



LACK OF IMPLEMENTATION OF ANIMAL LAWS IN INDIA: A CRITICAL APPRAISAL

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ABSTRACT

Animals are one of the most important partners of humans on this earth and they serve many purposes like domestication and act as workers and resources which really help humans at a great extent. The first law implemented for safeguarding the interest of animals was implemented in 1861. The inhuman condition under which animals have to live is due to different reasons. This paper reviews all the major laws related to animals and tries to incorporate the measures which can improve the conditions of animals. This study also covers what is the present scenario regarding laws related to animals and what is wrong in the implementation of these laws. It also incorporates changes and piece of advice that common man can do for the welfare of animals. It also discusses the role of various animal organizations like Animal Welfare Board of India (AWBI), People for the Ethical Treatment of Animals (PETA) and Plant and Animal Welfare Society (PAWS) etc. The primary research methodology has been used to conclude this research. An analysis of this study informs us that there are some fallacies in laws related to animals and it also brief us that authorities don't look into this matter seriously and even they show an incautious behaviour towards animals. Despite the fact that there is no inadequacy of laws related to animals in our country, the overall image that emerges

from the literature is that that the people lack an inner urge or an impulse to protect animals. Moreover, it can also be said that the attitude of authorities towards animals is apathetic, indifferent, impassive, unconcerned and unresponsive. The philosophy underlying these laws is explained, their main provisions are explored, and future directions that could move the ethic forward and further rationalize the laws are sketched. This work increases our understanding of laws corresponding to animal and one can easily comprehend them; this project will contribute to future research on similar

KEY WORDS: Animal laws, Lack of Implementation, Appraisal, Inadequacy of laws.

“Humanity's true moral test, its fundamental test...consists of its attitude towards those who are at its mercy: animals.”

— **Milan Kundera**

INTRODUCTION

Animals are the best partners of humans on this Earth. In our mythological history we have lot of references how animals were used as an element of fun and how they were subjected to cruelty. According to a dramatized version of the events by the poet Kalidasa, the king Dushyanta married Shakuntala on his hunting expeditions in forests. Shakuntala gave birth to his child who was named by the Sage Kanwa named as Sarvadamana. Surrounded only by wild animals, Sarvadamana grew to be a strong child and made a sport of opening the mouths of tigers and lions and counting their teeth. Protection



of animals and their legal rights is one of the most debated issues of the legal arena. The criminologists, jurists, sociologists, and legal professionals have dealt with various aspects of the crime against animals and the penal system for crime against animals. Despite several initiatives from the Government of India in the form of scheme providing shelter homes to animals, providing facility of immunization and arranging ambulance transportation facilities for animals no satisfactory results have been reached yet, which can be social, morally and legally accepted to protect the legal interest of animals. Even India's famous animal right activist and environmentalist Maneka Gandhi has also highlighted in her book "1000 Animal Quiz" that there is a lack of awareness related to animal welfare. Government of India has launched several schemes for protecting the animals. These schemes range from offering shelter to providing ambulance services for taking them to hospitals and also their birth control and immunization. The country also has laws in the form of Act 1960 & act 1972. Despite all these efforts and also the other initiatives of academicians & NGOs there has not been much of a difference in the plight of animals in the country. The newspapers pan India is generally flooded with the reports of atrocities against animals (TOI, 2016¹; TOI, 2016²; The Hindu,

2014³). This paper discusses the current situation of laws related to animals comprehensively with a holistic approach in the wake of globalization and the institutionalization of animal rights. It becomes necessary to examine the relevance and legitimacy of current animal laws and are they fulfilling the current demand.

II.1 HISTORY

We have seen the different kinds of attitudes exhibited by humans towards animals in different eras. The Vedas, the first scriptures of Hinduism (originating in the second Millennium BCE), teach ahimsa or nonviolence towards all living beings⁴. In Hinduism, killing an animal is regarded as a violation of Ahimsa. Similarly, Jains also practice strict vegetarianism and many go to great lengths even to avoid harming insects. Buddhism is the third major religion to emerge in India, and its teachings also include ahimsa. Buddhism teaches vegetarianism (though not as strictly as Jainism), and many Buddhists practice life release in which animals destined for slaughter are purchased and released to the wild⁵. Despite the influence of Hinduism,

says-Kerala-animal-husbandry-minister-K-Raju/articleshow/55207510.cms).

