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BALANCING THE SCALES: ANIMAL RIGHTS VS. HUMAN DEMANDS

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ABSTRACT:

There is a wide variety of animals in India; however, they are continuously being made to endure pain in all parts of the nation owing to rapid urbanisation, religious beliefs, scientific experiments, and the increase in stray dogs. Yet the bottom line is that these commitments have no impact on the ground.

*This paper has examined four core issues: the human-animal conflict created by the urban centres, the problem of stray dogs, the sacrifice of animals in the context of religious traditions and the experiments on animals for scientific purposes. Courts have played a significant role in advancing animal welfare so that animals live with dignity as has been held in the case of *Animal Welfare Board of India v. A. Nagaraja* (2014¹). Courts have further recognised the fact that animals have a legal personality stated in the case of *Narayan Dutt Bhatt v. Union of India* (2018)², and more broadly speaking, courts have asked the Parliament to reform itself. However, Parliament has failed to reform the existing laws as per the changed times. This paper concludes that the animal welfare regime in India is stagnant, as there is an issue of outdated punishments, weak enforcement mechanisms, and sometimes even contradictions in the existing laws. For instance, under the PCA Act, 1960, the severest punishment for the first time of cruelty against an animal is ₹50, which does not make any difference.*

¹ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547

² *Narayan Dutt Bhatt v. Union of India*, 2018 SCC OnLine Utt 645

The study concludes that the Indian law possesses a gap between legal recognition and the judicial framework, which remains substantial. The Indian law requires a comprehensive legal reform, stricter penalties for violations against animals, public awareness, an effective enforcement mechanism and raising public awareness. Unless the deficiencies are not addressed, the animals' law will not be able to make an impact and protect the rights of the animals.

INTRODUCTION:

India has one of the most valuable wildlife and ecosystems in the whole world. Yet, the legal shields that are supposed to protect both domesticated animals and wild ones are not keeping them safe from harm, because human activity and the sheer demand people have just keeps growing. The relationship between people and animals in India is very old, tangled, and layered like threads, stitched into many customs. Indian tradition has for a long time praised a kind of gentleness and non-violence towards animals, mainly through the principle of ahimsa, meaning non-violence. But in everyday life, a lot of what happens runs the other way: forests are pared back for development, stray animals are removed, quite often under the label of public safety, animals are offered during religious ceremonies, and animals are also used in labs.

What this study seeks to examine is the discrepancy between the objectives of wildlife legislation and its practical implementation. Customary practices as well as the points of interaction between customary practices and the written laws.

In India, some legal provisions have been made in order to provide protection to the animals, such as the Prevention of Cruelty to Animals Act, 1960³ and the Wildlife (Protection) Act, 1972⁴. Constitutional provisions also exist for instance, article 51A(g), which constantly emphasises compassion towards animals and in many cases, through judicial decisions, the court has reiterated time and again the point that animals require protection and not only because of their utility to man. Despite the above legal provisions, there exists a clear gap between law and its implementation. The penalties can be ineffective, the enforcement remains uneven and the capacity of the institution is somewhat constrained thus undermining animal welfare. It would be correct to say that many rulings in courts were related to issues resulting from development and urbanisation, which are major causes of habitat loss as well as human-

³ The Prevention of Cruelty to Animals Act, No. 59 of 1960, INDIA CODE (1960).

⁴ The Wildlife (Protection) Act, No. 53 of 1972, INDIA CODE (1972)

wildlife conflicts. The courts have ruled on the tensions between public safety and the rights of strays. Religious practices have been identified as some instances where there is a contradiction between the interests of the people and those of the animals. Ethical concerns have also been raised against the use of animals for experiments and learning in various institutions.

The main concerns that the study will focus on include human-wildlife conflicts due to urbanisation, stray dog conflicts involving safety of the people and rights of the dogs, use of animals in science and medicine education, and unethical sacrifices of the animals in religious ceremonies.

