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LAW'S SILENCE ON BESTIALITY IN INDIA

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I. ABSTRACT

The enactment of the Bharatiya Nyaya Sanhita, 2023 marks a significant shift in India's criminal law framework, replacing the colonial Indian Penal Code. However, this transition has resulted in an unintended yet serious legislative gap, the omission of provisions addressing bestiality. Historically, Section 377 of the IPC criminalised "carnal intercourse against the order of nature," encompassing sexual acts with animals. While the Supreme Court in Navtej Singh Johar v. Union of India (2018) decriminalised consensual same-sex relations, it explicitly retained the applicability of Section 377 to non-consensual acts and bestiality. The complete removal of this provision in the BNS, without introducing an alternative, has effectively decriminalised sexual abuse of animals. This paper critically examines the legal, constitutional, and ethical implications of this omission. It highlights the inadequacy of existing laws, particularly the Prevention of Cruelty to Animals Act, 1960, which provides minimal penalties and fails to address sexual violence against animals. Drawing upon reported cases and criminological studies linking animal abuse with violent criminal behaviour, the paper argues that the current framework undermines both animal welfare and public safety. It further evaluates the ignored recommendations of the Parliamentary Standing Committee and advocates for urgent legislative intervention to criminalise bestiality explicitly, ensuring comprehensive protection for vulnerable, non-consenting beings.

II. KEYWORDS

Bharatiya Nyaya Sanhita, 2023, Bestiality and Zoophilia, Section 377 IPC, Animal Rights and Protection, Legislative Vacuum.

III. INTRODUCTION AND RESEARCH PROBLEM

The enactment of the Bharatiya Nyaya Sanhita, 2023, which replaced the Indian Penal Code, 1860 with effect from 1 July 2024, has created a significant legal gap by omitting Section 377 of the Indian Penal Code. Section 377 criminalized "carnal intercourse

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against the order of nature,” a provision that encompassed sexual acts with animals. Consequently, acts of bestiality, namely the sexual abuse of animals, are no longer expressly defined as offences under India’s general criminal law. The omission of this provision was not accompanied by any specific legislative explanation or alternative penal provision.

As a result, conduct that remains morally reprehensible and socially condemned is no longer explicitly criminalized under the Bharatiya Nyaya Sanhita, 2023. The protection of animals from abuse is a fundamental responsibility of society, yet the present legal framework fails to provide adequate penal safeguards. The omission of Section 377 has therefore created a serious legislative vacuum in India’s criminal justice system. Although the Supreme Court in *Navtej Singh Johar v. Union of India* decriminalized consensual same-sex relations between adults, it expressly retained the applicability of Section 377 to non-consensual acts and sexual offences involving animals.

Despite this clarification, the Bharatiya Nyaya Sanhita, 2023 does not contain any substitute provision addressing sexual abuse of animals. The existing provisions of the Prevention of Cruelty to Animals Act, 1960 are inadequate because they prescribe minimal penalties and do not specifically recognize sexual violence against animals as a grave criminal offence. This legal gap undermines constitutional principles embodied in Articles 48A and 51A(g) of the Constitution of India, weakens animal welfare jurisprudence, and raises broader concerns relating to public morality, criminological risks, and societal safety. This study therefore critically examines the consequences of this legislative omission and evaluates the necessity of introducing a specific penal provision criminalizing bestiality in India.

A. Research Questions

1. Whether the omission of Section 377 IPC from the Bharatiya Nyaya Sanhita, 2023 has created a legislative vacuum regarding bestiality in India?
2. To what extent do the existing provisions under the Prevention of Cruelty to Animals Act, 1960 adequately address sexual abuse of animals?

3. What were the legal implications of the judgment in *Navtej Singh Johar v. Union of India* concerning bestiality?
4. Whether the omission of provisions relating to bestiality violates constitutional principles under Articles 48A and 51A(g) of the Constitution of India?
5. Whether there is a need for a separate and stringent penal provision addressing bestiality under Indian criminal law?

