
LEGAL ACCOUNTABILITY FOR ANIMAL CRUELTY IN ENTERTAINMENT: A COMPARATIVE STUDY OF LAWS

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ABSTRACT

This paper provides a comparative analysis of the manner in which cruelty on animals in the entertainment sector is handled in India, the United Kingdom (UK), and the United States of America (US), and how the alignment of the national frameworks with international animal welfare standards. The study examines the laws that govern the use of animals in entertainment across each jurisdiction, including circuses, films, and performances, along with the primary enforcement agencies and mechanisms, penalties for infractions, and pertinent judicial precedents. In India, this encompasses the Prevention of Cruelty to Animals (PCA) Act 1960 along with its Performing Animals Rules, and regulations regarding cinematography, as well as landmark cases like *N.R. Nair v. Union of India* (2000) and the *Animal Welfare Board of India v. Nagaraja* (2014), which prohibited bull-taming sports on grounds of cruelty. In the UK, the relevant legal frameworks related to the subject matter are the Animal Welfare Act 2006, the Cinematograph Films (Animals) Act 1937, which prohibits films in which animals are subjected to cruelty, and the Wild Animals in Circuses Act 2019, which prohibits performances involving wild animals in traveling circuses. In the US, the regulatory environment is founded on the federal Animal Welfare Act (AWA) and Endangered Species Act, along with various state laws; however, many animals are not protected by the AWA, with birds and farm animals being the biggest gaps in coverage. Additionally, the paper also assesses how the legal frameworks of each country align with those set by the World Organization for Animal Health (WOAH) and CITES trade regulations, and the non-binding Universal Declaration on Animal Welfare (UDAW). The comparison shows notable disparities where the UK has mostly eliminated wild-animal acts, India has enacted partial bans, and the US faces significant pressure among civil societies but relies heavily on weakly implemented federal laws. The paper wraps up with specific recommendations wherein India and the US ought to bolster enforcement and remedy legislative gaps, the UK should ensure that existing prohibitions are effectively enacted, and all three nations should better align with WOAH recommendations and promote the adoption of UDAW principles.

Keywords: Animal cruelty, entertainment industry, comparative law, animal welfare standards, Prevention of Cruelty to Animals Act, Animal Welfare Act, CITES, WOAAH.

Introduction

The relationship between humans and animals has long been complex, characterized by a cycle of companionship, utility, and exploitation. No other field is as transparent of this complication as in the entertainment sector where animals are often used to entertain human beings in circuses, movies, zoos, aquariums, and traditional cultural practices. Although these practices have been traditionally accepted in terms of cultural or recreational activities, they frequently overlook a considerable amount of animal cruelty, exploitation, raising pressing questions about legal accountability. Over the last few decades, animal welfare has emerged as a global concern, which is emphasized by both the scientific recognition of animal sentience and by increasing international pressure to develop universal standards of humane treatment. This context makes it essential to critically examine how different jurisdictions regulate animal use in entertainment and how effectively they hold violators accountable.

The case of India, the United Kingdom, and the United States provide a rich comparative framework for such an inquiry. Each jurisdiction has issued a set of statutory protections and regulations that ensure to curb animal cruelty. In India, the Prevention of Cruelty to Animals Act, 1960, the Performing Animals (Registration) Rules, 2001, and judicial interventions have restricted the use of animals in circuses and films. However, enforcement gaps persist. In the United Kingdom, the progressive change of considering animal welfare in entertainment is reflected in the Animal Welfare Act, 2006, and the Wild Animals in Circuses Act, 2019. Conversely, the United States depends heavily on federal laws such as the Animal Welfare Act, 1966, and the Endangered Species Act, 1973, supplemented by state-level measures. However, legal loopholes and procedural barriers often undermine accountability. A comparative analysis of these frameworks provides valuable insights into the strengths and shortcomings of each system.

Despite these national efforts, the lack of harmony with international standards remains a persistent challenge. Global frameworks such as the World Organisation for Animal Health (WOAH) guidelines, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the aspirational Universal Declaration on Animal Welfare

(UDAW) establish important standards for animal safety. However, the domestic legal frameworks are often inadequate in aligning with these standards, thus restricting the effectiveness of legal protections. It is with this background that this research paper aims to not only to compare the legal accountability systems in India, the United Kingdom, and the United States but also to propose reforms that would lead to these jurisdictions being more in line with to the international norms.

By critically examining with statutory frameworks, judicial pronouncements, and enforcement mechanisms across the three jurisdictions, this study attempts to answer a central question: how effectively are the entertainment industry held accountable by India, the UK, and the US for animal cruelty, and what reforms are necessary to align domestic laws with international standards? In doing so, the research contributes to the broader discourse on animal law, highlighting the tension between cultural practices, commercial interests, and the ethical imperative to prevent cruelty toward sentient beings.

The Problem in Using Animals for Entertainment

The entertainment industry, which includes circuses, films, zoos, aquariums, and cultural events, has historically relied on the use of animals to amuse, thrill, and entertain audiences. Although these practices are commonly justified as cultural traditions or commercial requirements, they frequently conceal acts of cruelty, neglect, and exploitation. Despite the adoption of statutory frameworks in India, the United Kingdom, and the United States, there exist significant gaps in ensuring accountability for animal cruelty. In India, enforcement is weak, and penalties under the Prevention of Cruelty to Animals Act, 1960 remain outdated. In the United Kingdom, although progressive legislation such as the Animal Welfare Act, 2006 and the Wild Animals in Circuses Act, 2019 has advanced protections, questions remain regarding enforcement and coverage of all forms of entertainment. The United States, while equipped with the Animal Welfare Act, 1966, often struggles with enforcement loopholes and exemptions that leave many animals unprotected.

A comparative analysis of these jurisdictions reveals an urgent need to evaluate how effectively they hold the entertainment industry accountable for cruelty, and whether their laws reflect evolving international standards such as those set by the World Organisation for Animal Health (WOAH) and CITES. Without harmonizing with such frameworks, legal protections risk being inconsistent and insufficient to prevent ongoing exploitation.

