
KILLING TO CURE? THE ETHICS AND CONSEQUENCES OF ANIMAL CULLING IN THE FACE OF ZOO NOTIC DISEASES & ANIMAL TESTING IN INDIA

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ABSTRACT

India has seen a rise in zoonotic outbreaks such as Avian Influenza, with recent cases reported between January and April 2025 affecting poultry, wild birds, and even big cats like tigers and leopards. In response, authorities continue to adopt a “detect and cull” approach (mass killing of potentially infected animals to contain disease spread). This article examines the ethical, ecological, and legal consequences of such interventions, including animal testing, often used in drug development and scientific research. It raises concerns about whether these responses are in line with India’s constitutional vision of compassion for living beings and its eco-centric legal framework, as seen in laws like the Wildlife (Protection) Act, 1972 and judicial decisions recognizing animals as sentient beings.

Through two major case studies, the mass culling during the Avian Influenza outbreak and the sanctioned killing of Nilgais in Haryana, the article questions whether quick-fix lethal measures are justified when humane, scientifically sound alternatives exist. It also discusses gaps in current legislation, such as the Epidemic Diseases Act and the Disaster Management Act, which fail to address animal welfare during health emergencies. The article advocates for reform by incorporating ethical safeguards, better enforcement of existing laws, and innovative solutions like targeted vaccination programs and data-driven tools such as Kerala’s ‘Bhumika’ system. Ultimately, it calls for a shift toward humane, integrated approaches that uphold public health without compromising animal rights or ecological balance.

Keywords: zoonotic diseases, animal culling, animal testing, ethical alternatives, Indian animal rights jurisprudence

INTRODUCTION

According to the World Health Organisation (WHO), ‘*zoonotic diseases*’ or a ‘*zoonosis*’ is an infectious disease that is transferred naturally from a non-human animal to humans or vice versa (reversible zoonoses).¹ Diseases such as avian influenza, Ebola, and COVID-19 are all believed to have originated from animal hosts before spreading to human populations, highlighting the fragile and interconnected nature of shared ecosystems.

In response to zoonotic threats, governments and health authorities often employ strategies like animal culling and animal testing. Animal culling refers to the deliberate killing of animals, typically in large numbers, to prevent or control the spread of disease within a specific geographic area. This may involve domestic poultry, livestock, or even wildlife suspected of carrying infectious agents. While it is primarily seen as a disease control measure, it is frequently criticised for being ethically questionable and ecologically disruptive.

Another common intervention is animal testing, which involves the use of live animals in scientific experimentation. As defined in scientific literature, ‘*animal testing is experimentation that occurs either to test medicines or chemicals or to gain a greater understanding of how animal and human bodies work*’. These experiments take place *in vivo*, or on living animals, and are often carried out during the pre-clinical stages of drug development, sometimes before human trials are permitted. While animal testing plays a critical role in pharmaceutical and biomedical research, it continues to generate ethical debates over its necessity, transparency, and impact on animal welfare.

These interventions, while often justified under the umbrella of public health or scientific necessity, operate within a legal context that places constitutional obligations on both the State and its citizens. Article 48A of the Constitution² mandates the State to “protect and improve the environment and safeguard forests and wildlife,” while Article 51A (g)³ imposes a fundamental duty on every citizen “to have compassion for living creatures.” This constitutional vision reflects an eco-centric worldview that is often at odds with practices like indiscriminate animal culling or unregulated animal experimentation.

¹ WORLD HEALTH ORGANIZATION, <https://www.who.int/news-room/fact-sheets/detail/zoonoses>.

² India Const. art. 48A.

³ India Const. art. 51A, cl. (g).

EXAMINING THE LEGALITY OF RECENT ANIMAL CULLING MEASURES IN INDIA

Emerging zoonotic coronaviruses continue to pose a persistent threat to global health due to their ability to cross species barriers and trigger unpredictable outbreaks. This presents an ongoing pandemic risk, as highlighted in the FAO's situation update on 28 March 2025⁴.

I. India's Policy Response to Avian Influenza: Balancing Containment and Collaboration⁵

In response to the recurring outbreaks of Highly Pathogenic Avian Influenza (HPAI) across multiple states, the Government of India has initiated a comprehensive, multi-stakeholder strategy to mitigate the spread of the disease while protecting livelihoods. The Department of Animal Husbandry & Dairying (DAHD), under the Ministry of Fisheries, Animal Husbandry and Dairying, convened a high-level meeting in April 2025 that brought together scientific experts, poultry industry representatives, and policymakers.

