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Popular Article

## Critical Insights into Animal Welfare and Protection Laws in India

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### Introduction:

Humans first appeared as hunter-gatherers in prehistoric periods, and they have since developed into established groups centred on agriculture. Because they have either tamed animals or made them their prey, they have been linked to animals. Taking care of animals and making oneself comfortable dates back to the Neolithic era, at least 10,000 years ago, when animal husbandry first emerged. People were required to take animal welfare into account in order to accomplish their personal goals by the integrity and ethics of animal welfare that emerged throughout the Neolithic era. "If we take care of animals, animals will take care of us" (Strand, 2014). During the last part of the 20th century, the field of veterinary medicine dedicated to animal welfare has grown into a distinct specialty unto itself.

Animal welfare refers to both the human-animal bond and the responsibility that those who live in their care get humane treatment. When an animal is in good health, it is considered to be comfortable, well-fed, free to exhibit its inherent qualities, and not experiencing unfavourable circumstances like pain, anxiety, or discomfort. A balanced diet, suitable housing, humane handling of each animal, humane slaughter, disease prevention, management of animals, veterinary care when animals are ill, and animal care are all necessary for good animal wellbeing. Ensuring the comfort and safety of animals is a human responsibility, and it encompasses all facets of proper animal care. Giving animals a high quality of life is the main objective of animal welfare. In the 1950s, the phrase "quality of life" first appeared in the geographical and medical domains related to humans.

In India, animal welfare refers to the way that domestic pets, wildlife, farm animals, and animals used in research are treated, cared for, and legally protected. India has strong religious and cultural traditions that value animal compassion, but the nation still has a long way to go in guaranteeing the wellbeing of its animal population. The present status of animal welfare in India is critically examined in this article, which also looks at areas that need immediate attention and explores legal frameworks, enforcement strategies, and public attitudes.

All facets of animal wellbeing are included in animal welfare. Primarily, it aims to tackle five essential freedoms for adequate care of animals.

The five freedoms are:

- **Nutrition:** freedom from thirst and hunger
- **Environment:** freedom from discomfort by providing appropriate shelter
- **Health:** freedom from injury and disease by providing proper treatment
- **Behavior:** freedom to express their own kind by providing proper facilities
- **Mental state:** freedom from fear and mental suffering.

Every animal has the right to live a happy, healthy life filled with opportunities for their overall well-being. In India, we revere animals as gods and goddesses in addition to using them for agriculture and animal husbandry. Animal welfare is protected by the Indian Constitution and a number of other laws. Besides from that, the Indian Supreme Court has supported animal rights on a number of instances. In the case of *WWF v. Union of India*, the Supreme Court of India considered ecocentrism, rather than anthropocentrism into consideration for a more sustainable and better future. The belief that humans and non-humans are integral components of the same ecosystem is fostered by ecocentrism, which takes into account the intrinsic values of both.

Despite India's strong efforts to uphold and safeguard animal rights, animal abuse is nevertheless a common occurrence there. Every day, there are numerous instances of animal abuse, but they are typically not recorded. Only strict laws, everyone's active engagement, and social consciousness can lessen this situation. Act as a voice for those who lack one.

### Animal Protection Laws in India:

**1) Constitutional Clauses and Provisions:** Numerous articles of the Indian Constitution were created to uphold and safeguard the rights of animals in the country.

- a) The Directive Principles of State Policy, Article 48 states The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle.
- b) Article 48A declares, Protection and improvement of environment and safeguarding of forest and wild life, and states that the state shall make effort in protecting and safeguarding the environment the forest and the wild life.
- c) Part IVA of the Constitution declares Fundamental Duties of every citizen of India, which imposes a duty on the citizens under Article 51A (g) to protect and improve the natural environment.
- d) The Constitution of India also imposes a power on the parliament and the legislatures of states under Article 246 with Seventh Schedule of the Constitution to make laws for the prevention of cruelty to animals and for the protection of wild animals and birds.

- e) Under Article 243G read with Eleventh Schedule of the Constitution empowers the Panchayet to make laws on Animal husbandry, dairying and poultry.
- f) 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.

## 2) Indian Penal Code, 1860

- a) Section 428 of the Indian Penal Code, 1860, provides punishment for committing mischief by killing or maiming any animal of the value of 10 rupees with imprisonment for two years or with fine or with both.
- b) Section 429 of the Indian Penal Code, 1860, deals with the punishment for killing or maiming any described animal of any value or of the value of 50 rupees or upwards with the imprisonment of five years or with fine or with both.

