

IN THE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

WRIT PETITION (CIVIL) NO. _____ OF 2020

(Under Article 32 of the Constitution)

(PUBLIC INTEREST LITIGATION)

IN THE MATTER OF:

PEOPLE'S CHARIOTEER ORGANIZATION (PCO)

& ANOTHER

.....Petitioners

Versus

UNION OF INDIA & OTHERS

...Respondents

WITH

I. A. No. _____ OF 2020

(APPLICATION FOR URGENT MENTIONING AND EXEMPTION
FROM FILING DULY AFFIRMED AFFIDAVIT) **AND**

I. A. No. _____ OF 2020

(APPLICATION FOR SEEKING PERMISSION TO APPEAR AND
ARGUE IN PERSON)

AND

I. A. No. _____ OF 2020

(APPLICATION FOR SEEKING EXEMPTION FROM FILING
THE ANNEXURES IN ACCORDANCE WITH THE SUPREME
COURT RULES)

PAPER-BOOK

(FOR INDEX KINDLY SEE INSIDE)

DRAWN BY:

SHASHWAT ANAND
(ADVOCATE)

FILED BY:

DEVESH SAXENA
(ADVOCATE)
(Petitioner No. 2 In-Person)

DRAWN ON- 08.08.2020

FILED ON- 10.08.2020

SYNOPSIS AND LIST OF DATES

Since early civilisations, animals are not only considered as an integral part in our country, but have also been worshiped. According to Hindu mythology, Cows, tigers, lions, elephants, horses, bulls, snakes, monkeys have been worshipped. Animals have also been domesticated for both agriculture and companionship. However, over time our kinship with them has morphed into abuse in which the welfare of animals is highly compromised. Now we see animals purely for their utility; in fact, a perception has been created that humans always have precedence over animals. It has now become common practice to inflict cruelty upon them.

As per our Vedas, Dharma-Shashtras in Sanatan Dharma, the teachings of the Quran, Hadiths in Islam, and the teachings of the Bible in Christianity, Animals are accorded similar status as that of humans and have been recognized as conscious beings, and cruelty towards any living being has been severely frowned upon, abhorred and castigated, and likewise in all cultures, religions and ways of lives.

Animal welfare has always been seen as a niche subject, often relegated to being an emotional one and has been rather

perceived as a **'street dog issue'** or service for pet or privately-owned animals. Of course, protection of cows has often grabbed headlines as well, but never for their welfare, and the issue is often **politically motivated**. However, **people's awareness tends to** be limited to issues pertaining to animal and wildlife exploitation and animals are abused across the country, whether in laboratories, farms, or pet shops, and the abuse is often justified for human good.

Lately, a couple of cases of cruelty towards animals have come to light in the past few months which have raised questions as to **how humans have absolutely no respect for animals' lives** and how can they can be absolutely devoid of sympathy. Such incidents have further enraged many and made one ponder as to whether the laws in existence are sufficient enough to protect animals from possible abuse and cruelty.

The most recent of all incidents of cruelty that have taken place this year, are that of **killing of a pregnant elephant from Attappadi, Kerala (May 27, 2020) and a cow from Ayodhya, Uttar Pradesh (July 4, 2020)**. In both these cases, same method was used to seriously injure/kill the poor animals who were fed with explosives covered with some kind of edibles. One incident also gained traction of media where **22 dogs were being cruelly**

transported to Nagaland from neighbouring states in gunny bags to be brutally slaughtered for meat consumption (July 2, 2020).

It is worthwhile to mention here that there are absolutely no government data or any public record which has been maintained in order to keep a track of cases of Animal Abuse and Animal Cruelty in India. The NCRB reports, for reasons beyond **one's imagination, choose not to publish specific data related** to crimes against Animals under the Prevention of Cruelty to Animals Act, 1960. Also, NCRB reports do not contain any separate records of statistical data related to crime against Animals under Section 377, 428, 429 of IPC. There is absolutely no mention of any statistical data related to Animal Cruelty in Annual Reports of Ministry of Environment or any other ministry and the only relevant data available with Ministry of Environment dates back to the period between 2012 and 2015 and is therefore severely outdated. As per the said data, between 2012 and 2015, there were over 24,000 cases of animal cruelty reported under the Prevention of Cruelty to Animals Act, 1960. Thus, by a simple mathematical calculation one can easily imagine the innumerable amount of cases of Animal abuse and cruelty over the years, till date.

Since then, we've seen horrific cases of crimes against animals, such as the death of "Shaktiman" the police horse (March 2016), Gang-rape of a pregnant goat by 8 men in Haryana (July, 2018), poisoning of 78 dogs in a span of two days, allegedly on the orders of Siddipet Municipality, Telangana (June, 2019), brutal beating of tigress at a protected zone of the Pilibhit Tiger Reserve (July, 2019), a 'Serial Dog killer' in Delhi who allegedly beat, stabbed and killed three dogs and a puppy (March, 2016). What is even more disheartening is that certain sadistic people are deriving pleasure out of torturing animals on social media platforms like TikTok, Instagram, Facebook, Twitter and uploading horrifying videos/pictures to increase their followers/views.

There is no gainsaying in this fact that aforesaid instances mentioned herein are not even the tip of ice-berg and this practice of accruing such torture to the animals has been prevalent in our country since long time and most of the cases are not even reported and has been grossly ignored by those who are in position of power and the wrath of their inaction is faced by these speechless creatures. While India has a comprehensive framework laying down various rights of animals, these rights exist only on paper due to their lack of implementation and enforcement.

We as a country are undoubtedly excelling in fields such Technological growth, Economic growth, International relations, Climate change and many more, but there is one gaping hole in our country's **legislation**- Animal Cruelty Prevention Laws. The **single greatest testament to this claim is the fact that our country's** most prominent Prevention of Cruelty to Animals Act was legislated in 1960. And since then, the Prevention of Cruelty to Animals Act has never even been amended. Meaning thereby, the monetary fines imposed for crimes against animals in 1960, still stands to date and the cost of fines remains to a meagre of Rs. 10-100. This is one of major reasons that this law has failed to prove as deterrent and should be revamped on the similar lines of Motor Vehicles Act.

That fundamental jurisprudential and criminological aspect behind making crimes against animals punishable, is that the persons that indulge in such acts of animal cruelty, torture, abuse and killing, are potential criminals, murderers, rapists and paedophiles who would, given the chance, readily partake in crimes against humans, owing to the fact that if they can harm a meek and harmless animal, the next step in their sadistic evolution could very well be harming a human, whether a child, old or young.

Acts of cruelty to animals are often indicative of a deep mental disturbance and often, animal abusers move on to harming humans. **A psychological disorder known as “Zoosadism”,** where a person derives pleasure from inflicting cruelty to animals, clearly establishes the link between animal abuse and more violent conduct. The dismembered remains of dogs and cats today could well be that of children tomorrow. According to People for Ethical **Treatment of Animals (PETA), “If any society chooses to treat cruelty to animals lightly, they are encouraging violence towards humans too. That’s because research in psychology and criminology shows that people who commit acts of cruelty to animals often don’t stop there – many move on to hurting other animals or humans. The US Federal Bureau of Investigation has found that a history of animal abuse is one of the traits that regularly appears in the records of serial rapists and murderers.”** This is the case in India, too: Veerappan was a poacher as well as a serial killer, and the infamous Noida serial murders of children took place at the home of Moninder Singh Pandher, who was fond of hunting.

In such circumstances, laws that impose a fine of Rupees 50 **won’t even teach the offender a lesson, let alone prevent others** from acting the same way. Such light laws are not only harmful to

our society and our animals, it has certain legal implications as well.

Despite the ground-breaking leaps forward in our understanding of the intelligence and rich emotional and social lives of non-human animals, animals are still considered as property — more akin to inanimate objects than living beings. This status significantly limits their legal protections from cruelty and neglect. This is reason why the legal status of animals should be elevated beyond mere property. Core purpose of our system of laws is to protect the vulnerable from exploitation and to ensure fairness. Animals deserve a legal status that reflects the kinds of beings they are — individuals with their own desires and lives, who have the capacity for pain and pleasure, joy and sorrow, fear and contentment.

Article 21 of the Indian constitution has wider aura and the menace of animal cruelty and other forms of torture on them totally negates it. Animal cruelty in any form persisting in our country casts a serious doubt on moral duty and legal obligation under the doctrine of *parens patriae* (the power of the state to act as a guardian to those who are unable to take care of themselves) to protect rights of animals.

The multiplicity of animal beings with whom we share our world deserve to be treated not as means to human ends, but as ends in themselves. The shelter of the legal umbrella would also provide more effective protection of animal interests than is available under current animal welfare law. As legal persons, animals could be recognized as parties to legal actions, because they would have the independent standing that they currently lack.

Legal Status has been bestowed upon the animals in two of the recent judgments, namely *Karnail Singh and Others v. State of Haryana* (2019 SCCOnLine P&H 704) by the Hon'ble Punjab and Haryana High Court and *Narayan Dutt Bhatt v. Union of India and others* (2018 SCCOnLine Utt 645) by the Hon'ble Uttarakhand High Court. Further, in the case of *Animal Welfare Board of India v. A. Nagaraja and others* (2014 7 SCC 547), famously known as "Jallikattu case", the Hon'ble Supreme Court recognized the dignity and honour of animals under Article 21 of the Constitution. In the case, this Hon'ble Court 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. Animal has also honour and dignity, which cannot be arbitrarily

deprived of. It was also observed that Article 51 (g) and (h) are Magna Carta for protecting the life of animals.

It is clarified here that the bestowing the status of “Legal Personality/Entity” should be construed as extending of the rights of a living person to the animal kingdom and should solely be considered for the purposes of halting the “Animal Cruelty” as defined under the Prevention of Cruelty to Animals Act, 1960.

Around the world, animal abuse is treated differently in different countries. Austria, UK and Switzerland are the top three countries that find mention on the list of countries having stringent Animal Welfare laws. Austria is regarded as one of the safest and best countries for animals in the entire world. The protection and well-being of animals and that of humankind is measured on the same pedestal as suggested under the **Austrian Animal Welfare Act, 2004**. The fines in case of violation of the laws can be anywhere from \$2,420 up to \$18,160 in cases of extreme cruelty. Similarly, in Switzerland, **The Swiss Animal Welfare Act** protects the welfare and dignity of animals. Serious infringements of its provisions may lead to a ban on keeping animals, breeding animals, handling animals commercially, or trading in animals. The most significant aspect of the Swiss Legal system is related to the fact that under their legal system animals are never considered

to be as creatures that are subservient to humans. Similar stringent laws can also be witnessed in UK, Germany and Hongkong, wherein due consideration is given to the fact that animals are sentient beings, not merely commodities, and have confirmed their commitment to the highest possible standards of animal welfare.

It has to be asserted unequivocally, though with a feeling of shame that, the Indian legal regime when it comes to have a comparison with the laws of various countries is out of the picture and we have hardly enacted any law with the element of human empathy involved in it. The penalties, which are prescribed under the law is so trivial that, a person doesn't **even bother about the** amount of fine. Considering the aspect of dignity, laws in India need complete overhaul in such a manner that the dignity of animals should never be compromised and they should be treated at par with humans.

