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KEY ANIMAL LAW IN INDIA

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Introduction

India has amongst the richest traditions of respecting animals and treating them with dignity and reverence. Its culture bears an ancient history deeply rooted in spirituality which believes that animals have souls. Indian culture is strongly influenced by Ahimsa (non-violence) towards all living beings. The great king Ashoka (304–232 BC) is the first known king to officially make the welfare of animals a central tenet of his administration, and his rock edicts are the first to articulate basic rights for animals (Rich, 2008).

In India, both the state and the central governments can frame laws. Schedule VII of the Constitution of India lays down a division of subject matters in three lists, on which legislation may be passed by the state and central government. Prevention of Cruelty to Animals is on the Concurrent List, i.e., both the state and central governments can legislate on this subject (Entry 17, Concurrent List, Schedule VII, The Constitution of India, 1950). Animal Husbandry falls under the State list (Entry 14, 15, 16, 21, State List, Schedule VII, Constitution of India, 1950). In the event of a repugnancy between the laws made by the Central and State Legislature, the Central Law will override the State Law. A State Law passed subsequent to the Central Law will prevail, however, if it has received Presidential assent under Article 254, Constitution of India.

India has a central anti-cruelty-specific legislation that applies to all animals, and rules framed thereunder that address specific issues with animal welfare. Due to the interconnected nature of animal welfare and other human rights and public health concerns, including child welfare, labour welfare, food safety, and environmental protection, in order to appropriately address animal welfare, it is often important to look at allied laws. Animal law in India is, therefore, an amalgamation of constitutional, criminal, and civil law that impacts not only animal welfare but also human welfare and environmental conservation.

Due to the expansive nature of the legal framework related to animal protection, this chapter provides only a cursory overview of the central animal protection law in India. Laws relating to issues that require an analysis of allied laws, or state laws like animal sacrifice, or the prohibition of cow slaughter have therefore not been covered.
Key animal law in India

Animals in India are technically considered to be legal property and do not have legal personhood. Animals have been provided some protection under statutory law and through the judicial precedents set by the Supreme Court and High Courts. The judiciary often utilises an eco-centric lens while addressing issues relating to animal welfare in accordance with Article 51A(g) (Article 51A(g), The Constitution of India, 1950. “—It shall be the duty of every citizen of India— to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;”) and Article 48A (Article 48A, The Constitution of India, 1950. “The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country”) of the Constitution of India.

The Supreme Court of India, in Sachidananda Pandey v. State of West Bengal and Ors 1987 AIR 1109 held that while the Directive Principles of State Policy and Fundamental Duties in the Constitution are not justiciable, the burden to ensure that these principles are upheld to the extent possible does not rest solely with the Legislature. The Supreme Court further elaborated that the judiciary is obligated to factor the guiding principles enshrined in the Constitution while making decisions relating to animal welfare, to the extent possible and as appropriate given the circumstances of the case.

The Supreme Court in AWBI v. Nagaraja & Ors. (2014)7 SCC 547 (Para 72) recognised that animals have intrinsic worth, honour, and dignity beyond their usefulness to humans. The Apex court in People for Animals v. Md. Mohazzim (2015) SCC On Line Del 9508. (Para 5), in accordance with inter alia Article 51A(g), recognised birds’ right to fly.

India is a member of the World Organisation for Animal Health (OIE) and the Supreme Court of India has read the Five Freedoms1 in OIE’s Terrestrial Animal Health Code, into S. 3 and S. 11 of the Prevention of Cruelty to Animals Act, 1960 (PCA Act). These sections read with Article 21 and Art. 51A(g) of the Constitution of India are considered to be the Magna Carta of animal rights in India. The Supreme Court in AWBI vs Nagaraja (2014)7 SCC 547 also placed responsibility on the State Governments, the Ministry of Environment and Forests, and the Animal Welfare Board of India to ensure that these statutory rights provided to animals are protected and safeguarded.