These concerns are significant since they demonstrate how committed India is in ensuring the protection of the animals. While India may espouse the idea of compassion towards animals as part of its culture, the fact remains that most of the animal welfare laws are outdated. It may be true that the court system has done all that it could to salvage the situation, but what is required now is a strengthening of both laws and their enforcement. Long-term protection requires more than just the promulgation of new laws; it requires functional institutions and a populace that is ready to shoulder its responsibilities. While the base exists in the constitution and statutes of the country, what appears to be missing is the willingness to implement and enforce them.

OBJECTIVES:

1. To understand the legislation of animals' rights in India
2. To study the role of the judiciary in protecting animal rights.
3. To analyse the conflict between animal rights and human demands in India.
4. To review the effectiveness of animal welfare legislation in balancing human and animal interests.
5. To examine the practice of animal sacrifice in religious ceremonies and its conflict with animal welfare laws in India.

LITERATURE REVIEW:

These include the major court rulings, statutory enactments, and various academic literature on the subject matter that will serve as the basis of the paper. Overall, all these information and research reveal the development process of animal protection and welfare laws in India, as well as their practical application. One pattern recurs repeatedly despite all legal measures in place: animals suffer from serious maltreatment because there is a lack of enforcement of the law,

ineffective punishment and some gaps within the legislation. Analysing all the resources and laws in question, the paper highlights the problems in the current legal framework and suggests that real animal protection in India will not only need more stringent legislation but also proper enforcement.

Case laws

One of the landmark cases for animal protection and welfare is covered in the paper, i.e. *Animal Welfare Board of India v. A. Nagaraja (2014)*⁵, where the Supreme Court took a huge step by accepting that animals have the right to live with dignity and calling Article 51A(g) the “Magna Carta of Animal Rights.” After which, the judgment has become the foundation of the constitution for animal rights claims in India. Moving forward on this line, in the case of *Narayan Dutt Bhatt v. Union of India (2018)*⁶, the High Court of Uttarakhand went further in recognising the entire animal kingdom as legal person and also accepted that the citizens are its custodians, looking after the welfare concerns, imposing some kind of *responsibility*. This concept was further reiterated by the Punjab and Haryana High Court in the case of *Karnail Singh v. State of Haryana (2019)*⁷. However, while all this was going on, the protection of animals in the court did not proceed in a linear fashion, or at least did not move along the same path. For example, in *Animal Welfare Board of India v. Union of India (2023)*⁸, the Supreme Court upheld State laws regarding Jallikattu, which is an example of how complicated the balancing act can be.

More recently, in *M.K. Ranjitsinh v. Union of India (2024)*⁹, The Court heard the case of a threat to the extinction of the Great Indian Bustard that comes from renewable energy, showcasing tension between development priorities and wildlife preservation. Taken together, these rulings show both the momentum and the boundaries of what judicial action has been able to do for animal protection across India.

On religion and animal welfare, in the *State of West Bengal v. Ashutosh Lahiri (1995)*¹⁰ The Court emphasised that exemption provisions must be narrowly construed and cannot be used to bypass the primary protective objective of the legislation, directly relevant to this paper's analysis of animal sacrifice.

⁵ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547

⁶ *Narayan Dutt Bhatt v. Union of India*, 2018 SCC OnLine Utt 645

⁷ *Karnail Singh v. State of Haryana*, 2019 SCC OnLine P&H 704

⁸ *Animal Welfare Board of India v. Union of India*, (2023) 9 SCC 322

⁹ *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280

¹⁰ *State of West Bengal v. Ashutosh Lahiri*, (1995) 1 SCC 189

Statutory Sources

This paper's legislative analysis mostly swirls around the Prevention of Cruelty to Animals Act, 1960, including the penalty of ₹50 for a first offence, which surprisingly is still unamended to this day, is the real backbone of the urgent reform argument. The Wildlife Protection Act, 1972, steers the protection of wild animals via a Schedule-based system, whereas not really covering wildlife corridors beyond protected areas, is what directly fuels the human-wildlife conflict which this paper studies. The Forest Conservation Act, 1980, which puts a check on diverting forest land for non-forest purposes, but the 2023 Amendment, in effect, narrowed what down the filter as to what counts as protected forests. Now the question was raised in the Supreme Court and may affect the very necessary habitat protection measures. Last but not least is Section 325 of the Bharatiya Nyaya Sanhita, 2023 which includes criminal liability in case of mischief to any animal regardless of their value, but it remains restricted to criminal mischief.

