

Rethinking Animal Laws in the 21st Century: Towards a Paradigm Shift in Legal Protection and Ethical Considerations



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Abstract

The 21st century presents a critical juncture in the evolution of human-animal relations, marked by increasing awareness of animal rights and welfare. There is an imperative need for rethinking and reformulating animal laws to address contemporary ethical dilemmas and societal expectations. However, the emergence of animal rights movements and growing scientific evidence of animal sentience challenge this anthropocentric perspective, necessitating a fundamental shift in legal paradigms. In this context, the researchers delve into the multifaceted dimensions of rethinking animal laws. Firstly, it is emphasized that the significance of recognizing animals as sentient beings entitled to inherent rights, including the right to life, liberty, and freedom from cruelty. Such recognition entails revisiting existing legal classifications of animals as mere property and instead acknowledging their moral standing within the legal system. Furthermore, there is a need for legislative reforms that reflect evolving ethical norms and scientific understanding. This entails enacting comprehensive animal protection statutes that incorporate principles of animal dignity, non-discrimination, and proportionate punishment for animal abuse. Additionally, it advocates for the establishment of specialized tribunals or enforcement agencies dedicated to enforcing animal welfare laws and ensuring accountability. In parallel, the researchers explore the role of international law and transnational cooperation in advancing animal rights agendas across borders. Given the global nature of many animal-related issues, effective legal frameworks must transcend national boundaries and promote harmonization of standards to prevent jurisdictional loopholes and regulatory inconsistencies. Lastly, the researchers examine the intersectionality of animal laws with other branches of law, such as environmental law, property law, and human rights law. By fostering interdisciplinary dialogue and collaboration, legal scholars and practitioners can develop integrated approaches that address complex challenges while upholding the principles of justice and equality. In conclusion, rethinking animal laws in the 21st century demands a paradigm shift towards recognizing animals as sentient beings deserving of legal protection and ethical consideration. By embracing a holistic and interdisciplinary approach, legal frameworks can be reformed to reflect evolving societal values and promote the well-being of animals, humans, and the environment alike.

1. Introduction

1.1 Background

The relationship between humans and animals has long been intertwined, shaped by a complex interplay of cultural, social, and legal dynamics. Throughout history, animals have been regarded primarily as resources to be exploited for various human needs, whether as sources of food, labour, or entertainment. This utilitarian view has been reflected in legal frameworks that have traditionally treated animals as mere property, devoid of inherent rights or moral standing.

However, the dawn of the 21st century heralds a pivotal moment in the evolution of this relationship, marked by a burgeoning awareness of animal rights and welfare concerns. The traditional anthropocentric perspective, which prioritizes human interests over those of animals, is increasingly being challenged by ethical considerations and scientific discoveries regarding animal sentience and cognition. As societies become more attuned to the suffering and welfare of animals, there is a growing recognition of the need to re-evaluate and reformulate existing legal paradigms governing their treatment.

This shift in consciousness is not only driven by moral imperatives but also by pragmatic considerations related to public health, environmental sustainability, and social justice. The welfare of animals is intrinsically linked to broader societal concerns, such as the proliferation of factory farming practices, the exploitation of wildlife, and the degradation of natural habitats. Addressing these issues requires a holistic approach that acknowledges the interconnectedness of human and animal well-being and seeks to mitigate the harms inflicted on both.

1.2 Research Problem

Amidst these shifting societal attitudes and global imperatives, the central research question that guides this study is: How can legal frameworks governing animal protection be re-imagined and reformed in the 21st century to better reflect evolving ethical norms, scientific understanding, and societal expectations?

2. Literature Review

2.1 Maneka Gandhi and Ozair Hussain, *Animal Laws in India* (6TH Ed.2016)

This study encompasses various central and state laws, as well as rulings from the Supreme Court and High Courts concerning animals. Chapter IV offers a thorough analysis of the protection afforded to animals in India across different human uses, while Chapter V specifically addresses the protection granted to certain animal classes. Additionally, Chapter VI examines how these principles are interpreted by the Indian judiciary. However, these analyses do not sufficiently elucidate the specific legal status and level of statutory protection for animals under human control. Thus, there is a need for further research to delve into the legal safeguarding of animals, with a particular focus on reviewing relevant animal welfare legislation in India.

