

Animal Rights within the Framework of Criminal Law: An Evolving Jurisprudence in India

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Abstract:

Every year, millions of animals are subjected to abuse, exploitation, and neglect, yet crimes against animals remain among the least prosecuted offences in criminal justice systems worldwide. In India alone, official data reveal a steady rise in reported cases of animal cruelty over the past decade, even as conviction rates remain alarmingly low. This widening gap between harm and accountability exposes a deeper structural problem: while animals suffer real and irreversible injury, the law continues to treat their protection as secondary to human interests. Against this backdrop, the present article examines the place of animal rights within the framework of criminal law, questioning whether existing legal mechanisms are capable of delivering meaningful protection to non-human beings. The study analyses constitutional principles, statutory provisions, and evolving judicial interpretations that have progressively recognised animals as sentient entities entitled to dignity and humane treatment. Particular attention is paid to the Prevention of Cruelty to Animals Act, 1960, and the limitations of its punitive framework in addressing contemporary forms of violence against animals. By critically engaging with landmark judicial pronouncements and comparative developments, the article argues that criminal law must move beyond a welfare-centric approach towards a rights-based model of accountability. The article ultimately contends that strengthening penal sanctions, enforcement mechanisms, and judicial sensitivity is essential for transforming compassion from moral rhetoric into enforceable criminal justice.

Keywords: Animal Rights, Criminal Law, Cruelty to Animals, Legal Personhood, Environmental Jurisprudence, India

Introduction:

The relationship between human societies and animals has historically been marked by control, utility, and exploitation, with law reflecting this hierarchy by treating animals primarily as objects of ownership rather than as beings capable of suffering.¹ The modern criminal justice system, shaped largely by anthropocentric assumptions, has long prioritised harms inflicted upon humans while relegating cruelty against animals to the margins of legal concern. The persistence of this approach has resulted in a legal

¹ Aubrey Manning and James Serpell, 'From Trust To Domination: An Alternative History of Human Animal Relations' *Animals and Human Society* (Routledge 2020) <<https://www.taylorfrancis.com/chapters/edit/10.4324/9780203421444-4/trust-domination-alternative-history-human-animal-relations-tim-ingold>> accessed 27 February 2026.

framework where violence against animals is often normalised, underreported, and insufficiently penalised, despite its profound ethical, ecological, and social consequences.²

The increasing visibility of animal cruelty in contemporary society has, however, disrupted this traditional understanding of animals within law. The growing body of scientific evidence establishing animal sentience, emotional capacity, and cognitive complexity has compelled legal systems to reconsider the moral and legal status of non-human beings.³ The emergence of animal rights discourse within criminal law reflects this shift, transforming cruelty from a mere regulatory violation into a matter implicating dignity, compassion, and justice.⁴ The role of criminal law in this context is no longer confined to deterrence alone but extends to articulating societal condemnation of violence against vulnerable life forms.

The constitutional and statutory landscape in India illustrates a gradual yet significant movement towards recognising heightened duties towards animals. The expansion of constitutional morality through judicial interpretation has enabled courts to read compassion, ecological balance, and humane treatment into the core values of criminal jurisprudence.⁵ The recognition of animal life as deserving of protection beyond economic value has challenged the adequacy of conventional penal provisions, particularly those that hinge upon property-based classifications. The continued reliance on outdated legislative mechanisms has further exposed the limitations of existing criminal law in addressing contemporary manifestations of cruelty.

The present article situates animal rights within the broader framework of criminal law by interrogating whether existing penal mechanisms are capable of offering effective and principled protection to animals. The study seeks to examine how statutes and judicial pronouncements have shaped the contours of criminal liability for acts of cruelty, neglect, and exploitation, while also identifying systemic weaknesses in enforcement and punishment. The analysis proceeds from the premise that meaningful protection of animal life requires a recalibration of criminal law from a welfare-oriented model to a rights-based approach grounded in dignity, accountability, and constitutional ethics.

