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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

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Description

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THE SILENT VICTIMS: A CRITICAL STUDY OF ANIMAL CRUELTY AND LEGAL PROTECTION IN INDIA

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Abstract

Animal cruelty remains one of the most neglected dimensions of social injustice despite the indispensable role played by animals in maintaining ecological balance, supporting human livelihoods, and contributing to societal well-being. In India, incidents of cruelty against domestic, stray, captive, and wild animals continue to rise, exposing significant gaps between legal provisions and their practical enforcement. Although the Indian legal system recognizes the importance of animal welfare through constitutional directives, statutory enactments, and judicial pronouncements, the existing framework has often been criticized for its inadequate penalties, weak implementation mechanisms, and anthropocentric orientation.

This paper critically examines the phenomenon of animal cruelty in India and evaluates the effectiveness of the country's legal and institutional responses to such acts. Employing a doctrinal research methodology, the study analyses constitutional provisions, particularly Articles 48A and 51A(g) of the Constitution of India, alongside key legislations such as the Prevention of Cruelty to Animals Act, 1960, and the Wildlife (Protection) Act, 1972. The paper further explores landmark judicial decisions that have expanded the scope of animal welfare and acknowledged the intrinsic value of animal life. Particular emphasis is placed on the transformative decision of *Animal Welfare Board of India v A Nagaraja*, which introduced the concept of animal dignity into Indian jurisprudence.

The study identifies several challenges that hinder effective protection of animals, including outdated statutory penalties, lack of public awareness, institutional deficiencies, and inadequate coordination among enforcement agencies. Through a comparative analysis of animal protection laws in selected jurisdictions, the paper proposes reforms aimed at strengthening India's legal framework. It argues that the transition from a welfare-based approach to a rights-oriented

paradigm is essential for ensuring meaningful protection for animals. The paper concludes that legal reform, coupled with social awareness and effective implementation, is indispensable to securing justice for the silent victims of cruelty.

Keywords: Animal cruelty; Animal welfare; Prevention of Cruelty to Animals Act, 1960; Constitutional protection; Animal rights; Judicial activism; Legal reform.

I. Introduction

The relationship between humans and animals has evolved significantly throughout history. Animals have served as companions, sources of food, means of transportation, and contributors to scientific advancement.¹ Despite their integral role in human society, animals have frequently been subjected to exploitation, neglect, and abuse. Acts such as abandonment, physical assault, illegal transportation, overloading, confinement under inhumane conditions, participation in entertainment activities involving pain and suffering, and unlawful wildlife trade continue to occur across India.² These practices raise profound ethical, legal, and societal concerns regarding humanity's obligations towards non-human beings.³ India possesses a rich cultural tradition emphasizing compassion towards all living creatures. Philosophical principles embedded within Hinduism, Buddhism, Jainism, and other belief systems advocate non-violence and respect for life.⁴ These values have influenced the constitutional and statutory recognition of animal welfare in the country. The Constitution of India imposes a duty upon citizens to exhibit compassion towards living creatures⁵, and directs the State to protect and improve the environment, including wildlife.⁶ Furthermore, several legislative measures have been enacted to prevent cruelty and regulate human interaction with animals.⁷ However, the persistence of animal abuse suggests that

¹ See generally Gary L. Francione, *Animals, Property, and the Law* 1–20 (Temple Univ. Press 1995).

² People for Ethical Treatment of Animals (PETA) India, *Animal Abuse and Cruelty in India*

³ See generally R. Balasubramanian, *Animal Welfare Laws in India: An Overview*, 47 J. Indian L. Inst. 287, 289–91 (2005).

⁴ See generally Padmanabh S. Jaini, *The Jaina Path of Purification* 1–10 (Univ. of Cal. Press 1979); Damien Keown, *Buddhism: A Very Short Introduction* 54–57 (2d ed. 2013).

⁵ INDIA CONST. art. 51A(g).

⁶ INDIA CONST. art. 48A.

⁷ Prevention of Cruelty to Animals Act, No. 59 of 1960, §§ 3, 11, India Code (1960); Wildlife (Protection) Act, No. 53 of 1972, India Code (1972).

the existence of legal provisions alone is insufficient to guarantee effective protection.⁸ The Prevention of Cruelty to Animals Act, 1960 (PCA Act), the principal legislation governing animal welfare in India, has been criticized for prescribing nominal penalties that fail to deter offenders.⁹ Moreover, institutional weaknesses, limited enforcement capacity, and societal indifference have contributed to the continued victimization of animals.¹⁰ The judiciary has attempted to address these shortcomings through progressive interpretations of constitutional values. Indian courts have increasingly acknowledged that animals possess intrinsic worth and deserve protection beyond their utility to humans.¹¹ Landmark decisions have expanded the understanding of compassion and dignity to encompass non-human life forms,¹² thereby laying the foundation for a more robust jurisprudence of animal protection.¹³ Against this backdrop, the present study critically analyses the legal framework relating to animal cruelty in India. It seeks to assess the adequacy of existing laws, examine judicial contributions, identify enforcement challenges, and propose reforms aimed at strengthening protection mechanisms. The study argues that meaningful change requires a shift from an exclusively welfare-oriented perspective towards a framework that recognizes animals as sentient beings entitled to protection against unnecessary suffering.¹⁴

II. Research Objectives

The objectives of this study are as follows:

1. To examine the concept and forms of animal cruelty prevalent in India.
2. To analyse the constitutional and statutory framework governing animal protection in India.
3. To evaluate the role of the judiciary in advancing animal welfare jurisprudence.
4. To identify practical challenges affecting the implementation of animal protection laws.

⁸ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 7–9 (2015).

⁹ Prevention of Cruelty to Animals Act, No. 59 of 1960, § 11, India Code (1960); *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 597–98.

¹⁰ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 7–9 (2015).

¹¹ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 597–99.

¹² *Karnail Singh v. State of Haryana*, C.R.R. No. 533 of 2013, S 26–29 (Punjab & Haryana High Court May 31, 2019).

¹³ *Narayan Dutt Bhatt v. Union of India*, 2018 SCC OnLine Utt 645, S 58–61.

¹⁴ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 598–99.

