



From Protection to Rights: A Comparative Study of Animal Welfare Jurisprudence in India and the European Union

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Abstract. Welfare law has witnessed a significant transformation globally, evolving from a protection-oriented framework to a rights-based jurisprudence that recognizes animals as sentient beings deserving of legal consideration. This paper undertakes a comparative study of animal welfare jurisprudence in India and the European Union (EU) to examine this transition and its implications for domestic animal and wildlife conservation. In India, animal welfare jurisprudence has largely developed through constitutional interpretation and judicial activism. However, the Indian legal framework continues to operate predominantly within a welfare paradigm, with animals largely viewed as objects of human duty rather than independent rights-holders. In contrast, the European Union represents a more advanced legal model by explicitly recognizing animals as sentient beings under Article 13 of the Treaty on the Functioning of the European Union (TFEU). The paper highlights how EU jurisprudence increasingly emphasizes ethical considerations, proportionality, and state accountability in animal welfare governance. Through a comparative analysis, this paper identifies key jurisprudential, legislative, and policy differences between India and the EU, while also examining common challenges such as enforcement gaps, economic interests, and human-animal conflict. The study argues that while India has made commendable strides through judicial interpretation, adopting elements of the EU's rights-based and institutionalized approach could strengthen animal welfare and conservation outcomes. The paper concludes by proposing legal and policy reforms aimed at bridging the gap between protection and rights, thereby contributing to sustainable and humane animal governance.

Keywords: Animal Welfare, EU jurisprudence, Constitutional Foundation, Animal rights, Global Standards

1 Introduction

Animal welfare is a historical notion that has gone through the concept of primitive ideas of pity and limitation to a more refined discussion of animal feeling and nascent demands of fundamental rights. Some ancient customs, such as Jainism, Buddhism

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and Pythagorean philosophy were founded on sympathy toward animals, on moral or religious harmonious action, and harm was considered an evil or destructive karmic action. Western philosophy, however, was defined by dominant positions held by Aristotle (animals were inferior means serving man), through Aquinas, Descartes (animals were automatons, devoid of souls), Hobbes and Kant, which perpetuated the anthropocentrism, where animals are perceived as property that did not directly bear moral obligations, though indirectly to animal abuse Kant recognized the necessity of animals contributing to the development of human character.

Humanitarian reformers like Richard Martin (since 1825 known as the Humanity Dick) led to the modern shift, which had begun in the nineteenth century with the first anti-cruelty legislation, including the 1635 ban on live sheep wool-tearing in Ireland and the 1822 Martin's Act in Britain, protecting cattle. With the formation of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) in 1824, the first structured welfare actions were formed by the creation of the society aimed at avoiding needless suffering while remaining open to the use of animals by humans. This welfarist paradigm prevailed throughout the twentieth century, with a focus on humane treatment in agriculture, experimentation and entertainment through legislations like the U.S. Animal Welfare Act (1966). This critical shift to a rights-based discourse took place in 1970s following the publication of Peter Singers book, *Animal Liberation* (1975) which used utilitarian ethics to argue against speciesism and suffering and the book by Tom Regan, *The Case for Animal Rights* (1983) which asserted natural value and rights of a subject-of-a-life. These texts made a difference between welfare (amelioration of conditions within exploitation) and rights (the end of use as property, rights analogous to those of persons).

The movement began to make arguments against vivisection, fur, and factory farming, and global discussions on legal personhood (e.g. Great Ape Project, legal personhood acknowledgments in Argentina, India, and Pakistan). Welfare science (e.g., Five Freedoms) and rights-based claims based on sentience, intrinsic dignity and ecocentrism Superintended by anthropocentric hierarchies are the subjects of discourse today with mounting evidence of animal cognition and feelings. This development demonstrates a larger ethical advance to interspecies justice, albeit nonetheless faffles over the gradual welfare reforms and the abolitionist rights agendas.

