

Laws on using animals for human entertainment

Use of Animals for Human Entertainment in Indian History: A Chronological Overview

The use of animals for human entertainment in India has a long and complex history, shaped by cultural, religious, royal, and socio-political influences. This overview traces the evolution of such practices from ancient times to the present day.

1. Ancient and Classical India

Religious and Cultural Significance

Animals held a central place in Indian mythology and religious practices. Many deities are associated with specific animals—Nandi (bull) is the mount of Lord Shiva, Garuda (eagle) serves as the vehicle of Lord Vishnu, and elephants like Airavata are featured in various mythological narratives. While these animals were revered, they were also incorporated into public ceremonies and festivities.

Royal Entertainment

Kings and emperors often organized animal combats for entertainment, such as elephant battles or bull fights. These events were commonly held in royal courts or during public celebrations, serving both as amusement and displays of power and prestige.

Early Forms of Public Performance

Traditional street performances featuring animals such as monkeys, snakes, and bears were part of nomadic or tribal community practices. These performances often blended spiritual, magical, and entertainment elements.

2. Medieval Period

Use in Royal Courts

During the Mughal era and other dynastic rules, animals were kept in royal menageries (private zoos). Exotic and native animals were displayed for amusement, prestige, and diplomatic purposes. Royal hunting expeditions (shikaar) became symbolic of strength and status, particularly involving tigers, elephants, and leopards.

Festivals and Parades

Animals played ceremonial roles in parades and public events, especially elephants and horses, which were adorned and showcased during religious processions and state functions.

3. Colonial Period (British Rule in India)

Rise of Modern Circuses

With colonial influence came the introduction of the modern circus. Organizations like the Great Indian Circus became prominent, featuring performances by lions, tigers, elephants, horses, and monkeys. These shows gained popularity throughout British India and beyond.

Establishment of Zoos

The British established public zoos in major cities—such as the Alipore Zoo in Kolkata (1876)—as both entertainment and educational institutions.

Hunting as a Sport

Trophy hunting, particularly of big cats and elephants, became a favored activity among British officers and Indian royalty, contributing to a steep decline in wildlife populations.

4. Post-Independence Period (1947–1990s)

Continued Use in Circuses

Even after independence, animals remained central to the circus industry. However, increased scrutiny revealed the inhumane treatment and harsh training methods used behind the scenes.

Street Performances

Performers continued to use animals such as monkeys, bears, and snakes in roadside shows, particularly during festivals and village fairs.

Legal Reforms and Awareness

The **Wildlife Protection Act of 1972** marked a significant turning point in animal welfare legislation. It provided legal frameworks for the conservation of wildlife and began to regulate their use in public performances.

5. Contemporary India (1990s–Present Day)

Legislative and Judicial Actions

Several key legal developments have occurred in recent decades:

- **Performing Animals (Registration) Rules** (initially in 1973 and later amended) began regulating the training and exhibition of animals.
- In **1998**, the government banned the use of lions, tigers, panthers, bears, and monkeys in circuses.
- The **Supreme Court** banned **bullock cart races** and **Jallikattu** in 2014, although the latter was partially reinstated after mass protests.
- By **2020**, elephants were effectively phased out from circuses across India.

Public Sentiment and Activism

Animal rights organizations such as **PETA India**, **FIAPO**, and **Wildlife SOS** have played critical roles in raising awareness about animal cruelty and advocating for legislative change.

Zoos and Ethical Concerns

While zoos and safari parks remain popular, there is ongoing debate about their ethical implications. Increasingly, these institutions are being repositioned as centers for conservation and education rather than mere entertainment.

Digital and Ethical Alternatives

With technological advancements, traditional animal-based entertainment is gradually being replaced by virtual safaris, nature documentaries, and ecotourism. These alternatives offer educational value without compromising animal welfare.

Key Ethical and Cultural Debates

- **Cultural Traditions vs. Animal Welfare:** Practices such as Jallikattu, despite being culturally significant in Tamil Nadu, have drawn criticism from animal welfare advocates.
- **Temple Elephants:** Many elephants kept in temples live in poor conditions, sparking debates about the conflict between religious sentiment and animal rights.
- **Captivity and Conservation:** The role of zoos in contemporary society continues to be a subject of discussion, particularly around whether captivity can be justified for conservation or educational purposes.

