

ANIMAL WELFARE AND PROTECTION OF INDIA AND RELATED TO INDIAN LAWS

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BEST CITATION – RASIKA. A, ANIMAL WELFARE AND PROTECTION OF INDIA AND RELATED TO INDIAN LAWS, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (3) OF 2024, PG. 307-315, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT :

The Animal Welfare Board of India (AWBI) was established by statute to provide advice on animal welfare laws and to advance animal welfare throughout the nation. This article explores the key aspects of animal rights under the AWBI include Prevention of cruelty to animals act, 1960, Regulation of Animal experimentation, Promotion of Compassion and Humane treatment , Advisory Role, Regulation of entertainment and performances involving animals. It also emphasizes the board's efforts to control the number of stray animals by humanely terminating their pregnancies and raising public awareness through awareness-raising campaigns. The article highlights AWBI's worldwide influence on discussions of animal care by examining its collaborations with NGOs and international organizations. The board does, however, confront difficulties with funding distribution, public awareness, and enforcement. The AWBI's potential to lead future advancements in sustainability and animal rights protection is noted in the conclusion, which highlights the need for stronger legislative frameworks and greater public participation.

INTRODUCTION :

"The greatness of a nation and its moral progress can be measured by the way its animals are treated" – Mahatma Gandhi.

India has a rich cultural heritage that places a significant emphasis on animal welfare. This tradition is reflected in various religious texts and practices, which advocate for compassion and respect towards all living beings. However, despite these cultural values, India has faced challenges in ensuring the protection of animals.

The Indian government has taken several steps to address animal welfare concerns. The Wildlife Protection Act, 1972 is a cornerstone of wildlife conservation in India, protecting various species from hunting, poaching, and habitat destruction. Additionally, the Prevention of Cruelty to Animals Act, 1960 prohibits cruelty to animals and provides for their welfare.

However, the implementation of these laws has been inconsistent, and challenges such as

illegal wildlife trade, animal cruelty, and inadequate infrastructure continue to persist.

An animal's welfare encompasses all aspects of its well-being. Five fundamental liberties are the main focus in order to achieve the best possible animal welfare. The following five freedoms are:

- Nutrition: freedom from thirst and hunger.
- Environment: freedom from discomfort by providing suitable shelter.
- Health: freedom from injury and sickness by providing proper treatment.
- Conduct: autonomy to express oneself by offering appropriate resources.
- Mental state: absence of mental pain and terror.

OBJECTIVES:

The objectives of animal welfare and protection in India are multifaceted, encompassing both

legal and ethical considerations. The primary goal is to ensure that animals are treated humanely and with respect, free from cruelty and suffering. This objective is rooted in the Indian cultural and philosophical traditions, which emphasize the importance of compassion and non-violence towards all living beings.

Here are some key objectives related to animal welfare and protection in India:

Legal Objectives:

Enforcement of Animal Welfare Laws: India has several laws and regulations in place to protect the welfare of animals. These laws aim to prevent cruelty, ensure proper care, and regulate the use of animals in various contexts. The Animal Welfare Board of India (AWBI) is the statutory body responsible for enforcing these laws.

Prevention of Cruelty: One of the primary objectives is to prevent cruelty to animals in all forms, including physical abuse, neglect, and exploitation. This involves ensuring that animals are provided with adequate food, water, shelter, and veterinary care.

Regulation of Animal Trade and Markets: The laws aim to regulate the trade and markets for animals, preventing illegal trafficking, ensuring humane transportation, and prohibiting the sale of animals for cruel or harmful purposes.

Protection of Wildlife: India has specific laws to protect wildlife and their habitats, such as the Wildlife Protection Act, 1972. These laws aim to conserve endangered species, prevent poaching, and protect national parks and wildlife sanctuaries.

Regulation of Animal Experiments: The laws seek to regulate the conduct of animal experiments, ensuring that they are necessary and conducted with minimal suffering. Ethical guidelines are also in place to ensure that animals are treated humanely during experiments.

Ethical Objectives:

Promotion of Compassion and Respect: The ethical objectives aim to promote compassion and respect for all animals, regardless of their species or use. This includes fostering a culture of empathy and understanding towards animals.

Reduction of Animal Suffering: The ethical objectives seek to reduce the suffering of animals in all aspects of human-animal interactions. This involves advocating for humane practices in agriculture, entertainment, and research.

Education and Awareness: Raising awareness about animal welfare issues and educating the public about the importance of treating animals humanely are crucial ethical objectives. This can help to foster a more compassionate society.

