



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

“TAILS OF PAIN” – THE SAGA OF SILENT SUFFERING OF ANIMALS IN INDIA

AUTHORED BY - AAHANA PANDEY

ABSTRACT:

Animal rights in India have evolved significantly through constitutional mandates, legal statutes, and judicial activism. India has made commendable strides in animal welfare, particularly through the Prevention of Cruelty to Animals Act, 1960, the Wildlife Protection Act, 1972, and judicial rulings that extend Article 21 protections to animals. Landmark cases such as *Animal Welfare Board of India v. A. Nagaraja* (2014) and *Karnail Singh v. State of Haryana* (2019) have reinforced the legal personhood of animals, holding the state responsible for their welfare. Despite these advancements, gaps in enforcement, minimal penalties, and cultural conflicts such as the legal debates surrounding Jallikattu continue to challenge the effectiveness of animal protection laws. The abolition of Section 377 IPC, which inadvertently decriminalized bestiality, further complicates legal protection for animals.

This paper critically examines these legal frameworks, highlighting both their strengths and shortcomings. Additionally, it explores the global perspective on animal rights and India's position in the Animal Protection Index (API). The study concludes by proposing amendments to existing laws, stricter penalties for animal cruelty, and the necessity of recognising animal sentience within the constitutional framework. A comprehensive approach to policy, enforcement, and public awareness is crucial to ensuring that India upholds its moral and legal responsibility toward animal welfare.

Keywords: Animal rights, animal welfare, constitutional mandates, Prevention of Cruelty to Animals Act, Wildlife Protection Act, legal personhood of animals, Jallikattu, bestiality, judicial activism, Article 21, Animal Protection Index (API), policy enforcement, animal cruelty laws, global perspective on animal rights, legal framework, legal reforms, India.

INTRODUCTION:

Mahatma Gandhi once said, "*The greatness of a nation and its moral progress can be judged by the way its animals are treated.*" This statement holds particular relevance in India, where animal rights, though recognised in various laws and judicial pronouncements, remain a complex and evolving issue. While India has made significant progress in banning practices like cosmetic testing on animals and regulating their treatment in entertainment, challenges persist due to inadequate enforcement and outdated legal provisions. Despite constitutional safeguards and statutory protections, instances of animal cruelty remain widespread. This paper delves into the legal framework surrounding animal rights in India, analysing constitutional provisions, statutory regulations, landmark judicial decisions, and existing loopholes. By examining current threats to animal welfare and proposing reforms, it aims to highlight the need for a more robust and enforceable legal system to ensure the ethical treatment of animals in India.

CONSTITUTIONAL AND STATUTORY PROVISIONS FOR THE PROTECTION OF ANIMALS IN INDIA

The protection of animals in India is deeply embedded within its constitutional philosophy and legislative framework, reflecting a moral and legal commitment to compassion and humane treatment for all living beings.

I. Constitutional Framework

Although the Indian Constitution does not explicitly recognise animal rights as fundamental rights, it incorporates a broad vision of ecological balance and moral duty toward animals. Article 51A(g) of the Directive Principles of State Policy (DPSPs)¹ imposes a duty on every citizen "to protect and improve the natural environment and to have compassion for all living creatures." Similarly, Article 48 directs the State to organize agriculture and animal husbandry on modern and scientific lines, while specifically mandating the preservation of cattle breeds and the prohibition of cow slaughter. In addition, Article 48A², introduced by the 42nd Amendment (1976)³, directs the State to "protect and improve the environment and to safeguard the forests and wildlife of the country."

¹ Constitution of India 1950, art 51A(g).

² Constitution of India 1950, art 48.

³ Constitution (Forty-Second Amendment) Act 1976, art 48A.

The Supreme Court, through progressive interpretation, has extended Article 21—the right to life and personal liberty⁴—to animals as well. In *Animal Welfare Board of India v. A. Nagaraja* (2014)⁵, the Court observed that “*every species has a right to life and security*,” thus recognizing animal life as possessing intrinsic worth and constitutional protection.

II. Statutory Framework

The constitutional ideals of compassion and protection are operationalized through several statutes. The Prevention of Cruelty to Animals Act, 1960⁶ serves as the cornerstone of Indian animal welfare law, prohibiting acts of cruelty such as beating, overloading, neglecting, or abandoning animals. It established the Animal Welfare Board of India (AWBI)⁷ to oversee humane treatment during transport, captivity, and slaughter, and to advise the government on reforms. The Prevention of Cruelty to Animals (Slaughterhouse) Rules, 2001⁸ reinforce humane slaughter practices, requiring veterinary certification, prohibiting the killing of pregnant or immature animals, and ensuring that slaughter is conducted away from the sight of other animals.

The Cosmetics Rules, 2020⁹ mark a major advancement by banning the import and sale of cosmetics tested on animals—making India the first Asian country to do so. Similarly, the *Bharatiya Nyaya Sanhita*, 2023, under Section 325¹⁰, criminalizes the killing, maiming, or poisoning of animals, prescribing imprisonment of up to five years, a fine, or both.

