**STUDY OF LEGAL RIGHTS**

**OF ANIMALS IN INDIA**

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**ABSTRACT**

In India, the rights of animals and human beings are protected under various laws. As time evolves, the laws are becoming more stringent with penal provisions, though animals are unaware of their rights. That makes human beings to be more vigilant about animal rights along with human rights.

In earlier days animals were slaughtered widely and many of them became extinct due to selfishness of men. Every animal is a necessary part of our ecosystem to maintain equilibrium. Still, animals are facing so many threats to their natural habitat. The main enemy of animals is their law donors themselves, human beings. Both wild animals and domestic animals face threats due to modernization and commercialization. So many animal lovers and activists joined together for the protection of animals. Thus in every country including India, so many laws were originated as the rights of animals. In different times legal luminaries and legislature have amended and incorporated these rights via law-making and precedents.

Keywords: **History and evolution of animal rights in India**, **Constitutional provisions, Different animal protection Acts by Central Governments and State Governments, India’s consonance with international covenantsandcurrent implementing status of animal rights protection in India.**

In the conclusion of this research, the evolving status of legal rights and implementation can be analysed. The conclusion shall be an optimistic one that this country is capable to keep balance between human being and animals by keeping their rights, without intruding into the rights of one another.

**LEGAL RIGHTS OF ANIMALS IN INDIA**

**INTRODUCTION**

The word person was originated from the Latin word ‘persona’ that signifies a litigant, that maybe anybody or anything permitted to affirm legal rights and also subjected to corresponding duties. As stated by Salmond: *“…so far as legal theory is concerned a person is any being that is so capable of rights and duties. Any being that is not so capable is a person, whether a human being or not, and no being that isn’t so capable is a person even though he is a man.”[[1]](#footnote-2)*

Even though in the legal sense, ‘person’ bears wider meaning than simply a human, legal system does not consider animals as a person. It is because of practical issues and possibly large scale legal issues. Animals are unable to think like human beings, therefore they can’t do any legal duties. At present animals are considered merely as things, as the object of legal rights and duties, but not subject of them[[2]](#footnote-3). Even though animals are capable of acts and possess interests, every act of animals is neither lawful nor unlawful except some of the cases like trespass, where the owner of animals need to compensate. Thus the owners of the animals have the legal duty; not for the animals. Therefore the rights of animals are limited.

By the influence of animal lovers, more laws have been furnished in the modern era. In India, there are various laws, rules and regulations, which provide various rights to animals. The law seems to recognise at least indirectly the legal rights of animals when it makes cruelty to animals a criminal offence.[[3]](#footnote-4)

**CONSTITUTIONAL PROVISIONS**

The fundamental duty incorporated under [Article 51A(g](https://indiankanoon.org/doc/1644544/)) reads, “It shall be the 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.” The compassion for living creatures means the concern for suffering, kindliness,sympathy etc. This duty of citizen gives rights to animals,

(i)to live in a natural environment including forests, lakes, rivers etc. without intrusion unless and otherwise provided by law;

(ii) to be treated with compassion;

(iii)Wildlife has the right to live without the forcible entry of external groups. That means they gave the right to get the protection of their natural habitat, food chain etc.

In Seventh Schedule under List-II (State List) State has the power and authority to Preserve, protect and improve stock and prevent animal diseases, and enforce veterinary training and practice. It is given as entry 15. Entry 21 provides authority over fisheries. List III (Concurrent List), gives power to both the Centre and the State for preventing cruelty to animals (Entry 17), protecting forests (Entry 17 A) & protecting wild animals and birds. (Entry 17 B) Under the Eleventh Schedule (Article 243 G), duty and authority of the Panchayati Raj institutions in the case of animal husbandry, dairying and poultry (Entry 4) &fisheries (Entry 5) are included.

In, **State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat and Ors**.[[4]](#footnote-5), the Supreme Court held that by enacting Article 51A (g) and giving it the status of a fundamental duty, one of the objects sought to be achieved by Parliament is to ensure that the spirit and message of Articles 48 and 48A are honoured as a fundamental duty of every citizen.

Article 48A specifies a duty on the State andArticle 51A (g) imposes a fundamental duty on every citizen. The social and economic justice shall be observed by the State as the citizen while implementing the said provisions.

