruments constitute a multifaceted framework for animal protection in India, encompassing measures to combat cruelty towards animals, conserve wildlife, and promote responsible animal welfare practices. Reflecting the country's evolving stance on animal rights and conservation ethics, these laws aim not only to deter transgressions but also to cultivate a culture of compassion and reverence towards all living beings within its jurisdiction.

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<sup>17</sup> The Indian Penal Code (IPC), 1860, [https://indiacode.nic.in/handle/123456789/2263?sam\\_handle=123456789/1362](https://indiacode.nic.in/handle/123456789/2263?sam_handle=123456789/1362)

<sup>18</sup> *ibid*

<sup>19</sup> *Supra* pg 1

<sup>20</sup> *ibid*

<sup>21</sup> *ibid*

The Indian Penal Code (IPC), 1860<sup>22</sup>

Sections 428 and 429 of the Indian Penal Code (IPC), 1860<sup>23</sup>, address offenses related to cruelty towards animals. These sections are crucial for safeguarding animal rights in India by penalizing acts of cruelty and ensuring justice for the mistreatment of animals.

Section 428 stipulates that anyone who kills, poisons, maims, or renders any animal or animals of the value of ten rupees or upwards shall be punished with imprisonment of up to two years, or with a fine, or both. The focus is on smaller animals and the relatively low threshold of ten rupees indicates a broad protective scope.

Section 429 is an extension of Section 428, covering animals valued at fifty rupees or upwards. It specifies harsher penalties, with imprisonment that may extend to five years, or with a fine, or both. This section primarily covers larger animals like cattle and more valuable pets, reflecting a higher degree of protection and stricter punishment for severe acts of cruelty.

#### Key Case Laws

Nagaraja v. Animal Welfare Board of India (2014)<sup>24</sup>

In this landmark case, popularly known as the Jallikattu case, the Supreme Court of India dealt extensively with animal rights. The Court invoked Sections 428 and 429 IPC in its judgment, which highlighted the importance of these provisions in protecting animals from cruelty. The judgment emphasized that these sections, alongside the Prevention of Cruelty to Animals Act, 1960, form a comprehensive legal framework for the protection of animals in India.

Animal Welfare Board of India v. A. Nagaraja & Ors., (2014)<sup>25</sup>

This case also underscored the applicability of Sections 428 and 429 in addressing cruelty towards bulls used in Jallikattu. The Supreme Court held that such traditional practices, causing unnecessary pain and suffering to animals, were in contravention of these sections. The verdict reinforced the need for strict enforcement of animal protection laws, stressing the ethical treatment of animals.

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<sup>22</sup> Ibid

<sup>23</sup> Ibid

<sup>24</sup> Nagaraja v. Animal Welfare Board of India (2014) 7 SCC 547

<sup>25</sup> Supra pg 1

## Enforcement and Challenges

Despite the clear legal framework, enforcement of Sections 428 and 429 IPC faces several challenges. One major issue is the lack of awareness and sensitivity towards animal rights among the general public and law enforcement agencies. Additionally, socio-cultural practices often clash with animal protection laws, as seen in the Jallikattu case, where traditional practices were justified despite their cruelty towards animals.

However, recent judgments have shown a positive trend toward stringent enforcement of these laws. Courts have increasingly recognized the intrinsic value of animal life and the necessity of punitive measures against cruelty. The legal system is gradually evolving to ensure better implementation of animal rights provisions, reflecting a growing societal acknowledgment of the importance of the humane treatment of animals.

Sections 428 and 429 IPC are vital tools in the fight against animal cruelty in India. They establish a legal precedent for penalizing acts of cruelty and ensuring justice for animals. Noteworthy cases like Nagaraja have reinforced the importance of these provisions, highlighting the judiciary's role in upholding animal rights. While challenges in enforcement remain, the continued efforts of animal welfare organizations and the judiciary's proactive stance promise a more compassionate future for animal rights in India.

The Prevention of Cruelty to Animals Act (PCA Act), 1960<sup>26</sup>

The Prevention of Cruelty to Animals Act (PCA Act), 1960<sup>27</sup>, is a significant piece of legislation in India aimed at preventing the infliction of unnecessary pain or suffering on animals. It embodies the country's commitment to animal welfare and lays down guidelines and provisions for ensuring the humane treatment of animals.