5. To undertake a comparative assessment of international approaches towards animal welfare.
6. To propose recommendations for strengthening the legal protection of animals in India.

III. Research Methodology

The present study adopts a **doctrinal method of legal research**. The analysis is primarily based upon secondary sources, including statutes, constitutional provisions, judicial decisions, governmental reports, scholarly articles, books, and international instruments relating to animal welfare. The study employs analytical and comparative approaches to evaluate the effectiveness of India's legal framework and to identify best practices from foreign jurisdictions.

IV. Understanding Animal Cruelty: Concept and Forms

Animal cruelty refers to any act or omission that causes unnecessary pain, suffering, distress, or harm to animals. Contemporary understandings of cruelty extend beyond overt acts of violence to encompass neglect, deprivation of basic necessities, and practices that compromise the physical or psychological well-being of animals.

Cruelty may manifest in diverse forms, including:

A. Physical Abuse

Physical abuse involves deliberate infliction of injury through beating, poisoning, mutilation, burning, or other violent acts. Such conduct often arises from fear, ignorance, entertainment, or malicious intent.

B. Neglect

Neglect constitutes a passive form of cruelty characterized by the failure to provide adequate food, water, shelter, veterinary care, or protection from environmental hazards. Companion animals are particularly vulnerable to abandonment and neglect.

C. Commercial Exploitation

Animals employed in industries such as transportation, entertainment, agriculture, and breeding are frequently exposed to exploitative conditions. Overloading of draught animals, intensive confinement practices, and illegal breeding operations raise significant welfare concerns.

D. Wildlife Crimes

Poaching, illegal trafficking, habitat destruction, and captivity of wild animals constitute severe forms of cruelty. Such practices not only threaten individual animals but also undermine biodiversity conservation efforts.

E. Cruelty in Scientific and Educational Contexts

Although scientific research has contributed substantially to medical advancement, the use of animals in experimentation has generated ethical debates regarding necessity, proportionality, and the availability of alternative methods.

The multifaceted nature of cruelty necessitates a comprehensive legal response capable of addressing both direct and indirect forms of harm inflicted upon animals.

V. Historical Evolution of Animal Protection Laws in India

The concern for animal welfare in India predates modern legislation. Ancient Indian texts emphasized the principles of *ahimsa* (non-violence) and compassion towards all living beings.¹⁵ Rulers in various historical periods introduced measures aimed at limiting unnecessary suffering to animals.¹⁶ During the colonial period, the first legislative attempts to address cruelty emerged through provincial enactments.¹⁷ However, these measures were fragmented and limited in scope.¹⁸ Following independence, the enactment of the Prevention of Cruelty to Animals Act, 1960, marked a significant milestone in India's animal welfare regime.¹⁹ The legislation sought to prevent unnecessary pain and establish institutional mechanisms for promoting humane

¹⁵ See generally Patrick Olivelle, *The Early Upaniṣads: Annotated Text and Translation* 33–35 (Oxford Univ. Press 1998); Padmanabh S. Jaini, *The Jaina Path of Purification* 109–12 (Univ. of Cal. Press 1979).

¹⁶ See generally Romila Thapar, *Aśoka and the Decline of the Mauryas* 254–56 (3d ed. 2012) (discussing Emperor Ashoka's edicts concerning protection of animals).

¹⁷ The Prevention of Cruelty to Animals Act, 1890, Act No. XI of 1890 (India).

¹⁸ See N.R. Madhava Menon, *Animal Rights and the Law*, 24 Cochin Univ. L. Rev. 1, 6–8 (2000).

¹⁹ Prevention of Cruelty to Animals Act, No. 59 of 1960, pmbi., India Code (1960).

treatment.²⁰ Subsequent decades witnessed the adoption of supplementary rules and statutes addressing specific dimensions of animal protection.²¹ Nevertheless, evolving societal attitudes and emerging welfare concerns have highlighted the need for continual reform.²²

VI. Constitutional Foundations of Animal Protection

The Indian Constitution does not expressly confer rights upon animals.²³ Nevertheless, several constitutional provisions provide the normative basis for their protection.²⁴

A. Article 48A

Article 48A directs the State to protect and improve the environment and safeguard forests and wildlife.²⁵ Although situated within the Directive Principles of State Policy, the provision reflects a constitutional commitment towards ecological preservation.²⁶

B. Article 51A(g)

Article 51A(g) imposes a fundamental duty upon every citizen to protect and improve the natural environment and to have compassion for living creatures.²⁷ The inclusion of compassion within constitutional obligations signifies recognition of ethical responsibilities extending beyond human relationships.²⁸

C. Judicial Expansion of Constitutional Principles

Indian courts have interpreted constitutional values dynamically to advance animal welfare.²⁹ Judicial reliance upon Articles 21, 48A, and 51A(g) has contributed significantly to the

²⁰ Id.S 3–4.

²¹ See Performing Animals (Registration) Rules, 2001, G.S.R. 619(E) (India); Transport of Animals Rules, 1978, G.S.R. 8(E) (India); Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998, G.S.R. 303(E) (India).

²² Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 7–9 (2015).

²³ INDIA CONST.

²⁴ INDIA CONST. arts. 48A, 51A(g).

²⁵ INDIA CONST. art. 48A.

²⁶ *M.C. Mehta v. Union of India*, (1987) 1 S.C.C. 395.

²⁷ INDIA CONST. art. 51A(g).

²⁸ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 582–83.

²⁹ Id. at 579–80.

development of animal jurisprudence.³⁰ The Supreme Court's observations emphasizing dignity, intrinsic worth, and freedom from unnecessary suffering have expanded the legal discourse surrounding animal protection.³¹

VII. Statutory Framework Governing Animal Protection in India

Before the detailed discussion, it is important to note that the Prevention of Cruelty to Animals Act, 1960 (PCA Act) occupies a central position within India's animal welfare jurisprudence.³² The Act was enacted with the primary objective of preventing the infliction of unnecessary pain and suffering upon animals and promoting their humane treatment.³³ Prior to the enactment of this legislation, India lacked a comprehensive statutory framework specifically dedicated to addressing cruelty against animals.³⁴ The PCA Act, therefore, represented a significant legislative development, reflecting an evolving societal recognition that animals, as sentient beings, deserve protection from abuse and neglect.³⁵ Although the Act has often been criticised for its inadequate penalties and implementation deficiencies, it nevertheless laid the foundation for modern animal welfare law in India.³⁶ The legislation embodies the principle that human beings have a moral and legal responsibility to ensure that animals are not subjected to avoidable suffering merely for convenience, profit, entertainment, or indifference.³⁷

A. The Prevention of Cruelty to Animals Act, 1960

The Prevention of Cruelty to Animals Act, 1960 constitutes the principal legislation regulating animal welfare and preventing cruelty in India.³⁸ Enacted pursuant to the recommendations of the Animal Welfare Board and various social reform movements advocating humane treatment of animals, the Act came into force on 26 December 1960.³⁹ Its enactment marked a transition from

³⁰ Id. at 582–88.