At this point it is picturesque, that there are gaping legal lacunae in the legal, legislative and statutory framework of India, **owing to which the we're witnessing a prevailing epidemic** of cases of Animal Abuse and Animal Cruelty. Over the years, amendment bills to the PCA have been introduced. In 2011, a draft **bill titled the Animal Welfare Act 2011 ('Draft Act, 2011')** was introduced by the AWBI in the Parliament to replace the present

PCA. The Draft Act sought to bring a shift from a defensive position to a positive, welfare-driven and well-being-oriented approach, by strengthening animal welfare organisations and enlarging the definition of animal abuse, in keeping with the times and in consonance with judicial pronouncements. The draft bill, besides, adding a few more categories of cruelty to animals and making the bill more comprehensive, also prescribed greater and more apt penalties for cruelty towards animals by multiplying the old fines, under the PCA, by a factor of a thousand. Following this, the Animal Welfare bill was introduced in 2014, and another Private Member Bill was introduced in 2016, both calling for higher penalties and broadening the scope of offences. Unfortunately, none of these three bills have been passed in parliament and to this date, we are stuck with an Act that is half a century old.

Hence, there is a emergent and compelling need for **intervention by this Hon’ble Court and it is indispensable and imperative for this Court to declare the entire animal kingdom including avian and aquatic species as “legal entities” having a distinct persona with corresponding rights of a living person, and further to issue and frame guidelines to fill the gaping legal lacunae with an objective to ensure and implement effective and**

purposeful legal framework for the protection and welfare of
Animals in India, in exercise of the inherent and plenary power of
this Hon'ble Court under Article 142 of the Constitution of India,
1950.

LIST OF DATES AND EVENTS

Dates	Particulars of Event
26.12.1960	The Prevention of Cruelty to Animals Act, 1960 was enacted with the aim to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals.
	The Prevention of Cruelty to Animals Act was a strongly worded law for 1960, when it was drafted, but has failed to protect animals for more than two decades now due to lack of enforcement. The current provisions, with penalties amounting to a maximum of only Rs. 50, fail miserably to deter animal abusers who have taken advantage of this obsolete act, and have continued to inflict unfathomable cruelty on animals.
	Recently, a couple of cases of cruelty towards animals have come to light in the past few months which have raised questions as to how humans have absolutely no respect for animals' lives and how can they can be absolutely devoid of sympathy. Such incidents have further enraged many and made one ponder as to whether the

laws in existence are sufficient enough to protect animals from possible abuse and cruelty.

These cases only go on to illustrate the prevailing epidemic of animal cruelty and animal abuse in India **and don't even** constitute the tip of the iceberg, and it will not be wrong to state that this is the plight of those cases which could be reported and gained traction from various sections of media, however, there are innumerable instances of those cases which do not even get reported anywhere.

Not only do these incidents point towards a severe lack of humanity and respect for the life of other beings, but these incidents also point towards the deranged and sadistic nature of certain people from our society as well. Citizens who are capable of inflicting such pain on the defenceless and harmless deserve no place in society.

The National Crime Records Bureau (NCRB) reports, for **reasons beyond one's imagination, choose not to publish** specific data related to crimes against Animals under the Prevention of Cruelty to Animals Act, 1960. Also, NCRB reports do not contain any separate records of statistical data related to crime against Animals under Section 377, 428, 429 of IPC.

The NCRB, whose reports provide an estimate of the crime situation in India, release severely outdated data every year. Moreover, NCRB (**India's crime**-recordkeeper) reports failed to form a specific categorisation of crimes falling under 428 & 429 of IPC or under the Prevention of Cruelty to Animals Act, 1960. Also, all the crimes under Wildlife Protection Act, 1972 are mentioned as a single

head, whereas there is no mention of any specific data related to crimes against animals.

2011 A draft bill titled the **Animal Welfare Act 2011** ('Draft Act, 2011') was introduced by the AWBI in the Parliament to replace the present Act of 1960. The Draft Act sought to bring a shift from a defensive position to a positive, welfare-driven and well-being-oriented approach, by strengthening animal welfare organisations and enlarging the definition of animal abuse, in keeping with the times and in consonance with judicial pronouncements. The draft bill, besides, adding a few more categories of cruelty to animals and making the bill more comprehensive, also prescribed greater and more apt penalties for cruelty towards animals by multiplying the old fines under the present act, by a factor of a thousand. However, the same was could not gain traction by the legislators.

2012-2015 There is absolutely no mention of any statistical data related to Animal Cruelty in Annual Reports of Ministry of Environment or any other ministry and the only relevant data available with Ministry of Environment dates back to the period between 2012 and 2015 and is therefore severely outdated. As per the said data, between 2012 and 2015, there were over 24,000 cases of animal cruelty reported under the Prevention of Cruelty to Animals Act, 1960. Thus, by a simple mathematical calculation one can easily imagine the innumerable amount of cases of Animal abuse and cruelty over the years, till date which goes unreported.

2015 The 261st Report of the Law Commission laid down some guidelines in the year 2015. The 261st Report on Animal

Welfare Regulations, submitted on 28th August 2015 observed that pet shops and breeders violate provisions of animal welfare laws with impunity, and recommended that it is necessary to regulate their practices. In its first chapter second part in 1.2.2, it clearly mentions that the Wildlife **(Protection) Act, 1972 (“WPA”)**, prohibits the sale of certain animals in pet shops. However, these sales are continuing. All kinds of animals can be found for sale in animal markets across the country, and they are kept in terribly inhumane conditions. However, these suggestions have not been incorporated in the maiden legislations till date.

2016 The Prevention of Cruelty To Animals (Amendment) Bill, 2016 suggested to amend Section 11 of the Prevention of Cruelty to Animals Act, 1960 by inserting the provision that in the case of a first offence, with fine which shall not be less than three thousand rupees but which may extend to five thousand rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees or with imprisonment for a term which may extend to six months, or with both. However, this amendment bill has not been promulgated yet and fails to attract the attention of legislators.

The core purpose of our system of laws is to protect the vulnerable from exploitation and to ensure fairness. Animals deserve a legal status that reflects the kinds of beings they are — individuals with their own desires and

lives, who have the capacity for pain and pleasure, joy and sorrow, fear and contentment.

Article 21 of the Indian constitution has wider aura and the menace of animal cruelty and other forms of torture on them totally negates it. Animal cruelty in any form persisting in our country casts a serious doubt on moral duty and legal obligation under the doctrine of *parens patriae* (the power of the state to act as a guardian to those who are unable to take care of themselves) to protect rights of animals.

2018-2019 Legal Status has been bestowed upon the animals in two of the recent judgments, namely *Karnail Singh and Others v. State of Haryana (2019 SCCOnLine P&H 704)* by the **Hon'ble Punjab and Haryana High Court** and *Narayan Dutt Bhatt v. Union of India and others (2018 SCCOnLine Utt 645)* by the **Hon'ble Uttarakhand High Court**.

There are gaping legal lacunae in the legal, legislative and **statutory framework of India, owing to which the we're** witnessing a prevailing epidemic of cases of Animal Abuse and Animal Cruelty. Over the years, the Prevention of Cruelty to Animals Act, 1960 has lost its glory due to lack of enforcement and inadequate/liberal penal provisions. Also, amendment bills to the Act of 1960 have been proposed, but unfortunately, none of these proposed amendments have been passed in parliament and to this date we are stuck with an Act that is half a century old.

Lackadaisical attitude by the government enforcement agencies can only be taught appropriate lessons when the

judicial trends are in such a manner that the courts are not willing to accept the laxity on the part of the government.

There is a emergent and compelling need for intervention **by this Hon'ble Court and it is indispensable and imperative for this Court to declare the entire animal kingdom including avian and aquatic species as "legal entities" having a distinct persona with corresponding rights of a living persons, for the protection of animals from cruelty and abuse and to ensure their welfare, and further to issue and frame guidelines to fill the gaping legal lacunae with an objective to ensure and implement effective and purposeful legal framework for the protection and welfare of Animals in India, in exercise of the inherent and plenary power of this Hon'ble Court under Article 142** of the Constitution of India, 1950.

20.07.2020 The Petitioner No. 2 had earlier filed an e-complaint dated 20.07.2020 being Complaint No. 31623005072000006 on the online portal of Uttar Pradesh Police reporting an incident wherein a social media page on Instagram named **"realdogandcatkillerdude9"** uploaded thirty (30) extremely dreadful images of innocent cats and dogs on his/her Instagram profile after inflicting immense cruelty and torture upon them and thereafter killing them. These photographs contained extremely dreadful and torturous images of these poor animals and also images of skulls and dead bodies of those innocent animals which have been killed.

The Petitioner No. 2 thereby further requested the local police to register an F.I.R. against the said unknown social media user under 428, 429 IPC and Section 11 of

Prevention of Cruelty to Animals Act, 1960 and to conduct speedy investigation. However, till date absolutely no action has been taken upon the said complaint filed by the Petitioner No. 2 and not even a single communication has been made by any local police in this regard.

The said inaction adopted by the local police officials reveal serious laxity of law enforcement authorities in dealing with crimes related to animals and lack of will power and awareness against cases of Animal Cruelty.

Hence, this writ petition in public interest under Article 32 of the Constitution of India, 1950.

IN THE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

WRIT PETITION (CIVIL) NO. _____ OF 2020

(Under Article 32 of the Constitution)

(PUBLIC INTEREST LITIGATION)**IN THE MATTER OF:**

1. **PEOPLE'S CHARIOTEER ORGANIZATION**
(PCO), *through* its Secretary, Legal Cell, Mr.
Devesh Saxena, *having* his office at Ground Floor,
1464, Kidwai Nagar, Allahpur, Allahabad- 211006.
...Petitioner No. 1
2. MR. DEVESH SAXENA, Secretary, Legal Cell,
People's Charioteer Organization (PCO), S/o, Shri
Bhagwati Prasad Saxena, R/o. 19/27/1A, M.G.
Marg, Civil Lines, Allahabad – 211001.
...Petitioner No. 2

VERSUS

1. UNION OF INDIA, through Chief Secretary,
Ministry of Home Affairs, North Block, Central
Secretariat, New Delhi- 110001.
...Respondent No. 1
2. MINISTRY OF LAW AND JUSTICE, through its
Secretary, 4th Floor, A-Wing, Shashtri Bhawan,
New Delhi – 110001.
...Respondent No. 2
3. MINISTRY OF ENVIRONMENT, FOREST AND
CLIMATE CHANGE, through its Secretary, Indira
Paryavaran Bhawan, Jorabagh, New Delhi- 110003.
...Respondent No. 3
4. MINISTRY OF FISHERIES, ANIMAL
HUSBANDRY AND DAIRYING, through its
Secretary, Krishi Bhawan, New Delhi- 110001.
...Respondent No. 4

5. NATIONAL CRIME RECORDS BUREAU (NCRB), through its Chief Statistician, NH-8, Mahilapur, New Delhi- 110037.

...Respondent No. 5

6. ANIMAL WELFARE BOARD OF INDIA (AWBI), through its Secretary, National Institute of Animal Welfare Campus, P.O. 42 KM Stone, Delhi-Agra Highway, NH-2, Village- Seekri, Ballabgarh, Faridabad, Haryana-121 004.