2.2 Rajeev Dhavan, *Do Animals Have Rights* (1ST ED.20002)

The book notes that Indian law does not grant animal's legal personality; rather, they are treated as objects rather than subjects of human rights. The author argues in favor of denying animal's personhood due to their inability to understand and fulfil "duties", which are integral to the concept of "rights". Chapter II conducts a comprehensive examination to determine the legal standing of animals and applies various theories of rights to assess whether their characteristics are sufficient to warrant the attribution of "personality" for the enjoyment of rights guaranteed by human-made laws.

2.3 Smt. Saraswathy Ramaraj, *Ensure an Era of Animal Welfare Movement* (1st Ed.1999)

The text highlights the significance of implementing animal welfare programs in India and emphasizes the need for a collaborative approach involving activists and NGOs to ensure effective animal protection. Chapter IV conducts a thorough examination of various forms of animal cruelty and includes different rules aimed at safeguarding their welfare. Additionally, Chapter III delves into the programs and policies adopted by international organizations and regional groups, while also conducting a legislative comparison and analysis of different countries' interventions in animal care.

2.4 Savitri Devi, *Impeachment of Man* (1ST Ed.1959)

Written between 1945-1946, the book reflects the author's perspective on the natural world, criticizing the anthropocentric or utilitarian worldview. It analyzes various religious principles regarding human exploitation of animals and advocates for a ban on any form of use that may cause animals' pain. The author encourages using human intellectual capacity to cultivate empathy for all living beings. The work examines the conflicting interests of humans and animals and evaluates the state's role in reconciling these interests, particularly explored in Chapter II. While the study prioritizes the state's responsibility in protecting non-human interests, it does not primarily focus on the ethical principle of promoting kindness to animals.

3. Legal Analysis

Animal Protection Laws in India provide a very limited data and protection to animals including wild animals, domesticated animals in India. This can be understood in rather very simple terms in two ways:

3.1. Statutory Framework

In India, the legal landscape concerning animal protection is primarily governed by the Prevention of Cruelty to Animals Act, 1960 (PCA Act).⁵ Enacted with the objective of preventing cruelty to animals and ensuring their welfare, the PCA Act establishes a comprehensive framework for regulating various aspects of human-animal interactions.

The relevant laws with respect to animals are discussed hereinunder:

3.1.1. Constitution of India

3.1.1.1. Fundamental Rights

In the Indian Constitution, Part III outlines Fundamental Rights, essential for individual development. Article 21, known as the Right to Life, guarantees protection from deprivation of life or personal liberty except through lawful procedures. The Supreme Court, considering it the cornerstone of personal freedoms, has interpreted it expansively, encompassing rights like food, shelter, and education. Notably, in *Animal Welfare Board of India v. A. Nagaraja & Others.*, the Court extended the Right to Life to animals, recognizing their intrinsic worth and dignity, marking a significant advancement in animal welfare jurisprudence within the constitutional framework.

3.1.1.2. Directive Principles of State Policy

The Directive Principles of State Policy (DPSP), outlined in Part IV of the Indian Constitution, guide the formulation of laws and policies by the State for the establishment of a just society. Among them, Article 48 [8] emphasizes the modernization of agriculture and animal husbandry, advocating for the preservation and improvement of cattle breeds while prohibiting their slaughter. This directive, contentious due to cultural and religious sensitivities surrounding cow worship, has undergone judicial scrutiny. Courts, in cases like *Abdul Hakim Qureshi v. State of Bihar* [9] and *Mohd. Hanif Qureshi v. State of Bihar* [10], interpreted Article 48 narrowly, restricting its scope to cows, calves, and specific cattle breeds. However, in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat* [11], the Supreme Court expanded Article 48's ambit, advocating for a total ban on cow slaughter and emphasizing compassion towards animals.

Article 48A [12, introduced by the 42nd Amendment, underscores the State's duty to protect the environment and wildlife. Although not legally binding, courts have acknowledged its significance in matters of environmental conservation. In *M.C. Mehta v. Union of India* [13], the Supreme Court highlighted Articles 39, 47, and 48A in addressing air pollution, emphasizing the State's obligation to ensure public health and environmental well-being. Similarly, in *Sachidanand Pandey & Ors. v. State of West Bengal & Ors* [14], the Court emphasized the relevance of Article 48A in matters concerning ecological preservation.