Thus Articles 48 and 48 A give rise to other indirect rights to animals. Though both Articles are directive principles, the Central government and State governments have adopted different measures to protect animals by invoking different laws.

Article 48 reads as follows, “*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.”*

Further Article 48A states, *“Protection and improvement of environment and safeguarding of forests and wildlife. The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.”*

**Deepak Kumar's case judgment**[[5]](#footnote-6) directed State Governments in India to frame Rules to protect environment invoking the provision of Article 48.

In **Nature Lovers Movement v. State Of Kerala and Ors**.[[6]](#footnote-7) Kerala HC ruled that [Article48](https://indiankanoon.org/doc/1452355/) contained in the Directive Principles of State policy mandates that the State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines. So it directs states to adopt modern and scientific measures on animal husbandry, preserving and breeding of animals and high-level cow protection; hence aims to lessen the cruelties against animals

Thus Article 48 gives right against harassment to animals.

In **Mohd. Hanif Quareshi and Others v. State of Bihar**[[7]](#footnote-8), the apex Court decided that a state law which prohibits the slaughter of cows and calves and other cattle capable of work has been upheld because it was meant to give effect to Article 48 of Indian Constitution. In this 1958 case, the main allegation was the cattle slaughter laws of Bihar, Uttar Pradesh, and Madhya Pradesh infringed on the fundamental rights of the petitioners ensured under Articles 25, 14 &19(1) (g) of Constitution. The petitioners were Muslims doing the butchers trade. But Court upheld the validity of the Act by upholding State’s responsibility under Article 48. Also, the sacrifice of a cow isn’t obligatory part of the Islamic rites. Therefore it doesn’t violate Article 25. The Court found that the State law was not infringing the right to trade and business under Article 19(1) (g). The restriction is only reasonable and in the interest of the general public. The Court further ruled that the directive principle has to ‘conform to and run as subsidiary to the fundamental rights’ in Indian Constitution.[[8]](#footnote-9)

However, the apex Court held that a total ban on the slaughter of bulls, bullocks and she-buffaloes after they had ceased to be useful was invalid under the Constitution.[[9]](#footnote-10) So the right against slaughtering is not universal for every animal in India. It is limited to some animals, as each State can frame their laws and that is not mandatory as long as it is a directive principle.

After Mohd. Hanif Qureshi’s case, Supreme a reiterated and modified the right of certain animals regarding slaughtering in **Abdul Hakim Quraishi and Others v. The State Of Bihar**[[10]](#footnote-11)**, Haji Usmanbhai Hasanbhai Qureshi & Ors. v. State of Gujarat**[[11]](#footnote-12) and upheld the validity of state laws to protect some animals from slaughter.

But in the **State Of Gujarat v. Mirzapur Moti Kureshi Kassab,**[[12]](#footnote-13) constitutional bench overturned the precedent *Mohd. Hanif Qureshi* judgment. The Court upheld an amendment to the Bombay Animal Preservation Act, 1954, the effect of which was to impose a total ban on the slaughter of bulls and bullocks of any age. The Court found that environmental principles and duties inArticles 48A and 51A (g) of the Constitution were introduced in 1976. So the said Articles were not available to the bench in Mohd. Hanif Qureshi case. The Court held that the use of terms ‘Milch and draught cattle’ in Article 48 had employed to distinguish the cattle. The classification was not dependent on the cattle being able to perform a specific function that means a cow does not lose its protection if it ceases to perform its particular function or reaches a certain age. Thus Court overruled its previous ruling that a total ban on the slaughter of bulls and bullocks was an unreasonable restriction and not in the public interest as per the test provided in article 19(6) of the Constitution.

In a 2008 judgment **Hinsa Virodhak Sangh v. Mirzapur Moti Kuresh Jamat & Ors**[[13]](#footnote-14), the Apex Court upheld a temporary nine-day closure of municipal slaughterhouses for Paryushan festival celebrated by Jain community.