BESTIALITY AND LEGISLATIVE VACUUM

Despite these constitutional and statutory safeguards, incidents of extreme cruelty and sexual violence against animals continue to surface across India, exposing the inadequacy of current laws. In the *Jisha* murder case¹¹, the accused, *Ameerul Islam*, was found involved in bestiality with a goat. Similar cases have been reported nationwide—such as the sexual assault of cows in Madhya Pradesh, a case of bestiality involving a calf in Delhi, and numerous instances of physical torture, including an elephant beaten in Jaipur (2018), Beagle dogs confined for years

⁴ Constitution of India 1950, art 21.

⁵ Prevention of Cruelty to Animals Act 1960.

⁶ The Prevention of Cruelty to Animals Act, 1960

⁷ Animal Welfare Board of India (AWBI)

⁸ Prevention of Cruelty to Animals (Slaughterhouse) Rules 2001.

⁹ Cosmetics Rules 2020.

¹⁰ *Bharatiya Nyaya Sanhita* 2023, s 325.

¹¹ *Muhammed Ameer-ul-Islam v. State of Kerala* (Kerala) DSR 2/2018 & Crim. A. 113/2018

in Pune (2017), and a street dog buried alive under molten tar in Agra (2018).

These acts not only reflect societal apathy but also reveal critical legislative gaps. The repeal of Section 377 of the Indian Penal Code¹², which previously criminalized “unnatural offences,” has inadvertently decriminalized bestiality, leaving such acts outside the scope of explicit penal sanction. This lacuna has made it increasingly difficult to prosecute sexual violence against animals and ensure accountability.

To address this vacuum, there is an urgent need for specific penal provisions criminalizing bestiality, accompanied by harsher penalties for cruelty, stronger enforcement mechanisms, and institutional coordination between animal welfare boards, local authorities, and law enforcement agencies. Recognizing animal sentience within the constitutional framework would not only align Indian law with global standards but also reaffirm the moral vision underlying Articles 21¹³ and 51A(g)¹⁴ that the measure of a nation’s humanity lies in how it treats its most voiceless beings.

JUDICIAL EVOLUTION OF ANIMAL WELFARE JURISPRUDENCE

In *N.R. Nair v. Union of India* (2000)¹⁵, the Supreme Court upheld the ban on using bears, monkeys, tigers, panthers, and lions as performing animals, rejecting claims that such restrictions violated the right to trade under *Article 19(1)(g)*¹⁶. The Court held that animal welfare overrides economic interests, thereby affirming the State’s constitutional obligation to prevent cruelty. This case is seminal because it positions animal protection not merely as a matter of legislative discretion but as a constitutional value derived from compassion and moral responsibility — principles that logically extend to prohibiting sexual exploitation of animals. In *Varaaki v. Union of India* (2016)¹⁷, the Supreme Court declined to interfere in religious animal sacrifices, emphasizing the sensitivity of cultural traditions. This restraint illustrates the tension between animal welfare and religious freedom. The relevance to bestiality lies in this balancing act — cultural or traditional justifications cannot legitimize acts that fundamentally violate the dignity and bodily integrity of animals. Hence, the decision underscores the need

¹² Indian Penal Code 1860, s 377 (repealed).

¹³ Art 21

¹⁴ art 51A(g)

¹⁵ N R Nair v Union of India AIR 2000 SC 2293.

¹⁶ Constitution of India, art 19(1)(g).

¹⁷ Varaaki v Union of India (2016) 12 SCC 733.

for clear statutory boundaries separating permissible customs from acts amounting to cruelty.

THE LIMITS OF THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

In *Kennel Club of India v. Union of India* (2015)¹⁸, the Madras High Court ruled that cosmetic surgeries like tail docking and ear cropping, when performed by licensed veterinarians, do not amount to cruelty under Section 11 of the PCA Act¹⁹. This judgment exposed the Act's definitional vagueness, allowing subjective interpretation of cruelty. The same ambiguity persists concerning sexual abuse of animals, which the PCA Act fails to expressly prohibit. Thus, the case underscores the statutory obsolescence of India's primary animal protection law and the urgent need for reform that explicitly criminalizes bestiality.

The Supreme Court's decision in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat* (2005)²⁰ reaffirmed that laws upholding animal preservation align with *Directive Principles of State Policy*²¹ and public morality. The Court justified restrictions on cow slaughter as serving ecological and economic purposes, thereby prioritizing collective welfare over individual liberty. This reasoning provides constitutional legitimacy for enacting stringent prohibitions on sexual violence against animals acts that are antithetical to both morality and the ecological harmony envisaged by the Constitution.

EXPANDING THE CONSTITUTIONAL PROTECTION OF ANIMAL LIFE

In *People for Ethical Treatment of Animals (PETA) v. Union of India* (2006)²², the Bombay High Court held that obtaining certification from the Animal Welfare Board of India²³ is mandatory before using animals in films, reiterating the constitutional duty under *Article 51A(g)*²⁴ to show compassion to living creatures. This ruling translates constitutional morality into enforceable responsibility, supporting the argument that sexual exploitation of animals must be recognized as a violation of constitutional compassion, not merely an ethical lapse.

¹⁸ *Kennel Club of India v Union of India* 2015 SCC OnLine Mad 14064.