The analytical motivation of a comparative account on the area of animal welfare jurisprudence in India and the European Union is the distinction, though reconciliation of its divergent approaches on the equilibrium between cultural, ethical, scientific, and legal requirements of animal protection with a critical view on the global trajectories of the traditional welfare towards new rights frameworks. India, where spiritual traditions are ancient (e.g. ahimsa in Jainism, Buddhism, and Hinduism) in a sense of compassion towards all living creatures, constitutionally embeds a duty-based approach in Article 51A(g) (fundamental duty to have compassion toward living creatures) and Directive Principles, such as Article 48, which is collectivist, duty-oriented, and influenced by Gandhian humanism. This is in contrast to the secular, science-oriented and rights-oriented model of EU in which the Lisbon Treaty (2009) made a revision to Article 13 TEU to acknowledge animals as sentient to give full consideration to their welfare across major policy areas (agriculture,

transport, research), meaning it is no longer treated as property in which their position is invariably determined by that fact alone.

The comparison succeeds as both jurisdictions struggle with contemporary issues -industrial farming, wildlife protection, experimentation, and cultural traditions (e.g. Jallikattu in India vs. religious butchering exemptions in the EU) -but differ in implementation, reach and philosophical base. The judicial activism in India has gone as far as expanding Article 21 (duty to life) to animal dignity and the EU on the principle of equal minimum standards, progressive prohibitions (e.g., cosmetics testing), embedding sentience and generally championing integration, whilst frequently being accused of unequal adherence by Member States. Looking at these shows how constitutive responsibilities of a multi-polar, developing world shorthand with realizable supranational responsibilities of a developed, multi-polar bloc bring out the strengths (ethical nuances of India, regulatory rigidity of the EU) and weaknesses (implementation vices of India, anthropocentric constraints of EU). A study of this nature enlightens future harmonisation, policy borrowing, and global norms with increased social expectations of ethical application and adds to the arguments of whether welfare is adequate or rights are necessary to sustainable interspecies coexistence.

The concept to be included in this comparative study of the jurisprudential development of animal protection in India and the EU is the object of discussion in terms of the constitutional provisions, main acts, judicial interpretation, enforcement measures, and other ways of forming the discourse of emerging rights in the main domains of farm animals, companion animals, indigenous faith, and use of animals in laboratories. This does not include international law (e.g. CITES) or non-jurisdictional activism but is focused on domestic/supranational legal institutions between the middle of the twentieth century to the current.

It uses a qualitative, doctrinal comparative methodology, relying on primary sources (constitutions, statutes e.g. Prevention of Cruelty to Animals, 1960, India; EU directives/regulations e.g. Directive 2010/63/EU on scientific use), landmark cases (e.g. India: Animal Welfare Board v. A. Nagaraj, 2014), secondary sources (scholarly articles, organisations reports e.g. Animal Welfare Board of India, Eurogroup for Anim The structure of Gladwell makes comparative analysis use functional equivalence (finds similar problems and solutions) and contextual differences (cultural, economic, institutional), organized chronologically and thematically, to trace development of welfare to rights.

The major research questions are as follows: In what ways do the constitutional grounds of India human duty of compassion, as opposed to sentience recognition by the EU, contribute to the outcomes of legislation and judicial decisions? How sufficiently have the courts broadened guarantees concerning intrinsic rights or personhood (e.g. Indian High Court decisions on legal personality of animals vs. welfare harmonisation in EU? Which gaps in enforcement remain, and what is the impact of cultural exemption on efficacy? Is it possible to achieve the reforms of ethical sustainable practises due to cross-jurisdictional knowledge? Through these questions, one can make progress, limitation, and future path evaluations in the field of animal jurisprudence. India and EU have very strong but very differ-

ent constitutional and legislative backgrounds and foundations of animal welfare due to the difference in the philosophical basis and smoothness in terms of animal protection against cruelty.