But in 2017, the Ministry of Environment imposed a ban on the purchase and sale of cattle for slaughtering at animal markets across the territory of India in Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 under the Prevention of Cruelty to Animals Act. But Indian Supreme Court suspended the ban on the sale of cattle by a very important judgement.[[14]](#footnote-15) Also, the Court gave relief to beef and leather industries.[[15]](#footnote-16)

As stated in Article 48A, for the protection and improvement of environment and safeguarding of forests and wildlife, the state and central governments have enacted different laws these days. The Kerala High Court in a 2000 judgment, **Jumbo Circus v. Union of India,**[[16]](#footnote-17) pronounced that a law which denies rights to animals is an anachronism, which must necessarily change.

**DIFFERENT ACTS**

**Provisions under Indian Penal Code, 1860**

In the Indian Penal Code, the rights of animals are included under Chapter XVII in offences against property. Under ninth sub-head ‘mischief’ the offences against animals are described. Section 428 punishes mischief by killing, poisoning, rendering useless or maiming an animal of the value of ten rupees or upwards. It is intended to prevent cruelty to animals and prevent loss to the owner.[[17]](#footnote-18) The word animal is defined under Section 47 of IPC, as ‘any living creatures other than a human being’. The animal destroyed needs to be subject to property. The punishment prescribed under the Section is extended up to 2 years, fine or both. Punishment should be reasonable given a nominal value of Rs. 10 of the animal killed.

Section 429 is also similar to Section 428. This Section applies to specified animals such as elephants, camel, horse, cow, buffalo, ox etc., and animals of the value of fifty rupees or more. Those who commits mischief by killing, poisoning, rendering useless or maiming, shall be punished for a period that may be extended 5 years imprisonment or with fine or both.

Section 429 contemplates a deliberate attempt on the part of the accused to commit mischief. The intention is the gist of the offence.[[18]](#footnote-19) The language of this Section makes it clear that it is limited to domestic animals only and doesn’t apply to wild animals.[[19]](#footnote-20)

In **Sukhi Behera v. State of Orissa**[[20]](#footnote-21), the petitioners gave lathi blow to a bull causing some abrasions and scratches on the surface of the skin. The blows neither rendered the animal useless nor maimed it. The Court held that the offence committed by the petitioners would fall under Section 426 and not under Section 429 of IPC. It doesn’t amount to aggregate mischief, but only punishable with 3 months imprisonment, or fine or both.

The existence of the requisite intention or knowledge is an essential ingredient to the offence and the accused can’t be convicted under Section 429, IPC unless it is established that the act of mischief was with requisite intention and knowledge. In one case, the accused were using sticks to strike the animals and kept on doing so for some time it would be presumed that they had knowledge of the possible consequence of the act, and on breaking the leg of animal[[21]](#footnote-22), became liable under the Section 429.

Thus, IPC gives animals a right to get protection against any mischief by killing, poisoning, rendering useless or maiming. But these Sections are concerning the interest of human being, under whose custody the animals are kept as their property.

**Prevention of Cruelty to Animals Act, 1960**

The Act was enacted to prevent cruelty to animals by preventing unnecessary infliction of suffering and pain on animals. Section 3 of the Act prescribes duties of persons having charge of animals to take all reasonable measures to ensure the well-being of such animal. Thus it indirectly becomes the right of animals.

This Act has 41 sections and establishes the Animal Welfare Board in India to protect the rights of animals. Section 11 prescribes punishment to persons treating animals cruelly. Whoever commits any cruelty to animals shall be punished with specified imprisonment or fine or both. Thus as human beings, animals also get a right to remedy under the penal law, if their rights are infringed. They shall get a right to justice if they are suffered due to the cruelty of human beings.

Abandoning any animal for any reason is punishable with imprisonment for three months under Section 11(1) (i) and Section 11(1) (j) of the Act. Rule 3, of Prevention of Cruelty to Animals, (Slaughterhouse) Rules, 2001 provides that no animal, including chickens, can be slaughtered in any place other than a slaughterhouse. Sick or pregnant animals shall not be slaughtered.[[22]](#footnote-23)Also Rule 3 proclaims that in every part of the country animal sacrifice is illegal. Section 11(1)(h) declares that Neglecting an animal by denying her sufficient food, water, shelter and exercise or by keeping it chained/confined for long hours is punishable by a fine or imprisonment of up to 3 months or both.Section 11(1) (m) (ii) and Section 11(1) (n) tells that organising of or inciting or participating in any animal fight is a cognizable offence.

