

# Role of Animal Welfare Boards in Policy Development and Enforcement

Pragnya Parmita

Student, National Law University Odisha

## Abstract:

The Animal Welfare Board of India (AWBI) serves as a pillar to explore the animal rights and litigants on animal welfare laws. Established in 1962 under the provision of the act of prevention of Cruelty to Animals, 1960 the AWBI is a statutory advisory board under the Ministry of Fisheries, Animal Husbandry & Dairying. This paper explores many functions of the board such as the regulatory role of the board, the funding authority of animal welfare related organizations and being an advisor to the government of the policy relating to the animals. It discusses the board's financial support of construction of shelters, medical treatment of animals, and animal birth control with the view of eradicating cruelty as well as inhuman treatment of animals. However, the Board also faces several challenges such as poor resource endowment, legal constraints and clash with welfare policies. This paper also includes various recommendation to enhance the implementation of the AWBI like legal enhancement, funding, technology-based enforcement, and awareness. Lastly, it stipulates that the effectiveness of the AWBI rests on the fragile relationship between animal protection legislation on one hand and social norms and cultures and International cooperation on the other in enhancing and achieving a humane and sustainable society.

**Keywords:** Animal Welfare Board of India, Prevention of Cruelty to Animals Act, Humane Animal Treatment, Animal Rights Advocacy, Stray Animal Population Control

## Introduction:

Animal Welfare Board emerged in response to growing concerns about animal cruelty and the need for formal mechanisms to protect their well-being. The establishment of this statutory advisory committee was driven by increasing awareness of animal rights during the mid-20th century, supported by campaigns advocating for humane treatment. The "Animal Welfare Board of India" was founded in 1962 under "Section 4 of the Prevention of Cruelty to Animals Act" of 1960 and was instituted under the patronage of "Late Smt Rukmini Devi Arundale" who was a humanitarian. The board is presently being managed by the "Ministry of Fisheries, Animal Husbandry, and Dairying".

Be it serving as the eyes and ears of the Government for enforcing animal welfare laws in the country, to act as the funding source for Animal Welfare Organizations, or to provide the Government of India with consular on various issues of animal welfare, the Board has been the movie and face of the animal welfare movement in the country for the last six decades. It is through its services that Board makes sure that animal welfare laws in the country are complied with to the letter, offers grants to "Animal Welfare Organizations" and give consultant to the government of India on anything related to animal welfare.

The "Animal Welfare Board of India" remains the country's largest funding organization dedicated to animal welfare initiatives. The headquarters of this Board is located in Sikri, Ballabhgarh, Haryana. The

Board supports the Central and State Governments by giving advice on issues of animal welfare and also provides financial assistance to its affiliated Animal welfare organizations for animal welfare programs. In the fiscal year ended March 31, 2023, 59 AWOs earned recognition from the Board for a total of 3,735 AWOs. The Board financially aids the following activities, construction of animal shelters and construction of water troughs, purchase of veterinary medicines and apparatus, the supply of animal ambulances to the Gaushalas as well as the AWOs, Animal Birth Control programs to deal with stray's dog population and control of rabies outbreak and grants for rescue and relief operations for animals wherever disasters occur in the form of natural calamities. The Board in its budget of 2022-23 has provided ₹569 lakhs for 315 registered NGOs, AWOs, SPCAs and Gaushalas towards prevention of cruelty to animals and their care.<sup>1</sup>

### **Composition of Board members in Animal Welfare Board:**

The “Animal Welfare Board of India” has a variety of official members - the “Inspector-General of Forests” and the “Animal Husbandry Commissioner” facilitate their ex-officio membership setup. Appointed representatives include two representatives from the Central Government departments in charge of home affairs and education, one representative from the Indian Board for Wildlife, and three other members who are involved in animal welfare, being nominated by the Central Government. Moreover, the Board comprises one representative from the veterinary practitioners' association, and two members appointed by the Central Government to cover both modern medical and indigenous systems. The Board shall comprise of two members nominated from municipal corporation, three members from the animal welfare charities, and three from SPCAs, as prescribed. Moreover, the Central Government will appoint three members and elect six from the Parliament with four elected from Lok Sabha and two from Rajya Sabha. The Central Government appoints the Chairman and Vice-Chairman out of the Board members. The ex-officio members may also nominate others for attending meetings in their name. The reconstituted Board comprises 28 members as of now, each elected to hold office for three years, that is, six from the Rajya Sabha, four from the Lok Sabha, and 18 public representatives. Dr. Abhijit Mitra presently serves as the “Animal Husbandry Commissioner” under the “Ministry of Fisheries, Animal Husbandry, and Dairying”.

### **Roles and Responsibilities of Animal Welfare Boards:**

The “Section 9” of the “Prevention of Cruelty to Animals acts,1960”<sup>2</sup> entails different functions carried out by the “Animal Welfare Board of India”. The board keeps an eye on and examines the existing anti-cruelty laws and also advises the Government regarding animal welfare.

