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PROTECTION OF ANIMAL RIGHTS: COMPARATIVE ANALYSIS BETWEEN INDIA AND SWITZERLAND

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Abstract

Animals are the most innocent souls in this world and whereas humans are self destructive and most complex being, animals need protection from such selfish species because this land, water or air is same owned by animals as we humans. This paper will focus on the development of animal rights and will critically analyse the laws of two major countries with animal welfare approach that includes India with its welfare and moral duty based model and Switzerland with its strict penal responses and dignity based approach towards animals. These two countries with their inclusive legal system may need more improvement to achieve its intention. The comparative study will help to recognise the gaps in legislation for prohibition and enforcement for protection of these two nations and their approaches may be helpful for one another.

This paper will emphasise on the rights of animal in world where rules and regulations are made for the human as the only being who has the right to live or we can say who is considered to be worth living. This paper will comparatively analyses that judicial and social rules and regulations are enough for the protection of the animals or there is need to have more stricter regulations for the prohibition on cruelty against animals that has been in recent times increasing due to continuous conflict between humans and animals only individual is not have duty to be empathised towards them but a whole society and government has duty to reduce the conflict and ensure that scientifically evident theory of food chain to continue in the ecosystem for the sustainable growth. This paper will be covering the position of animals as a legal entity and its constitutional and judicial aspect as well as additional legislation related to prohibition

of cruelty and abuse. Further this paper elaborates the different aspects of abuse against animals like cultural and religions dominance over right to live, industrial mistreatment for human's sake and other cruelty aspects. Additionally, this paper is covering rising conflict between humans and animals as people are becoming more intolerant towards animals and animals became more prone to attack. In the end, the paper will identify the gap of legal protection and achievement of goals as well as suggestions on the basis of comparison between three nations for the extension of animal rights.

A welfare state's identity is to protect its most vulnerable being and it is not only a moral duty but also needed for the sustainability of the world. In the times of human-animal conflict it is important to promote and study human-animal relationships living in harmony. A comparative study not only compared the laws between major animal protector country but also compare the different societal approach towards a different species living with humans.

1. Introduction

Animals have been a part of human society for centuries, providing companionship, labor, food, and entertainment. Despite their importance, they are often subjected to neglect, abuse, and exploitation. Animal cruelty occurs in many forms, including physical violence, industrial farming practices, laboratory testing, entertainment industries, and illegal wildlife trade. Several factors contribute to this cruelty. Cultural traditions sometimes normalize harmful practices, while economic interests prioritize profit over animal welfare. Lack of awareness, weak enforcement of laws, and societal indifference further allow cruelty to continue. In some cases, animals are viewed purely as property or commodities, which makes their suffering easier to ignore.

Animals are as living beings as humans, they deserve the right to live same as any other human with peace and dignity. But the continuous infrastructural development for human self consumption and



reducing human morals leads to conflict between humans and animals. There are rules and regulations for the protection of humans, their integrity and their life. There are even rules and regulations to prohibit property destruction. If our society protects a non living thing, there should be proper rules and regulations for the protection of animals and prohibition on cruelty against them. Animal rights is a phenomenon but animal law is needed because it embodies a border interest of non-human living.

Various countries do not embody the concept of animal rights in their legal system. From those few countries, India and Switzerland embody animal rights in their inclusive legal system. Due to strong commitment and compassion of these two countries for other species this paper will further comparatively analyse their approach towards different aspects of animal protection and the gaps that can be filled. India's animal protection laws take support from the fundamental idea of non-violence. Whereas Articles 48, 48A, and 51A(g) of the Indian constitution emphasize the duties towards animals and protection of wildlife, while the Prevention of Cruelty to Animals Act, 1960 provides statutory regulations. However, weak enforcement and outdated penalties often limit the effectiveness of law.¹

On the other hand Switzerland has the strictest enforced regulations. Switzerland adopts the approach of animal dignity in its constitution. And the adoption of rights in the constitution is done through referendum by the general public which means the law is supported by the spirit of the people and their corporation inherent in it.

The paper is analysing the question, whether laws of India are developed enough to protect a non-human living beings or there is still need of development and whether the society is civil enough to tolerate

coexistence with animals without dispute by comparing the other legal system, which are concerned to the issue. Further, the study aims to show how ethical concern, legal recognition, and enforcement mechanisms work together-or fail-to protect animals, and what lessons each system can offer to improve global animal protection standards.

