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The Evolving Jurisprudence of Animal Rights in India

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ABSTRACT

The discourse of animal rights has been gaining currency within the rights canon as a result of sustained advocacy, activism and learnedness. Emerging from a commitment to justice for animals, the exponents view animal rights as a corollary of human rights. This research paper examines the complex and multifaceted notion of animal rights in India. It argues that India possesses a unique and robust legal framework for animal protection, deeply rooted in its ancient cultural and religious ethos of Ahimsa (non-violence) and the constitutional duty of compassion. However, a significant gap persists between the de jure strength of these laws and their de facto enforcement, undermined by societal apathy, institutional failures, and competing economic interests. The paper begins by exploring the philosophical and historical foundations of animal welfare in Indian thought, tracing its evolution from ancient texts to the pre-colonial and colonial eras. It then provides a detailed analysis of the contemporary legal architecture, including constitutional mandates, the cornerstone Prevention of Cruelty to Animals Act (1960), wildlife protection laws, and a series of groundbreaking judicial pronouncements that have expanded the scope of animal rights. The paper further investigates the stark challenges in implementation, citing specific case studies and areas of concern like animal agriculture, entertainment, and stray animal management. Finally, it concludes by evaluating recent judicial trends and proposing recommendations for bridging the enforcement gap to realize a more compassionate and legally secure existence for animals in India.

Keywords: *Animal Rights, Judiciary, Animal Welfare, Enforcement, Constitutional Morality.*

I. INTRODUCTION

The discourse on animal rights has gained significant global momentum, transitioning from a fringe philosophical concern to a mainstream subject of legal, ethical, and political debate. In India, this discourse is uniquely positioned at the intersection of deep-seated religious principles, an evolving post-colonial legal system, and the pressing practicalities of a developing nation. The question of how a society treats its non-human citizens is a profound

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measure of its empathy and civilizational maturity.

Two of the most dominant approaches within animal protection activism are the animal welfare principle and the animal rights framework. The former finds as its impetus the need to mitigate the ‘unnecessary’ exploitation of animals. The priority is the prevention of cruelty towards animals or curbing the worst excesses that are perpetrated by using the instrument of law or any other means such as non-governmental action. Underpinning the welfarism that motivates many committed activists, apart from the acknowledgement that ‘speciesism’ privileges the human species and is a form of discrimination and a denial of ethical equal consideration towards animals, is perhaps an anxiety that the brutality of humans in their exploitation of animals brings them closer to ‘animality’ in all its connotations of irrationality and violence.² The conferring of personhood is a recognition of the moral standing of those animals that hold subjective interests which must be encapsulated within the law so as to guarantee to them a right to be taken into account or to have their interests considered in all decisions that have the potential to affect them. Rights for animals do not have to remain limited to the negative right to not be harmed and can also include positive rights that facilitate the realisation of their interests and their ability to lead a better life. In the view of animal rights activists, right hood is a legal entitlement that would preclude the arbitrary repression of basic animal interests for the sake of human preference, convenience or perception of a greater good.³

India presents a fascinating paradox. It is a nation where the cow is revered by millions, yet where cattle smuggling and illegal slaughterhouses thrive; where deities are depicted with animal vehicles (*vahanas*), yet where those very animals may suffer in captivity; and where the judiciary has delivered spectacular judgments attributing legal rights to animals, yet where enforcement remains woefully inadequate. This paper seeks to unravel this irony by critically analysing the state of animal rights in India.

The core proposition is that India’s legal framework for animal protection is, apparently, remarkably advanced and philosophically grounded, but its potential is drastically diluted by systemic failures in implementation, lack of awareness, and insufficient political will. Through an examination of its historical roots, statutory provisions, judicial activism, and ground-level realities, this paper will provide a holistic view of the triumphs and tribulations in the fight for animal rights in India.

² Sravya V, Meghna Chakravorty, Madhurima KVS, “The Limits of Animal Rights: Exploring the Case for Multispecies Justice” 2 *ILI Law Review* 36-55(2023).

³ G.L. Francione, *Animals as Persons: Essays on the Abolition of Animal Exploitation* 186-209 (Columbia University Press, 2008).

II. PHILOSOPHICAL AND HISTORICAL FOUNDATIONS: THE ETHOS OF AHIMSA

The concept of animal welfare in India is not a modern Western import but is deeply embedded in its ancient philosophical and religious traditions. The most significant contribution is the principle of *Ahimsa Parmo Dharma* (non-violence is the supreme duty). This tenet, central to Hinduism, Buddhism, and Jainism, advocates for causing no harm to all living beings.

