



## Role of Religious and Cultural beliefs in Shaping Animal Welfare Laws in India: A Critical Appraisal

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### Abstract

*India, with its diverse cultural and religious landscape, has a long history of intertwining human-animal relationships with religious beliefs, rituals, and traditions. The role of these beliefs in shaping the animal welfare laws of the country cannot be overstated. This paper explores how various religious and cultural ideologies, such as Hinduism, Islam, Buddhism, and Jainism, have influenced legislative measures governing animal protection in India. The study delves into how these beliefs have been incorporated into policies related to animal rights, cruelty prevention, and ethical treatment of animals. Additionally, the paper examines the contradictions that arise between religious practices, local traditions, and contemporary animal welfare concerns. Finally, it discusses how India's animal welfare laws, such as the Prevention of Cruelty to Animals Act (1960), have evolved in response to changing attitudes toward animals, focusing on the intersection of law, religion, and cultural norms. This paper concludes by suggesting that the future of animal welfare in India will require a balanced approach that respects religious practices while promoting humane treatment of animals.*

**Keywords:** *Animal welfare, Religious beliefs, Cultural practice, Ethical treatment of animals.*

### 1. Introduction

India is home to a rich diversity of religious and cultural traditions that strongly influence societal norms and laws. This includes attitudes toward animals, which are often shaped by religious beliefs and

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cultural practices. In India, animals are not just seen as creatures of nature, but as beings embedded in spiritual, social, and ritualistic contexts. As such, animal welfare laws in India are uniquely shaped by these traditions, leading to both advancements and challenges in the protection of animal rights. The legal framework for animal welfare in India, notably the Prevention of Cruelty to Animals Act of 1960, has been influenced by these traditions, but also faces tensions between religious practices and the global shift toward humane treatment of animals.<sup>1</sup> This paper aims to explore the role that cultural and religious beliefs play in shaping animal welfare laws in India and how these beliefs intersect with modern legal frameworks.<sup>2</sup>

India, a land of diverse religious and cultural traditions, has a long history of co-existing with a wide variety of animal species.<sup>3</sup> The ethical treatment of animals has been interwoven into the fabric of its social, religious, and legal frameworks.<sup>4</sup> This paper explores the intersection of religious doctrines, cultural practices, and legal mandates in shaping animal welfare laws in India.<sup>5</sup> By understanding these influences, we can appreciate the complexities of creating and enforcing such laws in a multicultural society.<sup>6</sup>

## 2. Historical Context of Animal Welfare in India

India's reverence for animals can be traced back to its ancient texts and traditions. The Rigveda and Atharvaveda contain hymns celebrating animals as sacred beings. The concept of ahimsa, central to Hinduism, Jainism, and Buddhism, underscores the moral duty to protect animals from harm.<sup>7</sup> Ancient rulers, such as Emperor Ashoka

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<sup>1</sup> M.V.K. Murthy, *Jainism and Environmental Ethics: A Religious Response to the Ecological Crisis*.

<sup>2</sup> Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547.

<sup>3</sup> P.V. Kane, *History of Dharmaśāstra (Ancient and Mediaeval Religious and Civil Law in India)* Vol. I, Bhandarkar Oriental Research Institute (1941).

<sup>4</sup> David L. Huberman, *Hinduism and Animal Welfare: The Influence of Hinduism on the Indian Animal Rights Movement*.

<sup>5</sup> The Prevention of Cruelty to Animals Act, 1960 (Act 59 of 1960).

<sup>6</sup> Andrew Linzey, *Religion and Animal Ethics* (Oxford University Press, 2011).

<sup>7</sup> M.V.K. Murthy, *Jainism and Environmental Ethics: A Religious Response to the Ecological Crisis*.

(268–232 BCE), institutionalized animal welfare by banning animal sacrifices and establishing veterinary clinics.<sup>8</sup>

The British colonial era marked a shift in India's animal welfare landscape. While colonial laws primarily focused on regulating animal cruelty for practical purposes, such as preventing harm to livestock used in trade, they laid the groundwork for post-independence animal welfare legislation. The Prevention of Cruelty to Animals Act, 1960, and subsequent laws drew from both India's cultural ethos and Western legal frameworks.<sup>9</sup>

### **3. Religious and Cultural Beliefs: A Historical Perspective**

#### **(a) Islam's Contribution to Animal Welfare**

Islam emphasizes the importance of treating animals with kindness and respect, a theme that is reflected in the Hadiths (sayings of Prophet Muhammad). Islamic law permits animal slaughter, but only under strict guidelines that ensure the animals are treated humanely.<sup>10</sup> In India, Muslim communities have historically participated in animal sacrifices, but these practices have been subject to increasing scrutiny and regulation to ensure the welfare of animals involved.<sup>11</sup>

