PILGRIMAGE AND ANIMAL WELFARE: A LEGAL EXAMINATION OF THE USE AND TREATMENT OF HORSES AND MULES IN KEDARNATH

Deepali Negi, Chaudhary Charan Singh University

ABSTRACT

The Kedarnath pilgrimage presents a unique intersection between religion, accessibility, livelihood and animal welfare. Owing to the difficult Himalayan terrain, horses and mules are extensively used for transporting pilgrims and goods along the pilgrimage route. While equines provide an important means of accessibility and economic support, their use also raises concerns relating to overloading, excessive working hours, inadequate rest, injuries, and the continued use of animals that may be medically unfit. Indian law contains a substantial framework for addressing these concerns. Section 3 of the Prevention of Cruelty to Animals Act, 1960 imposes a duty upon persons having charge or custody of animals to ensure their well-being and prevent unnecessary pain or suffering, while Section 11 identifies several forms of cruel treatment. The Prevention of Cruelty to Draught and Pack Animals Rules, 1965 further regulate loads, working hours, rest, equipment and related enforcement mechanisms. Article 51A(g) of the Constitution reinforces the value of compassion towards living creatures. Judicial proceedings before the Uttarakhand High Court, particularly Gauri Maulekhi v. State of Uttarakhand and People for Animals Uttarakhand v. Mustkim, demonstrate that equine welfare on pilgrimage routes has required judicial intervention. This article examines the existing legal framework and argues that the central challenge is not merely the absence of legal protection, but the gap between statutory safeguards and their consistent implementation through monitoring, veterinary supervision, accountability and preventive enforcement.

Key Words: - *Animal welfare, Kedarnath yatra, Horses, Mules, Prevention of Cruelty to Animals Act, 1960, Draught and Pack Animals Rules, Animal Cruelty, Pilgrimage.*

1. Introduction

The Kedarnath pilgrimage presents a unique intersection between religion, accessibility, livelihood and animal welfare. The difficult Himalayan terrain makes horses and mules an important means of transportation for pilgrims who are unable to undertake the route entirely on foot and for the movement of goods required along the pilgrimage route.

The use of animals for such purposes, however, creates a corresponding legal and ethical responsibility. An animal employed for transportation does not cease to be protected from unnecessary pain or suffering merely because its use is connected with a religious pilgrimage or an economic activity. The legitimacy of the pilgrimage cannot, by itself, justify practices that compromise the welfare of animals.

Indian law recognises this responsibility through the Prevention of Cruelty to Animals Act, 1960 ("PCA ACT"). Section 3 places a duty upon persons having charge or custody of animals to take reasonable measures for their well-being and to prevent unnecessary pain or suffering. Section 11 identifies several forms of treatment that may constitute cruelty, including over-driving, over-loading, employing an animal that is unfit for work and carrying an animal in a manner causing unnecessary pain or suffering[1].

The statutory framework is supplemented by the Prevention of Cruelty to Draught and Pack Animals Rules, 1965 ("Draught and Pack Animals Rules"). These Rules prescribe specific requirements concerning loads, working hours, rest, saddling, equipment and mechanisms for checking excessive loads[2]. Their relevance becomes particularly significant in a physically demanding pilgrimage environment where terrain and duration of work can directly affect the welfare of working animals.

The constitutional framework also recognises compassion towards living creatures. Article 51A(g) of the Constitution requires citizens to have compassion for living creatures, while the Supreme Court has connected this constitutional value with the statutory protections contained in the PCA ACT[3].

The important question, therefore, is not simply whether Indian law recognises animal welfare. It clearly does. The more difficult question is whether these legal safeguards are being implemented effectively enough to prevent cruelty before it occurs. Judicial proceedings

[1] The Prevention of Cruelty to Animals Act, 1960, ss. 3, 11.

[2] The Prevention of Cruelty to Draught and Pack Animals Rules, 1965, rr. 3–12.

[3] Constitution of India, art. 51A(g); Animal Welfare Board of India v. A. Nagaraja & Ors., (2014) 7 SCC 547.

concerning equines on Uttarakhand's pilgrimage routes demonstrate that problems relating to veterinary fitness, excessive deployment, overloading, monitoring and enforcement continue to require institutional attention.

This article therefore examines the legal framework governing horses and mules used during the Kedarnath pilgrimage and evaluates whether the existing system sufficiently protects their welfare. It argues that the principal challenge lies not merely in the absence of legal provisions, but in ensuring continuous monitoring, preventive enforcement, veterinary oversight and meaningful accountability.

