

Rights of Animals under Indian Legal System: A Judicial Perspection

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“No human being is justified in regarding any animal whatsoever as a meaningless automaton, to be worked, or tortured, or eaten, as the case may be, for the mere object of satisfying the wants or whims of mankind”.¹

1. INTRODUCTION

Animal rights denote the philosophical belief that animals should have rights, including the right to live their lives free from human intervention, and ultimate death at the hands of humans.² There is greater need for the recognition of the right of animals, as of men, to be exempt from any unnecessary suffering or serfdom, the right to live a natural life of “restricted freedom,” subject to the real requirements of the community.³ The first legislation worldwide for the prevention of cruelty to animals was England’s Cruel Treatment of Cattle Act, 1822 (popularly known as Martin’s Act, after Irish MP Richard Martin).⁴ During the past few decades, legislative efforts for animal protections have expanded exponentially. Several countries now recognize rights of environment and rights of animals under their Constitutions.⁵ United Nations, European Union, and various international animal protection societies/organizations⁶ have been playing an active role for animal protection.⁷ Non United Nations instruments too have

been formulated to raise awareness about the rights of the animals.⁸

Table 1- Right to Life of animals and relevant Provisions in India

S.No.	Relevant Statute	Provision conferring right to life upon animals
1.	Constitution of India, 1950	Article 48, Article 48A
2.	Indian Penal Code, 1860	Sections 428, 429
3.	Wildlife Protection Act, 1972	Section 9

(Compiled by the Researchers)

The major legislative enactments with regard to protection of rights of animals in India are Prevention of Cruelty Act, 1960 and Wildlife Protection Act, 1972.⁹ The legislative provisions and their effective enforcement by Courts of animal rights are slowly changing the position enjoyed by animals in the society. Various private not-for-profit organizations are fulfilling the responsibility to stand for the rights of the animals. A number of petitions are being filed by animal activists and such organizations before various Courts across the country. Against this background, the present paper is an attempt to illuminate the augmentation and enlargement of the rights of the animals in India through liberal decisions of the higher judiciary. The methodology of the study is doctrinal, based on review of significant decisions.

II. ROLE OF HIGHER INDIAN JUDICIARY

The true nature of laws can only be understood by going through the judgments of the Courts. Any legal solutions and conclusions remain half-baked until views of the Courts are taken into account. This part discusses the trend from the judgments and thereby presents a cogent judicial trend on this subject.

A. Supreme Court For Protection Of Animal Rights

⁸ eg.- Declaration of Animal Welfare, 1977; International Guiding Principles for Biomedical Research Involving Animals, 1985 (revised in 2012); Universal Declaration of Rights of Animals, 2003; Universal Declaration of Rights of Mother Earth, 2010.

⁹ The other relevant legislations conferring rights to the animals in India are Indian Penal Code, 1860; Elephants Preservation Act, 1879; Indian Fisheries Act, 1897; Indian Forest Act, 1927; Biological Diversity Act, 2002; Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 etc.

¹ Henry S. Salt, *Animals’ Rights Considered in Relation to Social Progress* 13 (G.Bells and Sons Ltd., London, 1922). The thoughts of Henry S. Salt first appeared in 1892 and by 1922, it passed through numerous editions.

² For details, see Bhumika Sharma and Priyanka Sharma, “Freedom of Animals: Need to Aware and Sensitize Masses in India” 47, *Law and Society: A New Challenge*, July-Dec 2016; Bhumika Sharma and Dr Jaswant, “Non Human Beings – Time to Endow with Inalienable Rights” 24, *LawZ*, Nov. 2015.

³ *Supra* note 1 at 79.

⁴ It was repealed by the Cruelty to Animals Act, 1849.

⁵ Switzerland, Germany, Brazil, Serbia, Egypt etc. have constitutional provisions for protection of animals. Switzerland is the first country that implemented the animals’ dignity as a protection deserving value into the Swiss constitution and Ecuador is the first country in the world to recognize the rights of nature in its Constitution.

⁶ eg.- Council for International Organizations of Medical Sciences (CIOMS) and the International Council for Laboratory Animal Science (ICLAS); International League for Animal Rights and Affiliated National Leagues; World Organisation for Animal Health (OIE) etc.