¹⁹ Prevention of Cruelty to Animals Act 1960, s 11.

²⁰ *State of Gujarat v Mirzapur Moti Kureshi Kassab Jamat* (2005) 8 SCC 534.

²¹ Constitution of India, Part IV.

²² *People for the Ethical Treatment of Animals (PETA) v Union of India* 2006 SCC OnLine Bom 886.

²³ AWBI

²⁴ 51A(g)

In *Animal Welfare Board of India v. A. Nagaraja* (2014)²⁵, the Supreme Court declared that animals are entitled to intrinsic rights under *Article 21*²⁶, extending the concept of life and liberty beyond humans. The Court invoked the *Doctrine of Parens Patriae*²⁷, recognizing the State's obligation to protect animal dignity. This landmark judgment provides the constitutional foundation for criminalizing bestiality positioning it as a violation of an animal's right to life, freedom, and bodily integrity.

The Punjab and Haryana High Court in *Karnail Singh v. State of Haryana* (2019)²⁸ advanced the concept of legal personhood for all animals, appointing citizens as their guardians (*in loco parentis*). Drawing from *A. Nagaraja*²⁹, the Court adopted an eco-centric approach that placed all species within the ambit of constitutional protection. This recognition of animals as legal entities capable of holding rights demands that acts like bestiality be treated not as property offences but as violations against sentient beings with inherent dignity.

Collectively, these judicial pronouncements represent a progressive shift toward recognizing animals as moral and legal subjects rather than property. They reflect an evolving constitutional ethos grounded in compassion, dignity, and ecological balance. Yet, despite the judiciary's expansive interpretation, legislative inertia persists. The absence of explicit provisions criminalising bestiality perpetuates a doctrinal inconsistency where animals are judicially recognised as rights-bearing entities but are statutorily unprotected from sexual abuse.

To reconcile this inconsistency, legislative reform must align with constitutional morality, international obligations such as the *Universal Declaration on Animal Welfare*³⁰, and India's cultural ethos of *Ahimsa*. A comprehensive amendment to the *Prevention of Cruelty to Animals Act, 1960*³¹ should explicitly prohibit sexual crimes against animals, prescribe stringent penalties, and institutionalize welfare mechanisms. Only then can India's animal protection regime reflect both its constitutional ideals and its moral conscience.

²⁵ *Animal Welfare Board of India v A Nagaraja* (2014) 7 SCC 547.

²⁶ Art 21

²⁷ The doctrine of *parens patriae*

²⁸ *Karnail Singh v State of Haryana* 2019 SCC OnLine P&H 704.

²⁹ *AWBI v Nagaraja* (n 27)

³⁰ Draft Universal Declaration on Animal Welfare (World Animal Protection, 2005) <https://www.worldanimalprotection.org/our-work/animals-welfare/universal-declaration-animal-welfare> accessed 26 November 2025.

³¹ *Prevention of Cruelty to Animals Act, 1960*, supra n 6

INDIA'S STANDING IN THE GLOBAL ANIMAL PROTECTION INDEX – 2020

The *Animal Protection Index (API) 2020*³² developed by World Animal Protection assigned India a “C” rating, acknowledging commendable legislative progress but flagging persistent enforcement failures and conceptual gaps in recognizing animal sentience. The evaluation highlights that, although India possesses an extensive framework under the *Prevention of Cruelty to Animals Act, 1960* (PCA) and constitutional mandates under *Articles 48A* and *51A(g)*, implementation remains inconsistent and largely symbolic. The judiciary’s recognition of animals as legal persons in the *Uttarakhand High Court (2018)* and *Punjab & Haryana High Court (2019)* decisions indicates a philosophical advancement, yet this has not translated into concrete statutory reform. Notably, Indian law still does not expressly recognize animal sentience, thereby limiting the moral and legal basis for punishing acts such as sexual abuse of animals.

India’s legislative progress, such as banning animal testing for cosmetics (2013–2014), prohibiting wild animals in circuses (2017), and restricting imports of exotic furs—reflects growing awareness of animal welfare. Similarly, the *Animal Birth Control (Dogs) Rules, 2001*³³ mark a shift toward humane population control.

However, these advances coexist with deep structural loopholes. The PCA prescribes penalties as low as ₹50 for first-time offenses, a sanction so trivial that it fails to deter cruelty or reflect the gravity of moral harm. Moreover, *Section 14*³⁴ permits animal experimentation with weak oversight, and *Section 28*³⁵ exempts religious slaughter from anti-cruelty provisions, perpetuating inconsistent enforcement. Agricultural practices such as battery cages, sow stalls, and unregulated dairy systems expose animals to chronic suffering, revealing the disparity between judicial empathy and legislative neglect.

This fragmented framework allows perpetrators of cruelty to operate with impunity, fostering a culture of moral desensitization toward animal suffering, a precursor to more violent tendencies.

³² World Animal Protection, *Animal Protection Index 2020* (2020) <https://api.worldanimalprotection.org/>

³³ Animal Birth Control (Dogs) Rules 2001.

³⁴ Prevention of Cruelty to Animals Act 1960, s 14.

³⁵ Prevention of Cruelty to Animals Act 1960, s 28.

