
UNTANGLING THE INDIAN ANIMAL RIGHTS AND WELFARE LAWS

Shashwat Suraj, LL.M. from National University of Study and Research in Law, Ranchi

ABSTRACT

The greatness of a nation and its moral progress can be judged by the way its animals are treated. - Mahatma Gandhi (Father of the Nation)

Animal welfare denotes to the calibre of life experienced by animals and their balanced subsistence with their habitat. It describes a collective relationship between man and wild. Inception and evolution of human civilization testifies the cumulative relationship shared by humans and animals. In India, animals are not only perceived as livestock but are also considered as reverend and embodiment of God. The Constitution of India and various other legislations provide for the welfare of the animals.

Furthermore, the Hon'ble Supreme Court of India through various judgements had upheld the rights of animals. Despite of so much prevailing laws to protect and preserve the rights of animals, animal cruelty is still simultaneously prevalent in India. Many incidents of animal cruelty occur daily but in most cases they go unreported.

As disgraceful videos of animal cruelty unsettle our collective psyche time and again, but even then, one hardly observes offenders being brought to justice for their abhorrent and contemptible acts of cruelty. This article explores the prospects of animal welfare legislations that exist in our country and brings forth the impediments in the achievement of justice consequently due to the loopholes in the laws. The jurisprudence on animal cruelty in India has also been discussed to indicate a growth towards honouring the rights of animals. This Article has been prepared with an empirical experience aimed at analysing the existing laws for animal welfare in India.

INTRODUCTION

India, the seventh largest country in the world, is one of the most exponential bio-diverse regions of the world containing four of the world's 36 biodiversity hotspots. It is home to animals ranging from the Royal Bengal Tigers to the Great Indian Rhinoceros, Asiatic Lions to the Indian Gharials, Great Indian Bustard to the Gangetic Dolphins and many more diverse species. Over the recent years, animal protection and welfare in the country have taken a prominent position and the awareness regarding animal rights has been increasing comparatively.

Animal welfare denotes to the quality of life that is experienced by animals and how well are they coping with their conditions and surroundings. Usually, many of us share a misconception about 'animal welfare' and 'animal rights' being indistinguishable and so use them interchangeably as they represent the same concern and practices. But the differences between the two are significant.¹

Animal welfare refers to the relationship between the human and animal and their conjoint well-being with the human world. It also prescribes certain duties for human towards animals. Animal welfare is not a recent phenomenon; it traces back to the initial domestication, which was nearly about 10,000 years ago during the Neolithic times. The association between human and animal led to their domestication and their use in agriculture and husbandry.² Many historians believe that the development of animal agriculture is one of the most significant discoveries in the history of mankind.

Animal welfare includes all aspects of animal wellbeing. Most prominently it seeks to address five major freedoms to precisely assert animal welfare.³

The five freedoms are:

- Nutrition: freedom from thirst and hunger
- Environment: freedom from discomfort by providing suitable shelter
- Health: freedom from injury and disease by providing proper treatment
- Behaviour: freedom to express their own kind by providing proper facilities

¹What Is Animal Welfare and Why Is It Important? | World Animal Protection

²What is Animal Welfare and why is it important? | National Animal Interest Alliance (naiaonline.org)

³What is Animal Welfare and why is it important? | National Animal Interest Alliance (naiaonline.org)

- Mental state: freedom from fear and mental suffering.

Every animal is entitled to have a good, healthy and hygienic habitat where they can enjoy the benefits for their wellbeing.

From, illegal wildlife trading to slaughtering of animals for religious purposes and indulging them in harmful sports for sole entertainment purposes, portrays a giant bloody canvas of animal cruelty by humans. Human species are superior in the circle of food chain due to their intelligence. But various research significantly exemplifies that, animals too possess emotions and intelligence.

In India, animal cruelty has been a prevailing issue and has taken a major surge in recent years resulting in various legislations and judicial pronouncements made to eradicate the same, in the name of animal welfare laws.