- **Jainism:** This religion offers the most rigorous exposition of Ahimsa. Its doctrine of extreme non-violence dictates a strict vegetarian lifestyle and professions that avoid harm to any creature, even insects. The practice of *Sallekhana* and the meticulous sweeping of paths to avoid stepping on ants are testaments to this deep reverence for life.⁴
- **Buddhism:** Lord Buddha preached compassion (*Karuna*) for all sentient beings. The first precept of Panchsheel is to abstain from destroying life. Buddhist texts and narratives are replete with stories emphasizing the sanctity of animal life, such as the Jataka tales where the Buddha sacrifices himself for animals.⁵
- **Hinduism:** The Vedic and Upanishadic texts espouse a cosmic unity among all creation. The law of Karma implies that violence against animals will have negative consequences for the perpetrator. The concept of rebirth, where a soul can inhabit any life form, fosters a sense of kinship with animals. The protection of the cow, considered a motherly figure (*Gau Mata*), is the most visible manifestation of this ethos.⁶
- **Islamic and Christian Traditions:** While often highlighted less, Islamic principles of *Zabiha* (humane ritual slaughter) and prohibitions against animal fighting, and Christian teachings on stewardship of God's creation, also contribute to the tapestry of thought on animal treatment in India.⁷

This historical foundation created a societal norm where compassion for animals was a moral imperative. Pre-colonial edicts, such as those of Emperor Ashoka (3rd century BCE), explicitly called for the protection of animals, established veterinary hospitals, and banned animal sacrifices.⁸ This indigenous tradition, however, was disrupted and codified through a Western

⁴ Anne Vallely "Gardens of Life: Jain Perspectives on Animals", in Paul Waldau, Kimberly Patton *et.al* (eds.), *A Communion of Subjects: Animals in Religion, Science, and Ethics* 15-20 (Columbia University Press, 2006).

⁵ Bodhipaksa, *Vegetarianism: A Buddhist View* 27 (Windhorse Publications, Cambridge, 2016)

⁶ Christopher Key Chapple, *Nonviolence to Animals, Earth, and Self in Asian Traditions* 65 (State University of New York Press, 1993).

⁷ Richard C. Foltz, *Animals in Islamic Tradition and Muslim Cultures* 15 (Oneworld Publications, Bloomsbury, London, 2006).

⁸ Romila Thapar, *Ashoka and the Decline of the Mauryas* 56 (Oxford University Press, New Delhi, 1997).

lens during the colonial period.

The first formal animal protection law was the British-era Prevention of Cruelty to Animals Act of 1890, which was limited in scope. The colonial mindset often viewed Indian compassion for animals as sentimentalism, while simultaneously introducing practices like game hunting for sport. The modern legal structure, therefore, is a blend of indigenous philosophy and colonial legal frameworks.

III. THE LEGAL ARCHITECTURE OF ANIMAL PROTECTION IN INDIA

The Indian legal system provides a multi-layered protective shield for animals, encompassing constitutional goals, central acts, state amendments, and municipal laws.

Constitutional Mandate

The Indian Constitution, though not granting express “rights” to animals, imposes a fundamental duty on its human citizens to show compassion.

- **Article 51A(g):** This article mandates that it shall be the fundamental duty of every citizen of India “to protect and improve the natural environment including forests, lakes, rivers and wildlife **and to have compassion for living creatures.**” This is a directive principle that elevates compassion from a personal virtue to a constitutional obligation.⁹
- **Article 48:** This Directive Principle of State Policy advises the state to “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.”¹⁰ This has been the basis for various state laws banning cow slaughter.
- **Article 21:** The judiciary has expansively interpreted the fundamental right to life and personal liberty under Article 21 to include a right to a healthy environment, ecological balance, and, by extension, the welfare of animals which are part of this ecosystem.¹¹

The Prevention of Cruelty to Animals Act, 1960 (P.C.A. Act)

This is the primary legislation for animal welfare in India. It defines “animal” broadly and lists various forms of cruelty, including beating, overloading, mutilating, confining in an inadequate space, and abandoning an animal.¹² Key features include:

⁹ The Constitution of India, Art. 51A(g).

¹⁰ *Id.* Art. 48.