2. LEGAL FRAMEWORK GOVERNING EQUINES' WELFARE

2.1 Section 3 of the Prevention of Cruelty to Animals Act, 1960

Section 3 establishes the basic statutory duty of a person having charge or custody of an animal. Such a person must take reasonable measures to ensure the animal's well-being and prevent unnecessary pain or suffering[4].

This provision is significant in the context of horses and mules used during the Kedarnath yatra. The relationship between an animal and its handler is not merely commercial. Once an animal is placed under human control for transportation or carrying goods, the person exercising that control assumes a corresponding responsibility for its welfare.

Therefore, the commercial or religious importance of the journey cannot justify treatment that causes unnecessary pain or suffering.

2.2 Section 11 (1) (a): Overdriving and overloading

Section11 (1) (a) specifically addresses conduct such as beating, overdriving, overriding and overloading an animal where such treatment subjects it to unnecessary pain or suffering[5].

This provision has direct relevance to equines used on the Kedarnath route. A mule or horse carrying a load beyond its capacity, being forced to continue despite exhaustion, or being driven in a manner causing unnecessary suffering may fall within the protective scope of this provision, depending upon the facts and evidence.

The provision is especially important because Cruelty doesnot necessarily require a single violent act. Repeated overwork, excessive loading and forcing an animal to continue despite physical incapacity may cumulatively demonstrate unnecessary suffering.

[4] The Prevention of Cruelty to Animals Act, 1960, s. 3.

[5] The Prevention of Cruelty to Animals Act, 1960, s. 11(1)(a).

2.3 Section 11(1)(b): Use of unfit animals

Section 11(1)(b) prohibits employing an animal for work when, because of age, disease, infirmity, wound, sore, or another cause, it is unfit to be employed[6].

This becomes particularly important where injured or physically compromised equines continue to be used for carrying pilgrims or goods.

The existence of veterinary examination is therefore not merely a welfare measure; it can become important evidence in determining whether an animal was fit to perform the work for which it was being used.

2.4 Section 11(1) (d), (h) and (i)

Section 11 also addresses the manner in which animals are carried, the provision of sufficient food, drink and shelter and abandonment in circumstances likely to cause suffering through starvation or thirst[7].

These provisions demonstrate that animal welfare under the PCA ACT is broader than preventing physical beating. Welfare includes the basic conditions in which an animal is maintained.

Consequently, legal analysis of the Kedarnath pilgrimage should consider not only whether an animal was physically beaten but also whether it was adequately rested, fed, hydrated, and transported.

3. Prevention of Cruelty to Draught and Pack Animals Rules, 1965

The 1965 Rules provide more specific safeguards for animals used for drawing vehicles or carrying loads. They were framed under Section 38(2) of the PCA ACT and are therefore an important part of the statutory framework.

Rule 3(4): Special significance of difficult routes

Rule 3 deals with maximum loads for draught animals. Significantly, where the route by which a vehicle is to be drawn involves an ascent of not less than one kilometre and the gradient exceeds three metres in a distance of thirty metres, the weight prescribed under the Rule is to be treated as one-half of the specified amount.

This provision recognises an important principle: the physical difficulty of a route may affect the burden that an animal can safely be required to pull.

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[6] Id., s. 11(1)(b).

[7] Id., s. 11(1)(d), (h) and (i).

However, Rule 3(4) specifically operates within Rule 3, which concerns draught animals drawing vehicles. It should therefore not be mechanically treated as a separate load limit for pack animals carrying loads on their backs. For mules functioning as pack animals, Rule 4 is the directly relevant provision.

This distinction is important in the Kedarnath context because legal analysis must correspond to the manner in which the particular equine is being used.

[8]Rule 4: Maximum load for Pack Animals

Rule 4 prescribes maximum loads for certain pack animals. The prescribed limit for a mule is 200 kilograms.

However, the existence of a statutory maximum should not be understood as automatically making every load below that figure welfare-compliant. The actual physical condition, age, health, injuries and working circumstances of an individual animal remain relevant under the PCA ACT.

[9]Rule 6: working hours and rest

Rule 6 prohibits the use of draught and pack animals:

•for more than nine hours in aggregate in a day;

•for more than five continuous hours without a break for rest; and

•in areas where the temperature exceeds 37°C between noon and 3 p.m.

This Rule is particularly important because animal welfare is affected not merely by the amount of work but also by duration and opportunity for recovery[10].

Rule 8: Prohibition of harmful equipment

Rule 8 prohibits the use of spiked sticks, bits, harnesses, yokes or other sharp equipment likely to cause bruises, swelling, abrasions or severe pain to an animal.

Its significance lies in preventing control of animals through equipment that itself causes injury or severe pain.