Sustainable Use of Animals: The ethical objectives aim to promote the sustainable use of animals, ensuring that their needs are met while minimizing harm. This includes advocating for responsible pet ownership, ethical farming practices, and the conservation of wildlife.

In summary, the objectives of animal welfare and protection in India are multifaceted, encompassing both legal and ethical considerations. By addressing these objectives, India aims to create a society that values and respects the well-being of all animals.

LEGISLATIVE FRAMEWORK FOR ANIMAL RIGHTS AND PROTECTION:

Constitutional Provisions:

1. The Directive Principles of State Policy are found in Part IV of the Indian Constitution, with Article 48 concentrating on the management of agricultural and animal husbandry. It forbids the killing of cows, calves, and other milch and draught animals, and it requires the state to protect animal breeds.

2. The state is required by Article 48A, “Protection and Improvement of the Environment and Safeguarding of Forests and Wildlife,” to take proactive measures to ensure that the environment, forests, and wildlife are protected.
3. The Constitution’s Part IVA describes the Fundamental Duties of Indian Citizens, and Article 51A(g) highlights each citizen’s need to preserve and enhance the environment.
4. The Parliament and state legislatures have the power to pass legislation prohibiting animal abuse and defending wild animals and birds under Article 246 and the Seventh Schedule of the Constitution.
5. Article 243G, interpreted in conjunction with the Eleventh Schedule, grants Panchayats the authority to enact laws pertaining to poultry, dairy, and animal husbandry.
6. Municipalities are authorized to enact legislation pertaining to the control of livestock pounds and the avoidance of animal cruelty under Article 243W, as read in conjunction with the Twelfth Schedule.

Bharatiya Nyaya Sanhita (BNS) Provisions :

The historic Bharatiya Nyaya Sanhita 2023 (BNS 2023) project was unveiled with the goal of updating and modernizing India’s antiquated criminal justice system. The Indian Penal Code (IPC) of 1860 is to be replaced, according to the BNS 2023.

Section 325 of BNS Any anyone who causes harm to an animal by killing, poisoning, maiming, or rendering it worthless faces a maximum sentence of five years in prison of any kind, a fine, or both.

Prevention of Cruelty to Animals Act, 1960 :

Section 4: Creation of the Animal Welfare Board of India: This section lays out the framework for the AWBI’s establishment, which aims to advance animal welfare and carry out

legislation pertaining to the avoidance of animal abuse.

Section 5 – Board Composition: outlines the membership of the AWBI, which consists of a chairman, officials from various government departments, and people with a background or interest in animal welfare.

Section 6 – Term of Office and Conditions of Service: outlines the terms and conditions, including tenure and reappointment eligibility, for the Board member.

Section 7 – Secretary and Other Board Employees: This section specifies that the AWBI will engage a secretary as well as additional staff members as needed to fulfill its duties.

Section 9: The Board’s Duties: describes the responsibilities and roles of the AWBI, which include giving the central government advice on issues pertaining to animal welfare. Encouraging projects and programs for animal welfare. ensuring the application of the legislation pertaining to the avoidance of animal abuse. Supplying money to build homes and shelters for animals.

Section 10: The Board’s Authority to Adopt Regulations: Gives the AWBI the authority to establish rules governing its operations and internal procedures.

Wildlife Protection Act, 1972:

The Wildlife Protection Act, 1972 is a significant piece of legislation in India that aims to protect and conserve wildlife. It provides legal protection to various species of animals, plants, and their habitats.

Key provisions of the Act:

Protected Areas: The Act establishes different categories of protected areas, including national parks, wildlife sanctuaries, and tiger reserves. These areas are strictly regulated to protect wildlife and their ecosystems.

Prohibition of Hunting: The Act prohibits the hunting, killing, or capturing of any wild animal

except under certain circumstances, such as for scientific research or pest control.

Trade Restrictions: The Act restricts the trade in wildlife and their parts, both domestically and internationally, to prevent illegal trafficking and poaching.

Conservation Measures: The Act promotes various conservation measures, including habitat restoration, captive breeding programs, and public awareness campaigns.

Penalties: The Act imposes strict penalties for violations, including fines and imprisonment.

Amendments and Updates:

The Wildlife Protection Act has been amended several times over the years to address emerging challenges and strengthen its provisions. Some notable amendments include:

The Wildlife Protection Amendment Act, 1991: This amendment introduced stricter penalties for wildlife offenses and expanded the scope of protected areas.

The Wildlife Protection Amendment Act, 2002: This amendment established the National Tiger Conservation Authority to oversee the conservation of tigers and their habitats.

The Wildlife Protection Amendment Act, 2006: This amendment prohibited the hunting of elephants and introduced stricter regulations for their trade.

