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ANIMAL PROTECTION LAWS IN INDIA: **AN ANALYSIS**

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Abstract

The Indian legislature has put a lot of effort into developing comprehensive animal protection laws, with a focus on protecting all animals and maintaining endangered species. However, there are still issues with the efficient application and enforcement of these laws, including insufficient resources and a lack of financing for law enforcement agencies, which leads to enforcement gaps. This article argues that continual efforts are needed to inform and educate the public about animal care in order to promote a caring society that treats animals with love. The legislature should consider passing the recommended legislation to increase the effectiveness of animal welfare regulations. In order to create a strong framework that protects the rights and welfare of animals, law enforcement and animal welfare.

INTRODUCTION

“The wildlife and its habitat cannot speak, so we must and we will.” – Theodore Roosevelt

“The greatness of a nation can be judged by the way its animals are treated”- Mahatma Gandhi

Animals are an essential component of the natural world and its surroundings. They are essential to people's lives all around the world in a number of ways.¹ Approximately 50% of the global workforce is employed in agriculture, and cattle are essential for employment, sustenance, and profit. Millions of individuals keep pets in their homes. Furthermore, wildlife helps to maintain the natural balance of the planet. As such, there has always been a close relationship between humans and animals. Many countries have cultural and religious traditions that support the humane and compassionate treatment of animals. Animal friendliness and nonviolence have traditionally been valued in Indian religion and society. The various Indian religions, including Buddhism, Sikhism, Jainism, and Hinduism, also promote

¹ “Universal Declaration on Animal Welfare.” https://www.worldanimalprotection.ca/sites/default/files/media/ca_-_en_files/case_for_a_udaw_tcm22-8305.pdf.

ahimsa, or nonviolence, towards all living creatures, including animals.²

Article 51A(g) of the Indian Constitution, which is the supreme law of the nation, recognises the importance of protecting animal rights in accordance with these norms. It instills and solidifies in every Indian citizen a fundamental duty to be compassionate towards all living things. With the passage of the Prevention of Abuse to Animals Act, 1960, India became one of the first countries to enact legislation safeguarding animals from abuse, furthering this noble objective. In addition, India has the Wildlife Protection Act, 1972, one of the most comprehensive laws protecting wild creatures. There are several regulations in India that aim to protect animals in addition to these.

Definition of Animal

The word 'animal' has been derived from the Latin word '*animalis*' (the adjective) meaning 'having breath or soul'.³ One can see an animal breathing, such as a dog, cow, or horse. However, while it is invisible to the human sight, plants also breathe by absorbing some gases and releasing others. Note that the term "animal" refers solely to a class of living things that are visible as breathing.⁴ Further, the biological definition of animal includes all members of the kingdom '*animalia*' (the plural of animal).⁵ Hence, human beings are also inclusive in the definition of 'animal' in biological context.⁶ Though, in colloquial usage, the word 'animal' refers only to non-human beings.⁷ All living things that are a part of the animal world are considered "animals" under the law, with the exception of humans. Therefore, all living things other than humans are referred to as "animals." The term "animal" includes amphibians, birds, mammals, reptiles, and their offspring.

HISTORICAL DEVELOPMENT OF ANIMAL PROTECTION LAW IN INDIA

The historical evolution of laws relating to animal cruelty in India has been further divided into three i.e. ancient India, British India and post independence.

² Ranbir Singh Bedi and A. S. Bedi, *Encyclopaedia of Environment & Pollution Laws*, Orient Law House, 2006, p. 56.

³ "Animal Definition & Meaning - Merriam-Webster." <https://www.merriam-webster.com/dictionary/animal>.

⁴ "Animal Definition & Meaning - Merriam-Webster." <https://www.merriam-webster.com/dictionary/animal>.

⁵ Calvert Watkins, ed., "Animal", *The American heritage dictionary of Indo-European roots*, Houghton Mifflin Harcourt, 2006.

⁶ Ranbir Singh Bedi and A. S. Bedi, *Encyclopaedia of Environment & Pollution Laws*, Orient Law House, 2006, p. 64.