¹¹ *Animal Welfare Board of India v. A. Nagaraja & Ors.* (2014) 7 SCC 547.

¹² The Prevention of Cruelty to Animals Act, 1960 (Act No. 59 of 1960) sec.2(a).

- **Definition of Cruelty:** Section 11 provides an exhaustive list of acts constituting cruelty, punishable with a fine of up to ₹50 (a notoriously inadequate sum) or imprisonment up to three months, or both.¹³
- **Establishment of the Animal Welfare Board of India (AWBI):** Section 4 establishes the Animal Welfare Board of India as the statutory advisory body on animal welfare laws and promotion.¹⁴
- **Regulations on Specific Practices:** The Act provides for rules to regulate experimentation on animals, the use of performing animals, the operation of slaughterhouses, and the prevention of cruel farming practices.

The P.C.A. Act's major criticism is its meek penalties, which have not been revised significantly since 1960, making them ineffective as a deterrent.

The Wildlife Protection Act, 1972

This Act provides a more stringent framework for protecting wild animals, birds, and plants. It establishes schedules categorizing species based on their level of protection, bans hunting, and regulates trade in wildlife and wildlife products.¹⁵ It created the infrastructure for protected areas (national parks, sanctuaries) and bodies like the National Tiger Conservation Authority. Penalties under this Act are far more severe, including imprisonment of up to 7 years.

Other Relevant Laws

- **The Bhartiya Nyaya Sanhita 2023(B.N.S.):** Sections 325 of B.N.S. criminalizes mischief by killing, poisoning, maiming, or rendering useless any animal. The punishment includes imprisonment for a term that may extend to five years, a fine, or both. This section is intended to protect animals from intentional harm and applies to animals used for work, companionship, or economic purposes.¹⁶
- **Municipal Laws and Police Acts:** Local municipal laws mandate the maintenance of cattle pounds, and rules for the management of slaughterhouses and pet shops. Police acts often have provisions against causing public nuisance, which can be used in cases of animal cruelty.

IV. JUDICIAL ACTIVISM: EXPANDING THE HORIZONS OF ANIMAL RIGHTS

The Indian judiciary has played a pioneering role in expanding the scope of animal rights, often

¹³ *Ibid.*, sec. 11.

¹⁴ *Ibid.*, sec. 4.

¹⁵ The Wildlife (Protection) Act, 1972, Act No. 53 of 1972.

¹⁶ The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023) sec. 325.

filling the gaps left by the legislature. The courts have moved beyond an anthropocentric view to an ecocentric one.

- **Recognizing “Personhood” and Rights:** In a landmark series of judgments, the Supreme Court and various High Courts have attributed fundamental rights to animals. In *Animal Welfare Board of India v. A. Nagaraja & Ors.* (2014) — the famous Jallikattu case — the Supreme Court famously declared that animals also have dignity and honour and are entitled to the right to life under Article 21.¹⁷ The Court held that every species has an inherent right to live and are required to be protected by law. This was a transformative moment, elevating animals from mere property to beings with legal rights.
- **Banning Cruel Practices:** The judiciary has been instrumental in banning or regulating several cruel practices:
 - **Jallikattu:** The Supreme Court banned the traditional bull-taming sport of Jallikattu, citing immense cruelty and torture to the bulls. (This ban was later overturned by a controversial state amendment and a subsequent Supreme Court judgment upholding of the amendment).¹⁸
 - **Dancing Bears:** Judicial interventions, combined with NGO efforts, helped eradicate the centuries-old practice of dancing bears.¹⁹
 - **Bullock Cart Races:** The Bombay High Court initially upheld bans on bullock cart races in Maharashtra, following a 2014 Supreme Court ruling that deemed them cruel, but later, in 2017-2021, the ban was contested, leading to the Supreme Court allowing resumption of regulated races pending final decision on state amendments (like Prevention of Cruelty to Animals (Maharashtra Amendment) Act, 2017) that permitted them as traditional sports, aligning with Karnataka/Tamil Nadu rules, creating a complex legal situation where the H.C. kept the ban until the S.C gave nod for regulated events.²⁰
 - **Animal Sacrifice:** Several High Courts have banned animal sacrifice in religious places, ruling that religion cannot justify cruelty. the Kerala High Court

¹⁷ *Animal Welfare Board of India v. A. Nagaraja & Ors.* (2014) 7 SCC 547.

¹⁸ *Welfare Board of India v. Union of India* (2016) and subsequent events.

