



ANIMAL LAWS OF INDIA (4<sup>th</sup> ed., 2011). By Maneka Gandhi, Ozair Husain and Raj Panjwani. Universal Law Publishing Co. Ltd., C-FF-1A, Dilkush Industrial Estate, (Near Azadpur Metro Station), G.T. Karnal Road, Delhi-110 033. Pp. xxxv + 1514. Price Rs. 1695/-.

LAW AS a professional practice is concerned with elaboration of the practical art of government through rules and the state reaches the society by enforcers of such rules. The conflicting claims of the individuals as well as the order and tranquillity in society are resolved and maintained with the instrument of law. Law is, therefore, for the rational beings. It can be used by and against the entities holding right and duty bearing capacity, *i.e.* human beings and the persons so identified under the law. Animals, therefore, are placed out of this configuration. The existence of animals has been illustrated as bottom line of the 'life' upon which the 'right to life' of human being has been further interpreted to trace out the other interests and rights to suggest a meaningful denotation to the word 'life'. As Field J of the US Supreme Court, construing the word "life" under the Constitution, observed, "By the term 'life' as here used something more is meant than mere animal existence".<sup>1</sup>

A similar perception may still be noticed in the opinion of Arijit Pasayat J in India who once remarked that terrorists do not need human rights but they need only animal rights.<sup>2</sup> Such opinions do convey the idea that animal life means life in the biological terms, oblivious of the fact that such living creatures may also have a quality of life essential for a better ambience and surviving conditions as life itself has intrinsic value. If humans are entitled to fundamental rights, why not the animals be accepted with legal rights? The legal rights shall not be the exclusive preserve of the humans and has to be extended beyond human beings to non-human animals as well. Unlike other states in the world, a good number of animals in India have religiously been regarded as sacred by majority of the people and worshiped. But care for their health and living conditions is a rare phenomenon, confined only to the favourite pets.

Taking note of the pain and suffering on the animals, Parliament in independent India passed the first legislation of its kind aiming to prevent the cruelty to the animals.<sup>3</sup> In order to enlarge the ambit of law and to extend protection to the wild life, another law, namely the Wild Life (Protection) Act, 1972, was enacted. The Constitution of India was also amended in the year 1976 to incorporate the state

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1. *Munn v. Illinois* (1877) 94 US 113,142.

2. Speaking at a seminar on Investigation and Prosecution of Offences relating to Terrorism at the Indian Law Institute, New Delhi, 28th Jan. 2009.

3. The Prevention of Cruelty to Animals Act, 1960.



policy safeguarding the wild life as well as to cast duty on the Indian citizens to protect the wild life and have compassion for all living creatures.<sup>4</sup> The conservation of wild life involves protection of the entire ecosystem and, therefore, the existing National Environment Policy, 2006 further focuses on strategies and action plan to expand the 'protected area' network of the country and give emphasis on enhancing the deterrence of relevant legislations in action. Thus, the legislative framework relating to protection of animals has been sufficiently developed.

The book under review is a compendious piece of legal materials on animal related laws containing Acts, relevant provisions of other statutes, rules and orders passed thereunder, the state enactments and rules and the judicial decisions. It also provides for the Indian standards for housing of the fowls and animals, farm cattle housing, meat shops as well as transportation of the four-legged animals and poultry. The work in the present form has been fairly divided in four parts running into over one thousand and five hundred pages. There is a lucid classification of the materials as central laws, state laws, material and cases and general standards in these four parts.

The Acts, rules, and orders have been reproduced in a systematic manner supported with the amendments wherever made. There are very brief comments at seven places in the Prevention of Cruelty to Animals Act, 1960, and at ten places in the Wild Life (Protection) Act, 1972, that run into forty-one and sixty-six sections, respectively. These comments simply explain either the contents of the provisions of certain sections or contain the interpretation given by the courts with reference to the sections at very few places. Such explanations or the references do not suggest opinions of the authors, rather they are sketchy and hence short of academic discussion. There is reproduction of three other central legislations, namely the Prevention and Control of Infectious and Contagious Diseases in Animals Act, 2009, the Elephants Preservation Act, 1879 and the "relevant provisions" of the Cattle Trespass Act, 1879.

Part II of the book contains Acts and rules passed/adopted by different states on a variety of issues relating to animals and birds like diseases, export, fare, improvement, keeping, preservation, prevention of cruelty, sacrifices, slaughtering, transportation, and wild life protection. Such compilation shall help the reader to look into and collate the position in different states.

Part III may be placed in two parts: one comprises of the documents on national zoo policy, guidelines for deer parks, rescue centres, safari parks, disposing of carcass in zoos, improvement of hygiene in zoo, euthanasia of animals, banning electric fences in elephant areas, phasing out of common animals in zoo and directions related to temple festivals, and some international documents, article 9 of the

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4. Arts 48A and 51A(g).



biodiversity, endangered species convention and IUCN policy statement on state of gifts of animals.

Another segment contains judgments delivered by the high courts and the Supreme Court on various issues pertaining to the enforcement of animal laws. The present edition of the book has come in the current year but the cases reprinted do not reveal update references wherein some important observations have been made by the Supreme Court as well as the high courts. Some issues like prior approval of the Central Government for diversion of forest affecting wild life depletion,<sup>5</sup> magistrate's power to release vehicles seized for use in trade of wild animals,<sup>6</sup> operation of zoos,<sup>7</sup> animal corridors on the fencing,<sup>8</sup> de-reservation of national park and sanctuary without approval of the apex court,<sup>9</sup> banning of performing animals and freedom of trade<sup>10</sup> and freedom of trade in ivory<sup>11</sup> are essentially worth mentioning. It may not be irrelevant to note that one of the authors, Raj Panjwani, is a noted animal rights lawyer and might have been associated in some or the other capacity with such cases, nonetheless, the references are surprisingly missing. The last part IV is stock of the Indian standard and specification that is very relevant for those who opt for commercial transactions related to the animals.

The cost of the book seems reasonable taking into account the convenience of getting statutes and cases and other materials available in a single hard bound jacket. The book is a good collection piece for law library and lawyers and for those who are concerned with the bare provisions of the animal laws.

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5. *A. Chongule and Co. Ltd v. Goa Foundation* (2008) 12SCC 644.

6. *State of M.P. v. Madbukar Rao*, 2008(1) SCALE 231.

7. *PETA v. Central Zoo Authority*, MANU/SC/1386/2009.

8. *T.N.Godavarman Thirumapad v. Union of India*, MANU/SC/1960/2009.

9. *Centre for Environmental Law WWF-India v. Union of India*, W P 337 of 1995 order dated 13.11.2000. (SC).

10. *N.R. Nair v. Union of India*, AIR 2000 Ker. 340.

11. *M/s Ivory Traders v. Union of India*, AIR 1997 Del 267.

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