

AN INTRODUCTION TO THE ANIMAL LAWS IN INDIA (2019) By P.P Mitra,  
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In recent times there have been debates in our society on the necessity and extent of protecting and recognizing legal rights of animals and there is also rising inclination in society to recognize the importance of respect and protection of animals. From the ancient time, in India animals are regarded as God or Goddess. Presently also animals have more importance everywhere throughout the human life. They are used for agricultural purposes, carriage purposes, pets as companion, in sport, circuses or zoos for entertainment purposes, scientific experiment in education in science or research etc. Animals and birds are the sources of food for mankind. Since the inception of mankind animals are the need of the human being. So these animals should be protected by any means. There are various instances of animal protection from the ancient scriptures and religious texts in India. Presently India has some provisions in the Constitution and some Acts, Rules and Regulations relating to protection of animals in India.

“An Introduction to Animal Laws in India” has discussed all types of laws relating to animal and their rights from wild animal to pet animal to cattle animal to foreign animal to migratory birds to biological diversity other than human being. This book is a compendious piece of legal materials as it comprises animal related laws containing Acts, relevant provisions of other statutes, rules and orders passed there under, the state enactments and rules and the judicial decisions. The author has nicely summarized the facts of most of case laws mentioned in the book. The statutes, rules and orders have been reproduced in a systematic manner supported with the amendments wherever made.

The book is divided into nineteen chapters. “Introduction” of the book gives a good foundation of the subject covering position of animal within human law. Chapter two, “Animal Rights and Laws” starts with a basic question whether animal can be regarded as person. The meaning of animal rights, position of animals under law of torts, provision of animals on the highway along with the *Scienter* Rule, position of animals under criminal laws and the principles of ownership of animals are minutely discussed in this chapter.

Next Chapter “Animals in International Law” prescribes guidelines of World Health Organization of Animal Health (OIE) on five freedoms of animal welfare. The role of Universal Declaration on animal welfare, World Health Organization for animal health and Internal League for animal right, European Union’s Convention on animal and various International Conventions for wild animals have been highlighted here.

In “Constitutional Position of Animals in India”, the Entries of State List, Union List and Concurrent List of our Constitution relating to animals, birds and fisheries are main theme. Right to life of animals under Article 21, animal husbandry and prohibition

of cow slaughter under article 48, safeguarding the wildlife under article 48A, compassion for living creatures under article 51A(g) of the constitution have been analyzed here.

Chapter five is “Cattle Preservation and Livestock Improvement” where author emphasizes the provisions of cattle and livestock under various Entries of the Lists of the Constitution, registration of cattle premises along with *Goshalas* and *Gosadans* with various relevant judgments. The regime on cattle trade and animal market across the country, regulation and control of the cattle fairs throughout the various states in India with several state legislations, cattle trespass, cattle smuggling, various Acts on livestock improvement and idea about agricultural produce and livestock market are placed very nicely in this chapter.

The Chapter, “Prevention of Cruelty to Animals” is the core issue of the book. The Prevention of Cruelty to Animal Act, 1960 with various other Acts, Rules and the relevant provisions of Constitution relating to cruelty to animal in India have been discussed here. Provisions of stray animals and control of stray animals by local authorities with judicial observations, laws to prevent sexual offence against animals are issues in this chapter. The Chapter “sacrifice of animals” has dealt with the conflict between morality and religion. This chapter has highlighted the animals on specified occasions in India, practice of animal sacrifice as religious custom, right of freedom to profess, relevant state laws on prohibition of animal sacrifice and relevant provisions of constitution in India with some judicial decisions on sacrifice prohibition.

Chapter nine, “Experimentation on Animals” is another area where animals are used by man for scientific experiments and medicinal inventions since time immemorial. But there are some regulations on clinical trials and medicinal tests prevailing in India. Judiciary has also delivered some decisions on experiment on animals. The chapter included recent the 261<sup>st</sup> Report of Law Commission of India to regulate dog and aquarium fish breeding in India.

Chapter ten is about “Performing animals” which states about the use of animals for the purposes of human entertainment in jallikattu in Tamil Nadu, tonga race in Rajasthan and bullock cart race different parts of the country. This book has discussed a series of judicial pronouncements banning such types of inhumane practices and also balanced the conflict between performing animals and culture and tradition in India. The prohibition of showing the cruelty and abuse of animals under Cinematograph Act, 1952 and allied rules have been discussed with the guidelines of the Committee of Expert constituted by the Ministry of Information and Broadcasting, Government of India.

The Chapter “Transportation of Animals” analyzes relevant laws on transport of various animals by different modes, transportation of animals before slaughter for food, general conditions for maintaining general hygiene and sanitary practices by

food business operators, the regulations for loading of animals and guidelines for space requirement during transportation. Reference is given from the 269<sup>th</sup> Report of Law Commission of India on provisions of transportation of egg-laying hens and broiler chickens.

The book has also mentioned various provisions of different carriage laws in India where animals are defined as goods. The chapter also included many judicial observations on animal transportation, restriction of transportation of wild animals and the norms of transportation for elephants under the relevant law. Chapter twelve relating to “Diseases and treatment of Animals” explains animal diseases under the entries of seventh schedule of the constitution along with the various central and state legislations for protection of cattle from diseases. Here the provisions on immunization of communicable disease for wild animals have been also discussed.

Chapter thirteen deals with “Trade of Animals and Birds” where selling of animals for various purposes, dog breeding and marketing, aquarium and fish tank, animal shop along with relevant rules, various judicial pronouncement are placed with international instruments and Indian laws. In Chapter “Conservation of Wild Animals” is about constitutional position for wild animals with 42<sup>nd</sup>, 73<sup>rd</sup> and 74<sup>th</sup> constitutional amendments, various states and central legislations to protect the wild animals, hunting of animals, various categories of protected areas including Sanctuary, National Park, Closed Area, Game Reserve. Many judicial decisions on tiger killing, capture of elephants and trading of ivory are nicely engraved in this chapter.

Chapter fifteen is very useful which explains about “Role of Judiciary on Animal Protection in India.” here several cases have been discussed relating animal protection and analyzed about judicial activism under Article 21 of the constitution to protect the wildlife and animals and the application of doctrine of *Parens Patriae*. Chapter sixteen on “Authorities for Protection of Animals in India” is very practical one where the power and functions of various executive and statutory authorities have been mentioned.

Chapter seventeen deal with “Projects and policies on Animals in India.” Various national projects and policies for the animals and many conservation programs are discussed by the author in this section. Chapter eighteen, “Consumer Protection and Animal Welfare” is another interesting one which analysed consumer rights vis-à-vis animal rights. Here author has described the laws on meat products and meat shops, the laws on labeling for all packaged food products and some judicial observations on consumer rights. Chapter nineteen has concluded the book by highlighting some relevant provisions on animal rights and about the prospect about the animal law.

The book is written in very crisp and lucid style full of latest cases and important legal provisions on animals available in a single bound copy at affordable price. The book is

good piece of work for teachers, students, researchers, social activists, academicians, various NGO's, educational institutions and for those who are concerned with the bare provisions of the animal laws.

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