³ Train runs over 14 cows in Rajasthan, The Hindu, (March 4, 2014, May 19, 2016, 06:17 AM IST <http://www.thehindu.com/news/national/other-states/train-runs-over-14-cows-in-rajasthan/article5750223.ece>).

⁴ Alsdorf, 572-597, Walli, Kasselya, The Conception of Ahimsa in Indian Thought, (Varanasi, 1974), p. 113-145.

⁵ Life as a Vegetarian Tibetan Buddhist Practitioner, Eileen Weintraub, Society of Ethical and Religious Vegetarians.

¹ High decibel crackers traumatic for animals, The Times of India, (October 31, 2016, 12:13 AM IST <http://timesofindia.indiatimes.com/city/jaipur/High-decible-crackers-traumatic-for-animals/articleshow/55135296.cms>).

² One Lakh ducks to be culled in Kerala, The Times of India, (November 2, 2016, 06:27 PM IST <http://timesofindia.indiatimes.com/home/environment/flora-fauna/One-lakh-ducks-to-be-culled-in-Kerala->



Jainism, and Buddhism, meat-eating was still common in ancient India. During the Ashoka regime, he issued edicts informed by the Buddhist teachings of compassion for all beings. These edicts included the provision of medical treatment for animals and bans on animal sacrifice, the castration of roosters, and hunting of many species⁶.

The British also displayed concern for rights of animals. Moved by the suffering of strays and draught animals, Briton Colesworthy Grant founded the first Indian Society for the Prevention of Cruelty to Animals (SPCA) in 1861 in Calcutta. The Indian SPCAs successfully lobbied for anti-cruelty legislation in the 1860s, which was extended to all of India in 1890-91⁷. The Cow Protection movement arose in the late 1800s in northern India. While the SPCAs were led by colonists and associated with Christianity, Cow Protection was a movement of native Hindus. Cow protectionists opposed the slaughter of cattle and provided sanctuaries for cows. Mahatma Gandhi was a vegetarian and advocate of vegetarianism. In 1931 Gandhi gave a talk to the London Vegetarian Society entitled *The Moral Basis of Vegetarianism* in which he argued for abstinence from meat and dairy on ethical (rather than health-related) grounds⁸.

⁶ The Edicts of King Asoka, Ven. S. Dhammika, ISBN 955-24-0104-6, 1993, BUDDHIST PUBLICATION SOCIETY.

⁷ Need For Increased Statutory Provision on Animal Welfare, Govind Abhijith, National University of advanced Legal Studies, Kochi, ISSN: 2394 – 5044, *The World Journal on Juristic Polity*.

⁸ M.K. Gandhi, *The Moral basis of Vegetarianism*, 1st Edition, 1959, Navajivan Mudranalya, Ahmedabad.

After independence India's first national animal welfare law, the Prevention of Cruelty to Animals Act, 1960, criminalizing cruelty to animals was introduced. The law also kept provisions for use of animals for scientific experiments after adopting due safeguards. The 1960 law also created the *Animal Welfare Board of India* for implementing the anti-cruelty provisions promoting animal welfare. Subsequent laws have placed regulations and restrictions on the use of draught animals, the use of performing animals, animal transport, animal slaughter, and animal experimentation. Different laws are also passed regarding the prohibition of testing cosmetics and chemicals on animals⁹.

