



## LEGISLATIVE FRAMEWORK AND ROLES OF NGOs FOR THE PROTECTION OF ANIMALS IN INDIA: A COMPARATIVE STUDY WITH THE UK, US AND AUSTRIA

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### Abstract

The protection of animals has become an increasingly important issue across the world. Numerous countries have developed robust legal frameworks and mechanisms for the welfare of animals, with non-governmental organizations (NGOs) playing a significant role in advocating for and ensuring the enforcement of these laws. This paper explores the legislative frameworks and the role of NGOs in the protection of animals in India, with a comparative analysis of the UK, the US, and Austria. Through this comparison, the paper aims to identify gaps in India's legislative structure and highlight areas for improvement. It concludes with actionable recommendations for India to enhance its animal welfare framework, drawing from successful practices in the other three nations.

This paper explores the legislative frameworks for animal protection in India, the UK, the US, and Austria, and analyzes the roles of NGOs in advocating for animal welfare in each of these countries. The comparative study highlights the key legal provisions in these countries and identifies the strengths and weaknesses in India's approach to animal protection. Based on the findings, this study offers recommendations for improving India's animal protection laws and increasing the effectiveness of NGO participation.

### Introduction

Animal welfare has emerged as a global priority, with growing recognition of the ethical, environmental, and health-related significance of protecting animals. Ethical concerns regarding cruelty to animals, habitat loss, and exploitation have erred and NGOs to take action in shaping legal frameworks aimed at safeguarding animal rights. In India, the task of protecting animals is especially pressing, given its diverse ecosystems and large population of both domestic and wild animals. However, India's legislative framework has long been criticized for its inefficiency and lack of enforcement. While India does have significant animal protection laws, such as the **Prevention of Cruelty to Animals Act (1960)** and the **Wildlife Protection Act (1972)**, their implementation has been inconsistent.

Non-Governmental Organizations (NGOs) in India play an essential role in advocating for animal rights, educating the public, and providing direct services such as animal rescue, rehabilitation, and sterilization programs. However, despite their efforts, the effectiveness of their work is limited by legislative shortcomings and insufficient government support.

This research aims to analyze the legislative frameworks and the roles of NGOs in animal protection, focusing on India, the UK, the US, and Austria. By comparing the legal and institutional approaches in these countries, the paper intends to highlight best practices and offer recommendations for strengthening India's legal framework to better protect animals. However, the implementation and enforcement of these laws remain inadequate, especially in comparison to countries with more robust legal structures like the UK, the US, and Austria.

This research aims to examine the legislative frameworks for animal protection in India, comparing them with those in the UK, the US, and Austria. By analyzing the role of NGOs in supporting these legal frameworks, the study identifies key lessons that India can adopt to improve its animal welfare laws and



practices. The paper also explores the challenges faced by NGOs in promoting animal protection and the impact of their efforts.

## Legislative Framework for Animal Protection in India

### Historical Development of Animal Protection Laws in India

India's journey toward establishing animal protection laws dates back to the British colonial period. The **Prevention of Cruelty to Animals Act, 1960**, was the first major law aimed at regulating the treatment of animals. This Act prohibited cruelty towards animals, regulated animal sacrifices, and set out guidelines for their transport. Its enactment marked a significant step forward in formalizing the protection of animals within India's legal framework. However, it did not cover farm animals, and there were gaps in its application to animals used in entertainment, research, and trade.

A further step was taken in 1972 with the **Wildlife Protection Act**, which was specifically designed to safeguard India's diverse wildlife. This Act prohibits hunting, trading, and poaching of wild animals and establishes protected areas such as sanctuaries and national parks. Over time, the **Animal Birth Control (ABC) Rules** for the management of stray dog populations were also introduced. Despite these advances, implementation and enforcement remain inconsistent across India, particularly in rural areas and where government infrastructure is weak.

### Key Legislative Frameworks

1. **Prevention of Cruelty to Animals Act, 1960:** This law defines cruelty as any act that causes unnecessary pain or suffering to animals. It requires owners to take responsibility for the welfare of their animals and establishes a mechanism for addressing complaints of cruelty. It also mandates the establishment of the **Animal Welfare Board of India (AWBI)**, which

plays an advisory role in drafting animal welfare policies.