B. Research Objectives

1. To examine the legal implications of the omission of Section 377 IPC under the *Bharatiya Nyaya Sanhita, 2023*.
2. To analyse the present legal framework governing animal protection and its inadequacy in dealing with bestiality.
3. To critically evaluate the constitutional and ethical dimensions of decriminalizing sexual abuse of animals.
4. To examine judicial interpretation relating to Section 377 IPC after the judgment in *Navtej Singh Johar v. Union of India*.
5. To analyse the relationship between animal cruelty and violent criminal behaviour from a criminological perspective.
6. To suggest legal reforms for criminalizing bestiality through a specific and effective penal framework.

C. Research Methodology

This study adopts a doctrinal legal research methodology combined with normative analysis.

The doctrinal component involves a systematic examination of primary legal sources, including the Constitution of India, the *Bharatiya Nyaya Sanhita, 2023*, the Indian Penal Code, 1860, the Prevention of Cruelty to Animals Act, 1960, and relevant judicial decisions such as *Navtej Singh Johar v. Union of India* and *Animal Welfare Board of India v. A. Nagaraja*.

Secondary sources consulted include books, journal articles, parliamentary committee reports, policy documents, and publications of animal welfare organizations such as PETA India and PRS Legislative Research. The study employs analytical and interpretative methods to evaluate the legal consequences of the omission of provisions relating to bestiality under the Bharatiya Nyaya Sanhita, 2023, and to assess its constitutional, ethical, and criminological implications.

A normative approach is used to examine whether the present legal framework adequately protects animals and conforms to constitutional principles of compassion and welfare. The study is limited to an analysis of statutory provisions, judicial pronouncements, and reported incidents, and does not involve empirical fieldwork or interviews.

D. Review of Literature

1. Flavia Agnes critically examines how Indian criminal law historically evolved around morality-based offences and social control. Though primarily focused on gender justice, her analysis indirectly explains how colonial morality shaped provisions such as Section 377 IPC. The work highlights the conflict between constitutional morality and traditional social morality, which is relevant for understanding the legislative vacuum created under the Bharatiya Nyaya Sanhita.²
2. Upendra Baxi discusses the inability of the Indian legal framework to adequately protect vulnerable beings and marginalized interests. His scholarship on constitutional compassion and state responsibility provides an important jurisprudential basis for extending legal protection to animals and examining the constitutional implications of omitting bestiality laws.³
3. The Justice Verma Committee Report emphasized a rights-based understanding of sexual offences and protection of bodily integrity. Although the report focused on human victims, its conceptual emphasis on

² Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press 1999).

³ Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing House 1982).

dignity, vulnerability, and consent supports stronger legal protection against sexual exploitation of animals.⁴

4. The Parliamentary Standing Committee warned that omission of Section 377 IPC from the Bharatiya Nyaya Sanhita would leave non-consensual sexual offences and acts of bestiality without penal protection. The Committee strongly recommended retention of the provision relating to bestiality.⁵
5. PETA India has consistently advocated for stronger anti-cruelty laws and criminalization of bestiality as a cognizable offence. Its reports and public campaigns highlight the inadequacy of the Prevention of Cruelty to Animals Act, 1960 and emphasize the need for stricter punishment for sexual abuse of animals.⁶
6. Criminological studies published in the *Forensic Research and Criminology International Journal* establish a significant relationship between cruelty to animals and violent criminal behaviour including rape, assault, and homicide. These studies support the argument that bestiality is not merely an animal welfare issue but also a matter of public safety and criminal psychology.⁷

IV. SODOMY, ZOOPHILIA, BESTIALITY AND OTHER TERMS

Sexual acts involving animals have existed for centuries, and the terminology as well as the understanding of such conduct has evolved over time. In certain German-speaking regions, informal usage refers to sexual interaction between humans and animals as “sodomy.” The origin of this term can be traced back to the biblical city of Sodom. However, until relatively recent times, the word “sodomy” was not limited

⁴ Justice JS Verma Committee, *Report of the Committee on Amendments to Criminal Law* (Government of India 2013).

⁵ Department-related Parliamentary Standing Committee on Home Affairs, *246th Report on the Bharatiya Nyaya Sanhita, 2023* (Rajya Sabha Secretariat 2023).