Secondary Sources

Some other sources that have been used for writing this paper indicate some other flaws in the existing animal protection regime of India. Factly's article titled "The Story of Cruelty to Animals Cases in India: Lack of Data, Minimal Penalties"¹¹ points out the flaws in record keeping and the inadequate penalties under the Prevention of Cruelty to Animals Act, thereby supporting the claim that there is no deterrence element in the existing legal system. The other article by Medium titled "India Animal Cruelty Laws 2025: Penalties, Gaps, Reform Roadmap"¹² points out several loopholes in the law.

The "People's Right v/s Animal Welfare" article from Drishti IAS¹³ examines how the conflicting interests of people and animals have been dealt with in the literature. Similarly, the legal wires on animal rights jurisdiction provide another insight into the role of judiciary in developing the animal welfare, although there is a need of legislative and enforcement measures for any real change.

Both articles make one thing crystal clear – India has a fairly well-developed system of laws and jurisdiction regarding animal rights, but they are seriously hampered by lack of proper

¹¹ [Pavithra K M](#), The Story of Cruelty to Animals Cases in India: Lack of Data, Minimal Penalties, Factly (September 20, 2021)

¹² Abhishek Joshi, *India Animal Cruelty Laws 2025: Penalties, Gaps, Reform Roadmap*, MEDIUM (Oct. 5, 2025), <https://medium.com/@kaalicharan/india-animal-cruelty-laws-2025-penalties-gaps-reform-roadmap-bc04d47f3203>.

¹³ *People Rights vs. Animal Welfare*, DRISHTI IAS (Oct. 2022), <https://www.drishtias.com/daily-updates/daily-news-analysis/people-rights-vs-animal-welfare>.

penalty, inadequate implementation, and lack of consolidated laws; all of which are the major problems discussed in this paper.

RESEARCH METHODOLOGY:

The methodology used for the research in this case includes doctrinal and analytical aspects. This research seeks to study the legislation on animal rights in India, the role of the judiciary in ensuring animal welfare, and the conflicts that exist between the two. In order to carry out this research, the main sources to be used include literature review of secondary sources which will consist of books, periodicals, research papers, government publications, legal materials, and credible websites. All the statutory laws, constitutions, and major court decisions related to this topic have already been analyzed. The findings of the research are expected to contribute towards a better understanding of animal rights protection and suggest measures for strengthening animal welfare laws in India.

DATA COLLECTION:

Data for this research were collected from multiple authoritative sources. Legal and constitutional data were gathered from the India Code website¹⁴, the Supreme Court of India's official website¹⁵, and the Indian Kanoon legal¹⁶ database. Judgments of the Supreme Court and various High Courts on animal rights, animal sacrifice, and wildlife protection were studied and analysed. Statistical data on animal cruelty cases, wildlife mortality, and pesticide use were collected from the National Crime Records Bureau (NCRB) Annual Reports, the Ministry of Environment, Forest and Climate Change (MoEFCC) Annual Reports, the Wildlife Institute of India (WII) publications, and academic studies published in peer-reviewed journals, including Springer and Elsevier, were accessed through Google Scholar.

DATA ANALYSIS AND INTERPRETATION:

1. Mapping the Legal Landscape and Identifying Structural Deficiencies in Indian Animal Welfare Law

1.1 Constitutional Provisions

The Constitution does not grant animals fundamental rights of their own. What it does give is

¹⁴ *India Code*, Ministry of Law and Justice, Gov't of India, <https://www.indiacode.nic.in> (last visited June 19, 2026).

¹⁵ *Supreme Court of India*, <https://www.sci.gov.in> (last visited June 19, 2026).

¹⁶ *Indian Kanoon*, <https://indiankanoon.org> (last visited June 19, 2026).

a moral and legal footing for their protection, and it does so through two provisions. Article 48A, a Directive Principle of State Policy, asks the State to protect and improve the environment and to safeguard forests and wildlife. Article 51A(g), a Fundamental Duty, places on every citizen the duty of protecting the natural environment and showing compassion to living creatures. Neither provision can be enforced directly in a court, yet the Supreme Court in *Animal Welfare Board of India v. A. Nagaraja* (2014) 7 SCC 547 interpreted Article 51A(g) as the "Magna Carta of Animal Rights".