³¹ Id. at 597–99; *Narayan Dutt Bhatt v. Union of India*, 2018 SCC OnLine Utt 645, S 58–61.

³² Prevention of Cruelty to Animals Act, No. 59 of 1960, India Code (1960).

³³ Id. pmbl.

³⁴ The Prevention of Cruelty to Animals Act, 1890, Act No. XI of 1890 (India).

³⁵ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 582–83.

³⁶ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 7–9 (2015).

³⁷ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 597–99.

³⁸ Prevention of Cruelty to Animals Act, No. 59 of 1960, India Code (1960).

³⁹ Id.

fragmented colonial-era provisions to a more comprehensive framework addressing cruelty in multiple contexts.⁴⁰

The preamble of the Act explicitly states that its objective is "to prevent the infliction of unnecessary pain or suffering on animals."⁴¹ This emphasis on preventing unnecessary suffering reflects the welfare-oriented approach adopted by Indian law.⁴² Rather than prohibiting all human use of animals, the legislation seeks to regulate human conduct in a manner that minimizes pain and ensures humane treatment.⁴³

The PCA Act applies throughout India and covers a broad spectrum of activities involving animals, including transportation, exhibition, ownership, experimentation, and commercial utilisation.⁴⁴ The legislation attempts to strike a balance between human interests and animal welfare by recognising that while animals may continue to be used for legitimate purposes, such use must not involve avoidable cruelty.⁴⁵

Despite its progressive objectives at the time of enactment, the PCA Act has increasingly been viewed as inadequate in addressing contemporary welfare concerns.⁴⁶ Changes in societal attitudes towards animals, scientific understanding of animal sentience, and international developments in animal protection law have exposed significant limitations within the existing framework.⁴⁷ Consequently, scholars, activists, and judicial bodies have repeatedly called for legislative reform aimed at strengthening the protective mechanisms established under the Act.⁴⁸

1. Definition of "Animal"

An important feature of the PCA Act is the breadth of its definition of the term "animal." Section 2(a) defines an animal as "any living creature other than a human being."⁴⁹ This expansive definition extends statutory protection to a wide variety of species and reflects the legislature's

⁴⁰ N.R. Madhava Menon, *Animal Rights and the Law*, 24 Cochin Univ. L. Rev. 1, 8–10 (2000).

⁴¹ Prevention of Cruelty to Animals Act, No. 59 of 1960, pmb., India Code (1960).

⁴² *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 582.

⁴³ Id.

⁴⁴ Prevention of Cruelty to Animals Act, No. 59 of 1960, S 3–38, India Code (1960).

⁴⁵ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 582–83.

⁴⁶ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 7–9 (2015).

⁴⁷ Id.

⁴⁸ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 597–99.

⁴⁹ Prevention of Cruelty to Animals Act, No. 59 of 1960, S 2(a), India Code (1960).

intention to encompass both domesticated and non-domesticated animals within the ambit of the Act.⁵⁰

The significance of this definition lies in its inclusiveness. Unlike statutes that confine protection to specific categories of animals, the PCA Act recognises that the capacity to experience pain and suffering is not limited to certain species alone.⁵¹ Consequently, the Act potentially applies to companion animals, working animals, farm animals, performing animals, and even certain wild animals in circumstances not specifically governed by specialised legislation.⁵²

However, the practical application of this broad definition is often influenced by other statutory provisions and regulatory frameworks.⁵³ For instance, while wildlife protection primarily falls within the domain of the Wildlife (Protection) Act, 1972, acts of cruelty directed towards wild animals in captivity may also attract the provisions of the PCA Act.⁵⁴ Similarly, although the Act theoretically covers all non-human living creatures, enforcement priorities have tended to focus on domesticated animals and cases involving public attention.⁵⁵

The broad definition of "animal" under the PCA Act represents an early legislative acknowledgment that legal protection should not be restricted solely on the basis of species classification.⁵⁶ Nevertheless, the absence of detailed welfare standards for different categories of animals has occasionally resulted in ambiguity regarding the scope and extent of protection available under the Act.⁵⁷

2. Animal Welfare Board of India

One of the most significant institutional innovations introduced by the PCA Act is the establishment of the Animal Welfare Board of India (AWBI) under Section 4 of the Act.⁵⁸ The Board functions as the principal advisory body on matters concerning animal welfare and serves

⁵⁰ Id.

⁵¹ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 581–83.

⁵² Prevention of Cruelty to Animals Act, No. 59 of 1960, S 2(a), India Code (1960).

⁵³ Wildlife (Protection) Act, No. 53 of 1972, India Code (1972).

⁵⁴ Id.; Prevention of Cruelty to Animals Act, No. 59 of 1960, India Code (1960).

⁵⁵ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 10–12 (2015).

⁵⁶ Prevention of Cruelty to Animals Act, No. 59 of 1960, S 2(a), India Code (1960).

⁵⁷ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 11–12 (2015).