III.1 THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

The Prevention of Cruelty to Animals Act, 1960 is an Act of the Parliament of India enacted to prevent the infliction of unnecessary pain or suffering on animals¹⁰ and to amend the laws relating to the prevention of cruelty to animals. The most significant provision of this act is provided in Chapter II of this act which prescribes the establishment of *Animal Welfare Board of India* for the promotion of animal welfare and for the purpose of protecting animals from being subjected to unnecessary pain or suffering. Animals are the creatures that are unable to raise their voice. As per **Section 11 of Prevention of Cruelty to Animals Act, 1960**, beating, kicking, overriding, overloading, overdriving, torturing or otherwise treating any animals so as to subject it to

⁹ Rule 148-C, Drugs and Cosmetics Rules, 1945; Rule 135-B, Drugs and Cosmetics Rules, 1945.

¹⁰ *Animal Welfare Board of India v. A. Nagaraja and Ors.*, (2014) 7 SCC 547.



unnecessary pain amounts to cruelty on animals. And whoever indulges in an act of cruelty to animals makes himself liable¹¹ for action under Prevention of Cruelty to Animals Act. There are designated agencies in Govt./local self-government Organizations that are authorized to deal with stray animals. Such Organizations regularly undertake inoculations, sterilization of animals and other programmes. It also reviews about how humans willfully and unreasonably administer any injurious drug or injurious substance to any animal or willfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any animal. The law strictly provides that it is punishable by imprisonment and fine if any animal is treated with cruelty or if given poisonous food, there are serious consequences attached to it. Moreover it also lays down that transporting any animal in a manner that will cause him or her unnecessary suffering will be punishable¹². This includes loading cows into trucks without ramps and overcrowding the vehicle as well as tying up pigs and carrying them on cycles. Any violation of **Section 11** is punishable by a fine of Rs.100 and/or up to three months in jail.

III.2 CODE, 1860

INDIAN PENAL

Sections 428 and 429 of the Indian Penal Code make it illegal to maim or cause injury to any animal¹³. Indian legislators are being

urged by Humane Society International to replace the Prevention of Cruelty to Animals Act with the Draft Animal Welfare Bill 2014. The Prevention of Cruelty to Animals Act was a strongly worded law for 1960 when it was drafted, but has failed to protect animals for more than two decades now due to lack of enforcement. The current provisions, with penalties amounting to a maximum of only Rs. 50, fail miserably to deter animal abusers. Taking advantage of this obsolete act, animal abusers have continued to inflict unfathomable cruelty on animals¹⁴.

IV.1 CURRENT CONDITION OF THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

In India, where the condition of people living on the streets is so horrifying, the **condition of stray animals is very unlikely to be on the government's list of priorities**. The plight of stray animals, especially dogs, is a horrible thing to witness. This problem can equally be witnessed in the rural as well as urban India. The national capital itself is severely affected. In Delhi, the streets are littered with stray dogs. They are at every roadside. Besides starvation and dehydration, they are also the victims of human cruelty¹⁵. Walking in the city, you may pass a dog that is apparently sleeping on the pavement, but soon you will notice that it's dead.

In modern time exploitation of animals is done in a very different way. They are used

¹¹A.S. Narayana Deekshitulu v. State of A.P., (1996) 9 SCC 548.

¹²Nair N.R. and Ors. v. Union of India, 2001 (3) SCR 353.

¹³Imtiyaz Ahmad v. State of UP, (2012) 2 SCC 688.

¹⁴Animal welfare Board of India v. A. Nagaraja and Ors., (2014) 7 SCC 547.

¹⁵P. Oppili, Cruelty to animals on the rise, The Hindu, (June 02, 2016, 08:23 PM IST <http://www.thehindu.com/news/cities/chennai/cruelty-to-animals-on-the-rise/article5076494.ece>).



in the shooting of different television programmes and they are exploited in this activity¹⁶. According to the decisions of Hon'ble courts and the orders issued by Law ministry, a movie maker has to obtain a no objection certificate from the *Animal Welfare Board of India* before using animal during shooting either in India or abroad. Zoos are considered to be the safest place for animals yet they are not¹⁷. In the country's oldest zoos animals have to live within the dirty and filthy environment. The water compounds which are built for animals end up becoming a nightmare for animals. They are dirty and there is a lot of garbage scattered around it¹⁸. The whole condition of animals in the zoo is heart-breaking. It is very mournful to see our national bird i.e. Peacock and national animal i.e. Tiger in such a miserable condition.