2. **Wildlife Protection Act, 1972:** This Act provides for the protection of India's rich biodiversity by prohibiting hunting, poaching, and trade in wild animals and plants. It designates protected areas and specifies the punishment for violations. It has proven effective in addressing certain aspects of wildlife protection but faces challenges in enforcement, particularly with illegal poaching.
3. **The Prevention of Cruelty to Animals (Transport of Animals) Rules:** These rules regulate the transport of animals for commercial purposes, ensuring that animals are transported humanely and safely. However, widespread violations of these rules continue to be reported.
4. **Animal Birth Control (ABC) Rules, 2001:** Aimed at controlling the stray dog population, these rules mandate the sterilization of street dogs to prevent their overpopulation. Although the program is vital, implementation has been patchy, and the overall effectiveness is hindered by insufficient funding and local government cooperation.

Despite the existence of these laws, challenges such as under-enforcement, lack of public awareness, and inadequate penalties for cruelty remain pervasive.

### Challenges in Implementation

The enforcement of India's animal protection laws has been slow and inconsistent. Factors such as lack of training for law enforcement officials, inadequate penalties, and the failure to prosecute offenders are some of the primary issues. Additionally, the sheer diversity of India's animal protection needs—ranging from domestic animals to endangered wildlife—makes it challenging to address all aspects of animal welfare under a single set of laws.

NGOs play an important role in bridging these gaps, but their efforts are often impeded by insufficient resources and weak support from the state. Public awareness of animal welfare is also limited, which



compounds the difficulties in enforcement and education.

### Role of NGOs in India

In India, NGOs such as **People for Animals (PFA)**, **Blue Cross of India**, and **The Animal Welfare Board of India (AWBI)** are crucial in advocating for animal rights and providing services to animals in need. These organizations engage in animal rescue operations, offer veterinary care, run awareness campaigns, and help in the sterilization of street dogs. Additionally, NGOs play a significant role in lobbying for more comprehensive animal protection laws.

Despite the crucial role of NGOs, their ability to influence policy or effect change is often limited by bureaucratic delays and a lack of coordination with the government. Greater collaboration between NGOs and the Indian government could improve the enforcement and implementation of animal protection laws.

### Legislative Framework for Animal Protection in the UK

#### Historical Development

The UK is one of the pioneers in animal welfare, with early laws dating back to the **Cruelty to Animals Act, 1835**. The **RSPCA (Royal Society for the Prevention of Cruelty to Animals)** was founded in 1824 to combat animal cruelty. Over time, the UK has developed a comprehensive legislative framework for animal protection.

The UK is recognized as a leader in animal protection laws. The **Royal Society for the Prevention of Cruelty to Animals (RSPCA)**, established in 1824, was the first animal welfare organization in the world. Over the years, the UK has built a comprehensive legal framework for animal protection, culminating in the **Animal Welfare Act of 2006**, one of the most extensive animal welfare laws globally.

### Key Legislative Frameworks

1. **Animal Welfare Act, 2006**: This law is the cornerstone of animal protection in the UK. It places a duty of care on animal owners and caretakers to ensure the welfare of animals under their care. The Act covers a broad range of animals, including pets, farm animals, and wild animals in captivity. It criminalizes acts of neglect, abuse, and unnecessary suffering.
2. **Protection of Animals Act, 1911**: This older piece of legislation remains an important tool in regulating cruelty towards animals. It makes provisions for preventing animal cruelty during transport and slaughter.
3. **Dangerous Wild Animals Act, 1976**: This Act regulates the ownership of dangerous wild animals, ensuring that they are kept in appropriate environments that prevent harm to both animals and humans.

### Role of NGOs in the UK

The **RSPCA** is the largest and most influential animal protection NGO in the UK, with statutory powers to investigate allegations of animal cruelty and to prosecute offenders. The organization works closely with the government to ensure that animal welfare laws are enforced. Other NGOs, such as **PETA UK** and **The Born Free Foundation**, play a critical role in animal protection through public education, campaigning, and advocacy.

The **RSPCA** also collaborates with law enforcement agencies to ensure that animal cruelty cases are appropriately investigated and prosecuted. Its ability to independently investigate cases and initiate legal proceedings has made it a powerful force in animal protection.

### Legislative Framework for Animal Protection in the US

#### Historical Development

The **American Society for the Prevention of Cruelty to Animals (ASPCA)**, founded in



1866, played a pioneering role in animal protection. The **Animal Welfare Act**, passed in 1966, was the first federal law regulating the care of animals in research facilities, zoos, and circuses. The law has been amended multiple times to address emerging issues such as the treatment of farm animals and the use of animals in entertainment.