Any citizen in India has the right to report a violation of the statutory protection afforded to animals. Further, all animal welfare organisations and citizens have locus standi to seek judicial enforcement of the statutory rights of animals in public interest (Kansal, 2016). Public Interest Litigation (“PIL”) is an anomaly of the Indian legal system. It allows any citizen or group that is not directly affected to raise matters of public concern before the High Court or Supreme Court. It is often used to protect the rights of minorities, the environment, or disadvantaged groups whose needs have not been addressed appropriately. PILs have been an effective tool to address significant and grievous harm to animals and the environment and have led to significant legal protection.

Constitutional and legal status of animals in India

Anti-cruelty legislation

The Prevention of Cruelty to Animals Act, 1960

The Prevention of Cruelty to Animals Act, 1960 (“PCA Act”) is the primary anti-cruelty legislation in India. This law applies to all animals, including but not limited to farmed animals,
wild animals, companion animals, and animals used in research. The primary objective of this legislation as mentioned in the preamble of this statute is to prevent the infliction of unnecessary pain or suffering on animals.

S. 2(l) of the PCA Act defines an “owner” for the purpose of this Act, as any person that owns the animals, has custody, or charge of an animal with or without the original owner’s consent.

S. 3 of the PCA Act imposes a duty of care upon every person who has charge of an animal, to ensure their well-being and prevent unnecessary pain and suffering. It is a protective and preventive provision that confers no right on the “owner” but confers duties and obligations on them.

S. 11(1) of the PCA Act, 1960 makes it a criminal offence to treat an animal with cruelty. The section specifically lists acts of violence, confinement or restriction of movement to an area that is insufficient for the well-being of the animal or for an unreasonable amount of time, deprivation of basic needs, failure to ensure proper medical care, mutilation or killing of an animal by any means that is unnecessarily cruel, animal fighting, and subjecting an animal to unnecessary pain or suffering as offences under the Act. S. 11(1)(a) of the PCA Act, provides a broad scope for what acts are covered under this law and provides protection from a plethora of acts that are not specifically addressed under the Act. Anyone that treats or causes or, being an “owner”, permits any act that causes unnecessary pain or suffering to an animal would be liable for criminal penalties under the Act.

As noted, the OIE Five Freedoms have also been read into these sections and violation of any of these freedoms would therefore be considered as an act of animal cruelty in accordance with Indian law.

S. 11(3) lists exceptions to S. 11(1) including the “destruction” of an animal in accordance with the law, or for human consumption as long as the method of killing the animal was carried out without the infliction of unnecessary pain and suffering and in the manner prescribed by law. The Supreme Court has also highlighted that the PCA Act is a welfare legislation for sentient beings over whom humans have significant power, and therefore when it comes to the application of this welfare legislation, the “species’ best interest” has to be kept in mind, subject to “just exceptions out of human necessity” (AWBI vs Nagaraja (2014) 7 SCC 547 (Para 12)). This is a good stepping stone towards a more equitable legal system where the basic needs of animals are prioritised over avoidable human wants, however the term “necessity” is subjective.

Any police officer above the rank of a sub-inspector has the power to enter into any premises without a prior warrant and seize any animal against which an offence has taken place or suspected to have taken place (Ss. 32, 34, PCA Act, 1960).

The penalties under the act are minimal and rarely act as a sufficient deterrent. The fines range from 50 INR to 1,000 INR (0.7–13.3 USD) and although there are provisions for imprisonment, for a period of 3 months to 2 years in certain circumstances, these have rarely been used. Only the offences listed in S. 11(1) (l)(n)(o) which deal with mutilating or killing an animal in an unnecessarily cruel manner, committing an act in furtherance of animal fighting, or participating or promoting an event where animals are released for shooting, and S. 12 which deals with using any means that are harmful to the animal, including injection of substances, with the objective of increasing lactation or permitting such actions on an animal in their care, are cognisable. Offences that are considered to be serious in India are classified as cognisable offences. They can be investigated by the police upon being reported and do not require an arrest warrant to be issued by a magistrate.