3.1.1.3. Fundamental Duties

Article 51A [15] of the Indian Constitution, introduced through the 42nd Amendment, outlines the Fundamental Duties of citizens. Among these duties, clauses (g) and (h) emphasize the responsibility to protect the natural environment, including wildlife, and to cultivate compassion for all living beings. In *Animal Welfare Board of India v. A. Nagaraja & Ors.* [7], the Supreme Court interpreted clause (g) as advocating for the well-being of animals. This duty, alongside the obligation to foster scientific temper under clause (h), forms the cornerstone of animal rights jurisprudence. Additionally, in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & Ors.* [10], the Court underscored the interconnectedness of Article 51A with Articles 48 and 48A, ensuring coherence in upholding the principles of environmental conservation and animal welfare.

3.1.1.4. List under schedule VII of the Constitution:

In matters concerning animal rights, states are empowered to preserve livestock, prevent diseases, and regulate veterinary practices under Item 14 of the State List. Additionally, both the central and state governments can legislate on preventing cruelty to animals and safeguarding wild animals and birds under Items 17 and 17B of the Concurrent List.

3.1.2. Indian Penal Code, 1860 [18]

Sections 428 and 429 of the Indian Penal Code address offenses against animals. They penalize individuals for causing harm or rendering animals useless, with imprisonment for up to two years, a fine, or both, if the animal's value is ten rupees or higher. These sections aim to deter actions such as killing, poisoning, or maiming animals. The law recognizes the value of animal welfare and imposes consequences for those who engage in acts that harm or degrade animals, aiming to protect and preserve their well-being within the legal framework.

3.1.3. Prevention of cruelty to animals Act, 1960 [5]

3.1.3.1. Objective

The Act aims to prevent the infliction of pain or suffering on animals and amend laws related to cruelty towards animals. It defines animals broadly, encompassing any living creature other than humans.

3.1.3.2. Establishment of the Animal Welfare Board of India (AWBI)

The Act establishes the AWBI, tasked with advising the government on amendments to prevent animal suffering during transportation, experimentation, or captivity. The Board also promotes financial assistance, shelters, medical care regulations, and public education on humane treatment of animals.

3.1.3.3. Enumerated Cruelty

Section 11 of the Act lists various acts considered as cruelty towards animals. This includes physical abuse, overwork of unfit animals, administration of harmful drugs, improper transportation, inadequate shelter or nutrition, abandonment, and cruel methods of killing or mutilating animals.

3.1.3.4. Exceptions Provided Under the Act

While the Act prohibits cruelty towards animals, it provides exceptions for certain activities deemed necessary, such as castration or dehorning of cattle in prescribed manners, destruction of stray dogs, or extermination of animals under lawful authority.

3.1.3.5. Regulation of Animal Experimentation

Part IV of the Act regulates animal experimentation, permitting it for scientific advancement under the supervision of a government-appointed committee. This committee has the authority to prohibit experimentation if necessary.

3.1.3.6. Penalties for Violations

Violations of the Act incur fines ranging from Rs. 10 to Rs. 100, with potential imprisonment of up to three months for repeat offenders. Performing harmful operations on animals or contravening committee orders on animal experimentation carries more severe penalties, including fines up to Rs. 1000 and imprisonment up to two years.

3.1.3.7. Compliance with International Standards

The Act aligns with international standards and conventions related to animal welfare, reflecting India's commitment to promoting ethical treatment of animals on a global scale. The Prevention of Cruelty to Animals Act of 1960 serves as a comprehensive legal framework for protecting the welfare of animals in India.

3.1.4. The Wildlife Protection Act, 1972 [20]

The Wildlife Protection Act, 1972 (WPA) is another significant piece of legislation aimed at conserving India's wildlife heritage and preventing exploitation of endangered species. While primarily focused on wildlife conservation, the WPA includes provisions for the protection of captive animals and regulates activities such as hunting, trading, and transportation of wildlife.

3.1.5. The Performing Animals (Registration) Rules, 2001 [21]

In addition to overarching legislation, specific rules and regulations govern the use of animals in entertainment and performance contexts. The Performing Animals (Registration) Rules, 2001, mandate the registration of performing animals and set standards for their housing, transportation, and treatment during performances.

3.1.6. The Transport of Animals (Amendment) Rules, 2001 [19]

Recognizing the need to ensure humane transportation of animals, the Transport of Animals (Amendment) Rules, 2001, prescribe guidelines for the transportation of animals by road, rail, sea, or air. These rules aim to prevent overcrowding, injury, and suffering during transit.