#### **(b) Hinduism and its Influence on Animal Welfare Laws**

Hinduism has historically played a dominant role in shaping India's attitudes toward animals. Reverence for animals in Hinduism stems from various deities and scriptures. The cow, for instance, is considered sacred and its slaughter is forbidden in many states across India. The concept of Ahimsa (non-violence), which is central to Hindu philosophy, has influenced laws that protect animals from harm and exploitation.<sup>12</sup>

The principles of Ahimsa and the belief in the sanctity of life extend beyond the realm of humans and into the natural world. These beliefs have contributed to the creation of laws banning certain practices, such as animal sacrifice, and promoting the humane treatment of

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<sup>8</sup> P.V. Kane, *History of Dharmaśāstra (Ancient and Mediaeval Religious and Civil Law in India)* Vol. I, Bhandarkar Oriental Research Institute (1941).

<sup>9</sup> The Prevention of Cruelty to Animals Act, 1960 (Act 59 of 1960).

<sup>10</sup> A. Zaman, "Islam and Animal Welfare: Legal Perspectives" 25(4) *Islamic Law Journal* 188-200 (2017).

<sup>11</sup> *Ibid.*

<sup>12</sup> The Constitution of India, Articles 48, 48A, 51A(g).

animals.<sup>13</sup> Cultural traditions in India often reflect the values of its dominant religions. Festivals such as Pongal in Tamil Nadu celebrate the role of animals in agriculture, while others like Raksha Bandhan involve rituals that include animals as symbols of familial bonds. However, some cultural practices, such as bull-taming sports like Jallikattu, have sparked legal debates due to concerns over animal cruelty.<sup>14</sup>

### **(c) Jainism and its Emphasis on Non-Violence**

Jainism, which advocates strict non-violence (Ahimsa) and compassion toward all living beings, has deeply influenced India's animal welfare policies.<sup>15</sup> Jain teachings have encouraged vegetarianism and the protection of animals from harm. The profound respect for all living creatures inherent in Jainism has led to the advocacy for stricter laws against animal cruelty and the protection of wildlife.

### **(d) Buddhism's Compassionate Approach**

Buddhism, with its teachings of compassion and mindfulness, also contributes to the ethical treatment of animals. Buddhist principles of Ahimsa have informed legal and societal attitudes toward animals, encouraging practices that prioritize the well-being of all living beings, which can be seen in various animal protection initiatives and in the protection of wildlife sanctuaries.<sup>16</sup>

## **4. Legal Framework for Animal Welfare in India**

### **(a) Constitutional Provisions**

The Indian Constitution provides a strong foundation for animal welfare:

- **Article 48:** Directs the state to prohibit the slaughter of cows and calves and improve animal husbandry.<sup>17</sup>
- **Article 48A:** Encourages the state to protect and improve the environment and safeguard forests and wildlife.<sup>18</sup>

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<sup>13</sup> The Prevention of Cruelty to Animals Act, 1960 (Act 59 of 1960).

<sup>14</sup> Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547.

<sup>15</sup> M.V.K. Murthy, *Jainism and Environmental Ethics: A Religious Response to the Ecological Crisis* (2000, by northern book centre in New Delhi).

<sup>16</sup> David L. McMahan, *Buddhism and Animals* (2008, 2012).

<sup>17</sup> The Constitution of India, Art. 48.

<sup>18</sup> The Constitution of India, Art. 48A.

- **Article 51A(g):** Enjoins citizens to have compassion for living creatures.<sup>19</sup>

#### **(b) The Prevention of Cruelty to Animals Act, 1960**

The Prevention of Cruelty to Animals Act (PCA), 1960, serves as the cornerstone of animal welfare legislation in India. This law prohibits cruelty against animals, with specific provisions for the treatment of animals in various sectors such as transportation, experimentation, and entertainment. While the PCA reflects the influence of religious and cultural views on animal protection, it has often been challenged by practices such as religious animal sacrifice, temple rituals, and traditional festivals. This landmark legislation lays the foundation for animal welfare in India. It prohibits cruelty to animals and establishes the Animal Welfare Board of India (AWBI) to oversee its implementation. The Act reflects the influence of religious and cultural values, particularly the principle of ahimsa.<sup>20</sup>

#### **(c) Wildlife Protection Act, 1972**

This Act focuses on the conservation of wildlife and their habitats, recognizing the intrinsic value of biodiversity. It complements religious teachings that regard animals as integral to the natural order.<sup>21</sup>

#### **(d) Judicial Interpretations**

Indian courts have played a pivotal role in advancing animal welfare. Landmark judgments, such as the ban on Jallikattu in 2014 (later overturned under specific conditions), underscore the tension between cultural practices and animal rights. The judiciary often invokes constitutional provisions, such as Article 51A(g), which enjoins citizens to show compassion for living creatures.<sup>22</sup>

### **5. The Role of Religious and Cultural Practices in Legal Interpretation**

There has been ongoing debate over how religious and cultural practices should be balanced with animal welfare laws. For example, laws restricting the slaughter of cows, prevalent in many Indian states, have sparked debates about the intersection of religious freedom,

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<sup>19</sup> The Constitution of India, Art. 51A(g).