The Animal Welfare Board of India (“the Board”) has been constituted in accordance with the PCA Act. The Board primarily acts as an advisory body, but it also has additional functions in furtherance of the objectives of the PCA Act, including setting up animal shelters, educa-
tion, coordination of associations and bodies working in furtherance of animal welfare (S. 9
PCA Act, 1960). Through consequent legislation and judicial pronouncements, the AWBI’s role
has evolved to include inter alia, licencing, registration, monitoring, and creation of Standard
Operating Procedures in furtherance of the objectives listed under the act and rules framed
thereunder.

The PCA Act (S. 38 PCA Act, 1960) also confers powers on the Central Government to
make rules under this act in furtherance of the objectives of the PCA Act.

The Indian Penal Code, 1860 (IPC)

The IPC defines an animal as any living being that is not a human (S 47. IPC, 1860). S. 428 of
the IPC deals with the offence of killing or maiming an animal valued above INR. 10 (0.13
USD) and S. 429 deals with mischief by killing or maiming any cattle or poison or otherwise
rendering useless an animal of any value above INR 50 (0.66 USD) The penalties under this
section are stronger and include imprisonment and/or a fine. This does not apply to animals that
are slaughtered or killed in accordance with and in the manner prescribed by the law.

As per S. 503 IPC 1860, read with Art. 51A (g) and Art. 21 of the Constitution of India 1950,
individuals who attempt to prohibit someone from legally carrying out their fundamental duty
of compassion towards animals, can be held liable for the offence of criminal intimidation.

Prevention of Cruelty to Animals (Care and
Maintenance of Case Property) Rules, 2017

The Prevention of Cruelty to Animals, (Care and Maintenance of Case Property) Rules, 2017
apply when an offence under the PCA Act or the Rules framed thereunder is committed against
an animal.

The Magistrate decides where the animal is to be housed. It can only be housed in an
infirmary, pinjrapole (animal shelter), a Society for Prevention of Cruelty to Animals (SPCA)
(Prevention of Cruelty to Animals (Establishment and Regulation of Societies) Rule 2001,
framed under subsection (1) of Section 38 of the Prevention of Cruelty to Animals Act, requires
the establishment of an SPCA in every District), an animal welfare organisation recognised by
the Animal Welfare Board of India or gaushala (cow shelter) during the pendency of the litiga-
tion (R.3 (a), The Prevention of Cruelty to Animals, (Care and Maintenance of Case Property)
Rules, 2017). The accused must also provide a bond for the care of the animal during the pen-
dency of the suit, if the accused fails to do so, the animal will be forfeited (R.5(1), The Prevention
of Cruelty to Animals, (Care and Maintenance of Case Property) Rules, 2017). The owner, in
lieu of a bond, can also voluntarily relinquish an animal but the same is permanent and does
not affect the criminal charges against him (R.7, The Prevention of Cruelty to Animals, (Care
and Maintenance of Case Property) Rules, 2017). If the accused is found guilty or pleads guilty
the magistrate shall deprive him of ownership and forfeit the animal to the organisation/body
already possessing custody of the animal (R. 8, The Prevention of Cruelty to Animals, (Care and

Animals who are forfeited and animals whose owners have been deprived of custody in
accordance with the law, are to be disposed of or adopted in the manner prescribed under the
Rules (R.9, The Prevention of Cruelty to Animals, (Care and Maintenance of Case Property)
Rules, 2017). Adoption here does not mean the transference of rights of ownership. The adopt-
tee is only the lawful guardian of the animal and will not have the rights generally possessed
by the owner of the animal but will have the duty to take all responsible measures to ensure
the well-being of such animal and to prevent infliction upon such animal of unnecessary pain or suffering (R.9 (8), The Prevention of Cruelty to Animals, (Care and Maintenance of Case Property) Rules, 2017).

