

# Why are there Laws about Animals?

Paradigm Shift

Social Responsibility

Harmony

# Types of Animal Laws?

✓ Cruelty

✓ Wildlife

✓ Control

# What Are The Animal Laws?

- The Constitution of India
- The Indian Penal Code, 1860
- The Criminal Procedure Code, 1973
- The Prevention of Cruelty to Animals Act, 1960
- The Wildlife Protection Act, 1972
- The Police Acts
- The Municipal Corporation Acts.

# The Constitution of India

- The Directive Principles of State Policy – Part IV – Art. 48 & 48A
- The Fundamental duties – Part IVA – Art. 51A (g)

“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.”
- Fundamental to governance – so – highest priority

# The Indian Penal Code, 1860

## On Animals

- Section 428- Mischief by killing or maiming animal of the value of ten to fifty rupees.
- Section 429 – Mischief by killing or maiming any animal of the value of fifty rupees and more - up to five years imprisonment.

# Other Animal Laws

- The Prevention of Cruelty to Animals Act, 1960 – pertains to captive animals and domestic animals – Sec. 11 definition of cruelty
- The Wildlife Protection Act, 1972 – pertains to wild animals – both flora and fauna – aimed at conservation of animals and their habitat.

# Police Acts

- Empowers Police Officers with respect to offences under the PCA Act, 1960 or WPA, 1972
- Empowers Police Officers with respect to offences otherwise e.g. when a cow is left tied on the road for hours together
- State Laws – enacted and enforced by various States

# Municipal Corporation Acts

Deals with:-

- Deals with dead animals
- Establishment & maintenance of veterinary hospitals, cattle pounds, farms, dairies, municipal markets and slaughter houses;
- Licenses to private markets and slaughter houses, theatre, circus etc.
- State Acts – enforced by State agencies.











NEEDLE SIZE 0.55x25mm/24x1

THIOPENTONE INJECTION

XYLAZINE INJECTION

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# Salient Features of the Prevention of Cruelty to Animals Act, 1960

- Central Act - in force throughout the territory of India.
- Rules under the Act - in force throughout India unless specified otherwise.
- Sec.11 enumerates the various forms of cruelties on animals which are prohibited

# Salient Features of the Prevention of Cruelty to Animals Act, 1960

- Chapter IV - experimentation on animals- CPCSEA -to regulate experimentation - general objectives laid down – non-cognizable offences
- Chapter V – performing animals- registration mandatory- procedure laid down in Sec.23 - Sec.26 offence and punishment.

# Salient Features of the Wildlife Protection Act, 1972

- Applicable all over India except Jammu and Kashmir which has its own Act.
- Hunting of any scheduled animal prohibited.
- Hunting - also includes capturing and trapping a wild animal



# Salient Features of the Wildlife Protection Act, 1972

- Schedules I,II,III & IV list different protected species, the killing or trade of which is prohibited.
- Schedule VI lists protected plants
- A Schedule I offence can earn a repeat offender 7 years in prison and a fine of Rs.25,000.
- Rules for protected areas

# Why Should Wildlife Crime be Prevented?

- Species face extinction because of demands from the wildlife trade. Wild plants - provide genetic variation for crops - natural source for many medicines-threatened by the trade.
- Illegal wildlife trade-part of the crime syndicate-must be prevented.

# Wildlife crime

- Live animals only form a small part of the trade.
- The trade occurs at all levels
- Only second to narcotics -Second largest illegal occupation in the world.

# CITES

- Convention on International Trade in Endangered Species of Wild Flora and Fauna.
- Regulates international trade in endangered species & export-import of endangered species between member Countries- species
- Authority- Directorate of CITES & officers of the WPA

# Areas of Application of Animal Laws

- Performing Animals
- Draught and Pack Animals
- Transporting of animals
- Slaughter including treatment of animals before and during slaughter
- Companion animals and strays
- Wild animals and the WPA
- Fishing
- Zoos
- Experimentation on animals

# Performing Animals

- Performing Animal (Registration) Rules, 2001.
- Wildlife Protection Act, 1972.
- Central Zoo Authority Guidelines.
- Cinematography Act, 1952.

