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# Recent Trends in Applied Zoology

Dr.D.S.Rathod  
Editor

Associate Editors  
Dr. K.S.Raut  
Mr.Datta Nalle

National Edited Book

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Recent Trends in Applied Zoology

**Edited by:** Dr.D.S.Rathod

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### **Animal welfare Laws in India provision for use of animals in experiments and product testing in science**

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#### **Introduction:**

India, the seventh-largest nation in the world, four of the thirty six, biodiversity hotspots on earth is located in India, the seventh-largest country in the world. This nation is home to the Great Indian Rhinoceros and Bengal Tigers, and in recent years, animal welfare and protection have taken on a significant role. Maintaining livestock is an essential obligation under the Indian Constitution, as stated by the Prevention of Cruelty to Animals Act of 1960 and the Wildlife Protection Act of 1972 at the state and federal levels, respectively, as well as laws that prohibit cow slaughter and protect cattle at the state level. As we check out ancient documentation we find that Hinduism's founding texts, the Vedas, which date back to the second millennium BCE, espouse AHIMSA, or nonviolence towards all living things. Many Hindus practice vegetarianism because they believe that killing an animal violates the ahimsa principle and results in negative karma. However, Hindu doctrines do not mandate vegetarianism and do permit the occasional use of animal sacrifice in sacred rituals.[1][2] Ahimsa is the core principle of Jainism, which was developed in India during the seventh and fifth centuries [3]. Jains follow strict vegetarianism and many go to considerable measures to avoid killing insects because they believe that all life is sacred. The third major religion to arise in India is Buddhism, which likewise promotes ahimsa. Although not as severely as Jainism, Buddhism promotes vegetarianism, and Many Buddhists engage in the life release method, which involves buying animals scheduled for slaughter and releasing them into the wild.[1, 4] Despite Buddhism, Jainism, and Hinduism's impact, meat consumption was remained widespread in ancient India.[5] Ashoka, the Mauryan king, embraced Buddhism in 262 BCE. He continued to rule by issuing decrees that were based on the Buddhist teachings of compassion for all living things. These edicts prohibited animal sacrifice, the castration of roosters, and the hunting of numerous species in addition to providing medical care for animals.[6]

The governing criminal code of the country is the IPC 1860 (Indian Penal Code), that deals with all substantive problems related to criminal law. Sections 428 and 429 of the IPC prohibit any kind of animal abuse, especially the killing, poisoning, maiming, and uselessness of animals. The rules in question were made to end unnecessary suffering for animals, and new regulations of a similar nature are continuously being established in response to evolving conditions. In addition to specific laws, animals are also protected by fundamental legal principles such as tort law, constitutional law, and others. When Britain in progress introducing new pharmaceuticals to the colony in the 1860s, animal testing was first conducted in India. Colesworthey Grant founded the first Indian Society for the Prevention of Cruelty to Animals (SPCA) in Calcutta in 1861. After being moved by the suffering of the stray and poor animals in India. In the 1860s, the Indian SPCAs were successful in promoting anti-cruelty laws, and

in 1890–1891 it was expanded to cover the entirety of India. Immediately in face of the Writers' Building, a monument to the Colesworthey was build.

### **The Indian Constitution (1960)**

"Every citizen of India has a duty to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for all living creatures," states the Constitution of India of 1960. The Directive Principle of State Policy under Article 48A, which states that the State shall work to maintain the country's forests and wildlife as well as the environment, adds to this constitutional obligation to protect animals.

The 42nd Amendment, which was adopted in 1976, introduced both of the aforementioned constitutional clauses. They create the foundation for laws, guidelines, and state directives that advance animal protection at the Central and State levels even if they are not immediately enforceable in Indian courts. Furthermore, they III. Sources of Law

The Indian Constitution of 1960 states that it is the responsibility of "every citizen of India to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for all living things." This obligation may be upheld in court by adopting a broad judicial interpretation and bringing it under the purview of the fundamental right to life and liberty under Article 21, which is upheld in court.

The Constitution, statutes (legislation), customary law, and case laws are the main sources of law in India. 28 States and 8 Union Territories make up the federal union of India. While the Union regions are federal regions directly under the control of the Indian central government, the relevant States are run by their own State governments. While each Indian State has its own State Legislature, the Parliament of India is the nation's highest legislative body. Legislation is passed by the Union Territory legislatures for each Union Territory, the State legislatures for each State, and the Parliament for the entire nation. The Indian Constitution is the only legal framework that may check and regulate central laws passed by the Parliament. State laws might be disregarded.

A sizable corpus of auxiliary laws, including as rules, regulations, and by-laws, passed by the federal, state, and local governments, as well as gramme panchayats (local village bodies). The legislative, executive, and judicial departments of government in India are each given distinct powers, as a result of the separation of powers between them. While the legislative has the primary responsibility for creating laws, the Executive branch may also be given this authority occasionally to create so-called delegated laws.

Based on documented legal precedents handed down by the British colony, India adheres to the common law system. As a result, it heavily relies on precedents and case laws to build law and jurisprudence. Higher courts' rulings, such as those of the Indian Supreme Court and the High Courts of various States, hold a lot of legal sway and are binding on lesser courts.