⁷ For details, see Bhumika Sharma and Priyanka Sharma, “Rights of Animals: An Overview of Efforts of International Non-Governmental and Inter-Governmental Organisations”, *LawZ*, Aug. 2017.

Indian judiciary is often accredited for its role in protecting the natural environment and upholding right to safe environment.¹⁰ The important role has been played by Indian judiciary in effectively implementing the provisions of various statutes protecting the rights of animals. The last few years have seen rise in the number of petitions claiming the rights of the animals and birds in India. Fortunately, Indian higher judiciary had heard the voices of thousands of animals in distressful conditions, recognizing their fundamental freedoms. The higher judiciary in India has decided various aspects relating to animal rights. The main aspects settled by it are slaughter of animals' vis-a-vis Constitution of India, rights of performing animals, harmony between protection of animal and religious animal sacrifice etc.

In **Mohd Hanif Qureshi and others v. State of Bihar**¹¹, in this case, the Apex Court dealt with the constitutional validity of the three legislations for the total ban which offended the religion of the Muslims as they claimed that the sacrifice of a cow on a particular day is enjoined or sanctioned by Islam; that such a ban offended the fundamental right guaranteed to the Kasais (Butchers) under Article 19(1)(g) and was not a reasonable and valid restriction on their right; and that a total ban was not in the interest of the general public.

It was further observed that Directive Principles of State Policy to be unenforceable and subservient to the Fundamental Rights and, therefore, refuses to assign any weight to the Directive Principle contained in Article 48 of the Constitution and refuses to hold that its implementation can be a valid ground for proving reasonability of the restriction imposed on the Fundamental Right guaranteed by Article 19(1)(g) of the Constitution a theory which stands discarded in a series of subsequent decisions of this Court.

In **State of West Bengal v. Ashutosh Lahiri**¹² it was held that slaughtering of healthy cows on Bakr'd is not essential or required for religious purpose of Muslims or in other words it is not a part of religious requirement for a Muslim that a cow must be necessarily sacrificed for earning religious merit on Bakr'd.¹³

In **Animal and Environment Legal Defence Fund v. Union of India & others**¹⁴, the Hon'ble Supreme Court held that if one of the reasons for the shrinkage is the entry of villagers and tribals living in and around the sanctuaries and the National Park then the urgent Steps must be taken to prevent any destruction or damage to the environment, the flora and fauna and wild life in those areas. It observed that the State Government is expected to act with a sense of urgency in matters enjoined by Article 48A of the Constitution keeping in

mind the duty enshrined in Article 51A(g). It directed that the State Government of the State of Madhya Pradesh shall expeditiously issue the final notification under Section 35(4) of the Wild Life (Protection) Act, 1972 in respect of the area of the Pench National Park falling within the State of Madhya Pradesh.

In **State of Gujarat v. Mirzapur Moti Kureshi Kassab**¹⁵, in this case it was observed by the Apex Court that Article 48-A deals with "environment, forests and wild life". It further observed by enacting clause (g) in Article 51-A and giving it the status of a fundamental duty, one of the objects sought to be achieved by the Parliament is to ensure that the spirit and message of Articles 48 and 48A is honored as a fundamental duty of every citizen.¹⁶ It further observed that Section 5 of the Bombay Animal Preservation Act, 1954 passed as per the Directive Principles is not consistent with the Fundamental Rights.¹⁷

In **Centre for Environment Law, WWF-I v. Union of India & Others**¹⁸, it was observed by the apex court that - human beings, have a duty to prevent the species from extinction and have to advocate for an effective species protection regime.¹⁹ No state, organization or person can claim ownership or possession over wild animals in the forest.²⁰ Animals in the wild are properties of the nation for which no state can claim ownership and the state's duty is to protect the wild life and conserve it, for ensuring the ecological and environmental security of the country.²¹

Further the Court has given the following directions regarding the protection of animals and these directions are discussed as follows²²:

- The Government of India and the MoEF must take urgent steps for the preservation of those endangered species as well as to initiate recovery programmes.
- The Government of India and the MoEF are directed to identify, as already highlighted by NWAP, all endangered species of flora and fauna, study their needs and survey their environs and habitats to establish the current level of security and the nature of threats. They should also conduct periodic reviews of flora and fauna species status, and correlate the same with the IUCN Red Data List every three years.
- Courts and environmentalists should pay more attention for implementing the recovery programmes and the same be carried out with imagination and commitment.