2. Animal as legal entity

Nevertheless, the jurists are not in agreement regarding whether animals should be regarded as having a legal personality. Salmond considers them as objects but never subjects of legal rights and duties.² Fitzgerald however in his book Salmond on Jurisprudence, notes two instances where animals (beasts), can be considered to have rights to the law.³ To start with, animal cruelty is a criminal offence and in the second place, a trust to the benefit of the specified classes of animals is an effective and enforceable public and charitable trust. In such a case, however, when the interest of animals clashes with that of human beings, latter has priority. Legal Personality is an artificially created law. Law-recognized entities can be parties to a legal relationship. A natural person is a human being and legal persons like a Corporation, which is created by law and possesses some rights and obligations of human beings, and should be more or less considered as a human being, in terms of legal reasoning.

The Subjects of Human Authority vs. Individuality

Animals are not to be treated as an object and property and they deserve justice. In his order, Justice Rajiv Sharma expressed the fact that, The Corporation, Hindu idol, Holy Scriptures, rivers have been made legal entities and, therefore, to protect and favor more resources of animals including avian and aquatic animals, are mandated to be given the status of a legal

¹ Ananya Swain, Consideration of Animals as Legal Person, 3 Indian J. Integrated Rsch. L. no. 4 (2023), <https://ijirl.com/wp-content/uploads/2023/07/CONSIDERATION-OF-ANIMALS-AS-LEGAL-PERSON.pdf>.

² Sir John Salmond, *Jurisprudence* 305 (Glanville L. Williams ed., 11th ed. 1957).

³ P. J. Fitzgerald, *Salmond on Jurisprudence* 305–06 (12th ed. 1966).



person. As a way of trying to know what the animals undergo Justice Rajive Sharma said, We must be understanding of all the living creators. Animals are not mute yet we as a people need to speak on behalf of the animals. According to Hindu mythology, all animals are also related to the god. Animals breathe the same as we do, and have emotion. They need food, accommodation, health care etc. In the Narayan Dutt v. Union India case, the Uttarakhand high court held that Every member of the animal kingdom is a separate legal personality which possesses all the rights, responsibilities, and liabilities that a person does.⁴ Reforms Zurich Canton Animal Lawyer (1992-2010): The pure ownership was challenged by the introduction of animal lawyers to represent animals as victims in criminal cases.⁵ Nationwide expansion was rejected by voters in 2010; removed from the category of objects in the Civil Code (Art. 641a, 2003), but its owners still have rights with dignity obligations.⁶ No case of landmark ownership, but continued controversy (e.g., co-ownership in pet separations). Though the post of animal lawyer was abolished in 2010-2011 after a national referendum vote. The majority (70.5% no) felt that animal welfare legislation was adequate and they did not see the need of imposing compulsory representation of animals in cruelty cases and thought that this would not only be a waste of resources to the taxpayers but also would not add value. Animal property presents underlying vices.⁷ First, it is scientifically backward (such as evolution, awareness of the presence of feeling in animals) as Darwin was the pioneer in the science of animals, and the concepts of animal suffering, pain, and the ability to think are very antique ideas of human divine dominance and animal irrationality. Contemporary philosophy requires moral treatment of mutual

capabilities equally. Second, animals are not the same as the objects that are not living in the world such as cars, they are independent, and they are intellectually/emotionally tortured and should not be objectified. Being property, they do not have legal personality to bear or to bear the rights, and their interests can be subordinated even to the minor human ones. Instead of simply banning exploitation, current welfare laws merely control it (e.g., the beef bans in India spare the cow but punish the hen).⁸

3. Development and constitutional aspect of animal rights in India and Switzerland

Historical Evolution

The history of animal welfare in India is much older and associated with traditional cultural and religious principles which, in fact, focus on compassion and non-violence. The ancient Indian beliefs, particularly Hindu, Buddhist and Jainism, traditionally recognised the sentience of animals and upheld the principle of ahimsa (non-injury) towards all life. These concepts are found in the earliest Sanskrit literature and ethical doctrines, and influenced early attitudes to animals even before the modern welfare paradigm arose. The traditional attitudes were disrupted when the Islamic rule came and then British colonialism came in.⁹

The British brought huge slaughterhouses and intensified hunting that caused the extensive loss of wildlife. In reaction, early welfare activities by Societies for the Prevention of Cruelty to Animals (SPCAs) sprang up and formed the foundation of legalisation. Following independence, India made animal welfare a constitutional issue by enacting new legislation. The major measures were to establish the

⁴ *Narayan Dutt Bhatt v. Union of India*, 2018 SCC OnLine Utt 645 (India).