Section 13 provides that if the animal which inflicted to cruelty is in a condition of mortally injured and beyond recovery, such animals can be destroyed. Thus here animals get a right to mercy killing to avoid vegetative state and pain.

Under Section 22(ii), the notified animals such as bears, monkeys, tigers, panthers, lions and bulls can’t be trained and used for entertainment purposes, either in circuses or streets.Section 26 of the PCAA provides punishment with a fine of up to Rs 500 or with imprisonment of up to three months or with both for any person if he uses an animal for entertainment or performance. Only if a person is registered under the Performing Animal Rules, 1963, he can use the animals for entertainment.

A committee, established under the Chapter IV of this Act namely, the “Committee for the Purpose of Control and Supervision of Experiments on Animals” (CPCSEA) had released Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998 which was amended in 2001 and 2006. It gives regulations on the experimentation on animals. By this Rule, dissection and experimentation on animals in schools and colleges were banned all over India.

Section 35 directs governments to make a special order for setting up infirmaries for the treatment and care of animals. Here animals get a right to get good treatment to cure their wounds and pain. An animal shall be kept in the infirmary until it is fit to perform its usual work or is otherwise fit for discharge; but if the veterinary officer in charge of the area in which the animal is found, certifies that it is incurable, it shall be destroyed for discarding further suffering.

Section 38 gives power to Central Government to make rules regarding, the maximum load (including any load occasioned by the weight of passengers) to be carried or drawn by any animal; the conditions to be observed for preventing the overcrowding of animals; the period during which, and the hours between which, any class of animals shall not be used for draught purposes; prohibiting the use of any bit or harness involving cruelty to animals; the methods of destruction of stray dogs referred to in section 11(3)(b); the methods by which any animal which cannot be removed without cruelty may be destroyed under of section 13(3) etc.

Hence it is clear that the Prevention of Cruelty to Animals Act, 1960 gives as many rights as possible to the animals to lead a healthy and safe life without being hurt by any men. Also in the case of incurably ill, euthanasia is allowed. The Act especially protects stray dogs by the requirement of capturing them by human methods and release them in the same area after sterilisation and immunisation. Under this Act, the Animal Birth Control (Dogs) Rules, 2011 have been framed which imposes a severe restriction on killing street dogs.[[23]](#footnote-24)

In **NR Nair v. Union of India**[[24]](#footnote-25), a notification prohibiting exhibition and training of performing animals in circus issued under Prevention of Cruelty to Animals Act, 1960 was upheld. In a similar case, Kerala High Court observed that legal rights shall not be the exclusive preserve of the humans, and must be extended beyond people.[[25]](#footnote-26)

**The Wildlife (Protection) Act, 1972**

The Act aims at the preservation of wild animals. According to Section 2(1), the term ‘animal’ includes mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates and also includes their young and eggs. National Board and State Boards were constituted for wildlife protection. The Act classifies animals into 6 Schedules and Section 9 prohibits hunting of any wild animal specified in Schedules I, II, III and IV except as provided under sections 11 & 12. Section 11 declares permission to hunt wild animal specified in Schedules if they become dangerous to human life or is so diseased or disabled beyond recovery. But it shall be by an order stating the reasons in writing by the Chief Wildlife Warden, permitting a person to hunt. Also under this Section, killing or wounding in good faith of any wild animal isn’t a crime.

Section 12 allows Chief Wild Life Warden to grant permission for education, scientific research, scientific management (Translocation of a wild animal to a suitable & alternative habitat or population management of wildlife that by not killing or poisoning or destroying any wild animals) & collection of specimensfor recognised zoos, museums and similar institutions. The hunting is also permitted for the manufacture of life-saving drugs by deriving, collecting or preparing of snake-venom. Government’s permission is also needed for the hunting specified in Section 12. So in this Act, the meaning of term ‘hunting’, includes killing or poisoning of any wild animal or captive animal and every attempt to do so (Section 2(16)).

Thus the wild animals are given a right to life and liberty in their natural habitat and it can be only limited by a procedure established by this law.

Section 17A of the Act prohibits of picking, uprooting, etc., of the specified plant unless and otherwise it is permitted for the special purpose. Also, the Act allows creating National Parks, Sanctuaries, conservation reserves etc., for more careful and prior protection of wild animals and their ecosystem. Hence the Act protects the right to food and right to enjoy the natural habitat of wild animals.

