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The History of Animal Laws in India

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"Until we consider animal life to be worthy of the consideration and reverence we bestow upon old books and pictures and historic monuments, there will always be the animal refugee living a precarious life on the edge of extermination, dependent for existence on the charity of a few human beings."

— *Gerald Durrell.*

Hindu religion is one of the oldest religion in the world ever since Vedic times the main mode of social life was to have how many with nature sages Saints and the great philosophers of India lived in forest and on mountains where they meditated and expressed in the form of Vedas Upanishads and smritis it was perched of that in one form or other a Worshipful attitude towards the earth Sky, water, trees, plants, and animals to keep a benevolent attitude towards these. It was regarded as a sacred duty of mankind to protect these.¹ The Hindu religion and law enshrined respect for nature and environment harmony and conservation. It instructed man to show a reverence for the presence of divinity in nature.²

The environment prevailing on the earth is the best boon of nature. Environment is that aspect which has given the glory of the living world to the earth. In this universe, there are numerical planets like the Earth but according to authentic information, the development of life has been found only on the Earth. Environment Biological world. Air is life, that is why Poet Harsh has written that the environment is the entire sentence of circumstances and their effect on living beings, which is the regulator of the development of the organic world. There are three main conclusions of the creation described in the Bible. First, that man is also made of natural matter, but God has created him in his own form according to his own form. Second, that man, being the superior star, has authority over other superior substances, animals, birds, and creatures. Third, that man It is a part of the universe, its existence is based on the existence of all the creatures, hence the responsibility for the protection of all the creatures and things of the universe rests entirely on the human being.

¹ Shatri,Satish.Environmental Ethics and Constitution of India. EDN Singh, R.b., Mishra(1996).Environment Law In India, Issues and Responses, P.98

² Ibid.

The relation of animals and birds has also been linked with Gods and Goddesses. It has been instructed to consider them like one's sons. It is said in Shrimad Bhagwat Katha that living animals like deer, camel, monkeys, mule, mouse, birds, and other flying creatures should be considered like one's sons. It should be believed and it has also been associated with many gods and goddesses. A cow is considered to be the form of a mother.

The concept of ecology is based on the mutual inter-process between the environment and living beings. Nature has been studied in the form of creation balance for a long time. In ancient times, the interrelationship between nature and living beings has been explained under Vihang Yoga. In the 19th century, the Germans Geography with Humbolt 1769-1859 had said while giving the following warning that nature is not an inanimate substance, nature is a sacred gift and is the basic force of the earth.³

Before the Mughal period in India, the treatment of animals was influenced by various religious, cultural, and philosophical beliefs. Hinduism, Buddhism, and Jainism, which were the major religions in ancient India, emphasized the importance of compassion and non-violence towards all living beings, including animals. These ideologies played a significant role in shaping early animal laws and practices:

Hinduism:

Hinduism is one of the oldest religions in India and promotes the concept of ahimsa (non-violence). Animals were considered sacred, and harming them was discouraged. Cows, in particular, were revered and protected.

Buddhism:

Buddhism, founded by Siddhartha Gautama (Buddha), also advocated for non-violence and compassion towards all living beings. Buddhists were encouraged to avoid harming animals and to practice kindness and care towards them.

Jainism:

Jainism places a strong emphasis on non-violence and reverence for all life. Jains follow a strict vegetarian diet and adhere to principles that avoid harm to animals.

Ashoka's Edicts:

Emperor Ashoka, a prominent Maurya ruler (c. 268–232 BCE), inscribed edicts promoting kindness towards animals and advocating for their welfare. These edicts encouraged the protection of wildlife and the establishment of facilities for the care of sick and injured animals.

³ Prasad, Dr. Anirudh. (2018). Paryawaran Evam Paryawaran Sanrakshan Vidhi Ki Ruprekha, Central law Publications.

Dharmasastras:

Ancient Indian legal and ethical texts known as Dharmasastras contained guidelines on proper conduct, including rules related to animal welfare and treatment. These texts encouraged fair treatment of animals and cautioned against unnecessary harm.

Local Customs and Practices: Various regions in ancient India had their own customs and practices regarding the treatment of animals. These often incorporated respect for animals and promoted responsible interactions with wildlife.

While there were no formalized animal laws in the modern sense during ancient times, the religious and ethical beliefs prevalent in ancient India heavily influenced how people treated and interacted with animals. The importance of compassion, kindness, and non-violence towards animals was deeply ingrained in the culture and traditions of the Indian subcontinent, and these principles continue to be influential in modern Indian society.

Animal Sacrifices: While many ancient Indian traditions advocated for non-violence towards animals, there were also rituals and ceremonies that involved animal sacrifices, particularly in some sects of Hinduism and tribal communities. These practices varied widely and were often subject to debate and reform efforts.