Laws and legal provisions in India that aim to protect animals from being used for human entertainment:

Laws Protecting Animals from Use in Entertainment in India

India has established a robust legal framework to safeguard animals from exploitation in entertainment settings such as circuses, street performances, festivals, and religious events. These laws are enforced by various governmental and judicial bodies, and supported by growing public awareness and activism.

1. The Prevention of Cruelty to Animals Act, 1960

Overview:

This is the primary legislation that forms the backbone of animal welfare laws in India. It aims to prevent the infliction of unnecessary pain or suffering on animals.

Relevant Provisions:

- **Section 11:** Prohibits cruelty to animals, including:
 - Using animals for performances when they are sick or injured.
 - Subjecting animals to unnecessary pain during training.
- **Section 22:** Empowers the Central Government to ban the training or exhibition of certain animals.

Impact:

Under this law, the government has prohibited the use of **bears, monkeys, tigers, panthers, and lions** for entertainment purposes.

2. Performing Animals (Registration) Rules, 2001

(Under the Prevention of Cruelty to Animals Act, 1960)

Purpose:

These rules regulate the use of animals in performances such as circuses, film shootings, and street acts.

Key Requirements:

- Mandatory **registration** of performing animals with the **Animal Welfare Board of India (AWBI)**.
- Prohibition on using animals that are **injured, sick, or unfit** to perform.
- Provision for inspection of facilities where animals are trained or kept.

Amendments and Bans:

- In **2011**, the Ministry of Environment and Forests banned the use of **bulls as performing animals**, impacting practices like **Jallikattu** and **bullock cart races**.
- In **2013**, based on these rules, the use of **elephants in circuses** was heavily restricted and eventually phased out.

3. Wildlife (Protection) Act, 1972

Objective:

To protect wild animals, birds, and plants, and to ensure the ecological balance of the country.

Relevance to Entertainment:

- Wild animals listed in **Schedule I** (e.g., elephants, tigers, lions) receive the **highest level of protection**.
- Prohibits **hunting, capturing, and trading** of these animals.
- Using Schedule I animals for entertainment without proper permissions is illegal.

4. Supreme Court Judgments

A. Animal Welfare Board of India vs. A. Nagaraja (2014) – Jallikattu Ban

- The Court ruled that Jallikattu (bull-taming sport) causes cruelty to bulls and is therefore unconstitutional under the Prevention of Cruelty to Animals Act.
- Recognized **animal welfare as a constitutional right** under **Article 21 (Right to Life)**.

B. Ban on Circus Animals

- The Supreme Court supported bans on using wild animals in circuses, citing extreme cruelty and poor living conditions.

5. Guidelines by Central Zoo Authority (CZA)

- The **CZA**, under the Ministry of Environment, Forest and Climate Change, regulates zoos and safaris.
- Guidelines prohibit using animals in **unnatural performances or tricks** within zoo premises.
- Emphasizes **education and conservation** over entertainment.

6. Local and State-Level Rules

Some states have introduced specific rules banning or regulating:

- **Street performances involving monkeys or snakes.**
- **Elephant parades or use in temples**, especially if the animals are abused or kept in inhumane conditions.

Animals Banned from Entertainment Use in India

As of recent government notifications, the following animals **cannot be used for entertainment**:

- **Lions**
- **Tigers**
- **Panthers**
- **Bears**
- **Monkeys**
- **Bulls** (in public performances like races or taming events)

Enforcement Bodies

- **Animal Welfare Board of India (AWBI)**
- **Ministry of Environment, Forest and Climate Change (MoEFCC)**
- **Central Zoo Authority (CZA)**
- **Forest Departments**
- **State Animal Welfare Boards**
- **Judiciary (Supreme and High Courts)**

Recent Developments

- **2020:** Elephants in circuses were completely banned.
- **Ongoing:** Increasing scrutiny on temple elephants and street performers.
- **Proposed Bill:** The **Draft Animal Welfare Bill (2022)** seeks to strengthen penalties for cruelty and explicitly protect animals from exploitative practices.