3.1.7. International Convention for the Protection of Animals [20]

It seeks to institute a practical mechanism which resolves the differences arising from the character and implementation of animal protective legislation of the various States, and meaningful and effective improvements in the treatment of animals and fulfilment of mankind's obligations toward animals.

Article 1 talks about the Fundamental principles that no animal should be killed unnecessarily or be subjected to cruel acts or to unnecessary suffering.

Article 6 talks about transportation of animals that the Contracting Parties shall take all appropriate steps to prevent cruelty and reduce suffering to the minimum in the transportation of any animal.

Article 8 discuss about necessary care of commercial animals which provides that the Contracting Parties shall take all appropriate steps to assure that commercial animals shall be provided an appropriate environment and

the necessary care for their well-being and shall be reared, maintained, used and killed without the infliction of unnecessary suffering or cruelty.

3.1.8. Protocol for The International Transportation of Animals [21]

3.1.8.1. Purpose and Scope

The protocol aims to establish comprehensive regulations ensuring the humane transportation of animals across international borders, focusing on their welfare and minimizing stress and suffering during transit. It defines "transportation" broadly, encompassing all stages and modes of travel, excluding the non-commercial movement of companion animals.

3.1.8.2. Prohibited Conditions

The protocol prohibits transportation under conditions that may harm animals, including inadequate containers, exposure to harmful substances, extreme weather, overcrowding, and lack of food or water.

3.1.8.3. Health Certification and Medical Attention

Animals must be accompanied by a veterinary health certificate confirming their fitness for travel and freedom from infectious diseases. Animals requiring medical attention during transit must receive prompt veterinary care or humane euthanasia if necessary.

3.1.9. European Convention for the Protection of Pet Animals [22]

3.1.9.1. Objective

The European Convention for the Protection of Pet Animals aims to safeguard the welfare of pet animals and promote responsible pet ownership practices across member states. The convention establishes fundamental guidelines for the breeding, boarding, and keeping of pet animals, with the overarching goal of ensuring their well-being.

3.1.9.2. International Cooperation

The convention also facilitates international cooperation and coordination on issues related to pet animal welfare, including the sharing of information, expertise, and resources to address common challenges and promote positive outcomes for pets.

3.2 Bridge the Gap: Strengthening Animal Protection Laws beyond Judicial Intervention

In addition to statutory provisions, judicial decisions play a crucial role in interpreting and enforcing animal protection laws. Indian courts have issued several landmark judgments affirming the rights of animals and holding perpetrators of cruelty accountable.

The AWBI undertakes various functions, including the inspection of establishments involved in the care and management of animals, the accreditation of animal welfare organizations, and the dissemination of information and educational materials on animal welfare issues.

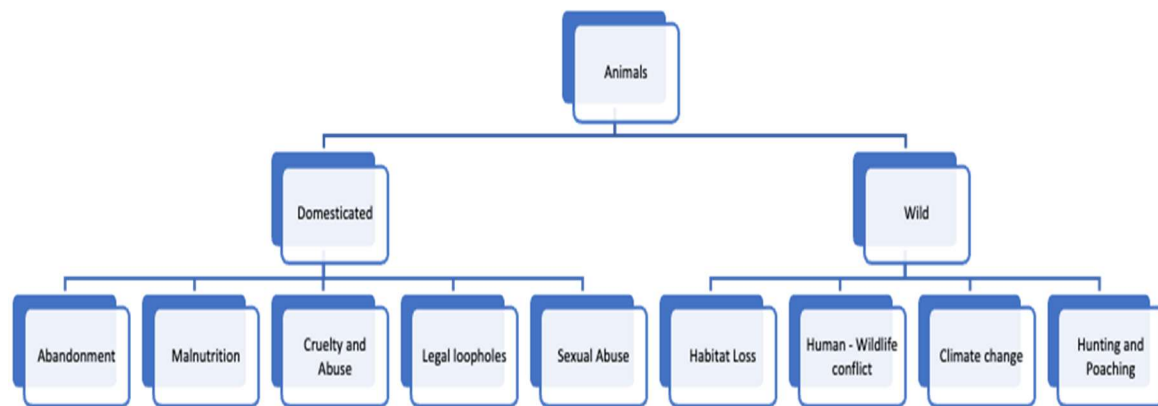
Over the years, judicial interpretation has played a significant role in shaping the contours of animal protection laws in India. Courts have elucidated the scope and applicability of statutory provisions, clarified the rights and responsibilities of stakeholders, and pronounced landmark judgments that have had far-reaching implications for animal welfare jurisprudence.