2 Constitutional Foundations of Animal Protection

The constitutional foundations of animal protection in India lie deep in a hybrid of ethical, cultural and dictative principles posing duties on citizens and the state after time-old traditions of compassion (ahimsa) with a progressive welfare need. At the heart of this structure is Article 51A(g) of the Constitution which was amended by the 42nd Amendment in 1976 and it created a basic responsibility on every citizen which was that he or she must use kindness and concern to all living creatures and to preserve and to enhance the natural environment. This is not a directly justiciable provision, but it serves as the ethical directive (which is referred to as the magna carta of animal rights by the Supreme Court in cases like *Animal Welfare Board of India v. A. Nagaraja* (2014)) since compassion is a fundamental constitutional value [1].

Article 48 a Directive Principle of the State Policy, which instructs the state to plan agriculture and animal husbandry on the principles of modern science, to forbid slaughter of cows and to refine breeds, as well as to preserve and improve milch and draught cattle, is complementary to Article 51A(g). These principles despite not being operative, give a policy and legislative standard of norms. Animal protection by the European Union found constitutional acknowledgment in Art. 13 of the Treaty on the Functioning of the European Union (TFEU), brought by the Lisbon Treaty in 2009. This is provided as follows: When formulating and implementing the agriculture, fisheries, transport, internal market, research and technological development, space policies of the Union, the union and the Member States shall, since animals are sentient beings give maximum consideration to their welfare needs but subject to the legislative or administrative provisions and practices of the Member States relating in particular to religious ceremonies, customs and heritage.

2.1 India's framework: Article 51A(g) (Fundamental Duty of compassion for living creatures), Article 48 (Directive Principle on animal husbandry), and linkages to Article 21 (Right to Life)

This is a historic advancement that transforms animals more than a property into a sentient being that has the ability to feel pain and suffer and as such, requiring a mainstreaming of the mandate of welfare as a cross cutting requirement within defined EU policies. In contrast to pre-Lisbon protocols (e.g. the 1997 Amsterdam Treaty Protocol), Article 13 is a part of the primary law, and thus it becomes a constitutional principle subject to bind EU institutions and the Member States.

Article 13 is operationalised in form of a secondary legislation (e.g. directives on farm animals (e.g., Council Directive 98/58/EC), transport (Regulation (EC) No 1/2005), slaughter (Regulation (EC) No 1099/2009), and scientific use (Directive

2010/63/EU, where the three Rs, which are replacement, reduction, and refinement, are discussed). Such progressive steps as the ban on cosmetic testing on animals across EU countries (since 2013), as well as the stage gradual elimination of battery cages, can be mentioned.

The Court affirmed prerequisites of ritual slaughter pre-stunning and weighed the freedom of religion. In other cases like the *Zuchtvieh* hermeneutic force of sentience was recognised in situations like *Zuchtvieh* hermeneutic force of sentience (c 424/13) which held that sentience limits were present in trade contexts. Recent Grand Chamber decisions have taken into account scientific developments on sentience and values to society, and knowledge of harmony of standards between Member States without restricting cultural exemptions by Article 13. Comparative reflections indicate underlying philosophical and structural contrasts between the approaches to duty taken by India and the sentience-based approach by the EU toward the policy obligation to animal treatment, which further give rise to different lines of animal jurisprudence.

2.2 EU framework: Article 13 TFEU (recognition of animals as sentient beings post-Lisbon Treaty) and integration into EU policies

The Indian framework is mainly duty-based where the duty of compassion by the constitution is intended in Art.51A(g) (citizen duty of compassion) and Article 48 (state directive on husbandry). It is indicative of a cultural-spiritual tradition (e.g., ahimsa) and collectivism. Protection is based on human commitments to animals regarding environmental stewardship and moral responsibility, and judicial holdings are related to the right to life in owed dignity and inherent value contained in Article 21. This anthropocentric but broad based model puts an emphasis on altruism, cultural reverence (e.g., cow protection), judicial activism to purport legislative gaps, and is non-binding in its sections and dependent on enforcement by statutes like the Prevention of Cruelty to Animals Act, 1960 [2].