We humans are at the top of displaying cruelty against animals as we use to slaughter animals as rituals in festivals¹⁹. But we don't know that killing of camels is not legal in India. Because of mass killing of camels in India, the species today face a possible threat of extinction. However, this practice also indisputably violates the

Prevention of *Animal Sacrifices Act of 1959*; and *KPAS (Karnataka Prevention of Animal Sacrifices) rules 1963* to prevent illegal sacrifices. Moreover, we have a lot of illegal slaughterhouse in our country. A "slaughterhouse" is defined as a place in which 10 or more than 10 animals are slaughtered per day and is duly licensed or recognized under a Central, State or Provincial Act or any rules or regulations made under this act²⁰. The Prevention of Cruelty to Animals Act, 1960 enlists certain rules provided under the category, namely Slaughter House Rules, 2001.

During trials also, animals are treated brutally. Thus, in *State of U.P v. Mustakeem and Ors.*²¹, Hon'ble Supreme Court of India ruled that custody of animals, in cases of cruelty, shall not be given to the accused but to the nearest *gaushala or pinjrapole*, until the conclusion of the trial. According to Wildlife Protection Act, 1972 even owning the tiger's claw or ivory jewellery is illegal. The Indian Tiger being an endangered animal is listed in the Schedule I of the Wildlife Act, 1972. This act gives it protection against hunting/poaching and trade for skins, bones and body parts. Any person violating this law leads to an imprisonment of three years extending up to seven years along with a fine from fifty thousand rupees to two lakh rupees. Animals are continuously used as professional tools for *madaris* and snake charmers. But it is illegal to use animals like *langurs* or snakes for one's profession as buying/selling/possessing monkeys/*langurs*

¹⁶DiptiNagpaul, Mark the Territory, Indian Express, (December 6, 2014, 11:50 PM <http://indianexpress.com/article/cities/mumbai/mark-the-territory/>).

¹⁷India's Zoos: A Grim Report by PETA India, (<http://www.petaindia.com/issues/animals-in-entertainment/indias-zoos/>).

¹⁸Valmik Thapar, Re-imagine the Zoo, Indian Express, (September 25, 2014 07:37AM <http://indianexpress.com/article/opinion/columns/re-imagine-the-zoo/>).

¹⁹*Laxmi Narain Modi v. Union of India (UOI) &Ors.*, (2013) 10 SCC 227.

²⁰Section 2 (c), Prevention of Cruelty to Animals (Slaughter House) Rules, 2000.

²¹*State of U.P. v. Mustakeem and Ors.*, (2002) RD-SC 538.



and snakes violates the Wildlife Protection Act of 1972. Keeping snakes in captivity and their display in public is prohibited under the Wildlife (Protection) Act 1972 and is an illegal activity. According to this act, wild Animals specified in schedule I, II, III, and IV cannot be hunted. Even though snake charming is an inherited profession in India, it has been banned since 1991.

Animals have to face one of the greatest plights of smuggling. In *Gauri Maulekhi v. Union of India and Ors.*²², referring *Gadhimai* animal sacrifice in Nepal Hon'ble Supreme Court of India ordered that there should be strict implementation of the prohibition of cattle smuggling across the border. Additionally, several welfare recommendations shall also be adopted. Animals are continuously used as professional tools for madaris and snake charmers.

IV.2 LAWS RELATED TO TRANSPORTATION OF ANIMALS

There is no awareness regarding laws related to transportation of animals and their plights. They are transported from one place to another in a very poor condition so much so that it leads to death of animals at the same time²³. Some laws regarding transportation of animals are as follows:-

- Every animal to be transported on foot shall be healthy and in good condition for such transport²⁴.

²² W.P. (C) No. 881/2014 with W.P. (C) No. 210/2015

²³ *Maneka Gandhi Vs. Union Territory of Delhi & Ors.*, ILR 1995 Delhi 49.