...Respondent No. 6

7. STATE OF ANDHRA PRADESH, through Chief Secretary of the Government of Andhra Pradesh, 1st Block, 1st Floor, Interim Government Complex, A.P Secretariat Office, Velagapudi – 522503.

...Respondent No. 7

8. THE STATE OF ARUNACHAL PRADESH, through Chief Secretary of the Government of Arunachal Pradesh, Civil Secretariat, Itanagar- 791111.

...Respondent No. 8

9. THE STATE OF ASSAM, through Chief Secretary of the Government of Assam, Block- C, 3rd Floor, Assam Sachivalaya, Dispur – 781006.

...Respondent No. 9

10. THE STATE OF BIHAR, through Chief Secretary of the Government of Bihar, Main Secretariat, Patna – 800015.

...Respondent No. 10

11. THE STATE OF CHHATTISGARH, through Chief Secretary of the Government of Chhattisgarh, Mahanadi Bhawan, Mantralaya, Naya Raipur – 492002.

...Respondent No. 11

12. THE STATE OF GOA, through Chief Secretary of the Government of Goa, Secretariat, Porviroim, Bardez, Goa – 403521.

...Respondent No. 12

13. THE STATE OF GUJARAT, through Chief
Secretary of the Government of Gujarat, 1st Block,
5th Floor Sachivalaya, Gandhinagar – 382010.
...Respondent No. 13
14. THE STATE OF HARYANA, through Chief
Secretary of the Government of Haryana, Room No.
4, 4th Floor Haryana Civil Secretariat, Sector-1,
Chandigarh – 160019.
...Respondent No. 14
15. THE STATE OF HIMACHAL PRADESH, through
the Chief Secretary of the Government of Himachal
Pradesh, H. P. Secretariat, Shimla – 171002.
...Respondent No. 15
16. THE STATE OF JHARKHAND, through the Chief
Secretary of the Government of Jharkhand, 1st Floor,
Project Building, Dhurwa, Ranchi- 834004.
...Respondent No. 16
17. THE STATE OF KARNATAKA, through the Chief
Secretary of the Government of Karnataka, Room
No. 320, 3rd Floor Vidhana Soudha, Bengaluru –
560001.
...Respondent No. 17
18. THE STATE OF KERALA, through the Chief
Secretary of the Government of Kerala, Secretariat,
Thiruvananthapuram – 695001.
...Respondent No. 18
19. THE STATE OF MADHYA PRADESH, through
the Chief Secretary of the Government of Madhya
Pradesh, MP Mantralaya, Vallabh Bhavan, Bhopal
– 462004.
...Respondent No. 19
20. THE STATE OF MAHARASHTRA, through the
Chief Secretary of the Government of Maharashtra,
CS Office, Main Building, Mantralaya 6th Floor,
Madame Cama Road, Mumbai – 400032.
...Respondent No. 20
21. THE STATE OF MANIPUR, through the Chief
Secretary of the Government of Manipur, South
Block, Old Secretariat, Imphal – 795001.

...Respondent No. 21

22. THE STATE OF MEGHALAYA, through the Chief Secretary of the Government of Meghalaya, Main Secretariat Building, Rilang Building, Room No. 321 Meghalaya Secretariat, Shillong – 793001.

...Respondent No. 22

23. THE STATE OF MIZORAM, through the Chief Secretary of the Government of Mizoram, New Secretariat Complex, Aizawl – 796001.

...Respondent No. 23

24. THE STATE OF NAGALAND, through the Chief Secretary of the Government of Nagaland, Civil Secretariat, Kohima- 797004.

...Respondent No. 24

25. THE STATE OF ODISHA, through the Chief Secretary of the Government of Odisha, General Administration Department, Odisha Secretariat, Bhubaneswar – 751001.

...Respondent No. 25

26. THE STATE OF PUNJAB, through the Chief Secretary of the Government of Punjab, Chief Secretary office, 6th floor, Punjab Civil Secretariat - 1, Sector-1, Chandigarh – 160001.

...Respondent No. 26

27. THE STATE OF RAJASTHAN, through the Chief Secretary of the Government of Rajasthan, Tilak Marg, Secretariat, Jaipur – 302005.

...Respondent No. 27

28. THE STATE OF SIKKIM, through the Chief Secretary of the Government of Sikkim, New Secretariat, Gangtok – 737101.

...Respondent No. 28

29. THE STATE OF TAMIL NADU, through the Chief Secretary of the Government of Tamil Nadu, Secretariat, Fort St. George, Chennai – 600009.

...Respondent No. 29

30. THE STATE OF TELANGANA, through the Chief Secretary of the Government of Telangana, Burgula

Rama Krishna Rao Bhavan, 9th floor, Adarsh
Nagar, Hyderabad – 5000063.

...Respondent No. 30

31. THE STATE OF TRIPURA, through the Chief Secretary of the Government of Tripura, New Secretariat Complex Secretariat, West Tripura, Agartala – 799010.

...Respondent No. 31

32. THE STATE OF UTTAR PRADESH, through the Chief Secretary of the Government of Uttar Pradesh, 1st Floor, Room No. 110, Lalbahadur Sastri Bhawan, Uttar Pradesh Secretariat, Lucknow – 226001.

...Respondent No. 32

33. THE STATE OF UTTARAKHAND, through the Chief Secretary of the Government of Uttarakhand, 4 Subhash Road, Uttarakhand Secretariat, Dehradun – 248001.

...Respondent No. 33

34. THE STATE OF WEST BENGAL, through the Chief Secretary of the Government of West Bengal, Nabanna, 13th Floor, 325, Sarat Chatterjee Road, Mandirtala, Shibpur, Howrah – 711102.

...Respondent No. 34

35. THE UNION TERRITORY OF ANDAMAN AND NICOBAR ISLANDS, through the Chief Secretary of the Government of Andaman and Nicobar Islands, Andaman and Nicobar Administration Secretariat, Port Blair – 744101.

...Respondent No. 35

36. THE UNION TERRITORY OF DADRA & NAGAR HAVELI AND DAMAN & DIU, through the Chief Secretary of the Government of Dadra & Nagar Haveli and Daman & Diu, Secretariat, Moti, Daman – 396220.

...Respondent No. 36

37. THE NATIONAL CAPITAL TERRITORY OF DELHI, through the Chief Secretary of the

Government of National Capital Territory of Delhi,
Delhi Secretariat, IP Estate, New Delhi – 110002.

...Respondent No. 37

38. THE UNION TERRITORY OF JAMMU & KASHMIR, through its Chief Secretary of the Government of Jammu & Kashmir, R. No. 2/7, 2nd, Floor Main Building, Civil Secretariat, Jammu – 180001; R. No. 307, 3rd Floor, Civil Secretariat, Srinagar – 190001.

...Respondent No. 38

39. THE UNION TERRITORY OF LAKSHADWEEP, through the Chief Secretary of the Government of Lakshadweep, 1st Floor, Collector's Block, Secretariat, Lakshadweep, Kavaratti – 682555.

...Respondent No. 39

40. THE UNION TERRITORY OF PUDUCHERRY, through the Chief Secretary of the Government of Puducherry, Main Building, Chief Secretariat, Puducherry – 605001.

...Respondent No. 40

41. THE UNION TERRITORY OF CHANDIGARH, through the Chief Secretary of the Government of Chandigarh, Punjab Raj Bhawan, Sector-6, Chandigarh – 160017.

...Respondent No. 41

WRIT PETITION IN PUBLIC INTEREST UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA SEEKING WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTIONS, AS PRAYED, AGAINST THE RESPONDENTS.

**TO,
THE HON'BLE THE CHIEF JUSTICE OF
INDIA AND HIS LORDSHIP'S
COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA.**

**THE HUMBLE PETITION OF THE
PETITIONERS ABOVE-NAMED**

MOST RESPECTFULLY SHOWETH:

1. That the present petition has been filed by the petitioners in public interest, under Article 32 of the Constitution of India, *inter alia*, seeking:

An appropriate writ, order or direction, declaring the entire animal kingdom including avian and aquatic species as **“legal entities” having a distinct persona with** corresponding rights of a living person and all Citizens of India as persons in *loco parentis*, for the protection of animals from cruelty and abuse and to ensure their welfare;

Along with, for a further writ, order or direction, in the nature of *mandamus*, directing the Respondent No. 1 through Respondent No. 5 (NCRB) to report and publish data and statistics relating to animal cruelty/crimes against animals, including cases reported and convictions ordered thereupon under various penal statues, in the Annual NCRB reports under distinct/separate heads;

Along with, for a further writ, order or direction, in the nature of *mandamus*, directing all the State and Union Territory Governments to take appropriate measures/steps for the mandatory registration of First Information Report under relevant penal provisions contained in Indian Penal

Code and Prevention of Cruelty of Animals Act, 1960, whenever any incident of animal cruelty surfaces or comes to light on social media or otherwise;

Along with, for a further writ, order or direction, in the nature of *mandamus*, directing the Central Government to form an Independent Committee monitored by this **Hon'ble Court consisting of members from all the relevant** departments/ministries which can review the entire legal framework and find pitfalls in the existing legal framework in order to curb the menace of Cruelty against Animals, so as to enable rehauling of the existing legislative mechanisms;

Along with, for a further appropriate writ, order or direction issuing and framing guidelines in order to fill the gaping legal lacunae with an objective to ensure and implement effective and purposeful legal framework for the protection and welfare of Animals in India, in exercise of its inherent power under Article 142 of the Constitution, in the interest of justice and fairness.

ARRAY OF PARTIES:

2. That the Petitioner No. 1 is the **People's Charioteer Organization (PCO) (Hindi Equivalent: 'Jan Saarthi**

Mahasangh’; formerly known as ‘Jan Saarthi Sangathan’)

an unregistered public Trust/NGO having its office at

Ground Floor, 1464, Kidwai Nagar, Allahpur, Allahabad –

211006. The NGO has been engaged in various social

welfare activities apart from creating social awareness in

society, primarily focusing on civil rights, health,

environmental issues, air pollution, et al, and has often

been featured in daily and vernacular newspapers for its

multifarious contributions to social and public causes.