Important differences are in the enforceability (binding supranational minima of EU versus the non-justiciable duties enhanced by courts in India), the philosophical basis (duty/compass in India versus sentience/evidence in the EU), and scope (integrated and uniform standards imposed by the EU versus the fragmented, culturally mediated system in India). The Indian approach to this encourages ethical richness and judicial creativity in respect of rights-like protection, and the EU has strong regulatory strictness and harmonisation. Both go beyond the status of property, the expansion of dignity in India, the obligation to sentience in the EU, but loopholes remain: the ineffectiveness in implementation of Asian Indian policies and the timidity of the EU towards tradition. These divergences indicate possible synergies, including the borrowing of the Indian approach of scientific integration by the EU to enforce this to the cultures of the EU or Germany of India to assume for the EU more ethical obligations, so as to gravitate to a wider global convergence in ethics [3].

This analogy sheds some light on the potential of cross-regional study and highlights the nature and functionality of moral duties and sentience control in honing the global animal welfare standards. Both jurisdictions have worked well beyond text to

provide constitutional protections to animals, with judicial whims creating constitutional protections to animals and petting on dignity protection and quasi-rights statutes.

2.3 Comparative insights: Duty-based approach in India vs. sentience-based policy obligation in the EU

The Supreme Court in India has been an activist court by applying Articles 51A(g), 48 and more specifically Article 21 in a broad manner. In the case of *Animal Welfare Board of India v. A. Nagaraja* (2014), the life of an animal under the art. 21 of the act has the concept of dignity, honour, and freedom to avoid unnecessary pain, and consequent to this idea, Article 51A(g) was ruled to be the magna carta of the rights of animals. The intrinsic worth has been associated with compassion by courts that outlaw cruelty without need. In Uttarakhand (the petition of Narayan Dutt Bhatt, 2018) and Punjab and Haryana, the animal kingdom was recognized by High Courts as independent legal entities with both rights and duties, imposing citizens in loco parentis to extend the right of personhood (e.g. rejecting PIL brought to seek entity recognition). Recent cases also pit the health of the populace (such as in the case of stray dog handling under Article 21) against the humane treatment aspect, which further strengthens the protection measures based on the Prevention of Cruelty rules without going overboard [4].

Article 13 TFEU is interpreted by the CJEU dynamically in the EU, declaring sentience to be effective. The Court affirms the tougher pre-stunning conditions in ritual slaughter since it supports the welfare, which is a general interest goal, and does not offend the religious rites. In decisions of *Zuchtvieh-Export C-424/13* and other decisions, sentience becomes relevant to decisions of trade, transport and agriculture with consideration to scientific evidence about suffering and societal values to progressive norms with a particular emphasis on the 3Rs of experimentation. Welfare mainstreaming is consolidated in the Court but is not produced as direct animal rights but rather as high in the Constitution [5].

3 Key Legislation and Regulatory Frameworks

The main law that regulates the protection of animals in India is the Prevention of Cruelty to Animals Act, 1960 (PCA Act), which offers the general guidelines of preventing needless pain or suffering to animals. The Act came into force on 26 December 1960 and is applicable throughout the Republic (with the exception of Jammu & Kashmir) and defines cruelty comprehensively under Section 11 and thus forbids acts of beating, kicking, over-rigging, over-driving, over-loading, torture, the use of unfit animals (by age, disease or injury) the use of harmful pharmaceuticals, the confinement of animals in inappropriate spaces, unreasonable tethering, neglect of provisions of food, water or shelter and abandonment of animals which Punishments in general cruelty are comparatively light: the first offense will be punishable by a fine of 10 to 50 rupees; reoccurring or subsequent crimes within three years of the

first will be punishable by a fine of 25 to 100 rupees or by three months imprisonment. These punishments have come under heavy criticism and have been regarded as inadequate sanctions. Particularly the practice of phooka or doom dev (Ghanai) (injury caused during lactation work) is punishable by fines of up to ₹1000 or two years imprisonment in addition to the animal so used being seized.