In **Animal Welfare Board of India (AWBI) v. A. Nagaraja and Ors.**²³, it was held by the Hon'ble Supreme Court of India that animal welfare laws have to be interpreted keeping in mind the welfare of animals and species best interest subject to exceptions out of human necessity.²⁴ Lordships have also held that every species has an inherent right to live and shall be protected by law, subject to the exception provided out of

¹⁰ In a catena of cases, Union Carbide Corporation v. Union Of India AIR 1990 SC 273 ; Vellore Citizen's Welfare Forum v. Union of India AIR 1996 SCC 212 , M.C.Mehta v. Kamal Nath and Others 1997)1 SCC 388., it proactively saved the environment. Even National Green Tribunal (NGT) in May 2016 directed the firm to pay Rs 3 lakhs cost to applicant who had filed a petition seeking to restrain the paper industry from allegedly discharging harmful toxic effluents without any treatment and disposing wastes in forest and other revenue areas.

¹¹ AIR 1958 SC 731;1959 SCR 629.

¹² AIR 1995 SC 464.

¹³ Id, Para 4.

¹⁴ 1997 (3) SCC 549.

¹⁵ AIR 2006 SC 212, (8) SCC 534.

¹⁶ Id, Para 44.

¹⁷ AIR 2006 SC 212, 249 , Para 144.

¹⁸ (2013) 8 SCC 234 , Para 42.

¹⁹ Id, Para 42.

²⁰ Id, Para 45.

²¹ Id , Para 45.

²² Id, Para 63.

²³ (2014) 7 SCC 547,2014(6)SCALE 468.

²⁴ Id, Para 12.

necessity.²⁵ Lordships have further held that so far animals are concerned, “life” means something more than mere survival or existence or instrumental value for human beings, but to lead a life with some intrinsic worth, honour and dignity.²⁶ Animal has also honour and dignity which cannot be arbitrarily deprived of. Lordships held that Article 51 (g) and (h) are magna carta for protecting the life of animals.²⁷

On deletion of Article 19(1)(f) from the Indian Constitution, right to property is more a fundamental right in India, this gives the Parliament more a leeway to pass laws protecting the rights of animals.²⁸ Right to hold on to a property which includes animals also, is now only a legal right not a fundamental right.²⁹ The rights of animals have to be seen in that perspective as well.³⁰

Right to dignity and fair treatment is, therefore, not confined to human beings alone, but to animals as well.³¹ Right, not to be beaten, kicked, over-ridder, overloading is also a right recognized by Section 11 read with Section 3 of the PCA Act.³² Animals have also a right against the human beings not to be tortured and against infliction of unnecessary pain or suffering.

Penalty for violation of these rights are insignificant, since laws are made by humans. Punishment prescribed in Section 11(1) is not commensurate with the gravity of the offence.³³ The Court inter alia made the following declarations and directions³⁴:

1. Declared that the rights guaranteed to the Bulls under Sections 3 and 11 of PCA Act read with Articles 51A(g) & (h) are cannot be taken away or curtailed, except under Sections 11(3) and 28 of PCA Act.
2. Declared that the five freedoms, referred to earlier be read into Sections 3 and 11 of PCA Act, be protected and safeguarded by the States, Central Government, Union Territories (in short “Governments”), MoEF and AWBI.
3. Directed the AWBI and Governments to take appropriate steps to see that the persons-in-charge or care of animals, take reasonable measures to ensure the well-being of animals.
4. Directed the AWBI and Governments to take steps to prevent the infliction of unnecessary pain or suffering on the animals, since their rights have been statutorily protected under Sections 3 and 11 of PCA Act.
5. Directed the AWBI to ensure that the provisions of Section 11(1) (m) (ii) scrupulously followed, meaning thereby, that the person-in-charge or care of the animal shall not incite any animal to fight against a human being or another animal.
6. AWBI and the Governments would also see that even in cases where Section 11(3) is involved the animals be not put to unnecessary pain and suffering and adequate and scientific methods be adopted to achieve the same.