## Scope and Objectives

The PCA Act, 1960, has the following primary objectives:

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<sup>26</sup> Ibid

<sup>27</sup> ibid

**Prevention of Cruelty to Animals:** The Act seeks to prevent the infliction of unnecessary pain or suffering on animals.

**Promotion of Animal Welfare:** Establish mechanisms and institutions to promote animal welfare.

**Regulation of Animal Use:** Regulate the use of animals for various purposes, including experimentation, transportation, and slaughter.

## Key Provisions

### Prohibition of Cruelty

The Act specifies various forms of cruelty to animals and prescribes penalties for those found guilty of such offenses. Key sections include:

**Section 11:** Lists specific acts of cruelty, such as beating, kicking, overloading, torture, and confinement in insufficient space. This section also provides for penalties for those committing these offenses, which may include fines and imprisonment.

**Section 12:** Prohibits the practice of phooka or doom dev, which are inhumane methods to increase milk production in animals.

### Animal Welfare Board of India (AWBI)

**Section 4:** Establishes the Animal Welfare Board of India (AWBI), an advisory body tasked with promoting animal welfare and ensuring the implementation of the PCA Act.

**Functions of AWBI:** Include advising the government on animal welfare issues, creating awareness about animal rights, providing financial assistance for animal welfare initiatives, and ensuring compliance with the Act's provisions.

### Enforcement Mechanisms

**Powers of Police and Inspectors:** The Act empowers police officers and inspectors appointed under the Act to take action against offenders. They can inspect premises, seize animals, and prosecute individuals violating the Act.

**Legal Proceedings:** Provisions for initiating legal proceedings against violators are outlined, ensuring that those responsible for cruelty face legal consequences.

## Relevant Case Laws

**Animal Welfare Board of India v. A. Nagaraja & Ors. (2014)**<sup>28</sup>

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<sup>28</sup> Animal Welfare Board of India v. A. Nagaraja & Ors. (2014) 7 SCC 547



This landmark case dealt with the cruelty involved in the practice of Jallikattu, a traditional bull-taming sport in Tamil Nadu. The Supreme Court held that the practice violated the PCA Act, 1960, as it subjected animals to unnecessary pain and suffering. The Court emphasized the need to interpret the Act in a manner that would promote the welfare and dignity of animals.

People for Ethical Treatment of Animals (PETA) v. Union of India & Ors. (2017)<sup>29</sup>

This case focused on the use of animals in circuses. The Supreme Court directed the government to ensure that the performances involving animals comply with the PCA Act and other relevant guidelines issued by the AWBI. The Court reiterated the importance of treating animals with compassion and preventing their exploitation for entertainment purposes.

State of U.P. v. Mustakeem (2002)<sup>30</sup>

In this case, the Supreme Court dealt with the issue of the transportation of animals in an overcrowded manner. The Court underscored that the provisions of the PCA Act regarding the humane transportation of animals must be strictly adhered to, highlighting the importance of preventing cruelty during transportation.

The PCA Act, 1960<sup>31</sup>, represents a comprehensive legislative framework to safeguard animal rights and promote their welfare in India. Through its various provisions and the establishment of the Animal Welfare Board, the Act seeks to prevent cruelty to animals, ensure humane treatment, and enforce penalties against offenders. Landmark case laws have further strengthened the implementation of the Act, reinforcing the country's commitment to animal rights and welfare.

The Wildlife Protection Act (WLPA) .1972<sup>32</sup>

The Wildlife Protection Act, 1972 (WLPA) <sup>33</sup>serves as a cornerstone statute in India's legal regime dedicated to safeguarding the nation's rich tapestry of wildlife and their ecological habitats. Enacted in 1972, the WLPA has undergone progressive evolution through amendments, fortifying its

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<sup>29</sup> People for Ethical Treatment of Animals (PETA) v. Union of India & Ors. (2017) 10 SCC 90

<sup>30</sup> State of U.P. v. Mustakeem (2002) 7 SCC 38

<sup>31</sup> *ibid*

<sup>32</sup> *Ibid*

<sup>33</sup> *ibid*

provisions to achieve comprehensive wildlife conservation and promote sustainable management practices. This analysis delves into the Act's comprehensive scope, its central objectives, key legal instruments, and pertinent case law interpretations.