Rule 9: Saddling of horses

Rule 9 prohibits saddling a horse in a manner where the harness rests directly on the animal's withers without sufficient clearance.

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[8] The Prevention of Cruelty to Draught and Pack Animals Rules, 1965, r. 3(4).

[9] Id., r. 4.

[10] Id., r. 6.

This provision illustrates that the Rules address not merely dramatic instances of cruelty but also the everyday physical conditions under which equines work[11].

Rule 11: Enforcement through weighing

Rule 11 gives specified police officers and authorised persons the power to require the owner or person in charge of an animal to take the animal or vehicle to a nearby weighbridge where there is reason to believe that Rule 3 or Rule 4 has been violated.

This provision is crucial because a legal prohibition has little practical value without an effective method of verification.

Rule 12: Local bye-laws

Rule 12 deals with the relationship between these Rules and local bye-laws. Where local provisions exist concerning the same matters, provisions that are less burdensome to animals may prevail, whereas provisions more burdensome to animals are rendered ineffective to that extent.

The provision reinforces the principle that local regulation should not dilute the protective purpose of the central rules[12].

4. Constitutional Dimension: Article 51A (g)

Animal welfare is also connected with the constitutional value expressed in Article 51A(g), which requires every citizen to protect and improve the natural environment and to have compassion for living creatures.

Although a Fundamental Duty does not operate in the same manner as an enforceable Fundamental Right, it provides an important constitutional value for interpreting the relationship between human activity and animal welfare.

The Supreme Court's decision in Animal Welfare Board of India v. A. Nagaraja is particularly significant. The Court connected Sections 3 and 11 of the PCA ACT with Article 51A(g) and emphasised the importance of preventing unnecessary pain and suffering to animals[13].

This constitutional perspective is particularly relevant to pilgrimage. Religious faith and animal welfare should not be treated as inherently opposing values. A pilgrimage founded upon spiritual and ethical principles should, wherever animals are involved, also reflect compassion towards

[11] Id., rr. 8–9.

[12] Id., rr. 11–12.

[13] Animal Welfare Board of India v. A. Nagaraja & Ors., (2014) 7 SCC 547.

those animals.

5. Judicial Recognition of The Kedarnath Equine Welfare Problem

The issue of equine welfare on Uttarakhand's pilgrimage routes has already received significant judicial attention.

In Gauri Maulekhi v. State of Uttarakhand, WPPIL No. 79 of 2022 and connected proceedings, the Uttarakhand High Court considered issues relating to the health, management and treatment of equines used on pilgrimage routes, including the Kedarnath route.

The proceedings demonstrate that equine welfare is not merely an isolated dispute between an animal owner and an animal welfare organisation. It has a broader administrative and public-interest dimension involving registration, veterinary screening, working conditions, enforcement and institutional accountability.

In its order dated 10 August 2023, the Court specifically considered concerns relating to excessive deployment, unregistered equines and handlers, rest periods, veterinary examination and the need for infirmaries[14]. The Court also observed that merely imposing fines or registering criminal cases was insufficient to effectively discipline handlers and owners who repeatedly subjected equines to cruelty and directed the State to develop stronger measures, including blacklisting of erring handlers and owners.

The Court's approach is significant because it shifts the focus from punishment after an incident towards preventive administration. It also demonstrates that animal welfare on a pilgrimage route requires coordination between animal husbandry authorities, veterinary personnel, police authorities and district administration.

6. People for Animals Uttarakhand v. Mustkim: The Enforcement Problem

A particularly relevant proceeding is People for Animals Uttarakhand v. Mustkim and Another, C482 Application No. 878 of 2024, decided by the Uttarakhand High Court on 24 May 2024[15].

The case concerned two mules that were allegedly found severely injured while being used for carrying goods. Veterinary examination recorded deep wounds and found the animals unfit for use for the Yatra/carrying purposes. The FIR involved Section 11 of the PCA ACT and Section

[14] Gauri Maulekhi v. State of Uttarakhand, WPPIL No. 79 of 2022, order dated 10 August 2023, 2023 SCC OnLine Utt 888.

[15] People for Animals Uttarakhand v. Mustkim & Anr., C482 Application No. 878 of 2024, order dated 24 May 2024 (Uttarakhand HC).

429 of the IPC.

The case also raised the issue of interim custody of the animals during the pendency of criminal proceedings. The High Court considered the statutory framework concerning custody of animals and referred to subsequent Supreme Court decisions concerning interim custody. The Court stayed the orders that had directed interim custody of the mules to the accused and required further consideration of the matter.

The significance of this case lies in what it reveals about enforcement.