The current policy of mass culling, although presented as a disease-control measure, must be examined in light of India's animal welfare and wildlife protection laws. Under the Prevention of Cruelty to Animals Act, 1960, particularly Section 11⁶, any unnecessary pain or suffering inflicted on animals is prohibited unless justified by law. Moreover, under the Wildlife (Protection) Act, 1972, Section 11⁷ permits the hunting or killing of animals only under specific conditions, such as when the animal is dangerous to human life or disabled beyond recovery. These exceptions, however, require prior permission and must follow due process.

The judiciary has further elaborated on the scope of these protections. In *Animal Welfare Board of India v. A. Nagaraja*⁸, the Supreme Court extended the Right to Life to include animal life, recognising their intrinsic value and right to a life free from unnecessary pain. The Court held that animals are "sentient beings" entitled to constitutional protection. In the context of

⁴ Emerging zoonotic coronaviruses in animals situation update, FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS, <https://www.fao.org/animal-health/situation-updates/emerging-zoonotic-coronaviruses-in-animals>.

⁵ GOVERNMENT OF INDIA, PRESS INFORMATION BUREAU, <https://pib.gov.in/PressReleaseDetailm.aspx?PRID=2119198®=3&lang=1>.

⁶ The Prevention of Cruelty to Animals Act, 1960, §11. No. 59, Acts of Parliament, 1960 (India).

⁷ The Wildlife (Protection) Act, 1972, §11. No. 53, Acts of Parliament, 1972 (India).

⁸ *Animal Welfare Board of India v. A. Nagaraja* Special Leave Petition (Civil) No. 11686 of 2007

zoonotic outbreaks, such jurisprudence demands a careful balancing of human health and animal welfare, something current policies risk overlooking.

While India continues to follow a "detect and cull" policy to contain active outbreaks, currently affecting six epicentres in Jharkhand, Telangana, and Chhattisgarh, the government is also exploring preventive vaccination as a long-term strategy. The DAHD has permitted the use of the H9N2 vaccine, developed by ICAR-NIHSAD, for low-pathogenic strains of avian influenza. Furthermore, discussions are underway regarding the feasibility of introducing vaccines for HPAI, though experts caution that existing options do not provide sterile immunity and require further scientific validation. The urgency of the situation is evident from the cross-species transmission of the virus. Between January and April 2025, HPAI was detected not only in poultry but also in tigers, leopards, cats, vultures, and wild birds across Maharashtra, Rajasthan, Madhya Pradesh, Bihar, and Goa.

India has also integrated its response with international networks by sharing genetic sequencing data of H5N1 strains, contributing to the global effort to anticipate and mitigate future pandemic threats. On the domestic front, the Livestock Health and Disease Control Scheme provides compensation to farmers for culled birds and destroyed poultry products, with cost-sharing between the Centre and State governments.

II. The Case of Nilgai Culling in Haryana

The recent decision by the Haryana government to permit the culling of male Nilgais under the new Wildlife (Protection) Rules⁹ highlights the growing tension between conservation priorities and human-wildlife conflict. While this move addresses the genuine concerns of farmers facing repeated crop damage, it raises pressing ethical and ecological questions. Nilgais, often called blue bulls, are not only the largest Asian antelopes but are also considered sacred in many parts of India, particularly by the Bishnoi community, one of the country's oldest conservationist groups.

The controversy here is not just about one species or region; it is emblematic of a broader policy approach that favours lethal solutions over sustainable, community-driven alternatives. Legalising culling as a routine conflict-resolution tool risks setting a dangerous precedent.

⁹ Wildlife (Protection) Rules, 1995.

Much like the "detect and cull" policy adopted during zoonotic disease outbreaks, this method offers a quick fix but fails to address underlying causes such as habitat degradation, lack of buffer zones, or poor wildlife management practices.

The classification of Nilgai as a Schedule III animal (vermin) under the Wildlife (Protection) Act, 1972 allows for control of overpopulation in some circumstances, but such measures must be both proportionate and humane. Rules permitting mass culling may therefore be legally questionable if they bypass safeguards intended under the parent legislation.