Questions to Look Into

1. What are the existing legal frameworks in India, the UK, and the US that govern animal welfare in the entertainment industry?
2. How do these laws establish accountability for instances of animal cruelty within entertainment contexts?
3. To what extent do these legal systems align with international standards for animal welfare, such as WOAH guidelines, CITES, UDAW?
4. What gaps exist in the enforcement of these laws, and how do cultural, commercial, and political factors influence their effectiveness?
5. What reforms can be proposed to strengthen accountability and harmonize national laws with international standards?

Why This Study is Significant

Animal welfare in the entertainment sector has been a paramount concern that has been receiving significant attention as the society starts recognizing that animals are sentient creatures that deserve to be treated in a humane manner. Numerous reports, including documentaries like *Blackfish*, as well as activist campaigns, have highlighted the suffering that occurs behind the scenes in circuses, films, zoos, and marine parks. In response, legislatures and courts have started to take action; for example, over 40 countries have enacted total bans on the use of wild animals in circuses, recognizing that “no circus can ever provide the conditions these wild animals need”, since their freedom and fundamental behaviours are bound to be compromised¹. The significance of this comparative study is that it examines how the three major legal systems have addressed the issue of cruelty towards performing animals, revealing both strengths and weaknesses in each. It assesses whether domestic laws genuinely discourage abuse or simply impose superficial prohibitions, and whether enforcement mechanisms are genuinely effective. Furthermore, by examining alignment with global standards, such as the WOAH’s animal welfare mandates which specifically incorporate “animals used for sport, recreation, and

¹ FOUR PAWS, *Worldwide Circus Bans*, FOUR PAWS, <https://www.fourpawsusa.org/campaignstopping/topics/wild-animals/worldwide-circus-bans>

entertainment”² and CITES trade regulations, this research underscores the transnational aspect of the matter.

Scope and Limitations of This Research

This study focuses on legal accountability for animal cruelty within entertainment settings, such as circuses, animal acts, film and television productions featuring animals, and other public displays, in India, the UK, and the US. It analyses the main legislation, regulations, and major court cases in each nation while assessing enforcement methods, including inspections, licensing, and legal actions. It also reviews international agreements like WOAAH standards, CITES (which oversees international trade in endangered species), and UDAW. The analysis specifically excludes contexts unrelated to entertainment. The limitations include the broad spectrum of US state legislations, due to which only key federal laws and selected state examples will be focused on instead of covering all states, and the uneven reporting of enforcement statistics, such as the number of inspections or prosecutions. Nevertheless, this comparative analysis highlights fundamental distinctions and effective practices, despite these limitations.

The Objectives That This Research Aims to Achieve

1. To analyze and compare the statutory and regulatory frameworks governing animal use in entertainment in India, the UK, and the US.
2. To evaluate the mechanisms of legal accountability in these jurisdictions, including judicial pronouncements and enforcement practices.
3. To assess the extent of compliance of these jurisdictions with international standards on animal welfare and safety.
4. To identify the gaps, overlaps, and limitations within these frameworks that hinder effective protection of animals in entertainment.
5. To propose legal and policy reforms for India, the UK, and the US aimed at aligning

² World Organisation for Animal Health (WOAH), New Mandates : Resolution No. XIV (Animal Welfare Mandate), New Mandates, WOAHA (adopted May 29, 2002), <https://www.woah.org/en/who-we-are/structureand-governance/framework/basic-texts/new-mandates/>

domestic laws with global standards for animal safety.

Research Methodology

1. Doctrinal Research (through the method of online data collection), which involves a detailed study of statutes, rules, case laws, secondary literature pertaining to animal welfare in entertainment across India, the UK, and the US, and the influence of international standards such as WOAHA guidelines, CITES, and UDAW on domestic legislations.
2. Comparative Research, which involves a cross-jurisdictional evaluation of similarities and differences in legal frameworks and accountability mechanisms.
3. Analytical Research, which aims at suggesting reforms tailored to each jurisdiction's socio-legal context.

Literature Review

The growing body of scholarly and legal analysis regarding animal in entertainment highlights both ethical issues and legal advancements. Numerous studies document ongoing welfare challenges faced by animals in traveling circuses, film productions, and similar settings, indicating that “animals in a circus experience chronic stress” and act out of fear³. For instance, a review of circus regulations by the Animal Legal & Historical Centre points out that confinement and coerced performances frequently infringe upon fundamental welfare requirements, citing instances of heat-related deaths and ongoing health problems in circus elephants⁴. Organizations such as Animal Defenders International and Four Paws have gathered worldwide statistics on circus prohibitions, noting that since around the year 2000, over 40 nations (including EU member countries) have banned wild animals in circuses⁵. This trend represents a wider transformation in academic discussions focusing on rights-based and welfare-centered legal frameworks.

³ N.R. Nair v. Union of India (2000), AIR 2000 KER 340

⁴ Niedrich, Anastasia, *Animals in Circuses and the Laws Governing Them*, Animal Legal & Historical Center (Michigan State University College of Law), 2010, <https://www.animallaw.info/article/animals-circuses-andlaws-governing-them>

⁵ *Supra* at 1 at Pg 4

In India, legal studies emphasize the Prevention of Cruelty to Animals Act of 1960 and its accompanying regulations as key to addressing issues of cruelty. The Act broadly prohibits inflicting “unnecessary pain or suffering” on animals⁶, with Section 22(1) specifically governing performing animals and mandating registration with the Animal Welfare Board of India (AWBI). The Performing Animals (Registration) Rules, 2001, prohibit the use of certain wild species (such as monkeys, bears, lions, tigers, panthers, and even bulls) in performances. The recent PCA (Amendment) Bill of 2022 escalated penalties for acts of cruelty. However, the bill has not yet been tabled or passed by the Indian Parliament, and legal scholars observe that effective enforcement relies significantly on directives from the AWBI and the limited capacity of state officials. Commentators have also analyzed the Cinematograph (Certification) Rules 2024, which require producers to verify that no cruelty occurred during film productions.