⁷ "Animal - Oxford Learner's Dictionaries." https://www.oxfordlearnersdictionaries.com/definition/english/animal_1.

India in Britain Britain began experimenting on animals in India in the 1860s in an effort to offer novel medications to the colony. Colesworthey Grant established the first Indian Society for the Prevention of Cruelty to Animals (SPCA) in Calcutta in 1861. The Indian SPCAs were successful in their push for anti-cruelty laws in the ~1860s. The laws' jurisdiction was expanded to include all of India in 1890–1891. Even while it gained traction in Britain, the anti-vivisection movement was crushed in India. The British government and British-led SPCAs opposed the British Cruelty to Animals Act, 1876, which established a legal framework for animal research, even when it was introduced in India.

The Prevention of Abuse to Animals Act was then passed in 1890 to address the problem of animal abuse. The Act's Section 3 stipulated penalties for cruelty in public areas. During a 1931 address titled "The Moral Basis of Vegetarianism," Mahatma Gandhi, who was a vegetarian throughout his life, argued for the ethical rejection of meat and dairy products.

Post Independence India

The post-independence era is when India's current animal protection regulations first appeared. The renowned dancer Rukmini Devi Arundale, who was then a nominee for the Rajya Sabha, started the campaign to improve the nation's animal protection legislation. She proposed a private bill in 1952 to supersede the current 1890 colonial period legislation.

Rukmini Devi Arundale, while introducing the Prevention of Cruelty to Animals Bill 1953 quoted that, *“India must set a great example to all countries in the world. We must set the example not because I think we are superior, but because we have spoken about ahimsa far more than any other country. The very word ahimsa comes from India; it belongs to us; we have that tradition. We have had examples, great examples in history of ahimsa, and kings like Asoka have practised these things. and that is why I believe that such a Bill as this is absolutely necessary.”*, the more we talk about it, the greater is the responsibility to put it into practice.

Universal Declaration of Animal Rights

On 15 October 1978, the Universal Declaration of Animal Rights was solemnly proclaimed at the UNESCO headquarters in Paris. Then, in 1989, the declaration was revised by the International League of Animal Rights.²⁸⁷ In 1990, the revised declaration was submitted to

the UNESCO Director General and made public.⁸ The preamble of the Universal Declaration of Animal Rights acknowledges several important points.⁹ First of all, it asserts the rights of all animals. It highlights how crimes against nature and animals, which continue to this day, are the result of a disdain and disrespect for animal rights. The basis for the coexistence of many species in the animal kingdom is said to be human acknowledgement of each species' inherent right to exist. There is no denying the role that animals play in maintaining Earth's balance. They have helped humans since the beginning of time by providing people with food, clothes, companionship, a means of sustenance, etc. However, in rare occasions, they are subjected to human abuse and exploitation. As sentient beings possessing the same level of feeling as humans, it becomes imperative to provide them with legal protection. The authorities of the various nations have a number of alternatives for regulating animal welfare. Adopting constitutional provisions that support animal welfare principles or provide a different constitutional basis for animal protection would be the best course of action. In addition to constitutional provisions, nations may also enact national legislation safeguarding animals.

NATIONAL FRAMEWORK OF ANIMAL PROTECTION LAWS

As a result, a wide variety of species, including Great Indian Rhinos and Bengal Tigers, call it home. Certain important measures for animal protection, such as fundamental obligations and guiding principles for state actions, are included in the Indian Constitution. Furthermore, several state and federal laws pertaining to animal welfare exist in India, such as the ban on cow slaughter and the Prevention of Cruelty to Animals Act, 1960. In addition to particular laws, generic ideas like the criminal code and constitution offer further protections for animals.

CONSTITUTIONAL PROVISIONS FOR ANIMAL PROTECTION

“Constitution is not a mere lawyer’s document, it is a vehicle of Life, and its spirit is always the spirit of Age.”