In the realm of animal protection laws in India, judicial activism and the presence of regulatory bodies have undoubtedly played significant roles in addressing instances of animal cruelty. However, despite the commendable efforts of the judiciary and regulatory authorities, the efficacy of existing legislation remains questionable. One glaring issue is the inadequacy of prescribed punishments for perpetrators of animal cruelty. While judicial interventions may lead to convictions, the penalties outlined in current laws often fail to reflect the severity of the offenses committed. For instance, under Section 11 of the Prevention of Cruelty to Animals Act, 1960, the fines imposed for acts of cruelty are minimal, ranging from Rs 10 to Rs 50 for a first offense, and up to Rs 100 or imprisonment for subsequent offenses within three years [23]. Similarly, IPC Section 429 [24], which addresses killing, poisoning, or maiming animals, carries punishments of fines or imprisonment for up to five years, yet these penalties may not serve as effective deterrents against animal cruelty. As such, there exists a pressing need to revisit and revise existing legislation to ensure that perpetrators are met with more substantial consequences that reflect the gravity of their actions, thereby fostering a more robust framework for animal protection in India.

In this paper, the researchers are focusing on the delicacies faced by domesticated animals in India. Domesticated animals as defined by Merriam-Webster are, 'any of various animals (such as the horse or sheep) domesticated so as to live and breed in a tame condition [25]. The general understanding with respect to this is that they are used in various domestic and commercial activities. Some of these activities include transportation, agriculture, wool farming, tradition and ceremonies, gaming and entertainment etc.

Historically, the use of animals as discussed above was important as there was no other means for transportation/entertainment/agriculture and the like, but on a day like today, in the name of conventions, traditions and heritage, animals are still being tortured and trained to do what they've been doing since centuries.

The present research endeavors to explore the intricacies surrounding the treatment of domesticated animals in India, with a particular emphasis on those utilized for public entertainment purposes. While acknowledging the diverse array of animal-related issues prevalent in the country, this paper narrows its scope to the legal frameworks governing the treatment of domesticated animals, encompassing both stray and pet populations. By delving into case law and legislative measures, this study aims to shed light on the persistent challenges and ethical considerations surrounding the use of animals in public entertainment, against the backdrop of evolving societal norms and cultural traditions. This is better understood with the help of case studies and real-life examples.



3.2.1. Case: The Animal Welfare Board of India vs Union of India [26]

The case examines the legality of traditional bovine sports like Jallikattu and Bullock Cart Race in light of the Prevention of Cruelty to Animals Act, 1960 [27]. Despite a previous court ruling outlawing these practices, State Amendment Acts in Tamil Nadu, Maharashtra, and Karnataka sought to legitimize them. Challenges were raised through writ petitions, questioning the compatibility of these amendments with constitutional provisions and previous judicial decisions. Central to the debate were concerns regarding animal welfare and cultural preservation, highlighting the delicate balance between tradition and ethical treatment of animals. The Court's analysis focused on interpreting statutes, presidential assent procedures, and the implications of state legislation on animal rights. This case underscores the ongoing discourse surrounding the ethical and legal dimensions of traditional practices in the context of animal welfare laws in India.

3.2.2 Case: Animal Welfare Board of India v. A. Nagaraja & Ors. (2014) [28]

In the legal analysis provided, the court deliberates on the compatibility of the Tamil Nadu Regulation of Jallikattu Act (TNRJ Act) [29] with the Prevention of Cruelty to Animals Act (PCA Act). The court emphasizes that the PCA Act is a welfare legislation aimed at preventing unnecessary pain and suffering to animals, while the TNRJ Act focuses on the conduct of events like Jallikattu, prioritizing human interests and traditions.

The court concludes that the TNRJ Act's provisions allowing events like Jallikattu conflict with the PCA Act's objectives of safeguarding animal welfare. It asserts that animals have rights under the PCA Act, including the right to be free from unnecessary pain and suffering, which must be upheld. The court declares the TNRJ Act unconstitutional and void, stating that the rights of animals under the PCA Act cannot be infringed upon by laws promoting activities that cause them harm. The judgment upholds a central government notification prohibiting the use of bulls in performing events like Jallikattu, emphasizing the need for effective enforcement of animal welfare laws.