3. That the Petitioner No. 2 is a citizen of India and a practising Advocate of the High Court of Allahabad, and is the Secretary, Legal Cell of the organization (Petitioner no.1) aforesaid, and is authorised by Petitioner No. 1 to file this petition on its behalf. The email address of the petitioner no. 2 is saxena.devesh09@gmail.com and the mobile number is +91-8181932240. The Permanent Account Number (PAN) of the petitioner no. 2 is KFBPS0985A. The annual income of the Petitioner No. 2 is Rs. 3,00,000/- (approx.). The postal address of the petitioner no. 2 is 19/27/1A, M.G. Marg, Civil Lines, Allahabad- 211001.
4. That the instant petition being a Public Interest Litigation, the true copies of the Adhaar Card and the PAN Card of the

Petitioner No. 2 is being annexed herewith and marked as **ANNEXURE P1 (at Page 65)**.

5. That the present petition has been filed *pro bono publico* for the protection and welfare of animals and the petitioners have no personal interest, or any private/oblique motive in filing the instant petition.
6. That there is no civil, criminal, revenue or any litigation involving the petitioners, which has or could have a legal nexus with the issues involved in the instant PIL.
7. That the petitioners are filing the instant Petition on their own volition and shall be liable to pay costs as ordered by **this Hon'ble Court in the event**, if it is found that this petition is filed for any personal gain or with an oblique motive.
8. That the instant petition is based upon the information/documents which are well within the public domain and it is in the **pleasure of this Hon'ble Court** to take a judicial notice thereof.
9. That the Respondent No. 1 is the Union of India, through the office of Chief Secretary, Ministry of Home Affairs, being the concerned authority responsible for domestic policy in India.

10. That the Respondent No. 2 is the Ministry of Law and Justice, through its Secretary, being the concerned authority dealing with the management of the legal affairs, legislative activities and administration of justice in India.
11. That the Respondent No. 3 is the Ministry of Environment, Forest and Climate Change, through its Secretary, being the concerned authority responsible for planning, promoting, coordinating, and overseeing the implementation of environmental and forestry programmes in the country.
12. That the Respondent No. 4 is the Ministry of Fisheries, Animal Husbandry and Dairying, through its Secretary, being the concerned authority responsible for issues related to livestock production, preservation, protection from disease and improvement of stocks and dairy development.
13. That the Respondent No. 5 is the National Crime Records Bureau (NCRB) through its Chief Statistician, is an Indian government agency responsible for collecting and analysing crime data as defined by the Indian Penal Code (IPC) and Special and Local Laws (SLL).
14. That the Respondent No. 6 is the Animal Welfare Board of India (AWBI) through its Secretary, is a statutory advisory body established under Section 4 of the Prevention of Cruelty to Animals Act, 1960 and is responsible for

promoting animal welfare in the country and for ensuring that animal welfare laws in the country are diligently followed.

15. That the Respondent No. 7 – 41, are the States and Union Territories through their Chief Secretaries which are also empowered to take action in cases of cruelty inflicted on animals.

ACKNOWLEDGEMENTS:

16. That, the enormous and tireless amounts of research work, which greatly enabled the completion of this petition has been undertaken by 9 hardworking and dedicated Law Students, which deserve countless praise and appreciation, namely:

- i.) Mr. Archit Mishra, 5th Year, Symbiosis Law School, Pune.
- ii.) Ms. Tamanna Gupta, 3rd Year, RGNUL, Punjab.
- iii.) Ms. Nayan Saini, 3rd Year (LL.B.), Department of Law, Bharati Vidyapeeth Deemed University, Delhi.
- iv.) Ms. Aparna Tripathi, 5th Year, Amity Law School, Delhi.
- v.) Ms. Soubhagya Hegde, 5th Year, ILS Law College, Pune.
- vi.) Mr. Oshin Malpani, 2nd Year, NALSAR, Hyderabad.

- vii.) Ms. Arunima Jadaun, 5th Year, CNLU, Patna.
- viii.) Ms. Sohini Banerjee, 5th Year, Narsee Monjee's Kirit P. Mehta School of Law, Mumbai.
- ix.) Mr. Saumitra Anand, 4th Year, Faculty of Law, University of Allahabad.

FACTS OF THE CASE:

17. That since early civilisation, animals are not only considered as an integral part in our country, but have also been worshiped. According to Hindu mythology, Cows, tigers, lions, elephants, horses, bulls, snakes, monkeys have been worshipped. Animals have also been domesticated for both agriculture and companionship. However, over time our kinship with them has morphed into abuse in which the welfare of animals is highly compromised. Now we see animals purely for their utility; in fact, a perception has been created that humans always have precedence over animals. It has now become common practice to inflict cruelty upon them.
18. That animal welfare has always been seen as a niche subject, often relegated to being an emotional one and has been rather perceived as a 'street dog issue' or 'service for pet or privately-owned animals'. Of course, protection of cows has

often grabbed headlines as well, but never for their welfare, and the issue is often politically motivated. However, **people's awareness tends to be** limited to issues pertaining to animal and wildlife exploitation and animals are abused across the country, whether in laboratories, farms, or pet shops, and the abuse is often justified for human good.

19. That recently, a couple of cases of cruelty towards animals have come to light in the past few months which have raised questions as to how humans have absolutely no **respect for animals' lives and how can they can be** absolutely devoid of sympathy. Such incidents have further enraged many and made one ponder as to whether the laws in existence are sufficient enough to protect animals from possible abuse and cruelty.
20. That few instances of Animal Cruelty in India where people didn't even consider animals to be living beings are stated hereinbelow which make one wonder if we as a society are left with humane values anymore:
 - i. **04.07.2020-** A cow got injured after chewing explosives wrapped in dough in Ayodhya, Uttar Pradesh. While the local police arrested 2 people, the Deputy Superintendent of Police, Ayodhya, said the duo used to

hunt wild boar and other animals for meat using dough filled with explosives.

- ii. 02.07.2020-** As many as twenty-two dogs were seized by police which were being transported illegally to Nagaland. Preliminary investigations suggested that the dogs were being cruelly transported to Nagaland from neighbouring states in gunny bags to be brutally slaughtered for meat consumption.
- iii. 27.05.2020-** Killing of a pregnant elephant in Silent Valley, Malappuram, Kerala triggered nationwide outrage. She was fed with a pineapple filled with powerful crackers, which was allegedly offered by a man. The fruit exploded in her mouth when she chomped on it, breaking her jaw. She then entered the Velliyar river in Malappuram, standing in the water for hours where she took her last breath in extreme pain.
- iv. 24.05.2020-** Two teenage boys who were seen in a viral video cruelly tying and mercilessly drowning a poor dog were traced and identified in Ujjain, Madhya Pradesh. While one of the accused is a 19-year old boy, the second one is a minor. Preliminary interrogation of the two boys by the local police officials revealed that **the youths had drowned the dog ‘just for fun’.**

- v. **14.10.2019**- A 19-year-old was arrested on Saturday for allegedly having unnatural sex with a stray dog in suburban Powai, Mumbai, Maharashtra.
- vi. **24.07.2019**- An adult tigress was lynched by villagers living in proximity to the Pilibhit Tiger Reserve in the Terai region of Uttar Pradesh.
- vii. **25.06.2019**- Four officials of Siddipet Municipality in Telangana were suspended after a video of 78 dead dogs heaped in a truck in Siddipet surfaced on social media. This mass culling was reportedly ordered by the municipality.
- viii. **22.03.2019**- A women in Bengaluru, Karnataka flung eight pups across the road on to an empty site opposite to her house, killing them all. The impact was such that **'some of the pups' intestines were out. The residents** stated that they were distressed by the sight of the mother that wouldn't stop wailing and trying to wake them up, running around us asking for help.
- ix. **25.07.2018**- Pregnant goat died after being gang-raped by 8 men in Maroda Village in Haryana.
- x. **23.03.2018**- Several carcasses of stray dogs were found scattered in the lanes of Mhada quarters in Kalamna, Nagpur. Reports suggest that the strays were poisoned

by the local meat sellers as the dogs would steal meat from their shops.

- xi. 11.01.2018-** Eleven monkeys were found killed near the National Highway-8, about 66 km from Jaipur, in Rajasthan. Forest officials said they were beaten with sticks and then splashed with an abrasive chemical, probably an acid.
- xii. 05.09.2017-** In one of the shocking incidents of its kind, a 24-year-old man from Mumbai beat a stray dog so badly that its skull got fractured.
- xiii. 20.01.2017-** Twenty-one caged Beagle dogs were rescued by animal activist from a private research company in Pune where they were being used for laboratory testings. They were housed in the company for last six years and were subjected to intense torture and pain.
- xiv. 02.11.2017-** A college student in Katpadi in Tamil Nadu's Vellore district threw a puppy off a terrace, killing it on the spot.
- xv. 15.03.2016-** A police horse "Shaktimaan" was attacked with lathi by BJP MLA during an opposition rally, leaving the horse with a broken leg, which ultimately caused its death.

True copies of compiled newspaper reports of the aforesaid 15 narrated incidents are annexed herewith and marked as **ANNEXURE P2 (at Page 66 to 86)**.

21. That it is submitted that these cases only go on to illustrate the prevailing epidemic of animal cruelty and animal abuse in India and **don't** even constitute the tip of the iceberg, and it will not be wrong to state that this is the plight of those cases which could be reported and gained traction from various sections of media, however, there are innumerable instances of those cases which do not even get reported anywhere.
22. That it is further submitted that not only do these incidents point towards a severe lack of humanity and respect for the life of other beings, but these incidents also point towards the deranged and sadistic nature of certain people from our society as well. Citizens who are capable of inflicting such pain on the defenceless and harmless deserve no place in society.

**JURISPRUDENTIAL, CRIMINOLOGICAL, THEOLOGICAL
AND PHILOSOPHICAL ASPECTS OF THE NEED TO
PUNISH ANIMAL CRUELTY:**

23. That fundamental jurisprudential and criminological aspect behind making crimes against animals punishable, is that the

persons that indulge in such acts of animal cruelty, torture, abuse and killing, are potential criminals, murderers, rapists and paedophiles who would, given the chance, readily partake in crimes against humans, owing to the fact that if they can harm a meek and harmless animal, the next step in their sadistic evolution could very well be harming a human, whether a child, old or young.

24. That it is submitted here that acts of cruelty to animals are often indicative of a deep mental disturbance, and more often than not, animal abusers move on to harming humans. A **psychological disorder known as “Zoosadism”, where a person** derives pleasure from inflicting cruelty to animals, clearly establishes the link between animal abuse and more violent conduct. The dismembered remains of dogs and cats today could well be that of children tomorrow.
25. That according to People for Ethical Treatment of Animals (PETA), **“If any society chooses to treat cruelty to animals lightly, they are encouraging violence towards humans too. That’s because research in psychology and criminology shows that people who commit acts of cruelty to animals often don’t** stop there – many move on to hurting other animals or humans. The US Federal Bureau of Investigation has found that a history of animal abuse is one of the traits that regularly

appears in the records of serial rapists and murderers.” This is the case in India too, for instance, Veerappan was a poacher as well as a serial killer, and the infamous Noida serial murders of children took place at the home of Moninder Singh Pandher, who was fond of hunting. True copy of the report titled

“Animal Abuse & Human Abuse: Partners in Crime”

published by PETA is being annexed herewith and marked as **ANNEXURE P3 (at Page 87 to 95)**.