Philosophical and Jurisprudential Foundations of Animal Rights

The philosophical foundations of animal rights emerge from enduring debates concerning the moral status of non-human beings and the ethical limits of human dominion over other forms of life. The earliest legal and moral traditions largely rested on the assumption that animals existed solely for human use, an outlook rooted in anthropocentric and dominion-based philosophies. The legitimacy of this position began to erode with the recognition that the capacity to suffer, rather than the capacity to reason, forms the true basis of moral concern. The articulation of this idea marked a decisive shift from viewing animals as instruments

² Jennifer Maher, 'Documenting Harm to the Voiceless: Researching Animal Abuse' *The Palgrave Handbook of Social Harm* (Palgrave Macmillan, Cham 2021) <https://link.springer.com/chapter/10.1007/978-3-030-72408-5_8> accessed 27 February 2026.

³ Andrzej Elzanowski, 'Sentience, Agency, and Animal Status in: Research Handbook on Animal Law and Animal Rights' *Research Handbook on Animal Law and Animal Rights* (2025) <<https://www.elgaronline.com/edcollchap/book/9781035324880/chapter6.xml>> accessed 27 February 2026.

⁴ John Adenitire, 'The Rule of Law for All Sentient Animals' (2022) 35 *Canadian Journal of Law & Jurisprudence* 1 <<https://www.cambridge.org/core/journals/canadian-journal-of-law-and-jurisprudence/article/abs/rule-of-law-for-all-sentient-animals/16BE0A2D5533B346551F5606E3484FB2>> accessed 27 February 2026.

⁵ Maneesha Deckha, 'Constitutional Protections for Animals' *Colonialism and Animality* (Routledge 2020) <<https://www.taylorfrancis.com/chapters/edit/10.4324/9781003013891-10/constitutional-protections-animals-maneesha-deckha>> accessed 27 February 2026.

to acknowledging them as sentient beings whose pain and interests merit ethical consideration.⁶ The modern philosophical discourse gained clarity through utilitarian thought, particularly the proposition that moral worth should be measured by the ability to experience pleasure and pain. The influential formulation that the question is not whether animals can reason, but whether they can suffer, reframed animals as subjects of moral responsibility. The later development of rights-based theories further strengthened this position by asserting that animals possess inherent value independent of their usefulness to humans. The recognition of animals as “subjects-of-a-life” challenged legal systems founded upon property relations and exposed the incompatibility between entrenched legal classifications and evolving moral consciousness. The jurisprudential foundations of animal rights reflect this philosophical evolution within the structure of law. The traditional legal model classified animals as property, thereby permitting their protection only insofar as human interests were affected.⁷ The gradual incorporation of welfare laws represented an intermediate stage, acknowledging human duties toward animals without conferring corresponding rights upon them. The limitations of this approach became evident as welfare-based frameworks proved insufficient to prevent systemic cruelty or to address harm that lacked direct economic consequences.

The contemporary jurisprudence of animal rights signals a movement beyond welfare towards recognition grounded in dignity, intrinsic worth, and inter-species justice. The growing acceptance of ecocentric jurisprudence has enabled courts and scholars to view animals as integral components of a shared ecological system rather than as isolated property units. The emergence of legal personhood debate, though limited in application, illustrates an effort to reconcile philosophical recognition of animal sentience with enforceable legal protections.⁸ The role of criminal law within this framework becomes central, as it embodies society’s strongest moral condemnation and establishes accountability for violations of fundamental values.

The philosophical and jurisprudential convergence underscores a critical proposition: the protection of animals cannot remain contingent upon human benefit alone. The recognition of animal interests as deserving of independent legal protection forms the normative foundation for criminalising cruelty and imposing duties of care. The evolving discourse thus situates animal rights not as an abstract ethical aspiration, but as a necessary component of a just and responsive legal order that recognises vulnerability, suffering, and dignity across species boundaries.