The Hon'ble Supreme Court of India opined and observed in *Centre for Environmental Law, WWF v. Union of India*⁴ that 'Eco-centrism' not 'Anthropocentrism' should be the norm for foresting a sustainable future for both humans and other species. 'Anthropocentrism' relates to an idea that humans are the most important species and other animal species are only instrumental to humans. This concept is contradictory to the concept of 'Eco-centrism' which considers humans and non-humans as part of nature and each having 'intrinsic value'. Therefore, it enunciates that, humans should consider other species as of the same value as them to maintain an equilibrium in nature and ecosystem. Still, animal exploitation and brutality continue unabated across the country. From illegal ivory trade to torturing animals for sadistic gratification, the spectrum of animal abuse portrays a picture of abominable cruelty. This tyrannical behaviour stems from the notion that since humans have evolved cognitively much more than other species thereby elevating humans to the most superior position in the food chain. However, several studies have shown that animals are capable of cognitive thought and possess intelligence⁵. Furthermore, irrespective of empirical studies on animal emotions and intelligence, the human race's misconception arising from delusional thought of grandeur need to end. The statutory provisions which are in place to protect

⁴(2013) 8 SCC 234

⁵BBC - Earth - Humans are nowhere near as special as we like to think ;
Yes, humans are unique in the animal kingdom, but not superior (animalsasia.org)

animals, especially The Prevention of Cruelty to Animals Act, 1960, have been criticised by many for being too lenient towards the perpetrators of animal abuse. The punishment meted out in most of the cases of animal cruelty are merely a petty fine; consequently, animal abusers are not discouraged from the moderate repercussions of hurting animals.

SOCIO-RELIGIOUS ASPECT:

Animal brutality is neither new in the world nor in India, India has witnessed animal brutality since ages but they are not acknowledged as brutality. In India, animal brutality is backed up by society, recognizing animal brutality and validifying it with customary perspectives and religious necessities. Interpretation of sacrificing something valuable has been misinterpreted as sacrificing of animals which traces back to the roots of Indian society i.e. agriculture itself. Agriculture has been the most integral part of the Indian economy since the very inception of the civilisation and animals have played a pivotal role in the development of agriculture. Animals have acquired a great position in the assets section of our life's balance sheet.

In the past decades, India has witnessed numerous controversies regarding animal killing by a certain community and its opposition by the other community. People have been killed in these altercation rising from these controversial killing of Animals resulting in a prolonged strain between the cultural relationship of two communities with no conciliation in near sight.

SOCIO-POLITICAL ASPECT:

Animal being a significant part of Indian society has not remained being untouched by the evil hands of politics. India has a soft corner for cherishing politics on each and every aspect of society and so, how the animals could have been spared. Political faction uses the religious sentiments attached to animals and prey on them to win elections. Political opinions are circulated to impress people.

But somehow matters regarding animal brutality or their well-being only make their way up to the manifestos before election. legitimate execution of the manifesto thereafter is on the discretion of the leader of the party which most of the time does not turns out.

ANIMAL PROTECTION LAWS IN INDIA

Protection of animals is enshrined as a fundamental duty in the Indian Constitution and there exist several animal welfare legislations in India such as the Prevention of Cruelty to Animals

Act 1960 and the Wildlife Protection Act 1972 at the Central level and cattle protection along with cow slaughter prohibition legislations at the State levels.

The Indian Penal Code (IPC) 1860 is the official criminal code of India which covers all substantive aspects of criminal law. These specific legislations have been enacted to abate these painful exploitations and suffering of animals and are under the purview of amendments to cope up with the crescendos of the offence against the animals. Notwithstanding specific statutes, further protections for animals lie under general concepts such as tort law, constitutional law, etc.

Constitutional Provisions for Protection of Animals

Under the Constitution of India, various Articles have been incorporated to protect and preserve the rights of animals in India.

- Part IV of the constitution states The Directive Principles of State Policy, under which Article 48 directs, organization of agriculture and animal husbandry, which empowers the state to organize agriculture and animal husbandry on modern and scientific lines and shall also preserve the breeds and prohibit the unreasonable slaughtering of cows and calves and other milch and draught animals.⁶
- Article 48A directs, Protection and improvement of environment and safeguarding of forest and wildlife, and states that the state shall make effort in protecting and safeguarding the environment the forest and the wildlife.⁷
- Part IVA of the Constitution declares Fundamental Duties of every citizen of India, which imposes an obligation on the citizens through Article 51A (g) to protect and improve the natural environment including wildlife and to remain compassionate towards animals.⁸
- The Constitution of India also imposes a power on the parliament and the legislatures of states under Article 246 read with Seventh Schedule of the Constitution to make

⁶ The Constitution of India, Article 48

⁷ The Constitution of India, Article 48 A

⁸ The Constitution of India, Article 51 A (g)

laws for the prevention of cruelty to animals and for the protection of wild animals and birds.⁹

- Under Article 243G read with Eleventh Schedule of the Constitution empowers the Panchayat to make laws on Animal husbandry, dairying, and poultry.¹⁰
- Article 243W read with Twelfth Schedule of the Constitution, makes provisions for the Municipalities to make laws for cattle pounds and for the prevention of cruelty to animals.¹¹
- As per List II or the State list of the Seventh schedule of the Indian Constitution, the state legislature has the power to make laws to “Preserve, protect and improve stock and prevent animal diseases, and enforce veterinary training and practice.”
- As per List III or the Concurrent list of the Seventh schedule of the Indian Constitution, both the parliament and the state legislature can make laws to prevent animal cruelty, “protection of wild animals and birds”.