⁶ People for the Ethical Treatment of Animals India, ‘Strengthen India’s Animal Protection Laws’ (PETA India, 2024) <https://www.petaindia.com/> accessed 8 May 2026.

⁷ Phil Arkow, ‘The Link between Violence to Animals and Violence to People’ (2015) 2(1) *Forensic Research and Criminology International Journal* 1.

solely to describing sexual relations with animals.⁸ It was also used for any ‘unnatural fornication’, that is sexual practices not serving the purpose of procreation or consensual sexual intercourse between two people who are not married to each other. Furthermore, the term “sodomy” is often ambiguous and may lead to misunderstanding. It is therefore not an appropriate expression to exclusively describe sexual relations with animals, as in several languages such as English and French it is mainly, or even solely, associated with same-sex relations between humans.⁹

Occasionally, sexual contact with animals is understood in terms such as ‘fornication with animals’ or ‘bestiality.’

Today, the scientific term used for bestiality is ‘Zoophilia’. However, actions that lack any sexual intent such as petting or hugging animals, riding them, or experiencing conscious or unconscious fantasies related to zoophilic behaviour are distinguished from sexually motivated conduct.¹⁰ or the mere observation of intercourse between animals do not fall under the meaning of “zoophilia”¹¹ It clearly does not refer to an ordinary affection for animals based on emotional attachment or platonic care. Instead, it signifies an intense, sexually driven connection with an animal, where the animal becomes involved in deliberate acts aimed at achieving sexual arousal whether for the individual, the animal, or another person. In this context, it is possible to classify five distinct forms of sexual interaction between humans and animals.¹²

1. genital acts (anal and vaginal intercourse, insertion of fingers, hands, arms or foreign objects),
2. oral-genital acts (fellatio, cunnilingus);
3. Masturbation (rubbing of the genitalia);
4. frotteurism (rubbing the entire body on the animal);

⁸ Friday, *Animal-Assisted Therapy and Human Well-Being* (2004).

⁹ Andrea M Beetz and Anthony L Podberscek, ‘Bestiality and Zoophilia: Sexual Relations with Animals’ in Andrea M Beetz and Anthony L Podberscek (eds), *Bestiality and Zoophilia: Sexual Relations with Animals* (Purdue University Press 2005).

¹⁰ Andrea Beetz, ‘Psychosocial and Psychophysiological Effects of Human–Animal Interactions’ (2012) 3 *Frontiers in Psychology* 234.

¹¹ Richard F Muth, ‘Public Attitudes Toward Sexual Deviance’ (1969) 25(1) *Journal of Social Issues* 95.

¹² Jeffrey M Masson, *When Elephants Weep: The Emotional Lives of Animals* (Delacorte Press 1994).

5. voyeurism (observation by third parties during sexual interactions with animals)

If you see the main difference between both (as defined by zoophiles)¹³ is that zoophilia, besides involving sexual contact with animals, also includes an emotional involvement with the animal. Animals remain vulnerable to sexual abuse, which is a horrendous crime. The legislature has failed to recognize it, despite recommendations from the *Parliamentary Standing Committee on Home Affairs* to include the crimes of Section 377 in BNS 2023. The Standing Committee on Home Affairs (headed by Brij Lal) noted in its 246th report that omitting Section 377 would mean non-consensual sexual offences against men, transgenders, and acts of bestiality would no longer be penalized.¹⁴

The committee specifically recommended to the government that the part of Section 377 of the IPC related to non-consensual carnal intercourse with adults, intercourse with minors, and acts of bestiality should be included in the new law (BNS). The committee argued that retaining these provisions was necessary to align with the BNS's aim of making laws gender-neutral, as the void created by omitting Section 377 left no provisions for sexual crimes against men and transgenders.¹⁵

V. EXISTING LEGAL FRAMEWORK IN INDIA AND ITS LIMITATIONS

The Constitution under Article 48A places an obligation on the State to safeguard and enhance the environment, including forests and wildlife.