CORRELATION BETWEEN VIOLENCE AGAINST HUMANS & ANIMALS

Criminological research consistently demonstrates a correlation between animal cruelty and interpersonal violence. Acts of sexual abuse or torture of animals often serve as leads to human-directed violence, reflecting deep psychological dysfunction. The absence of explicit statutory recognition of such crimes in India effectively normalises these behaviours.

The legislative silence following the repeal of *Section 377 IPC*³⁶ which decriminalized bestiality has thus created a dangerous vacuum. In the absence of punitive deterrence or rehabilitation mechanisms, offenders remain unaccountable, posing a risk not only to animals but to human society. The weak enforcement mechanisms highlighted by the API amplify this risk, as offenders learn early that cruelty attracts negligible consequences.

The API's recommendations provide a roadmap for reform: strengthening penalties under the PCA, mandating humane slaughter, banning cruel confinement practices, and recognizing animal sentience within constitutional and statutory law. Implementing these measures would align India's framework with international standards and address the moral inconsistency between its judicial philosophy and statutory practice.

Importantly, embedding animal sentience within the constitutional framework would not only enhance animal welfare but also promote human moral development, as compassion toward animals correlates with a reduction in societal violence. By addressing animal cruelty comprehensively particularly sexual violence and organized abuse. India can disrupt the continuum of cruelty that begins with animals and extends toward human victims.

The *Animal Protection Index 2020*³⁷ reveals that India stands at a crossroads: it possesses a robust constitutional and judicial foundation for animal protection, yet weak statutory enforcement perpetuates cruelty. The resulting environment of impunity enables acts of bestiality and broader animal abuse, eroding empathy and endangering societal welfare. Bridging this gap requires the integration of animal sentience into law, enhanced penalties, and systemic enforcement, ensuring that compassion becomes not only a moral virtue but a

³⁶ IPC 1860, s 377 (repealed).

³⁷ World Animal Protection, *Animal Protection Index 2020*.

constitutional mandate.

Only through such holistic reform can India translate its ethical ideals rooted in *Ahimsa* and ecological harmony into a legally enforceable reality that safeguards both animals and humanity.

THE INTERRELATION BETWEEN ANIMAL AND HUMAN ABUSE

Despite India's evolving legal framework and incremental progress reflected in the Animal Protection Index (API) 2020³⁸, persistent gaps in enforcement and recognition of animal sentience have broader social consequences. Weak deterrence under the Prevention of Cruelty to Animals Act, 1960³⁹, where penalties remain minimal and enforcement inconsistent creates an environment where cruelty towards animals is normalized. This normalization not only perpetuates animal suffering but also contributes to a cycle of desensitization and aggression that can manifest as violence against humans. Hence, animal cruelty must not be viewed in isolation, but rather as an indicator of deeper behavioural and psychological propensities that can escalate into more severe forms of violence.

Extensive empirical research demonstrates a strong correlation between cruelty to animals and violence against humans. A seminal 1997 study⁴⁰ by the Massachusetts Society for the Prevention of Cruelty to Animals and Northeastern University found that individuals who abuse animals are five times more likely to commit acts of violence against people. Similarly, a 1983 study⁴¹ revealed that 88% of households investigated for child abuse also had incidents of animal cruelty, illustrating the interconnectedness of these forms of violence. Phil Arkow of the National Link Coalition⁴² aptly terms animal cruelty a “predictor crime”, highlighting its diagnostic potential for detecting domestic and social violence.

³⁸ World Animal Protection, *Animal Protection Index 2020*.

³⁹ Prevention of Cruelty to Animals Act, 1960, supra n 6

⁴⁰ Arnold Arluke, Jack Levin, Carter Luke and Frank Ascione, ‘The Relationship of Animal Abuse to Violence and Other Forms of Antisocial Behavior’ (1999) 14 *Journal of Interpersonal Violence* 963.

⁴¹ Frank R Ascione, Donald H DeViney and J Dickert, ‘The Juvenile Treatment of Animals: The Relationship Between Animal Abuse and Child Abuse’ (1983) 4 *International Journal for the Study of Animal Problems* 321.

⁴² Phil Arkow, ‘Biography’ (One Safe Place Conference Profile) President & Secretary of the National LINK Coalition – the Global Resource Center on The LINK between Animal Abuse and Human Violence (One Safe Place Stop Violence Conference) <https://www.onesafeplace.org/stopviolenceconference> accessed 17 January 2026.

Subsequent studies reaffirm this pattern. A 2013 analysis⁴³ found that 43% of school shooters had histories of animal cruelty, primarily targeting domestic pets such as cats and dogs. A 2017 survey⁴⁴ reported that 89% of women in abusive relationships disclosed that their partners had harmed or killed their pets, often as a means of control and psychological intimidation. Furthermore, more than half of women in domestic violence shelters delayed leaving abusive homes out of concern for their pets' safety demonstrating the emotional and coercive power embedded in animal abuse.

Children exposed to such environments may imitate these behaviours, thereby embedding cruelty as an early developmental milestone that elevates their risk of future offending. Research on the psychology and pathology of abuse consistently reveals that violence rarely remains species-specific; instead, it reflects a continuum of domination, control, and emotional dysregulation that moves fluidly from animals to human victims.