In *N.R. Nair v. Union of India* (2000)⁷, the Supreme Court upheld a 1998 government notice that banned the training and exhibition of certain species of wild animals in circuses, strongly stating that such animals “are compelled to perform unnatural tricks, are kept in cramped cages, and are subjected to fear, hunger, pain”, and recognized that the ban was consistent with constitutional compassion and evolving societal values⁸. More recently, in *AWBI v. A. Nagaraja* (2014)⁹, the Supreme Court determined that traditional bull-taming events like Jallikattu directly breached Sections 3 and 11 of the PCA Act, leading to a prohibition of using bulls for entertainment¹⁰. Although the case was overturned after an amendment (the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act of 2017 and Prevention of Cruelty to Animals (Conduct of Jallikattu) Rules of 2017) was made to the PCA Act to reduce animal cruelty, the case highlights that animals possess a right to live with dignity under Article 21 of the Constitution. These cases are frequently mentioned in Indian discourse as significant milestones for animal protection. Although critics consider that the impact of such decisions has lessened because of amendments and inconsistent enforcement, NGOs such as People for Animals, PETA India, and AWBI have consistently called for more decisive actions. For example, the AWBI advocated for renewed central legislation to prohibit all animal circuses in

⁶ *AWBI v. Nagaraja* (2014), (2014) 7 SCC 547

⁷ AIR 2000 KER 340

⁸ *N.R. Nair v. Union of India* (2000), AIR 2000 KER 340

⁹ (2014) 7 SCC 547

¹⁰ *AWBI v. Nagaraja* (2014), (2014) 7 SCC 547

2021¹¹.

In the UK, the Animal Welfare Act 2006 (applicable in England & Wales; with similar statutes in Scotland and Northern Ireland) establishes a duty of care for animal owners and criminalizes unnecessary suffering¹². Under this legislation, utilizing animals in entertainment that inflicts avoidable suffering is subject to prosecution, although such cases are seldom pursued. A unique UK law is the Cinematograph Films (Animals) Act 1937, which prohibits the exhibition or distribution of a film that features actual animal cruelty¹³. Academic discussions mention that while this Act is rarely used, it has allowed the British Board of Film Classification (BBFC) to refuse or edit films suspected of portraying real cruelty¹⁴. Scholarly evaluations of circus regulations in the UK highlight the Wild Animals in Circuses Act 2019, which criminalized the use of wild animals in circuses in England. The RSPCA (Royal Society for the Prevention of Cruelty to Animals) and Freedom for Animals have reported that this ban is being effectively enforced, with the last licensed elephant performance ceasing in 2018¹⁵. UK commentators have also assessed local enforcement, pointing out that prosecutions under general cruelty laws are now feasible for petting zoos and film productions as well, although they typically occur only in cases of significant harm. Compared to numerous other nations, the statutory animal welfare standards regarding entertainment are advanced in the UK, although experts call for further examination of practical enforcement (e.g., veterinary inspections) to ensure adherence.

However conversely, the literature from the US reveals a fragmented system of federal and state regulations. The primary law governing animal exhibition in the US is the federal Animal Welfare Act (AWA) of 1966. Updated over the years, it mandates that dealers and exhibitors (including circuses, zoos, and marine parks) obtain licenses and adhere to basic care standards¹⁶. Nonetheless, the AWA has significant exemptions wherein, it applies only to “warm-blooded animals” and specifically exempts birds, rats, and mice used for research, as

¹¹ PETA India, “Following PETA India’s Court Petition, the AWBI Advises Centre to Pass Ban on Animals in Circuses Again,” PETA India (Feb. 4, 2021), <https://www.petaindia.com/blog/following-peta-indias-courtpetition-the-awbi-advises-centre-to-pass-ban-on-animals-in-circuses-again/>

¹² IFAW, What Is Animal Welfare And Why Is It Important?, IFAW, <https://www.ifaw.org/journal/what-is-animalwelfare>

¹³ Cinematograph Films (Animals) Act 1937 (1 Edw. 8 & 1 Geo. 6. c. 59)

¹⁴ Rose, Logan. The Evil Inside: Video Nasties and the British Censor’s Aversion to Horror. Term Paper, University of Southern California, 17 Nov. 2015,

<https://cinema.usc.edu/scriptlist/VideoNastiesCensorshipTermPaper.pdf>

¹⁵ RSPCA, Wild Animals in Circuses, RSPCA (UK),

<https://www.rspca.org.uk/adviceandwelfare/wildlife/captivity/circuses>

¹⁶ Animal Welfare Act, 7 U.S.C. §§ 2131–2159 (1966), <https://awionline.org/legislation/animal-welfare-act>

well as agriculture animals raised for food or fibre¹⁷. As a result, much of the entertainment animals including poultry used in performances, various farm animals in rodeos, and birds in shows, are not subject to federal jurisdiction. Furthermore, the AWA emphasizes animal care such as accommodations and veterinary care rather than explicitly forbidding cruel acts, leading to enforcement often resulting in fines instead of criminal charges. Environmental law research and reports from NGOs such as Animal Legal Defence Fund indicate that each year the US regulators such as the USDA (US Department of Agriculture) and APHIS (Animal and Plant Health Inspection Service) cite prominent circuses and exhibitors for AWA breaches, typically imposing only civil penalties¹⁸. State anti-cruelty regulations can address some deficiencies: numerous local laws and state statutes outlaw specific circus animals or devices (such as bullhooks used on elephants), with progressive bans on elephant performances (2018 in Illinois and 2019 in California¹⁹) and orca shows (2017 in California²⁰). Nevertheless, legal critiques highlight that many states still exempt circuses from cruelty regulations, forcing animal welfare advocates to depend on city ordinances or ballot measures to prohibit particular practices. On the international stage, researchers note that the US is fully engaged in CITES, where exporters of exotic performers must secure permits for species listed under CITES (e.g., tigers and elephants listed in Appendix I and II²¹), although the Lacey Act 1900 has historically allowed certain exemptions for circuses regarding wildlife trade restrictions²². The Marine Mammal Protection Act 1972 and the Endangered Species Act 1973 also impact the industry; for example, the MMPA halted US orca captures for theme parks. Finally, policy analysis recognizes a surging movement advocating for federal reforms, such as a proposed federal legislation that would completely ban wild-animal acts in circuses under the AWA. A study of the US legislation suggests that while US animal entertainment laws have some protective measures, they are often reactive and rely heavily on NGOs to litigate or publicize cruelty