Under Section 28 of the Act is an exception that permits to kill animals in those ways that religious communities would so require, whereas under Section 11(3) is the exemption under which practices in an animal husbandry, or in an experiment, or in food preparation, are permissible unless they are causing unnecessary suffering, in prescribed ways [6]. The Act also introduces the Animal Welfare Board of India (AWBI), the aim of which is to guide the regulatory issues, promote welfare standards as well as oversee transportation and testing of animals.

Additional to this act is the Wildlife Protection Act, 1972 whose main focus is on conservation and not general welfare, and gives an extrinsic protection to endangered species specified in Schedules I and II. Maximum penalties, imprisonment of three to seven years and fines, are established in the Act to combat the offences against these species whereas the lower schedules have less security. The law governs recreation, commerce, and administration of the safeguarded regions, effectively contributing to the welfare prohibiting inhumane approaches to the scheduled wildlife [7].

3.1 India: Prevention of Cruelty to Animals Act, 1960 (core provisions, penalties, exemptions); Wildlife Protection Act, 1972; and rules on experimentation/transport

PCA Act sector-specific regulations apply to specific areas: experimentation is regulated by the Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA), the facilities have to be registered, subordinated to the 3Rs (replacement, reduction, refinement), and ethically controlled. In 2014 cosmetics testing was prohibited but medical and research testing is permitted with protocols that are aimed to reduce suffering as much as possible. There are the Prevention of Cruelty to Animals (Transport of Animals) Rules, 1978 which governs rail, road, sea and air transport (distances over five kilometres) and the Transport of Animals on Foot Rules, 2001 which covers distances exceeding five kilometres. Such regulations include fitness certification, humanely loading and offloading, space provisions, feeding, and watering, cushioning of restraints, and prevention of overcrowding and pain. Although these frameworks represent a duty-based method to protection, they are disputed by enforcement challenges, weak penalties, and cultural or religious exemptions, thus, they are advocated to be amended, so that they could be deterring and further extensive in scope [8].

The European Union has a complete and coordinated body of directives and regulations on animal welfare, with its basis being the Article 13 of the Treaty on the Functioning of the European Union (TFEU) that acknowledges animals as sentient beings and sets minimum standards within Member States although more stringent standards may apply [9]. The legislative framework of the Union concentrates on major sectors, such as farm animals, transport, slaughter, and the scientific use, and is

more concerned with the Five Freedoms and 3Rs (replacement, reduction, and refinement).

The core legislation in the field of farm animal welfare includes such a directive as 98/58/EC that includes general principles of welfare, namely the right to be free of hunger and thirst, discomfort, pain, injury, disease and fear and to express normal behaviour [10]. Specific directives (under EU law) also add to these requirements: Directive 1999/74/EC controls laying hens, requiring an end to routine use of battery cages since 2012 and mandating use of enriched cages or other suitable housing with sufficient space, perching and nesting facilities; Directive 2008/120/EC regulates pigs, which outlaws routine tail docking and requires use of manipulable materials and end of wean group housing; Directive 2008/119/EE These legal tools subject minimum standards on housing, management, and mutilation in which regular evaluations will seek the gradual eradication of cages.

3.2 European Union: Key directives/regulations (e.g., on farm animals, transport, slaughter, scientific use under Directive 2010/63/EU); harmonized standards across Member States

The transit of livestock is governed by Council Regulation (EC) No 1/2005 that relates to all vertebrate animals that are subjects of economic activity. The law includes the certification of fitness, the records of the journey, and the vehicle standards such as the provisions of ventilation, space and watering, and feeding. There are specified maximum journey times (e.g., 28 hrs with planned rest periods of cattle), protection against extreme temperatures and injuries. The rule requires transporters/vehicles to be approved, and the compliance is imposed by the periodical inspection and checks. Council Regulation (EC) No1099/2009 deals with Slaughterfall which requires stunning before exsanguination, with religious exemptions to avoid slaughter without stunning. The regulation forbids unnecessary sufferings and excitement, and identify the acceptable slaughtering practices (e.g., captive bolt, electric, and gas stunning), as well as the training needed by the operators. It also guarantees that there is no view of the animals before the eyes of the witnesses and no excessive suffering is caused by the restraint devices [11].