7. Directed that the AWBI and the Governments should take steps to impart education in relation to human treatment of animals in accordance with Section 9(k) inculcating the spirit of Articles 51A(g) & (h) of the Constitution.
8. Declared that the Parliament is expected to make proper amendment of the PCA Act to provide an effective deterrent to achieve the object and purpose of the Act and for violation of Section 11, adequate penalties and punishments should be imposed.
9. Declared that the Parliament, it is expected, would elevate rights of animals to that of constitutional rights, as done by many of the countries around the world, so as to protect their dignity and honour.
10. Declared that The Governments would see that if the provisions of the PCA Act and the declarations and the directions issued by this Court are not properly and effectively complied with, disciplinary action be taken against the erring officials so that the purpose and object of PCA Act could be achieved.
11. Declared that TNRJ Act is found repugnant to PCA Act, which is welfare legislation, hence held constitutionally void, being violative of Article 254(1) of the Constitution of India.
12. Directed AWBI to take effective and speedy steps to implement the provisions of PCA Act in consultation with SPCA and make periodical reports to the Governments and if any violation is noticed, the Governments should take steps to remedy the same, including appropriate follow-up action.

In **Gauri Maulekhi V. Union of India and Ors**³⁵, the Supreme Court of India passed an interim order directing the Union of India to prevent the illegal movement of animals across the border from India to Nepal, to be sacrificed at the Gadhimai Festival, scheduled to be held on 28-29 November. It found that the animal movements were in violation of the Export-Import Policy of India and the Foreign Trade Act (Development and Regulation) Act 1992, which categorically places live cattle and buffalo in the restricted export category³⁶, requiring a license to legally export them.³⁷

In **Compassion Unlimited Plus Action v. Union of India and ors.**³⁸, in this case, the Hon’ble Supreme Court of India held that bulls cannot be used as a Performing Animals for Jallikattu and Bullock-cart Race, since they are basically draught and pack animals, not anatomically designed for such performances. It observed that Sections 21, 22 of the PCA Act and the relevant provisions have to be understood in the light of the rights conferred on animals under Section 3, read with Sections 11(1)(a) & (o) and Articles 51A(g) and (h) of the Constitution.

In **Animal Welfare Board of India v. People for Elimination of Stray Troubles & Ors.**³⁹, the Apex Court

²⁵ *Id*, Para 62.

²⁶ *Ibid*.

²⁷ *Id*, Para 56.

²⁸ *Id*, Para 55.

²⁹ *Ibid*.

³⁰ *Ibid*.

³¹ *Id*, Para 62.

³² *Id*, Para 32.

³³ *Id*, Para 62.

³⁴ *Id*, Para 77.

³⁵ Writ Petition (C) No. 881 of 2014, dated December 17, 2014.

³⁶ Cattle falls under Schedule 2 – Export Policy.

³⁷ The Central Government may, from time to time, formulate and announce by notification in the Official Gazette, the export and import policy and may also, in the like manner, amend that policy.

³⁸ Writ Petition (Civil) No. 743/2015 dated August 18, 2015 and WP 24/2016, dated January 13, 2016.

³⁹ Special Leave to Appeal (C) No.691/2009 dated March 9, 2016.

observed that the dogs which are required to be sterilized or vaccinated, the procedure shall be carried out in accordance with the Act and Rules and no organization shall create any kind of obstacle or impediment in the same. It shall be the obligation of the Board to oversee that this is being carried out and no obstructions are created in this regard from any quarter.

In **Wildlife Rescue & Rehabilitation Centre v. Union of India**⁴⁰, the Supreme Court directed the Chief Wildlife Warden to keep a count of all captive elephants in the State of Kerala and ensure that the requisite declarations and certificates under Sections 40 and 42 of the Wildlife (Protection) Act, 1972 are duly obtained by the owners. The Court also imposed an obligation upon the State of Kerala to ensure that the various temples in the State are registered with the District Committee as per the requirements under Kerala Captive Elephants (Management and Maintenance) Rules, 2012. It observed that the State, the District Committee, Management of the Devaswom or the temple and the owners of the elephants are duty bound to see that no elephant is meted with any kind of cruelty and will face severe consequences if cruelty is found.