1.2 Prevention of Cruelty to Animals Act, 1960

India's first national animal welfare law, the Prevention of Cruelty to Animals Act (PCA Act), 1960, makes cruelty to animals a criminal offence, though it carves out exceptions for animals used as food and in scientific experiments. Section 11 sets out what counts as cruelty and forbids beating, overloading, torturing, and confining an animal in a way that causes it pain. The Act also set up the Animal Welfare Board of India (AWBI) to advise the government and to encourage shelters and rescue homes. The weakness is in the punishment. A first offence draws a maximum fine of ₹50, far too little to stop anyone, and the PCA Amendment Bill, 2022, that would've increased the penalties, is still just waiting to be passed.

1.3 Wildlife (Protection) Act, 1972

The Wildlife (Protection) Act, 1972 (WPA) is the principal law safeguarding wild animals and their habitats. It groups species into Schedules based on their vulnerability and prohibits the hunting, trade, and possession of those listed. It also establishes National Parks, Wildlife Sanctuaries, Tiger Reserves, and Elephant Reserves, while its 2022 Amendment streamlined the Schedules and stiffened the penalties.

The catch is that the Act tends to think like a fortress. Most of its attention is spent protecting species and managing these protected zones. While its provisions do, in principle, extend beyond such areas, they offer little for the human-wildlife conflict that today erupts most frequently on farmland and along the fringes of expanding towns.

1.4 Other Relevant Legislation

Beyond these two central laws, several other statutes add to the animal rights framework in India. The Forest (Conservation) Act, 1980 limits the diversion of forest land for non-forest

uses, thereby safeguarding wildlife habitats. The Bharatiya Nyaya Sanhita, 2023¹⁷, through Section 325, has replaced the older IPC Sections 428 and 429, widening criminal liability for mischief against animals to cover every animal, irrespective of its monetary value.

The Animal Birth Control (ABC) Rules, 2023¹⁸ deal with the management of stray dogs through a Catch-Neuter-Vaccinate-Return approach, swapping culling for a humane sterilisation method. The Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 govern the use of animals in laboratories and require an institutional ethics committee's approval before any experiment may be carried out.

1.5 Gaps in the Existing Framework

Despite all this, three issues persist. First, there is no animal rights legislation at all; each type of animal falls under its own piece of legislation without anything tying them together. Second, even though there are some protections on paper, enforcement and prosecution have been inconsistent. Cases involving the PCA Act typically take place in criminal court levels below the higher level, and the caseload is so immense that the violators are not prosecuted until it is too late.

Third, constitutional provisions remain principles and duties that the animal cannot claim as rights. Animals will be protected only if human beings choose to do so, not because it is possible by legislation for them to do so.

1.6 The legal structure that exists in India with regard to animal rights is quite vast on paper but almost non-existent in reality, the reason being that it lacks strong sanctions behind it. The Prevention of Cruelty to Animals Act of 1960, which is the primary piece of legislation in the country, limits the maximum amount of fine imposed for the first offense to ₹50, which is so insignificant that nobody gets deterred from it.

In the case of *Animal Welfare Board of India v. A. Nagaraja (2014)*, the Indian Supreme Court had explicitly asked Parliament to amend the Act in order to make it deterrent in nature. However, even after more than a decade, nothing much has happened. The PCA Amendment Bill, 2022, with much stiffer sanctions, is still pending.

¹⁷ Bharatiya Nyaya Sanhita, No. 45 of 2023, INDIA CODE (2023), § 325.