## 3) India has a vast legal system designed to safeguard animals.

- a) **The Prevention of Cruelty to Animals Act (PCA), 1960**, is the main piece of legislation that defines crimes against animals and specifies the consequences for breaking them. The major task force working for the animal welfare is “The Animal Welfare Board of India” which is a statutory advisory body on Animal Welfare Laws and promotes animal welfare in the country. Established in 1962 under Section 4 of the Prevention of Cruelty to Animals Act, 1960 (No. 59 of 1960). the Animal Welfare Board of India was started under the stewardship of Late Smt. Rukmini Devi Arundale, well known humanitarian. From ensuring that animal welfare laws in the country are diligently followed; to provide grants to Animal Welfare Organizations and advising the Government of India on animal welfare issues.

The Board has been the face of the animal welfare movement in the country for the last 60 years. Through its services, Board ensures that animal welfare laws in the country are diligently followed, provides grants to Animal Welfare Organizations and advises the Government of India on animal welfare issues. The Board consists of 28 Members including 6 Members of Parliament (2 Members of Parliament from Rajya Sabha and 4 Members of Parliament from Lok Sabha). The Board consists of 28 Members. The term of office of Members is for a period of 3 years. In addition, the National Institute of Animal Welfare in Ballabhgarh, Haryana, is a subordinate organisation that offers instruction and training.

The Committee for Control and Supervision of Experiments on Animals (CCSEA) is a statutory Committee of Department of Animal Husbandry and Dairying (DAHD), Ministry of Fisheries, Animal Husbandry and Dairying (MoFAH&D) constituted under the Prevention of Cruelty to Animals (PCA) Act, 1960. CCSEA is duty bound to take all such measures as may be necessary to ensure that animals are not subjected to unnecessary pain or suffering before, during or after performance of experiments on them. For this purpose, the Committee formulated the Breeding of and Experiments on Animals (Control & Supervision) Rules, 1998 (amended in 2001 & 2006) to regulate the experimentation on animals.

- b) **The Wildlife Protection Act of 1972** also provides protection for wild species and their natural environments.

## 4) Government Initiatives: Thankfully, the issue of animal cruelty has recently drawn attention from around the globe and the Indian government is taking it seriously. To ensure that there is no cruelty in the nation, the government has taken certain significant steps.

- **Ban On Captive Dolphin Shows:** In May 2013, the Ministry of Environment & Forest, Government of India, prohibits the capture and use of Dolphins for entertainment purposes in the country. It also issued a policy and directed the state governments to deny the permission to any Dolphinarium
- **Ban On Imports of Animal Tested Cosmetics:** In Nov, 2014, India became the first South Asian Nation to impose ban on imports of animal tested cosmetics in India. By this bold step India has become the first cruelty-free zone in South Asia.
- **Jet Airways Commits to Protecting Shark Population and Marine Eco-System:** After taking the appeal of Humane society International/ India into consideration, Jet Airways banned the shipment of shark fins on its carriers to protect the worldwide declining population of sharks.
- **Government Orders to Prevent the Illegal Movement of Animals to Nepal:** On November 4, 2014, the Ministry of Home Affairs, Government of India ordered the Paramilitary Sashatra Seema Bal to prevent the illegal movement of animals to Nepal and prohibit the cattle transport without license. This act works as a reaction against the Gadhimai Festival in Nepal, where Lakhs of animals were sacrificed and 70% of those animals were illegally imported from India.
- **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.** The goal of wildlife conservation initiatives is to maintain and safeguard the dwindling numbers of diverse extinct creatures. In India, the goal of Project Tiger is to preserve tigers. The Indian government started this tiger conservation initiative in 1972. The Indian government launched the "project elephant" in 1992 with the goal of protecting elephants and their natural environments while also fostering the development of the species in a number of ways. The United Nations Development Programme (UNDP) Sea Turtle Project was launched by the Wildlife Institute of India, Dehradun in November 1999 with the goal of conserving Olive Ridley turtles (Sharma, 2019). Another effective initiative by the Indian government to preserve Indian crocodiles is the conservation project.

In addition to numerous laws and agreements, the Indian courts actively contribute to the defense, upholding of animal rights and welfare. In addition to these laws, regulations, and rules, there are roughly 294 accredited animal welfare groups in India that support the preservation, defense, and rights of animals. Moreover, these campaigners for animal welfare and non-governmental organizations (NGOs) are essential in bringing about change in India. Advocating for improved animal protection laws, raising awareness, and rescuing and rehabilitating distressed animals are the tireless efforts of organizations such as People for Animals and the Blue Cross of India.

### Conclusion:

Although India has made great progress toward holistic animal welfare, obstacles still exist. It is still difficult to strike a balance between economic growth, environmental preservation, and animal rights. Concerns regarding the treatment of animals reared for food production are brought up by the expansion of industrial farming, for example. The deeply ingrained notion of "ahimsa" in Indian spiritual traditions might act as a compass in addressing this issue.