India has a very diverse religious and cultural population. Because of this, certain personal laws, regional customs, religious texts, and conventions that do not violate the law, morality, public policy, or the interests of the greater good of society are also acknowledged to have a legal character and are taken into account by courts in the administration of justice.

## **Power distribution between the Centre and the States**

According to Article 245 of the Indian Constitution, the Indian Parliament has the authority to enact laws that apply to all or a portion of India's territory. India's territory consists of its States, Union Territories, and other areas like enclaves.

The subject matter of laws passed by the Parliament and State Legislatures is defined in Article 246. The Seventh Schedule's third list has the following subject matter:

**The Union List:** The Parliament has the exclusive authority to enact laws pertaining to the issues listed in this list.

**The State List:** State legislatures have the sole authority to enact legislation pertaining to the issues listed below.  
**Concurrent list:** both the State and the Parliament Regarding the issues listed in this list, legislatures have the authority to enact legislation. The State and Concurrent List has been assigned the following items in relation to animal rights. In accordance with Item 14 of the State List, the States are given the authority to "preserve, protect and improve stock and prevent animal diseases and enforce veterinary training and practice. The Concurrent List contains legislation that both the Centre and the States may pass, Item 17: Prevention of animal cruelty, The 17B<sup>th</sup> item is titled "Protection of Wild Animals and Birds."

### **Provision for cruelty to animals:**

The Prevention of Cruelty to Animals Act of 1960 contains India's fundamental animal cruelty statute. The Act's goals are to avoid the needless suffering or agony of animals and to reform the laws pertaining to the prevention of animal cruelty. According to the Act, a "animal" is any living being that is not a human. The Animal Welfare Board of India (AWBI), which was established by the Indian government in compliance with Chapter II of the Act, has some of the following responsibilities, Advising the central government on changes and regulations to reduce needless suffering while transporting animals, using them in studies, or keeping them in captivity, Promotion of monetary aid, foster homes, and animal shelters for elderly animals, Providing guidance to the government on rules for animal hospitals and medical treatment, Spreading knowledge and awareness about animal welfare, Providing general guidance to the federal government on issues related to animal welfare.

However, the Act does not classify as cruelty the castrating and dehorning of cattle in accordance with authorized procedures, the annihilation of stray dogs in prescribed procedures using lethal chambers, or the killing of any animal carried out by law. This Section allows for considerable flexibility.

Animal experimentation is included in Part IV of the Act. The Act does not make it illegal to experiment on animals to increase our understanding of physiological processes or to learn how to treat disease, whether it affects people, animals, or plants. It envisions the establishment of a Central Government Committee for Control and Supervision of Animal Experiments, which even has the authority to forbid experimentation if necessary.

The topic of performing animals is covered in Chapter five (V). The AWBI must be contacted before exhibiting or training an animal, according to Section 22. The Section forbids the use of animals as performers, including monkeys, bears, lions, tigers, panthers, and bulls. Section 28 of the Act states that it is not an infraction to slaughter an animal in a way that is



required by a community's religion, which gives it further wiggle room. Due to India's diversity of religions and traditions, this Section was deemed crucial.

Animal cruelty carries a 10 rupee fine, which increases to 50 rupees after the first conviction. If convicted again within three years of a prior offence, it is punishable by a fine of Rs. 25, which may be increased to Rs. 100, three months in jail, or both. The use of Phooka or any other procedure to increase breastfeeding that is harmful to the animal's health is punishable by a fine of Rs. 1000, up to two years in prison, or both. The government also has the right to confiscate, destroy, or forfeit the animal.

### **Animals used in experiments**

The Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) was established in India in 1960 as a result of an anti-cruelty statute. Based on data acquired by the CPCSEA during inspections of 467 Indian laboratories, a 2003 report by Animal Defenders International and the U.K. National Anti-Vivisection Society concluded that "a deplorable standard of animal care in the majority of facilities inspected." The research details several incidents of cruelty, indifference, and disregard for accessible non-animal alternatives. [7] Animals used in religion and entertainment

The traditional bullfighting sport Jallikattu, which was mostly practised in the state of Tamil Nadu, was outlawed by the Indian Supreme Court. Widespread debate and the 2017 pro-jallikattu protests resulted from this. Under this pressure, the Tamil Nadu government passed a law that reinstated the sport at the state level, most likely prompting the Supreme Court to reimpose its prohibition.[8]

### **Conclusion**

A progressive step towards establishing the foundation for animal protection in India was made with the 42nd Amendment to the Indian Constitution in 1976. The Prevention of Cruelty to Animals Act of 1960 is the most noteworthy example of an animal protection law that was passed as a result of the constitutional provisions defining the obligation to protect animals. Additionally, Indian courts have established a considerable body of legal precedent regarding animal law over the years.

To properly establish a strong foundation for animal legislation in India, there is still a long way to go. The Indian Constitution's provisions for animal protection are still regarded as principles rather than as binding legislation. The Prevention of Cruelty to Animals Act's penalties. Simply put, the penalties established in 1960 for animal cruelty are insufficiently severe to effectively prevent such offences. The law is not strictly enforced, and it has a number of clauses that give room for culpability to be avoided. In order to give India a stronger animal protection law, extensive revisions must be made.

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