Constitutional Basis for Animal Protection in India

The constitutional basis for animal protection in India is grounded in an evolving interpretation of constitutional values that extend beyond human-centric concerns to encompass compassion, ecological balance, and respect for all forms of life. The text of the Constitution, though not explicitly conferring rights upon animals, creates a normative framework within which their protection becomes a constitutional obligation of both the State and its citizens.⁹ The integration of animal welfare into constitutional discourse

⁶ Sayyed Hesamoddin and Rafieei Tabatabaeei, ‘Investigating the Foundations of Animal Rights in the Light of Jurisprudence and Philosophical Approaches’ (2020) 3 Fares Law Research 194 <https://www.pzhfars.ir/article_118847_en.html> accessed 27 February 2026.

⁷ Erwin Lengauer, ‘Tom Regan’s Philosophy of Animal Rights: Subjects-of-a-Life in the Context of Discussions of Intrinsic and Inherent Worth’ [2020] *Problemos* 87.

⁸ Marie Fox, ‘Re-Thinking Kinship: Law’s Construction of the Animal Body’.

⁹ Vishrut Kansal, ‘The Curious Case of Nagaraja in India: Are Animals Still Regarded as “Property” with No Claim Rights?’ (2016) 19 *Journal of International Wildlife Law and Policy* 256 <<https://www.tandfonline.com/doi/abs/10.1080/13880292.2016.1204885>> accessed 27 February 2026.

reflects a broader transformation of Indian constitutionalism from a purely rights-based model to one that incorporates duties, morality, and environmental consciousness.

The foundation of this framework lies in Article 48A of the Constitution, which directs the State to endeavour to protect and improve the environment and to safeguard forests and wildlife. The placement of wildlife within the Directive Principles of State Policy signifies a recognition of animals as essential components of ecological integrity rather than mere natural resources. The constitutional mandate under Article 48A has enabled legislative and judicial initiatives aimed at preserving animal life and preventing its degradation. The significance of this provision lies not merely in its aspirational content but in its capacity to inform statutory interpretation and policy formulation.

The constitutional duty towards animals is further reinforced by Article 51A(g), which imposes a fundamental duty upon citizens to show compassion towards living creatures. The inclusion of compassion as a constitutional value marks an ethical elevation within constitutional jurisprudence, embedding humane treatment of animals within the moral fabric of citizenship.¹⁰ The judiciary has repeatedly emphasised that this duty is not symbolic but capable of informing legal standards, particularly in cases involving animal cruelty, environmental harm, and public morality. The interrelationship between Articles 48A and 51A(g) has provided courts with a constitutional anchor for expanding animal protection through statutory interpretation.

The expansion of Article 21 has played a decisive role in strengthening the constitutional position of animal protection. The judicial interpretation of the right to life as encompassing dignity, environmental health, and humane conditions has enabled courts to indirectly recognise the intrinsic value of animal life. The articulation of life with dignity has extended to non-human beings, particularly in cases where cruelty undermines ecological balance and ethical responsibility. The courts have increasingly employed constitutional morality to bridge the gap between human rights and animal welfare, thereby integrating animal protection into the broader framework of justice.¹¹

The constitutional scheme, when read holistically, reveals a coherent yet evolving commitment to animal protection that transcends traditional legal classifications. The convergence of Directive Principles, Fundamental Duties, and expansive rights jurisprudence has laid the foundation for recognising heightened obligations towards animals within criminal law. The constitutional basis for animal protection thus serves not only as a moral guide but as a substantive framework capable of legitimising stricter criminal liability and enforcement mechanisms against cruelty, neglect, and exploitation of animals.

Criminal Law Framework Governing Animal Protection

The criminal law framework governing animal protection in India has developed through a combination of general penal provisions and specialised welfare legislations, reflecting an incremental response to the problem of cruelty rather than a comprehensive rights-based regime. The emphasis of criminal law in this area has traditionally been on preventing visible acts of brutality, while systemic neglect, exploitation, and institutionalised violence against animals have remained insufficiently addressed.¹² The structure of existing laws reveals both an acknowledgement of animal suffering and a persistent reluctance to treat offences against animals with the same seriousness as crimes against human life and dignity.