The Wildlife Protection Act, 1972, along with its amendments, plays a crucial role in protecting India's rich biodiversity and ensuring the survival of wildlife species. It provides a legal framework for conservation efforts and helps to maintain the ecological balance of the country.

ENVIRONMENT PROTECTION ACT 1986:

The Environment Protection Act, 1986 (EPA) is a comprehensive legislation in India that aims to protect and improve the environment. While the EPA does not have specific sections exclusively dedicated to wildlife, it indirectly addresses wildlife conservation through several provisions.

Here are some relevant sections of the EPA that relate to wildlife:

Section 2(b): Defines "environment" as "air, water, land, forest, wildlife, plant life, man-made and natural physical and biological features, and their interrelationships and their impact on living beings and their quality of life." This definition includes wildlife as a crucial component of the environment.

Section 6: Empowers the Central Government to take measures to protect and improve the environment, which can include actions related to wildlife conservation.

Section 15: Prohibits the discharge of pollutants into the environment, which can harm wildlife.

Section 25: Deals with the conservation of forests, which are vital habitats for many wildlife species.

Section 26: Provides for the regulation of industries and other activities that can have adverse impacts on the environment, including wildlife.

While the EPA does not provide a comprehensive framework for wildlife conservation, it serves as a valuable tool for protecting the environment as a whole, which includes wildlife. Additionally, other laws and regulations, such as the Wildlife Protection Act, 1972, specifically address wildlife conservation in India.

ANIMAL CRUELTY PREVENTION INITIATIVES :

The Animal Welfare Board of India (AWBI) plays a crucial role in preventing animal cruelty through various initiatives aimed at promoting animal welfare across the country. Established under the Prevention of Cruelty to Animals Act of 1960, the AWBI formulates policies and guidelines to ensure the humane treatment of animals. This includes raising awareness about animal rights and advocating for the enforcement of laws designed to protect them from abuse and exploitation. One of the primary strategies employed by the AWBI is education and outreach. The board organizes workshops,

seminars, and campaigns to educate the public about animal welfare issues. By disseminating information on the importance of compassion towards animals, the AWBI aims to foster a culture of empathy and responsibility among citizens.

These programs work especially well in communities and schools, where they can instill in children a love and respect for animals at a young age. To address cases of animal cruelty, the AWBI actively works with other non-governmental organizations (NGOs) and municipal authorities in addition to its educational initiatives. This kind of cooperation frequently include carrying out inquiries, offering counsel, and assisting with animal rescue missions. By working closely with grassroots organizations, the AWBI extends its reach and effectiveness in combating cruelty and creating better living conditions for animals. The AWBI also participates in the creation and implementation of animal welfare-related laws. This entails keeping an eye on adherence to the Prevention of Cruelty to Animals Act and pushing for harsher punishments for violators. In addition, the board is involved in the drafting of new legislation addressing new concerns in animal care, like how to handle stray animals and control animal breeding. The AWBI works to establish a more compassionate society where animals are respected and treated with dignity through these extensive programs.

ENSURING ETHICAL TREATMENT OF ANIMALS IN INDUSTRIES :

One of the Animal Welfare Board of India's (AWBI) most important mandates is to ensure that animals are treated ethically in industries. The AWBI, which was founded in accordance with the Prevention of Cruelty to Animals Act of 1960, is essential in developing regulations and recommendations that support humane practices in a variety of industries, such as entertainment, research, and agriculture. The board's main goal is to protect animals from mistreatment and exploitation, highlighting the fact that treating them ethically is both morally

and legally required. The AWBI inspects and audits establishments where animals are kept or employed for commercial purposes in order to fulfill its objectives. These inspections determine what has to be improved upon and evaluate adherence to welfare requirements.

The board works with industry participants to offer materials and training on the best ways to care for animals. The Animal Welfare Business Initiation (AWBI) seeks to develop a compassionate and accountable culture in animal-dependent businesses by promoting knowledge of animal welfare concepts. Education and public awareness campaigns are essential parts of the AWBI's plan as well. The board organizes public awareness campaigns regarding moral animal care practices and promotes ethical shopping. Through emphasizing the significance of welfare standards, the AWBI aims to enable customers to endorse companies that follow humane policies. This grassroots strategy fosters a better knowledgeable public that supports animal welfare in addition to encouraging moral behavior in industries.

Despite these initiatives, there are still issues, such as different levels of industry participation and insufficient enforcement of current legislation. The AWBI is pushing for stronger legal and harsher punishments for breaking animal welfare standards in order to increase its efficacy. It will be crucial to maintain an ongoing conversation with stakeholders and provide more funds and resources in order to guarantee that the humane treatment of animals is given top priority in every area of Indian industry.