⁵⁸ Prevention of Cruelty to Animals Act, No. 59 of 1960, S 4, India Code (1960).

as an important mechanism for promoting humane treatment and facilitating implementation of welfare policies.⁵⁹

The Animal Welfare Board was initially established under the chairmanship of Smt. Rukmini Devi Arundale, a distinguished parliamentarian and animal welfare advocate.⁶⁰ Since its inception, the Board has played a crucial role in shaping India's animal welfare discourse and recommending legislative reforms.⁶¹

The functions of the AWBI are enumerated under Section 9 of the PCA Act and include advising the Central Government on amendments and improvements relating to animal welfare legislation; taking measures to ensure that animals are not subjected to unnecessary pain or suffering; encouraging the establishment of rescue homes, shelters, and veterinary facilities; providing financial assistance to recognised animal welfare organisations; promoting educational initiatives aimed at cultivating compassion towards animals; and ensuring that animals used in various sectors are treated in accordance with prescribed standards.⁶²

In addition to these statutory functions, the Board frequently issues guidelines concerning animal care, transportation, sterilisation programmes, and management of stray animal populations.⁶³ It has also intervened in litigation involving significant animal welfare concerns and has played an active role in raising awareness regarding the rights and interests of animals.⁶⁴

Despite its important mandate, the effectiveness of the AWBI has often been constrained by practical limitations.⁶⁵ Resource constraints, inadequate staffing, limited enforcement powers, and dependence upon executive cooperation have affected its ability to fulfil its objectives comprehensively.⁶⁶ Unlike certain foreign regulatory agencies possessing direct enforcement authority, the AWBI primarily functions in an advisory capacity.⁶⁷ Consequently, the successful implementation of its recommendations often depends upon the willingness of other governmental institutions to act.⁶⁸

⁵⁹ Id.S 4, 9.

⁶⁰ Animal Welfare Board of India, *About Us* (Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India).

⁶¹ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547.

⁶² Prevention of Cruelty to Animals Act, No. 59 of 1960, S 9, India Code (1960).

⁶³ Animal Welfare Board of India, *Guidelines for Animal Welfare* (various circulars and advisories).

⁶⁴ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547.

⁶⁵ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 13–15 (2015).

⁶⁶ Id.

⁶⁷ Id.

⁶⁸ Id.

Nevertheless, the Board remains an indispensable component of India's animal welfare architecture.⁶⁹ Its continued involvement in advocacy, policy formulation, and awareness generation underscores the importance of specialised institutions dedicated to advancing the cause of animal protection.⁷⁰

3. Cruelty Under Section 11

Section 11 of the PCA Act constitutes the substantive core of the legislation, as it identifies various acts that amount to cruelty towards animals.⁷¹ The provision adopts a broad approach by recognising both active abuse and passive neglect as forms of cruelty.⁷²

Among the acts prohibited under Section 11 are beating, kicking, torturing, overdriving, overriding, overloading, or otherwise treating animals in a manner that subjects them to unnecessary pain or suffering; employing animals for labour despite their being unfit due to age, disease, injury, infirmity, or other physical conditions; administering injurious substances to animals without reasonable cause; transporting animals in a manner likely to cause unnecessary suffering; confining animals in cages or enclosures that fail to provide reasonable opportunities for movement; restraining animals through excessively short or heavy chains for unreasonable periods; failing to provide sufficient food, water, or shelter; abandoning animals under circumstances likely to result in starvation or thirst; permitting diseased animals to roam freely in public places; and organising, promoting, or participating in animal fights for entertainment or financial gain.⁷³

The breadth of Section 11 demonstrates legislative recognition that cruelty assumes multiple forms extending beyond deliberate physical violence.⁷⁴ Neglect, indifference, and exploitative treatment are equally capable of causing significant suffering and therefore warrant legal intervention.⁷⁵

A notable aspect of Section 11 is its focus upon the concept of "unnecessary" pain or suffering.⁷⁶ This formulation implicitly acknowledges that certain interactions involving animals may occur

⁶⁹ Prevention of Cruelty to Animals Act, No. 59 of 1960, S 4, 9, India Code (1960).

⁷⁰ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 597–99.

⁷¹ Prevention of Cruelty to Animals Act, No. 59 of 1960, § 11, India Code (1960).

⁷² Id.

⁷³ Id. § 11(1)(a)–(o).

⁷⁴ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 582–83.

⁷⁵ Id.

⁷⁶ Prevention of Cruelty to Animals Act, No. 59 of 1960, § 11(1), India Code (1960).

within lawful contexts, such as veterinary treatment or legitimate agricultural activities.⁷⁷ However, the infliction of pain must be justified by necessity rather than convenience, profit maximisation, or entertainment.⁷⁸

Although Section 11 provides a valuable framework for identifying prohibited conduct, enforcement challenges have frequently undermined its practical effectiveness.⁷⁹ Proving the existence of cruelty often requires evidence, veterinary examination, and prompt intervention by authorities.⁸⁰ Delays in investigation, lack of specialised expertise, and insufficient awareness among enforcement personnel may impede successful prosecution.⁸¹

Furthermore, evolving understandings of animal welfare suggest that contemporary conceptions of cruelty extend beyond the categories expressly enumerated within Section 11.⁸² Psychological distress, prolonged isolation, and certain intensive confinement practices increasingly attract ethical scrutiny.⁸³ Accordingly, there is a growing argument that statutory definitions of cruelty should evolve to reflect modern scientific insights regarding animal sentience and behavioural needs.⁸⁴

4. Inadequacy of Penalties

Perhaps the most significant criticism directed against the PCA Act concerns the inadequacy of penalties prescribed for offences involving cruelty towards animals.⁸⁵ Although the legislation identifies numerous forms of abusive conduct, the deterrent effect of these provisions has been substantially weakened by the imposition of nominal punishments.⁸⁶

For first-time offences under Section 11, offenders may be subjected to fines that are remarkably low when assessed against contemporary economic realities.⁸⁷ Even in cases involving repeated

⁷⁷ Id. §§ 11(3), 28.

⁷⁸ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 597–99.

⁷⁹ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 13–15 (2015).

⁸⁰ Id.

⁸¹ Id.

⁸² *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 582–83.

⁸³ See generally Donald M. Broom, *Animal Welfare: Concepts and Measurement*, 69 J. Animal Sci. 4167, 4168–70 (1991).

⁸⁴ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 581–82.

⁸⁵ Prevention of Cruelty to Animals Act, No. 59 of 1960, § 11, India Code (1960).

⁸⁶ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 15–17 (2015).