Directive 2010/63/EU regulates scientific use of animals replacing Directive 86/609/EEC. The directive also provides that projects should be approved, undergo ethical reviews and be categorised based on severity (including non-recovery and severe). Retrospective analysis becomes necessary, whereas the strict rule of adherence to 3Rs is implemented everywhere. The use of apes is prohibited, with small exceptions; animals caught in the wild are restricted; purposely-bred pets are required; and alternatives are encouraged, accompanied by the assistance of Union Reference Laboratories.

Harmonisation of the legislation of EU member-states results in uniform lowest limits, through directly applicable law (transport and slaughter) and through transposed law (farming and scientific use). It is enforced at national level by the supervision of the European Commission, including audit and infringement proceedings. Even though it permits some cultural and religious derogations, the system promotes

progressive betterment, such as the 2013 prohibition of cosmetics testing, and aims to be consistent with changing scientific evidence and social values. Nevertheless, there are still differences in the implementation of the good, and efforts arose to modernise the process to prevent the gaps in the growing areas to fish welfare or imports [12].

4 Key Challenges, Gaps and Future Directions

The cited shortcomings of implementation in the animal welfare jurisprudence highlights a profound handicap between idealistic legal models and practical application, thus limiting possible protection both in India and the European Union by the year 2026. The Prevention of Cruelty to Animals Act, 1960 remains in India afflicted with temporally outdated, token imprecations - a first offence still regularly entails a fine of 10-50 rupees and repeat offending attracts little or no jail time, which are all meaningless as a deterrent to the increased number of cases of cruelty to animals (in 2025 alone, more than 6000 cases are reported to organisations like PETA India) [13]. Its enforcement is inconsistent and under-resourced: police have focused on anthropocentric crimes, are not trained or resourced well, and work in a culture of resource scarcity, corruption, court backlogs, forensic time lag and a lax bail system in favour of offenders. The work of the Animal Welfare Board of India (AWBI) as well as the state agencies are faced with capacity issues; under-reporting to still predominantly caused by the lack of awareness among magistrates and other Community only and unreliable municipal implementation also contributes to the lack of coverage of stray-Animals, transportation, and uses as laboratory animals. Although numerous cultural (as highlighted by the 2014 A.Nagarajas case) exemptions have been identified as necessary to be targeted by improving deterrence (though the idea of deterrence often fosters weaknesses in legislation), the longstanding Prevention of Cruelty to Animals (Amendment) Bill (proposals circulated between 2022 and 2024 proposing up to ₹10,000 or ₹50,000 in fines, up to 1215 years of imprisonment, and cognizable.

The European Union, on the other hand, in the form of harmonised standards embodied in directives like 98/58/EC (farm animals) or regulations like 1/2005 (transport) mandates compliance, but it does not do so uniformly across the 27 Member States, ranging from differences in the priorities within the country, differences in resources, and political will. There has been a history of non-compliance in areas like pig tail docking (despite prohibition), which has resulted in poor welfare of the fish, transport infractions like overcrowding and excessive temperatures, and disproportionate application of stunning and slaughter. These gaps were given publicity by commission audits and infringement proceedings, in which weaker performing countries get left behind by administrative burdens, cultural or religious derogation (e.g. non-stun slaughter) and delays in modernising practices such as cage phase-outs or transport amendments proposed in 2023 that even in 2026 are still subject to negotiation. The enabling pilot 2025 agreement on dog and cat welfare is a

step forward in terms of traceability and welfare housed in positive metrics but also the majority of inconsistencies within the farm and transport industries [14].