**Laws relating to transportation of animals**

The transportation of animals is significantly regulated. The Transport of Animals Rules, 1978 covers the transportation of a number of animal species including companion animals like dogs and cats, monkeys, cattle, equines, poultry, etc. by different modes of transportation including, road, rail, and air. Apart from general requirements like a fitness certificate, and restrictions on transportation of ill, injured, or animals in the later stages of pregnancy, these rules also list specifications for select species listed under the Act.

The Transport of Animals on Foot Rules, 2001 lays down the conditions under which animals can be transported on foot and the welfare requirements for the same.

The Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 (FSSR, 2011) prescribe the manner in which the transport of animals for the purpose of slaughter must be carried out.

The Central Motor Vehicles (Eleventh Amendment) Rules, 2015 require vehicles transporting livestock animals to obtain a licence for the same from the Regional Transport Officer for vehicles modified to suit the requirements for transportation of animals in accordance with R.125E (2). No motor vehicle meant for the transportation of animals can carry other goods (R.125E The central Motor Vehicles Rules, 1989). Under the Motor Vehicles Act, the police have the power to seize the vehicles that fail to comply with the requirements prescribed under law (S. 207 Motor Vehicles Act, 1998).

Although transportation comprises only a portion of the life of animals, particularly domesticated animals, these laws have a significant role to play in protecting animals. Most often these violations are evident and provide individuals with the ability to identify animals subject to cruelty and report the same without trespassing on any private property.

**Laws relating to farmed animals**

India’s per capita meat consumption is the second-lowest in the world (Mittal, 2018). In spite of this low figure, India is still one of the largest producers of meat, dairy, and eggs in the world, (Shahbandeh, 2021; TNN, 2017) and contrary to common opinion, over 70% of the population in India is non-vegetarian (Census India, 2014). Farmed animal welfare is a pressing issue in India because of the sizeable number of animals in the animal husbandry industry. In India there are currently 1.39 billion farmed animals of which 852 million are poultry (DADH Annual Report 2020–2021).

The only animals that can be slaughtered for consumption within the territory of India are Ovines (sheep), Caprines (goats), Suillines (pigs), Bovines (cows), Poultry and Fish (FSSAI Notification, Dated 6.08.14). Rabbits were added to the list of animals that are permissible for consumption and slaughter in 2017 (FSSAI Notification, Dated 12.08.17). Many states have additional restrictions on the slaughter of cows and consumption of beef.

The laws relating to slaughter are fairly comprehensive. Every stage including transportation for slaughter, pre-slaughter handling, the act of slaughter, processing, packaging, and sale is covered by the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 and the Prevention of Cruelty to Animals (Slaughterhouse) Rules, 2001 has additional welfare requirements. The penalties under the Food Safety and Standards Act, 2006
and rules framed thereunder are higher than those under the PCA Act and the 2011 Regulation includes requirements for animal welfare during the process of slaughter.

Only healthy animals can be slaughtered, and each animal must be examined by a veterinarian and provided with a fit for slaughter certificate (R.3 Prevention of Cruelty to Animals (Slaughter House) Rules, 2001). All animals have to be stunned prior to slaughter and no animal can be slaughtered in sight of another (A (3.6) Part IV, Schedule 4, Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011; R.6, Prevention of Cruelty to Animals (Slaughter House) Rules, 2001)). Slaughterhouses must be separate from meat shops and no meat should be sold directly to consumers from the slaughterhouse (A (2) Part IV, Schedule 4, Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011).

Slaughter at live animal markets is not legal in accordance with the Food Safety and Standards Act, 2006 and rules framed thereunder. Despite this, India is leading in the wet market share compared to other Asian markets. As per a 2017 report by the Department of Animal Husbandry and Dairying, around 95% of slaughter for chicken meat in India was carried out in wet markets (Ministry of Agriculture and Farmers’ Welfare, 2017).

Another significant welfare concern with respect to farmed animals is the conditions in which farmed animals are raised. Although the provisions of the PCA Act apply to all animals, the lack of holistic regulation regarding minimum space and welfare requirements for each species has led to rampant disregard of animal welfare in intensive animal agricultural units.