Indian Penal Code, 1860¹²

The criminal code too observes a compassion towards the animals, therefore, according to Section 428 of the IPC, committing “mischief by killing, poisoning maiming or rendering useless animals any animal or animals of the value of ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

Section 429 of the IPC provides that committing mischief by killing or maiming animals like camel, horse, bull, ox, or any animal with a value of fifty rupees or upwards is punishable for a term which can extend to five years, or a fine or both.

These offences bailable, cognizable offences and non-compoundable offences.

⁹ The Constitution of India, Article 246

¹⁰ The Constitution of India, Article 243 G

¹¹ The Constitution of India, Article 243 W

¹² Indian Penal Code, 1860 (Act No. 45 of 1860)

OTHER STATUTORY PROVISIONS

Prevention Of Cruelty to Animals Act, 1960¹³

The Prevention of Cruelty to Animals Act, 1960 was enacted to prevent the infliction of unnecessary harm and cruelty to animals. It is an animal specific legislation. It also makes provisions for prohibition and prevention of any person from engaging any animal to any kind of fighting or shooting competition. The Act makes it obligatory for the owner of an animal to provide sufficient food, shelter, and care to them.

The most comprehensive section under this Act is Section 11 which defines cruelty towards animals and provides penalties for the same. Some acts of cruelty defined in this section, inter-alia, are beating, kicking, or overloading an animal, wilfully administering injurious drugs or harmful substances, keeping the animal in a cage that is not proportional to the animal's dimensions, keeping an animal chained for an unreasonable period, mutilating, or killing an animal in a cruel manner and promoting or taking part in a shooting competition of animals.

Section 12 of the Act penalises “phooka” or “doom dev” which is performing or allowing to any operation (including giving injections) to any cow or milch animal to increase their lactating which deteriorates the animal's health.

Section 22 of the Act restricts the training or exhibition of any “performing animal”.

The Animal Welfare Board of India was established under Section 4 of the Act and is a “statutory advisory body” on Animal Welfare Laws.

The Wildlife Protection Act, 1972¹⁴

The Wildlife Protection Act, 1972, was enacted with the objective to protect and preserve the wildlife animals and prevent the illegal trade and smuggling of wildlife animals. It also provides protection to the endangered species of the planet. It is important to note that this is not the sole Act enacted for the protection of wildlife, other wildlife protection legislation includes The Wild Life (Transactions and Taxidermy) Rules, 1973; The Wild Life (Stock Declaration) Central Rules, 1973; The Wildlife (Protection) Licensing (Additional Matters for

¹³ Prevention of Cruelty to Animals Act, 1960 (Act No. 59 of 1960)

¹⁴ The Wildlife (Protection) Act, 1972 (Act No. 53 of 1972)

Consideration) Rules, 1983; The Wild Life (Protection) Rules, 1995.¹⁵ Under this Act, a wildlife advisory board is to be constituted in every State and Union territory, and this advisory board is under an obligation to declare areas as Sanctuaries, National Parks and Closed Areas and administer them, formulate policies for protection and conservation of wildlife and to harmonise the needs of tribal and forest dwellers with preservation of wildlife. Section 9 of the Act prohibits hunting of animals mentioned in schedule I, II, III and IV.

However, this Section is subject to Sections 11 and 12 which allows hunting in some cases. The penalties therein under this Act are imprisonment which can extend to seven years and fine up to twenty-five thousand rupees.

Other legislation relating welfare of animals include The Animal Birth Control (Dogs) Rules (2001), Slaughterhouse Rules (2001) and 148-C and 135-B of Drugs and Cosmetic Rules, 1945.¹⁶

JUDICIAL PRONOUNCEMENTS ON WELFARE OF ANIMALS

The Supreme Court has reiterated in many judgments that animals are not to be treated in an exploitative manner that causes suffering and trauma to them. Animals possess certain rights that must be preserved by humans. In *Animal Welfare Board of India V. Nagaraj and Others*¹⁷, the Apex Court of India explained the nature of Prevention of Cruelty to Animals Act and described it as a welfare specific legislation and has opined that “the provisions of law should be liberally construed in favour of the weak and infirm. Court has also a duty under the doctrine of *parents patriae* to take care of the rights of animals since they are unable to take care of themselves as against human beings”. The court imposed a ban on Jallikattu. It also held that Article 51A(g) of the constitution of India is the Magna Carta of animal rights in India and extends the right to life under Article 21 of the constitution, to every living being including animals.