26. That the discourse behind making acts of Animal Cruelty punishable and prohibited have been going on since centuries, starting with our Vedas and Dharma-Shastras, which lay down **the cardinal ideal of Life as “Ahimsa” and “Karuna,”** to discourse and writings, and later legislations in the U.K. going as far back as the 1700s, which goes on to seize much of the Western World.
27. **That, according to various schools of *Sanatan Dharma* or *Hinduism*,** spiritually, there is no distinction between human beings and other life forms. All life forms, including plants and animals, are manifestations of God as limited beings (*Jivas*) and possess souls. Every living being, from the animals down to the insects and tiny organisms, possesses souls. There are no exceptions; And God is the lord of the Animals (*Pasupati*). All humans are also animals until they learn to use their

intelligence and overcome their ignorance and delusion. Like humans, animals are also subject to the cycle of births and deaths, karma, triple gunas, aspects of Nature, mortality and the possibility of salvation. Even microorganisms are jivas, having souls of their own.

28. That according to Hinduism or Sanatan Dharma, animals are not inferior creatures, but manifestations of God on the lower scale of evolution compared to man, each containing a spark of the divine, capable of becoming human and achieving salvation like the rest of us; And although they appear ignorant, these living beings are also evolved and have their own level of intelligence and instinct, as well as their individual language.

29. That according to the Vedic philosophy **“there are 8.4 million different species of living beings in the whole of creation”**.

Among these there are 4,00,000 species of human beings. All these species were created by God and we evolved from the animals by the process of transmigration of **the soul “from one body to another”**. According to the Vedas, the human body is the highest of all forms of bodies. Therefore, the soul takes one body and then the next and goes through all the species in the plant and animal kingdom finally taking a human body. In this

aspect Lord Krishna's sermon to Arjuna on the battle field in

Shrimad Bhagavad-Gita, is relevant. The Lord says:

“Vasangsi jirnani yatha vihaya nabani grihnati narohparani

Tatha sharirani vihaya jirnanyanyani sangjati navani dehi”

(Shloka No. 22, Chapter II, Shrimad Bhagavad-Gita)

(Translation: Just like man discards his old and tattered clothes and wears a new set of clothes, similarly the being discards his old and weak body in preparation for its new mantle)

This only reinforces the Vedic philosophy, that animals are also in the same chain of development shared by man.

30. That in Sanatan Dharma (Hinduism), the cosmic reality viewed as an ocean, wherein nature or the world as we see it **“is like the waves on the surface of the sea”**. It is therefore all water and it is the same single ocean. Further, according to the Upanishads, **“Everything is Brahman”**. In the ecological approach, the **“entire universe (is) part of our own higher self”**.
31. That we as humans, therefore need to protect nature and all living creatures, as we would protect our own kind. We need to honour nature and every living being on this universe, as we would honour and revere human life/existence.
32. **That as per the teachings in Islam**, Muslims believe that Allah created the World and everything in it, therefore all of

creation/existence is precious. The Quran says that animals form communities, just as humans do:

“There is not an animal (that lives) on the earth, nor a being that flies on its wings, but (forms part of) communities like you. Nothing have we omitted from the Book, and they (all) shall be gathered to their Lord in the end.” (Quran 6:38)

33. That because animals are living creatures with feelings and connections to the larger spiritual and physical world, Muslims must consider their lives as worthwhile and cherished:

“Seest thou not that it is Allah Whose praise all beings in the heavens and on earth do celebrate, and the birds (of the air) with wings outspread? Each one knows its own (mode of) prayer and praise, and Allah knows well all that they do.”

(Quran 24:41)

“And the earth, He has assigned it to all living creatures.”

(Quran 55:10)

34. That as per Islam, Allah has given humans dominion over other creatures. He has made them *'vicegerents on earth'* (Qur'an 35:39). This is a duty and a responsibility. Muslims should not abuse their privilege or exploit animals, because God will punish them if they abuse this power. Islam forbids treating animals cruelly or killing them, *except for food*. Prophet Muhammad often chastised his companions, or

followers, who mistreated animals and spoke to them about mercy and kindness:

“One who kills unnecessarily, even a sparrow, will be questioned by Allah on the day of Judgement.” (Hadith)

“A good deed done to an animal is like a good deed done to a human being, while an act of cruelty to an animal is as bad as cruelty to a human being.” (Hadith)

35. That Prophet Muhammad once passed a camel that was so emaciated its back had almost reached its stomach. The **Prophet said, “Fear Allah in these beasts who cannot speak.”**

As per one Hadith, a group of companions were once travelling with Prophet Muhammad when he left them for a while. During his absence, they saw a bird with its two young, and they took the young ones from the nest. The mother bird was circling above in the air, beating its wings in grief, when

Muhammad came back and said, “Who has hurt the feelings of this bird by taking its young? Return them to her.” Prophet

Muhammad once even said: “Do not use the backs of your animals as chairs. Allah has made them subject to you so that by them you can reach places that you would not otherwise be able to reach except with great fatigue.” (Hadith)

36. **That, as per the teachings in Christianity, the Bible teaches us that God created animals. They aren’t the product of**

happenstance or fortuitous natural processes, any more than humans are. Genesis 1:24-25 says God created the animals, from the beasts of the earth to the creeping insects. The Bible even tells us that the breath of life resides within them (Genesis 7:15). Following are some, of the multitude of verses in the Bible that lay down human responsibilities towards Animals:

“Whoever is righteous, has regard for the life of his beast, but the mercy of the wicked is cruel.” (Proverbs 12:10)

“For what happens to the children of man and what happens to the beasts is the same; as one dies, so dies the other. They all have the same breath, and man has no advantage over the beasts, for all is vanity. All life goes to the same place. All life comes from the ground, and all of it goes back to the ground.” (Ecclesiastes 3:19)

“Open your mouth for the mute, for the rights of all who are destitute.” (Proverbs 31:8)

“He who slaughters an ox is like one who kills a man; he who sacrifices a lamb, like one who breaks a dog's neck; he who presents a grain offering, like one who offers pig's blood; he who makes a memorial offering of frankincense, like one who blesses an idol. These have chosen their own ways, and their soul delights in their abominations;” (Isaiah 66:3)

37. That, the British set the stage for international Animal Cruelty jurisprudence and legislations:

Reverend Humphrey Primatt in his, “A Dissertation on the Duty of Mercy and Sin of Cruelty to Brute Animals” written as far back as in 1776, pleaded for the care of animals. He wrote:

“See that no brute of any kind . . . whether entrusted to thy care, or coming in thy way, suffer thy neglect or abuse. Let no views of profit, no compliance with custom, and no fear of ridicule of the world, ever tempt thee to the least act of cruelty or injustice to any creature whatsoever. But let this be your invariable rule, everywhere, and at all times, to do unto others as, in their condition, you would be done unto.”

38. That Jeremy Bentham, the great English Jurist and Philosopher, in his book, “An Introduction to the Principles of Morals and Legislation”, argued that there was no reason why animals should not be accorded protection under the law. Bentham **pointed out that animals**, *“on account of their interests having been neglected by the insensibility of the ancient jurists, stand degraded into the class of things.”* **Within a footnote titled** *“Interests of the inferior animals improperly neglected in legislation,”* **Bentham argued that the capacity for**

suffering is the vital characteristic that gives a being the right to legal consideration. He writes:

*“The day has been, I grieve to say in many places it is not yet past, in which the greater part of the species, under the denomination of slaves, have been treated by the law exactly upon the same footing as, in England for example, the inferior races of animals are still. The day may come, when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. . . . It may come one day to be recognized, that the number of legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse? But a full-grown horse or dog is beyond a comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month old. But suppose the case were otherwise, what would it avail? **The question is not, Can they reason? nor, Can they talk? but Can they suffer ?***

39. That on May 15, 1809, Lord Erskine addressed Parliament in support of the bill he had introduced for the protection of animals. The date may represent the first-time animal

protection was seriously debated by a full legislative body, as far back as in the year 1809. In his address, Lord Erskine evoked:

*“They (animals) are created, indeed, for our use, but not for our abuse. Their freedom and enjoyment, when they cease to be consistent with our just dominions and enjoyment, can be no part of their natures; but whilst they are consistent I say their rights, subservient as they are, ought to be as sacred as our own . . . the bill I propose to you, if it shall receive the sanction of Parliament, will not only be an honour to the country, but an era in the history of **the world.**”*

40. That further, Mahatma Gandhi has also said that, *"The greatness of a nation and its moral progress can be judged by the way its animals are treated."*
41. That therefore, it is humbly submitted here that all the incidents, *inter alia*, have traumatized all those who respect animal rights in the country and it underlines afresh the urgent need for preventive steps and measures to curb animal abuse and cruelty in this country and the acute need to enact stringent laws to prohibit and prosecute cases of animal abuse and cruelty in order to uphold basic rights of voiceless animals.

ANIMALS AS “LEGAL ENTITIES”:

42. That despite the ground-breaking leaps forward in our understanding of the intelligence and rich emotional and social lives of nonhuman animals, animals are still considered as property — more akin to inanimate objects than living beings. This status significantly limits their legal protections from cruelty and neglect. This is reason why the legal status of animals should be elevated beyond mere property.
43. That it is submitted that, due to damage caused to environment and ecology, the avian and aquatic life is also threatened. Major rivers have been reduced to the status of a sewer. Aquatic life cannot survive without water. The oceans are choked with plastic. Many species are becoming extinct. The loss of one species causes immense damage to the entire ecosystem. Global warming has arrived and its impact can be seen in day-to-day existence. New inventions are required to be made in law to protect the environment and ecology. The animals including avian and aquatics have a right to life and bodily integrity, honour and dignity and they cannot be treated merely as property.
44. That on 7th July, 2012, a prominent International group of Scientists assembled together at the University of Cambridge

and unequivocally declared and asserted, through the landmark document known as ‘The Cambridge Declaration of Consciousness’, what already was the long held edict enshrined in a plethora of religious texts: that humans are not unique or special in having the neurological substrates that generate consciousness, but all Animals, are conscious and sentient beings, just like humans, and thus, must be treated as such. True copy of The Cambridge Declaration of Consciousness dated 07.07.2012 is annexed herewith and marked as **ANNEXURE P4** (at Page **96 to 97**).

45. That it is submitted that the core purpose of our system of laws is to protect the vulnerable from exploitation and to ensure fairness. Animals deserve a legal status that reflects the kinds of beings they are — individuals with their own desires and lives, who have the capacity for pain and pleasure, joy and sorrow, fear and contentment.
46. That it is further submitted that **Article 21 of the Indian constitution has wider aura and the menace of animal cruelty and other forms of torture on them totally negates it.** Animal cruelty in any form persisting in our country casts a serious doubt on moral duty and legal obligation under the doctrine of *parens patriae* (the power of the state to act as a

guardian to those who are unable to take care of themselves)
to protect rights of animals.