B. High Courts' Role In Protection Of Animal Rights

The High Courts have settled the controversy regarding animal rights over last few decades. The significant matters were set at rest such as rights of performing animals, right of birds to fly, animal sacrifice in religious functions, use of animal for vehicle/amusement purpose, cow and beef slaughter etc. by various High Courts.

In **N.R. Nair and Ors. v. Union of India and Ors**⁴¹, in this case Kerala High Court has held that banning the training and exhibition of animals was not violative of Article 19(1)(g) of the Constitution.

In **Balakrishnan v. Union of India**⁴², in this case the Kerala High Court noted that the circus animals are being forced to perform unnatural tricks, are housed in cramped cages, subjected to fear, hunger, pain, not to mention the undignified way of life they have to live, with no respite.⁴³ It laid down that the legal rights shall not be the exclusive preserve of the humans which has to be extended beyond people thereby dismantling the thick legal wall with humans all on one side and all non-human animals on the other side.⁴⁴ It further observed that though not homo sapiens, animals are also beings entitled to dignified existence and humane treatment sans cruelty and torture.⁴⁵ On the whole, that the impugned notification which is under challenge of writ petitions does not suffer from any of the infirmities alleged and the same has only to be upheld. It upheld the notification dated 14-10-1998.⁴⁶

In **Abdulkadar Mohamad Azam Sheikh v. State of Gujarat**,⁴⁷ in this case, the Gujarat High Court held that caging of birds amounted to illegal confinement and curbing of their fundamental right to move.

In **Gauri Maulekhi v. State of Uttarakhand and others**,⁴⁸ the Court directed the State and its agencies to ensure that no destruction / killing / sacrifice of any nature of any animal takes place outside a registered or licensed slaughter house.

In **Ramesh Sharma v. State of Himachal Pradesh and others**⁴⁹, the Himachal Pradesh High Court directed the State Government to propose a regulation to arrest animal sacrifice.⁵⁰ It invoked the 'doctrine of *parens patriae*' to protect the basic rights of animals.⁵¹ The Court observed that a religion has to be seen as a whole and thereafter it can be seen whether a particular practice is core / central to the religion, it can be a hybrid also.⁵²

The Court observed that the rituals, which may be prevalent in the early period of civilization have lost their relevance and the old rituals are required to be substituted by new rituals which are based on reasoning and scientific temper.⁵³ The Court observed that superstitions have no faith in the modern era of reasoning and old traditions must give way to new traditions.⁵⁴ The Court further observed that no deity and Devta would ever ask for the blood.⁵⁵ The practice of animal/bird sacrifice is abhorrent and dastardly.⁵⁶ It issued the following mandatory directions, prohibiting/banning animal/bird sacrifice in the temples and public places as under⁵⁷:

- (1) No person throughout the State of Himachal Pradesh shall sacrifice any animal or bird in any place of religious worship, adoration or precincts or any congregation or procession connected with religious worship, on any public street, way or place, whether a thoroughfare or not, to which the public are granted access to or over which they have a right to pass; The discontinuation of animal sacrifice would not in any 102 manner violate Articles 25 and 26 of the Constitution of India. Articles 25 and 26 of the Constitution of India are to be read with Articles 48, 48-A and 51-A of the Constitution of India. Religion cannot be allowed to become a tool for perpetuating untold miseries on animals.
- (2) No person shall officiate or offer to officiate at, or perform or offer to perform, or serve, assist or participate, or offer to serve, assist, or participate, in any sacrifice in any place of public religious worship or adoration or its precincts or in any congregation or procession, including all lands, buildings near such places which are ordinarily used for the purposes connected with religious or adoration, or in any congregation or procession connected with any religious worship in a public street;

⁴⁰ Writ Petition(Civil) No. 743/2014 dated March 29, 2016.

⁴¹ AIR 2000 Ker 340, Para 13.