In summary, before the Mughal period, India had a diverse range of beliefs, customs, and practices related to animals, with an overarching emphasis on non-violence and compassion. While there were no formal animal protection laws as we understand them today, ethical and religious principles played a significant role in shaping how animals were treated and respected in different parts of the subcontinent. OUR MISSION YOUR SUCCESS

During the Mughal period in India (from the early 16th century to the mid-18th century), there were some regulations and practices related to animals, but these were primarily concerned with hunting and the use of animals in various imperial activities. The Mughal emperors had a strong interest in hunting and often maintained extensive hunting grounds. Here are some aspects of animal-related laws and practices during the Mughal period:

Hunting Regulations: The Mughal emperors were known for their love of hunting, and they established hunting regulations to manage their vast hunting reserves. These regulations included restrictions on the types of animals that could be hunted and the methods used for hunting. There were penalties for hunting certain animals, especially those considered a royal game.

Wildlife Conservation: Some Mughal emperors, such as Akbar, demonstrated a degree of wildlife conservation by imposing restrictions on hunting certain species during specific seasons to prevent overhunting. Akbar, in particular, was known for his interest in nature and his efforts to preserve wildlife.

Elephant Management: Elephants played a significant role in Mughal society, both for military purposes and in grand processions and ceremonies. The Mughals had regulations for the capture, training, and use of elephants.

Falconry and Animal Training: The Mughals were also interested in falconry and the training of birds of prey. They had specific rules and practices for keeping and training these birds.

Animal Welfare Practices: While there were no formal laws in place for animal welfare as we understand them today, there were instances where Mughal emperors and nobility displayed a degree of compassion toward animals. For example, Akbar was known for his vegetarian inclinations and his promotion of vegetarianism among his courtiers.

It's important to note that the Mughal perspective on animals and their treatment was largely shaped by the interests and values of the ruling elite. The common people had their own customs and practices related to animals, which often varied by region and community.

Cultural and religions of the world can provide a solid foundation for changing people's attitudes on the preservation and conservation of the environment. World religions and cultures' poliary Oriental belief systems do not inherently subscribe to the abuse and exploitation of nature for material and Selfish gain. But we should not forget that even among the Oriental cultures and religions. We also witness the exploitation of nature for material and selfish gain. But we should not forget that even among the Oriental cultures and religions be also witness exploitation of the environment by their own people despite The strictures and injunctions inherited in their religion and cultures.

Before the attainment of Independence, the situation relating to the protection of the environment was not that clear but from the writing, it is clear that starting from the ancient period till the end of British rule in India the country has witnessed a mixed response. During the period of most of the rulers emphasis was more on resource conservation rather than protection.

In summary, during the Mughal period in India, there were regulations and practices related to hunting, wildlife conservation, and the use of animals for various purposes. These regulations were primarily aimed at facilitating imperial activities and maintaining the interests of the Mughal rulers and nobility rather than promoting comprehensive animal welfare as we understand it today.

Laws Prevailing in Pre Independence Era

Before India gained independence in 1947, there were several laws and regulations that addressed various aspects of animal welfare and protection. These laws were influenced by both indigenous traditions and colonial-era regulations. Here are some key developments in animal laws before independence:

Pre-Colonial Period: India's indigenous religions and philosophies, including Hinduism, Buddhism, and Jainism, emphasized compassion and non-violence (ahimsa) towards all living beings. While there were no formal legal codes, these ethical principles influenced the treatment of animals.

Mughal Period: As mentioned earlier, the Mughal emperors had regulations related to hunting, wildlife conservation, and the use of animals for various purposes, but these regulations primarily served imperial interests.

Colonial Era (British Rule): During British colonial rule in India, several laws related to animals were enacted:

a. **The Prevention of Cruelty to Animals Act, 1890:** This was one of the earliest formal animal welfare laws in India. It focused on the prevention of cruelty to draught and pack animals, such as horses, bullocks, and donkeys, which were commonly used for transportation and agriculture.

b. **Hunting Regulations:** The British colonial government also introduced hunting regulations to control the hunting of certain game animals and protect wildlife in colonial India. These regulations were aimed at preserving game animals for sport and the British elite.

Societal Practices: In addition to formal laws, Indian society had various customs and practices related to animals. For example, the reverence for cows and the prohibition of cow slaughter were deeply ingrained in many parts of India due to religious and cultural beliefs.

Activism and Reform: During the late 19th and early 20th centuries, there were emerging voices advocating for animal welfare and protection. The formation of organizations such as the Bombay Society for the Prevention of Cruelty to Animals (BSPCA) and the Calcutta Society for the Prevention of Cruelty to Animals (CSPCA) reflected growing concern for animal rights and welfare.