¹⁷ Id at Passium = 16

¹⁸ Animal Legal Defense Fund, Animals in Entertainment, Animal Legal Defense Fund, <https://aldf.org/issue/animals-in-entertainment/>

¹⁹ Animal Legal Defense Fund, Prohibiting Circuses and Traveling Acts that Use Animals, Animal Legal Defense Fund, <https://aldf.org/article/protecting-animals-through-local-legislation/prohibiting-circuses-and-traveling-acts-that-use-animals/>

²⁰ World Animal Protection, California Becomes First U.S. State to Ban SeaWorld Orca Shows, World Animal Protection (Sept. 16, 2016), <https://www.worldanimalprotection.org.au/news/california-become-first-us-stateban-seaworld-orca-shows/>

²¹ NOAA Fisheries, Convention on International Trade in Endangered Species of Wild Fauna and Flora, NOAA Fisheries, <https://www.fisheries.noaa.gov/national/international-affairs/convention-international-trade-endangered-species-wild-fauna-and-flora>

²² Supra at 4 at Pg 5

cases.

In the context of international regulations, legal assessments indicate a disparity between aspirational goals and enforceable statutes. The WOAHA passed resolutions in 2002 advocating for standards concerning animals used in sports, recreation, and entertainment²³. These resolutions suggest guidelines for the care, transportation, and management of captive wild animals, implicitly encouraging nations to regulate circuses and zoos. Nevertheless, the WOAHA's regulations serve as recommendations rather than obligatory rules. The CITES functions as a binding treaty; it assigns species to Appendices I-III and requires export or import permits accordingly²⁴. Legal analysis points out that circuses transporting animals across borders must adhere to CITES. For example, permits are necessary for each tiger or elephant but a specific exemption (Article VII.7) exists that permits traveling exhibits to transport animals without the standard documentation²⁵. This is a loophole that should be addressed. The non-governmental UDAW, has also been a subject of legal scholarship as it seeks to acknowledge animal sentience and inspire laws that improve welfare, although it has yet to be officially adopted.

The Scheme of Study Followed

This study employs both a doctrinal and a comparative legal research approach. Doctrinal analysis involves an in-depth study of primary legal texts such as statutes, regulations, and case laws, pertaining to animal welfare within the entertainment sector across different jurisdictions. The study examines major legislations such as the PCA Act 1960 and its Performing Animals Rules in India, the AWA 2006 and the Cinematograph Films (Animals) Act 1937 in the UK, and the AWA 1966, Marine Mammal Protection Act, among others in the US, to discern legal standards and prohibitions. The case law review concentrated on significant judicial rulings. In India, decisions from the Supreme Court such as the *N.R. Nair v. Union of India* (2000)²⁶; and in UK and the US, documented criminal and civil cases involving animals in performance settings. Official documents and legal commentaries were analyzed to contextualize statutory provisions and enforcement practices.

²³ Supra at 2 at Pg 4

²⁴ Supra at 21 at Pg 7

²⁵ Supra at 4 at Pg 5

²⁶ AIR 2000 KER 340

A comparative method was used, organizing the analysis around shared themes and contrasting how each nation addresses these issues. To ensure a comprehensive approach, the research encompassed evaluations of departmental reports (such as the AWBI notices and USDA annual summaries) and reputable secondary sources (such as the publications from RSPCA and ALDF) that provide insights into enforcement results. Although quantitative data on enforcement, like the number of prosecutions, is limited, this study gathers qualitative information, such as reports of fines or bans, to supplement its findings.

Following this methodology section, the next chapter i.e., Chapter 4 provides the comparative findings organized by jurisdiction- India, UK, and the US. In every sub-section, the study outlines the relevant laws, enforcement bodies, typical penalties, and illustrative case laws, while evaluating the practical effectiveness of these laws. Chapter 5 presents recommendations and conclusions, suggesting legal reforms tailored to each nation and strategies for improved alignment with international welfare standards.

The study utilizes legal databases and official government websites to gather statutes and case laws. Significant statutes were accessed through respective governmental portals, case laws were gathered from official reports as well as academic data bases, international instruments were obtained from official publications by the UN and WOA. Secondary sources comprised academic journals, NGO websites, and news archives.

What the Findings of the Research Indicate

India

India's main legislation regarding animal cruelty is the Prevention of Cruelty to Animals Act, 1960 (PCA Act), which generally prohibits causing "unnecessary pain or suffering" to any animal. Section 11 of the PCA Act sets forth broad prohibitions (such as beating, overloading, and abandonment), which courts have interpreted to include contexts of entertainment where cruelty is present. Crucially, Section 22(1) gives the Central Government the authority to regulate the use performing animals. The Performing Animals (Registration Rules), 2001 which was established under the PCA Act mandates that any exhibitor or trainer must seek approval from the Animal Welfare Board of India (AWBI). Specifically, these rules prohibit the performance of certain species such as monkeys, bears, lions, tigers, panthers, and bulls (following a 2011 amendment). As a result, circuses utilizing these wild animal species are

considered illegal. In 2024, the Cinematograph (Certification) Rules mandated that producers declare that no cruelty took place during filming (with “cruelty” defined according to the PCA Act, Section 11)²⁷. However, unlike the UK Cinematograph Act, India’s regulations do not criminalize on-set cruelty but rely on compliance with the PCA Act as the benchmark.

The Animal Welfare Board of India (AWBI), operating under the Environment Ministry, is responsible for enforcing the PCA Act. The AWBI can initiate investigations into cruelty claims and also provides advisories. Enforcement relies on the network of Animal Welfare Officers (AWOs) at the district level and local police, but resource limitations affect their reach. Notably, the AWBI has pushed for legislative measures. In 2021, it reiterated calls for a total ban on animal performances in circuses²⁸, citing worries that the current regulations were not adequately enforced. Official notifications have also been utilized, for instance, in 2011, following AWBI recommendations, the Union government prohibited bullock-cart races in Tamil Nadu and Maharashtra and maintained that ban after the Nagaraja case²⁹.