47. That it is further submitted that legal personality plays an important part in making a particular thing count in the eyes of the law. The conferral of legal personality upon rightless objects or beings carries with it legal recognition that those **objects or beings have “worth and dignity” in their own right.**

Until we attribute personality to a rightless entity, we are likely **to be unable to conceive of it as “anything but a thing for the use of ‘us’** – those who are holding rights at the time.

48. That it is humbly submitted that, the multiplicity of animal beings with whom we share our world deserve to be treated not as means to human ends, but as ends in themselves. The shelter of the legal umbrella would also provide more effective protection of animal interests than is available under current animal welfare law. As legal persons, animals could be recognized as parties to legal actions, because they would have the independent standing that they currently lack.

49. **That Hon’ble Supreme Court in the case of SHIROMANI GURUDWARA PRABANDHAK COMMITTEE V. SOM NATH DASS, (2000) 4 SCC 146** held that the concept **‘juristic person’ arose out of necessities in the human development, for subverting the needs of faith and society.**

50. That the aforesaid doctrine was duly considered, in the case of **KARNAIL SINGH AND OTHERS V. STATE OF HARYANA (2019 SCCONLINE P&H 704)** by Hon'ble Punjab and Haryana High Court wherein all animals in the animal kingdom were recognized, including avian and aquatic species, as legal entities. All citizens of the state of Haryana were declared persons in *loco parentis* (in place of a parent), which will enable them to act as guardians for all non-human animals within the state of Haryana.
51. That it was further observed in the aforesaid judgment that, *“All the animals have honour and dignity. Every specie[s] has an inherent right to live and is required to be protected by law. The rights and privacy of animals are to be respected and protected from unlawful attacks. The Corporations, Hindu idols, holy scriptures, rivers have been declared legal entities, and thus, in order to protect and promote greater welfare of animals including avian and aquatic, animals are required to be conferred with the status of legal entity/legal person. The animals should be healthy, comfortable, well nourished, safe, able to express innate behaviour without pain, fear and distress. They are entitled to justice. The animals cannot be treated as objects or property.”*

52. That similarly in the case of **NARAYAN DUTT BHATT V. UNION OF INDIA AND OTHERS (2018 SCC ONLINE UTT 645)**, the Hon'ble Uttarakhand High Court was also pleased to declare the entire animal kingdom including avian and aquatic are as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person. Moreover, all the citizens throughout the State of Uttarakhand were also declared persons in loco parentis as the human face for the welfare/protection of animals. Moreover, the State Government was further directed to ensure that throughout the State of Uttarakhand, no person in charge of any vehicle drawn by any animal allows more than four persons, excluding the driver and children below 6 years of age to ride the vehicle.
53. That in the case of **ANIMAL WELFARE BOARD OF INDIA VS. A. NAGARAJA AND OTHERS (2014 7 SCC 547)**, famously known as "Jallikattu case", the Hon'ble Supreme Court held that, Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word "life" has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animals life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution. "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 or dignity. All the animals have honour and dignity. Every species has an inherent right to live and are required to be protected by law. The rights and privacy of animals are to be respected and protected from unlawful attacks. Their Lordships have evolved the term "species' best interest."

54. **The Hon'ble Madras High court has kept animal welfare as a focal point in it's judgment: S. KANNAN V. THE COMMISSIONER OF POLICE (2014 5 MLJ 440),** wherein it upheld the rights of animal and also held that animals have the same right to life as that of humans. The **Hon'ble Court also opined as follows,**

“62. Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word "life" has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution. So far as animals are concerned, in our view, "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. Animals' well-being and welfare have been statutorily recognised under Sections 3 and 11 of the Act and the rights framed under the Act. Right to live in a healthy and clean atmosphere and right to get protection from human beings against inflicting unnecessary pain or suffering is a right guaranteed to the animals under Sections 3 and 11 of the PCA Act read with Article 51A(g) of the Constitution.”

55. **That the Hon’ble Supreme Court issued a slew of directions** for transportation of animals and slaughterhouses in India in the case of **LAXMI NARIAN V. UNION OF INDIA (2014 1 SCC 612)**. Bearing in mind the excessive animal slaughtering, functioning of slaughter houses without license and transportation of animals in small captivated vehicles in **ruthless manner, the Hon’ble Supreme Court highlighted the** extreme necessity of constituting state committees for the purpose of supervising and monitoring the implementation of the provisions of the Prevention of Cruelty to Animals (Establishment and Registration of Societies for Prevention of Cruelty to Animals) Rules, 2000 and the Prevention of Cruelty to Animals (Slaughter House) Rules, 2000.

56. **That it is clarified here that the bestowing the status of “Legal Personality/Entity” should be construed as extending of the rights of a living person to the animal kingdom and should solely be considered for the purposes of halting the “Animal Cruelty” as defined under the Prevention of Cruelty to Animals Act, 1960.**
57. **That it is submitted here that, legal personhood is not a “one size fits all” designation and does not necessarily convey all the legal rights granted to human persons under the law. Rather, it simply elevates an entity’s status under the law and confers legally recognizable interests, which are specific to the needs and nature of that entity. So, for example, recognizing a dog as a legal person would not give her the right to vote. However, it might give her the right to not be used in a painful experiment or the right to have a court appoint a guardian to protect her legal rights.**
58. **That it is further submitted that animals can have a hybrid status where they are recognized as both property and persons under the law. However, as long as they are still classified as property they will not be “full persons” – one end of the property/personhood continuum that grants the strongest legal recognition of interests. Because “animals” are a diverse group, with varied capacities, and different societal uses, legal**

personhood would look different for different species of animals, based on what they need to thrive.

ANIMAL CRUELTY OR CRIME AGAINST ANIMALS

FINDS NO PLACE IN ANY STATISTICAL DATA:

59. That it is worthwhile to mention here that there are absolutely no government data or any public record which has been maintained specifically in order to keep a track of cases of Animal Abuse and Animal Cruelty in India.
60. That it is submitted that the National Crime Records Bureau (NCRB) **reports, for reasons beyond one's imagination,** choose not to publish specific data related to crimes against Animals under the Prevention of Cruelty to Animals Act, 1960. Also, NCRB reports do not contain any separate records of statistical data related to crime against Animals under Section 377, 428, 429 of IPC.
61. That it is further submitted that the NCRB, whose reports provide an estimate of the crime situation in India, release severely outdated data every year. Moreover, NCRB (India's crime-recordkeeper) reports failed to form a specific categorisation of crimes falling under 428 & 429 of IPC or under the Prevention of Cruelty to Animals Act, 1960. Also, all the crimes under Wildlife Protection Act, 1972 are

mentioned as a single head of SLL crimes, whereas there is no mention of any specific data related to crimes against animals.

62. That it is humbly submitted that, there is absolutely no mention of any statistical data related to Animal Cruelty in Annual Reports of Ministry of Environment or any other ministry and the only relevant data available with Ministry of Environment dates back to the period between 2012 and 2015 and is therefore severely outdated. As per the said data, between 2012 and 2015, there were over 24,000 cases of animal cruelty reported under the Prevention of Cruelty to Animals Act, 1960. Thus, by a simple mathematical calculation one can easily imagine the innumerable amount of cases of Animal abuse and cruelty over the years, till date which goes unreported. True copy of Report of Ministry of Environment, Forest and Climate Change dated 03.05.2016 is annexed herewith and marked as **ANNEXURE P5 (at Page 98 = 100)**.

63. That therefore, it is submitted here that, the Central Government must be directed through the Respondent No. 5 (NCRB) to report and publish data and statistics relating to animal cruelty/crimes against animals, including cases reported and convictions ordered thereupon under various

penal statutes, in the Annual NCRB reports under distinct/separate heads. The aim of creating this information system is to introduce the element of transparency i.e., each incident of animal cruelty, torture or killings has to be mandatorily updated in this system.

INDIA'S LEGISLATIVE FRAMEWORK RELATED TO ANIMAL CRUELTY AND ABUSE, AND ITS SHORTCOMINGS:

64. That we as a country are undoubtedly excelling in fields such Technological growth, Economic growth, International relations, Climate change and many more, but there is one **gaping hole in our country's legislation-** Animal Cruelty Prevention Laws.
65. That notably, the single greatest testament to this claim is the **fact that our country's most prominent Prevention of Cruelty to Animals Act** was legislated in 1960. As per Section 11 of Prevention of Cruelty to Animals Act, 1960, beating, kicking, overriding, overloading, overdriving, torturing or otherwise treating any animals so as to subject it to unnecessary pain amounts to cruelty on animals.
66. That since its inception, the Prevention of Cruelty to Animals Act has never even been amended. Meaning thereby, the monetary fines imposed for crimes against animals in 1960,

still stands to date and the cost of fines remains to a meagre of Rs. 10-100. This is one of major reasons that this law has failed to prove as deterrent and should be revamped on the similar lines of Motor Vehicles Act.

67. That it is humbly submitted that the Prevention of Cruelty to Animals Act was a strongly worded law for 1960, when it was drafted, but has failed to protect animals for more than two decades now due to lack of enforcement. The current provisions, with penalties amounting to a maximum of only Rs. 50, fail miserably to deter animal abusers who have taken advantage of this obsolete act, and have continued to inflict unfathomable cruelty on animals.
68. That further, even Sections 428 and 429 of the Indian Penal Code make it illegal to maim or cause injury to any animal, but suffer from the same fallacy of non-stringent punishments.
69. That the Constitution of India casts a fundamental duty on the citizens to protect wildlife and have compassion for all living creatures. **Article 48A reads as, “State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.” The Constitution provides a safe place to the wildlife and casts a duty on the State to protect it. The State can also issue directions for maintaining**

proper institutions for providing proper care and protection to the cattle.

70. That **Article 51A(g)** reads as, **“It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife and to have compassion for living creatures”**. The combined reading of Article 48A and Article 51A(g) together with Article 37 of the Constitution, therefore, implies that these provisions are fundamental in the governance of the country, and both State as well as the Citizens are obligated as per the Constitutional mandate to show compassion towards the animal kingdom and that Animals also have their fundamental rights.
71. That the Wildlife Protection Act, 1972 is an act that provides for the protection of wild birds, animals, and plants. However, due to lack of administrative will power, this act has been rendered obsolete and redundant and fails to tackle the situation of wild life conservation due to lack of enforcement.
72. That it is pertinent to mention here that, to address the shortcomings in all these legislations, the 261st Report of the Law Commission laid down some guidelines in the year 2015. The 261st Report on Animal Welfare Regulations, submitted on 28th August 2015 observed that pet shops and breeders violate provisions of animal welfare laws with impunity, and

recommended that it is necessary to regulate their practices. In its first chapter second part in 1.2.2, it clearly mentions that the **Wildlife (Protection) Act, 1972 (“WPA”)**, prohibits the sale of certain animals in pet shops. However, these sales are continuing. All kinds of animals can be found for sale in animal markets across the country, and they are kept in terribly inhumane conditions.