Under Section 9, disturbing or destroying eggs or nests of birds and reptiles or chopping a tree having nests of such birds and reptiles or even attempting to do so constitutes to hunting and attracts a punishment of a fine of up to Rupees 25000, or imprisonment of up to seven years or both[[26]](#footnote-27)

Section 38J prohibits teasing, molestation, injuring or feeding any animal or causing disturbance to the animals by noise or otherwise or littering the grounds in a zoo. Also, Act prescribes regulations for zoos and requirements for recognition of a zoo.

Section 38I regulates the acquisition of animals by a zoo.It prohibits acquiring, selling or transferring any wild animal or capturing animal specified in Schedules I and II except with the previous permission of the Authority and also animals can be acquired only from a recognised zoo.

Sections 48 & 49 make the regulation for the purchase and capturing of animals. Section 48 A proclaims restriction on transportation of wildlife. Only by the authorisation, one can acquire animals and it should be done with due care. Animals like monkeys are protected by the Act. They cannot be displayed or owned.

So one can find that provisions in the Act against any kind of disturbance; protect a sort of animals’ right to privacy indirectly. Also right to be treated with due care and in healthy conditions is also considered. The main focus is on the protection of animals in their natural conditions and territory.

**Drugs and Cosmetics Act, 1940**

Drugs and Cosmetics Rules, 2014 prohibits the use of animals for cosmetic products testing. The person violating the Rule is liable to be punished for a term that may extend from 3 to 10 years or shall be liable to a fine, or both. Rule 135B of the Drugs and Cosmetic (Fifth Amendment) Rules 2014, no cosmetic that has been tested on animals shall be imported into the country.[[27]](#footnote-28)

**Motor Vehicles Act, 1960**

 (Transport of Animal) Rules, 2001 under Motor Vehicles Act, 1960 states that conveying or carrying animals whether in or upon any vehicle, in any manner or position which causes discomfort, pain or suffering is a punishable offence. The provision is similar to Section 11(1) (d) of Prevention of Cruelty to Animals.

**Indian Forest Act, 1927**

The Indian Forest Act, 1927 consolidates the details relating the areas having forest cover or noticeable wildlife, regulation of movement and transit forest produce and the duty leviable on timber and other forest produce. It finely defines the procedure for declaring an area to be a protected forest or reserved forest, or village Forest. It gives a clear picture of the meaning of forest offence, the acts prohibited inside a reserved forest, and penalties to be levied on violation of the provisions of the Act.

Thus the Act aims to protect the right of animals to enjoy the home without external infliction.

**Forest (Conservation) Act, 1980**

The Act is enacted for the conservation of forests and matters connected therewith or ancillary or incidental thereto.[[28]](#footnote-29) It restricts the de-reservation of forests or use of forest land for the non-forest purpose; hence protect animals in their natural environment.

**Environment Protection Act, 1986**

The Act passed in the wake of the Bhopal Tragedy. It has 26 sections and 4 chapters. The Act was enacted to protect and improve the human environment and prevent hazards to human beings, other living creatures, plants and property.

Along with these Acts, there are **Biological Diversity Act, 2002 National Green Tribunal Act, 2010, Alteration of Schedule of Wild Life Protection Act, 1972** etc., to protect the interest of animals and their habitat.

**DIFFERENT STATE LAWS**

The protection of animals is the duty of both central and state governments according to the Constitution of India. So various States have enacted several legislations to save the rights of animals. Along with central legislations, they are following the provisions in the state laws too.

**Andhra Pradesh**

The Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977provides for the prohibition of the slaughter of cows, calves of cows and calves of she-buffaloes[[29]](#footnote-30). Also, it aims to preserve certain other animals suitable for mulch, breeding, drought or agricultural purposes by incorporating punishments in the case of violation. Also Andhra Pradesh Animals and Birds Sacrifices Prohibition Act, 1950 prohibits sacrifice of animals for religious purpose.