In *N.R. Nair and Others V. Union of India and Others*¹⁸, the Court held that legal rights are not exclusive to humans and “thick legal wall” between animals and humans should be broken.

¹⁵The Wildlife (Protection) Act, 1972: An appraisal (legalserviceindia.com)

¹⁶Banning Animal- Tested Cosmetics in India (qrius.com)

¹⁷ (2014) 7 SCC 547

¹⁸ (2001) 6 SCC 84

In *Gauri Maulekhi v. State of Uttarakhand and Others*,¹⁹ the Court observed that even for consumption “unnecessary pain or suffering cannot be inflicted” on an animal as per section 11(3)(e) of the Prevention of Cruelty to Animals Act. Concerning animal sacrifices for religious purposes, the Supreme Court observed in *Mohammad Hanif Qureshi & Others vs The State of Bihar*²⁰ that for Article 25 of the Constitution, a practice must be “an obligatory overt act to exhibit his religious belief and idea”. Thereby, the Court held that sacrifice of cows on the day of Bakr-Eid is not an essential practice of Islam. Similarly, In *Durgah Committee, Ajmer, and another. Vs. Syed Hussain Ali and others*²¹ the Court held that religious practice must be an essential and integral part to be protected under Article 26 of the Constitution. In 2019, the Tripura High Court in *Sri Shubhas Bhattacharjee v. The State of Tripura*²² held that animal sacrifice in temples was not an essential practice of Hinduism. Therefore, it was not protected under Article 25 of the Constitution. As per rule 3 of the Prevention of Cruelty to Animals (Slaughterhouse) Rules, 2001 it is illegal to slaughter any animal outside a slaughterhouse in Municipal Corporation limits of any Indian state.

In the case of *People for Ethical Treatment of Animals Vs. Union of India*²³, The Bombay High Court stated that any film wishing to use an animal needs to obtain a ‘No objection certificate’ (NOC) from the Animal Welfare Board of India. Further, In *Karnail Singh and others vs. State of Haryana*²⁴, the Punjab and Haryana High Court recognized all animals as legal entities and declared that the citizens of Haryana as persons in *Loco Parentis* (in place of a parent). The court also stated that, legal personhood is not limited to human beings only.

WILDLIFE CONSERVATION INITIATIVES BY GOVERNMENT OF INDIA

In India, wildlife animals are protected under the Wildlife Protection Act, 1972. Wildlife conservation projects have been initiated to protect and preserve the declining status of various extinct animals.

¹⁹ Writ Petition (PIL) No. 77 of 2010

²⁰ 1959 SCR 629

²¹ AIR 1961 SC 1402

²² *Sri Subhas Bhattacharjee vs The State of Tripura* on 27 September 2019 (indiankanoon.org)

²³ Writ Petition (PIL) (Lodging) No. 2490 of 2004

²⁴ *Karnail Singh & Ors vs State of Haryana* on 31 May 2019 (indiankanoon.org)

To protect and conserve the wildlife, to protect the biodiversity, to protect the ecological stability and to maintain the ecosystem, the Government of India has invested in various conservation projects. Some of them are as follows:

- **Project Tiger:**

In 1972 the Government of India initiated the wildlife conservation project called Project Tiger. It has not only contributed to the conservation of tigers but also contributed to the entire ecosystem. This project is sponsored by the Ministry of Environment, Forest and Climate Change.

There are about 50 tiger reserves situated in more than 17 regions and they are engaged in the assessment of the numbers of the tigers and their habitat and other activities. For the proper functioning of the project, the National Board for Wildlife recommended setting up a task force named as Tiger Task Force to look after the matter across the country.²⁵ From 268 in 9 reserves in 1972 to 2900+ tigers in 2020 itself testifies about the success of the project.