¹⁸ Animal Birth Control Rules, 2023, G.S.R. 193(E), GAZETTE OF INDIA (Mar. 10, 2023)

2. Analysing Court-Led Constitutional Expansions, Legal Personhood, and the Structural Limits of Adjudication

2.1. Judiciary acting as Primary Guardian of Animal Rights

India has its own act concerning the welfare of animals, namely the Prevention of Cruelty to Animals Act, 1960; however, it is evident that it is outdated. This act was made more than six decades ago, at a time when animal cruelty did not raise too many eyebrows. Now, when the cruelty towards animals is causing outrage, there is nothing done about it because of the minimal fines imposed and the absence of deterrence. The delay in the Prevention of Cruelty to Animals (Amendment) Bill says a lot. Judiciary intervened to address the gap between the current laws and its practical implication

2.2 Expanding the Right to Life to Animals

The most significant judicial contribution is the expansion of Article 21 (right to life) to include animals. In *Animal Welfare Board of India v. A. Nagaraja (2014)*, the Supreme Court recognised for the first time that animals have a right to live with dignity and a right not to be tortured. The Court held that every species has a right to life, and that for animals, life means something more than mere survival, including intrinsic worth, honour, and dignity. The Court also recognised the five freedoms of animals, which are -freedom from hunger, discomfort, pain, fear, and freedom to express normal behaviour as judicially enforceable standards under Sections 3 and 11 of the PCA Act, 1960.

2.3 Granting Legal Personhood to Animals

Building on the Nagaraja judgment, the Uttarakhand High Court in *Narayan Dutt Bhatt v. Union of India (2018)* went a step further and declared the entire animal kingdom including avian and aquatic species as legal entities with a distinct legal persona, with corresponding rights, duties, and liabilities. The Punjab and Haryana High Court in *Karnail Singh v. State of Haryana (2019)* reaffirmed this position, making it the second High Court in India to confer legal personhood on animals. These decisions transformed animals from mere property under the law to rights-bearing legal persons.

2.4 Judicial Directions on Legislative Reform

Courts have not only protected animal rights through interpretation but have also directed Parliament to act. The Court, in Nagaraja (2014) case, clearly instructed Parliament to amend the PCA Act in order to create a strong deterrence – a step which has not been taken yet. The

Court, in another case, namely *M.K. Ranjitsinh v. Union of India (2024)*, formed an expert committee to find a balance between the extinction danger faced by the Great Indian Bustard and the energy requirement of India through solar energy.

2.5 Limitations of Judicial Intervention

Nevertheless, judicial review has its own limitations. In the landmark case of *AWBI v. Union of India (2023)*, 20238, the Apex court in the Constitution Bench judgment has upheld the State statutes permitting Jallikattu as against the earlier stand taken in the *Nagaraja (2014)* case by stating that “it is not wise to put the animals under the protective umbrella of Article 21”. This demonstrates that judicial safeguard of animal rights in India is still inconsistent.

3. The Huge Gap Between Animal Laws and Reality in India

3. India’s animal welfare laws are contradictory in a way because there’s very strong constitutional and judicial talk but then the reality on the ground seems weak. When we look at all the numbers in terms of legislation, case law, and government studies, it is almost as if the balance keeps swaying towards animal disinterest rather than interest.

3.1. Constitutional and Statutory Foundation

There is no explicit provision for animal rights in the Indian Constitution. There are, however, certain provisions related to that in Article 48 and Article 51A(g), added via the 42nd Amendment Act in 1976. Both provisions are related to the concept of “compassion towards living creatures”, but in essence, both provisions have been made non-justiciable in nature. Nevertheless, the Supreme Court has referred to Article 51A(g) only as interpretative aid.

Also, “Prevention of cruelty to animals” (Item 17) and “Protection of wild animals” (Item 17B) are placed under the Concurrent List, so Centre and States end up sharing duties but in a fragmented way, which creates that push pull responsibility rather than one clean line of authority.

3.2. Rising Human–Wildlife Conflict

MoEFCC data shows conflict escalating with urbanisation (35% by 2021):

Indicator	2015-16	2022-23	% Change
Elephant Deaths	98	144	+46.9%
Human Deaths (HWC)	426	578	+35.7%

Indicator	2015-16	2022-23	% Change
Crop Damage (₹ Cr.)	~320	~700	+118.7%

The Wildlife Protection Act, 1972 has a schedule for wildlife species but not for the corridors. There is no such requirement in either the Forest Conservation Act, 1980 or the Environment Protection Act, 1986 to conduct a Wildlife Impact Assessment.