**Arunachal Pradesh**

Arunachal Pradesh has a Forest Act, 2014 that purposes to furnish consolidation, management, sustainable use and conservation of forests in Arunachal Pradesh.[[30]](#footnote-31)

**Assam**

In Assam in 2009 state legislature has amended the Wildlife Protection Act, 1972. According to this amendment, hunting outside the boundary of a wildlife sanctuary or national park is also a punishable offence under section 51 of the Act.[[31]](#footnote-32)

**Bihar**

Bihar Preservation and Improvement of Animals Act, 1955[[32]](#footnote-33), prohibits the slaughter of certain animals such as cows, Calves, bulls. But there exists certain exception that bulls, bullocks and she buffalos may be slaughtered if they are in conditions of permanent incapability which has not been caused deliberately. Then the Act prohibits persons exporting cows, she-buffaloes, heifers, buffalo, bulls, buffalo calves, buffalo-heifers, calves, and bullock from the state of Bihar. The Act provides detailed penalties too.

**Chhattisgarh**

Chhattisgarh Agricultural Cattle Preservation Act, 2004[[33]](#footnote-34) protects cattle used for agricultural purpose. In 2014 detailed rules were released under this Act.

**Goa**

The Goa Animal Preservation Act, 1995 provides the preservation of certain animals suitable for breeding, milch, draught or agricultural purposes.

**Gujarat**

The Gujarat Animal Preservation Act[[34]](#footnote-35) has passed in 1954 under Article 48. It was recently amended in 2017.

**Haryana**

The state of Haryana had released Transport of Animals Rules, 1978 and the Haryana Motor Vehicles Rules, 1993 under Motor Vehicles Act, 1960. The safety measures under the Rules must be followed while transporting animals. Governments need to be ensured that animals do not carry exceeding loads than prescribed limits. Animal-drawn vehicles must not carry more than four persons, excluding the driver and children below six years of age.[[35]](#footnote-36) Use of spike stick, harness or yoke with spikes, knobs or projections or any other sharp tackle or equipment etc. are banned.

**Himachal Pradesh**

Himachal Pradesh has a Stray Cattle Policy, 2014[[36]](#footnote-37) to control stray animals and to protect indigenous animals. Also, it aims to develop new breeding policy. Prohibition of Cow Slaughter Act, 1979 is another Act.

**Jharkhand**

Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005[[37]](#footnote-38) prohibits slaughtering of bovine animals like cow, its progeny etc.

**Karnataka**

Wildlife Protection (Karnataka) Rules, 1973[[38]](#footnote-39) were released in Karnataka just after the one year of passing [Wildlife Protection](https://aranya.gov.in/downloads/Wildlife_Protection_%28Karnataka%29_Rules_1973.pdf)Act, 1972.

**Kerala**

 Kerala Animals and Birds Sacrifices Prohibition Act, 1968[[39]](#footnote-40), prohibits the sacrifice of animals and birds in temples or its precinct. Also, various forest preservation Acts are made by the State.

**Madhya Pradesh**

The M.P. Forests (Hunting, Shooting, Fishing, Poisoning Water and Setting Traps or Snares in Reserved or Protected Forests) Rules, 1963, Madhya Pradesh Agricultural Cattle Preservation Act, 1959,Wildlife Protection[(MadhyaPradesh)Rules,](https://aranya.gov.in/downloads/Wildlife_Protection_%28Karnataka%29_Rules_1973.pdf)1974 etc. were enacted in Madhya Pradesh.[[40]](#footnote-41)

**Maharashtra**

Maharashtra Animal Preservation Act, 1976 was amended in 1995. Most discussed amendment was made in 2015[[41]](#footnote-42). The Act protects the life of Schedule animals without being slaughtered.

**Manipur**

Manipur Forest Rules were introduced in 1971[[42]](#footnote-43) under the Forest Act and it aims to protect forest, wild animals and birds.

**Meghalaya**

 Meghalaya Wild Animals and Birds Protection Act, 1971[[43]](#footnote-44) is helping the state protect wildlife along with the centre’s Wildlife Protection Act, 1972.

**Mizoram**

Mizoram Animal Slaughter Act, 2013 provides Schedule of the cattle that can be slaughtered. Recently Mizoram Animal Slaughter (Amendment) Act, 2020[[44]](#footnote-45) was passed which removed the dogs from the category of cattle that can be slaughtered. Thus some provisions in the Act were removed which violates the provisions of Prevention of Cruelty to Animals Act, 1960.