# Performing Animal (Registration) Rules, 2001.

- Registration with AWBI Mandatory.
- Lion, Tigers, Bears, Panthers, Monkeys, bulls – Complete Prohibition on Performance.
- Applicable to all kind of Performance including
  - Circuses, Madaris, Kalanders
  - Films (Movie, Advertisements, etc.)

# Performing Animals & WLPA 1972

- All wild animals under Act- Govt. property
- Permission in writing of the CWW to keep such animals-No guidelines to CWW to issue License-proof that animal was bred in captivity to be given by the licensee-loop-hole
- Snake Charmers, Parakeet fortune tellers all covered by the WLPA, 1972.



# Performing Animals Instances

- Animal racing - Sec.11(1)(a), PCA, 1960
- Bull-fighting - Sec.11(1)(n), PCA, 1960
- Cockfights - Sec.11(1)(m)(ii) & (n) PCA, 1960
- Partridge fights - Sec.11(m)(ii)(n), PCA, 1960 —also a offence under the WPA, 1972 - Scheduled bird.

# Animals in Films

Landmark Judgment :

PETA India V/s CBFC and others

- Mandates CBFC to seek certificate from AWBI before giving a censor certificate
- AWBI to set up inspection mechanism



















# Animal fights and races

- The Supreme Court of India in a landmark judgment in the case of AWBI vs. A. Nagaraja & Others (2014)7 SCC(547) placed a complete ban on jallikattu, any other bull race or animal fights
- The High Court of Andhra Pradesh and Telangana held on 29<sup>th</sup> December, 2014, that cockfights are illegal. This order is supported by the Supreme Court vide order dated 12<sup>th</sup> January, 2015 as well as by the State Government of Andhra Pradesh vide an affidavit submitted in the Court.
- The High Court of Maharashtra, at Panaji banned bullfights in Goa in the matter of People for Animals vs. State of Goa (1997)

























# Draught & Pack Animals

- PCA, 1960 - Sec.11(1)(a) & (b)
- Sec.38 - “Prevention of Cruelty of Draught and Pack Animals Rules, 1965”- prescribes maximum load etc.

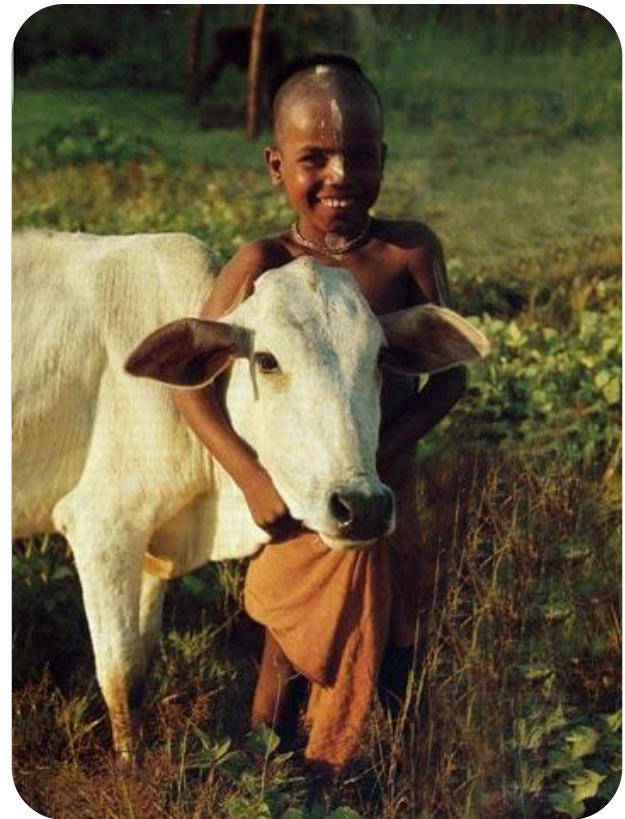




# Transporting Animals

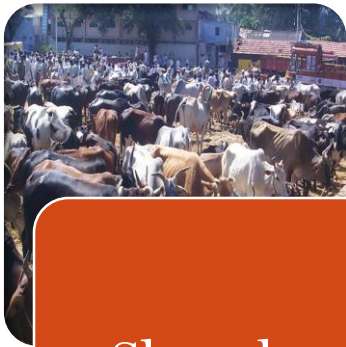
- PCA Act, 1960- Sec.11(a), (d), (e) & (h)
- Transport of Animal Rules, 1978
- PCA (Transport of Animals on Foot) Rules, 2001