Several high-profile cases further underscore this dangerous progression. In India, Ameerul Islam⁴⁵, convicted for the 2016 rape and murder of a law student in Kerala, was found to have a history of raping and killing animals—indicating a clear escalation from animal cruelty to human violence. Internationally, the escalation thesis is reflected in reported cases such as that of Joseph Henry Bateson of Northern Ireland, who was convicted of multiple sexual offences against a child. Media reports have further alleged that Bateson had previously engaged in sexual acts with farm animals. However, this aspect does not form part of the judicial findings and is based on secondary reporting. The case nevertheless illustrates the documented overlap between sexual violence against animals and later offences against humans.⁴⁶ In the United States, criminal records show that Jerry Cook of Norman, Oklahoma, was convicted of cruelty

⁴³ Arnold Arluke and Eric Madfis, *Animal Abuse as a Warning Sign of School Massacres: A Critique and Refinement* (2014) 18 *Homicide Studies* 7, 7–22 (reporting that 43 % of a sample of 23 school shooters had histories of animal cruelty, mainly against dogs and cats).

⁴⁴ *Animal Cruelty and Domestic Violence*, National Sheriffs' Association (online) (reporting that a 2017 study found that 89 % of women with companion animals during an abusive relationship reported their partner threatened, harmed, or killed pets and that fear for pets' safety delayed leaving) <https://www.sheriffs.org/animal-cruelty-and-domestic-violence> accessed 18 January 2026.

⁴⁵ *Kerala Dalit rape and murder: Accused charged for sexual activities with animal in separate case* (The Indian Express, 1 July 2016) <https://indianexpress.com/article/india/india-news-india/kerala-dalit-rape-and-murder-accused-charged-for-sexual-activities-with-animal-in-separate-case-2888269/> accessed 18 January 2026

⁴⁶ *R v Joseph Henry Bateson* [2005] NICA 37 (CA) (NI) (confirming Bateson's conviction for historic sexual offences including gross indecency with a child, indecent assault and buggery); 'PETA calls for animal sexual abuse to be cognisable offence' **The Sentinel** (online, 20 March 2021) <https://www.sentinelassam.com/more-news/national-news/peta-calls-for-animal-sexual-abuse-to-be-cognisable-offence-529455> accessed 18 January 2026 (reporting allegations that Bateson had previously engaged in sexual acts with farm animals).

to animals and assault and battery in connection with an incident in which he sexually abused a dog and fatally injured the animal during a burglary and that his prior violent history included a conviction for first-degree rape nearly two decades earlier. Media reporting of this sequence is often cited in discussions of violence escalation. While the animal-abuse element comes from secondary reporting rather than an independent judicial record, these cases collectively are used to illustrate how unchecked cruelty to animals can appear before or alongside other violent offences.⁴⁷

Recognising the link between animal and human violence underscores the urgent need for stronger legal and policy responses. India's lenient penalties and enforcement failures under the PCA Act not only fail animals but also compromise public safety. Strengthening penalties, mandating psychological evaluation and rehabilitation for offenders, and integrating animal welfare considerations into domestic violence interventions could prevent the escalation of violent behaviour. Addressing animal cruelty, therefore, is not merely a moral or environmental imperative it is a public safety necessity.

Therefore, it is evident that acts of animal cruelty constitute an early and highly significant behavioural indicator of deeper antisocial tendencies. Rather than being treated as an isolated offence, animal abuse must be understood as a symptom of underlying emotional disturbance, diminished empathy, and aggression patterns that commonly precede or accompany serious violent crime. This body of evidence creates a compelling basis for legal and policy intervention. If animal cruelty reliably predicts escalating violence, then early detection and coordinated reporting become essential tools in preventing future harm. Cross-agency collaboration between animal-welfare authorities, law-enforcement bodies, child-protection systems, and mental-health professionals enables a more accurate assessment of risk and strengthens the capacity for timely intervention. Legislative reforms that mandate reporting, empower investigators, and integrate animal abuse indicators into risk-assessment models are crucial steps in interrupting the progression from animal harm to interpersonal violence.

⁴⁷ Jerry Cook (Norman, Okla.) was convicted of cruelty to animals and assault and battery after an incident in which he sexually abused a dog and fatally injured it while burglarizing a home, and his prior violence history included a first-degree rape conviction nearly two decades earlier; media reports describe the sequence of offenses in the context of violence escalation discourse. *Animal Cruelty and Domestic Violence* (PETA India Media Centre, citing U.S. examples) <https://www.petaindia.com/media/after-peta-india-complaint-jipur-police-file-fir/> accessed 18 January 2026.