3.2.3 Case Study: Exploitation and Abuse of Elephants in Kerala: A Research Overview [30]

The recent incident involving a pregnant wild elephant in Kerala has sparked widespread concern over the mistreatment of elephants in the region. Despite their revered status in cultural and religious ceremonies, elephants often endure cruelty and abuse during capture, training, and captivity. The use of coercive methods, such as physical beatings and restrictive tools, inflicts both physical and psychological trauma on these animals. Temple festivals further exacerbate exploitation, with dangerous elephants sometimes being showcased despite safety risks. Captive elephants like Nandan suffer in distressing conditions, unable to exhibit natural behaviors. Beyond religious contexts, elephants are exploited for commercial purposes, perpetuating a cycle of abuse.

driven by demand for tall tuskers. These tragic circumstances underscore the urgent need for enhanced regulatory measures and enforcement actions to protect the welfare of elephants. Recognizing elephants as sentient beings with complex needs, rather than commodities for human use, is crucial for ensuring their humane treatment in Kerala and beyond.

3.2.4 Case Study: Six Puppies Found Dead in Delhi [31]

Six newborn puppies were brutally murdered, with one beheaded and others subjected to severe brutality including crushed skulls and jaws and cut tongues.

While an FIR was filed under Section 11L of the Prevention of Cruelty to Animals Act, 1960 [23], which imposes a fine ranging from Rs 10 to Rs 50 for such offenses. A request for Stringent Action was raised by the caregivers who urged the authorities to charge the accused under Section 429 [24] of the IPC, which carries punishment of imprisonment for up to five years or fine for killing, poisoning, or maiming animals. However, the whole scenario faced multifaceted problems including investigation Challenges in the form of delays in post-mortem due to unavailability of doctors, prompting caregivers to preserve the bodies themselves for examination. Therefore, no follow up steps have been taken by the authorities for the lack of investigation and evidence resulting in no solution being arrived at.

As understood from above, the laws although existent need some modifications and changes to be applicable in the 21st century for the recognition and protection of Animal Rights in India. This could be inspired by morals, existing laws in developed countries and proper application of international customs and conventions. These are recommended in the paragraph below:

4. Recommendations

4.1. Amendment of Existing Legislation

The PCA Act, 1960, and other relevant statutes should be amended to include more stringent penalties for animal cruelty offenses. This includes increasing fines, imposing longer imprisonment terms, and introducing provisions for confiscation of assets derived from illegal activities.

4.2. Capacity Building and Training

Training programs should be conducted for law enforcement agencies, veterinary professionals, and judicial authorities to enhance their understanding of animal welfare laws and enforcement procedures. This will enable more effective investigation, prosecution, and adjudication of animal cruelty cases.

4.3. Public Awareness and Education

Public awareness campaigns and educational initiatives should be launched to promote compassion towards animals and raise awareness about their rights. This can be achieved through school curriculums, community outreach programs, and media campaigns highlighting the importance of ethical treatment of animals.

4.4. Enhanced Enforcement Mechanisms

Strengthening enforcement mechanisms is essential to ensure compliance with animal protection laws. This includes increasing the number of inspectors, establishing specialized units for animal welfare enforcement, and providing them with necessary resources and infrastructure.

4.5. Regulation of Traditional Practices

Traditional practices involving animals should be subjected to rigorous scrutiny to assess their compatibility with contemporary ethical standards and animal welfare principles. Legislative measures should be introduced to regulate and, where necessary, prohibit practices that cause undue harm to animals.

4.6. International Collaboration

Collaboration with international organizations and adherence to international conventions and protocols on animal welfare can provide valuable insights and support in formulating and implementing effective animal protection policies. This includes sharing best practices, exchanging information, and seeking assistance in capacity building initiatives.

4.7. Research and Advocacy

Further research is needed to assess the impact of existing laws and enforcement mechanisms on animal welfare outcomes. Advocacy efforts should be intensified to lobby for legislative reforms, raise public awareness, and mobilize support for animal protection initiatives.

In conclusion, addressing the challenges faced by domesticated animals in India requires a multi-faceted approach encompassing legislative reforms, enforcement measures, public awareness campaigns, and international collaboration. By prioritizing animal welfare and adopting a proactive stance towards addressing

emerging issues, India can pave the way for a more compassionate and humane society where animals are treated with dignity and respect.