²⁴ Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2000, <http://www.moef.nic.in/division/legislation> (Ministry of Environment, Forest and Climate Change).

- Certain animals are not to be transported by foot. These animals include newly born animals of which the navel has not completely healed, disease animals, blind animals, pregnant animals that are due to deliver during the transport²⁵.
- The owner is not allowed to use a whip or any other thing of the same sorts to hit the animal or to hasten their speed. If at all the animal has to tie, a rope with suitable cushioning has to be used and the rope should be tied around its neck and not around any other body part²⁶.
- If at all two animals are to be tied with a single rope then there should be 2 feet distance in between them and should be of similar physical conditions and strength. Also, no more than two animals can be tied together with the same rope, adjacent to each other. The owner isn't allowed to transport the animals on foot before sunrise and after sunset²⁷.

Many animals are used as tools in the circus and other performing rites. But in *Nair, N.R. and Ors. v. Union of India and Ors.*²⁸, Kerala High Court said that bears, monkeys, tigers, panthers and lions shall

²⁵ Transport of Animals, Rules, 1978, [http://www.awbi.org/awbi-pdf/Transport%20of%20Animals%20\(Amendment\)%20Rules,%202009.pdf](http://www.awbi.org/awbi-pdf/Transport%20of%20Animals%20(Amendment)%20Rules,%202009.pdf) (Animal Welfare Board of India).

²⁶ Transport of Animals (Amendment) Rules, 2001, <http://www.moef.nic.in/sites/default/files/fellowships/2465-E.pdf> (Ministry of Environment, Forest and Climate Change).

²⁷ Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001, <http://www.moef.nic.in/legis/awbi/awbi15.html> (Ministry of Environment, Forest and Climate Change), (Animal Welfare Board of India).

²⁸ *Nair, N.R. and Ors. v. Union of India & Ors.*, 2001 (3) SCR 353.



not be trained or exhibited as performing animals.

THE LAW COMMISSION'S VIEW: In its 261st Report on Animal Welfare Regulations which is submitted on 28th August 2015 observes that pet shops and breeders violate provisions of animal welfare laws with impunity, and recommends that it is necessary to regulate their practices. In its first chapter second part in 1.2.2, it clearly mentions that the Wildlife (Protection) Act, 1972 ("WPA"), prohibits the sale of certain animals²⁹ in pet shops. However, these sales are continuing. All kinds of animals can be found for sale in animal markets across the country, and they are kept in terribly inhumane conditions. It was also recommended that many animals do not survive the trauma of being transported in small cages without adequate water or food, and estimates suggest that, overall, 40% of animals die in captivity or transportation³⁰. Moreover, even star tortoises and other protected animals are sold openly,³¹ and wild animals (including *parakeets, munias and mynas*) are caught and sold in complete violation of the WPA³². It is also submitted in this report that animals are not safe in the custody of authorities during trials also.

²⁹ Animals mentioned in Schedule I and II of the Wildlife (Protection) of the Act, 1972.

³⁰ Cruelty in Pet Shops: Plea to Law Panel for Rules, Times of India (July 3, 2015), <http://timesofindia.indiatimes.com/city/delhi/Cruelty-in-pet-shops-Plea-to-law-panel-for-rules/>.

³¹ Animals Used for Entertainment, PETA <http://www.petaindia.com/issues/animals-inentertainment/> (last visited Aug. 5, 2015).

³² Cruelty in Pet Shops: Plea to Law Panel for Rules, Times of India (July 3, 2015), <http://timesofindia.indiatimes.com/city/delhi/Cruelty-in-pet-shops-Plea-to-law-panel-for-rules/>.

V.1 OTHER IMPORTANT LAWS FOR THE PROTECTION OF ANIMALS

There is no inadequacy of laws for the protection of the interest of animals but what our society lacks is the proper implementation of these laws. Some important laws which are essential for rights of animals are discussed below.