⁵ *Swiss Voters Reject Lawyers for Animals in Referendum*, *The Telegraph* (Mar. 7, 2010), <https://www.telegraph.co.uk/news/worldnews/europe/switzerland/7394698/Swiss-voters-reject-lawyers-for-animals-in-referendum.html>.

⁶ *Swiss Civil Code* art. 641a, SR 210 (Switz.).

⁷ *Swiss Voters Reject Lawyers for Animals in Referendum*, *The Telegraph* (Mar. 7, 2010), <https://www.telegraph.co.uk/news/worldnews/europe/switzerland/7394698/Swiss-voters-reject-lawyers-for-animals-in-referendum.html>.

⁸ *The Moral Status of Animals*, in *Animal Rights* (Oxford Univ. Press 2002)

⁹ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547 (India).



Animal Welfare Board of India and, in 1976, to change the constitution and make protection of wildlife and compassion to living creatures a prerogative. Although these are the changes in the laws, there are still issues in striking a balance between the economic practices and lasting cultural values of animal protection. The contemporary Indian statutory protection of domesticated and captured animals has its origins in colonial and early post-colonial animal protection statutes and administrative frameworks, and in the Prevention of Cruelty to Animals Act, 1960¹⁰ (PCA Act) and the establishment of the Animal Welfare Board of India¹¹ (AWBI). The PCA Act continues to be the primary statutory tool of cruelty offences. Complementary legislation like the Wildlife (Protection) Act, 1972 and state legislation like cattle/slaughter laws established a plural regime of various types of animals.

Switzerland's modern animal protection law developed as a federal legislative competence during the late 20th century. Key milestones are the Federal Act¹² on Animal Protection, which was a first modern codification 1978 and a consolidated Animal Welfare Act that emphasises the protection of animal dignity and welfare. Switzerland has also integrated animal-protection principles in constitutional provisions and ordinance regulation.

Constitutional Perspective

The Supreme Court ruled in favour of the Animal Welfare Board of India and upheld the enforcement of the ban on Jallikattu. It held that Article 51A(g) of the Constitution is the "magna carta of animal rights" and made several observations to safeguard the "life" of animals under Article 21.¹³ In another case, State of

Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005) where the Supreme Court held that Article 48 envisions a total ban on the slaughter of cows and their progeny. It observed that cattle which have served the human species must be treated with compassion in their old age even though it is useless. The Court also ruled that "it was evident from the combined reading of Articles 48 and 51A(g) of the Constitution that citizens must show compassion to the animal kingdom. The animals have their own fundamental rights. Article 48 specifically lays down that the state shall endeavour to prohibit the slaughter of cows and calves, other milch and draught cattle".¹⁴

The Indian approach is instrumental and mixed, animals are primarily protected by legislation, but courts use constitutional principles (Directive Principles, Article 21, public morality) to strengthen enforcement and interpretation. Scholarship debates whether granting animals direct rights under Article 21 is appropriate or whether a welfare-based regime is preferable.¹⁵

Switzerland embeds animal protection directly into its constitutional framework by imposing binding obligations on the State rather than by granting animals human-like fundamental rights. The key provision is Article 80 of the Swiss Federal Constitution, which gives the Confederation explicit competence and duty to legislate on animal welfare, including animal care, experimentation, transport, trade, and slaughter. This ensures uniform and mandatory national standards. More significantly, Article 120 introduces the principle of the "dignity of living beings" (Würde der Kreatur), requiring the State to respect the intrinsic worth of animals when

¹⁰ Prevention of Cruelty to Animals Act, No. 59 of 1960, India Code (1960).

¹¹ Wildlife (Protection) Act, No. 53 of 1972, INDIA CODE (1972).

¹² Swiss Federal Act on Animal Protection of Mar. 9, 1978; Swiss Animal Welfare Act of Dec. 16, 2005, SR 455 (Switz.).