⁸⁷ Prevention of Cruelty to Animals Act, No. 59 of 1960, § 11(1), India Code (1960).

acts of cruelty, the penalties prescribed under the Act remain modest and frequently fail to reflect the gravity of the harm inflicted upon animals.⁸⁸

The inadequacy of these sanctions has generated widespread concern among legal scholars, animal welfare organisations, and judicial authorities.⁸⁹ Minimal penalties produce several adverse consequences. First, they undermine public confidence in the seriousness with which the legal system addresses animal abuse. Secondly, they fail to deter potential offenders, who may perceive the consequences of violating the law as insignificant. Thirdly, they diminish the symbolic value of the legislation by suggesting that cruelty towards animals constitutes a relatively trivial wrongdoing.⁹⁰

Judicial observations in several cases have highlighted the urgent necessity for legislative reform.⁹¹ Courts have repeatedly noted that societal attitudes towards animals have evolved considerably since the enactment of the PCA Act in 1960.⁹² Scientific evidence establishing animal sentience and increasing recognition of the intrinsic value of animal life further reinforce the need for stronger sanctions.⁹³

Calls for reform have generally advocated substantial enhancement of fines and terms of imprisonment; categorisation of aggravated cruelty as a more serious offence; establishment of sentencing guidelines reflecting the severity of harm; mandatory confiscation of animals from abusive custodians; and prohibition upon repeat offenders from owning or possessing animals.⁹⁴

Strengthening penalties alone, however, cannot guarantee effective protection.⁹⁵ Enhanced sanctions must be accompanied by improved enforcement mechanisms, specialised training for investigating authorities, public awareness initiatives, and institutional coordination.⁹⁶ Nevertheless, meaningful reform of the penalty structure remains an essential prerequisite for ensuring that the PCA Act functions as an effective instrument of deterrence and justice.⁹⁷

⁸⁸ Id. § 11(1) proviso.

⁸⁹ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 15–17 (2015).

⁹⁰ Id.

⁹¹ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 597–99.

⁹² Id. at 597.

⁹³ Id. at 581–82; *Narayan Dutt Bhatt v. Union of India*, 2018 SCC OnLine Utt 645, S 58–61.

⁹⁴ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 17–20 (2015).

⁹⁵ Id.

⁹⁶ Id.

⁹⁷ Id.

In conclusion, while the Prevention of Cruelty to Animals Act, 1960 represented a pioneering legislative initiative in its historical context, its limitations have become increasingly apparent in contemporary society.⁹⁸ The broad definition of animals, establishment of the Animal Welfare Board of India, and recognition of diverse forms of cruelty under Section 11 constitute important strengths of the legislation.⁹⁹ At the same time, institutional constraints and outdated penalties have significantly undermined its effectiveness.¹⁰⁰ The continued prevalence of animal abuse across the country demonstrates that legal protection must evolve in accordance with changing ethical standards and scientific understanding.¹⁰¹ Comprehensive reform of the PCA Act is therefore indispensable to ensuring that India's commitment to compassion towards living creatures is translated into meaningful legal protection for the silent victims of cruelty.¹⁰²

B. The Wildlife (Protection) Act, 1972

The enactment of the Wildlife (Protection) Act, 1972 marked a turning point in India's approach towards the conservation and protection of wildlife.¹⁰³ Unlike the Prevention of Cruelty to Animals Act, 1960, which primarily focuses on preventing unnecessary suffering inflicted upon animals by human beings, the Wildlife (Protection) Act adopts a broader ecological perspective aimed at safeguarding wildlife populations and preserving biodiversity.¹⁰⁴ The legislation emerged against the backdrop of rapid industrialisation, increasing habitat destruction, indiscriminate hunting practices, and the alarming decline of several species across the country.¹⁰⁵

Before the enactment of this legislation, wildlife protection in India was governed by a fragmented legal framework comprising provincial laws that varied considerably in scope and effectiveness.¹⁰⁶ Recognising the urgent need for a uniform national framework, Parliament enacted the Wildlife (Protection) Act with the objective of ensuring comprehensive protection to wild animals, birds, and plants.¹⁰⁷

⁹⁸ Prevention of Cruelty to Animals Act, No. 59 of 1960, India Code (1960).

⁹⁹ Id. §§ 2(a), 4, 9, 11.

¹⁰⁰ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 13–20 (2015).

¹⁰¹ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 597–99.

¹⁰² INDIA CONST. art. 51A(g); *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 582–83.

¹⁰³ Wildlife (Protection) Act, No. 53 of 1972, India Code (1972).

¹⁰⁴ Id.; Prevention of Cruelty to Animals Act, No. 59 of 1960, India Code (1960).

¹⁰⁵ See M.K. Ranjitsinh, *A Life with Wildlife: From Princely India to the Present* 167–70 (HarperCollins India 2017).

¹⁰⁶ Id. at 165–67.

¹⁰⁷ Wildlife (Protection) Act, No. 53 of 1972, pmb., India Code (1972).

The Act provides for the establishment of institutional mechanisms and regulatory measures designed to conserve wildlife resources.¹⁰⁸ One of its most significant contributions lies in the creation of protected areas such as national parks, wildlife sanctuaries, conservation reserves, and community reserves.¹⁰⁹ These protected areas serve as critical habitats where wildlife can exist with minimal human interference.¹¹⁰ By restricting exploitative activities within these regions, the legislation seeks to maintain ecological balance and ensure the survival of endangered species.¹¹¹ Another important aspect of the Act concerns the regulation of hunting.¹¹² The statute generally prohibits the hunting of wild animals specified under various Schedules, subject to limited exceptions such as situations involving self-defence, scientific management, or instances where an animal poses a threat to human life.¹¹³ The prohibition on hunting reflects the legislative recognition that unrestricted exploitation of wildlife can have devastating consequences for biodiversity conservation.¹¹⁴

The Act also addresses the growing menace of illegal wildlife trade.¹¹⁵ Commercial trafficking in animal skins, ivory, horns, bones, and other wildlife derivatives has contributed significantly to the decline of numerous species.¹¹⁶ To combat this threat, the legislation imposes restrictions on trade and commerce involving specified animal articles and trophies¹¹⁷ Violations attract penal consequences, including imprisonment and monetary fines.¹¹⁸

The Schedule system incorporated within the Act constitutes one of its distinguishing features.¹¹⁹ Species classified under Schedule I and Part II of Schedule II receive the highest degree of protection, with stringent penalties prescribed for offences involving such animals¹²⁰ This graded approach enables the State to allocate conservation resources according to the vulnerability and ecological significance of different species.¹²¹

¹⁰⁸ Id.