**Nagaland**

Even though all the central Act is in force in Nagaland, still the shooting of dogs and dog meat trade[[45]](#footnote-46) are continuing in the state. It contravenes the country’s food safety & standard regulations, 2011. In many tribal areas, different kinds of illegal hunting and transportation of animals are processing on even though central Acts are existing there.

**Odisha**

 State Society for the Prevention of Cruelty to Animals helps to prevent atrocities against animals. The State has introduced Wildlife Protection (Orissa) Rules in 1974.

**Punjab**

 Punjab Animal Health Act was enacted in 2019[[46]](#footnote-47). The Act provides compulsory vaccination for the animals in recognised areas, welfare measures of animals (Section 16) and penalties in the case of violation.

**Rajasthan**

Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995*[[47]](#footnote-48)* prohibits slaughtering and exporting of bovine animals.Wildlife Protection (Orissa) Rules were introduced in 1977.

**Sikkim**

The Wildlife Protection (Amendment) Act, 2018[[48]](#footnote-49) enacted in Sikkim to give freehand to villagers to protect their crops and livestock from wild animals. The Sikkim Stray Dogs and Rabies Control Act, 2000[[49]](#footnote-50) provides regulation for the up-keeping of pet animals and destruction of rabid animals and the prevention and control of the disease So the reasonable restriction on the rights of animals were introduced under these Acts in the interest of the public health, the sake of domestic animals etc.

**Tamil Nadu**

The Tamil Nadu Animal Preservation Act, 1958[[50]](#footnote-51) prevents slaughtering of certain animals specified under the Act unless certified by the authority.

**Telangana**

The newly formed state Telangana is relying upon the central Acts for the protection of animals.

**Tripura**

The state of Tripura amended the Forest Act, 1927 about 3 times those were in 1984, 1986 &1990.[[51]](#footnote-52) Also in 2018, Tripura HC has banned the sacrifice of animals and birds in temples and asked the state government to open shelter home for rearing livestock donated by devotees at the temples.[[52]](#footnote-53)

**Uttar Pradesh**

The state has Uttar Pradesh Prevention of Cow Slaughter Act, 1955, U.P. Goshala Act, 1964 and its Rules[[53]](#footnote-54) to acknowledge protection of specified animals.

**Uttarakhand**

In 2018 July, the Uttarakhand HC declared that the entire animal kingdom, including avian and aquatic animals, are ‘Legal entities’, having corresponding rights, duties and liabilities of a living person.[[54]](#footnote-55) The judgement is still debatable one as varying Indian conditions. More clarifications are urgent in that regard.

**West Bengal**

The state enacted a bundle of laws to protect both wild and domestic animals, such as West Bengal Animal Slaughter Control Act 1950, West Bengal Prevention of Cruelty Act (slaughterhouse) Rule 2001, West Bengal Wild Life Preservation Act, 1959,Bengal Cruelty to Animals Act, 1869, West Bengal Meat control Order, 1966, The West Bengal Cattle Licensing Rules,  Bengal Diseases of Animals Amendment Act 2008 West Bengal Prevention of Cruelty to and Pack Animals Rules 1965[[55]](#footnote-56) etc.

**Union Territories**

Andaman and Nicobar Islands Wildlife (Protection) Rules, 2008, Animal Health and Welfare Policy, 2018, Delhi, Jammu and Kashmir Prevention of Cruelty to Animals Act, 1990, Jammu and Kashmir Wildlife (Protection) Act, 1978, Jammu and Kashmir Animal Diseases (Control) Act, 2006,Lakshadweep Corals Protection Bye-Law, 1998,   Pondicherry Animals and Birds Sacrifices Prohibition Act, 1965 etc. are the different laws in union territories along with central Acts, Rules and Regulations.

**INTERNATIONAL COVENANTS & TREATIES**

The international body that is aiming to create international standards for animal welfare issues is the World Organization for Animal Health, known as OIE. It was created by twenty-eight countries in 1924. The Organisation deals with issues of animal health. Presently there are 182 member countries, including India. The organisation has an agreement between various United Nations Organs such as FAO and WHO. WHO issued concern over the transmission of COVID19 disease to animals and ask all countries to take reasonable care for animals.