¹³ Animal Welfare Board of India v. A. Nagaraja, (2014) 7 S.C.C. 547 (India).

¹⁴ State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat, (2005) 8 SCC 534.

¹⁵ Joseph T. Mathew & Iyanah Chadha-Sridhar, Granting Animals Rights Under the Constitution: A Misplaced Approach? An Analysis in Light of Animal Welfare Board of India v. A. Nagaraja, 7 NUJS L. REV. 349 (2014), available at <https://docs.manupatra.in/newsline/articles/Upload/F6A0FB5A-88EF-4DF0-9583-3C BE36BDB956.pdf>



regulating biotechnology and other forms of human use. This dignity-based approach goes beyond preventing physical suffering and limits excessive instrumentalisation or degradation of animals even where pain is not evident.¹⁶

Penal Approach

The Prevention of Cruelty to Animals Act, 1960 (PCA Act) is a positive and comprehensive law as it applies to all animals and implicitly recognises animal sentience, acknowledging that animals can suffer both physically and mentally. Its core objective is to prevent unnecessary pain and suffering, grounded in the idea that human dignity is linked to humane treatment of animals. The Act establishes the Animal Welfare Board of India and mandates State SPCAs to support animal protection.¹⁷

However, the penalty framework is a major weakness. Under Section 11, most acts of cruelty attract a maximum fine of only ₹50, with slightly higher fines or short imprisonment for repeat offences. These penalties are widely considered grossly inadequate and fail to act as an effective deterrent. Although Sections 428 and 429 of the Indian Penal Code¹⁸ now in Section 321 of BNS¹⁹ provide stricter punishment, imprisonment up to two years or five years for killing or maiming certain animals but their application is limited and inconsistent.

Further, animals used in scientific experiments and religious slaughter are excluded from PCA protections. While supportive “carrot” measures exist (animal ambulances, shelters, training via NIAW), weak fines, poor enforcement, and lack of political

will significantly undermine animal welfare outcomes in India.

Switzerland’s animal welfare framework is built on the recognition of animal sentience, which underpins strong and comprehensive protection even though sentience is not always explicitly stated in legislation. The Animal Welfare Act, 2005²⁰, supported by the Animal Welfare Ordinance, 2020²¹, prohibits causing pain, suffering, harm, anxiety, or violating an animal’s dignity without justification. It strictly bans acts such as neglect, abandonment, unnecessary overworking, bestiality, animal fights, and killing animals in an agonising manner, including slaughter without prior stunning.

Penalty provisions are stringent and deterrent in nature. Under Article 26 of the Animal Welfare Act, 2005, wilful mistreatment, neglect, or disregard of an animal’s dignity is punishable by fines and/or imprisonment of up to three years. Where the offence is committed through negligence, offenders may face fines or imprisonment up to 180 days. In addition, courts may order forfeiture of animals and impose a ban on keeping animals.

Enforcement is decentralised, with Cantonal authorities responsible for implementation, licensing, and supplementary regulations, under federal supervision. Alongside penalties, Switzerland strengthens compliance through education, training, and public awareness, making animal welfare a mainstream and enforceable concern.²²

¹⁶ Federal Constitution of the Swiss Confederation of Apr. 18, 1999, SR 101 (Switz.), available at <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html>.

¹⁷ Prevention of Cruelty to Animals Act, No. 59 of 1960, India Code (1960).

¹⁸ The Indian Penal Code, No. 45 of 1860, §§ 428–429, Act No. 45, 1860 (India).

¹⁹ The Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023), § 1 (India).

²⁰ Federal Act on the Protection of Animals (Animal Welfare Act, TSchG), SR 455, of 16 December 2005 (Switz.).

²¹ Ordinance on the Protection of Animals (Animal Welfare Ordinance, TSchV), SR 455.1, of 2020.

²² World Animal Protection. (2023). Animal Protection Index – India, Switzerland.