73. That it was also recommended in the said 261st report that many animals do not survive the trauma of being transported in small cages without adequate water or food, and estimates suggest that, overall, 40% of animals die in captivity or transportation. Moreover, even star tortoises and other protected animals are sold openly, and wild animals (including parakeets, munias and mynas) are caught and sold in complete violation of the Wildlife (Protection) Act, 1972. It is also submitted in this report that animals are not safe in the custody of authorities during trials also. However, these suggestions have not been incorporated in the maiden legislations till date.

**INDIA’S UNSUCCESSFUL ATTEMPTS TOWARDS A
PROPER LEGISLATIVE MECHANISM:**

74. That in 2011, a draft bill titled the Animal Welfare Act 2011 (**‘Draft Act, 2011’**) was introduced by the AWBI in the

Parliament to replace the present Act of 1960. The Draft Act sought to bring a shift from a defensive position to a positive, welfare-driven and well-being-oriented approach, by strengthening animal welfare organisations and enlarging the definition of animal abuse, in keeping with the times and in consonance with judicial pronouncements. The draft bill, besides, adding a few more categories of cruelty to animals and making the bill more comprehensive, also prescribed greater and more apt penalties for cruelty towards animals by multiplying the old fines under the present act, by a factor of a thousand. However, the same was could not gain traction by the legislators.

75. That thereafter the Prevention of Cruelty To Animals (Amendment) Bill, 2016 suggested to amend Section 11 of the Prevention of Cruelty to Animals Act, 1960 by inserting the provision that in the case of a first offence, with fine which shall not be less than three thousand rupees but which may extend to five thousand rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than five thousand rupees but which may extend to ten thousand rupees or with imprisonment for a term which may extend to six months, or with both. Moreover, the bill talks about amending

Section 31 and it aims at substituting that section with this section i.e., “**Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act shall be a cognizable offence within the meaning of that Code.**”

76. That it is important to note that the aforesaid bill also acknowledged that the Prevention of Cruelty to Animals Act, 1960 was enacted to provide for prevention of infliction of unnecessary pain or suffering on animals but, the same has not achieved its purpose owing to lesser penal provisions and the Act has failed to protect animals for more than decades now. Animal abusers have continued to take advantage of the obsolete Act and continue to inflict unfathomable amount of cruelty on animals and remain unpunished. However, this amendment bill has not been promulgated yet and fails to attract the attention of legislators.
77. That it is humbly submitted that, laws that impose a fine of **Rs. 50 won't even teach the offender** a lesson, let alone prevent others from acting the same way. Such light laws are not only harmful to our society and our animals, it has certain legal implications as well.
78. That it is further submitted that the proportionality doctrine is not codified explicitly, but rather features in all legislations as

a component of administrative law. Proportionality specifically in cases of imposition of punishment needs to satisfy a two-fold purpose, viz. fairness towards the offender and fairness towards the society. The first equivalency of penalty is measured against the accused, wherein the punishment should not be harsher than the crime committed. However, presently, the aforesaid punishment of fifty rupees is not even close to being considered of a harsh nature. Therefore, from the perspective of the offender, it cannot be said that the liability imposed is unfair, and thus not proportional.

**COMPARITIVE ANALYSIS OF RELEVANT
INTERNATIONAL ANIMAL CRUELTY LAWS AND LEGAL
FRAMEWORK:**

79. That in **Austria**, Austrian Animal Welfare Act, 2004 equates the importance of animal life to that of human life. Austria is considered one of the best countries for animals all over the world. The Austrian Animal Welfare Act 2004 suggests that the protection and well-being of animals should be held to a value that is equal to humankind. The anti-cruelty law, one of Europe's harshest, bans pet owners from cropping their dogs' ears or tails, forces farmers to uncage their chickens, and

ensures that puppies and kittens no longer swelter in pet shop windows. Violators are subjected to fines of \$2,420, and in cases of extreme cruelty they could be fined up to \$18,160 and have their animals seized by the authorities.

80. That **Switzerland** became the first country with a provision to protect animals' dignity. Switzerland is a leader in improving the living and working conditions of animals. In 1992, Switzerland became the first country to constitutionally recognize animals, with a provision warranting the protection of 'the dignity of the creature'. Activities that are deemed degrading to the dignity of animals are forbidden here by law. The Swiss government also recognises some animals as social animals and orders them to be kept in pairs. Stopping a dog from barking is also considered illegal here and pet owners are required to attend classes to learn to take care of their pets.
81. That in **New Zealand**, all animals, just like humans, are legally **recognized as 'sentient' beings**. The ground breaking move was undertaken by the New Zealand Government by amending their principal Act, being the Animal Welfare Act, 1999 vide **the Animal Welfare Amendment Act, 2013, inter alia, "to recognize that animals are sentient" and "to require owners of animals, and persons in charge of animals, to attend properly to the welfare of those animals."** The said amendment also

included a ban on the use of animals for cosmetic testing, demanding that checks be made as to whether there has been **“assessment of the suitability of using non-sentient or non-living alternatives in the project;”** and **“replacement of animals as subjects with suitable non-sentient or non-living alternatives.”**

82. That in **United Kingdom**, the Animal Welfare Act, an overhaul of pet abuse laws replacing the Protection of Animals Act, came into force in England and Wales in 2007. The Animal Welfare legislation of UK has stricter penalties for both cruelty and negligence against animals. Punishments include a lifetime ban from owning pets, a 51-week maximum jail term, and fines amounting up to £20,000. The plethora of laws which the UK has enacted focussing on various animals shows a very diversified list i.e., The Pet Animals Act 1951 (amended 1983), The Breeding of Dogs Act 1973, The Breeding and Sale of Dogs (Welfare) Act 1999, Riding Establishments Act 1964 and 1970 and Cock fighting Act 1952 are few among many. They also support the Universal Declaration on Animal Welfare (UDAW), a move to encourage countries to agree upon and adopt a common set of standards protecting animals worldwide.

83. That in **Germany**, animals are protected by the Constitution. **The German Constitution reads, “The state takes responsibility** for protecting the natural foundations of life and animals in the **interest of future generations.”** **Germany thus became the first** country in the European Union to give animals constitutional protection. The German Animal Welfare Act is one of the most inflexible legislations in the world and affords animals far-reaching protection. According to the law they are fellow creatures. At the same time, animal research is explicitly allowed, but it must always be shown that the goal of the experiments cannot be reached using other methods or techniques.
84. That **Sweden** grants legal protection to her animals - both, wild and domestic. In Sweden, the slaughter of domestic animals must be done following sedation of the animal. Swedish animals live in much enriched environments as compared to other countries. Also, the cattle and pigs in Sweden must be fed straw and the dairy animals should be allowed to venture out for grazing during summer months.
85. That animal protection laws in **Denmark** don't allow slaughtering of animals. Animal welfare laws in Denmark were recently modified to take precedence over religion when the country declared that it won't allow live slaughtering of

animals. Their Animal Welfare Law also has specific provisions for farm animals.

86. That the animal welfare laws in **Hong Kong** govern the welfare of food animals, companion animals, and laboratory animals. Cruelty can be inflicted in the form of abuse, neglect, inappropriate transport, and fighting. Those found violating the law are liable to a fine of 200,000 Hong Kong dollars and imprisonment for three years.

THE COMPELLING NEED FOR GUIDELINES AND SUGGESTIONS THAT MAY BE CONSIDERED BY THIS HON'BLE COURT IN FORMULATING THE SAME:

87. That at this point it is picturesque, that there are gaping legal lacunae in the legal, legislative and statutory framework of **India, owing to which the we're witnessing a prevailing** epidemic of cases of Animal Abuse and Animal Cruelty. Over the years, the Prevention of Cruelty to Animals Act, 1960 has lost its glory due to lack of enforcement and inadequate/liberal penal provisions. Also, amendment bills to the Act of 1960 have been proposed, but unfortunately, none of these proposed amendments have been passed in parliament and to this date we are stuck with an Act that is half a century old.

88. That lackadaisical and cavalier attitude by the government enforcement agencies can only be taught appropriate lessons when the judicial trends are in such a manner that the courts are not willing to accept the laxity on the part of the government. Therefore, there is a emergent and compelling **need for intervention by this Hon'ble Court and it is** indispensable and imperative for this Court to declare the entire animal kingdom including avian and aquatic species as **“legal entities” having a distinct persona with corresponding** rights of a living persons, for the protection of animals from cruelty and abuse and to ensure their welfare, and further to issue and frame guidelines to fill the gaping legal lacunae with an objective to ensure and implement effective and purposeful legal framework for the protection and welfare of Animals in India, in exercise of the inherent and plenary power of this

Hon'ble Court under Article 142 of the Constitution of India,
1950.

89. **That the following suggestions may be taken into account by this Hon'ble Court in formulating guidelines:**

- a. The Central Government should frame requisite rules under *Section 38* of the Prevention of Cruelty to Animals Act, 1960 in order to constitute an Animal Welfare Emergency Units in all States and Union

Territories with an objective to act as first response team for all the reported incidents of Animal Cruelty and Abuse.

- b. The Central Government should frame requisite rules under *Section 38* of the Prevention of Cruelty to Animals Act, 1960 in order to devise and launch an exclusive nation-wide online portal and an emergency toll-free number enabling the reporting of incidents related to Animal Cruelty and Abuse in India.
- c. The Central as well as State Governments shall constitute and Independent Commissions for investigating cases of animal cruelty and exploitation, on the lines of Human Rights Commission, which shall review and investigate any complaint regarding animal cruelty raised by any person or any organization with respect to any threat, torture, pain or suffering being afflicted by any human alone or in any group or by any organization upon any animal.
- d. Recommendation as given by the Law Commission in its 261st Report should be enforced which had suggested to regulate the trade practices in pet shops and prohibit the sale of certain animals in pet shop and further to regulate the transportation of animals.

- e. The State Governments must strictly prohibit any kind of Animal Fights or Live Baiting or any other commercial or non-commercial activity involving possible risk to the life and well-being of an animal.
- f. The responsibility of hierarchical superiors must also be fixed along with the lower rank officials who failed to take proper action in cases of animal crimes and only the lower rank officials should not be prosecuted.
- g. The Central as well as State Government must constitute Animal Welfare Funds. There are various instances where several NGOs working for animal welfare fall short of funds and face difficulty in continuing their work. Such Animal Welfare Fund shall prove to be a boon to such hard-working NGOs.
- h. Animal Testing must gradually be minimized and eventually be discontinued, using the Three 'R's of Animal Welfare, i.e., Replacement, Reduction and Refinement:

Replacement means that where possible we encourage and support the replacement of animal use with alternatives (e.g. cell cultures/vitro cell culture techniques, silico computer simulation, etc.).

Reduction means reducing the numbers of animals used in research, testing and teaching, without impacting on the quality of the data gained. This can be achieved through robust training programmes, preventing duplication of studies and ensuring good study design. *Refinement* aims to minimize and eliminate the suffering of animals used for research, testing and teaching. Good animal husbandry, ethical conduct and empathy are important if refinements are to be achieved.