-B.R. Ambedkar

The Constitution of India is the longest written constitution in the world. It is not only the supreme law of land with greater authority but also a truly remarkable and living document. The significance of the constitution is rightly highlighted as, *“the Constitution is not to be*

⁸ “Universal declaration of animal rights (15 October 1978).” <https://constitutii.files.wordpress.com/2016/06/file-id-607.pdf>.

⁹ The preamble of the Universal Declaration of Animal Rights.

construed as a mere law, but as the machinery by which laws are made."¹⁰ It sets out the framework for the fundamental rights and duties for citizens, the directive principles of the State along with the processes and structures of the governance.¹¹ While several nations throughout the world have included provisions for animal welfare in their constitutions, none do so expressly. It's likely that India was the first nation to include animal protection clauses in its constitution. The sacredness of animal life has been recognised by the Indian Constitution.

Fundamental Rights

India's people are guaranteed basic rights under Part III of the Constitution (Articles 12-35), which are subject to legal action. The pertinent section of the constitution that guarantees each person's right to life and personal freedom is Article 21.¹² It is now the article with the greatest scope thanks to the judiciary. It includes several other rights as well, such the right to food, housing, and an environment free from pollution, among others. Its scope has been expanded to include non-human animals as well. Many rulings are loud for the preservation of all living things, including plants, animals, hills, rivers, and the environment, in addition to humans.

The Honorable Supreme Court of India in a watershed judgement of *Animal Welfare Board of India v. A. Nagaraja and others.*,¹³ also known as 'Jallikattu case', extended the fundamental right to life under Article 21 to all living beings including the animals along with many observations to safeguard the life of animals.¹⁴ The term "life" has been defined by the Court to include living a life of honour and dignity that cannot be taken away from oneself, rather than just existing or surviving. Animals should live honourably and dignified lives, subject to the laws of the nation, as this also applies to them.

Directive Principles of State Policy

Part IV of the Constitution of India (Article 36–51) deals with the Directive Principles of State Policy (DPSP), the idea of which was taken from the Irish Constitution. The aim behind these principles is to make India a Welfare State and to ensure socio economic justice to the people.

¹⁰ P. M. Bakshi, *Constitution of India*, Standard Book Company, New Delhi, 2010, p. 1.

¹¹ "Indian Constitution - Lok Sabha Secretariat." http://164.100.47.193/Refinput/Research_notes/English/04122019_153433_1021204140.pdf.

¹² Article 21 of the Constitution of India reads as following: "No person shall be deprived of his life or personal liberty except according to procedure established by law".

¹³ (2014) 7 SCC 547.

¹⁴ Taruni Kavuri, *The Constitutional Scheme of Animal Rights in India*, Animal Legal & Historical Center. Available on, "The Constitutional Scheme of Animal Rights in India | Animal Legal..."<https://www.animallaw.info/article/constitutional-scheme-animal-rights-india>.

The framers of Indian Constitution included this novel feature¹⁵ in order to provide general directions or guidelines to the state for governance of the country. These principles are in the nature of basic code of conduct for the legislature and executive. During the Constituent Assembly Debate on DPSP, Dr. B. R. Ambedkar highlighted its importance in the following words: *“It is the intention of this Assembly that in future both the legislature and the executive should not merely pay lip service to these principles enacted in this part, but that they should be made the basis of all executive and legislative action that may be taken hereafter in the matter of the governance of the country.”*¹⁶

Although DPSP are non-justiciable in nature yet the state and judiciary is bound to keep them in mind while discharging their duties. Article 48¹⁷ and 48A¹⁸ are the relevant directive principles which lays down the foundation of state policies on animal protection in India. Since Article 48 was a controversial topic during the Constituent Assembly discussion, it was felt that the fundamental rights were meant for human beings. But eventually, as DPSP, this provision was included into the Constitution. Article 48, which arranges agriculture and animal husbandry, is divided into two sections. In the first portion, the state is advised to organise animal husbandry and agriculture. It must also be in line with the scientific and modern sphere. It is recommended that the state act in its second segment, particularly to save and improve breeds and to make it illegal to slaughter cows, calves, and other milch and draught animals.