¹³ *Ibid.*

¹⁴ PRS Legislative Research, 'Standing Committee Report Summary on Bharatiya Nyaya Sanhita, 2023' <https://prsindia.org/billtrack/prs-products/standing-committee-report-summary-4278#:~:text=With%20respect%20to%20Section%20377,and%20attempting%20to%20commit%20it.> accessed 3 March 2026

¹⁵ B&B Associates LLP, 'Justice for Voiceless Animals: BNS 2023' <https://bnblegal.com/article/justice-for-voiceless-animals-bns-z2023/#:~:text=The%20legislature%20has%20failed%20to,maiming%20an%20animal%20by%20mischief.Last> accessed 3 March 2026

Similarly, Article 51A(g) imposes a fundamental duty upon every citizen to preserve and improve the natural environment covering forests, lakes, rivers, and wildlife and to show compassion towards all living beings.¹⁶

Under the Concurrent List in the Seventh Schedule to the Constitution of India, both Parliament and the State Legislatures are empowered to enact laws relating to the prevention of cruelty to animals and the protection of wild animals and birds. Pursuant to this legislative competence, Section 428 of the Indian Penal Code, 1860, now substantially reflected in Section 325 of the Bharatiya Nyaya Sanhita, 2023, prescribes punishment for mischief involving the killing, poisoning, maiming, or rendering useless of animals.

Section 377 of the IPC was the key provision for “unnatural offences.” It criminalized carnal intercourse against nature, which included men, women, and animals. Sexual abuse of animals was recognized as a criminal offence. In 2018, the Supreme Court delivered a landmark judgment in *Navtej Singh Johar v. Union of India*¹⁷ It decriminalized consensual sex between adults of the same sex, marking a victory for LGBTQ+ rights. The court clarified that the law would still apply to non-consensual acts and bestiality. Bestiality continued to be a criminal offence. Only consensual adult same-sex relations were accepted as constitutional.

However, Section 325 of BNS 2023 only provides punishment for killing or maiming an animal by mischief. It prescribes five years’ imprisonment and a fine but does not include sexual violence. Community service is also not listed as a punishment. By omitting Section 377 entirely, BNS 2023 leaves voiceless victims unattended and allows wrongdoers to escape legal punishment.

A study published in “*Forensic Research and Criminology International Journal warn*,” “Those who engage in cruelty to animals were three times more likely to commit other crimes, including murder, rape, robbery, assault, harassment, threats, and drug/substance abuse. The major motivations for engaging in cruelty to animals include anger, fun, control, fear, dislike, revenge, imitation, and sexual pleasure.” In

¹⁶ JN Pandey, *Constitutional Law of India (58th edn, Central Law Agency 2021)*.

¹⁷ *Navtej Singh Johar v. Union of India* AIR 2018 SC 4321, (2018) 10 SCC 1.

India, Ameerul Islam convicted for the rape and murder of a Kerala law student, Jisha was reported to have a prior pattern of sexually abusing and killing animals such as dogs and goats. While *the Prevention of Cruelty to Animals Act, 1960* could theoretically be invoked, its penalties often limited to a few hundred rupees are outdated and grossly inadequate for such grave acts. The absence of a specific penal provision leaves enforcement agencies without a clear legal basis to prosecute offenders effectively.

Section 11(k)¹⁸ states It provides that any person who offers an animal for sale or keeps an animal in their possession without reasonable cause, while it is suffering due to mutilation, starvation, thirst, overcrowding, or any other form of ill-treatment, shall be punishable with a fine that may extend up to ₹100. This section does not cover sexual abuse as cruelty. The punishment is minimal. For the first offence, the fine is only ₹10 to ₹50, with no imprisonment provision. Even for repeated offences, the penalties remain lenient. This makes the Act inadequate for addressing sexual abuse of animals.

PETA India has been consistently advocating for amendments to the Prevention of Cruelty to Animals Act, 1960, seeking to classify bestiality as a cognizable offence and to introduce stricter penalties. Despite these ongoing efforts, the issue has not received adequate attention from the government.