Comparatively, the redress of India and the EU consists in the outdated frameworks of sentencing and the splintering of efforts in a multifaceted, populated environment against the multicultural backdrop of EU shortcomings and deforestation in legislative adaptation [15]. The two jurisdictions are examples of how the animal welfare is under-prioritized in a system of competing interests, and thus necessitates institutional reform, greater deterrence and robust supervision to realize animal protection laws into practical application in treat animal welfare in an ethically responsible manner.

This progressive but inconsistent shift in traditional protectionist paradigms of animal welfare is marked by a move towards legal paradigms of rights to insist on intrinsic value, sentience and even legal status of persons [16]. This change is based on the concept of ahimsa and the constitutional commitment that is stipulated in Article 51A(g) in the Indian context. The right to life in Article 21 has been impacted in landmark decisions that apply animal dignity and honor (A. 7 Nagarajan, 2014), as animals have started being recognized in High Court rulings (Narayan 7 Dutt 2018; Karnail 7 Singh 2018). However the Supreme Court has checked this line, limiting the breadth of that extension of the concept of personhood in later suits in the public interest and making a note of concern that judicial activism, and in the same action, underpins biosecurity of humans in 2025 *sus ante* action over the presence of stray dogs in schools, hospitals and other social areas, temporarily affecting representation of catch-sterilise-vaccinate-release models. Anthropocentrism as seen in cultural practices like Jallikattu, continuing in 2023, and the issue of safety among people create resistance and, thus, assemble the newly developed rights discourse (intrinsic worth, guardianship) with anthropocentrism in the context of enforcement difficulties.

In the European Union, the dominant paradigm is based on the sentience as enshrined in Article 13 of the Treaty on the Functioning of the European Union. This understanding requires that welfare considerations are integrated without giving direct personhood status or rights to abolition. Reform is therefore being done in a slow, evidence-based, step-by-step way, as seen in the ban on cosmetics testing in 2013, the pressure towards a phase-out of cage systems and the 2025 provisional deal on the welfare of dogs and cats (adopting the positive Fiveödomains approach, traceability, and regulation of breeders) [17]. The Court of Justice of the European Union uses a pragmatic approach to harmonisation, and interprets sentience so as to facilitate cultural exemptions (e.g. ritual slaughter) with the current transport and farm revision still pending action in the 2023 election, thus reflecting a practical approach to harmonisation. It is because no formal personhood arises; yet, the mainstreaming of sentience motivates ethical responsibility that develops progressive standards needing to be responsive to the demands of science and society [18].

The Indian court process is, comparatively, defined by an activist, duty-based tradition of judicial experimentation with personhood and dignity but faces reversals due to cultural and tensions in public safety/enforcement. On the other hand, the sentience-based, policy-oriented model of the EU proceeds to enforceable welfare

harmonisation without drastic transformations. Both paradigms extend past the reduction of suffering to the acknowledgement of moral status, India as ethical responsibilities and guardianship, the EU as scientific and societal integration, but both face the limitations of economic, traditional, and anthropocentricity, indicating a possibility of more profound interspecies justice under the regulatory systems of the world [19].

The main policy suggestion applicable to India is, passing comprehensive amendments to the Prevention of Cruelty to Animals Act, 1960, based on the 2022/2024 drafts and 2024 private member bills, to introduce proportionate penalties (200000 INR fines, 110 criminals punishment of one years up to ten years of custody in the event of typical offences such as mutilation or bestiality), categorize the offences as cognisable, and close cultural exceptions through scientific reviews. This should be enforced by having focused animal policing forces, compulsory specialisation, empowerment of AWBI to have investigative abilities, use of digital reporting to receive First Information Reports, and increased funding to compensate the low prosecution rates and time delays in courts. The sentience principles should be embedded in the legislation, more humane alternatives (e.g., bonus to non-cruel practices) should be introduced, and the stray-animal management must be aligned with evidence-based ABC rules and the consideration of the safety of people [20].