# Cattle, Sheep and Goat

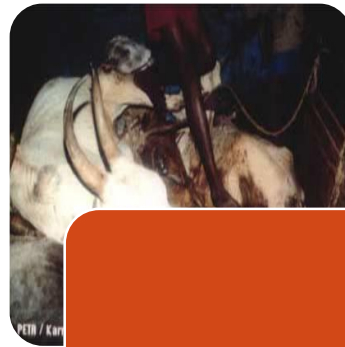




# Meat - Process Chain



Shandy



Transport



Abattoir

# Transport – Truck and Foot



## Transport of Animals by Foot

Animals are walked across the borders to avoid check posts and other authorities

Photo Courtesy : PETA India



## Animals collapse during transport

Animal Handler standing on a downed cattle

Photo Courtesy : PETA India















Animals are injured during transport

Photo Courtesy : PETA India



## No Loading Ramps

Photo Courtesy : PETA India

# Shandy (Animal Market)





No shade, Water Troughs , Tied Closely

Photo Courtesy : PETA India



No Unloading Ramps

Photo Courtesy : PETA India





Over loading

Photo Courtesy : PETA India



Animals under legal age of slaughter sold

Photo Courtesy : PETA India



**Abattoir**



No Proper Holding Area

Photo Courtesy : PETA India





## Cruel Handling

Photo Courtesy : PETA India



## Environmental Hazard

Photo Courtesy : PETA India



# Slaughter

- Prohibited in any Corporation or Municipal area without license
- PCA (Slaughterhouse) Rules, 2001
- Environmental pollution-Duty of Corporation to provide space
- Goat and bird sacrifice- prohibited in some States through local Acts- priest and person who sacrifices can be arrested

# Wild Animals & The Wildlife Protection Act, 1972

- WPA, 1972- applicable to everyone, including tribes
- Wild animals or birds being sold in local market – hunting - legal presumption -lodge FIR-involve senior official-accompany police - option - use Sec.43















# Wild Animals & The Wildlife Protection Act, 1972

- Scheduled animals or birds under WPA or CITES may not be taken out of the Country without permission by the authority
- Other animals - Live Animal Regulations and Container Requirements of the International Air Transport Association, Customs Act, 1962, PCA, 1960, Foreign Trade (Development and Regulation) Act, 1992 etc.













THE ILLEGAL WILD  
TRADE GENERATES  
BETWEEN FIVE AND  
BILLION DOLLARS  
ANNUALLY



# Wild Animals & The Wildlife Protection Act, 1972

- Cutting of tree having nests - offence of hunting.
- Cannot Manufacture, deal or carry on business in animal articles, trophies etc - cannot display in any commercial premises - could entail up to 7 years imprisonment - contact authority under WPA & lodge an FIR.



# Zoos

- Prior to 1991 -Zoos not governed by specific legislation- 1991 amendment- all Zoos brought under its purview.
- CG framed and notified the Central Zoo Authority and Recognition of Zoo Rules-all zoos to be registered under the Act and to comply with the Recognition of Zoo Rules













## Provision of law :

- Teasing animals in a Zoo- Sec.38-J of the WPA- punishable with imprisonment- three years or with fine which may extend to Rs.25,000/

# Animal Experimentation

- Chapter IV- Section 15-experimentation on animals- confers power on the CG to appoint CPCSEA- set up to regulate experimentation - general objectives laid down.
- CPCSEA not advisory committee but a statutory committee- Hence Rules framed by this Committee are binding- breach - offence under the PCA, 1960.