LACKING CAPABILITIES OF THE EXISTING LEGAL FRAMEWORK

Despite India's incremental progress in advancing animal welfare and human rights, the legal framework governing sexual offences against animals remains inadequate and disjointed. The repeal of Section 377 of the Indian Penal Code marked a critical turning point, as the provision had earlier criminalised "carnal intercourse against the order of nature" with any person or animal. In *Navtej Singh Johar v. Union of India* (2018), the Supreme Court correctly decriminalised consensual same-sex relationships, recognising sexual orientation as an inherent aspect of human identity. However, this constitutional correction simultaneously eliminated the sole explicit statutory provision addressing bestiality. While the Court expressly differentiated consensual human intimacy from sexual acts involving animals, who are inherently incapable of consent the Bharatiya Nyaya Sanhita, 2023 failed to reintroduce a corresponding offence. This legislative omission has created a pronounced vacuum, leaving acts of sexual violence against animals without clear and specific penal recognition under India's revised criminal law regime.

The absence of a dedicated provision on bestiality has created a critical loophole that perpetrators can exploit. The Prevention of Cruelty to Animals Act, 1960 (PCA)⁴⁸, the principal legislation governing animal welfare, contains no explicit reference to sexual crimes against animals. Its penal structure remains severely outdated: first-time offenders can escape with fines as low as ₹10 to ₹50, while repeat offenders face a maximum penalty of ₹100 or up to three months' imprisonment, subject to judicial discretion. Such minimal punishments fail to serve as effective deterrents, reflecting the archaic understanding of animal cruelty in India's legal system.

Moreover, the PCA lacks any formalised reporting or investigative mechanism to track or prosecute acts of sexual violence against animals. Cases often go unreported due to societal stigma, the absence of institutional reporting systems, and a lack of training among law enforcement agencies to handle animal cruelty cases. This regulatory neglect not only facilitates continued abuse but also reinforces India's low accountability standards in animal welfare enforcement.

⁴⁸ Prevention of Cruelty to Animals Act, 1960, supra n 6

In the context of India's commitment to progressive criminal jurisprudence, the omission of explicit anti-bestiality provisions represents a regressive oversight. While decriminalisation of homosexuality marked a triumph for individual liberty and equality, the concurrent erasure of safeguards for animals has inadvertently weakened legal deterrence against a grave form of sexual violence. Legislative reform must therefore focus on introducing specific penal provisions addressing bestiality under the BNS or as an amendment to the PCA. Enhanced penalties, mandatory registration of offenders, and integration of animal protection within broader sexual violence frameworks are essential to restore legal balance and moral coherence.

INTERNATIONAL STANDARDS OF ANIMAL TREATMENT

I. Comparative Analysis of National Animal Protection Laws

The Global Animal Law (GAL)⁴⁹ database reveals a striking diversity in the legal treatment of animals across jurisdictions, reflecting cultural, economic, and political variations. While almost every nation today recognises some form of animal protection, the depth and enforceability of these laws differ widely. Broadly, countries fall within three legal frameworks: those that merely prohibit cruelty to animals, those that incorporate welfare standards into specialised legislation, and those that legally recognise animals as sentient beings with intrinsic value beyond property.

In Europe, animal protection has evolved from anti-cruelty statutes to sophisticated legal frameworks acknowledging animal sentience. The European Union's Treaty of Lisbon (2009)⁵⁰ formally recognised animals as "sentient beings," prompting member states such as Germany, Austria, and Belgium to amend their civil codes accordingly. These countries impose affirmative duties on humans to safeguard animal welfare, extending protection to farm animals, laboratory animals, and pets. Moreover, several European constitutions, such as those of Switzerland and Germany, explicitly embed animal welfare principles, signalling a shift toward a rights-based approach rather than a utilitarian one.

By contrast, North America demonstrates a fragmented model. The United States relies on the federal Animal Welfare Act of 1966⁵¹, which regulates laboratory animals and certain

⁴⁹ *Global Animal Law GAL Association*, Overview and Mission (Globalanimallaw.org) <https://www.globalanimallaw.org/> accessed 18 January 2026.

⁵⁰ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community [2007] OJ C306/01, art 13 TFEU.

⁵¹ Animal Welfare Act of 1966, 7 USC §2131 et seq. (USA).

commercial uses, while individual states enact more stringent anti-cruelty statutes. Canada, similarly, delegates significant authority to provinces, resulting in uneven enforcement and protection levels. Despite growing advocacy, neither country has yet recognised animal sentience in constitutional or civil law frameworks. Nonetheless, extensive litigation and activism have expanded the interpretation of “unnecessary suffering,” thereby strengthening the moral and legal weight of these protections.

In Asia and Africa, the landscape is mixed, with some progressive statutory regimes alongside outdated colonial-era laws. India’s Prevention of Cruelty to Animals Act, 1960⁵², remains the cornerstone of its legal protection, supplemented by specific rules on breeding, slaughter, and experimentation. Importantly, Article 51A(g)⁵³ of the Indian Constitution places a moral duty upon citizens to show compassion to living creatures, reflecting an early constitutional commitment to animal welfare. Similarly, South Africa’s Animals Protection Act⁵⁴ and its performing animals amendment mark significant legislative milestones, though enforcement challenges persist due to limited institutional capacity. In several developing nations, the lack of updated statutes and monitoring mechanisms continues to impede effective protection.