- **Article 51A(g) clearly states that it is our fundamental duty** to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. In *Ramesh Sharma v. State of Himanchal Pradesh*, Hon'ble High Court held that it is the duty of every citizen to live and let live other creatures on this earth³³.
- Section 428 and 429 of Indian Penal Code (IPC) clearly lay down that it is punishable to kill or maim any animal, including stray animals also. In *Sri Ramratan Jhawar v. Govt. of AP & Anr.*³⁴, Andhra Pradesh High Court held that under Sections 428 and 429 IPC, whoever commits mischief by killing animals, are liable for punishment up to two years and fine.
- Rule 3, of Prevention of Cruelty to Animals, (Slaughterhouse) Rules, 2001 says that no animal (including chickens) can be slaughtered in any place other than a slaughterhouse and Chapter 4, Food Safety and Standards Regulations, 2011 says that sick or pregnant animals shall not be slaughtered. In *Animal Welfare Board*

³³CWP No. 9257 of 2011 and CWO No.s 4499 and 5076/2012.

³⁴*Ramratan Jhawar v. Govt. of AP & Anr.*, 2002 (4) ALT 176.



of *India v. A. Nagaraja and Ors.*³⁵, Supreme Court of India said that if any person slaughters any animal at any place other than slaughter house or tries to overpower the animal to do any act then that person will be held liable and will be punished according to the existing laws.

- Animal Birth Control (ABC) Rules 2001 says that stray dogs that have been operated for birth control cannot be captured or relocated by anybody including any authority.
- Section 11(1)(h), PCA Act, 1960 clearly lays down that neglecting an animal by denying her sufficient food, water, shelter and exercise or by keeping him chained/confined for long hours is punishable by a fine or imprisonment of up to three months or both. In *Mohammed Baleshariief v. State of A.P.*³⁶, High Court ordered that those who will not provide sufficient food, water or shelter or those who confine animals will be held liable and will be punished.
- Under Wildlife Protection Act, 1972, monkeys are protected and they are not subjected to be displayed or owned.
- Under Section 22(ii), PCA Act, 1960 animals like bears, monkeys, tigers, panthers, lions, and bulls are prohibited from being trained and used for entertainment purposes, either in circuses or streets.
- Rules 148-Cand 135-B of Drugs & Cosmetics Rules, 1945 says that cosmetics tested on animals and the import of cosmetics tested on animals is banned.

In *Indian Soaps and Toiletries Makers Association v. Qazir Husain and Ors.*³⁷, Hon'ble Supreme Court of India held that any enterprise, company, organization or any person using chemicals on animals will be held liable and will be punished.

- Under Section 38J, Wildlife (Protection) Act, 1972 reference to *Shri Sachidanand Pandey and Anr. v. The State of West Bengal and Ors.*³⁸, the Supreme Court of India held that any individual disturbing the lives of animals in the premises of zoo will be held liable and punishable with a fine of Rs. 25000 or imprisonment of three years.
- Section 9 of Wildlife (Protection) Act, 1972 lays down that capturing, trapping, poisoning or baiting or hunting of any wild animal or even attempting to do so is punishable by law, with a fine of up to Rs. 25000 or imprisonment of up to seven years or both. Further the act defines hunting as disturbing or destroying eggs or nests of birds and reptiles or chopping a tree having nests of such birds and reptiles or even attempting to do so will attract punishment of a fine of up to Rs. 25000, or imprisonment of up to seven years or both.

In *VikramTrivedi and Anr. v. Union of India-Through Project Director and Ors.*³⁹, Gujarat High Court said that in the interest of justice, it is completely illegal to cut the trees having nests of such birds and reptiles or even attempting to do so constitutes to hunting and attracts a punishment of a fine

³⁵ *Animal Welfare Board of India v. A. Nagaraja and Ors.*, AIR 2014 SCW 3327.

³⁶ MANU/AP/2848/2014.

³⁷ *Indian Soaps and Toiletries Makers Association v. Qazir Husain and Ors.*, (2013) 3 SCC 641.