In its ambit, the WLPA targets the protection and preservation of India's unique biodiversity by focusing on several critical pillars. First, the Act prioritizes the well-being and survival of endangered species of flora and fauna through the implementation of stringent conservation measures. It regulates activities associated with hunting, poaching, and the trade in wildlife and their derivatives. This regulatory framework aims to curb illegal practices and foster sustainable wildlife management. The WLPA empowers authorities to take necessary measures for the protection, improvement, and overall management of wildlife habitats, recognizing their critical role in species' survival and reproduction. Finally, the Act serves to prevent the over-exploitation of wildlife resources, thereby maintaining ecological balance and safeguarding biodiversity for posterity.

The WLPA equips authorities with a robust legal toolkit to achieve its designated objectives. A pivotal provision establishes the framework for the designation of protected areas, including wildlife sanctuaries and national parks. Within these designated zones, human activities are meticulously controlled to ensure the conservation of wildlife populations and their habitats. Furthermore, the Act empowers authorities to develop and implement management plans for wildlife habitats, fostering a strategic approach to sustainable conservation practices.

Species classification plays a central role in the WLPA's protective measures. The Act categorizes wildlife into various Schedules (I to VI) based on their conservation status. Species listed in Schedule I and Part II of Schedule II receive the most stringent protection. Hunting, trade, or possession of such species is strictly prohibited, with limited exceptions granted only under specific circumstances like scientific research or sanctioned wildlife translocation initiatives. Additionally, the Act strictly regulates the hunting, poaching, and trade of species included in the protected Schedules, ensuring their enduring conservation.

The WLPA's effectiveness is further bolstered by judicial interpretations established through landmark case law. In the precedent-setting case of *Wildlife Trust of India v. Union of India*

(2013)<sup>34</sup>, the Supreme Court of India addressed critical issues concerning tiger conservation under the WLPA. The Court emphasized the paramount importance of effective implementation of provisions related to protected areas and habitat management. This landmark judgment underscored the government's legal duty to enforce wildlife protection laws with utmost rigor, safeguarding endangered species and their critical habitats. Similarly, the case of Vishnu Dutt Sharma v. State of Uttar Pradesh (2013)<sup>35</sup> dealt with the rampant problem of illegal hunting and poaching activities within protected areas and sanctuaries in Uttar Pradesh. The Court's verdict reaffirmed the strict enforcement of hunting prohibitions enshrined within the WLPA and reiterated the crucial role of preserving wildlife habitats for enduring conservation success.

The WLPA stands as a pivotal pillar in India's ongoing wildlife conservation efforts. By establishing a robust legal framework for wildlife protection, regulating hunting and trade activities, and mandating effective habitat management strategies, the Act serves as a powerful tool for safeguarding India's biodiversity. Through its stringent provisions and judicial interpretations, the WLPA continues to strengthen wildlife conservation and habitat preservation throughout the country, fostering a future where human activities and wildlife can coexist in a sustainable manner.

#### The Role of Judicial Activism in Advancing Animal Rights:-

Judicial activism has emerged as a potent tool in the advancement of animal rights. This activism manifests through interpretations of existing legal frameworks that extend protections traditionally afforded to persons to encompass animals. Judges, particularly those on higher courts, may employ a purposive approach, seeking the underlying objectives of animal cruelty statutes or regulations. This approach can lead to broader interpretations that recognize animals' inherent value beyond mere property interests. Landmark cases have, for instance, granted legal standing to animal rights organizations, allowing them to challenge practices deemed harmful to animals. A rights-conscious judiciary's strategic use of judicial power has undoubtedly contributed to a paradigm shift in the legal landscape surrounding animal welfare.

However, the legitimacy and efficacy of judicial activism in this domain remain subject to debate. Critics argue that an overly activist judiciary usurps the legislative function by effectively creating

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<sup>34</sup> Wildlife Trust Of India V. Union Of India, (2013) 8 SCC 292.

<sup>35</sup> Vishnu Dutt Sharma V. State Of Uttar Pradesh, (2013) 11 Scc 358.

new laws rather than faithfully applying existing statutes. Furthermore, concerns arise regarding the potential for unelected judges to impose their own moral and ethical beliefs on a complex and evolving societal issue. Despite these critiques, judicial activism represents a significant force in propelling the animal rights movement forward, and its impact on the legal and ethical treatment of animals is undeniable.