90. That therefore, it is humbly submitted here the core purpose of our system of laws is to protect the vulnerable from exploitation and to ensure fairness. Animals deserve a legal status that reflects the kinds of beings they are — individuals with their own desires and lives, who have the capacity for pain and pleasure, joy and sorrow, fear and contentment.
91. That it is further submitted that Article 21 of the Indian constitution has wider aura and the menace of animal cruelty and other forms of torture on them totally negates it. Animal cruelty in any form persisting in our country casts a serious doubt on moral duty and legal obligation under the doctrine of *parens patriae* (the power of the state

to act as a guardian to those who are unable to take care of themselves) to protect rights of animals.

92. That it is clarified here that the bestowing the status of **“Legal Personality/Entity”** should be construed as extending of the rights of a living person to the animal kingdom and should solely be considered for the purposes **of halting the “Animal Cruelty” as defined under the Prevention of Cruelty to Animals Act, 1960.**
93. There therefore it is submitted that the legal personality plays an important part in making a particular thing count in the eyes of the law. The conferral of legal personality upon rightless objects or beings carries with it legal **recognition that those objects or beings have “worth and dignity” in their own right.** Hence, entire animal kingdom including avian and aquatic species must be declared as **“legal entities” having a distinct persona with** corresponding rights of a living person and further all Citizens of India must also be declared as persons in *loco parentis*, for the protection of animals from cruelty and abuse and to ensure their welfare.
94. That it is further hereby stated that the Petitioner No. 2 had earlier filed an e-complaint dated 20.07.2020 being Complaint No. 31623005072000006 on the online portal

of Uttar Pradesh Police reporting an incident wherein a social media page on Instagram named “**realdogandcatkillerdude9**” uploaded thirty (30) extremely dreadful images of innocent cats and dogs on his/her Instagram profile after inflicting immense cruelty and torture upon them and thereafter killing them. These photographs contained extremely dreadful and torturous images of these poor animals and also images of skulls and dead bodies of those innocent animals which have been killed. True copy of the e-complaint dated 20.07.2020 being Complaint No. 31623005072000006 is being annexed herewith and marked as **ANNEXURE P6 (at Page 101 – 105)**.

95. That the Petitioner No. 2 thereby further requested the local police to register an F.I.R. against the said unknown social media user under 428, 429 IPC and Section 11 of Prevention of Cruelty to Animals Act, 1960 and to conduct speedy investigation. However, till date absolutely no action has been taken upon the said complaint filed by the Petitioner No. 2 and not even a single communication has been made by any local police in this regard.
96. That the said inaction adopted by the local police officials reveal serious laxity, insensitivity, aloofness and

indifference of law enforcement authorities in dealing with crimes related to animals and lack of will power and awareness against cases of Animal Cruelty.

97. That therefore, it is picturesque, in the light of the facts and circumstances of the case and the submissions adumbrated hereinbefore, that there is a emergent and compelling need **for intervention by this Hon'ble Court and it is** indispensable and imperative in the interest of justice that this Court may be pleased to allow this Public Interest Litigation and grant the reliefs as prayed hereinbelow, for the protection and welfare of animals in India.
98. That Petitioners have not filed any other or similar petition in this Court or any other Court praying for same or similar relief.
99. That Petitioners have filed the instant petition in public interest and have no other equally efficacious or alternative remedy, except to invoke the jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India, *inter alia*, on the following grounds: -

GROUND

- A. FOR THAT**, Article 21 of the Indian constitution has wider aura and the menace of animal cruelty and other forms of

torture on them totally negates it. Animal cruelty in any form persisting in our country casts a serious doubt on moral duty and legal obligation under the doctrine of *parens patriae* (the power of the state to act as a guardian to those who are unable to take care of themselves) to protect rights of animals.

- B. FOR THAT** the animals should be healthy, comfortable, well-nourished, safe, able to express innate behaviour without pain, fear and distress and should be entitled to justice.
- C. FOR THAT,** a couple of recent cases of cruelty towards animals have come to light in the past few months which have raised questions as to how humans have absolutely no **respect for animals' lives and how can they can be** absolutely devoid of sympathy. Such incidents have further enraged many and made one ponder as to whether the laws in existence are sufficient enough to protect animals from possible abuse and cruelty.
- D. FOR THAT,** not only do these incidents point towards a severe lack of humanity and respect for the life of other beings, but these incidents also point towards the deranged and sadistic nature of certain people from our society as

well. Citizens who are capable of inflicting such pain on the defenceless and harmless deserve no place in society.

- E. FOR THAT**, acts of cruelty to animals are often indicative of a deep mental disturbance, and often, animal abusers move on to harming humans.
- F. FOR THAT**, as per our Vedas, Dharma-Shashtras in Sanatan Dharma, the teachings of the Quran, Hadiths in Islam, and the teachings of the Bible in Christianity, Animals are accorded similar status as that of humans and have been recognized as conscious beings, and cruelty towards any living being has been severely frowned upon, abhorred and castigated, and likewise in all cultures, religions and ways of lives.
- G. FOR THAT** the Corporations, Hindu idols, holy scriptures, rivers have been declared legal entities and thus, in order to protect and promote greater welfare of animals including avian and aquatic, animals are required to be conferred with the status of legal entity/ legal person.
- H. FOR THAT**, the core purpose of our system of laws is to protect the vulnerable from exploitation and to ensure fairness. Animals deserve a legal status that reflects the kinds of beings they are — individuals with their own

desires and lives, who have the capacity for pain and pleasure, joy and sorrow, fear and contentment.

- I. FOR THAT**, due to damage caused to environment and ecology, the avian and aquatic life is also threatened. Major rivers have been reduced to the status of a sewer. Aquatic life cannot survive without water. The oceans are choked with plastic. Many species are becoming extinct. The loss of one species causes immense damage to the entire ecosystem. Global warming has arrived and its impact can be seen in day-to-day existence. New inventions are required to be made in law to protect the environment and ecology. The animals including avian and aquatics have a right to life and bodily integrity, honour and dignity and they cannot be treated merely as property.
- J. FOR THAT**, legal personality plays an important part in making a particular thing count in the eyes of the law. The conferral of legal personality upon rightless objects or beings carries with it legal recognition that those objects or **beings** have **“worth and dignity” in their own right**. Until we attribute personality to a rightless entity, we are likely to be **unable to conceive of it as “anything but a thing for the use of ‘us’** – those who are holding rights at the time.

- K. FOR THAT**, the multiplicity of animal beings with whom we share our world deserve to be treated not as means to human ends, but as ends in themselves. The shelter of the legal umbrella would also provide more effective protection of animal interests than is available under current animal welfare law. As legal persons, animals could be recognized as parties to legal actions, because they would have the independent standing that they currently lack.
- L. FOR THAT**, the National Crime Records Bureau (NCRB) reports, for reasons beyond one's imagination, choose not to publish specific data related to crimes against Animals under the Prevention of Cruelty to Animals Act, 1960. Also, NCRB reports do not contain any separate records of statistical data related to crime against Animals under Section 377, 428, 429 of IPC.
- M. FOR THAT**, the NCRB, whose reports provide an estimate of the crime situation in India, release severely outdated data every year. Moreover, NCRB (**India's crime-recordkeeper**) reports failed to form a specific categorisation of crimes falling under 428 & 429 of IPC or under the Prevention of Cruelty to Animals Act, 1960. Also, all the crimes under Wildlife Protection Act, 1972 are mentioned as a single head, whereas there is no

mention of any specific data related to crimes against animals.

- N. FOR THAT**, the Prevention of Cruelty to Animals Act was a strongly worded law for 1960, when it was drafted, but has failed to protect animals for more than two decades now due to lack of enforcement. The current provisions, with penalties amounting to a maximum of only Rs. 50, fail miserably to deter animal abusers who have taken advantage of this obsolete act, and have continued to inflict unfathomable cruelty on animals.
- O. FOR THAT**, laws that impose a fine of Rs. 10 **won't even** teach the offender a lesson, let alone prevent others from acting the same way. Such light laws are not only harmful to our society and our animals, it has certain legal implications as well.
- P. FOR THAT**, lackadaisical attitude by the government enforcement agencies can only be taught appropriate lessons when the judicial trends are in such a manner that the courts are not willing to accept the laxity on the part of the government.
- Q. FOR THAT**, there are gaping legal lacunae in the legal, legislative and statutory framework of India, owing to **which the we're witnessing a prevailing epidemic** of cases

of Animal Abuse and Animal Cruelty. Over the years, the Prevention of Cruelty to Animals Act, 1960 has lost its glory due to lack of enforcement and inadequate/liberal penal provisions. Also, amendment bills to the Act of 1960 have been proposed, but unfortunately, none of these proposed amendments have been passed in parliament and to this date we are stuck with an Act that is half a century old.

PRAYER

In view of the above and in the interests of justice, it **is Most Respectfully prayed that this Hon'ble Court may** graciously be pleased to:

- a) Issue an appropriate writ, order or direction, declaring the entire animal kingdom including avian and aquatic species **as “legal entities” having a distinct persona with** corresponding rights of a living person and further declaring all Citizens of India as persons in *loco parentis*, for the protection of animals from cruelty and abuse and to ensure their welfare; AND/OR
- b) Issue a writ, order or direction, in the nature of *mandamus*, directing the Respondent No. 1 through Respondent No. 5 (NCRB) to report and publish data and statistics relating to

animal cruelty/crimes against animals, including cases reported and convictions ordered thereupon under various penal statutes, in the Annual NCRB reports under distinct/separate heads; AND/OR

- c) Issue a writ, order or direction, in the nature of *mandamus*, directing all the State and Union Territory Governments to take appropriate measures/steps for the mandatory registration of First Information Report under relevant penal provisions contained in Indian Penal Code and Prevention of Cruelty of Animals Act, 1960, whenever any incident of animal cruelty surfaces or comes to light on social media or otherwise; AND/OR
- d) Issue a writ, order or direction, in the nature of *mandamus*, directing the Central Government to form an Independent **Committee monitored by this Hon'ble Court consisting of** members from all the relevant departments/ministries which can review the entire legal framework and find pitfalls in the existing legal framework in order to curb the menace of Cruelty against Animals, so as to enable rehauling of the existing legislative mechanisms; AND/OR
- e) Issue an appropriate writ, order or direction issuing and framing guidelines in order to fill the gaping legal lacunae with an objective to ensure and implement effective and

purposeful legal framework for the protection and welfare of Animals in India, in exercise of its inherent power under Article 142 of the Constitution, in the interest of justice and fairness; AND/OR

- f) Issue any such other and further order(s) in addition to or in substitution for the above prayer(s), **as this Hon'ble Court** may deem fit and proper in the facts and circumstances of the case.

**FOR WHICH ACT OF KINDNESS, THE
PETITIONERS SHALL AS INDUTY BOUND,
EVER PRAY.**

DRAWN BY:

**SHASHWAT ANAND
(ADVOCATE)**

FILED BY:

**DEVESH SAXENA
(ADVOCATE)
(Petitioner No. 2 In-Person)**

DRAWN ON- 08.08.2020

FILED ON- 10.08.2020