³⁸ *Shri Sachidanand Pandey and Anr. v. The State of West Bengal and Ors.*, 1987 SCR (2) 223.

³⁹ *VikramTrivedi and Anr. v. Union of India-Through Project Director and Ors.*, MANU/GJ/1120/2013.



of up to Rs. 25000, or imprisonment of up to seven years or both.

VI.1 SUGGESTIONS

“For as long as men massacre animals, they will kill each other. Indeed, he who sows the seed of murder and pain cannot reap the joy of love.” –Pythagoras

What we humans can do is a lot to safeguard the interest animals. Some of the steps are listed below.

- When you see a dog or cow being hit or stoned, be sure to inform the offender of the law and get him or her to stop. Lodge an FIR at the nearest police station.
- Killing dogs in the name of preventing rabies is no solution. Rather authorities should immunize them. Moreover in *Indian Handicrafts Emporium and Ors. Vs. Union of India and Ors.*⁴⁰, Supreme Court of India ruled that killing any stray animal is an illegal activity which is a punishable offence. The *Animal Welfare Board of India* has developed a set of guidelines for all municipalities directing the implementation of the Animal Birth Control (ABC) programme. If there is an animal welfare organization in the area, urge it to take up the ABC programme.

Regarding ABC programme the Delhi High Court in its judgement, pronounced on 18.12.2009 and 4.2.2010, says that

“It is necessary to bring into record that these individuals and families who adopt stray animals are doing a great service to humanity as they are acting in the aid and assistance of Municipal Authorities by providing

these animals with food and shelter and also by getting them vaccinated and sterilized. Without the assistance of such persons, no local Municipal Authority can successfully carry out its ABC programme”.

- It is illegal for a municipality to round up stray dogs and abandon them outside city limits, as it places them in circumstances likely to cause their death from starvation and thirst as their standard of living suddenly deteriorate. The municipal corporations can utilize the grant which is provided to them under the schemes for providing shelter homes. The authorities can also contact to different NGOs which are active in safeguarding the rights of animals. When anyone finds cows or buffaloes on the street or tethered on public pavements, ask those nearby if anyone knows their owner or the dairy to which they belong. Inform the owner that it is illegal to allow cows to wander. If the owner does not have enough space to keep the cows comfortable or the means to feed them, file a complaint with the municipality asking that the cows be sent to a suitable shelter. Cows and buffaloes left on the street are often hit by cars and die from eating plastic bags, broken glass, and other trash.
- If anyone notices cows or other animals with burn marks, usually on their rumps, near particular fruit and vegetable markets, it is probable that the vegetable sellers have thrown acid or any harmful substance on animals to drive them away from their stalls. If there is a market association, approach the head and inform her or him of the law (IPC, Sections 428 and 429) which are discussed above. Request all vegetable vendors not to do this act again.

⁴⁰*Handicrafts Emporium and Ors. Vs. Union of India and Ors.*, 2003 (5) ALD 39 SC.



Inform the police station in the area to keep an eye out for such violations.

Most of the stray animals do not get enough food as compared to their daily requirements and die due to this problem. There is no law that prohibits the feeding of street animals. Citizens/animal welfare volunteers who choose to feed stray animals are in fact performing a duty cast upon them by the Constitution of India – of showing compassion to all living creatures. Recently, the *Animal Welfare Board of India* (AWBI) which is a statutory body under Ministry of Environment and Forests, Government of India has framed exhaustive Guidelines regarding stray dog feeding. These have been placed before and upheld by the High Court of Delhi. The orders passed on 18th December, 2009, and 4th February, 2010 by the Hon'ble High Court of Delhi, mandate not only that those street dogs will be fed, but that they will be fed in order to confine them to the localities/areas that they belong to. Confining them to the localities that they belong to facilitates area-wise animal birth control, and yearly/annual vaccination.