Fundamental Duties

Part IV-A of the constitution which contains section 51A lays down the fundamental duties. This part was added in the Constitution by the 42nd Amendment, 1976 on the recommendation of the Swaran Singh Committee which was composed by the Government. It enlists 11 fundamental duties to be obeyed by Indian citizens. Every citizen is morally bound to perform these fundamental duties along with the enjoyment of fundamental rights. However, the fundamental duties are non justiciable in nature like directive principles of state policies. One of the fundamental duties also deals with animal protection that is Article 51A(g). It states that

¹⁵ Dr. B. R. Ambedkar described Directive Principles as a “Novel Feature” of the Constitution.

¹⁶ Constituent Assembly Debates on April 29, 1947. Available on “CAD | Volume no.7 | 18th November 1948 - Constitution of India.” https://www.constitutionofindia.net/constitution_assembly_debates/volume/7/1948-11-18.

¹⁷ *“Organisation of agriculture and animal husbandry - The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.”*

¹⁸ Article 48A of the Constitution of India reads as following:

“Protection and improvement of environment and safeguarding of forests and wild life.—The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.”

every citizen of India has a responsibility to safeguard and enhance the natural environment, which encompasses forests, lakes, rivers, wildlife, and also to demonstrate compassion towards all living beings. The importance of this Article becomes very clear as the Apex Court has declared Article 51 A (g) of the Constitution as the '*magna carta of animal rights*' in India in the famous Jallikattu case.¹⁹In regard to animal protection, this Article imposes a duty on every citizen not only for the protection of wildlife but also to have a feeling of compassion towards all living creatures. This provision was added due to the influence of several international conventions during the 1970s on ecology, environment and wild animals. Hence, it is the moral as well as legal duty of every citizen of India to have a kind attitude towards animals and to act for the protection of wildlife also.

CRIMINAL FRAMEWORK FOR ANIMAL PROTECTION

The Indian Penal Code, 1860, is India's comprehensive criminal code, covering all aspects of criminal law. It includes provisions on animal protection, including Section 47, which defines 'animal' as any living creature, and Sections 378, 428, 429, and 503 prohibit killing animals.²⁰ The IPC defines the mischievous act of killing or maiming an animal for 10 rupees or more under Section 428. Such misbehaviour carries a potential two-year jail sentence, a fine, or both. Any animal valued at fifty rupees or more is considered mischievous if it is killed or maimed, and this includes elephants, camels, horses, mules, buffaloes, bulls, cows, or oxen. The penalties for misbehaviour are comparable in both sections. Protecting animals against theft from their owners is the goal of the Indian Penal Code (IPC). Theft is defined in Section 378 as the dishonestly moving any moveable property with the aim to take it without permission. This term encompasses animals. An animal is deemed to have been moved by the person who caused it to move. One is charged with theft if they coax the dog of another person to follow them. Section 379 stipulates the penalties for stealing, which include a fine, a maximum three-year sentence in jail, or both. When someone feeds stray animals or looks after dogs and threatens to harm another person, that person may be charged with criminal intimidation under Section 503 of the IPC. Section 506 of the IPC provides for a fine, a two-year sentence or both.

¹⁹ P.P. Mitra, *An Introduction to Animal Laws in India*, Thomson Reuters, Gurgaon, 2019, p. 6.