4. Ethical Conflict- Legal vs. Cultural Supremacy

Cultural abuse of animals means harm, suffering or exploitation of animals in the name of tradition, religion or cultural practice, though it seems against the current ethical standards or animal welfare regulations. In India, culture abuse is a common occurrence where religious or traditional practices are put above law. Such cultural practices as jallikattu, sacrificing animals during festivals, cockfighting, and animal use in processions are justified as culture heritage, even though they are against the Prevention of Cruelty to Animals Act, 1960²³. This tension has been observed by various courts often. *Animal Welfare Board of India vs. Nagaraja*, The Supreme Court ruled that culture is not an excuse to be cruel such that animal dignity and constitutional compassion as defined in the Article 51A(g) are given priority. It has stressed the need to broaden the meaning of the word life to encompass all types of life including animal life. It was emphasized too that animals also have a right to life. Life is not merely of survival or living or of being useful to people as a means.²⁴ In *Mohd. Hanif Quareshi v. State of Bihar* In the case of State of Bihar (1958), although the Supreme Court upheld the rights of some butchers, it made it clear that slaughter of cows does not constitute an obligatory Islamic practice and thus the State could control or outlaw such practices under Article 48.²⁵ Nonetheless, later acts of legislation and politics indicate that such cultural superiority may erode the law, which constitutes normal cruelty.²⁶ In comparison, Switzerland does not experience much cultural abuse due to a culturally neutral legal system. The protection of animals is based on the constitutional principle of

dignity of creatures (Art. 120)²⁷, so that there is hardly any place where exemptions on the basis of tradition can be introduced. Cultural practices that expose to suffering are not allowed irrespective of their cultural justification and is a rights-based, secular approach.²⁸

5. Industrial Exploitation

The statutory protection of animal welfare is face-to-face in Indian law in Articles 48 to the Constitution and the Prevention of Cruelty to Animals Act, 1960, yet industrial farming abuses continue because of gaps in the law. The factory farming, leather, and dairy sectors of India expose severe loopholes in the law on animal welfare. Section 11 of the Prevention of Cruelty to Animals Act, 1960 does not allow cruelty like improper confinement, tethering and the penalties are insignificant which means that the large scale industries are not affected economically by the violation. This facilitates regular mistreatment such as constant tethering of calf, overcrowding of poultry sheds and unhygienic dairy activities. Although the responsibility to enforce the law is vested to the Animal Welfare Board of India (AWBI), there is laxity in implementing the laws as inspecting and prosecuting are infrequent. Also, cattle slaughter is selectively banned, whereas other animals (poultry and intensive slaughterhouses) get away with industrial cruelty. There is no enforcement of the voluntary instruments like the National Dairy Code. The low fines and ineffective enforcement permit intensive confinement, long haulage and inhumane

²³ The Prevention of Cruelty to Animals Act, No. 59 of 1960, Act No. 59, 1960 (India).

²⁴ *Animal Welfare Board of India v. A. Nagaraja & Ors.*, (2014) 7 SCC 547.

²⁵ *Mohd. Hanif Quareshi v. State of Bihar*, AIR 1958 SC 731.

²⁶ *Animal Welfare and Animal-Sacrifice Laws in India*, Animal Legal & Historical Center, available at <https://www.animallaw.info/countries/india>; and state-specific anti-sacrifice statutes.

²⁷ Federal Constitution of the Swiss Confederation, Art. 120 on “Protection of Animals and Dignity of Creatures”, SR 101 (Switz.), available at <https://www.fedlex.admin.ch/eli/cc/1999/404/en>.

²⁸ Federal Act on the Protection of Animals (TSchG), SR 455 (Switz.), Art. 26 et seq.; World Animal Protection, “Switzerland Country Report” (2020), available at <https://api.worldanimalprotection.org/country/switzerland>.



slaughter to exist in a large scale within the current statute.²⁹

Although Switzerland has an elaborate Animal Welfare Act (2005) and Animal Welfare Ordinance (2020), there are some gaps in statutory provisions that allow abuse of animals in industries. Exceptions in farming permit the slaughtering of poultry without stunning in rituals, and long-distance international trafficking, leading to stress, injuries and exhaustion. Still, in pig production, such procedures as needle teeth filing without anaesthesia are still permitted, which is a welfare-productivity compromise.³⁰ Cages are prohibited but minimum standards in the intensive housing systems allow high-density production to be legitimate. Circuses are allowed to keep wild animals in captivity, and animals are temporarily exempted of the requirement of enclosure in transit, which subjects the animals to confinement and stress. These loopholes demonstrate how economic, cultural and trade interests are eating away welfare provisions, and that systemic suffering is permitted in what otherwise is progressive law.

