



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

AN OVERVIEW OF ANIMAL LAWS IN INDIA

INTRODUCTION

Animals offer us unwavering love and protection. They may not speak our language, but they communicate love and loyalty in ways that resonate deeply. In the shadows, animals sometimes fall victim to exploitation and cruelty simply because they lack the ability to fight back or speak up. It is our ethical responsibility to be their voice, standing up against any form of mistreatment. It's crucial for both the government and society to work together to support and protect animal rights and well-being. This article discusses animal laws in India and the need for their strict implementation.

THE WILDLIFE PROTECTION ACT, 1972

The Wildlife Protection Act 1972 is a crucial law in India, enacted to safeguard the country's wild animals, birds, and plants for environmental security. It imposes restrictions on hunting various species and regulates wildlife trade. The Act establishes protected areas and empowers the government to conserve wildlife. It prohibits various illegal activities with strict penalties, including imprisonment and fines. It is considered as one of the world's strongest wildlife protection laws.

Section 2(1) of the Wildlife Protection Act, 1972 states that “animal” includes amphibians, birds, mammals and reptiles and their young, and also includes, in the cases of birds and reptiles, their eggs.¹

The Wildlife Protection Act, 1972 includes several crucial provisions designed to protect wildlife, such as:

¹ The Wildlife Protection Act, 1972, § 2, No. 53, Acts of Parliament, 1972 (India)

- The government is authorized to declare different protected areas under the act and has the authority to create rules for the effective implementation of the act, including those related to wildlife trade.
- Trade and commerce in wildlife and its products are controlled through permits and licenses.
- The act establishes a Wildlife Advisory Board to advise the government on wildlife matters.
- The Act prohibits hunting of specified wild animals without a valid license.
- Strict penalties, including imprisonment and fines, are imposed for violations such as illegal hunting and wildlife trade.
- The act allows for the seizure and forfeiture of property, including wildlife and its products, used in committing offenses under the act.
- Provisions are in place for safeguarding endangered species, with varying protection levels outlined in different schedules.²

PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

The Prevention of Cruelty to Animals Act, 1961, is a comprehensive legislation aimed at preventing unnecessary cruelty and suffering to animals. The Act addresses various types of cruelty towards animals and imposes punishments for those causing unnecessary cruelty and suffering to animals.

The act allows for the humane killing of a suffering animal in case any cruelty has been committed against it, so as to relieve it from further pain. It outlines guidelines for humane experimentation on animals for scientific purposes and regulates the exhibition of performing animals.³

Animal Welfare Board has been established under Section 9 of the Act to oversee the implementation of the act.

The functions of the Animal Welfare Board include advising the government on law amendments, rules for transportation, improvements in vehicle design so as to lessen the burden on draught animals, and measures for the well-being of animals. The Board also encourages the construction of shelters, veterinary assistance, humane slaughter practices so that

² STUDY IQ, <https://www.studyiq.com/articles/wildlife-protection-act-1972/> (last visited Feb. 24, 2024)

³ BLOG.IPLEADERS, <https://blog.iplayers.in/overview-prevention-cruelty-animals-act-1960/> (last visited Feb. 24, 2024)

unnecessary pain or suffering, whether physical or mental, is eliminated. Additionally, it collaborates with organizations for animal protection, provides financial assistance to animal welfare organizations, and promotes education on humane treatment through various mediums.⁴

ANIMAL BIRTH CONTROL RULES, 2023

From 2019 to 2022, 160 million street/stray dog bites occurred in India. This caused revenge crimes, harm to dogs and their caregivers, and conflicts among city dwellers. To address this growing concern and ensure a humane and effective solution, the Ministry of Fisheries, Animal Husbandry & Dairying has issued the Animal Birth Control Rules, 2023 under the Prevention of Cruelty to Animals Act, 1960. These rules replace the Animal Birth Control (Dog) Rules, 2001.⁵

- These Rules are based on the Supreme Court's guidelines regarding the Animal Welfare Board of India and People for Elimination of Stray Troubles.
- The Court has explicitly stated that relocation of dogs is not permitted.
- The Rules focus on sterilization and immunization of stray dogs through Animal Birth Control (ABC) programs.
- Local bodies, municipalities, municipal corporations, and panchayats are responsible for implementing ABC programs.
- Municipal Corporations are to jointly execute ABC and Anti-Rabies Programs.
- Guidelines are provided for managing human-stray dog conflicts without relocating dogs, emphasizing animal welfare during ABC programs.

CONSTITUTIONAL PROVISIONS

Article 48A⁶ of the Constitution of India states that the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. This article was added to the Constitution by the 42nd Amendment in 1976.

⁴ Prevention of cruelty to Animals Act, 1960, § 9, No. 59, Acts of Parliament, 1960 (India)

⁵ DRISHTI IAS, <https://www.drishtias.com/daily-updates/daily-news-analysis/animal-birth-control-rules-2023> (last visited Feb. 25, 2024)

⁶ THE CONSTITUTION OF INDIA, 1950, § 48A, Acts of Parliament, 1950 (India)

Article 51A(g)⁷ in Constitution of India talks about to protecting and improving the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

The National Environment Policy, 2006, initiated by the Central Government, is committed to a clean environment, as directed by Article 48A and Article 51A(g) of the Constitution of India. The primary goal is to conserve environmental resources like plants, wildlife, forests, and man-made heritage. To protect wildlife, strategies include expanding protected areas, forming partnerships for conservation, promoting ecotourism, and implementing measures for captive breeding of endangered species.⁸

Recently, in February 2024, two people were arrested after a video of them went viral in which they were seen punching and kicking a dog at a pet clinic in Maharashtra's Thane. A police complaint regarding the incident was filed on Tuesday. The incident took place at Vetic Pet Clinic located in R Mall in Thane. The clinic specialises in grooming and care of pet animals.⁹ This highlights a troubling reality in many animal care businesses in India. Some prioritize profits over hiring caring staff. Lack of supervision, CCTV, and authority checks contribute to the problem.

CONCLUSION

India has established crucial laws such as the Wildlife Protection Act and the Prevention of Cruelty to Animals Act the Animal Birth Control Rules 2003 to safeguard animals from exploitation and cruelty. Our constitution also lays stress on environmental protection and compassion for living creatures. Alongside these laws our collective efforts can significantly promote animal welfare. By spreading awareness, supporting ethical businesses, reporting cruelty, adopting from shelters, volunteering, and educating others, we can contribute to creating a more compassionate society for animals. When choosing a pet spa or vet for your own pet, it's crucial to be vigilant. If possible, visit in person or ensure they have CCTV cameras for monitoring. Recent cases of animal abuse highlight the need for stricter enforcement and oversight to ensure the well-being of animals in various care businesses across the country.

⁷ THE CONSTITUTION OF INDIA, 1950, § 51A(g), Acts of Parliament, 1950 (India)

⁸ BLOG IPLEADERS, <https://blog.ipleaders.in/supreme-court-india-role-protecting-fauna-india/> (last visited Feb. 25, 2024)

⁹ INDIA TODAY, <https://www.indiatoday.in/india/story/thane-pet-clinic-staffers-punch-kick-dog-viral-video-arrested-2501718-2024-02-14> (last visited Feb. 25, 2024)