VI. CASES OF BESTIALITY REPORTED IN INDIA

India has witnessed multiple reported instances of bestiality over the past decade from Kerala to Delhi and Uttar Pradesh, where animals were brutally assaulted. Some notable cases include:

1. Ambala Cantt case (Feb 2, 2026)

The incident occurred on 2 February in Ambala Cantt where a man reportedly deliberately killed a community puppy out of revenge after some female dogs were rescued from his home who were being alleged to have been sexually abused. PETA India closely worked with local activist Vanshika Lamba and Ambala Police. As a result, the Ambala Cantt Police registered a First Information Report (FIR) on 3

¹⁸ *Prevention of Cruelty to Animals Act 1960*, s 11(k).

February under Section, BNS, 2023, against the accused for killing the puppy. An investigation is underway with respect to the allegations about sexual abuse of female dogs in the custody of the accused. The rescued female dogs have been subjected to veterinary examination and samples have been drawn to confirm sexual abuse.

2. Sambalpur Case (2025)

In September 2025, a man named Sunil Nag (25) was arrested in Sambalpur for sexual assault and killing of a cow. The case involves rape and subsequent death of the animal. The incident is recorded in a cctv footage and sparked condemnation on social media with discussions surrounding the need for legal action regarding bestiality and cruelty to animals.

3. Nagpur Equestrian Case (May 2025)

A staffer at an equestrian academy sexually abused a mare. Public outrage followed, with animal welfare organizations demanding action. Yet, the legal case proceeded only under the PCA, which carries weak penalties. Under Section 11 of the Prevention of Cruelty to Animals Act, 1960, a first offence is punishable with a fine ranging from ₹10 to ₹50. A second or subsequent offence committed within three years is punishable with a fine ranging from ₹25 to ₹100, or with imprisonment for a term extending up to three months, or with both. These minimal penalties demonstrate the inadequacy of the existing legal framework in addressing grave acts such as sexual abuse of animals.

4. Labrador Sexual Abuse Case (April 2025)

In this case, a man was arrested for sexually abusing a pet dog. The crime caused significant animal suffering. Once again, the police relied on the PCA due to the absence of provisions under BNS.

5. Mahadevapura case

The Mahadevapura police detained a former restaurant worker, Kishan from Jharkhand, for allegedly sexually assaulting a cow in a shed owned by his employer in Hoodi. The incident reportedly occurred on Saturday and was noticed by girls staying in a nearby PG, who informed the owner and later the restaurant owner, Vivek

Govindaraj. Based on the complaint, police registered a case of unnatural sexual offence and detained the accused for further investigation.¹⁹

The charges remained weak and symbolic. This case further exposed the inadequacies in India's current animal protection laws.

PETA India has also urged the Home Ministry to address sexual violence against animals in the *Bhartiya Nyaya Sanhita*.

VII. ANALYSIS OF THE DELETION AND ITS IMPLICATIONS

A. The Legal Gap (Removal of Section 377 IPC)

1. **Previous Law:** Section 377 of the IPC was used to prosecute "unnatural offences," including sexual acts with animals, punishing offenders with up to 10 years or life imprisonment.
2. **The Change:** The BNS completely omitted Section 377. While the Supreme Court in *Navtej Singh Johar v. Union of India* decriminalized consensual same-sex acts, it retained the provisions of Section 377 regarding non-consensual acts and bestiality. The BNS disregarded this distinction, removing the entire section.
3. **The Impact:** As of July 1, 2024, there is no specific, express provision in the BNS that criminalizes sexual intercourse with an animal.

B. Failure to Protect Animal Rights

1. **No Specific Law:** The omission leaves animals without direct protection from sexual abuse.
2. **Inadequate Alternatives:** While Section 325 of the BNS penalizes "mischief by killing, poisoning, maiming or rendering useless any animal," it does not specifically address sexual violence or torture that does not immediately result in the animal being "rendered useless".

¹⁹ *The Hindu*, 'Man Held for Raping Cow'
<https://www.thehindu.com/news/national/karnataka/man-held-for-raping-cow/article65356627.ece> accessed 8 May 2026.

3. **Weakness of PCA Act:** The Prevention of Cruelty to Animals Act, 1960, is often cited as inadequate to deal with the brutality of bestiality, as its punishments are minimal.