⁴² WP 155/1999, Kerala High Court, dated June 6, 2000.

⁴³ *Id.*, Para 13.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Notification read- In exercise of the powers conferred by Section 22 of the Prevention of Cruelty of Animals Act, 1960 (59 of 1960), the Central Government hereby specifies that the following animals shall not be exhibited on trained as a performing animals, with effect from the date of publication of this notification, namely Bears, Monkeys, Tigers, Panthers and Lions.

⁴⁷ Special CR APP. No 1635 / 2010, dated May 12, 2011.

⁴⁸ Writ Petition (PIL) No. 77 of 2010, decided on November 19, 2011.

⁴⁹ CWP No. 9257 of 2011 along with CWP No.4499/2012 and CWP No.5076/2012 dated September 29, 2014.

⁵⁰ *Id.*, Para 72.

⁵¹ *Id.*, Para 84.

⁵² *Ibid.*

⁵³ *Id.*, Para 73.

⁵⁴ *Ibid.*

⁵⁵ *Id.*, Para 75.

⁵⁶ *Id.*, Para 76.

⁵⁷ *Id.*, Para 85.

- (3) No person shall knowingly allow any sacrifice to be performed at any place which is situated within any place of public religious worship, or adoration, or is in his possession or under his control;
- (4) The State Government is directed to publish and circulate pamphlets henceforth to create awareness among the people, to exhibit boards, placards in and around places of worship banning the sacrifice of animals and birds;
- (5) The State Government is further directed to give due publicity about the prohibition and sacrifice in media both audio and visual, electronic and in all the newspapers; and
- (6) All the duty holders in the State of Himachal Pradesh are directed to punctually and faithfully comply with the judgment. It is made clear that the Deputy Commissioners and Superintendents of Police of all the Districts shall personally be responsible to prevent, prohibit the animal / bird sacrifices throughout the State of Himachal Pradesh. The expression 'temple' would mean a place by whatever designation known, used as a place of public worship and dedicated to, and for the benefit of, or used as a right by the Hindu community or any Section thereof, as a place of public religious worship. The temple premises shall also include building attached to the temple, land attached to the temple, which is generally used for the purposes of worship in the temple, whether such land is in the property of temple area or place attached to the temple or procession is performed.

In **People for Animals v. MD Mohazzim & another**⁵⁸, Delhi High Court observed that birds have fundamental rights including the right to live with dignity and they cannot be subjected to cruelty by anyone including claim made by the respondent. It further observed that all the birds have fundamental rights to fly in the sky and all human beings have no right to keep them in small cages for the purposes of their business or otherwise.

In **Animals and Birds Charitable Trust v. Municipal Corporation of Greater Mumbai**⁵⁹, the Bombay High Court held the use of horse-driven carriages / Victorias in the city of Bombay for joy rides is completely illegal.⁶⁰ It directed the state government to come out with a scheme for rehabilitation of the families of those who are associated with the business of running carriages driven by horses in the city of Bombay for joyrides.⁶¹ It directed the State Government to come out with a scheme for rehabilitation of the families of those who are associated with the business of running carriages driven by the horses in the city of Mumbai for joyrides.⁶² It directed the State Government to formulate a scheme for rehabilitation of the horses used for plying victorias in the city of Mumbai.⁶³

In **Afzal Qadri v. State of J&K**⁶⁴, the High Court of Jammu and Kashmir held that The State of Jammu and Kashmir shall have to consider reviewing of existing laws and take policy decision within the framework of Constitution, and ensure that no inter-religious conflict takes place amongst the people of

the State.⁶⁵ It further made a number of following observations-

(1) From the advent of human life, its conduct has been regulated. The creator has provided norms and rules for leading a dignified life. Human life has been created with a definite purpose. A human being is inhabiting planet-earth from thousands of years. Different groups of human beings, inhabiting different or same areas of earth, are governed by same or different set of principles, norms and rules.⁶⁶

(2) It is basic human duty of each community to respect the sentiments of other community. Respect shown to the religious sentiments of each other in a pluristic society like ours is hallmark of our ancient history. This onerous practice when honestly followed will stand guarantee to peace in the society, which forms bed-rock to the intellectual, spiritual and economic development of people.⁶⁷