²⁰ The Indian Penal Code, 1860

LEGISLATIVE FRAMEWORK FOR ANIMAL PROTECTION AT NATIONAL LEVEL

Laws against Animal Cruelty

Prevention of Cruelty to Animals Act, 1960

The Prevention of Cruelty to Animals Act, 1960 (PCA) is the main piece of law in India that addresses cruelty to animals of any sort, whether they are domestic, wild, or kept in captivity. Renowned dancer Rukmini Devi Arundale, a member of the Rajya Sabha, was instrumental in the approval of the PCA and the establishment of the Animal Welfare Board of India in 1992. Since the Indian Constitution acknowledges the consciousness of animals, the PCA also holds that animals are capable of feeling pain, both mental and physical. The Act's intent and the DPSP should be taken into account while interpreting PCA because it is welfare law.²¹ The object of the legislation is the prevention of the infliction of unnecessary pain or suffering and the amendment of the existing laws relating to the prevention of cruelty to animals. "*The PCA Act has been enacted with an aim to safeguard the welfare of the animals and evidently to cure some mischief and age old practices, so as to bring into effect some type of reform, based on eco-centric principles, recognizing the intrinsic value and worth of animals.*"²² According to the PCA's Section 2(a), "animal" refers to any living thing, excluding humans. Part 2(c) of the PCA stipulates that any non-domesticated creature kept in captivity or confinement, whether temporarily or permanently, is referred to as a "captive animal." It include animals that are clearly injured or physically restrained, as well as those who are in any manner restricted or unable to flee. Section 2(d) of the PCA defines a "domestic animal" as any animal that has been tamed or is in the process of being tamed for human purpose. It also includes animals that haven't been deliberately tamed. A pillar of animal welfare in India, the Prevention of Cruelty to Animals Act, 1960, lays out a thorough plan for defending the rights and welfare of animals. The Act is divided into many chapters, each of which covers a different aspect of animal protection. Commencing with the foundational Chapter II, it establishes essential definitions, including the crucial term "animal," and introduces the Animal Welfare Board of India, the regulatory authority tasked with overseeing the Act's implementation.

The central section of the Act, which outlines the basic prohibitions against animal cruelty, is included in Chapter III. This includes a broad variety of behaviours, such as causing bodily

²¹ P.P. Mitra, *An Introduction to Animal Laws in India*, Thomson Reuters, Gurgaon, 2019, p. 6.

²² *Alim v. State Of Uttarakhand and others*, Writ Petition (PIL) No. 112 of 2017, In the High Court of Uttarakhand at Nainital, para 56.

harm or depriving someone basic necessities like food, drink, and shelter. The chapter goes on to list certain cruelties, such "phooka" and "doom dev," giving these activities official legal status. Notably, it also addresses the humane euthanasia of suffering animals under specific circumstances.

Chapter IV shifts focus to the contentious issue of animal experimentation. It mandates the establishment of a committee to oversee such activities, imposing stringent regulations on the conduct of experiments. A licensing system is instituted, requiring researchers to obtain permits and adhere to ethical guidelines to minimize animal suffering.

Chapter V concerns the treatment of animals in entertainment. Recognizing the potential for exploitation, the Act places restrictions on the exhibition and training of performing animals. It mandates registration of performing animals and empowers courts to prohibit or restrict performances deemed to be cruel or harmful.

The final chapter, Chapter VI, encapsulates miscellaneous provisions related to animal welfare. It addresses the intersection of animal rights and religious practices, providing safeguards to prevent misuse of religion as a pretext for cruelty. Additionally, it empowers courts to deprive convicted animal abusers of ownership rights and establishes presumptions of guilt in certain cases to facilitate prosecution.

Wildlife Protection Act, 1972

The Wildlife Protection Act of 1972 is a cornerstone of India's environmental legislation, aimed at conserving and protecting the country's rich biodiversity. The act is structured into chapters that cover various aspects of wildlife protection.

Chapter I: Preliminary defines key terms like 'wild animal', 'wild bird', 'protected area', and establishes the central and state boards for wildlife. Chapter II deals with Hunting and Capture, prohibiting the hunting of endangered species and regulating the capture and trade of non-endangered wildlife. It also outlines the powers of authorized officers to seize and confiscate illegally obtained wildlife.

Chapter III focuses on Protected Areas, providing for the establishment and management of national parks, wildlife sanctuaries, and other protected areas. It restricts human activities

within these areas to protect the wildlife and their habitat. Chapter IV pertains to Sanctuaries and National Parks, detailing the procedures for declaring areas as sanctuaries or national parks, and the powers of the respective authorities to manage these protected areas.

Chapter V covers Trade and Commerce in Wildlife and its derivatives, prohibiting the trade, transport, and possession of endangered species and their products. It also outlines the licensing procedures for the trade of non-endangered wildlife. Chapter VI deals with Miscellaneous Provisions, including penalties for wildlife offenses, powers of the central and state governments, and the establishment of wildlife advisory boards.