Under the PCA Act, first offenses under Section 11 can lead to a fine of Rs. 10 to Rs. 50, while subsequent offences (within three years) incur a fine of Rs. 25 to Rs. 100, and imprisonment up to three months, or both³⁰. The Performing Animals Rules do not itemize additional penalties apart from those in the PCA Act; failures in compliance i.e., performing without a license, can be deemed unlawful. In the context of film production, incorrect certification is subject to punishment according to the PCA Act. However, in practice, convictions specifically related to entertainment cruelty are infrequent. Animal welfare advocates point out that even when the AWBI lodges complaints, the accused promoters often evade significant consequences beyond financial penalties due to protracted legal processes.

The Indian judiciary has consistently upheld animal welfare in entertainment. The 2000 case of *N.R. Nair v. Union of India*³¹ affirmed a 1998 ban on wild animal circuses, clearly supporting the notion that “circus animals are being forced to perform unnatural tricks, are housed in

²⁷ Ministry of Information and Broadcasting, Government of India, The Cinematograph (Certification) Rules, 2024, Gazette of India (Mar. 15, 2024), <https://mib.gov.in/sites/default/files/2024-12/final-cinematographcertification-rules-14032024-1accessible.pdf>

²⁸ *Supra* at 11 at Pg 6

²⁹ *AWBI v. Nagaraja* (2014), (2014) 7 SCC 547

³⁰ The Prevention of Cruelty to Animals Act, 1960, Act No. 59 of 1960 (India), https://www.indiacode.nic.in/bitstream/123456789/11237/1/the_prevention_of_cruelty_to_animals_act%2C_1960.pdf

³¹ AIR 2000 KER 340

cramped cages, subjected to fear, hunger, pain, not to mention the undignified way of life they have to live”³² The Court concluded that the 1998 notification was issued “in conformity with the changing scenario”³³ of legal thought, essentially upholding that animals “are also beings entitled to dignified existences and humane treatment”³⁴. More recently, the ruling in *Animal Welfare Board of India v. Nagaraja (2014)*³⁵ determined that practices like Jallikattu and bullcart races fundamentally contravened PCA Section 3 and 11(1)(a), reaffirming the Union’s 2011 directive that prohibited bull events³⁶. This ruling underscored the constitutional responsibility (Article 51A(g)) to safeguard animals and established a legal precedent that cultural justifications cannot supersede anti-cruelty legislation. Several high courts have also invalidated state amendments that sought to bypass these decisions (the Tamil Nadu Jallikattu law). Nevertheless, some commentators remark that enforcement varies across states, and courts have typically permitted displays involving domesticated animals with regulations rather than imposing outright bans.

In India, the interplay between legal frameworks and litigation has notably curtailed traditional animal performances. Currently, there are virtually no authorized wild-animal circuses, and Jallikattu was effectively banned, aside from the few statutory exemptions in a few specific states. The provisions of the PCA Act have been effectively applied in successfully fighting blatant cruelty and punishing the offenders in various other scenarios, such as animal sacrifices or abuses in slaughterhouses. Nevertheless, some criticisms still persist – implementation is decentralized, penalties are perceived as insufficient, and numerous private entertainment activities, such as street performances and film stunts, may occur without thorough scrutiny. For example, despite the existence of the Cinematograph Rules, there are few instances of producers facing penalties for cruelty on set. The film industry predominantly self-regulates, often using “No Animals Were Harmed” certificates instead of legal scrutiny. Experts in animal rights contend that although India’s laws appear robust on paper, there is a pressing need for enhanced funding for the AWBI and clearer prosecution strategies to discourage violations within the entertainment industry.

³² N.R. Nair v. Union of India (2000), AIR 2000 KER 340

³³ N.R. Nair v. Union of India (2000), AIR 2000 KER 340

³⁴ N.R. Nair v. Union of India (2000), AIR 2000 KER 340

³⁵ (2014) 7 SCC 547

³⁶ AWBI v. Nagaraja (2014), (2014) 7 SCC 547

United Kingdom

The United Kingdom has a detailed framework for animal welfare. The Animal Welfare Act 2006, applicable in England and Wales (with similar law in Scotland), imposes a legal obligation on animal owners to ensure their care and makes it illegal to inflict unnecessary suffering. This law broadly encompasses “animals” as vertebrates kept as pets or in captivity, although there are some exceptions, such as certain farm and working animals. In terms of entertainment, Section 4 of the Act could theoretically address cruel practices in performances, while Section 5 outlines specific offences such as mutilation. Importantly, the UK has specific regulations concerning the use of animals in entertainment, such as the Cinematograph Films (Animals) Act 1937, which expressly forbids showcasing a film if its making involved “the cruel infliction of pain or terror on any animal”³⁷. This 1937 legislation is still active today. Violations can result in a maximum sentence of 3 months in prison and/or a fine³⁸. The British Board of Film Classification (BBFC) enforces this law by withholding certification from films suspected of involving actual cruelty. Although this Act has seldom been enforced in court, it has had practical implications—for example, the BBFC initially required edits to the 2001 film *Amores Perros* when it doubted the producers’ assertions that the dog fights depicted were staged³⁹.

A significant recent piece of legislation is the Wild Animals in Circuses Act 2019 (in England, with corresponding laws in Scotland and Wales). As of January 2020, this law prohibits the use of any “wild animals”, defined as living in a natural state, in travelling circuses throughout England⁴⁰. Reports indicate that this law has brought to a close an era in which animals like elephants and lions were featured in British circuses. Animal welfare organizations state that the Act is being implemented effectively; for example, the last permitted elephant act ended in 2018, and no new circuses featuring big cats have emerged⁴¹. The UK does not have a single statutory definition of “animal cruelty” in the context of entertainment, apart from the general cruelty laws and the Film Act, but licensing and regulatory frameworks have been utilized where local byelaws mandate that circuses inform local councils, and the Dangerous Wild Animals Act 1976 has also imposed further restriction on the treatment of wild species,

³⁷ Cinematograph Films (Animals) Act 1937 (1 Edw. 8 & 1 Geo. 6. c. 59)

³⁸ Cinematograph Films (Animals) Act 1937 (1 Edw. 8 & 1 Geo. 6. c. 59)

³⁹ *Amores perros*, BFI Player (last visited Sept. 21, 2025), <https://player.bfi.org.uk/subscription/film/watchamores-perros-2000-online>

⁴⁰ *Supra* at 15 at Pg 6

⁴¹ *Supra* at 19 at Pg 7

indirectly impacting some traveling shows.