5. Conclusions

Inadequate Penalties: The penalties outlined in current legislation, particularly under the PCA Act, 1960, and IPC Section 429, often fail to reflect the severity of animal cruelty offenses. The minimal fines and imprisonment terms prescribed may not serve as effective deterrents against perpetrators of cruelty.

Enforcement Challenges: Despite the presence of regulatory bodies and designated authorities, enforcement mechanisms face challenges such as delays in investigation, lack of trained personnel, and inadequate resources. These challenges hinder the effective implementation of animal protection laws at the grassroots level.

Cultural and Traditional Practices: Traditional practices such as Jallikattu and Bullock Cart Races continue to raise ethical and legal dilemmas concerning animal welfare. While cultural preservation is important, it must not come at the expense of animal suffering. Balancing tradition with ethical considerations requires a nuanced approach that prioritizes the welfare of animals.

Legislative Gaps: There are legislative gaps in addressing emerging issues such as the exploitation of elephants in religious ceremonies and commercial activities. Existing laws may not adequately cover these practices, necessitating amendments and stricter regulations to protect the welfare of animals involved.

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Conflict of Interest

The authors declare that there is no conflict of interest related to this research work.

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References

- [1] Gandhi, M., Hussain, O., Panjwani, R. (2016). *Animal laws of India* (6th ed.). Universal Law Publishing, an imprint of LexisNexis.
- [2] Dhavan, R. (2000). *Do animals have rights* (1st ed.).
- [3] Ramraj, S. (1999). *Ensure an era of animal welfare movement* (1st ed.).
- [4] Devi, S. (1959). *Impeachment of man* (1st ed.), Noontide Press.
- [5] The Prevention of Cruelty to Animals Act, No. 59 of 1960 (India).
- [6] The Constitution of India (1950).
- [7] Animal Welfare Board of India v. A. Nagaraja & Others, (2014) 7 SCC 547.
- [8] The Constitution of India, art. 48.
- [9] Abdul Hakim Qureshi v. State of Bihar, [1961] SCR (2) 610.
- [10] Mohd. Hanif Qureshi v. State of Bihar, AIR 1958 SC 731.
- [11] State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat, AIR 2005 SCW 5723.
- [12] The Constitution of India, art. 48A.
- [13] M.C. Mehta v. Union of India, AIR 2002 SCW 1633.
- [14] Sachidanand Pandey & Others v. State of West Bengal & Others, AIR 1987 SC 1109.
- [15] The Constitution of India, art. 51A(g).
- [16] The Indian Penal Code, No. 45 of 1860 (India).
- [17] The Wildlife (Protection) Act, No. 53 of 1972 (India).
- [18] The Performing Animals (Registration) Rules, 2001 (India).
- [19] The Transport of Animals (Amendment) Rules, 2001 (India).
- [20] International Convention for the Protection of Animals, 1988.
- [21] Central Zoo Authority. (2024, March 26). G-17.pdf. Retrieved at 23:45 from <https://cza.nic.in>
- [22] European Convention for the Protection of Pet Animals, No. 125, Strasbourg, 13.XI.1987.
- [23] Prevention of Cruelty to Animals Act, 1960. (2024, February 23). Retrieved at 05:30 from <https://www.animallaw.info/statute/cruelty-prevention-cruelty-animals-act-1960>
- [24] Joshi, G. (2021). Punishment for animal cruelty and laws for animal welfare in India. iPleaders. <https://blog.ipleaders.in/punishment-animal-cruelty-laws-animal-welfare-india/>
- [25] Merriam-Webster. (2024). Domestic animal. <https://www.merriam-webster.com/dictionary/domestic%20animal>
- [26] Writ Petition (Civil) No. 23 of 2016.
- [27] The Hindu. (2023). Supreme Court upholds laws allowing Jallikattu, Kambala.
- [28] Animal Welfare Board of India v. A. Nagaraja & Others, (2014) 7 SCC 547.
- [29] The Tamil Nadu Regulation of Jallikattu Act, No. 27 of 2009 (India).

- [30] Shaji, K. (2019). To parade or not: An elephantine problem at Thrissur Pooram. Mongabay-India. <https://india.mongabay.com>
- [31] Rahul, M. (2024). Animal cruelty in Delhi: 6 puppies brutally murdered in Mayur Vihar, one of them beheaded. Free Press Journal. <https://www.freepressjournal.in>
- [32] Ghosh, C. (n.d.). Animal laws in India. Legodesk. <https://legodesk.com/legopedia/animal-laws-in-india/>