Schedules I to VI list different categories of protected animals and plants. Schedule I and Part II of Schedule II provide absolute protection to critically endangered species, while Schedule III and IV offer lesser protection. Schedule V includes animals that can be classified as vermin, and Schedule VI lists prohibited plants.

The act has undergone several amendments to address emerging challenges and strengthen its provisions. It has been instrumental in conserving India's wildlife and their habitats, but its effective implementation remains a challenge due to factors like poaching, habitat loss, and human-wildlife conflict.

Recognition of Zoo Rules, 2009

Zoos were not governed by any specific legislation prior to 1991. Then, the Recognition of Zoo Rules, 1992 were introduced in order to provide better care and protection to animals in the zoos as there were incidents of selling excess animals by zoos to circuses as notified by the Central Government in 1987.²³ Later on, these rules were amended and re-introduced as the Recognition of Zoo Rules, 2009.²⁴ These rules put restrictions on the acquisition of zoo and circus animals.²⁵ It laid down provisions for their fair treatment in captivity by requiring that full biological requirements of animals should be met by designing all enclosures accordingly, by providing sufficient space for free movement and exercise, and by ensuring that groups are not unduly dominated by individuals.²⁶ Recently, the modifications in the rules were named as

²³ P.P. Mitra, *An Introduction to Animal Laws in India*, Thomson Reuters, Gurgaon, 2019, p.230.

²⁴ *Ibid.*

²⁵ "India | World Animal Protection." <https://api.worldanimalprotection.org/country/india>.

²⁶ *Ibid.*

the Recognition of Zoo (amendment) Rules, 2013. These rules provides for following²⁷:

- Measures for development of zoos
- Types of housing facilities to be given to animals
- Healthcare, feeding, hygiene and overall upkeep of animals
- Visitor facilities
- Minimum number of trained personnel to be posted in each zoo.

Laws for Animals used in Experimentation

Prevention of Cruelty to Animals Act, 1960

Chapter IV of the Act deals with experimentation on animals containing sections 14 to 20. Section 14, PCA Act is an exemption clause to the Act including anti cruelty provision given in Section 11. Section 14 states that conducting experiments on animals, including those involving surgical procedures, for the purpose of advancing physiological knowledge or acquiring knowledge beneficial for saving lives, extending lifespans, alleviating suffering, or combating diseases, whether in humans, animals, or plants, shall not be considered illegal. Thus, it does not render illegal those animal experiments which are conducted for the abovementioned purpose as per the law. However, Section 15 empowers the central government to constitute a committee for controlling and supervising experiments on animals. The Committee for the Control and Supervision of Experiments on Animals (CPCSEA) oversee animal experimentation in India. The committee may further constitute subcommittees if it thinks fit. The committee has certain duties and powers. The Act provides duties under section 17, power of entry and inspection under section 18 and power to prohibit experiments on animals under section 19. The committee is obliged to ensure that before, during or after performance of experiments on animals, they are not subjected to unnecessary pain or suffering.²⁸

Law for Aquatic Animals

Wildlife Protection Act, 1972

The Wildlife Protection Act, 1972 also provides protection to aquatic animals. The Marine Protected Areas (MPA) under the Act provides protection to marine species in India.²⁹ A list

²⁷ Supra 24.

²⁸ “cpsea.” <http://cpsea.nic.in/>.

²⁹ “Animal protection laws in India - Taxolawgy.” <https://www.taxolawgy.com/animal-protectionlaws-in-india/>.

of all the protected marine species such as seahorse, giant grouper, organ pipe, fire coral, sea fans, hermatypic corals, etc. is provided under Schedule I, II, III and IV of the Act.³⁰ Schedule III of the Act also protects sponges (all calcareans) and Schedule IV of the Act consists of 25 categories of molluscs. Gangetic dolphins which are placed in Schedule I of the Act were accorded the status of national aquatic animal of India on 5 October, 2009.³¹ It is notable that on 17 May, 2013, the government banned the use of dolphins for commercial entertainment purposes and the establishment of any 'dolphinarium' in the country.³²