¹⁰⁹ Id. S 18, 35, 36A, 36C.

¹¹⁰ Id.

¹¹¹ *Centre for Environmental Law, WWF-India v. Union of India*, (2013) 8 S.C.C. 234.

¹¹² Wildlife (Protection) Act, No. 53 of 1972, ch. III, India Code (1972).

¹¹³ Id.S 9, 11, 12.

¹¹⁴ *State of Bihar v. Murad Ali Khan*, (1988) 4 S.C.C. 655, 663–64.

¹¹⁵ Wildlife (Protection) Act, No. 53 of 1972, ch. V-A, India Code (1972).

¹¹⁶ *Sansar Chand v. State of Rajasthan*, (2010) 10 S.C.C. 604, 611–12.

¹¹⁷ Wildlife (Protection) Act, No. 53 of 1972, S 39, 44, 49B, India Code (1972).

¹¹⁸ Id. S 51.

¹¹⁹ Id. scheds. I–VI.

¹²⁰ Id. S 51.

¹²¹ *Sansar Chand v. State of Rajasthan*, (2010) 10 S.C.C. 604, 611–12.

The Wildlife (Protection) Act has undoubtedly contributed to notable conservation successes in India.¹²² Flagship initiatives such as Project Tiger and Project Elephant have facilitated population recovery among certain endangered species.¹²³ Nevertheless, significant challenges continue to undermine the effectiveness of wildlife protection measures.¹²⁴

Illegal wildlife trafficking remains a lucrative transnational criminal enterprise.¹²⁵ India, owing to its rich biodiversity, continues to function as both a source and transit country for wildlife products.¹²⁶ Additionally, habitat fragmentation resulting from urbanisation, infrastructure development, mining activities, and agricultural expansion has intensified human-wildlife conflicts and threatened ecosystem integrity.¹²⁷

Climate change further compounds these challenges by altering habitats and disrupting ecological relationships.¹²⁸ Consequently, the protection of wildlife requires a multidimensional approach integrating legal regulation, scientific conservation, community participation, and international cooperation.¹²⁹

While the Wildlife (Protection) Act primarily serves conservation objectives, it also indirectly contributes to the prevention of cruelty by discouraging practices that expose wild animals to exploitation and suffering.¹³⁰ Its continued evolution remains essential for safeguarding India's biological heritage and fulfilling constitutional commitments relating to environmental protection.¹³¹

C. Rules Framed Under the Prevention of Cruelty to Animals Act, 1960

Recognising that animal welfare concerns arise in diverse contexts, the legislature has supplemented the Prevention of Cruelty to Animals Act, 1960 through the promulgation of several

¹²² Wildlife (Protection) Act, No. 53 of 1972, India Code (1972).

¹²³ Project Tiger, launched in 1973 under the aegis of the Government of India; Project Elephant, launched in 1992 by the Ministry of Environment and Forests.

¹²⁴ *Centre for Environmental Law, WWF-India v. Union of India*, (2013) 8 S.C.C. 234.

¹²⁵ *Sansar Chand v. State of Rajasthan*, (2010) 10 S.C.C. 604, 611.

¹²⁶ *Id.*

¹²⁷ *T.N. Godavarman Thirumulpad v. Union of India*, (2002) 10 S.C.C. 606.

¹²⁸ Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation and Vulnerability* 1043–46 (2022).

¹²⁹ Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Mar. 3, 1973, 993 U.N.T.S. 243.

¹³⁰ Wildlife (Protection) Act, No. 53 of 1972, India Code (1972).

¹³¹ INDIA CONST. arts. 48A, 51A(g).

subordinate legislations.¹³² These rules operationalise the broad principles embodied in the parent statute by prescribing detailed standards governing specific human-animal interactions.¹³³

The Performing Animals (Registration) Rules represent one such regulatory initiative.¹³⁴ Animals employed in entertainment industries are particularly vulnerable to exploitation, as commercial considerations may incentivise abusive training methods and prolonged confinement.¹³⁵ The registration requirements seek to ensure accountability and facilitate oversight of establishments utilising performing animals.¹³⁶

Similarly, the Transport of Animals Rules address the welfare implications associated with the movement of animals by rail, road, air, and sea.¹³⁷ Improper transportation frequently subjects animals to overcrowding, dehydration, injury, and extreme stress.¹³⁸ The Rules prescribe standards relating to space requirements, feeding arrangements, ventilation, and veterinary certification with the objective of minimising suffering during transit.¹³⁹

The Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules were introduced to regulate commercial breeding establishments and address concerns relating to irresponsible breeding practices.¹⁴⁰ Unsupervised breeding operations often prioritise profit over welfare, resulting in genetic disorders, inadequate veterinary care, and poor living conditions.¹⁴¹ Regulatory oversight seeks to promote ethical breeding practices and safeguard the interests of companion animals.¹⁴²

Another important development is reflected in the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules.¹⁴³ Animals rescued during enforcement operations frequently remain in prolonged legal limbo pending completion of judicial proceedings.¹⁴⁴ These

¹³² Prevention of Cruelty to Animals Act, No. 59 of 1960, India Code (1960).

¹³³ Id.

¹³⁴ Performing Animals (Registration) Rules, 2001, G.S.R. 619(E) (India).

¹³⁵ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 563–65.

¹³⁶ Performing Animals (Registration) Rules, 2001, rr. 3–8.

¹³⁷ Transport of Animals Rules, 1978, G.S.R. 8(E) (India).

¹³⁸ Id.

¹³⁹ Id. pts. I–VIII.

¹⁴⁰ Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017 (draft rules issued by the Government of India).

¹⁴¹ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 20–23 (2015).

¹⁴² Id.

¹⁴³ Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, G.S.R. 821(E) (India).

¹⁴⁴ Id.