Human–wildlife conflict has emerged as a critical socio-ecological challenge in regions like Chandrapur, Maharashtra, where increasing encounters between humans and large carnivores such as tigers and leopards have led to rising fatalities and livelihood losses. Recent incidents, including multiple deaths within short time spans, highlight the intensification of this conflict, driven by factors such as expanding human settlements, habitat fragmentation, and a growing tiger population that exceeds the ecological carrying capacity of forest areas. As natural prey becomes scarce and forest boundaries shrink, big cats increasingly venture into human-dominated landscapes, resulting in attacks on both people and livestock. The issue is further compounded by socio-economic dependence on forest resources, delayed compensation mechanisms, and conservation policies that prioritize species protection over local safety. Thus, the Chandrapur case underscores the urgent need for balanced, science-based management strategies that integrate wildlife conservation with human security and community participation¹⁹.

3.3. The Stray Dog Crisis: Public Safety vs. Animal Life

India has the largest population of stray dogs in the world with approximately 60 to 80 million dogs, In India roughly 7.5 million dogs' bites and 20,000 deaths due to rabies are recorded annually (WHO India, 2022). The primary legal mechanism governing stray dogs is the Capture-Sterilise-Vaccinate-Release (CSV) model under the Animal Birth Control Rules, 2023, which prohibits culling and requires sterilised dogs to be returned to their original locality. In *Re: "City Hounded by Strays, Kids Pay Price"* (2026 INSC 506)²⁰, the Supreme Court observed that the problem lies not in the law itself but in its poor implementation, caused by inadequate funding, poor waste management, weak infrastructure, and lack of public awareness. The Court ultimately allowed the removal of stray dogs from sensitive institutional areas such as schools and hospitals.

¹⁹ Human-wildlife conflict escalates in Chandrapur as five more fall victim to big cats, *The Hindu* (July 2026), <https://www.thehindu.com/news/national/maharashtra/human-wildlife-conflict-escalates-in-chandrapur-as-five-more-fall-victim-to-big-cats/article70070110.ece>.

²⁰ *In re "City Hounded by Strays, Kids Pay Price"*, (2026) 1 SCC 774 (India)

The Supreme Court directed all High Courts to register a suo moto writ petition as a continuing mandamus, for monitoring compliance with the directions issued by this Court.

3.4. Judicial Trends and Legislative Override

In *Animal Welfare Board of India v. A. Nagaraja* (2014) 7 SCC 547, the Court recognised animals' right to life under Article 21. Yet in *AWBI v. Union of India* (2023), the court upheld the decision and recognised the animals' right to life under Article 21 court justified the Jallikattu amendments by considering cultural identity to be a good reason to infringe on animal welfare.

4. The Reality of Animal Welfare Laws in India: Intent vs. Results, How Low Fines, Weak Enforcement, and Human Interests Overpower Animal Protections

The data gathered through case laws, reports, statutes and articles reveals a significant gap between the progressive objective behind the animal welfare laws in india and how effectively they actually work in protecting animals

4.1. Statutory Framework and Penalty Inadequacy

The Prevention of Cruelty to Animals Act, 1960 (PCA Act) is primary legislation that governs the animal welfare and protection laws in India. However, its penalties are its biggest weakness, like the one part that doesn't match the purpose. For instance, First-time animal cruelty offenders can face fines as low as Rs. 10 under the 1960 Act, which really makes the deterrence side quite thin.

Statute	Penalty	Effectiveness
PCA Act, 1960 (S.11)	Fine Rs. 10–50 (first offence)	Weak; not deterrent
Wildlife Protection Act, 1972 (S.51)	Up to 3–7 yrs + Rs. 25,000	Moderately strong
BNS, 2023 (S.325)	Stiffer penalty for killing/maiming	Stronger; relied upon

4.2. Enforcement and Conviction Data

Government figures show 7,853, 14,235 and 2,265 cases registered during 2012-13, 2013-14 and 2014-15, respectively, but the data is inconsistent across states. Enforcement is weak, mostly because of forensic delays, low police priority, and easy bail arrangements, so it looks

like practical human convenience often wins over animal protection, or at least that's the impression.