¹⁹ G. Shaheed, “Bear Facts,” *The Hindu*, 08.17.2014 available at: <https://frontline.thehindu.com/environment/wild-life/bear-facts/article6412244.ece> (last visited on 10.12.2026).

²⁰ <https://www.thehindu.com/news/national/other-states/supreme-court-verdict-on-bullock-cart-races-maharashtra-ministers-call-it-victory-of-farmers-promise-all-assistance-for-such-events/article66865982.ece> (last visited on Dec.12.2026).

in *Muraleedharan T. v. State of Kerala*²¹ upheld the constitutional validity of The Kerala Animals and Birds Sacrifices Prohibition Act, 1968.²² An appeal has been filed against the Kerala HC Judgement by a Shakti Worshiper and presently this issue is sub-judice in the Supreme Court, clubbed with similar appeals from High Courts of Himachal Pradesh and Tripura.²³

- **Directives for Welfare:** Courts have issued detailed directives for the welfare of animals in transportation, shelters, and circuses. They have mandated the use of humane methods in slaughterhouses, the proper care of stray cattle, and the protection of community animals.²⁴

This judicial activism has been crucial in keeping the issue of animal rights in the public consciousness and pushing executive agencies towards action.

V. THE IMPLEMENTATION GAP: CHALLENGES AND GROUND REALITIES

Despite the strong legal and judicial framework, the ground reality for most animals in India is bleak. The enforcement of animal protection laws is plagued by several systemic challenges:

Inadequate Penalties and Outdated Laws: The paltry fine of ₹50 under The Prevention of Cruelty to Animals (PCA) Act, 1960, is a joke in the modern economy. It offers no deterrent value. While the B.N.S. sections are stronger, they are often not invoked by police who are unaware of them.

Lack of Awareness and Sensitization: The general public, law enforcement agencies (police, judiciary), and even animal owners are largely unaware of the specifics of animal protection laws. Cruelty is often normalized and goes unreported.

Institutional Failure:

- **Animal Welfare Board of India (AWBI):** Though envisioned as a powerful body, the AWBI is chronically underfunded and understaffed. Its recommendations are often ignored by state governments.
- **SPCAs and NGOs:** The PCA Act mandates the creation of Society for Prevention of Cruelty to Animals (SPCA) in every district. Most are non-functional or exist only on

²¹ 2020 SCC Online Ker 2313.

²² The Kerala Animals and Bird Sacrifices Prohibition Act, 1968 (Act 20 of 1968).

²³ Dhananjay Mahapatra, "SC to examine validity of 52-yr-old Kerala law prohibiting animal sacrifice in temples", The Times of India, July 17, 2020, available at: <https://timesofindia.indiatimes.com/india/sc-to-examine-validity-of-52-yr-old-kerala-law-prohibiting-animal-sacrifice-in-temples/articleshow/77010840.cms> (last visited on Dec. 12, 2026).

²⁴ See, for example, directives on slaughterhouses in *Gauri Maulekhi v. Union of India* (2014).

paper. The burden of enforcement, rescue, and care thus falls on under-resourced NGOs and individual activists.

Areas of Acute Concern:

- **Stray Animal Management:** The management of stray dogs and cattle is a highly contentious issue. Policies for Animal Birth Control (ABC) are poorly implemented, leading to conflicts between citizens and animal rights activists. Cattle become victims of neglect after they stop yielding milk, often abandoned to roam streets and eat plastic.

Recently in the highly divisive stray dog issue, the Supreme Court's jurisprudence has been varying consistently with the mass protest of animal rights activists, initially adopting a removal approach, then tempering itself to align with the Animal Birth Control Rules, 2023 (ABC) framework, and now settling into a safety-centric posture that seemingly revives the original position by another route. Reading the three key orders together—11 August²⁵, 22 August²⁶, and 7 November²⁷—makes it clear that the Court is trying to reconcile two mandates that do not sit easily together: the ABC regime which requires that dogs are sterilised, vaccinated and returned to their territories, and an immediate duty to prevent injuries and rabies exposure in spaces where people are clustered and vulnerable. The Supreme Court stray dogs directive reflects concerns about public safety. However, implementing the order without addressing decade long infrastructure neglect risks transforming a well intentioned judicial intervention into a source of animal suffering, the outcome the Prevention of Cruelty to Animals Act and constitutional principles of compassion seek to prevent. The *Suo motu* case on Delhi stray dogs has highlighted gaps in Animal Birth Control implementation and rabies control efforts. The question is no longer whether we should implement humane stray dog management. It is whether we can fund it adequately. Until that gap is addressed, court orders, however well-intentioned, may remain unfulfilled despite being grounded in compassion.