# Testing Cosmetics On Animals

- Testing of cosmetic on animals is banned by Ministry of Health & Family Welfare, on 22<sup>nd</sup> May, 2014
- Import of cosmetic tested on animals is banned by Ministry of Health & Family Welfare on 13<sup>th</sup> October, 2014





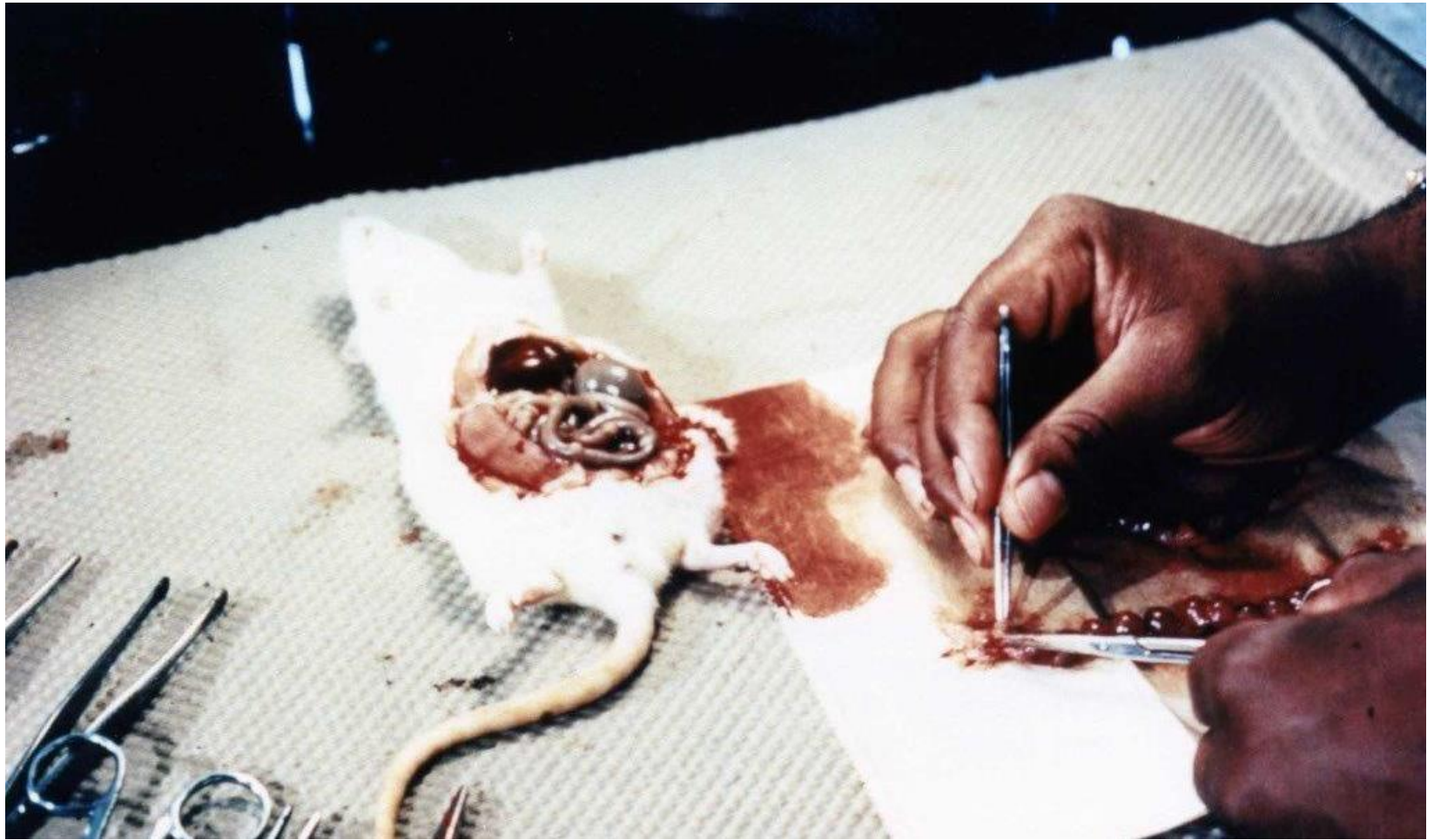






# Dissection

- Sec.17 calls for avoiding experiments where ever possible
- CPCSEA - statutory body - right to prohibit & regulate dissection.
- UGC bans dissection and animal experimentation in UG & PG vide notification dated July, 2014
- Blue Cross of India – Developed Compu frog, Compu Pigeon, Compu Rat.







Thank you.

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