6. Human - Animal conflict

In India, urban attitudes have often leaned toward culling or removal of stray dogs as a quick fix for public safety fears, especially in response to dog-bite incidents and rabies risks. This reflects a callous mentality in some cities that prioritises human convenience over humane management. The Supreme Court's order to remove stray dogs from public spaces like schools and hospitals, with protests erupting across cities highlights this ongoing conflict between public safety concerns and animal welfare advocates. Following *In Re: "City Hounded by Strays, Kids Pay*

Price" (Suo Moto Writ Petition No. 5 of 2025), the Court initially directed authorities to relocate stray dogs to shelters without release after sterilisation and vaccination. After widespread criticism, it modified the order so that dogs should be sterilised, vaccinated, and generally returned to their original localities, except those confirmed or suspected to be rabid/aggressive which may be kept segregated. In addition, the Court banned indiscriminate street feeding and called for designated feeding zones and helplines.³¹

These directions reflect an attempt to balance public safety (reducing attacks and disease) with statutory animal welfare frameworks (the Animal Birth Control Rules, which require sterilisation and release) and humane coexistence.

Coexistence - Balancing Welfare & Public Safety

Unlike the punitive culling mindset, a coexistence approach seeks to manage human-animal interactions through science-based and welfare-oriented measures. The modified ruling's emphasis on sterilisation, vaccination, feeding zones, and municipal responsibility aligns with global best practices for community dog management and promotes empathy rather than elimination. This mirrors Switzerland's model, where conflict with wildlife like deer is minimised through proactive habitat management and non-lethal deterrents, fostering coexistence and "appropriate keeping" standards that enhance human-animal empathy. The court basically repeated the idea that the state must guard the rights of animals, due to the doctrine of *parents patriae*, since animals cannot protect themselves against exploitation and maltreatment. In *Mohd. Salim v State of Uttarakhand and others*³² Justice Alok Singh and Justice Rajiv

²⁹ Chirantana Mathkari, *The Cow Paradox—A Scoping Review of Dairy Bovine Welfare in India Using the Five Freedoms*, 15 *Animals* 454 (2025).

³⁰ Ananya Swain, *Consideration of Animals as Legal Person*, 3 *Indian J. Integrated Rsch.* L. no. 4 (2023), <https://ijirl.com/wp-content/uploads/2023/07/CONSIDERATION-OF-ANIMALS-AS-LEGAL-PERSON.pdf>.

³¹ *In Re: "City Hounded by Strays, Kids Pay Price"*, *Suo Motu Writ Petition (C) No. 5 of 2025 (India Aug. 11, 2025)*, available at https://api.sci.gov.in/supremecourt/2025/41706/41706_2025_8_31_63158_Judgement_11-Aug-2025.pdf.

³² *Mohd. Salim v. State of Uttarakhand & Others*, 2017 SCC OnLine Utt 367, *Writ Petition (PIL) No. 126 of 2014 (Uttarakhand High Court, 2017)*.



pronounced thus: "...aquatic as legal entities having a distinct persona with corresponding rights, duties, and liabilities of a living person. All the citizens throughout the State of Uttarakhand are persons in loco parentis as the human face for the welfare/protection of animals..."

7. Key comparison between India and Switzerland

S	Common Grounds	India	Switzerland	Comparative Insight
1.	Constitutional Status of Animals	No explicit constitutional rights for animals, protection derived from Directive Principles (Art. 48A) and Fundamental Duties (Art. 51A(g))	Explicit constitutional embedding through Art. 80 (animal protection) and Art. 120 (dignity of living beings)	Switzerland provides direct constitutional authority, while India relies on interpretative expansion
2.	Conceptual Framework	Welfare-based, human-centric approach	Dignity-based approach, intrinsic value of animals	Swiss model recognises animals beyond utility
3.	Recognition of Animal Dignity	Judicially inferred (e.g., AWBI v. Nagaraja)	Constitutionally recognised	Indian protection is fragile and case-dependent