Here is a list of **landmark Supreme Court and High Court judgments in India** related to the **use of animals for entertainment**, with a focus on **animal rights, welfare, and prohibition of cruelty**:

Landmark Supreme Court Judgments

1. Animal Welfare Board of India vs. A. Nagaraja & Others (2014)

Citation: (2014) 7 SCC 547

Context:

This case challenged the practice of **Jallikattu**, a bull-taming sport in Tamil Nadu, under the **Prevention of Cruelty to Animals Act, 1960**.

Key Points:

- The Court **banned Jallikattu**, citing cruelty to bulls.
- Recognized **five internationally accepted freedoms** for animals (freedom from hunger, discomfort, pain, fear, and to express normal behavior).
- Affirmed that **Article 21 of the Constitution (Right to Life)** extends to animals, establishing "**Right to Life with dignity**" for animals.
- Emphasized **compassion as a constitutional value** under Article 51A(g).

Impact:

This judgment set the foundation for a **rights-based approach to animal welfare** in India and was a turning point in how the judiciary viewed animal-related practices in entertainment.

2. N.R. Nair & Ors. vs. Union of India (2001)

Citation: AIR 2001 Ker 405

Context:

Petitioners challenged the notification by the Central Government banning the use of **bears, monkeys, tigers, panthers, and lions** as performing animals.

Key Points:

- The Court upheld the **government's power to prohibit the exhibition and training** of specific animals under **Section 22 of the PCA Act**.
- Recognized that **animal welfare can justify limiting certain traditional or commercial activities**.

3. Chief Secretary to the Govt., Chennai vs. Animal Welfare Board of India (2017)

Context: This case revisited the Jallikattu ban following mass protests in Tamil Nadu.

Key Points:

- The Tamil Nadu government passed a law to **allow Jallikattu**, citing cultural heritage.
- The **constitutional validity of this law was challenged**, and the case is still pending final judgment.
- The Court's interim directions stressed the **importance of balancing tradition with animal welfare**.

4. People for Ethical Treatment of Animals (PETA) India vs. Union of India (2012–2013)

Context: PETA and others filed petitions against the use of **animals in circuses**, especially elephants.

Key Points:

- The Delhi High Court directed the **MoEF and AWBI** to inspect circus conditions.
- Following the inspections, the government issued advisories and **eventually banned the use of wild animals in circuses**.
- This paved the way for the **complete ban on elephants in circuses** by 2020.

Notable High Court Judgments

1. Animal Welfare Board of India vs. Nagaraja (Madras High Court – Precursor to SC Case)

Before the Supreme Court judgment, the **Madras High Court** had upheld the **Jallikattu ban** in 2006, which was later overturned by state legislation, leading to the 2014 Supreme Court case.

2. Wildlife Rescue and Rehabilitation Centre vs. State of Karnataka (Karnataka High Court, 2009)

Context: Concerning the rescue of circus animals and rehabilitation.

Key Points:

- The Court ordered that **confiscated or surrendered animals from circuses be rehabilitated** in wildlife sanctuaries or rescue centers.
- Stressed that **circuses must not compromise animal welfare**, even if registered.

3. People for Animals vs. State of Goa (Bombay High Court, 1996)

Context: Addressed **bullfighting events** in Goa, locally known as **Dhirio**.

Judgment:

- Declared **bullfighting illegal**, as it violated the **Prevention of Cruelty to Animals Act**.
- Emphasized that **cruelty cannot be justified under the guise of tradition** or culture.

4. Gauri Maulekhi vs. Union of India (Ongoing cases in various High Courts and Supreme Court)

Context: Animal activist Gauri Maulekhi has filed multiple cases concerning:

- Illegal animal sacrifice in religious practices.
- Abuse of temple elephants.
- Transport of animals for entertainment or slaughter.

These cases continue to shape legal standards and enforcement of animal welfare laws across states.