Latin America has witnessed rapid progress in recognising animals as sentient beings. Countries like Chile, Colombia, and Mexico have incorporated constitutional or civil provisions affirming animal sentience and promoting welfare-oriented governance. Judicial activism has also been instrumental. Colombian courts, for instance, have expanded the interpretation of legal personhood to certain non-human animals, sparking debates on extending standing and rights beyond humans. These developments demonstrate a growing regional shift toward integrating animal protection within broader human rights and environmental frameworks.

Despite such advancements, implementation gaps remain a universal challenge. Many primary statutes date back several decades, reflecting outdated conceptions of animal use. Enforcement often depends on under-resourced agencies, with penalties insufficient to deter cruelty. Moreover, industrial agriculture, biomedical research, and wildlife trade expose contradictions

⁵² Prevention of Cruelty to Animals Act 1960, supra n 6

⁵³ Constitution of India 1950, art 51A(g), supra n 1

⁵⁴ Animals Protection Act 71 of 1962 (South Africa) <https://www.gov.za/documents/animals-protection-act-22-jun-1963-0000> accessed 18 January 2026.

between economic priorities and ethical commitments. The GAL database highlights that even where progressive laws exist, effective implementation requires institutional coordination, public awareness, and judicial engagement.

Ultimately, the global trajectory of animal protection law reflects a gradual evolution from prohibiting cruelty toward recognising animal sentience and intrinsic worth. The GAL database underscores a clear pattern: as societies advance in legal sophistication, they tend to move from a property based regime to one grounded in compassion and moral responsibility. Yet, the challenge lies not merely in codifying such ideals but in ensuring their translation into practice, balancing human development with the moral duty to protect all sentient life.

COMPARATIVE EVALUATION OF THE STRONGEST AND WEAKEST ANIMAL PROTECTION REGIMES

The Global Animal Law database classifies countries by the depth and enforceability of their animal protection frameworks. At the highest level stand nations like Switzerland and Germany, which have integrated animal welfare into their constitutional and civil law structures, signalling a holistic recognition of animals as sentient beings with intrinsic moral value. At the other extreme are countries such as Somalia and North Korea, which lack comprehensive animal welfare statutes and operate under outdated or fragmented legal frameworks, leaving animals largely unprotected under the law. This dichotomy highlights how legal recognition of sentience and institutional enforcement mechanisms serve as the defining benchmarks for modern animal law.

Top Performers: Switzerland and Germany

Switzerland represents the global gold standard in animal protection. The Swiss Federal Constitution (Article 80)⁵⁵ explicitly mandates the Confederation to legislate on animal welfare, ensuring protection against cruelty, neglect, and undue exploitation. Moreover, Switzerland's Animal Welfare Act (2008)⁵⁶ recognises animals as living beings and not mere property, establishing stringent welfare standards across agriculture, experimentation, and domestic settings. The law regulates conditions of housing, breeding, transport, and slaughter,

⁵⁵ Swiss Federal Constitution (18 April 1999) Art 80 <https://www.fedlex.admin.ch/eli/cc/1999/404/en> accessed 18 January 2026.

⁵⁶ Animal Welfare Act 2008 (Switzerland) <https://www.fedlex.admin.ch/eli/cc/2008/579/en> accessed 18 January 2026.

with enforcement mechanisms that include periodic inspections and criminal liability for violations. Significantly, Swiss law extends to social and psychological well-being, requiring that social animals not be kept in isolation, a pioneering recognition of their emotional and social needs. This comprehensive statutory and ethical framework positions Switzerland as a model of humane governance, balancing human use with moral responsibility toward sentient life.

Similarly, Germany demonstrates exceptional legal depth, having enshrined animal welfare as a constitutional principle in 2002 through Article 20a⁵⁷ of its Grundgesetz, Basic Law. This amendment imposes a state duty to protect “the natural foundations of life and animals,” thereby elevating animal welfare from a mere policy goal to a constitutional obligation. German civil law has further evolved to remove animals from the category of property, recognising their unique status as living beings capable of suffering. Its Animal Welfare Act (Tierschutzgesetz)⁵⁸ operationalises this principle by regulating scientific experiments, farming practices, and animal transport, underpinned by strict licensing requirements. The country’s legal system also allows judicial review of administrative actions involving animal welfare, ensuring that ethical considerations are judicially enforceable. Germany’s integration of animal protection into constitutional and administrative law marks a transition from compassion-based governance to rights-conscious jurisprudence.

Lowest Performers: Somalia and North Korea

In contrast, Somalia represents one of the weakest jurisdictions in the field of animal protection, lacking any dedicated national legislation on animal welfare. The country’s legal framework is fragmented, with remnants of colonial-era penal provisions that make no reference to animal cruelty or welfare. Ongoing political instability and the absence of centralised governance have rendered institutional enforcement virtually impossible. Consequently, issues such as live animal transport, stray management, and inhumane slaughter practices remain unregulated. The absence of statutory protection not only reflects limited legislative capacity but also indicates that animal welfare has not yet entered the realm of public policy discourse in Somalia. This complete legislative vacuum situates the country at the lowest tier of the GAL classification

⁵⁷ Grundgesetz [Basic Law] 1949 (Federal Republic of Germany) Art 20a https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0200 accessed 18 January 2026.