Moreover, the cultural and religious sentiments attached to the Nilgai cannot be dismissed lightly. What this situation demands is a shift in perspective, from reactive to preventive, from combative to coexistent. Strategies like habitat restoration, translocation, crop protection measures, and active involvement of local communities in wildlife management have shown promise and deserve serious policy attention.

ETHICAL CONSIDERATIONS IN ANIMAL TESTING AND CULLING

At the heart of the debates surrounding animal testing and animal culling lies a fundamental ethical dilemma: Can the suffering or death of animals be justified in the pursuit of human welfare? This question becomes particularly urgent in the face of practices such as pre-clinical experimentation and disease containment strategies, where the interests of humans are often prioritised over the rights, well-being, and intrinsic value of non-human life. Animal testing and culling subject animals to intense stress, pain, and in many cases, death. In laboratories, animals may endure prolonged isolation, invasive procedures, and a lack of adequate pain relief. In disease containment efforts, animals are killed *en masse* without individualised assessments or consideration of their sentience.

However, animal testing and mass culling, being traditionally justified as public health measures, face significant scientific limitations. Biological differences between humans and test animals often yield unreliable data, while mass culling has shown limited effectiveness in controlling complex, multi-species zoonotic outbreaks like India's recent avian influenza cases. These strategies frequently fail to offer long-term solutions, as viruses persist in wild reservoirs or re-enter ecosystems, raising questions about their practical and ecological viability.

The Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998¹⁰, framed under the PCA Act, regulates animal experimentation and requires that experiments avoid unnecessary duplication and use alternatives where possible. Furthermore, India's legal commitment to the '3Rs'; Replacement, Reduction, and Refinement, obligates institutions to minimize animal suffering and explore alternatives like in vitro testing. Yet, the enforcement of these rules remains inconsistent, especially during health emergencies.

SUGGESTIONS AND CONCLUSION

India's reliance on legal instruments like the Epidemic Diseases Act, 1897¹¹ and the Disaster Management Act, 2005¹², to combat zoonotic outbreaks, does not expressly account for animal welfare. A stronger reliance on preventive vaccination, as currently being explored for HPAI, could complement the Livestock Health and Disease Control Scheme. These laws provide broad powers for containment but lack specificity regarding the treatment of animals during disease control operations. This legislative gap permits reactive strategies like mass culling without adequate ethical or ecological scrutiny.

Technological innovations already being piloted in parts of India point to a more humane and data-driven way forward. For instance, the Digital University of Kerala's 'Bhumika' spatial design support system¹³ has revolutionised disease management among livestock communities. Traditionally, when a zoonotic disease was reported in an area, surrounding livestock were culled as a precaution. Now, with the 'Bhumika' system, inspectors can access real-time information about over 3,000 farmers within a 3-km radius of an outbreak. This facilitates ring vaccination rather than mass extermination, offering a targeted and scientifically informed alternative. It also demonstrates how a shift from extermination to precision prevention is not only possible but already underway.

Such models underscore the viability of frameworks that are not only ethically grounded and legally consistent but also capable of respecting the intrinsic value of animal life, promoting public health, and empowering local communities. As India continues to confront emerging

¹⁰ Ministry of Social Justice and Empowerment, The Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998, <https://ccsea.gov.in/WriteReadData/userfiles/file/1998.pdf>

¹¹ The Epidemic Diseases Act, 1897, No. 3, Acts of Parliament, 1897 (India).

¹² The Disaster Management Act, 2005, No. 53, Acts of Parliament, 2005 (India).

¹³ Digital University of Kerala's app helps livestock farmers track zoonotic diseases, prevent culling, THE NEW INDIAN EXPRESS, <https://www.newindianexpress.com/states/kerala/2025/Feb/17/digital-university-of-keralas-app-helps-livestock-farmers-track-zoonotic-diseases-prevent-culling>.

zoonotic threats, it must adopt these forward-looking strategies that strike a careful balance between public safety, animal welfare, and ecological integrity. Achieving this balance will require a more integrated legal approach, one that involves amending or interpreting existing laws in light of India's evolving animal rights jurisprudence and its constitutional commitments to environmental protection and compassion for living beings.