International Convention for the Protection of Animals[[56]](#footnote-57) was released in 1988 for both wild and domestic animals welfare. It contains 16 Articles. The convention aims at establishing effective and comprehensive international standards for the treatment of animals, preventing misuse and wastage of animals, conserve the environment as well as cultural and economic development, practical mechanism to resolve the differences arising from the character and implementation of animal protective legislation of the various states, meaningful and effective improvements in the treatment of animals and fulfilment of

Mankind’s obligations toward animals and natural systems can be assured through cooperative action by all States[[57]](#footnote-58) etc. Articles provide rights of animals to treat them with compassion. The regulations on capturing or killing of Wildlife (Article 3), wildlife management and habitat (Article 4), captive wildlife care (Article 5), transportation of animal (Article 6), companion animals (Article 7), Commercial Animals (Article 8), Scientific Research use of animals (Article 9) etc. should be followed by the contracting countries.

The welfare of wildlife was acknowledged in the Convention on International Trade in Endangered Species and Wild Fauna and Flora (CITES), 1973. Article IV, paragraph 2(c) states the requirements for granting an export permit of live wildlife protected by the treaty: “The State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.”[[58]](#footnote-59) Bonn Convention, 1983 is another one that declares the need of all countries to protect the environment and wildlife.

 India is the signatory of all these treaties and enacted various laws for the protection of animals by obliging the provisions in the conventions.

India is a signatory of the United Nations Conference on the Human Environment, 1972; hence passed Environment Protection Act, 1986. In 1992, UN adopted Global Convention Related to Forest namely, “Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests”. UN adopted a new International Agreement to protect the world’s forests in 2007 as “International Forest Policy for 2017- 2030”. In India also Ministry of Environment and forests prepared National Wildlife Action Plan (2017-31) and National Forest Policy.

Thus the right of animals for their life and habitat are protected globally. India also enacted various laws central and states wise for protecting animal rights.

**ANALYSIS**

The legal system of India protects animals even though they are not legal persons. Though Uttarakhand HC recognised animals as legal entities, it is still a debatable area. Many states enacted the laws against the slaughtering of bovine animals. There are more laws for the protection of domestic animals than wild animals. But the interest of wild animals is also protected under Central schemes and Acts. There various projects such as National Wildlife Action Plan (2017-31), Eco-tourism in Protected Areas, Save Kurma (to protect turtles), Wildnet (to prohibit illegal trade of wildlife), Ex-situ Conservation (breeding of endangered species), Project Elephant, Project Tiger etc. They are so much effective in protecting different species. But still there exist so many lacunas and loopholes, especially in the case of implementation. IUCN Red List India[[59]](#footnote-60) gives 9 critically endangered mammals and 12 endangered mammals. A lot of animals became extinct; mainly due to hunting, desertification and climate change. Therefore human beings must do more for the protection of animals and the environment.

**CONCLUSION**

The animal protection Acts are evolving positively in India. But as happens for all laws in the country, the perfect implementation remains as a question mark. A study in 2017 shows that there was a 52% increase in poaching and wildlife crimes between 2014 and 2016[[60]](#footnote-61). Over 30,382 wildlife crimes have been registered. Another study features that in five years, 19,028 animal cruelty cases were recorded; but dangerously no one arrested.[[61]](#footnote-62)Animals even can’t sue or complain about the violation anywhere as they are unaware of their rights. Therefore wide awareness on legal rights of animals must be provided among the Indian community. It’s a challenge because 70% of people in rural areas are illiterate and they are not aware of the single right of them at least. So the literacy works, along with legal awareness must be strengthened among people. The emerging request of animal lovers for animals’ legal recognition as a person is also an important concern.

There are presumptions that coronavirus has been originated from the untidy meat market of Wuhan; that leads the world to shut down. This means more regulations are necessary for handling and slaughtering of animals. Many animals have lost their food chains, environment etc. Greedy guns are still at work to hunt even endangered species. Animals are to be protected for the secure existence of this world and the human race. But as seen in the various parts of the country, any kind of attack or lynching on human beings within the veil of animal law protection can’t be agreed or tolerated. Human rights and animals are equally important and they need to be balanced with each other. Rights of animals are meant to protect them, but not to attack the right to life of men.It is the optimistic note that India can take further steps on the duty of human beings to protect the rights of animals without hurting any human life. Also, there needs a lot more evolution and synthesis of law for the protection of animals.

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