¹⁰ Shristi Roy, 'A Critical Analysis of Article 51A (g) with Special Reference to Animal Cruelty in India' (2023) 6 International Journal of Law, Management and Humanities 2419.

¹¹ Kansal (n 9).

¹² Alexandra Broughton McEwan, 'The Concept of Violence: A Proposed Framework for the Study of Animal Protection Law and Policy' (Australian National University 2016) <<http://hdl.handle.net/1885/112649>> accessed 28 February 2026.

The Prevention of Cruelty to Animals Act, 1960, constitutes the primary statutory instrument for criminalising acts of cruelty against animals. The Act defines cruelty in broad terms and penalises acts such as beating, overloading, confining, abandoning, and causing unnecessary pain or suffering to animals. The offences under Section 11 are punishable by fine or imprisonment, along with forfeiture of animals in certain cases. The legislative intent underlying the Act reflects a welfare-oriented approach aimed at discouraging humane neglect rather than affirmatively recognising animal rights.¹³ The inadequacy of this framework becomes evident in the minimal penalties prescribed, which remain largely unchanged despite significant social and scientific developments concerning animal sentience.

The Indian Penal Code's Sections 428 and 429, which have been combined into the Bharatiya Nyay Sanhita, are largely relevant to animal protection in Section 325, which makes it illegal to kill, poison, maim, or render certain animals useless. The doctrinal foundation of these provisions treats harm to animals as an extension of property-related offences, with liability triggered by damage to animals of a specified monetary value. The reliance on economic valuation as a threshold for criminality exposes a fundamental conceptual flaw, as it reduces animal suffering to a measure of financial loss rather than acknowledging intrinsic harm.¹⁴ This property-oriented approach limits the effectiveness of criminal law in addressing cruelty that does not result in quantifiable economic damage.

The criminal law framework is further supplemented by special legislations such as the Wildlife (Protection) Act, 1972, which imposes stringent penal consequences for offences relating to hunting, trade, and destruction of wildlife. The Act represents a departure from welfare-based regulation by recognising wildlife protection as a matter of ecological and public interest, warranting enhanced criminal liability. The enforcement of these provisions, however, remains uneven, with challenges arising from jurisdictional overlap, lack of specialised investigation, and competing economic considerations.¹⁵ The coexistence of multiple statutes without harmonised enforcement mechanisms has resulted in fragmented criminal accountability.

The overall criminal law framework governing animal protection thus reflects a transitional phase between welfare regulation and rights-based accountability. The persistence of outdated penalties, property-centric doctrines, and weak enforcement underscores the need for legislative reform and doctrinal reorientation. The recognition of animals as sentient beings within constitutional and judicial discourse has not yet been adequately translated into criminal law architecture. The effectiveness of animal protection ultimately depends upon the capacity of criminal law to impose proportionate punishment, ensure meaningful deterrence, and articulate a clear moral condemnation of cruelty as a serious offence against society itself.

Judicial Evolution of Animal Rights through Criminal Law

The judicial evolution of animal rights in India reflects a gradual yet significant transformation in the way courts have interpreted criminal law in relation to the protection of non-human life. The judiciary has played a pivotal role in bridging the gap between limited statutory provisions and emerging constitutional values, often expanding the scope of animal protection through purposive interpretation. The reliance on constitutional morality, compassion, and ecological balance has enabled courts to reshape the contours of

¹³ Roy (n 10).

¹⁴ Suraj Shaswat, 'Untangling the Indian Animal Rights and Welfare Laws' (2021) 1 Indian Journal of Integrated Research in Law 1.

¹⁵ M. Krishnan, 'The Wild Life (Protection) Act of 1972: A Critical Appraisal' (1973) 8 Economic and Political weekly 564 <<https://www.jstor.org/stable/4362432>> accessed 28 February 2026.

criminal liability for cruelty and neglect, even in the absence of explicit legislative recognition of animal rights.