Rules seek to ensure that such animals receive appropriate care, shelter, and veterinary attention throughout the adjudicatory process.¹⁴⁵

Rules governing livestock markets and slaughterhouses likewise play a significant role in advancing welfare objectives.¹⁴⁶ These regulations prescribe minimum standards designed to reduce unnecessary suffering associated with handling, transportation, and slaughter procedures.¹⁴⁷

The existence of these subordinate legislations demonstrates legislative awareness that animal welfare cannot be adequately addressed through a single, general statutory provision.¹⁴⁸ Different categories of animals encounter distinct forms of vulnerability requiring context-specific interventions.¹⁴⁹

Despite their importance, implementation of these Rules has frequently been inconsistent.¹⁵⁰ Variations in administrative capacity, lack of awareness among stakeholders, and inadequate monitoring mechanisms have limited their effectiveness.¹⁵¹ Consequently, strengthening enforcement structures remains imperative for ensuring that the protections envisaged under these Rules translate into tangible improvements in animal welfare.¹⁵²

VIII. Judicial Response to Animal Cruelty in India

The Indian judiciary has emerged as a significant catalyst in the evolution of animal welfare jurisprudence.¹⁵³ In several landmark decisions, courts have adopted purposive interpretations of constitutional provisions and statutory enactments to expand the scope of protection available to animals.¹⁵⁴

¹⁴⁵ Id. rr. 3–8.

¹⁴⁶ Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017, G.S.R. 498(E) (India).

¹⁴⁷ Id.

¹⁴⁸ Prevention of Cruelty to Animals Act, No. 59 of 1960, India Code (1960).

¹⁴⁹ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 20–23 (2015).

¹⁵⁰ Id. at 23–25.

¹⁵¹ Id.

¹⁵² Id.

¹⁵³ See generally *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547.

¹⁵⁴ Id. at 579–83.

Judicial intervention has assumed particular importance in the context of legislative inadequacies and enforcement failures.¹⁵⁵ By invoking constitutional values such as compassion, dignity, and ecological balance, courts have contributed substantially to the development of a more humane legal framework.¹⁵⁶

A. Animal Welfare Board of India v. A. Nagaraja

The Supreme Court's decision in *Animal Welfare Board of India v. A. Nagaraja* constitutes a watershed moment in Indian animal law.¹⁵⁷ The case arose from challenges relating to the legality of Jallikattu, a traditional bull-taming event conducted in Tamil Nadu.¹⁵⁸

The Court examined whether the practices associated with Jallikattu subjected bulls to unnecessary pain and suffering in contravention of the Prevention of Cruelty to Animals Act, 1960.¹⁵⁹ Upon evaluating the evidence, the Court concluded that the event involved conduct incompatible with statutory welfare standards.¹⁶⁰

The judgment is remarkable for its articulation of broader philosophical principles relating to animal protection.¹⁶¹ The Court recognised that animals possess intrinsic value independent of their utility to human beings.¹⁶² It further observed that Article 51A(g) of the Constitution imposes an obligation upon citizens to exhibit compassion towards living creatures.¹⁶³

Importantly, the Court incorporated internationally recognised welfare principles analogous to the "Five Freedoms," emphasising that animals should be protected from hunger, discomfort, pain, fear, and restrictions preventing the expression of normal behaviour.¹⁶⁴

The decision also signalled a shift from an anthropocentric approach towards an ecocentric perspective, recognising that human interests cannot invariably supersede the welfare interests of

¹⁵⁵ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 13–20 (2015).

¹⁵⁶ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 582–83; INDIA CONST. arts. 48A, 51A(g).

¹⁵⁷ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547.

¹⁵⁸ Id. at 553–57.

¹⁵⁹ Id. at 558–65.

¹⁶⁰ Id. at 597–99.

¹⁶¹ Id. at 579–83.

¹⁶² Id. at 582–83.

¹⁶³ Id. at 582; INDIA CONST. art. 51A(g).

¹⁶⁴ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 581–82.

animals.¹⁶⁵ By emphasising dignity and intrinsic worth, the judgment expanded the normative foundations of Indian animal jurisprudence.¹⁶⁶

B. N.R. Nair v. Union of India

In *N.R. Nair v. Union of India*, the Kerala High Court considered the validity of restrictions imposed upon the training and exhibition of performing animals.¹⁶⁷

The petitioners challenged governmental measures aimed at prohibiting the use of specified animals in entertainment activities.¹⁶⁸ The Court upheld the restrictions, emphasising that commercial considerations cannot justify the infliction of cruelty.¹⁶⁹

The judgment acknowledged that animals are entitled to dignified treatment and that constitutional values of compassion extend beyond human relationships.¹⁷⁰ By prioritising welfare considerations over economic interests, the decision reinforced the principle that exploitation for entertainment purposes must remain subject to ethical and legal constraints.¹⁷¹

C. Karnail Singh v. State of Haryana

The Punjab and Haryana High Court's decision in *Karnail Singh v. State of Haryana* represents another significant contribution to the development of animal protection jurisprudence.¹⁷²

The Court recognised animals as legal entities possessing corresponding rights, duties, and liabilities, with human beings acting as trustees responsible for safeguarding their interests.¹⁷³ This trustee-based approach reflects the ethical proposition that humanity bears a stewardship obligation towards non-human life.¹⁷⁴

The Court further emphasised that constitutional duties relating to compassion impose affirmative responsibilities upon State authorities and citizens alike.¹⁷⁵ The decision illustrates the judiciary's

¹⁶⁵ Id. at 582–83.

¹⁶⁶ Id. at 597–99.

¹⁶⁷ *N.R. Nair v. Union of India*, A.I.R. 2000 Ker. 340.

¹⁶⁸ Id.S 2–6.

¹⁶⁹ Id.S 25–29.

¹⁷⁰ Id.S 29.

¹⁷¹ Id.

¹⁷² *Karnail Singh v. State of Haryana*, C.R.R. No. 533 of 2013, S 26–29 (Punjab & Haryana High Court May 31, 2019).

¹⁷³ Id.S 29–30.

¹⁷⁴ Id.