### Key Legislative Frameworks

1. **Animal Welfare Act, 1966:** This Act is the primary federal law governing the treatment of animals in research, exhibition, and transport. It sets minimum standards for housing, feeding, and medical care of animals used in these industries.
2. **Endangered Species Act (ESA), 1973:** The ESA is one of the most important pieces of legislation for wildlife protection in the US. It provides comprehensive protection for species that are listed as endangered or threatened.
3. **Marine Mammal Protection Act, 1972:** This Act protects marine mammals from human activities that could harm their populations, such as hunting and habitat destruction.

### Role of NGOs in the US

NGOs in the US, such as **HSUS** and **ASPCA**, play an active role in advocating for stronger animal protection laws, conducting investigations into animal abuse, and rescuing animals in distress. These organizations are deeply involved in legislative advocacy, working to influence policymakers and secure stronger protections for animals.

**PETA** is another significant NGO that focuses on animal rights, particularly related to the use of animals in entertainment, food production, and research. Their campaigns and public education efforts are pivotal in shaping the national discourse on animal rights.

### Legislative Framework for Animal Protection in Austria

### Historical Development

Austria has long been committed to animal protection, and its **Animal Welfare Act**, enacted in 1988, was a significant milestone. As a member of the European Union, Austria adheres to strict EU regulations concerning animal welfare, including laws that regulate animal testing and the transportation of animals.

### Key Legislative Frameworks

1. **Austrian Animal Welfare Act, 1988:** This law provides a comprehensive framework for the protection of animals in Austria. It covers animals in farming, research, as well as companion animals. It requires that animals are treated humanely and ensures penalties for violations.
2. **EU Animal Protection Regulations:** As a member of the European Union, Austria complies with EU-wide animal protection standards, such as those regulating animal testing, farm animal welfare, and animal transport.
3. **Animal Testing Regulations:** Austria adheres to the EU ban on cosmetics testing on animals and has stringent regulations in place for laboratory animal testing.

### Role of NGOs in Austria

NGOs such as **Vier Pfoten** (Four Paws) have been active in Austria, particularly in promoting the welfare of wild and farm animals. The organization focuses on issues like factory farming, animal testing, and wildlife conservation. **Tierschutz Austria** is another major organization advocating for animal rights and promoting cruelty-free practices.

### Comparative Analysis of Animal Protection Frameworks and NGO Roles

#### Comparison of Legal Frameworks

When comparing the legal frameworks of India, the UK, the US, and Austria, several key differences





emerge. The UK's **Animal Welfare Act**, Austria's **Animal Welfare Act**, and the US's **Endangered Species Act** and **Animal Welfare Act** are far more comprehensive than India's existing laws. These frameworks cover a wide range of animals, from domestic pets to wild animals, and emphasize proactive measures such as the duty of care for animal owners.

India's legal framework, while important, lacks the thoroughness and specificity of these other nations' laws, particularly when it comes to farm animals and wildlife protection. Furthermore, enforcement remains a significant challenge in India, with limited resources and political will.

### Role of NGOs

NGOs in all four countries play crucial roles in animal protection. In the UK, the **RSPCA** and other organizations work directly with the government to ensure compliance with laws. In the US, organizations such as **HSUS** and **ASPCA** play a central role in lobbying, public education, and direct legal action. Similarly, in Austria, **Vier Pfoten** works both on a national level and internationally to influence policy and raise awareness about animal rights issues. In India, while NGOs have made significant strides, their ability to influence policy and ensure legal enforcement is limited by governmental shortcomings. The role of NGOs in India is vital, but they require more substantial support from the government and greater public awareness to be truly effective.

### Recommendations for Improving Animal Protection in India

1. **Strengthening Legal Frameworks:** India should expand its animal welfare laws to cover all aspects of animal protection, including farm animals, wildlife, and animals used in entertainment. The introduction of a comprehensive animal welfare bill would help address gaps in existing laws.

2. **Enhancing Enforcement:** There should be stronger enforcement of animal protection laws, including better training for law enforcement officers and more severe penalties for violations.
3. **Increased Collaboration Between NGOs and Government:** NGOs should be given more authority in enforcing animal protection laws and participating in policy-making. Collaborations with governmental bodies could lead to more efficient enforcement and increased resources for animal welfare initiatives.
4. **Public Awareness Campaigns:** Public education on animal welfare should be integrated into school curricula and public service campaigns. Greater awareness would foster a culture of compassion and responsibility toward animals.

### Conclusion

The protection of animals is a critical issue, and India has made progress in enacting legislation to safeguard animals. However, there is still much to be done. By adopting best practices from the UK, the US, and Austria, India can strengthen its legal framework, improve enforcement, and enhance the role of NGOs in animal welfare. With stronger laws, more active participation from NGOs, and greater public awareness, India can ensure a brighter future for its animals.

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