In the case of the European Union, a rapid sequence of pending amendments, such as the complete abolition of cages, the creation of fish welfare minimums, the revising of transport journey periods and space allocations on the basis of EFSA scientific knowledge, and the replacement of directive-to-regulation frameworks by directly applicable regulations should be prioritised in order to reduce Member State variances [21]. The measures should be improved by stringent Commission audits, more stringent infringement mechanisms, binding monitoring indicators, and specific resources to the Member States with poorer enforcement capacities.

India and the EU must institutionalise bilateral cooperation where sentience and best practice can be discussed, research conducted together on sentience and the 3Rs, and the global standards, including WOA standards should be met, which will ultimately combat trade exploitation. The key factor is cross-learning: the approach that the Indian model needs to take is to learn the evidence-driven implementation and regulatory strictness of the EU, whereas what the EU needs is to gain the balances offered by the Indian ethos of compassion-duty. Further steps include nationwide education campaigns, monitoring affiliations led by NGOs, technological implementation (e.g. traceability tools), gradual prohibition of unpleasant practices, and the involvement of the population in the development of policies [22]. These sensible reforms, which are based on recognition of sentience, sound deterrence, institutional capacity, and collective governance can fill the above-mentioned gaps, move away the disjointed protection to unitary, rights-enhancing structures, and eventually facilitate just, humanitarian human-animal interactions on an international level.

5 Conclusion: Pathways toward ethical, sustainable animal jurisprudence in global context

But despite the significant problems, both jurisdictions have made significant progress. The Indian constitutional architecture based on a duty-based model with the addition of Article 51A(g) imposing a duty to show compassion, the directives of Article 48 regarding the humane treatment of animals and judicial interpretations of Article 21 to include the dignity of animals have led to new advancements. They are the intrinsic-worth doctrine by Nagaraja (2014) and the new use of legal personhood by high courts. However, current jurisprudence has some frictions: the recent November 2025 Supreme Court *Príboje* judgment of stray dogs has created the human biosecurity priority in the Article 21 of Article 2 but on the wider grounds in the CatchNeuter VaccinateRelease ABC Rules. This dichotomous strategy serves the best interests of balancing community welfare with safety, and risks the collapse of community coexistence, scientific population-control interventions, and constitutional compassion in critically-zoned zones because of protests that have brought to light a lack of shelter and community disruption.

By taking advantage of the awareness of sentience expressed in Article 13 TEUF, the European Union has issued harmonised, evidence-based standards that cover farming, transport, slaughter, and scientific use of animals through a chain of directives. The next development milestones involve banning cosmetics with animal products and enhancing the 3Rs concept. This is because the years of 2025-2026 was the year that saw some of the most significant developments such as the provisional agreement that was achieved in November 2025 which brought the first EU-wide welfare regulation related to companion animals. This will regulate it by micro-chipping, registration, standardized breeding and accommodation, and traceability, and is expected to be formally adopted after 2026/2028. Phased withdrawal of cage and changes in transport legislation are all aspects of modernising the welfare of farm-animals that are performed slowly over a series of consultations and impact assessments. The deadline to submit proposals also ends in 2026, but implementation has not been symmetrical in all Member States, and there has been continued cultural exemption at the cost of the uniform implementation.

The progressive reform not only requires a complex strategy, but it also includes the following elements: enacted provisions in the amendments of the PCA in India to establish the proportional penalties and the cognitive offenses, farm and transport amendments within the EU with binding minimum standards and the import equivalent, bilateral cooperation between the EU and India in sentience research, the 3Rs, and consistent trade requirements, pedagogical commitment, education, non-governmental monitoring, technological based interventions, and citizen involvement. It is possible to mainstream the ideas of sentience and dignity, humane alternatives, and balance competing interests through proportionality to develop jurisprudence to more truly ethical and sustainable practices that place the moral status of animals in policy and reduce acts of exploitation and establish interspecies justice in an interconnected world by using these avenues.

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