4.	Primary Legislation	Prevention of Cruelty to Animals Act, 1960	Swiss Animal Welfare Act (AniWA)	Indian statute is outdated; Swiss law is modern and detailed
5.	Legal Status of Animals	Treated as property with statutory protection	Explicitly “not objects” under civil law	Swiss law breaks property-centric approach
6.	Penalty Structure	Very low fines; limited imprisonment	High fines, imprisonment, ownership bans	Swiss penalties are deterrent; Indian penalties are symbolic
7.	Preventive Regulation	Minimal; largely reactive	Strong preventive licensing and standards	Swiss system prevents cruelty before it occurs
8.	Animal Experimentation	Regulated but enforcement weak	Strict licensing, dignity assessment	Swiss ethical scrutiny is stronger
9.	Enforcement Agencies	Fragmented (AWBI, police, state boards)	Integrated federal–cantonal enforcement	Indian enforcement lacks coordination
10.	Judicial Role	Highly activist	Limited but structurally supported	Indian courts compensate for legislative gaps



11.	Cultural Practices	Strong resistance due to traditions	Limited cultural conflict	Indian reforms face socio-political hurdles
12.	Public Accountability	Weak reporting mechanisms	Mandatory compliance & inspections	Swiss transparency enhances compliance

Even though there have been good legislative and policy initiatives that have been carried out by concerned governmental agencies, it is seen that the arrangement might not be effective to the fullest to ensure that animal welfare is a mainstream issue of the society as of now. The Animal Welfare Board has broad scope of activity, but it is not clear in terms of funds allocation. In Prevention of Cruelty to Animals Act Chapter II, section 8 it is mentioned that the funds of the Board shall be composed of grants awarded to it by the Government, periodically and also as a result of contributions, subscriptions, bequest, gifts and the like given by any local authority or by any other person. It is possible that such apparently haphazard funds might complicate the implementation of the tasks of the Board.

Suggestions for Closing the Gap

India might completely imitate the Swiss model of the dignity of creatures by amending the 1960 PCA to impose fiduciary ownership obligations, which would make animals more than property in a Civil Code-type reform. An increase in enforcing with special animal police units and increasing fines, perhaps to in excess of 1lakh rupees and jail time, to reflect Swiss CHF 20,000 fines. A national control inspection would force standard welfare and prohibit species-specific exemption, thus, poultry and cows receive equal protection. When judges are trained on how to

incorporate Article 51A(g) with Article 21, we would recreate Karnail Singh³³-type personhood. The conflicts could be mitigated through public campaigns on Ahimsa and habitat corridor development, supported by levies imposed by the industries. Switzerland may contribute to it by exchange of tech transfer of non-lethal farming. The Government of India is urged to facilitate responsible pet ownership in addition to encouraging adoption of pets rather than buying the pets to control indiscriminate breeding and to curb the overpopulation of pets. The 2017 regulations require that dog breeders, aquaria and fish pet shop owners to be registered in the corresponding animal welfare board in their respective states, which is a good move to regulating the pet trade. The efficacy of this measure is not so high though because it is based on self-reporting. Dealing with animals should be part of the practical curriculum to indulge the civic sense into society.

8. Conclusion

India and Switzerland showcase divergent paths in animal welfare: India's culturally nuanced, reactive approach via constitutional duties contrasts Switzerland's proactive dignity-centric legalism. But comparative analysis showcases the limited efforts of Indian system towards animal. While India leverages ethical traditions like Ahimsa, enforcement gaps allow

³³ Karnail Singh & Ors. v. State of Haryana, 2019 SCC OnLine P&H 704 (Punj. & Hary. H.C. 2019).



industrial abuse and conflicts; Switzerland's balanced utility-intrinsic value paradigm ensures accountability. Bridging this requires India to prioritize uniform laws over cultural supremacy, emulating Swiss fiduciary duties and penalties. True progress lies in evolving animals from objects to sentient beings deserving compassion, aligning ethical imperatives with robust legal safeguards for harmonious coexistence. The soul of Indian culture and the constitutional itself includes the compassion and protection of vulnerable, whether it is any other living being. Still, supreme court's inappropriate judgment towards street dog raise the concern for the protection of biodiversity. Indian legislation and judicial authority should embrace the Indian ethical and cultural importance of every living being existed, dangerous or not. Putting all the burden on the pet owner and animal rights activist, ignoring the duty of state for the ecology seems to be an unjust decision. Animals are being exited on the earth as being human, they are part of the biodiversity system and contribute for the ecological balance. They deserve to be represented as equal as the human. In case of conflict, state should intervene and resolve the situation humanely.