The Law Commission of India in Report No. 269 titled “Transportation and House-keeping of Egg-Laying Hens (Layers) and Broiler Chickens” (Law Commission, 2017) recognised the insufficiency of the current legal framework in effectively regulating the poultry industry, and recommended rules in accordance with the PCA Act, to bridge the lacunae in the law. The issue of lack of regulation in the poultry industry is currently sub-judice in the Delhi High Court. The Delhi High Court has placed a moratorium on the use of battery cages in poultry facilities set up after the order passed on September 5, 2018, recognising that the space requirements fail to meet the minimum welfare standards prescribed by law (Federation of Indian Animal Protection Organisations (FIAPSO) & Anr. v. State of Uttar Pradesh & Ors. W.P.(C) 9056/2016. Order dated 5 September 2018).

There is insufficient regulation for the welfare of fish, and there are no specific stunning requirements or welfare standards prescribed for fish used for human consumption under law.

### Laws relating to companion animals

**Laws relating to stray animals**

India has approximately 62 million stray dogs and 1 million stray cats in India (PTI, 2021). The management of stray animals is primarily governed by the Animal Birth Control (Dogs) Rules, 2001 (“ABC Rules”) and the Prevention of Cruelty to Animals Act, 1960 (PCA).

The ABC Rules, 2001 prescribe the manner in which stray dogs have to be dealt with for humane spay and neuter. Management of stray dog populations can only be carried out in a manner that not only complies with the law but is also prescribed by the law (Animal Welfare Board of India v. People for Elimination of Stray Troubles & Ors, SLP(C) 691/09, 18 November 2015). Thus, these rules prescribe the only legal way for any person or body, government or otherwise, to handle stray dogs.

The ABC Rules prescribe two methods to deal with the stray dog population: immunisation and sterilisation (Rule 3(3), Animal Birth Control Rules, 2001). Individuals and Government
Authorities cannot cull dogs as a means for population control. Rule 9 of the ABC Rules allows for euthanasia of stray dogs in the prescribed manner in only two circumstances: (1) if the animal is incurably ill, or (2) if the animal is mortally wounded (Rule 9, Animal Birth Control Rules, 2001 and Section 35, Prevention of Cruelty to Animals Act, 1960).

It is also important to note that Rule 13 of the ABC Rules clearly states that any act, rule, regulation, or by-law made under any law by any state or local authority will not apply if the provisions are more irksome, inconvenient, or harmful to the animal. Only those which result in greater animal welfare, i.e., which ensure a higher degree of well-being and care, are legally valid.

The Board has issued guidelines (AWBI, Circular No.3-3I202 r-2022tPCA dated 03 June 2021) for the sterilisation and immunisation of stray cats. These guidelines are to be read harmoniously with the ABC Rules, 2001. This means that similar animal welfare standards are prescribed for both, stray dogs and cats, although the medical or surgical procedures and requirements differ.

Feeders and Caretakers of stray animals are also protected by the law as they play a vital role in assisting authorities in vaccinating and immunising animals and in reducing human animal conflict (Animal Welfare Board of India, 2015). The High Court of Delhi issued guidelines for the maintenance of community animals and stated that it is the responsibility of every Resident Welfare Association or Municipal Corporation if there is no RWA, to ensure that every community dog in every area has access to food and water when there are no caregivers or feeders in the area (Para 129, Dr. Maya D Chablani v. Smt Radha Mittal & Ors. 2021 SCC Online Del 3599).

Laws relating to breeding and sale of companion animals

The Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017 requires all breeders, regardless of the size of the venture, to be registered by their respective state governments in accordance with these rules (R.3. Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017). Any person who has been convicted of an offence relating to animals cannot be issued a registration certificate under these rules (R. 7(b) Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017).

Animals for sale have to be healthy and inoculated and must be microchipped. These animals cannot be displayed in public for immediate sale. The animals cannot be sold to a pet shop that does not possess a licence. If the breeder is selling to an individual, the individual must be screened for their ability to care for the animals, financially and otherwise, and the breeder must check on the status of all dogs sold by him on a yearly basis (R8 Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017).