The landmark decision in *Animal Welfare Board of India v. A. Nagaraja* (2014)¹⁶ represents a defining moment in the judicial recognition of animal dignity. The Supreme Court explicitly acknowledged that animals possess intrinsic worth and are entitled to live with honour and dignity, independent of human utility. The Court read Articles 21, 48A, and 51A(g) together to hold that unnecessary pain and suffering inflicted upon animals violate constitutional values. The judgment elevated animal protection from a statutory welfare concern to a constitutional imperative, thereby strengthening the normative basis for criminal accountability in cases of cruelty.

The jurisprudence evolved further through decisions of various High Courts that expanded human duties toward animals in criminal law contexts. The recognition of humans as bearing an obligation in loco parentis towards animals marked a departure from traditional notions of ownership and control. The judicial articulation of this principle imposed affirmative responsibilities upon individuals and State authorities to ensure food, shelter, medical care, and protection from harm.¹⁷ The reliance on this doctrine enabled courts to issue preventive and punitive directions that extended beyond the narrow confines of existing criminal statutes.

The judicial discourse has also engaged with the concept of legal personhood for animals, particularly in cases addressing systemic cruelty and environmental degradation. While legal personhood has not been uniformly applied or concretised within criminal law, its invocation signifies a jurisprudential shift towards recognising animals as rights-bearing entities rather than merely protected property.¹⁸ The recognition of sentience and vulnerability has allowed courts to adopt a more expansive interpretation of cruelty, including acts of omission and institutional neglect, within the ambit of criminal responsibility.

The cumulative effect of judicial intervention has been the gradual infusion of rights-based reasoning into the criminal law framework governing animal protection. The courts have consistently highlighted the inadequacy of existing penalties and enforcement mechanisms, urging legislative reform to align punishment with the gravity of harm inflicted. The judicial evolution of animal rights through criminal law thus illustrates a conscious effort to recalibrate legal doctrine in light of ethical responsibility. The emerging jurisprudence underscores that cruelty to animals is not a private wrong or regulatory concern, but a public offence that strikes at the moral foundation of a constitutional democracy.

Limitations and Enforcement Challenges

The effectiveness of criminal law in protecting animals is significantly constrained by structural and institutional limitations that undermine both deterrence and accountability. The existing legal framework, despite recognising cruelty as an offence, continues to suffer from outdated legislative design and weak implementation. The persistence of nominal penalties for serious acts of violence against animals diminishes the expressive function of criminal law and signals societal tolerance of such offences. The disparity between the gravity of harm inflicted and the severity of punishment imposed remains one of the most pressing challenges in the enforcement of animal protection laws.

¹⁶ *Animal Welfare Board of India v. A. Nagaraja* (2014) 7 SCC 547.

¹⁷ I. Arora, 'Protection of Animal Life: The Indian Judiciary and the Enshrinement of Animal Rights' (2023) 6 *International Journal of Law, Management and Humanities* 1844.

¹⁸ A. Sharma, 'Laws and Judicial Contribution for Animal Rights in India' (2023) 5 *Indian Journal of Law and Legal Research* 1.

The enforcement machinery responsible for implementing criminal provisions relating to animal cruelty is often ill-equipped and insufficiently sensitised. The lack of specialised training among police officers and investigating authorities frequently results in reluctance to register complaints or pursue prosecutions with diligence. The treatment of cruelty against animals as a low-priority or “minor” offence leads to inadequate investigation, improper documentation of evidence, and premature closure of cases. The absence of standard operating procedures further weakens the prosecutorial process, resulting in low conviction rates and limited judicial intervention.

The structural limitations of the criminal justice system are compounded by social and cultural factors that normalise violence against animals. The deeply entrenched perception of animals as expendable or inferior to human interests undermines reporting and enforcement efforts. Practices involving exploitation, ritual harm, or neglect are often justified on economic, cultural, or traditional grounds, creating resistance to criminal accountability. The social invisibility of victims, combined with the inability of animals to articulate harm, further marginalises cruelty offences within the justice system.