Enforcement in the UK involves both public and private initiatives. The RSPCA, along with the Scottish SPCA, is empowered to investigate welfare issues and has the authority to initiate private prosecutions under the 2006 Act. Law enforcement and local animal health inspectors may intervene, especially if public safety is a concern. The BBFC oversees the Cinematograph Act by reviewing films, while local councils have the authority to inspect licensed events, such as zoos and circuses under the Zoo Licensing Act 1981. Prosecutions for cruelty in entertainment are rare, partly due to arguments made for educational or cultural purposes. However, new regulations have been suggested under the AWA powers. The ban on Wild

Animals in Circuses is upheld by both criminal and civil penalties with fines reaching 5,000 pounds per offence in England, and if violated, leads to criminal prosecution by local authorities⁴². Trade of exotic animals, such as importin tigers for shows, also necessitates CITES permits and adherence to UK import laws (managed by the Department of Environment).

According to the Animal Welfare Act of 2006, the highest penalty for most cruelty offences is up to 51 weeks in prison and/or a fine⁴³. In reality, many less severe offences incur lower fines or are met with community sentences. The 1937 Cinematograph Act (Animals) allows for up to three months of custody or a fine for each offence⁴⁴. Breaching the Wild Animals in Circuses Act 2019 results in a summary conviction to a fine for each animal utilized⁴⁵. Because these fines can accumulate, the Acts theoretically provide substantial deterrents. Yet, observers point out that no one has been prosecuted under the new circus bans so far, likely due to voluntary compliance and the industry scaling back rather than resisting the law.

There are a few prominent court cases in the UK specifically related to animal entertainers. Aside from the film certification instance mentioned earlier, courts have generally deferred regulation to Parliament. Some cases under the Protection of Animals Act 1911 (an older law cited by the Cinematograph Act) have discussed animals in films within the context of broader cruelty issues, but none have gained significant notoriety. In 2014, a case, *R v. Bobby Roberts*

⁴² Wild Animals in Circuses Act, 2019 c. 24

⁴³ Animal Welfare Act 2006, (c.6)

⁴⁴ Cinematograph Films (Animals) Act 1937 (1 Edw. 8 & 1 Geo. 6. c. 59)

⁴⁵ Wild Animals in Circuses Act, 2019 c. 24

(2012)⁴⁶Animal Defenders International secretly recorded footage of an elephant named “Anne” being subjected to cruelty at a circus in the UK called Super Circus at Polebrook. Roberts received a conditional discharge with no immediate prison time, which led to backlash from animal welfare groups arguing that the penalty was too lenient. The prosecution of Roberts highlights that while successful convictions can occur under UK animal cruelty legislation, the resulting sentences may not meet the expectations of welfare advocates, leading to calls for harsher penalties and more proactive regulatory measures. The public reaction to this incident contributed to increased support for legislative changes that led to the Wild Animals in Circuses Act 2019.

In general, legal experts consider the UK’s approach to be fairly effective. The ban on wild animals in circuses is thorough, and enforcement is based on both proactive legislation and public oversight. While the 1937 film law is quite old, it continues to empower BBFC, effectively dissuading filmmakers from causing cruelty, as they are aware that such films cannot be distributed. The general duty of care requirements of the 2006 Act means that any competent cruelty case, even if rare, can hold exhibitors responsible. However, UK commentators highlight some deficiencies – “domestic” performances such as horses in horsedrawn floats or animals in television shows are primarily self-regulated, as they fall under broad animal custody laws instead of specific entertainment regulations. These are sporadic criticisms regarding the limited resources allocated to monitoring conditions at live performances compared to farms. Nevertheless, in comparison to other countries, the UK’s laws establish strong deterrents, as summarized by the RSPCA, starting in 2020, “wild animals in traveling circuses are banned,” representing the culmination of many years of welfare-oriented reforms⁴⁷.

United States of America

In the US, there is no singular federal statute addressing general animal cruelty. Rather, protections are fragmented. The primary federal legislation concerning animals in commerce is the Animal Welfare Act of 1966 (7 U.S.C. § 2131 et seq.). This law mandates that anyone involved in exhibiting animals in circuses, marine parks, and traveling shows must acquire a USDA license and comply with care standards for certain species⁴⁸. The USDA’s regulations

⁴⁶ R. v. Roberts & Anor, [2012] EW Misc 26 (CC) (Northampton Ctry. Ct. Crim.).

⁴⁷ Supra at 15 at Pg 6

⁴⁸ Animal Welfare Act, 7 U.S.C. §§ 2131–2159 (1966), <https://awionline.org/legislation/animal-welfare-act>

specify requirements for housing, nutrition, veterinary care, and record-keeping. However, the AWA only pertains to warm-blooded animals by law and specifically excludes birds, rats, and mice bred for research⁴⁹. It also does not cover farm animals raised for food or fibre and, controversially, does not classify animal cruelty as a crime in itself. It merely empowers the USDA to pursue civil actions, such as fines or license revocations, for breaches of its care standards.

Additional federal laws indirectly relate to entertainment animals. The Endangered Species Act 1973 prohibits any unapproved “take” of endangered species, which can implicate wild circus animals like tigers or elephants. The Marine Mammal Protection Act (16 U.S.C. § 1361 et seq.) established a broad ban on new imports or captures of marine mammals after 1972, although pre-existing exhibits were “grandfathered” until a 2017 amendment further restricted orca capture for captivity. The Lacey Act 1900 (16 U.S.C. §§ 3371–3378) limits the trafficking of wildlife acquired illegally; nonetheless, legal analyses indicate that circuses have typically not faced additional penalties under the Lacey Act outside the AWA framework⁵⁰. There is no American counterpart to the Cinematograph Films Act; thus, films or television productions depicting cruelty are not prohibited at the federal level (though state anti-cruelty laws may apply). Certain states, like California, require that the use of animals in films be disclosed.