All pet shops have to be registered and individuals convicted of an offence under any law relating to animal welfare are not eligible to obtain registrations under the Prevention of Cruelty to Animals Act (Pet Shop) Rules, 2018. Animals in pet shops must have access to food, water, clean and sufficient space, and veterinary care, and cannot be displayed in the window or outside the shop (R. 7(1) Prevention of Cruelty to Animals Act (Pet Shop) Rules, 2018). If animals are left in the pet shop at night, there must be sufficient staff to attend to them (R.(7)(2)(l) Prevention of Cruelty to Animals Act (Pet Shop) Rules, 2018).

Laws relating to wild animals

The Wild Life (Protection) Act, 1972 (“WLPA”) is the predominant legislation that protects wildlife in India. In addition to the WLPA and the PCA Act, the Customs Act, 1962, Indian
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The WLPA places wildlife into six schedules. Wild animals are classified based on the degree of protection offered to them from Schedule I–Schedule V in decreasing order of protection. Animals under Schedule V are deemed to be vermin and have little to no protection under the provisions of the Act (S. 62, The Wildlife Protection Act, 1972).

Chapter III of the WLPA deals with hunting. Hunting of any wild animal listed in Schedule I–IV (S. 9, WLPA) is prohibited except in the following circumstances:

Special purposes like education, scientific research, scientific management, collection of specimens, and in the case of snakes for the production of anti-venom. A prior permit must be issued for the same by the Central Government in the case of Schedule I animals and the respective State Government, in the case of animals listed in Schedule II–IV (S. 12, WLPA).

Animals listed in Schedule I can only be hunted if the animal is a threat to human life or has become so diseased/disabled that its recovery is not possible. The animal should not be killed, unless the Chief Wild Life Warden is satisfied that capture, translocation, and tranquillisation is not possible. Further, captured animals should not be kept in captivity unless release is not possible and the reasons for the same are recorded in writing (S. 11(1)(a), WLPA).

Animals listed in Schedule II–IV can only be hunted with permission from the Chief Wild Life Warden or an officer authorised on their behalf if the animal is a threat to human life or property or has become so diseased/disabled that its recovery is not possible (S. 11(1)(b), WLPA).

It is important to note that capture, tranquillisation and translocation or placing the animal in custody if translocation is not possible is the first course of action, only if the above are not possible can the Chief Wild Life Warden determine that in that particular instance killing can be permitted and the reasons for the same must be recorded in writing. There are also alternative human wildlife conflict management practices being developed and used in India and hunting should not be a preferred solution to address this issue.

Any wild animal killed or wounded in self-defence is the property of the government. Killing in self-defence is not considered an offence as long as the person was not committing an offence under the act at the time where such defence was necessary (S. 11(2), (3), The Wildlife Protection Act, 1972).

Chapter IV of the WLPA deals with the designation and protection of Sanctuaries and National Parks.

Chapter V deals with the trade of wild animals, articles and trophies. Any wild animal, killed, bred, hunted, or in captivity in contravention of the WLPA and all instruments and tools used in furtherance of the same, including vehicles traps, etc. are deemed to be the property of the Central Government (S. 39(1), The Wildlife Protection Act, 1972). Any individual in possession of such an item must declare the same within 48 hours to the nearest police officer or authorised official and hand over the article/animal to the appropriate officer or official (S. 39(2), The Wildlife Protection Act, 1972).

Possession or custody of any captive animal or product related to the same, in Schedule I or Part II of Schedule 2 without an ownership certificate is prohibited (S. 40(1), The Wildlife Protection Act, 1972). Individuals are not allowed acquire, receive, keep in custody possess, sell, or offer for sale or otherwise transfer or transport any animal specified in Schedule I or Part II of Schedule without permission from the Chief Wildlife of Animals.