### Public Interest Litigation <sup>36</sup>as a Mechanism for Enforcing Animal Protection Laws

The Indian legal system has embraced Public Interest Litigation (PIL) as a powerful tool to enforce a wide range of laws, and animal protection statutes are no exception. PIL acts as a crucial mechanism to bridge the gap between legislative intent and ground realities, ensuring that animals, often voiceless victims, receive the legal protection they deserve.

This instrument empowers individuals and organizations to approach courts on behalf of animals, highlighting systemic failures or specific instances of cruelty. By invoking the fundamental right to life enshrined in Article 21 of the Constitution, <sup>37</sup>PILs can challenge inadequate enforcement of the Prevention of Cruelty to Animals Act, 1960 (PCA Act)<sup>38</sup> and other relevant legislation. These legal challenges can compel authorities to act, initiate investigations, and ensure compliance with animal welfare standards.

The success of PILs in animal protection lies in their ability to hold the State accountable. Courts, through PILs, can issue mandamus orders directing authorities to perform their statutory duties, such as establishing proper animal shelters or conducting effective inspections of breeding facilities. Additionally, PILs can raise public awareness about animal cruelty, fostering a more compassionate society and encouraging legislative reform to address emerging issues.

However, PILs are not without limitations. The burden of proof often rests with the petitioner, requiring the submission of compelling evidence. Furthermore, overburdened courts can lead to delays in adjudication, potentially prolonging animal suffering. Despite these challenges, PIL remains a vital tool in the fight for animal welfare in India, offering a potent avenue for legal intervention and positive change.

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<sup>36</sup> Public Interest Litigation <https://main.sci.gov.in/pdf/Guidelines/pilguidelines.pdf>

<sup>37</sup> Supra pg 1

<sup>38</sup> ibid



## Landmark Judgments: Expanding the Scope of Animal Welfare

In the landmark case of *Maneka Gandhi v. Union of India* (1978),<sup>39</sup> the Supreme Court of India articulated a pivotal principle that expanded the scope of animal welfare under constitutional law. This judgment recognized that animals are entitled to the fundamental rights enshrined in Article 21 of the Constitution<sup>40</sup>, which guarantees the right to life and personal liberty. This marked a significant departure from earlier interpretations of animal protection laws, which primarily focused on preventing cruelty. The decision set a foundation for a broader legal framework that considers the well-being and rights of animals as integral to societal values.

Subsequent judgments have built upon this foundation, further refining the legal landscape of animal welfare in India. In *State of A.P. v. Challa Ramakrishna Reddy* (2000)<sup>41</sup>, the Supreme Court decisively prohibited Jallikattu, a traditional bull-taming sport, recognizing it as excessively cruel and in violation of animal protection statutes. This case exemplified the judiciary's role in scrutinizing cultural practices that perpetuate animal suffering, emphasizing the need for ethical considerations in traditional customs.

More recent judgments, such as *Animal Welfare Board of India v. A. Nagaraja* (2014),<sup>42</sup> have underscored the imperative of providing humane treatment and adequate living conditions for captive animals. The Supreme Court mandated stringent guidelines for zoos and circuses, prescribing minimum space requirements, environmental enrichment, and care standards. These rulings reflect a progressive shift towards recognizing and respecting the inherent needs and dignity of animals under legal frameworks.

The evolving jurisprudence in animal welfare in India demonstrates a growing recognition of animals as sentient beings deserving of protection and compassionate treatment. These judgments not only uphold ethical standards but also align with international principles of animal welfare, reflecting a broader global consensus on the ethical treatment of animals. As legal interpretations continue to evolve, guided by principles of compassion and justice, India is poised to further strengthen its commitment to ensuring the welfare and rights of animals in line with contemporary

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<sup>39</sup> *Maneka Gandhi v. Union of India* AIR 1978 SC 597

<sup>40</sup> *Supra* pg 1

<sup>41</sup> *State Of Andhra Pradesh v Challa Ramkrishna Reddy* AIR 2000 SUPREME COURT 2083, 2000 (4) SUPREME 741.

<sup>42</sup> *Animal Welfare Board of India v. A. Nagaraja* [(2014) 7 SCC 547]

societal values.