The USDA’s Animal and Plant Health Inspection Service (APHIS) is responsible for enforcing the AWA through regular inspections and investigations into complaints. Licensed exhibitors, such as zoos, circuses, and animal trainers for films, can be cited for violations including excessive crowding or inadequate veterinary care. Critics point out that in reality, APHIS has limited resources and seldom pursues maximum penalties. Reports indicate that every significant traveling circus has received USDA citations for AWA violations at some time, but enforcement generally results in fines rather than the removal of animals⁵¹. In addition to federal oversight, state governments also handle enforcement. Most states maintain their own anti-cruelty laws, typically covering all animals, that could be applied in cases of circus cruelty. However, many of these laws explicitly exclude activities such as animal exhibitions, parades, or circuses from the definition of cruelty⁵². Consequently, prosecutions for circus abuse under state cruelty statutes are infrequent. Civil lawsuits by animal welfare organizations represent

⁴⁹ Animal Welfare Act, 7 U.S.C. §§ 2131–2159 (1966), <https://awionline.org/legislation/animal-welfare-act>

⁵⁰ *Supra* at 4 at Pg 5

⁵¹ *Supra* at 4 at Pg 5

⁵² *Supra* at 4 at Pg 5

another enforcement avenue; for example, zoo visitors have taken legal action regarding elephant conditions. In the film industry, regulation is limited to self-governance. The American Humane Association's 'No Animals Were Harmed' initiative oversees productions, but it lacks any legal authority.

According to the AWA, failing to comply can lead to civil fines of up to \$10,000 for each violation and/or suspension or revocation of a license⁵³. There are no criminal penalties associated with causing cruelty; the AWA's most severe consequences are non-criminal in nature. While the ESA can impose fines up to \$50,000 and imprisonment up to 1 year⁵⁴, prosecutions for unlawful harm against protected species in entertainment settings are infrequent. Animal cruelty laws at the state level differ greatly – certain cruelty laws permit jail sentences and fines, but exemptions often hinder their application in the context of circuses. For instance, if a traveling circus illegally utilizes elephants, the USDA may penalize the circus under the AWA for failing to provide proper veterinary care, yet the promoters of the circus would generally not face criminal charges related to cruelty. Overall, the enforcement system in the US primarily imposes administrative or civil penalties rather than criminal ones.

There are a few documented cases in the US that specifically address cruelty in entertainment. In the case of *American Society for the Prevention of Cruelty to Animals, et al. v. Feld Entertainment, Inc. (2009)*⁵⁵, the operators of the Ringling Bros. circus entered a guilty plea in federal court for violating the ESA, in an unusual case involving the importation of tigers misrepresented as rubber. Nevertheless, courts have generally shown deference toward recognized cultural practices. Significant judicial rulings challenging animal performances in US courts remain absent. Rather, changes have stemmed mostly from legislation and public advocacy. A notable exception pertains to constitutional law, where some exhibitors have cited the First Amendment to contest animal bans, by claiming that their shows qualify as protected expression, but these cases have not prevailed on free-speech grounds. Recently, local regulations such as San Francisco's prohibition on bullhooks have withstood judicial scrutiny, implicitly validating the ability of state and local governments to restrict animal acts for welfare concerns. Unlike countries like India or the UK, the US courts have yet to make landmark decisions regarding circus cruelty.

⁵³ Animal Welfare Act, 7 U.S.C. §§ 2131–2159 (1966), <https://awionline.org/legislation/animal-welfare-act>

⁵⁴ Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1543

⁵⁵ 677 F. Supp. 2d 55 (D.D.C. 2009)

In reality, US laws provide only limited protection for animals in entertainment. the AWA's regulation of circuses and zoos guarantees certain standards, but enforcement practices remain inconsistent. Investigative reports, including those from the USDA, have identified ongoing welfare issues- elephants that are underfed, cramped cages for big cats, and insufficient psychological enrichment⁵⁶. Civil fines have proven ineffective in deterring some operators; in fact, critics have observed that even after multiple infractions, the USDA frequently resorts to issuing only warnings or minimal fines. State and local bans on particular practices (like the use of elephants in circuses, cockfighting, or shark-feeding shows) have shown effectiveness at the local level, indicating that laws enacted at a subnational level can help fill existing gaps. For example, by 2020, over a dozen states had prohibited bullhooks or big-cat acts, and six states, along with Washington D.C., completely banned exotic animals in circuses⁵⁷. The cumulative effect suggests that many circuses in the US now avoid notorious abuses, while smaller operations may still evade scrutiny. In the film industry, legal oversight is virtually nonexistent, relying instead on voluntary guidelines. Overall, findings from the US align with ALDF assessments: "These animals have minimal legal protections, and those few protections are not properly enforced."⁵⁸. Thus, the overall enforcement landscape reflects a disjointed approach, with substantial dependence on activist initiatives to drive reforms.

Suggestions on Fostering Human-Animal Harmony

India

Although India's legal framework is robust in theory, practical actions can enhance its effectiveness. The Performing Animals Rules must be rigorously implemented by revoking any existing circus licenses and increasing the staffing of the AWBI at the district level. The government should think about enacting a clear statutory ban on all wild animals in performances, including those not currently listed, to close loopholes and restore the legal ban on bulls in Jallikattu at the federal level. Strengthening penalties in Section 11 (both fines and jail time) could also discourage wrongdoers: as N.R. Nair observes, animals are not homosapiens, yet they deserve a dignified existence⁵⁹, indicating public backing for stricter penalties. For the film industry, the Indian regulatory bodies might mandate AWBI oversight

⁵⁶ Supra at 18 at Pg 7

⁵⁷ Supra at 18 at Pg 7

⁵⁸ Supra at 18 at Pg 7

⁵⁹ N.R. Nair v. Union of India (2000), AIR 2000 KER 340

on set instead of relying on producer certifications. Any infringement of the Cinematograph Regulations should be considered a formal offence. To align with the international standards, India could incorporate WOAHA welfare guidelines for traveling exhibitions into its regulatory framework. Lastly, India should actively engage in global initiatives like UDAW, formally advocating for the international acknowledgement of animal sentience, which would strengthen domestic compassion.