- **Animal Agriculture:** Industrial farming practices involve extreme confinement, debeaking, forced molting, and cruel transport and slaughter methods. The

²⁵ SUO MOTO WRIT PETITION(CIVIL) No.5/2025, available at: https://api.sci.gov.in/supremecourt/2025/41706/41706_2025_8_31_63158_Order_11-Aug-2025.pdf (last visited on Dec. 12. 2026).

²⁶ SUO MOTO WRIT PETITION(CIVIL) NO(S). 5 OF 2025 IN RE: "CITY HOUNDED BY STRAYS, KIDS PAY PRICE" WITH WRIT PETITION(CIVIL) NO(S). 784 OF 2025 SLP(CIVIL) NO(S). 14763 OF 2024 AND SLP(CIVIL) NO(S). 17623 OF 2025, available at: https://api.sci.gov.in/supremecourt/2025/41706/41706_2025_3_1501_63567_Judgement_22-Aug-2025.pdf (last visited on Dec. 12. 2026).

²⁷ SUO MOTO WRIT PETITION(CIVIL) NO(S). 5 OF 2025 IN RE: "CITY HOUNDED BY STRAYS, KIDS PAY PRICE" WITH SLP(CIVIL) NO(S). 14763 OF 2024 SLP(CIVIL) NO(S). 17623 OF 2025 WRIT PETITION(CIVIL) NO(S). 784 OF 2025 SLP(CIVIL) NO(S). OF 2025 (Diary No. 45707 OF 2025) T.C. (CIVIL) NO. 140 OF 2025 CONTEMPT PETITION (C) NO(S). 749 OF 2025 IN SLP(CIVIL) NO(S). 14763 OF 2024. available at: https://api.sci.gov.in/supremecourt/2025/41706/41706_2025_3_301_65687_FinalOrder_07-Nov-2025.pdf (last visited on Dec. 12. 2026).

enforcement of slaughterhouse rules is weak, with most animals being slaughtered in illegal, unregulated units where humane methods are ignored.

- **Animals in Entertainment:** Despite regulations, animals in circuses, zoos, and films often suffer from poor living conditions, training through fear, and physical abuse.
- **Wildlife Conflict and Poaching:** Human-animal conflict is on the rise due to habitat destruction. While protected, animals like elephants, leopards, and tigers are often victims of poaching, electrocution, and train accidents.

VI. CONCLUSION AND RECOMMENDATIONS

India's journey in securing animal rights is a story of profound philosophical wisdom, a progressive legal framework, and landmark judicial interventions, all set against a backdrop of crippling enforcement deficits. The nation stands at a crossroads, where its ancient ethos of *Ahimsa* is in direct conflict with modern pressures of development, commercialization, and bureaucratic apathy.

The recognition of animal rights as a part of constitutional morality is a powerful conceptual victory. However, for this victory to translate into tangible change, a multi-pronged approach is necessary:

1. **Legislative Reform:** The PCA Act, 1960, urgently requires amendment. Penalties must be increased exponentially to act as a real deterrent. The definition of cruelty should be expanded to include modern forms of abuse like factory farming and puppy mills.
2. **Strengthening Institutions:** The AWBI and state SPCAs must be provided with adequate funding, manpower, and statutory power to enforce laws effectively. Dedicated animal welfare cells should be established within police departments.
3. **Education and Awareness:** Animal welfare must be integrated into school curricula to inculcate empathy from a young age. Massive awareness campaigns targeting the public, judiciary, and police are essential.
4. **Promoting Alternatives:** The government must actively promote and subsidize plant-based alternatives and humane, sustainable agricultural practices to reduce reliance on cruel animal industries.
5. **Support for NGOs:** Animal welfare NGOs, which are the de facto enforcement machinery, need greater support and recognition from the state.

The treatment of animals is not a peripheral issue but a core component of a just and

compassionate society. Bridging the gap between India's lofty legal ideals and the harsh reality on the ground is the paramount challenge. It requires a collective will—from the legislature, the judiciary, the executive, and every citizen—to honour the constitutional duty of compassion and ensure that the rights of every sentient being, human and non-human, are respected and protected.