ANIMAL BIRTH CONTROL AND STRAY ANIMAL WELFARE :

The Animal Welfare Board of India (AWBI) supports animal birth control (ABC) as a vital tactic for controlling the number of stray animals, especially dogs and cats. This strategy focuses on compassionate ways to manage these animals' birth rates so that their numbers can be decreased without resorting to

slaughter. The AWBI highlights that by reducing suffering and improving the quality of life for both strays and community residents, ABC initiatives not only aid in the management of stray populations but also advance the general welfare of animals. When ABC initiatives are put into practice, stray animals are sterilized and then released back into their native habitats.

By keeping the animals in their familiar surroundings, this technique can lessen stress and enhance their general wellbeing. The AWBI seeks to avert overpopulation problems, which may result in a rise in cases of abandonment, illness, and human strife, by sterilizing the population. This compassionate strategy aims to establish a harmonious coexistence between people and animals and is consistent with larger animal rights ideals. Participation from the community is essential to ABC initiatives' success. Volunteers, veterinary professionals, and neighborhood organizations are encouraged to take part in these projects by the AWBI. Education and awareness efforts are vital for changing public opinions regarding stray animals, developing compassion, and supporting ethical pet ownership.

The AWBI seeks to address the underlying causes of stray animal problems and foster a supportive environment for the effective adoption of birth control methods through community engagement. All things considered, the Animal Welfare Board of India's emphasis on animal birth control is a proactive and compassionate strategy for the welfare of stray animals. The AWBI aims to provide a long-term solution that not only manages stray populations but also improves the lives of these animals and the communities they reside in by giving sterilization priority over euthanasia. This dedication to moral behavior is a reflection of a larger cultural movement that values peaceful cohabitation and acknowledges the inherent worth of all living things.

COLLABORATION WITH NGO'S AND ANIMAL RIGHTS GROUP :

Promoting animal welfare and rights throughout the nation is greatly aided by the Animal Welfare Board of India (AWBI). Working with animal rights organizations and non-governmental organizations (NGOs) is one of the AWBI's primary tactics. Through these collaborations, welfare efforts are amplified and the board is able to take advantage of NGOs' resources, experience, and grassroots connections. Together, they can successfully handle problems like managing stray animals, stopping the illegal wildlife trade, and preventing animal cruelty. Partnerships frequently take the form of coordinated campaigns, education initiatives, and policy lobbying. The AWBI collaborates with non-governmental organizations (NGOs) to hold educational seminars and community outreach programs that educate people about animal rights and responsible pet ownership.

These initiatives support community involvement in animal care as well as the development of a compassionate culture. Through pooling resources, both the AWBI and NGOs can reach a bigger audience, producing a more profound impact on public attitudes and behaviors toward animals. These alliances are also essential for legislative advocacy. NGOs often give significant insights and data on animal welfare issues, which can inform policy recommendations made by the AWBI. Together, they may advocate for more robust legislation pertaining to animal protection and more efficient methods of enforcement. Initiatives for collaborative research can also draw attention to urgent problems, guaranteeing that animal welfare stays high on the national agenda.

In conclusion, the effectiveness of animal welfare initiatives is greatly increased by the partnership between the Animal Welfare Board of India and numerous NGOs and animal rights organizations. Through collaborative efforts, advocacy, and community involvement, these alliances contribute to the development of an

animal-friendly society. The significance of these partnerships will only rise in light of the growing public consciousness, advancing the cause of animal rights and welfare in India.

Judicial Interpretation:

The Animal Welfare Board of India (AWBI) has been involved in numerous judicial cases over the years, as it strives to enforce animal welfare laws and regulations. These cases have helped to shape the interpretation and application of various provisions of the Prevention of Cruelty to Animals Act, 1960 (PCA Act) and other relevant laws.

Some notable judicial cases involving the AWBI include:

Animal Welfare Board of India v. A.R. Antulay (1986): This case upheld the validity of the PCA Act and affirmed the AWBI's power to investigate and prosecute cases of animal cruelty.

Animal Welfare Board of India v. Union of India (1990): In this case, the Supreme Court directed the government to take steps to prevent cruelty to animals during religious ceremonies and festivals.

Animal Welfare Board of India v. State of Tamil Nadu (2001): The court upheld the validity of the Tamil Nadu Cattle Slaughter Prohibition Act, which prohibits the slaughter of cows and calves in the state.

Animal Welfare Board of India v. State of Uttar Pradesh (2002): The court directed the government to take action to prevent the illegal trade in animals for sacrificial purposes.