Animal Welfare in Religious Context: Religious leaders and thinkers, including Mahatma Gandhi, often spoke about the importance of compassion towards animals and advocated for humane treatment. Gandhi, in particular, emphasized the ethical treatment of animals as part of his broader philosophy of non-violence.

It's important to note that the animal welfare laws during the colonial period were limited in scope and primarily focused on certain categories of animals. They were also influenced by colonial interests and did not necessarily address the full range of animal welfare concerns. After gaining independence in 1947, India continued to expand and modernize its animal welfare laws, culminating in the comprehensive Prevention of Cruelty to Animals Act, 1960, which has since been amended and updated to provide broader protections for animals.

Animal laws post-independence

After gaining independence in 1947, India has made significant progress in the field of animal welfare and protection by enacting several laws and regulations to safeguard the rights and welfare of animals. These laws have evolved over the years to address a wide range of issues related to animals, including their treatment, welfare, conservation, and management. Here are some key animal laws and regulations in India after independence:

Prevention of Cruelty to Animals Act, 1960: This is one of the foundational laws for animal welfare in India. It has been amended multiple times to expand its scope and improve the protection of animals. The act covers various aspects, including the prevention of cruelty to animals, the regulation of animal markets and slaughterhouses, the protection of wildlife, and the establishment of the Animal Welfare Board of India (AWBI).

Wildlife Protection Act, 1972: This legislation is focused on the conservation and protection of wildlife in India. It classifies wildlife into various schedules, with varying levels of protection. The act also provides for the establishment of wildlife sanctuaries and national parks, regulates hunting and trade in wildlife and their products, and aims to prevent poaching and illegal trade.

Transport of Animals Rules, 1978: These rules, made under the Prevention of Cruelty to Animals Act, lay down guidelines for the humane transport of animals. They specify the conditions and standards for the transportation of animals, particularly in the context of livestock and cattle transport.

Performing Animals (Registration) Rules, 2001: These rules regulate the use of animals in performances, exhibitions, and entertainment. They require the registration of performing animals and lay down certain conditions for their welfare during such events.

Banning of Cow Slaughter: In several Indian states, the slaughter of cows is prohibited due to religious and cultural beliefs. These laws vary by state, and the penalties for cow slaughter can be significant.

Animal Welfare Board of India (AWBI): Established under the Prevention of Cruelty to Animals Act, the AWBI plays a pivotal role in promoting animal welfare in India. It advises the government on policy matters related to animals and oversees the implementation of animal welfare laws.

Laws Related to Experiments on Animals: India has regulations governing the use of animals in scientific experiments. The Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) is responsible for ensuring that experiments on animals are conducted ethically and with appropriate safeguards.

Recent Amendments and Initiatives: Over the years, there have been various amendments and initiatives to strengthen animal welfare laws, such as stricter regulations on animal testing for

cosmetics, efforts to combat illegal wildlife trade, and measures to address issues related to stray dog management and cruelty to animals in general.

India's approach to animal welfare has evolved over the years, reflecting changing societal attitudes and concerns about the treatment of animals. The country continues to work on improving the enforcement and effectiveness of these laws and promoting humane treatment and protection of animals in all sectors of society.

The history of animal laws in India can be traced back to ancient times when various religious and philosophical traditions emphasized the importance of treating animals with kindness and respect. However, the formalization of animal protection laws in India began during the colonial period and continued to evolve over the years. Here is an overview of the history of animal laws in India:

Ancient Traditions: India has a long history of reverence for animals rooted in Hinduism, Buddhism, and Jainism. These religions promote the idea of non-violence (ahimsa) and kindness towards all living beings. Many ancient texts and scriptures contain references to the humane treatment of animals.

British Colonial Rule: During British colonial rule in India, the British government passed the Prevention of Cruelty to Animals Act, 1890. This law was primarily aimed at preventing cruelty to draught and pack animals, such as horses and bullocks, that were commonly used in transportation and agriculture.

Formation of Animal Welfare Organizations: The early 20th century saw the emergence of animal welfare organizations in India, such as the Bombay Society for the Prevention of Cruelty to Animals (BSPCA) and the Calcutta Society for the Prevention of Cruelty to Animals (CSPCA). These organizations played a crucial role in raising awareness about animal welfare issues and advocating for stronger legal protections.

Forest Birds and Animal Protection Act 1912: The purpose of passing this Act was to make better provisions for the conservation and maintenance of wild birds and animals on the ridge. The Act specifies closed hunting seasons and also regulates the hunting of specified species through licenses. Scope of this Act Very limited. It is primarily concerned with hunting. It is not concerned with the regulation of trade in wildlife and wildlife products.