Laws for Birds

Wildlife Protection Act, 1972

The Wildlife Protection Act of 1972 also provides protection for birds. Hunting that involves harming, killing, or removing any portion of an animal's body is prohibited by the Prevention of Cruelty to Animals Act, 1960, Section 2(16)(c). When it comes to wild birds or reptiles, it is likewise illegal to destroy their eggs or to get inside their nests. Furthermore, it is prohibited by this Act to collect birds, trade them, or keep wild birds as pets, such as parrots, mynahs, or peacocks. On the other hand, non-native exotic birds like cockatoos and budgerigars can be kept as pets in India.³³

The Prevention of Cruelty to Animals (Pet Shop) Rules, 2018

Pet stores that fail to register will have their doors sealed, and any animals seized from them will be given to an accredited animal welfare agency. The registration certificate is valid for a period of five years. It is not transferable and will be reviewed once a year. Upon receiving permission, a licensed veterinarian will check pet stores that are registered. The request. Once satisfied that the rules are being followed, the The State Board is responsible for extending registration. The needs for lodging, housing, infrastructure, and general healthcare, Veterinary treatment is given together with other necessities for operation. Each owner of a pet store is required to keep a record book of transactions. trades together with all breeders' and suppliers' information.

³⁰ *Ibid.*

³¹ "WWF-India applauds the declaration of the Gangetic River Dolphin" 6 Oct. 2009, <https://www.wwfindia.org/?3540/National-Aquatic-Animal>.

³² "India bans use of dolphins for commercial entertainment." 21 May. 2013, <https://www.downtoearth.org.in/news/india-bans-use-of-dolphins-for-commercial-entertainment-41127>.

³³ "Love for your pet bird can get you in jail, fine - Deccan Chronicle." 2 Apr. 2017, <https://www.deccanchronicle.com/lifestyle/pets-and-environment/020417/love-for-your-pet-bird-can-get-you-in-jail-fine.html>.

Laws for Performing Animals

Prevention of Cruelty to Animals Act, 1960

The Act's Chapter V, Sections 21 through 27, deals with performing animals. Any animal employed in or for the purpose of entertainment to which the general public is invited through ticket sales is considered a performing animal.⁷⁶² Animal racing and the circus,³⁴ bull fighting³⁵, cockfights and partridge fights³⁶ etc. are instances of performing animals. These kinds of performances are not natural or discretionary acts of free animals.³⁷ They endure excruciating agony, starvation, and terror in order to force them to obey their master's orders. Legislation thus gives these creatures certain protections. The Act's Section 22 places limitations on the training and display of performing animals. It requires performing animals to be registered and gives the Central Government the authority to designate an animal that cannot be taught or displayed as a performance animal by publishing a notice in the Official Gazette. The following five performing animals were outlawed by the central government via a notice published in the official gazette on October 14, 1998.

CONCLUSION

The Indian legislature has worked to create a thorough framework for legislation pertaining to animal protection, with an emphasis on safeguarding all animals and preserving endangered species. Nevertheless, there are still problems with the effective implementation and execution of these laws, such as a lack of funding for law enforcement organisations and inadequate resources, which results in enforcement gaps. The researcher contends that in order to foster a compassionate culture that treats animals with kindness, ongoing efforts are required to enlighten and educate the people about animal care. The legislature ought to think about enacting suggested laws in order to improve the efficacy of animal welfare standards. For a solid framework that upholds the rights and care of animals, collaboration between law enforcement, animal welfare organisations, and the general public is essential.

³⁴ See Sec.11(1)(a), the Prevention of Cruelty to Animals Act, 1960.

³⁵ See Sec.11(1)(n), the Prevention of Cruelty to Animals Act, 1960.

³⁶ See Sec.11(1)(m)(ii) & (n), the Prevention of Cruelty to Animals Act, 1960.

³⁷ P.P. Mitra, *An Introduction to Animal Laws in India*, Thomson Reuters, Gurgaon, 2019