These functions are based on the idea of avoiding any kind of suffering to the animals and encouraging kindness in various aspects. It is established that the responsibilities of the Board include various advisory, supervisory, and power supportive activities to improve the state of animals.

In the first place, the AWBI is responsible for assessing the existing legal provisions governing the offenses of cruelty towards animals and suggesting changes required to the Government. It is as a result of this that makes the legal framework to be dynamic and relevant to the contemporary society. On the same note, the

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<sup>1</sup> Animal Welfare Board Of India, “Animal Welfare Board of India”, <https://awbi.gov.in/%3E%20>

<sup>2</sup> Section 9 of the Prevention of Cruelty to Animals acts,1960

Board also assists the Central Government in the development of rules under the Act to reduce as much suffering as possible of animal in transit, captivity or when they are used as performing animals.

One important aim of the AWBI is to reduce the workload of animals used in working. The Board further assists the stakeholders such as the local authorities and individuals to enhance the design of vehicles not to exert much force on the draught animals.

In the same vein, the Board offers advisory over the physical layout and or construction of the abattoirs and how best to care for animals in the course of slaughtering by minimizing on physical and psychological torture of the animals.

The Board also sponsors measures designed at enhancing the welfare status of animals. This includes promoting the development of items associated with erecting structures like; sheds, water troughs and veterinary services. Further, to humanely address the issue of unwanted animals, the AWBI supports instantaneous destruction of such animals and where that is not feasible, rendering the animal's unconscious to pain before euthanasia. These are interventions which are meant to ensure that on one hand, measures of compassion towards animals are realized while on the other hand managing population in the animal stable is enhanced.

In order to provide long-term care to the animals, the AWBI promotes shelter, rescue homes, sanctuaries and pinjrapoles for those animals which are either old, discarded or are vulnerable. These objectives are implemented by providing organizational funding and other support to organizations that meet these goals. It also liaises with other associations and bodies fighting for animal abuse, making sure that endeavors are coordinated and coherent.

One of the most crucial ingredient of the board is to educate and aware the society and instill a public opinion against the gratuitous treatment of animals by conducting various workshops, lectures, publications, books, posters and organizing cinematographic exhibitions. This endeavor is in a bid of creating empathy and respect for animals in the society from an education point of view.

The AWBI also helps in enhancements of vet rates all over the country through provision of funding as well as other support to animal hospitals. It also offers recommendations concerning increased medical facilities for animals to the Government. Finally, the Board provides guidance to the Government on any emerging matter which relates to the humane treatment of animals – thus confirming the adopted policies and practices.

In “**Animal Welfare Board of India & Anr. v. People for Elimination of Stray Troubles & Ors.**”<sup>3</sup>, the Supreme Court upheld the amended ABC Rules of 2023 under the PCA Act, making sterilization the preferred humane technique for controlling stray dog populations instead of culling. The Court held that unbridled killing is against Article 51A(g) of the Constitution, which calls for benevolence toward living beings. It quoted WHO findings that showed that sterilization programs were successful compared to euthanasia and appealed to citizens to embrace humane and scientific ways of handling animals that reflect constitutional values of compassion and responsibility.

### **Obstacles Encountered by the Animal Welfare Boards:**

Most countries have instituted Animal Welfare Boards to look into the welfare of animals, but these organizations are faced with several issues that hinder their performance. Perhaps the most critical factor

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<sup>3</sup> Animal Welfare Board of India vs. People For Elimination of Stray Troubles and Ors. (2015) MANU/SC/1614/2015

is the issue of low funding and poor resource base. Resource constraints limit their capacity to carry out effective monitoring and research exercises, as well as energetic enforcement of the laws. These boards lack adequate financial means to attract well-trained staff, conduct awareness creation and ensure effective enforcement of laws protecting animals in large jurisdictions. This puts pressure on boards raising demand for animal welfare services which in turn widen resource deficiency making it difficult for many boards to achieve their goals.

Legal and bureaucratic barriers are also major constraints recognized by the companies. Intergovernmental relations, due to overlapping of functions give rise to confusion as well as inadequate co-ordination. It becomes almost impossible to rationalize enforcement process and this hampers quest for uniform enforcement outcomes. Besides, failures and hurdles regarding legislative changes, and weaknesses in legal systems also take time to deliver justice for animals. Policy formulation is also adversely affected by bureaucracy leading to inefficiencies in the implementation of measures that tackle new emerging matters concerning animal welfare. These legal and procedural hurdles greatly reduce the boards' capacity to act effectively and rapidly.

Other challenges are posed by cultural and societal factors within which animal welfare interventions have to be made. Societal cultures like animism wherein practices like slaughtering animals or using them to fight or entertain people are widely practiced in many regions, social change can be very challenging. Culturally driven economic profit-oriented farming practices infringe on animal rights resulting in a resistance to real change. Solving these problems involves an orientation change toward more compassionate and tolerant attitudes toward animals, which happens occasionally and often becomes the object of debate.