C. Concerns and Recommendations

1. **Recommendation Ignored:** The Parliamentary Standing Committee on Home Affairs (2022) had previously recommended retaining Section 377 to maintain legal protections against non-consensual acts, including bestiality.
2. **Call for Re-inclusion:** Animal rights groups, including PETA India and FIAPO, have raised alarms, arguing that this gap allows perpetrators of animal cruelty to go unpunished.
3. **Legal Uncertainty:** In August 2024, the Delhi High Court disposed of a public interest litigation filed by Advocate Gantavya Gulati and directed the Central Government to treat the petition as a representation and decide it preferably within six months. The Court underscored the urgency of addressing the legislative vacuum created by the omission of Section 377 of the Indian Penal Code from the Bharatiya Nyaya Sanhita, 2023, particularly because non-consensual acts and bestiality were left without an express penal provision.²⁰

VIII. SUGGESTIONS AND RECOMMENDATIONS

1. **Insertion of a Specific Penal Provision:** The Bharatiya Nyaya Sanhita, 2023 should be amended to include an express provision criminalizing sexual acts with animals. The provision should clearly define bestiality as any intentional sexual act involving an animal, irrespective of whether physical injury is immediately apparent.
2. **Classification as a Cognizable and Non-Bailable Offence:** Bestiality should be classified as a cognizable and non-bailable offence in view of the grave nature of the conduct and the inability of animals to consent. This classification

²⁰ *Gantavya Gulati v. Union of India*, W.P. (C) (Delhi High Court, order dated 28 August 2024)

would enable prompt police intervention and ensure effective investigation and prosecution.

3. **Stringent Punishment:** The law should prescribe substantial terms of imprisonment and appropriate fines proportionate to the seriousness of the offence. Enhanced punishment may be provided where the act causes severe injury or death to the animal, or where the offender is a repeat offender.
4. **Amendment to the Prevention of Cruelty to Animals Act, 1960:** The Prevention of Cruelty to Animals Act should be amended to expressly recognize sexual abuse as a specific form of cruelty and to strengthen penalties for related offences. This would supplement, but not replace, the need for a dedicated penal provision in the Bharatiya Nyaya Sanhita.
5. **Mandatory Veterinary Examination and Rescue Protocols:** Standard procedures should be developed for veterinary examination, collection of forensic evidence, rescue, and rehabilitation of animals subjected to sexual abuse. Law enforcement authorities should coordinate with veterinary experts and animal welfare organizations to ensure effective implementation.
6. **Training and Sensitization of Enforcement Authorities:** Police officers, prosecutors, and judicial officers should receive specialized training regarding the legal and evidentiary aspects of offences involving sexual abuse of animals and the broader criminological link between animal cruelty and violent behaviour.
7. **Public Awareness and Preventive Measures:** Government agencies and civil society organizations should undertake awareness campaigns to promote compassion toward animals and to encourage reporting of abuse.
8. **Constitutional Compliance:** Legislative reform should be guided by Articles 48A and 51A(g) of the Constitution of India, which require the State and citizens to protect wildlife and show compassion to all living creatures. Incorporating a specific offence of bestiality would strengthen compliance with these constitutional principles and advance the jurisprudence of animal welfare in India.

IX. CONCLUSION

The removal of Section 377 has left a "legislative vacuum," making it harder to prosecute cases of sexual abuse against animals. Activists and legal experts argue for a specific, stringent penal provision to be reintroduced, as the current framework fails to recognise sexual violence against animals as a crime. India needs a robust law drafted with a compassionate view. Bestiality must be criminalised as a *cognisable and non-bailable offence*. Punishments should be strict enough to act as a strong deterrent. Legislation must secure justice and protection for all living beings by making bestiality a criminal offence. Article 48A of the Constitution mandates the state to protect the environment, forests, and wildlife. Article 51A(g) makes it the duty of every citizen to have compassion for living creatures. By removing Section 377 IPC and excluding it from BNS, the government has violated these constitutional principles. As a result, a vulnerable section of society's animals has been left without legal protection

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