It is illegal to capture a wild animal, under the WLPA, Section 48(b)(ii). Acquisition and receipt of animals listed in these schedules after the commencement of the WLPA Amendment Act, 2002 is prohibited except by way of inheritance (S. 40(2A), The Wildlife Protection Act, 1972). Upon inheritance of such an animal after the notification of this Act, a declaration must
be made to the Chief Wildlife Officer or an authorised official within 90 days of receiving the same (S. 40(2B), The Wildlife Protection Act, 1972). Unfortunately, even though elephants are listed under Schedule I and a certificate of ownership is mandatory, the proviso under S. 40(2) exempts live elephants from the purview of S. 40(2A) and (2B). This exemption has made the enforcement of the provisions against illegal capture, sale, and trade of elephants in India significantly harder.

India has been a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”) since 1976. However, there is no domestic law that regulates possession or trade of exotic species listed in the CITES appendices within the territory of India (Vijairaghavan et al., 2021). In 2020, the Ministry of Environment Forest and Climate Change issued an advisory which in furtherance of developing an inventory of exotic live species in India, allowed individuals to voluntarily declare animals listed in Appendix I, II, and III of CITES within six months of the advisory without any supporting documentation (I (a)–(c), Advisory for Dealing with Import of Exotic Live Species in India and Declaration of Stock). The Chief Wildlife Warden after appropriate verification is obligated to provide an online certificate of possession within six months of the declaration (I (G), Advisory for Dealing With Import of Exotic Live Species In India and Declaration of Stock). As of May 2021, 43,693 applications for amnesty have been made under this advisory from 30 States and Union Territories (Vijairaghavan et al., 2021).

The penalties under the WLPA are significantly more when compared to the PCA. The penalties for habitual offenders are also higher (S. 51, The Wildlife Protection Act, 1972). The WLPA is a strong legislation for the protection of wildlife in India, but it is imperative for additional regulation to address the lacunae in the law with special emphasis on compliance with international conventions ratified by India.

**Laws relating to use of animals for scientific or educational purposes**

This section covers only the specific animal welfare legislation of the regulatory framework, and it is important to note that the international standards and ancillary laws, rules, guidelines, and standards play a significant role in the regulation of use of animals for scientific and educational purposes.

S. 14 of PCA, specifies that the PCA Act, does not render unlawful any experiments on animals that are for the purpose of advancement of discovery or knowledge that will be useful for saving or prolonging life or combating a disease or reducing suffering of humans, animals, or plants. The term experimentation on animals, as used in the Prevention of Cruelty to Animals Act, 1960, includes animals used in research, testing, and education. The Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 and the PCA Act provide basic welfare requirements for animals being used for scientific or educational purposes.

The Committee for the Purpose of Control and Supervision of Experimentation on Animals (CPCSEA) has been constituted under the provisions of the PCA Act and the rules framed thereunder (S 15, 16, Prevention of Cruelty to Animals Act, 1960). It is mandatory that all institutions that breed or use animals for scientific or educational purposes must register themselves with the CPCSEA (Rule 3, 4, 5, Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998).

Each institution that uses animals for scientific or educational purposes has to form an Institutional Animal Ethics Committee. This body is responsible for inspecting the concerned institution’s animal facilities and reviewing and approving research protocols (Rule 13. Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998; CPCSEA Standard
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Operating Procedures (SOP) for IAEC). The institution must only use the lowest number of animals, on the lowest phylogenetic scale to achieve an accuracy of 95%. If there are non-animal alternatives available, there must be sound justification as to why the alternatives were not used (Rule 9, Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998).

Animal testing for cosmetic products is prohibited in India (Rule 148-B, Drugs and Cosmetics (2nd Amendment) Rules, 2014; Rule 39(7), The Cosmetics Rules, 2020). No cosmetics that have been tested on animals after 2014 can be imported (Section 135-B, Drugs and Cosmetic Act, 1945; Rule 18(4), The Cosmetics Rules, 2020).

The use of animals in medical and pharmacy educational institutions for the purpose of teaching in undergraduate courses is prohibited and computer assisted modules are the alternative prescribed (Establishment of Medical College Regulations, 2013 (Amendment); Pharm.D (Amendment) Regulations, 2014).