In addition, the absence of adequate public awareness compromises animal welfare endeavors. Inequality and involvement of the public are some of the issues which the boards face in championing legislative change or implementing set policies. Outreach and awareness raising are key strategies, which require sustained community support, but this poses a challenge due to resource constraints. To overcome these challenges, it necessary to use the adequate funding, legal reforms, changes of the organizational culture, and people awareness.

In the case of “**Animal Welfare Board of India Vs. Union of India** <sup>4</sup>”, addressed the legality of traditional animal sports, including “Jallikatu” in Tamil Nadu, Bullock Cart Races in Maharashtra, and Kambala in Karnataka, which had previously been banned under the “Prevention of Cruelty to Animals Act, 1960”. The Court examined whether the state amendments that legalized these events were constitutionally valid and dealt with the cruelty issues of concern in the 2014 Nagaraja Case. Key constitutional provisions, including Article 14, Article 21, and Article 51A(g) and (h) were analyzed. The Court also considered whether these sports formed part of the cultural heritage of the states under Article 29. These sports subjected animals to tail twisting, beating and irritants contrary to the 1960 Act while the states on the other hand presented them as essential practices that served to uphold indigenous breeds. The Court affirmed the changes it approved but cited they cannot eliminate the essence of the core law. They allowed the events under certain conditions, which banned cruelty towards the animals, made it mandatory to have veterinary supervision over the animals, proper care of the animals before, during and after the events, and over and above safe structures for the animals. Although the Court did not confer on animals the status of having Fundamental Rights, the Court reminded the governments of member states about the need to

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<sup>4</sup> Animal Welfare Board of India v Union of India (2023) 9 SCC 322

uphold animal welfare laws even as they respect the cultural practices of the societies by being humane to those animals.

### **Measures to Improve Animal Welfare Standards:**

In order to enhance and support the place and functions of Animal Welfare Boards and to meet the difficulties occurring during their functioning there are some significant steps that has to be taken. One of these is the strengthening of the current legal standards: Closing their legal loopholes, increasing sanctions to the offenders, and providing coverage to all areas of the animal rights are mandatory. When there is a sound legal regime in place, not only is non-compliance discouraged but also much of the legal uncertainty is removed and boards are better placed to take decisions.

Strengthening of these boards is equally important for enhancing the efficiency of the boards. More funding is required in order to increase their activities, training human resource, hiring skilled professionals and strengthening the monitoring mechanism. The training avails to law enforcement agencies and local authorities remains crucial in making enforcement of the animal welfare laws standard as well as efficient. It would also help boards to address the increasing customer needs in the animal protection industry more effectively.

Popular enlightenment and sensitization are also essential in enhancing support to animals at large for welfare activities. Civic education of rights of animals and functions of the society, signs of cruelty, and ways citizens can participate contribute to the enhancement of humane ways to treat animals. Not only does it increase the audience for these boards, but it also increases societal engagement in animal protection.

The use of technology can transform the activities of Animal Welfare Boards as the following auditors emphasized. Mobile applications for reporting cruelty, video monitoring in facilities, and special databases for violations can increase the speed of response, increase the effectiveness of data collection, and strengthen the enforcement of laws and rules. Information technology brings a solution in doing away with some gaps as a result of inadequate resources in the system.

Advocate for animal shelters/hostels to be established in smart and metro cities, preferably on Gochar land or vacant, uncultivable state/UT land, to avoid the killing or displacement of animals. To implement such provisions, ensure cooperation with the Ministry of Urban Development and State/UT governments. Coordinate with the Chief Secretaries and Revenue Departments to gather Gochar land data available, use of Gochar land exclusively for fodder and shelter of the stray animals and to remove encroachments as per the direction of Hon'ble Supreme Court of India. Besides, to support the foreseeable non-exercise of cruelty measures during the conduction of Jallikattu festive event, it is equally important to give prominence to preventive and non-violent measures.<sup>5</sup>

Last but not the least; the international cooperation is essential for dealing with worldwide problems related to animals. Working with such associations, boards can exchange experience, maintain the compatibility of their activities with the international level, cope with such problems as wildlife trafficking and factory farming with the help of WAP. This collective approach makes sure that welfare of the animals is well taken care both nationally as well as internationally. Therefore, such measures will surely facilitate

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<sup>5</sup> "Mandate of Animal Welfare Board Is to Prevent Cruelty, Suffering and Pain to All Creatures: Shri S.P Gupta, Chairman, Animal Welfare Board of India", 14 June 2018 <https://pib.gov.in/newsite/PrintRelease.aspx?relid=179970>

functioning of Animal Welfare Boards and improve the position of protection of animals and bringing in humane practices.

### **Conclusion:**

To conclude with, the role of Animal Welfare Boards in protecting animals and enforcing welfare laws is critical, serving as a bridge between legislation and societal action. Governments should invest more in improving animal protection laws, fostering public support for welfare organizations, and promoting international collaborations to address shared global challenges. Future efforts should focus on enhancing legislation, raising public awareness, and leveraging new technologies. By adapting to emerging issues with empathy, these boards can advance animal welfare and contribute significantly to building a more compassionate society for future generations.