- When anyone sees an animal knocked over by a vehicle, get the number of the vehicle. Try to provide first-aid to that animal as soon as possible. If you can take the animal to a veterinarian yourself, do so. If not, call an animal welfare organization that has an ambulance. Once the animal is taken care of, file a complaint against the offender in the nearest police station (IPC, Sections 428 and 429).
- If you know any research institute that is using animals and their research is oriented on animals, ask them for the

source of the animals. If you suspect the source of animals they are using and you think that the animals which are used are abused then immediately contact the Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA). In the meantime, file a case with the police.

The real solution lies in the hands of humans only. Our laws regarding animal cruelty have to be looked into and more stringent actions and punishments are to be given to culprits.

VII.1 CONCLUSION

In the wake of the above discussion and ground realities of present day world following conclusions can be drawn:

The process of globalisation has made the world smaller and brought many problems also. One of the serious threats arising recently is the behaviour of humans towards animals who are unable to raise their voice. It is a well-known fact that animals are equally important as we the humans are for the development and progress of any nation. The way a human community treats with the animals of their country also displays the evolution and growth of any country. Testing cosmetics on animals, using them as a slave and overpowering them to carry a huge load, using animals in circus and compelling them to do unusual activities shows the heinous ideology of human beings. Why we forget that they are also living beings, they are also the creation of God, they have their own rights? It can also easily be concluded that those who are cruel to animals will surely be hard in their dealings with men. We can easily judge the



heart of a man by his treatment of animals. From the above research, it can also be concluded that there is no inadequacy of laws for safeguarding the interest of animals. As a matter of fact, the main problem is the lack of implementation and administration of these laws. All these laws are laid down on paper only. The reality is far from what the law statues prescribe. Animals are mercilessly slaughtered, enslaved, hurt just for “fun”, transported in the most wretched manner so that more and more animals are compelled to adjust in a little space which created congestion and most of the animals die due to suffocation. In fact, humans exploit animals at every given opportunity.⁴¹

People do not care about the rights of animals and they become selfish and forget about the rights of animals. Though it is not true that there is no awareness of laws dealing with animals but people are conscious about the rights of animals but what they lack is a basic urge, an impulse or an inner desire to help animals from the poor, brutish, indigent and substandard condition of living. We all know about rights of animals and laws related to them but still, we hear incidents which force us to introspect ourselves again and again. Incidents like killing of stray animals, death of animals in zoos, insecurity of animals in wildlife sanctuaries, killing and maiming of animals during Diwali festivities, utilisation of fund released for animals in different

sectors, culling of ducks in large number and careless and relax attitude of administrative authorities regarding complaints received for the rights of animals.

In the wake of modernization, globalisation and advancement of extreme material values, there is a relative erosion of moral responsibility of the community, family, religion, etc. towards these speechless animals. We are living in the age where we are planning to settle on Mars but we are not realising that to maintain the balance of ecosystem animals are as much required as humans. The worst sin we humans do towards our fellow creatures is not to hate them, but to be indifferent to them: and that is the essence of inhumanity. Why we humans forget that the love for all living creatures is the noblest attribute of man. The assumption of humans that animals are without rights and the illusion that our treatment of them has no moral significance is a positively outrageous example of crudity and barbarity. Universal compassion is the only guarantee of morality.

The authorities need to think about the fact that only common mass is not at fault rather they are equally at fault with them. They should make more stringent laws which impose hefty penalties with the punishment of imprisonment also. Authorities should consider this crime under the ambit of the maxim “*Salus populi est suprema lex*”⁴² and

⁴¹ Vivek Menezes, Rethinking Bondla: Zoos are obsolete, Times of India, (October 29, 2106 08:27 AM IST <http://timesofindia.indiatimes.com/city/goa/Rethinking-g-Bondla-Zoos-Are-Obsolete/articleshow/55123360.cms>).

⁴² The Latin maxim “*Salus populi est suprema lex*” which means the welfare of the public is the supreme law, is one of the well-known laws which deal with public interest. To this maxim all other maxims of public policy must yield for the object that “all laws are to promote the general wellbeing of society”. In other words, “regard for the public welfare is the highest law”. It also stands for



should act more wisely to protect and safeguard the rights and interest of animals to a large extent.

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