4.3. Judicial Interpretation (Balancing the Interests)

Indian courts have played quite a big role in moving animal welfare jurisprudence forward, by recognising that animals are sentient beings and should get legal protection. Still, many court decisions seem to keep returning to the idea of balance, like animal interests have to be weighed against competing human concerns, cultural traditions, economic pursuits, and even developmental goals. For example, cases like *Animal Welfare Board of India v. Union of India (2023)* show how the judiciary tries to line up constitutional values, compassion towards animals, with the preservation of cultural practices. So overall, judicial interpretation presents a careful, almost measured approach that tries for equilibrium between animal welfare and wider societal interests, even if the outcome can feel uneven sometimes.

4.4 Whether India's animal welfare laws really work can be judged on three counts, not just one:

- a) Are the laws adequate?
- b) Are the penalties strict?
- c) What does the record show?

The PCA Act, 1960 and the Wildlife Protection Act, 1972 do set out a broad framework but their force kind of drains, over time, mostly because the penalties feel outdated uneven enforcement, and the coverage is scattered. The ₹50 fine under the PCA Act discourages nobody and even if the Supreme Court stated in *Nagaraja (2014) case*, that penalties should increase, Parliament has not updated the same. Incidents, including deaths linked to human-wildlife conflict keep rising, and cruelty cases still seem underreported. Taken together the picture comes off like laws that have not managed to balance human needs and animal interests, and like reforms that have run out of time.

Interpretation: The evidence states the same that even if the judiciary has worked diligently to widen animal welfare and to treat animals as they deserve while the law should genuinely care about, the statutes and the agencies enforcing them still tend to answer mainly to human interests. The courts have leaned, more and more, toward an ecocentric approach, and they have said that animals have value in themselves, but that promise keeps meeting thin penalties, weak enforcement, and the steady priority given to cultural, economic, and developmental concerns. So, a gap stays there between the animal-rights jurisprudence the courts have crafted

and the way the law is delivered on the ground, and in that gap animal interests are usually the first to get sidelined.

5. Faith vs. Compassion: The Legal Battle Over Animal Sacrifice

5.1 Animal sacrifice in religious ceremonies, in several parts of India, seems to trace back quite far. For many communities, it's devotion, and sometimes even a kind of sacred meeting place, or a way to live up to a duty. But over time, as animal rights and welfare have gained traction, the whole practice has turned into a legal debate, and also a wider ethical one. The latest news, the court judgments, and these newer developments together show that there is an ongoing tension between the freedom to practise one's religion and the duty to stop animals from being dealt with in a cruel manner.

5.2 Article 25 guarantees freedom of religion, and it allows people to profess, practise, and also spread their faith, in a straightforward way. But naturally, that freedom is not absolute, it yields to public order, morality, health, and to the other clauses laid out in Part III of the Constitution. On the other hand, there is the Prevention of Cruelty to Animals Act, 1960, which is there to spare animals from unnecessary pain or suffering. So, when a religious practice in substance turns on killing or on sacrifice of an animal, these two ideas collide with negative consequences.

5.3 Like in the case of *N. Adithayan v. Travancore Devaswom Board (2002)*²¹, the Supreme Court seemed to underline that religious practices ought to sit alongside constitutional values as well as wider social welfare concerns. Even though the case was not directly about animal sacrifice, it still added strength to the notion that religious customs are not completely outside the Constitution

5.5 The issue of animal sacrifice in the name of religion has recently come under judicial scrutiny before the Supreme Court of India. In *Shruti Bist v. Ministry of Animal Husbandry (2026)*²², the Court issued notice on a Public Interest Litigation seeking a nationwide prohibition on the ritual killing of animals in temples and other religious places. The petition contends that such practices are inconsistent with the constitutional duty of compassion

²¹ N. Adithayan v. Travancore Devaswom Board, (2002) 8 SCC 106

²² *Shruti Bist v. Ministry of Animal Husbandry*, Writ Petition (C) Diary No. 66314/2025 (S.C. Mar. 12, 2026)

towards living creatures under Article 51A(g) and undermine the objectives of the Prevention of Cruelty to Animals Act, 1960. It further challenges the continued legality of religious exemptions that permit animal sacrifice and relies on the Supreme Court's animal welfare jurisprudence, particularly the principles laid down in *Animal Welfare Board of India v. A. Nagaraja*. By agreeing to examine the matter, the Court has reopened the broader debate concerning the balance between freedom of religion and the State's obligation to protect animal welfare, thereby raising important constitutional questions regarding the limits of religious practices in a modern legal framework.