- **Project Elephant:**

In 1992 the Government of India initiated a project called Project Elephant to conserve the elephants and their habitats and to enhance their development in various ways. It also considers the matters relating to human and elephant conflicts and strengthens and protects the elephants from unnatural death.²⁶

- **Crocodile Conservation Project:**

Crocodile conservation project is another successful venture by the government of India for the conservation the Indian crocodiles. Crocodiles are now almost an extinct species with 7 species among them with a status of nearly endangered. The project's objective is to improve the population of crocodiles through breeding, by establishing sanctuaries and to improve their management.²⁷

The crocodile conservation project helped us to get restock 4000 alligators, 1800 crocodiles and 1500 saltwater crocodiles.

²⁵Wildlife Conservation Initiatives by Indian Government (ranthamborenationalpark.com)

²⁶ Ibid.

²⁷ Ibid.

Apart from these, the Government of India has also initiated projects like Indian Rhino Vision in 2020, Project Hangul in 1970, Project Snow Leopard in 2019, and so on.

INSTANCES OF ANIMAL CRUELTY IN INDIA

From time immemorial, animals have been a great part of our culture and most of them are considered reverend.

Despite of having so many legislations, conventions, treaties, judicial pronouncements, government initiatives and projects, we have somehow failed to protect the voiceless and have acted towards worsening it. Animal cruelty is observed daily and are either cherished from a religious perspective or are considered so insignificant that people act negligent towards it.

Some of the instances of loathsome cruelty towards animals are given below:

- **Killing of A Pregnant Elephant in Kerala:** In April 2020, a 10-year-old female elephant in at Pathanapuram in Kollam district in Kerala was killed by the villagers. The elephant ingested a pineapple with firecrackers killing the mother elephant and her unborn calf. This act was done to prevent the elephant from grazing and destroying the farmer's crops.
- **A Female Street Dog was Raped by A Man in Kolkata:** In July 2018, 35 years old man from Kolkata was arrested for allegedly committing an unnatural offence with the dog. The accused lured the dog into his house and tied its mouth with rope and committed rape.²⁸
- **Man Had Unnatural Sex with Cows in Vadodara:** In January 2018, a man in Vadodara working as a labourer at a cowshed, was allegedly indulged in the offence of unnatural sex with three cows. Later the following morning the owner of the cows found that the legs of the cows were tied with rope and one of them was lying dead.²⁹

²⁸15 Instances of Animal Cruelty in India That Make Us Wonder If We are Even Human Anymore (scoopwhoop.com)

²⁹ Ibid.

- **Medical Student Threw a Dog Off the Terrace in Chennai:** In July 2016, a student from Madha Medical College in Chennai, threw a 5-month-old dog from the rooftop and made a video of that incident and uploaded it on YouTube for fun.³⁰

The lists of such incidents are endless.

CRITICAL APPRAISAL

According to the economic theory of deterrence, an increase in the cost for committing a crime should deter people from committing it; this is further dependent on the certainty of being caught, the swiftness of imposition of punishment and the severity of the punishment.³¹

In the context of The Prevention of Cruelty to Animals Act, 1960 (PCA) the penalties are not severe enough to deter an offender to be as evidenced by abysmal rates of conviction.³² The infirmities are as follows:

Firstly, the fine under the PCA is merciful towards the perpetrators. Shashi Tharoor, Member of Parliament (Lok Sabha), had remarked “Despite the increased rate of inflation and other socio-cultural changes, the penalty has not been upwardly reviewed in over five decades, nor has the disturbing number of incidents of maltreatment of animals been, apparently, a good enough reason to revise this figure in the direction of greater stringency”³³. Indeed, many animal welfare organisations like PETA and activists have protested this leniency. The fine ranges from ten rupees to hundred rupees, which is a paltry sum of money in today’s time.

Secondly, committing an offence under this act for the first time does not even attract imprisonment. It is only for a second or subsequent offence of the same nature, imprisonment for a term extending up to three months is attracted. Even when the crime is heinous, the punishment is merciful. According to the doctrine of proportionality, the punishment should be proportional to the crime committed or means used by the administration to fulfil the object of an act should not be more restrictive than is required³⁴. The objective of the act is “to prevent the infliction of unnecessary pain or suffering on animals”, however, one of the means

³⁰ Ibid.

³¹ Raymond Paternoster, “How Much Do We Really Know About Criminal Deterrence,” *Journal of Criminal Law and Criminology* 100, no. 765 (2010)

³² Cruelty to animals: Low conviction numbers, meagre fines to blame | Hindustan Times ; Why some can get away with throwing dogs from roofs | Explained News, The Indian Express

³³ Shashi Tharoor Demands Stricter Laws to Help End Animal Cruelty (bloombergquint.com)

³⁴ Doctrine of Proportionality: An analysis of Supreme Court cases | RACOLB LEGAL

of achieving it is through the sanctions backing these provisions of the act and presently the sanctions are inefficient.³⁵ Hence, the penalty in this act is due for revision.