Themes Emerged from Judicial Decisions

- **Animal welfare is intrinsic to the right to life and dignity.**
- **Cultural practices must comply with constitutional and statutory safeguards.**
- **Cruelty in entertainment, even if traditional, is subject to legal scrutiny.**
- **Wildlife and performing animals are entitled to protection from commercial exploitation.**

Law experts' debates on the issue of animals used for entertainment in India, along with the influence of social media on the implementation and enforcement of animal welfare laws:

I. Legal Experts' Debates on Animal Entertainment Laws

Legal scholars and animal rights advocates in India have offered **diverse and evolving perspectives** on the use of animals for entertainment. The debate spans **constitutional law, statutory interpretation, cultural rights, and ethical jurisprudence**.

1. Conflict Between Tradition and Constitution

Key Issue:

Whether **cultural and religious practices** (e.g., Jallikattu, temple processions with elephants) can be allowed if they **violate animal welfare laws**.

Arguments For Regulation or Ban:

- **Constitutional Morality over Popular Morality:**
Legal experts like **Justice K.S. Radhakrishnan** (in the *A. Nagaraja* case) argue that **constitutional values** (Article 21, 48A, and 51A(g)) must prevail over traditional practices.
- **Article 51A(g)** (Fundamental Duty): Citizens must show compassion toward all living creatures.
- **Precedent and Doctrine:** Courts have ruled that “**cruelty cannot be protected as culture**” (e.g., *Dhirio* bullfighting ban in Goa).

Arguments Against Total Bans:

- **Cultural Identity and Autonomy:** Some legal commentators argue that **banning traditional events** like Jallikattu may infringe upon **Article 29(1)** (Right to conserve culture).
- **Selective Application:** Experts like **Rajeev Dhavan** have noted inconsistencies in enforcement, suggesting **targeting certain communities or regions** can appear discriminatory.
- **Need for Reform, Not Abolition:** Some argue for **regulated and humane versions** of traditional practices rather than blanket bans.

2. Judicial Overreach vs. Judicial Activism

- **Critics** of the judiciary argue that **banning cultural practices through judicial orders** amounts to **judicial overreach**, undermining democratic processes.
- **Supporters** counter that **judicial activism is essential** in situations where legislative and executive bodies fail to act against animal cruelty due to political pressures.

3. Interpretation of “Cruelty” under Law

Legal scholars debate the **definition of cruelty** under the **Prevention of Cruelty to Animals Act, 1960**:

- **Too vague:** Some argue that the language is subjective and **open to inconsistent interpretation**.
- **Needs amendment:** Many experts, including the **Animal Law Centre at NALSAR**, recommend **updating the Act with specific standards of welfare and stronger penalties**.

II. Influence of Social Media on Law Implementation

Social media has become a **powerful tool in shaping public opinion, exposing cruelty, and influencing policy and enforcement**.

1. Public Awareness and Advocacy

- Platforms like **Instagram, Twitter (X), Facebook, and YouTube** have been used to **expose cruelty** (e.g., behind-the-scenes videos of circus animals or temple elephants).
- **Viral campaigns** have pushed petitions and boycotts (e.g., #BanJallikattu, #FreeTempleElephants).

2. Pressure on Lawmakers and Enforcement Agencies

- Social media mobilization often leads to **public interest litigations (PILs)**.
- Example: **PETA India, Wildlife SOS**, and other NGOs use social media to:
 - Share documented evidence.
 - Mobilize public support.
 - Pressure government departments to enforce or update laws.

3. Naming and Shaming

- Offenders (temples, circuses, performers) are sometimes **named on social media**, prompting faster action from authorities.
- In some cases, **celebrities and influencers** have joined campaigns, increasing reach and impact.

4. Criticism and Backlash

- There is also **backlash against activism** seen as “elitist” or “anti-cultural.” For instance, social media campaigns against Jallikattu led to massive counter-movements in Tamil Nadu, showing the **dual-edged nature of digital activism**.

Conclusion

- The **legal community remains divided** between protecting cultural heritage and upholding animal rights, though the **trend is shifting in favor of the latter**, especially through court interventions.
- **Social media has significantly democratized advocacy**, allowing ordinary citizens and NGOs to **influence legal enforcement** and **policy changes**, often faster than traditional legal mechanisms.