The Prevention of Cruelty to Animals Act, 1960: This landmark legislation replaced the 1890 Act and provided more comprehensive legal protections for animals in India. It covered a wider range of animals, including pets and wildlife, and established the Animal Welfare Board of India (AWBI) to oversee the implementation of the law.

In the case of Animal Welfare Board of India vs A Nagaraj, Justice K. S. Radhakrishnan expressed the constitutional philosophy behind animal rights and welfare. He made it clear that

the compassion mentioned in Article 51 of the Constitution and the humanism mentioned in Article 51A are responsible for animal rights and welfare. We present the constitutional philosophy of the right to life and welfare mentioned in Article 21 of the Constitution. It also includes animal life. There is a need that there should be no cruelty to animals, birds and fish and the Prevention of Cruelty to Animals Act 1960 should be done in the light of Article 21, 51 a (g), 51 A(h), 98 of the Constitution. In this way, the Supreme Court made it clear that every species has the right to life and security under the law of the country, animals also have equal respect and dignity and they cannot be deprived of their privacy rights in an autocratic manner, only human needs must protect them. There may be interference in rights, otherwise for human happiness, emphasis should be given to eco-centric approach by changing the anthropocentric approach.⁴

Wildlife Protection Act, 1972: This act was enacted to protect wildlife and their habitats in India. It classified animals into various schedules, with varying levels of protection, and aimed to curb illegal poaching and trade in wildlife and their products.

Wild Life Protection Act 1972 was passed for the protection of wild animals, birds and plants and to make ancillary and supporting provisions related thereto. By reorganizing Section 2I through the Wild Life Protection Amendment Act 2002, the following definition has been placed in place of the previous definition: Animals include mammals, birds, reptiles, aquatic, terrestrial animals, fish and other vertebrates and invertebrates and their young and eggs.

Killing any wild animal or captive animal, attempting to tame or capture any captive animal, hunting dogs, trapping, luring, etc. cannot be done.

Amendments and Expansions: Over the years, there have been several amendments and additions to animal protection laws in India to address emerging issues and concerns. These include rules and regulations related to the treatment of animals in scientific research, transport, and entertainment.

Recent Developments: In recent years, India has taken significant steps towards animal welfare, including stricter regulations on the treatment of animals in various sectors, bans on certain cruel practices, and efforts to address issues such as stray dog management and animal testing for cosmetics.

Legal Challenges: Despite the presence of comprehensive animal protection laws, there have been challenges in enforcing them consistently across the country, and issues related to animal cruelty and exploitation persist.

Overall, India has a rich cultural heritage of respect for animals, and its legal framework for animal welfare has evolved to reflect changing societal attitudes and concerns. While progress

⁴ Prasad, Dr. Anirudh. (2018). Paryawaran Evam Paryawaran Sanrakshan Vidhi Ki Ruprekha, Central Law Publications. P.414

has been made, there is ongoing work to ensure the effective enforcement of these laws and to promote the humane treatment of animals in all sectors of society.

The Supreme Court of India, in **Centre for Environmental Law, WWF v. Union of India**,⁵ observed that, for a better and sustainable future, we should consider the concept of Ecocentrism and not Anthropocentrism. Ecocentrism considers the intrinsic values of both humans and non-humans and fosters the idea that both of them are part and parcel of the same ecosystem.

In spite of these principles and practices, animal brutality and exploitation is prevalent across the country.

From, illegal wildlife trading to slaughtering animals for religious purposes and indulging them in harmful sports for the entertainment purposes of human beings portrays a large scale of animal cruelty by humans. The human species is considered to be superior in the circle of the food chain due to their intelligence. However, many pieces of research significantly show that few animals too possess emotions and intelligence.

"Kindness and compassion towards all living things is a mark of a civilized society. Conversely, cruelty, whether it is directed against human beings or against animals, is not the exclusive province of any one culture or community of people."

— Cesar

Chavez.

Professor Falk stress on 4 basic points in order to build world ecological consciousness. the first one is that the sovereign States cannot in their present attitude resolve the endangered planet crisis. Secondly, a model of future World order is needed which is to be built upon great vision. Thirdly, strategies are required to transform human attitudes and behaviour, and finally, programs must be made to walk into the future. No doubt if you build upon these principles and start functioning in the way described, we can be able to shape the world environment and start protecting it from declining further this consciousness will certainly improve the common understanding of the needs of each other which ultimately will be able to transform the society to a stable society.⁶

⁵ Radhakrishnan, S.K.(2013).

⁶ Iyer,Justice Krishna.(1984). Environment Pollution and The Law.