The fragmented legislative landscape also poses significant challenges to effective enforcement. The coexistence of multiple statutes addressing animal protection, wildlife conservation, and environmental preservation has created jurisdictional overlap and confusion among enforcement agencies. The lack of coordination between animal welfare boards, police authorities, and prosecutorial bodies hampers timely and effective criminal action. The absence of specialised courts or fast-track mechanisms for animal cruelty cases prolongs proceedings and weakens the remedial impact of the law.

The cumulative effect of these limitations highlights the disconnect between legal recognition and practical protection. The criminalisation of cruelty remains largely symbolic in the absence of robust enforcement infrastructure and public accountability. The challenge, therefore, lies not only in strengthening statutory provisions but also in transforming institutional attitudes and procedural practices. The meaningful protection of animals through criminal law requires sustained commitment to enforcement reform, capacity building, and the recognition of animal cruelty as a serious offence that implicates the moral and constitutional values of society.

Suggestions

The strengthening of animal protection through criminal law requires a comprehensive recalibration of both substantive law and institutional practice. The first and most immediate reform lies in the amendment of the Prevention of Cruelty to Animals Act, 1960, to ensure that penalties are proportionate to the gravity of harm inflicted. The existing framework of nominal fines and minimal imprisonment fails to reflect contemporary scientific understanding of animal sentience. The introduction of graded offences based on the severity, intent, and consequences of cruelty would enable courts to impose punishment that meaningfully deters violent and negligent conduct.

The reform of criminal procedure is equally essential for effective enforcement. The creation of standard operating procedures for police officers handling cases of animal cruelty would ensure consistency in registration, investigation, and evidence collection. The mandatory training and sensitisation of law enforcement agencies, prosecutors, and judicial officers on animal protection laws would help dismantle perceptions of such offences as trivial or peripheral. The incorporation of animal welfare modules within police and judicial academies would institutionalise ethical awareness and professional competence in this area.

The institutional framework for adjudication must also evolve to address systemic delays and under-enforcement. The establishment of specialised animal welfare courts or designated magistrates with jurisdiction over animal cruelty cases would facilitate expeditious trials and informed decision-making. The provision of fast-track mechanisms for serious cruelty offences would enhance victim protection and reinforce the credibility of criminal law. The integration of animal welfare boards and veterinary experts into the judicial process would further strengthen evidentiary support and informed adjudication.

The incorporation of a rights-based framework within criminal law represents a crucial normative shift. The explicit statutory recognition of animals as sentient beings entitled to dignity would harmonise legislative intent with constitutional and judicial developments. The recognition of affirmative duties of care upon individuals, institutions, and the State would transform animal protection from a reactive system to a preventive one. The alignment of criminal law with ecocentric jurisprudence would acknowledge the interdependence of human and non-human life within the broader ecosystem.

The role of public participation and societal awareness cannot be overlooked in advancing criminal accountability. The promotion of reporting mechanisms, whistle-blower protections, and community monitoring initiatives would enhance detection and enforcement of cruelty offences. The integration of animal welfare values into education and public policy would foster cultural change and reduce tolerance for violence against animals. The collective implementation of these reforms would enable criminal law to move beyond symbolism and function as a meaningful instrument for safeguarding animal dignity, ethics, and justice.

Conclusion

The protection of animals through criminal law represents a critical moral and constitutional test for a legal system committed to justice, dignity, and compassion. The evolution of jurisprudence in India demonstrates an increasing recognition of animals as sentient beings whose suffering warrants serious legal intervention, yet this recognition has not been adequately translated into effective criminal accountability. The persistence of welfare-centric statutes, outdated penalties, and weak enforcement mechanisms continues to undermine the promise of meaningful protection. The future of animal rights within criminal law therefore depends upon a deliberate shift towards a rights-based framework that treats cruelty as an offence against society and constitutional values rather than as a marginal regulatory concern. The strengthening of penal provisions, procedural safeguards, judicial sensitivity, and institutional coordination is essential to bridge the gap between ethical recognition and legal reality. The true measure of a humane and progressive criminal justice system lies in its willingness to protect the most vulnerable forms of life, and the advancement of animal rights through criminal law remains indispensable to that constitutional vision.