### Challenges and the Path Forward:-

The realm of animal rights in India faces several challenges amidst efforts to safeguard and promote the welfare of animals. Despite significant legal advancements and landmark judgments that recognize animals as sentient beings deserving of protection, there are persistent hurdles that need to be addressed to ensure comprehensive and effective animal rights enforcement.

**Legal Framework and Implementation:** One of the primary challenges lies in the effective implementation of existing animal protection laws. While India has robust legislation such as the Prevention of Cruelty to Animals Act, 1960, and the Wildlife Protection Act, 1972, enforcement often falls short due to inadequate resources, lack of trained personnel, and varying levels of commitment across different states and regions.

**Cultural and Traditional Practices:** Cultural practices that involve animals, such as religious rituals, traditional sports like Jallikattu, and practices in farming and entertainment, present significant challenges. These practices often clash with modern animal welfare principles, leading to legal and ethical dilemmas. Balancing cultural heritage with animal welfare requires sensitive handling and informed dialogue to find equitable solutions.

**Illegal Wildlife Trade and Poaching:** India's diverse wildlife is under constant threat from illegal wildlife trade and poaching activities. Despite stringent laws, wildlife crime continues to thrive due to organized networks, demand for wildlife products, and porous borders. Addressing these issues necessitates enhanced surveillance, intelligence gathering, and international cooperation.

**Lack of Awareness and Education:** There remains a significant gap in public awareness and education regarding animal rights and welfare. Many people are unaware of the legal protections afforded to animals or the ethical implications of their treatment. Promoting awareness through education, campaigns, and outreach programs is crucial to fostering a culture of compassion and respect toward animals.

**Need for Strengthened Legal Protections:** While landmark judgments have expanded the scope of animal rights, there is a need for continual legal reforms and amendments to address emerging

challenges and strengthen protections. This includes revisiting outdated laws, introducing new legislation where gaps exist, and ensuring consistency in legal interpretations across different jurisdictions.

**Path Forward:** To overcome these challenges and advance animal rights in India, a multi-pronged approach is essential. This includes:

**Enhanced Enforcement:** Strengthening enforcement mechanisms, increasing penalties for offenders, and improving coordination between law enforcement agencies and animal welfare organizations.

**Engagement and Dialogue:** Encouraging dialogue between stakeholders including policymakers, animal rights activists, cultural and religious leaders, and the public to find consensus on contentious issues while respecting cultural diversity.

**Capacity Building:** Investing in training programs for law enforcement officials, veterinarians, and wildlife authorities to improve their understanding of animal welfare laws and enforcement techniques.

**Advocacy and Awareness:** Promoting advocacy campaigns, educational programs, and media outreach to raise awareness about animal rights and foster a sense of responsibility towards animals among the general public.

**International Cooperation:** Strengthening collaboration with international organizations and neighbouring countries to combat wildlife crime and ensure the protection of migratory species.

While India has made significant strides in recognizing and protecting animal rights, addressing the aforementioned challenges requires sustained efforts, collaboration, and a commitment to upholding ethical standards in the treatment of animals. By taking proactive measures and fostering a culture of compassion, India can pave the way for a more inclusive and humane society where animals are respected and their rights safeguarded.

## CONCLUSION :-

In conclusion, the landscape of animal rights in India is undergoing a metamorphosis, marked by a fascinating interplay between evolving constitutional principles and burgeoning legal developments. This symbiotic relationship between jurisprudence and legislative action has fostered a more sophisticated understanding of animal sentience and well-being. It is no longer a question of mere utility, but one that increasingly recognizes the inherent value of animal life.

Looking ahead, India's journey on this path will be keenly observed. The onus lies with the judiciary to interpret the expanding legal framework with sensitivity and astuteness. How effectively these legal pronouncements translate into tangible improvements for animals on the ground will be a crucial test.

However, ensuring animal welfare is not solely a legal or judicial responsibility. It necessitates a multi-pronged approach that requires sustained legal activism to push the boundaries of existing legal frameworks. Legislative astuteness is paramount in crafting effective and enforceable laws that address contemporary concerns. But most importantly, a societal transformation is required. Fostering a culture of empathy and respect for animals is integral to achieving lasting change. Only through this collective effort can India bridge the gap between its burgeoning legal landscape and its lofty constitutional aspirations, creating a future where respect for animal rights flourishes. This symbiotic relationship between law, society, and evolving ethical considerations holds the key to ensuring a more humane and just future for all creatures, great and small.

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