<sup>20</sup> The Prevention of Cruelty to Animals Act, 1960 (Act 59 of 1960).

<sup>21</sup> Wildlife Protection Act, 1972 (Act 53 of 1972).

<sup>22</sup> Animal Welfare Board of India v. A. Nagaraj, (2014) 7 SCC 547.

cultural traditions, and animal rights. While Hinduism views the cow as sacred, Muslims and Christians may face restrictions based on their dietary and religious practices.

### **(a) Judicial Interventions and Legal Reforms**

Indian courts have played a pivotal role in interpreting and enforcing animal welfare laws. Cases involving religious practices, such as the slaughter of animals during festivals or animal sacrifices in temples, have prompted judicial scrutiny. The courts have increasingly emphasized the need for animal welfare while considering cultural and religious freedoms.<sup>23</sup>

### **(b) Cultural Practices and Animal Welfare**

India's rich cultural traditions, such as festivals, religious ceremonies, and local customs, have a significant impact on the treatment of animals. The practice of bullock cart races, cockfights, and Jallikattu (a bull-taming sport in Tamil Nadu) are examples where animal welfare concerns have clashed with cultural practices. Although such events are seen as important aspects of local identity, they have raised concerns regarding cruelty to animals and their ethical treatment.

The challenge lies in balancing these cultural practices with the need for reform in animal welfare laws. The influence of grassroots cultural movements, religious leaders, and local communities plays a critical role in shaping the evolution of such laws.

## **6. Contemporary Issues and Future Prospects**

### **(a) The Role of NGOs and Advocacy**

Non-governmental organizations (NGOs) and animal rights activists have played a crucial role in advocating for stronger animal welfare laws in India. These organizations often navigate the complexities of religious and cultural beliefs while pushing for legal reforms that prioritize animal welfare over traditional practices.<sup>24</sup>

### **(b) Modernizing Animal Welfare Laws**

As global awareness about animal rights continues to grow, there is an increasing push to modernize India's animal welfare laws. This includes the implementation of stricter regulations for factory farming, animal testing, and the entertainment industry. The

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<sup>23</sup> *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547.

<sup>24</sup> The Prevention of Cruelty to Animals Act, 1960 (Act 59 of 1960)

challenge lies in creating a legal framework that is sensitive to cultural and religious beliefs while ensuring that animals are treated humanely.<sup>25</sup>

### **(c) The Way Forward**

To reconcile these conflicts, India must strike a balance between tradition and modernity. Public awareness campaigns, stricter enforcement of existing laws, and the promotion of alternatives to animal use in industries can help align contemporary practices with ethical principles. Religious and cultural leaders can play a crucial role in advocating for humane treatment, leveraging their influence to foster a culture of compassion.

## **7. Conclusion**

The role of religious and cultural beliefs in shaping animal welfare laws in India is undeniably significant. These beliefs inform societal norms and have influenced the formulation of laws that aim to protect animals. However, as India continues to modernize, there is an ongoing need to reconcile traditional practices with contemporary ethical standards regarding animal welfare. A balanced approach that respects cultural diversity while promoting humane treatment of animals will be essential for the future of animal welfare in India. India's animal welfare framework is a testament to its rich cultural and religious heritage.<sup>26</sup> While traditional beliefs have laid a strong foundation for compassion toward animals, modern challenges necessitate adaptive and inclusive strategies. By harmonizing ancient values with contemporary welfare standards, India can continue to be a global leader in animal protection. The interplay of religious and cultural beliefs has profoundly shaped animal welfare laws in India.<sup>27</sup> While these traditions provide a strong ethical foundation, the challenges of modernity demand innovative approaches to ensure the protection and well-being of animals.<sup>28</sup> By embracing its spiritual heritage and addressing contemporary issues, India can set a global example for compassionate and sustainable animal welfare policies.<sup>29</sup>

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<sup>25</sup> Andrew Linzey, *Religion and Animal Ethics* (Oxford University Press, 2011).

<sup>26</sup> The Prevention of Cruelty to Animals Act, 1960 (Act 59 of 1960).

<sup>27</sup> *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547.

<sup>28</sup> Andrew Linzey, *Religion and Animal Ethics* (Oxford University Press, 2011).

<sup>29</sup> The Wildlife Protection Act, 1972 (Act 53 of 1972).