Thirdly, only section 11(l), (n), (o) and section 12 are cognizable offences. All other offences under section 11 are non-cognizable. Due to its non-cognizable nature, there are procedural barriers coupled with an easy grant of bail while acting against the accused which leads to non-action in cases of animal cruelty that are registered with the police.³⁶

As a result of the weaknesses in the Act, the perpetrators are hardly brought to justice. moderation in the law leads to emboldening of animal abusers.

In the IPC, Sections 428 and 429 makes the killing or hurting an animal a cognizable offence. These sections nonetheless apply only to those animals that are the property of a human being. For stray animals, the Prevention of Cruelty to Animals Act will apply³⁷.

Wildlife Crime Control Bureau's wildlife inspector, A. Madhivannan said in 2019 that the rate of conviction for crimes related to wildlife is as low as 2%.³⁸ There are several implementation problems in the law laid down in the Wildlife Protection Act,1972. There is insufficiency in staffing causing inefficiency in surveillance of wildlife reserves, thereby when a crime occurs, it mostly occurs in a remote area which gives perpetrators enough time to escape³⁹. Consequently, it becomes difficult to trace the perpetrators without evidence and eyewitness. Another prominent hurdle in conviction is that judges often deal with wildlife related crime with leniency and the benefit of lack of witnesses go to the accused.⁴⁰

SUGGESTIONS

Hence, to protect the rights and to prevent the cruelty to animals the following suggestions are:

- Social awareness among people about the rights and welfare of the animals.
- Requirement of stringent laws to protect the animals and to punish the wrong doers.

³⁵Abha-and-Adrija-Animal-Cruelty-.pdf (nujlawreview.org)

³⁶ Ibid.

³⁷Supreme Court to Give Strict Punishment for Killing Strays | Dog Express

³⁸[Rate of conviction in wildlife crimes is 2% - The Hindu](#)

³⁹Wildlife Crime: Prosecution Hurdles - Wildlife Conservation Trust

⁴⁰ Ibid.

- Community development and awareness through various programs to promote animal rights and to reduce animal cruelty.
- Parents should teach their children about love and compassion towards animals.

CONCLUSION

The Animal legislations in India were enacted decades ago and are obsolete according to the present socio-economic conditions of the society. The Animal rights activists and several NGOs have been fighting for the amendments of animal legislations in India, but all the hardships had gone to vain.

Furthermore, it is our responsibility under Article 51A (g) of the Constitution of India to protect and preserve animal rights. In the absence of effective measures, the rate of animal cruelty has increased significantly over the years. The courts have played a vital role in protecting the rights of animal by widening the scope of Article 21 of the Constitution of India. The 42nd Amendment to the Indian Constitution in 1976 was a progressive step towards laying the groundwork for animal protection in India. The constitutional provisions establishing the duty of animal protection have resulted in the enactment of animal protection legislations both at the central and state level, most notable of which being the Prevention of Cruelty to Animals Act, 1960. Moreover, over the year's Indian courts have developed a growing legal jurisprudence in animal law.

Using animals for the purposes of religious sacrifices or entertainment or for any other activities which amounts to cruelty against animals should be avoided and shall be made punishable under the law. Every such activity should be strictly investigated by the Animal Welfare Board, Government, courts, and NGOs. Animal lives are not at the mercy of humans, and we must co-exist in peace.⁴¹

However, there is still a long way to go in truly developing a solid foundation for animal law in India. The provisions for animal protection in the Indian Constitution remain as principles instead of concrete law enforceable in courts. The penalties under the Prevention of Cruelty to Animals Act, 1960 are simply not strict enough to truly deter crimes against animals. The law is not strictly enforced and contains several provisions which provide numerous passages

⁴¹Animal Welfare Laws: A Critical Analysis (lexsyndicate.com)

through which liability can be escaped. Extensive reformation is needed to take place in this regard to provide a stronger animal protection law for India.

Talking about animal rights and welfare does not mean promulgating a world where the animals should not be used for consumption or as livestock. Animal Welfare is respecting the soul residing inside the animals to consider them as living contemporaries. We Homo sapiens need to abstain ourselves from exploiting them. There is a need of sustainable living and a balance habitat where each and every species could thrive and contribute towards enhancing the beauty of co-habitation.