United Kingdom

The UK possesses minimal legal gaps, but enhancements in policy could involve enshrining welfare standards for animals involved in media production (beyond the Cinema Act) and ensuring adequate resources for inspections at live performances. Given the enduring nature of the Cinematograph Act, the Parliament might revise it to explicitly cover digital media and online content or elevate maximum penalties to resonate with contemporary views. The Wild Animals in Circuses Act could serve as a blueprint for further prohibitions, for instance, some stakeholders propose expanding limitations to animals in traveling menageries or zoos linked to entertainment venues. The UK can also bolster its compliance with WOAHA by aligning its laws with the chapters on “animals in captivity” from the Terrestrial Code and ensuring that official guidance reflects those scientifically grounded standards. Furthermore, as a leader in animal welfare, the UK government should persist in advocating internationally for the adoption of UDAW principles, indicating that the legal treatment of animals in entertainment transcends domestic policies and is a global issue.

United States of America

To address protection gaps, the US could modify the Animal Welfare Act to encompass currently exempt species, for example, all warm-blooded vertebrates, irrespective of their use. Legislative proposals have been introduced in the Senate and House to prohibit certain wild animal performances in circuses. They are often referred to as “Horses Act” or “Stop Animal Suffering Tour Act” initiatives. Enacting such laws would remove dependence on inconsistent state regulations. Moreover, the government could make intentional cruelty in AWA-regulated settings a crime, upgrading consequences from civil fines to felony charges for severe abuse. At the state level, areas without anti-cruelty laws should implement them to close existing loopholes, as 23 states currently exempt circuses from anti-cruelty laws⁶⁰. Luckily, several

⁶⁰ *Supra* at 4 at Pg 5

states have already imposed restrictions on bullhooks and exotic performances and have implemented federal matching funds for states to enhance enforcement (similar to wildlife grants) to increase compliance. In case of entertainment productions, US regulators could implement mandatory film certification requirements similar to the UK's Cinematograph Regulation, this time supported by law rather than relying on self-regulation.

International Alignment

All three nations must align their national laws with international animal welfare standards. They need to fully adopt WOAAH guidelines, such as implementing WOAAH's suggested "Five Freedoms" for captive animals, which ensure freedom from fear and distress. In CITES discussions, governments should reassess exemptions such as Article VII.7 that enable traveling circuses to avoid permitting requirements for endangered species; eliminating this exemption would stop the circus industry from undermining CITES's protections. Regarding UDAW, India, the UK, and the US should actively promote its endorsement at the United Nations. This would lend moral support for stricter national legislation. Lastly, these countries could work together on enforcement; for example, the USDA and the Animal Welfare Board of India might exchange inspection methodologies for circuses, while the UK's veterinary expertise (via Animal and Plant Health Agency (APHA)) can contribute to global training initiatives.

Conclusion

This comparative analysis reveals that legal responsibility for animal cruelty in entertainment is inconsistently applied. Although the UK has significantly reduced bans and robust welfare legislation, India and the US have achieved only partial progress via courts and statutes and continue to face challenges in enforcement. Globally, there are standards promoting the humane treatment of performing animals, but these lack enforcement mechanisms. Through certain reforms that include enhancing penalties, closing existing loopholes, and more strictly enforcing bans, each nation will be able to provide strengthened protections for animals used in entertainment. Aligning with WOAAH and CITES, alongside advocating for UDAW, will ensure that cruelty in entertainment is treated not merely as isolated local matters but as part of a broader global pledge to animal welfare.

Bibliography

- Animal Welfare Act 2006, c. 45 (Eng.).
- Cinematograph Films (Animals) Act 1937, 1 Edw. 8 & 1 Geo. 6, c. 59 (Eng.).
- Wild Animals in Circuses Act 2019, c. 24 (Eng.).
- Protection of Animals Act 1911 (1 & 2 Geo. 5, c. 27) (Eng.).
- Prevention of Cruelty to Animals Act 1960, No. 59 (Acts of Parliament) (India).
- Performing Animals (Registration) Rules, 2001 (India).
- Cinematograph (Certification) Rules, 2024 (India).
- Cinematograph Act 1952 (Act No. 37 of 1952) (India).
- Animal Welfare Act, Pub. L. No. 89-544, 7 U.S.C. §§ 2131–2156 (1966) (codified 7 U.S.C. §§ 2131 et seq.).
- Endangered Species Act of 1973, 16 U.S.C. §§ 1531–1544 (1973).
- Marine Mammal Protection Act, 16 U.S.C. §§ 1361–1407 (1972).
- Lacey Act of 1900, 16 U.S.C. §§ 3371–3378 (1900).
- N.R. Nair v. Union of India (2000) AIR 2000 KER 340, (Supreme Court of India, 2000) (ban on wild circus animals).
- Animal Welfare Board of India v. Nagaraja (2014) 7 SCC 547 (Supreme Court of India) (ban on bull-taming sports).
- Animal Legal & Historical Center. “Animals in Circuses and the Laws Governing Them.” (University of Washington, website article).
- Animal Legal Defense Fund. “Animals in Entertainment.” (ALDF Issue Page, accessed 2025).

- Animal Welfare Institute. “The Animal Welfare Act” (AWI online legislative overview, accessed 2025).
- Four Paws. “Circus Bans: States Worldwide, U.S. and Canada” (Four Paws USA report).
- PETA India. “Following PETA India’s Court Petition, the Animal Welfare Board of India Asks Government to Ban Animals in Circuses Again.” (PETA press release, Dec. 2021).
- RSPCA. “Wild Animals in Circuses.” (RSPCA website advice, accessed 2025).
- IFAW. “What Is Animal Welfare and Why Is It Important?” (International Fund for Animal Welfare blog, July 2024).
- WOA (World Organisation for Animal Health). “Resolution No. XIV: Animal Welfare Mandate of the OIE (2002).” (Adopted 29 May 2002).
- Universal Declaration on Animal Welfare (UDAW). Draft Declaration Text (2011) [Geneva Accord].
- NOAA Fisheries. “Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).” (NOAA Fisheries explanation, 2022).