¹⁷⁵ Id. S 31.

increasing willingness to adopt innovative legal approaches aimed at strengthening animal protection.¹⁷⁶

D. Judicial Activism and Animal Rights

Judicial activism has undoubtedly advanced the cause of animal welfare in India.¹⁷⁷ Through expansive interpretations of constitutional principles, courts have compensated for certain legislative deficiencies and heightened public awareness regarding the moral status of animals.¹⁷⁸ However, reliance upon judicial intervention also raises concerns.¹⁷⁹ Judicial approaches may vary across jurisdictions, resulting in doctrinal inconsistencies.¹⁸⁰ Furthermore, judicial pronouncements often encounter implementation challenges in the absence of effective executive action.¹⁸¹

Consequently, while judicial creativity remains valuable, sustainable progress requires complementary legislative reform and administrative commitment.¹⁸² Courts may articulate normative principles, but enduring protection ultimately depends upon institutional capacity and societal transformation.¹⁸³

IX. Conclusion

The issue of animal cruelty in India presents a complex challenge that intersects with law, ethics, public policy, and societal values. Although India has a long-standing cultural and philosophical tradition rooted in the principles of compassion and non-violence towards living beings, the continued prevalence of cruelty against animals demonstrates a significant gap between normative ideals and practical realities. Incidents involving the abuse of companion animals, exploitation of

¹⁷⁶ Id.S 32–33.

¹⁷⁷ See generally *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547; *Karnail Singh v. State of Haryana*, C.R.R. No. 533 of 2013 (Punjab & Haryana High Court May 31, 2019).

¹⁷⁸ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 582–83.

¹⁷⁹ Upendra Baxi, *The Avatars of Judicial Activism: Explorations in the Geography of [In]Justice*, in *Fifty Years of the Supreme Court of India: Its Grasp and Reach* 156, 178–80 (S.K. Verma & Kusum eds., 2000).

¹⁸⁰ Id.

¹⁸¹ Law Comm'n of India, Report No. 261, *Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding* 13–20 (2015).

¹⁸² Id. at 17–20.

¹⁸³ *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 S.C.C. 547, 597–99.

working animals, illegal wildlife trade, cruel entertainment practices, and neglect of stray animals continue to expose the inadequacies of existing legal and institutional mechanisms.

This study has demonstrated that India possesses a reasonably comprehensive legal framework for animal protection. Constitutional provisions, particularly Articles 48A and 51A(g), provide an ethical and normative foundation for recognising the importance of compassion towards living creatures and the protection of wildlife. The Prevention of Cruelty to Animals Act, 1960, despite being the principal legislation governing animal welfare, reflects the legislature's acknowledgment that unnecessary pain and suffering inflicted upon animals must be regulated by law. Similarly, the Wildlife (Protection) Act, 1972 has played a crucial role in conserving biodiversity and safeguarding endangered species from exploitation and extinction. The various rules framed under these statutes further illustrate an attempt to address animal welfare concerns arising in diverse contexts such as transportation, breeding, entertainment, and the treatment of rescued animals.

However, the analysis undertaken in this paper reveals that the effectiveness of these legal provisions has been substantially undermined by weak implementation, inadequate institutional capacity, and outdated statutory penalties. The nominal fines prescribed under the Prevention of Cruelty to Animals Act fail to reflect the seriousness of animal abuse in contemporary society and do not operate as effective deterrents. The absence of specialised enforcement mechanisms, limited public awareness regarding animal welfare laws, and insufficient coordination among governmental agencies further contribute to the persistence of cruelty. Consequently, the existence of legal norms alone cannot guarantee meaningful protection unless accompanied by robust implementation strategies and institutional accountability.

The judiciary has emerged as a transformative force in the development of animal welfare jurisprudence in India. Landmark decisions such as *Animal Welfare Board of India v A Nagaraja*, *N R Nair v Union of India*, and *Karnail Singh v State of Haryana* have significantly expanded the conceptual foundations of animal protection. By recognising the intrinsic value of animals, emphasising constitutional duties of compassion, and advocating an ecocentric approach to legal interpretation, the courts have challenged the traditional anthropocentric framework that viewed animals solely through the lens of human utility. Judicial pronouncements have increasingly

acknowledged that animals are sentient beings capable of experiencing pain, fear, and distress, and that their interests deserve legal consideration independent of their instrumental value to human beings.

Nevertheless, judicial intervention, however progressive, cannot substitute for comprehensive legislative reform and effective executive action. Sustainable protection of animals requires a coordinated response involving lawmakers, enforcement authorities, civil society organisations, educational institutions, and the public at large. Reform of the Prevention of Cruelty to Animals Act through the enhancement of penalties, recognition of aggravated forms of cruelty, establishment of specialised animal welfare units, and strengthening of the Animal Welfare Board of India is essential. Equally important is the incorporation of animal welfare education into public discourse to foster empathy and encourage responsible behaviour towards animals from an early age.

Comparative experiences from jurisdictions such as the United Kingdom and the United States demonstrate that stronger penalties, preventive welfare obligations, effective inspection mechanisms, and greater public engagement can significantly improve animal protection outcomes. India may draw valuable lessons from these models while adapting them to its own socio-cultural and constitutional context. Any reform initiative must seek to balance legitimate human interests with the welfare needs of animals without compromising the fundamental principle that unnecessary suffering is ethically unacceptable and legally indefensible.

Ultimately, the treatment of animals serves as a reflection of the moral character and constitutional maturity of a society. The aspiration of creating a humane and just legal order cannot remain confined to the protection of human interests alone. It must extend to those vulnerable beings who cannot articulate their suffering or seek redress on their own behalf. Animals, as the silent victims of exploitation and neglect, depend upon human institutions for their protection and well-being. Ensuring justice for them is not merely a legal obligation arising from statutory enactments and constitutional duties; it is a manifestation of society's commitment to compassion, dignity, and coexistence.

In conclusion, India stands at a critical juncture in the evolution of its animal welfare jurisprudence. While significant progress has been achieved through legislative initiatives and judicial activism, substantial challenges continue to impede the realisation of effective protection. The transition from a predominantly welfare-based framework towards a more rights-conscious and ecologically informed approach is imperative. Strengthening laws, improving enforcement, enhancing institutional capacities, and nurturing a culture of empathy are essential steps towards safeguarding the interests of animals. Only through such comprehensive and sustained efforts can the nation truly honour its constitutional ethos of compassion and ensure that the silent victims of cruelty are afforded the protection, dignity, and justice they deserve.