(3) India is a pluristic State, and the State of Jammu & Kashmir paints pluristic colours more vividly. It has to be thus ensured that sentiments of citizens belonging to all the religions and faiths are respected. Religions and faiths preach and teach accommodating and respecting the rights of each other. Religion acts as cohesive and not as divisive force. Religions bind people and do not divide them. The religion when followed honestly, creates a heavenly atmosphere. The religion, when exploited for serving individual or a particular groups interests, corrupts pure minds of innocent people and has the potential of creating disorder and anarchy in the society.⁶⁸

In **Mahaveer Bishnoi V. State of Rajasthan & Ors**,⁶⁹ in this case the Court held that horses who are forced to run on hard concrete road amidst speeding vehicles shouting spectators suffer mentally as well as physically.

In **Court On Its Own Motion v. P.C. Dhiman**⁷⁰, the Himachal Pradesh High Court issued directions to both Central and State Government authorities to regulate the manufacture, import and distribution of drugs, especially Oxytocin. The police authorities are directed to book all the offenders under the Prevention of Cruelty to Animals Act, 1960 who are found using Oxytocin, more particularly in milching animals.⁷¹

In **Bhartiya Govansh Rakshan Sanverdhan Parishad v. Union of India**⁷² the Himachal Pradesh High Court noted the importance of cow in both economic and religious terms. It also took into account sentiments attached with protection of the cow, considered holy by the Hindus. It further observed that the paucity of funds should not come in the way of construction of gausadans/gaushallas/shelters throughout the State of Himachal Pradesh.⁷³ It made various observations -

- (1) It is open for the Union of India to enact law at the national level prohibiting slaughtering of cow/calf, import

⁵⁸ *Id*, Para 59.

⁵⁹ *Id*, Para 28.

⁶⁰ *Id*, Para 31.

⁶¹ *Id*, Para 58.

⁶² Civil Writ Petition (PIL) NO.6176/2014, dated January 6, 2016.

⁶³ CW PIL No. 16 of 2014 dated March 15, 2016.

⁶⁴ *Id*, Para 21.

⁶⁵ CW 6631 of 2014, dated July 29, 2016.

⁶⁶ *Id*, Para 61.

⁵⁸ 2015(3) RCR (Criminal) 94 ; CrI. M.A. Nos.7292/2015 & 7293/2015 dated May 15, 2015.

⁵⁹ AIR 2015 NOC 1126 (Bom) ; 2015(4)ABR242, 2015(4) Bom CR1.

⁶⁰ *Id*, Para 49.

⁶¹ *Ibid*.

⁶² *Ibid*.

⁶³ *Ibid*.

⁶⁴ (WP)PIL No. 24 of 2014 dated 16 October, 2015.

or export of cow/calf, selling of beef or beef products under Entry No. 17 of the Concurrent List.⁷⁴

- (2) It is the constitutional duty of the State to protect the cattle wealth by augmenting its financial capacity.⁷⁵

CONCLUSION

The concern for the rights of animals is a multi-faceted issue, having important scientific, ethical, economic and political dimensions. There is enough institutional, legislative and political strength to combine with a responsive citizenry to produce a practicable environmental culture. The judiciary has been playing pro-active role in protecting the rights of the animals over the last many years. Both the Supreme Court and the various High Courts have time and again showed compassion for the animals. It is hoped that the pending petitions before the Courts also uphold the rights of animals in harmony with rights of humans.

As trustees of natural resources for the generations to come, human beings must be sensitized about the role of nature for their own health and well being. 7 'C' approach may be adopted regarding grave situation of violation of rights of animals. Consideration and Concern towards animals ; Cherish with gratitude the role of animals in human lives; Care for the animals ; Comprehend the fact that animals too have inherent rights ; Conserve various species ; Compassion for animals and Call out & Claim the rights for animals. This Animals Day (October 4), there is anticipation that more effective reception of the rights of animals would become a reality. Improvements and amendments in the existing relevant legislative framework as a result of directions of the judiciary would ensure harmonious living together of humans and the animals.

⁷⁴ *Id*, Para 73.

⁷⁵ *Ibid*.