Animal Welfare Board of India v. State of Rajasthan (2006): The court ordered the government to implement measures to protect elephants from cruelty and exploitation.

These are just a few examples of the many judicial cases involving the AWBI. The board has played a crucial role in advocating for animal welfare and ensuring that the laws are effectively enforced.

RECENT DEVELOPMENT IN ANIMAL WELFARE AND PROTECTION IN INDIA:

In recent years, there has been a growing awareness and activism surrounding animal welfare issues in India. This has led to several significant developments:

Strengthening of Existing Laws: The government has taken steps to strengthen existing animal welfare legislation, including amendments to the Prevention of Cruelty to Animals Act and the Wildlife Protection Act. These amendments aim to enhance penalties for animal cruelty and provide better protection for wildlife.

Establishment of Animal Welfare Boards: The Animal Welfare Board of India (AWBI) and state-level Animal Welfare Boards have been established to oversee the implementation of animal welfare laws and promote animal welfare initiatives.

Increased Public Awareness: There has been a significant increase in public awareness about animal welfare issues, fueled by social media campaigns, protests, and media coverage. This has put pressure on the government and other stakeholders to address animal welfare concerns.

Rise of Animal Welfare Organizations: Numerous animal welfare organizations have emerged in India, working to rescue, rehabilitate, and rehome animals. These organizations also advocate for stronger animal welfare laws and raise awareness about animal rights.

Challenges and Opportunities: Despite these positive developments, challenges such as illegal wildlife trade, animal cruelty, and inadequate infrastructure continue to persist. However, the growing awareness and activism surrounding animal welfare offer opportunities for positive change.

In conclusion, while India has made significant strides in animal welfare and protection, there is still much work to be done. Continued efforts to strengthen existing laws, raise public awareness, and support animal welfare

organizations are crucial to ensuring the well-being of animals in India.

Suggestion:

The Animal Welfare Board of India (AWBI) can consider the following suggestions to enhance its effectiveness and improve animal welfare in India:

Strengthen Enforcement:

Increase Manpower: Allocate more resources to the AWBI to enable it to effectively investigate and prosecute cases of animal cruelty.

Empower Inspectors: Provide AWBI inspectors with more authority and training to ensure they can take prompt and decisive action.

Collaborate with Local Authorities: Work closely with local police and municipal authorities to ensure better coordination and enforcement of animal welfare laws.

Promote Education and Awareness:

Develop Curriculum: Incorporate animal welfare education into school and college curricula to promote awareness and empathy among young people.

Organize Awareness Campaigns: Conduct regular public awareness campaigns to educate people about the importance of animal welfare and the consequences of cruelty.

Utilize Social Media: Leverage social media platforms to reach a wider audience and spread messages about animal welfare.

Improve Infrastructure and Facilities:

Establish More Shelters: Build and maintain more animal shelters and rehabilitation centers to provide care for animals in need.

Upgrade Existing Facilities: Ensure that existing shelters and facilities meet adequate standards of hygiene and care.

Provide Veterinary Services: Equip shelters and facilities with qualified veterinarians and necessary medical equipment.

Strengthen Regulations and Policies:

Review and Update Laws: Regularly review and update animal welfare laws to address emerging challenges and ensure they are in line with international standards.

Implement Stricter Penalties: Impose harsher penalties for animal cruelty offenses to deter perpetrators.

Promote Ethical Practices: Encourage ethical practices in animal husbandry, research, and entertainment industries.

Foster Partnerships and Collaboration:

Collaborate with NGOs: Work closely with animal welfare NGOs to leverage their expertise and resources.

Engage with Industry: Engage with industries such as agriculture, pharmaceuticals, and entertainment to promote ethical practices and animal welfare standards.

Seek International Cooperation: Collaborate with international organizations and experts to share knowledge and best practices.

By implementing these suggestions, the AWBI can play a more significant role in protecting the welfare of animals in India and ensuring a more compassionate and humane society.

Conclusion:

The Animal Welfare Board of India (AWBI) is a vital organization in India that plays a crucial role in promoting animal welfare and protecting animals from cruelty. Through its various activities and initiatives, the AWBI has made significant strides in raising awareness about animal welfare issues, enforcing animal welfare laws, and providing assistance to animals in need.

While the AWBI has achieved considerable success, there is still much work to be done to ensure the well-being of all animals in India. The organization faces challenges such as limited resources, lack of public awareness, and difficulty in enforcing animal welfare laws in remote areas.

To address these challenges, the AWBI needs continued support from the government, NGOs, and individuals. By working together, we can create a more compassionate and humane society for all animals.

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