⁵⁸ Tierschutzgesetz [Animal Welfare Act] 1972 (Federal Republic of Germany, as amended 2021) <https://www.gesetze-im-internet.de/tierschg/BJNR012770972.html> accessed 18 January 2026.

system.

North Korea similarly demonstrates a near-total absence of codified animal protection norms. While the country maintains broad agricultural and environmental regulations, there are no specific laws addressing animal cruelty, welfare, or experimentation. The state's prioritisation of food security and resource control has overridden considerations of animal ethics, and the lack of civil society participation further impedes advocacy or reform. Information constraints also make external assessment difficult, but available evidence suggests that the state retains a purely utilitarian view of animals as production resources rather than sentient entities deserving of care. This neglect of legislative and moral frameworks positions North Korea among the weakest global performers in animal law governance.

The contrast between nations such as Switzerland and Germany on one hand, and Somalia and North Korea on the other, underscores the moral and developmental dimensions of animal law. Countries with advanced legal systems tend to institutionalise compassion through constitutional recognition, administrative oversight, and public accountability. In weaker jurisdictions, political instability, lack of awareness, and absence of regulatory institutions leave animals in a state of legal invisibility. The Global Animal Law database thereby reveals a broader truth: that animal protection is not merely a question of legislation, but a reflection of a society's ethical maturity and governance capacity. Strengthening global animal law requires bridging this normative divide through international cooperation, technical assistance, and moral commitment.

CONCLUSION

The evolution of animal rights in India reflects a dynamic interplay between constitutional morality, legislative intent, and judicial interpretation. Landmark judgments such as *Animal Welfare Board of India v. A. Nagaraja* (2014)⁵⁹ and *Karnail Singh v. State of Haryana* (2019)⁶⁰ have expanded the ambit of Article 21⁶¹ to encompass the right to life and dignity for animals, establishing their legal personhood and placing a constitutional duty upon the State and citizens to ensure their welfare. Similarly, cases such as *N.R. Nair v. Union of India*⁶² and *PETA v.*

⁵⁹ *Welfare Board of India v. A. Nagaraja* (2014), supra n 5

⁶⁰ *Karnail Singh v. State of Haryana* (2019), supra n 30

⁶¹ Constitution of India 1950, art 21, supra n 4

⁶² *N.R. Nair v. Union of India*, supra n 17

*Union of India*⁶³ highlight India's progressive judicial stance in prohibiting cruelty in entertainment and film industries, while others like *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*⁶⁴ demonstrate the balancing of animal welfare with socio-economic and cultural rights. However, conflicting rulings such as *Varaaki v. Union of India*⁶⁵ and the persistence of exploitative practices like Jallikattu underscore the continuing tension between cultural relativism and ethical universality in animal protection jurisprudence.

Despite these judicial advancements, the legislative framework chiefly the Prevention of Cruelty to Animals Act, 1960⁶⁶ remains antiquated, characterized by minimal penalties, poor enforcement, and the absence of provisions addressing sexual crimes against animals. The repeal of Section 377 of the Indian Penal Code⁶⁷, while a milestone for LGBTQ+ rights, inadvertently decriminalized bestiality, leaving a legal vacuum that emboldens offenders. The Animal Protection Index (API) 2020⁶⁸ reflects this contradiction by assigning India a "C" rating, recognizing its strong constitutional foundation but critiquing its ineffective implementation, weak deterrence mechanisms, and failure to acknowledge animal sentience.

Furthermore, the correlation between animal cruelty and human violence reinforces the urgency of legislative reform. Studies indicate that individuals who abuse animals often progress to committing violent crimes against humans, including sexual assault and domestic abuse. Documented cases such as that of Ameerul Islam in Kerala exemplify this disturbing pattern, proving that addressing animal abuse is integral not only to ethical governance but also to broader public safety and criminological prevention.

Therefore, a robust reform agenda is imperative. This must include recognizing bestiality as a cognizable and non-bailable offense under the PCA Act, introducing forensic protocols for investigation, and imposing stricter penalties to replace the nominal fines that currently trivialize animal suffering. Equally essential are policy measures ensuring humane slaughter practices, the abolition of cruel confinement systems, regulation of urban dairies, and public education on animal welfare.

⁶³ *People for Ethical Treatment of Animals (PETA) v. Union of India* (2006), *supra* n 24

⁶⁴ *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*, *supra* n 22

⁶⁵ *Varaaki v. Union of India* (2016), *supra* n 19

⁶⁶ Prevention of Cruelty to Animals Act, 1960, *supra* n 6

⁶⁷ Indian Penal Code 1860, s 377 (repealed) *supra* n 12.

⁶⁸ Animal Protection Index (API) 2020, *supra* n 34

In essence, India stands at a critical juncture between its moral obligation to protect voiceless beings and its constitutional vision of compassion under Article 51 A(g)⁶⁹. Upholding the spirit of *Ahimsa* and aligning domestic laws with international standards demand not only stronger statutes but a societal reorientation towards empathy and accountability. Only through comprehensive legislative reform, effective enforcement, and sustained public awareness can India truly embody Gandhi's timeless conviction that "the greatness of a nation and its moral progress can be judged by the way its animals are treated."



⁶⁹ Constitution of India 1950, art 51A(g), supra n 1