Laws relating to performing animals

R.2(h), of the Performing Animals (Registration) Rules, 2001, defines a “Performing Animal” as an animal which is used for the purpose of any entertainment. Entertainment includes films, circuses, and any animal events into which the public is admitted.

At every event with performing animals the exhibitor or trainer must have a Performing Animals Registration Certificate from the Animal Welfare Board of India which contains all the details about how the animals are to be used in the event (Rule 3, Performing Animals (Registration) Rules, 2001). Dog shows, animal rides, animal races, and animal sports require a registration certificate as detailed in the aforementioned laws, as they all fall under the ambit of performing animals as defined in rule 2(h) of the Performing Animals (Registration) Rules, 2001.

When s. 2(7A), 2(39), 38H and 42 of the WPLA are read together, wild animals that perform, fall under the definition of circus, which comes under the term Zoo in the act. Therefore, wild animals, cannot perform in any circus without recognition by the Central Zoo Authority, and compliance with the housing and other needs detailed in the Recognition of Zoo Rules. This means that all local wildlife animal performances like snake charming and dancing bears, etc. are illegal. The use of bears, monkeys, tigers, panthers, lions in performances is prohibited in accordance with the Ministry of Social Justice and Empowerment Notification G.S.R 619(E) dated 14.10.1998. Bulls were added to the prohibited list of animals used for performance by the Ministry of Environment and Forest Notification G.S.R. 528(E) dated 11 July 2011.

The ban on using certain animals as performance animals was upheld in Nair N.R. and Ors. Vs. Union of India and Ors. AIR 2000 Ker 340. Bull races are also in violation of Sections 3, 11(1), and 22, PCA. The Supreme Court in AWBI vs A Nagaraja & Ors specifically stated that bulls are not performing animals.

Animal fighting is strictly prohibited and is in violation of Ss. 3, 11(1)(m) & 11(1)(n) and other provisions under Section 11(1) depending on the nature of the cruelty experienced and in the case of use of prohibited animals, S. 22, PCA.

Conclusions

Animal law in India is fairly expansive but not exhaustive. The lack of surety of action by-law enforcement agencies and the minimal penalties under the PCA Act prevent the effective implementation of the legal protections afforded to animals. Lacunae in the law are exploited without regard for the welfare of animals or the resultant impacts on human welfare.
The judiciary has used the constitutional provisions relating to animals to apply an eco-centric lens while adjudicating on matters relating to animal welfare. The judiciary has also in many instances recognised that animal welfare is often intrinsically linked to human welfare and has strived to ensure that the protections offered to animals under Indian law are enforced.

Improvement in animal welfare is intrinsically linked to the achievement of many of the Sustainable Development Goals (Keeling et al., 2019). The ‘One Health’ approach (World Health Organisation, 2017) is a global, multi-sectoral, coordinated, and transdisciplinary approach that recognises the interconnection between people, animals, plants, and their shared environment. This approach has been gaining traction across the world, with support from the WHO, OIE, and the FAO. Stakeholders in India including public health experts, veterinarians, health care providers and policy makers are placing greater weight on the “One Health” principle (Aggarwal and Ramachandran, 2020).

It is imperative that additional legislation and regulation are made to bridge the gaps in the law, improve mechanisms for enforcement and monitoring, and that penalties under the act are increased, to ensure the minimum welfare standards prescribed by-law are met, for the benefit of both humans and animals.

**Note**

1 Freedom from hunger, malnutrition, and thirst; freedom from fear and distress; freedom from heat stress or physical discomfort; freedom from pain, injury, and disease; and freedom to express normal patterns of behaviour.

**References**


Government of India, Census of India, 2014. Prevalence of vegetarianism and non vegetarianism amongst the population aged 15 years and above, India and bigger states 2014 (table 5.2) in *Sample Registration System baseline Survey 2014*. p. 22. Available at: https://censusindia.gov.in [Accessed 15.05.2022].


Key animal law in India