A legal system may identify cruelty, conduct veterinary examinations, register an FIR and initiate proceedings, but the protection of the animal during the pendency of the proceedings remains a separate practical issue.

Therefore, effective animal protection requires more than punishment after cruelty has occurred. It requires mechanisms capable of protecting the animal immediately after seizure, during investigation and throughout litigation.

7. The Central Legal Problem: Law Exists, But Is Implementation Enough?

The Kedarnath situation demonstrates an important distinction between legal protection on paper and protection in practice.

The PCA ACT provides a general prohibition against unnecessary pain and suffering. The 1965 Rules provide more specific restrictions regarding load, working hours, equipment and saddling. Constitutional values reinforce compassion towards living creatures. Courts have also intervened in response to concerns regarding equine welfare.

Yet recurring allegations concerning overworking, injuries and inadequate care indicate that the problem cannot be solved merely by adding another legal prohibition.

The more fundamental issue is implementation.

For example, Rule 11 provides a mechanism for checking excessive loads through weighing. But the effectiveness of such a provision depends upon the availability of functional weighing infrastructure, trained personnel, regular inspections and actual enforcement.

Similarly, a rule limiting working hours is meaningful only if working hours can be monitored.

Veterinary examination is equally important. If an injured or unfit animal is permitted to return to work, the existence of Section 11(1)(b) alone cannot protect that animal.

The legal framework therefore requires an enforcement structure that operates before, during and after the journey, rather than merely after an incident of cruelty has been reported.

8. Reconciling Pilgrimage, Accessibility and Animal welfare

It would be incorrect to approach the issue by suggesting that the use of horses and mules should simply be prohibited without considering the accessibility needs of pilgrims and the livelihood of people dependent upon equine services.

The better legal approach is one of regulated and humane use.

Pilgrimage accessibility and animal welfare need not be mutually exclusive. The objective should be to ensure that where equines are used:

1. only fit animals are permitted to work;
2. prescribed load limits are strictly followed;
3. difficult gradients are taken into account while determining permissible loads;
4. mandatory rest periods are respected;
5. harmful equipment is prohibited;
6. veterinary inspections are effective rather than merely formal;
7. injured or unfit animals are removed from service;
8. violations result in meaningful consequences; and
9. Animal welfare organisations and authorities are able to intervene promptly where cruelty is detected.

Such an approach would protect both the dignity of the pilgrimage and the welfare of the animals involved.

9. Suggestions for Strengthening Enforcement

The existing framework can be made more effective through a combination of legal and administrative measures.

First, systematic monitoring should replace occasional inspection.

Checks regarding animal fitness, load, and working hours should be carried out throughout the pilgrimage season rather than only after complaints.

Second, veterinary certification should have practical consequences.

An animal found medically unfit should not simply receive treatment and immediately return to work. There should be an effective mechanism for ensuring that it is not redeployed until it is medically fit.

Third, enforcement should be evidence-based.

Veterinary records, photographs, videos, weighbridge records and inspection reports can help

establish whether the statutory requirements were followed.

Fourth, repeat violations should attract stronger administrative consequences.

The Uttarakhand High Court's proceedings themselves demonstrate the importance of going beyond merely imposing fines where repeated cruelty continues.

Fifth, animal custody after seizure requires careful implementation.

The Mustkim proceedings demonstrate that custody of animals during litigation can itself become a legal issue. The welfare of the animal must remain central while determining interim arrangements.

10. Conclusion

The use of horses and mules in the Kedarnath pilgrimage raises a complex legal question involving religion, accessibility, livelihood and animal welfare. The solution, however, does not require choosing one value at the expense of another.

Indian law already contains a substantial framework for protecting animals. Sections 3 and 11 of the PCA ACT establish general duties and prohibitions against cruelty, while the Prevention of Cruelty to Draught and Pack Animals Rules, 1965 provide specific safeguards relating to load, working hours, rest, equipment and enforcement. Article 51A(g) further places compassion towards living creatures within the constitutional value system.

The judicial proceedings in Gauri Maulekhi and People for Animals Uttarakhand v. Mustkim demonstrate that the welfare of equines on pilgrimage routes is a real and continuing legal concern rather than a purely theoretical issue.

The central challenge, therefore, is not simply whether there is law. The more important question is whether the existing law is being implemented consistently enough to prevent cruelty before irreversible harm occurs.

A pilgrimage should not be measured only by the number of devotees who successfully reach a shrine. It should also be measured by the manner in which the journey is undertaken. Where animals are used to make that journey possible, compassion cannot remain merely a constitutional phrase or a statutory principle. It must become a practical standard of enforcement.