5.6 Another significant development emerged from Tamil Nadu, where the Madras High Court imposed a ban on animal sacrifice at Thiruparankundram Hills. This position was subsequently affirmed by the Supreme Court in 2026. While upholding the ban, the Court observed that religious practices are not absolute and may be subject to reasonable restrictions when they conflict with statutory provisions, public order, or broader public interest. The ruling reflects a growing judicial inclination to prioritize legal compliance and animal welfare considerations over certain long-standing customary practices.²³

5.7 There is also a visible and significant growing sense of awareness among citizens, welfare groups, and policymakers, all at once. It's about how animals ought to be treated, in practice. A number of groups now advocate worship methods that avoid harm to an animal, or at minimum reduce the harm, as they phrase it. Still, people who defend sacrifice argue that putting limits on it is like an intrusion into cultural identity and religious autonomy, and that the whole matter should not be interfered with too much.

5.8 What these findings point toward is that India's legal system is trying to keep religious freedom and animal welfare somewhere in balance. The Constitution protects religious practice, but only to a limit. The courts have started to treat animal welfare as a public interest that is heavy enough, so reasonable limits can be applied on some religious customs, even when those customs involve harm, indirectly or directly.

²³ SC Upholds Order Prohibiting Animal Sacrifice, Limited Rights to Prayers on Madurai Hilltop, *ThePrint* (Feb. 9, 2026, 4:48 PM), <https://theprint.in/india/sc-upholds-order-prohibiting-animal-sacrifice-limited-rights-to-prayers-on-madurai-hilltop/2850075/>.

CONCLUSION:

India's law on animal rights rests on a pretty steady constitutional base, with Articles 48A and 51A(g), and then the judicially widened Article 21, supported by statutes like the Prevention of Cruelty to Animals Act, 1960, the Wildlife Protection Act, 1972, and the Animal Birth Control Rules, 2023. The judiciary deserves a bit of credit, for patching the lacunas that the legislature left behind, even when it looked partially optional.

In Narayan Dutt Bhatt v. Union of India, (2018), Karnail Singh v State of Haryana (2019) and M.K. Ranjitsinh v. Union of India (2024) the courts pulled protection further, than what any statute quite had on paper. On sacrifice, the Supreme Court's 2026 affirmation of the Madras High Court's ban at Thiruparankundram Hills shows the same willingness to put animal welfare above, whatever tradition used to be able to keep, more or less unchecked.

Laws as legislations are just written on pen and paper however not the same as actual protection on the ground. The core finding, in a derived sort of way is that India's animal welfare legislation is becoming obsolete, and in practice it doesn't do the job. Under the PCA Act of 1960, the principal statute still sets the fine for a first offense of cruelty at a minimum ₹50 a penalty, so small that it barely functions as a deterrent. An offender can hurt an animal, pay that fine, and then be free without any drastic consequences faced by him.

The PCA Amendment Bill, 2022, remains unpassed in Parliament, which would have brought stricter punishment for offenders and every improvement the courts made is diluted due to Parliament's refusal to move. Legal reform can't be postponed any longer; it is already long overdue. If the law is meant to deter, punishment has to actually land: imprisonment for repeat offenders, cognizable classifications that enable quick arrests, and fines that are big enough to matter. Beyond fines, India needs one single unified national animal welfare statute, one that stitches together scattered regulations, repeals the religious exemptions in Section 28 of the PCA Act, and robustly safeguards wildlife corridors. None of this can wait. Until the law treats animal cruelty as a grave, non-negotiable offence, justice remains a distant promise.