

Animal Rights and the Importance of Their Protection

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Introduction - Animal right refers to the privileges that animals should enjoy. The traditional attitude towards animals was based on the assertion that have no rights and therefore it is not the subject of moral concerns. The interests of animals should not be ignored because they belong to the species that are considered inferior to the human beings. Animals also should have rights as they contribute to the world economy and improve people's life by providing all favourable socialized conditions. Animal interests should have the same moral weight as human ones and all animals are equal. So they should not be eaten or killed.

Practices amount to cruelty on animals- According to section 11(1) (a) to (o) of the Prevention to cruelty to animal act, 1960 prescribes and enumerates the forms of cruelty mentioned hereunder:

- a) Beating, kicking, over-riding, over-loading, torturing, causing unnecessary pain or suffering to the animals.
- b) Employing any animal which, by reason of its age or any disease, unfit to be so employed and still making it work or labour or for any purpose.
- c) Willfully and unreasonably administering any injurious drug or injurious substance.
- d) Conveying or carrying, either in or upon any vehicle in such a manner as to subject it to unnecessary pain or suffering.
- e) Keeping or confining any animal in any cage or any receptacle, which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement.
- f) Keeping for an unreasonable time any animal chained or tethered upon an unreasonably heavy chain or chord.
- g) Being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement.
- h) Being the owner of any animal fails to provide such animal with sufficient food, drink or shelter.
- i) Being the owner, without reasonable cause, abandons any animal in circumstances, which render it likely that it will suffer pain by reason of starvation or thirst.
- j) Willfully permits any animal, of which he is the owner to go at large in any street while the animal is affected with a contagious or infectious disease or without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street.
- k) Offers for sale or without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment.
- l) Mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner.
- m) Solely with a view to providing entertainment –
 - 1) Confines or causes to be confined any animals (including tying of an animal as bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal.
 - 2) Incites any animal to fight or bait any other animal.
- n) Organises, keeps, users or acts in the management of any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes.
- o) Promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting.

The choice of loving, caring, feeding and giving shelter to animals is the natural right of any individual. If cruelty is being done on animals, any person or individual under whose presence any offence under the act is committing can immediately lodge a written complaint with the nearest police station for taking action. Sec.34 of the Prevention of Cruelty to Animals Act, 1960 provides the general power of seizure for examination to the police officer above the rank of constable. If the police officer comes to know about commission of any offence under Prevention of Cruelty to Animals Act has been committed or is been committed on any animal, he can seize the animal and produce the same for examination by the nearest magistrate or by the veterinary officer. In the case of overloading of animals or

beating of animal or any offences under this Prevention of Cruelty to Animals Act, the police have the power to seize the animals and send them to infirmaries for the treatment and care of animals, until they are fit for discharge. The animal sent to an infirmary cannot be released from such places unless the veterinary officer issues the certificate of its fitness for discharge. The cost of transporting the animal to an infirmary and its maintenance and treatment in an infirmary has to be paid by the owner of the animal.

Laws on Animal sacrifice:-

- i. Prevention of Cruelty to Animals Act, 1960.
- ii. Wildlife Protection Act, 1972.
- iii. Indian Penal Code, 1860.
- iv. Local Municipal Corporation Acts.
- v. Experiments on Animals (Control and Supervision) Rules, 1968.
- vi. The Prevention of Cruelty to Animals (Slaughter House) Rules, (2001).
- vii. The Transportation of Animals Rules, 1978.
- viii. Animal transportation act, 2006.
- ix. Transportation of animals (amendment) rules, 2009.
- x. The prevention of cruelty to Draught and Pack Animals Rules, 1965.
- xi. The performing Animals Rules, 1973.
- xii. The Performing Animals (Registration) Rules, 2001.
- xiii. Animal Birth Control Rules, 2001.

Legal action taken for killing of an animal or pet: Killing of animal is a cognizable offence under Sec. 428 and 429 of the IPC. Sec 428 of the IPC deals with the punishment for committing mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards. The punishment for such acts/offences are simple or rigorous Imprisonment for a term, which may extend to two years or with a fine or with both. Sec. 429 of the IPC deals with the punishment for the same nature of crime but for the animals of the value of fifty rupees or upwards. It must be immediately lodged as an FIR with the area police station. The punishment in this case will be imprisonment of either description for a term, which may extend to five years or with a fine or with both.

According to Animal Birth control Rules 2001, no Sterilised dogs can be relocated from their areas. Sterilised dogs can remain in their original areas. If any dog is not sterilized, the society can simply ask on Animal welfare organization to sterilize and vaccinate the dog.

Practicing of phooka or doom dev or any other operation being performed upon any cow or other milch animal, to improve its lactation. This is injurious to health of the animal. The animal on which such operation was performed shall be forfeited to the government and produce it for the examination by the veterinary officer in charge of the area in which the animal is seized.

Oxytocin injection on milching animal in order to induce milk is illegal and amount to cruelty on animal under sec. 12 of Prevention of Cruelty to Animals Act, 1960. The

proprietor of the shop selling these drugs to a dairy shall be liable to lose his license as a pharmacist and shopkeeper in addition to criminal charges with punishment of up to 5 years in prison. Under the provision of the Drugs and cosmetic Act, Oxytocin has been classified as a prescription drug. No person can purchase the drug without having the requisite prescription from a Registered Medical Practitioner or Registered Veterinarian. But despite this, oxytocin ampoules are easily and readily available not only at chemists but also from other unauthorized outlets in market situated close to the dairies.

Exhibition and training of performing animals is also restricted under Sec 22 Prevention of Cruelty to Animals Act. According to sec 2(b) of the performing Animals rules, 1973 the performing animals are animal which is used for the purpose of any entertainment to which the public is admitted through the sale of tickets. The central government by notification in the official Gazette has restricted the exhibition and training of animals like Bears, Monkeys, Tigers, Panthers and Lions. If any person is desirous of training and exhibiting performing animal, has to apply for registration to the prescribed authority under Sec.3 of the Performing Animals (Registration) Rules, 2001. Sec.8 of the same rule lays down general conditions for registration, which the prescribed authority while granting registration may impose.

The sale of animals in fair is normally meant for farmers but nowadays animal provided to butchers, which is illegal. In order to prevent this from happening local administration should check and should be verified to avert cow slaughter, which is a criminal offence and buyer must specify for what purpose he is buying the animal.

Wild animals, birds, other wild species, any endangered species could not be sold or brought in the fairs.

Sec. 27 of the Prevention of Cruelty to Animals Act, 1960 acts as an exemption clause. It permits the training of animals for bonafide military or police purpose. But during such training it has to be kept in mind that no animals can be treated cruelly or in a way that harms or injures them. According to the prevention of cruelty to Draught and Pack Animals Rules, 1965. The maximum load for draught animal is stated. No person is allowed to use any animal for drawing any vehicle or carrying any load above the decided weight laid down in the Rule.

For the transportation of animal, some general conditions are provided under sec. 98 of the transport of Animal Rules, 1978.

1. Animals to be transported shall be healthy and in good condition. They should be examined by a veterinary doctor for freedom from infectious diseases.
2. An animal which is unfit for transport shall not be transported and the animals that are newborn, diseased, blind, emaciated, lame, fatigued or having given birth during the preceding 72 hours or likely to give birth during transport shall not be transported.

3. Pregnant and very young animals shall not be mixed with other animals during transport.
4. Different classes of animals shall be kept separately during the transport.
5. Diseased animals, whenever transported for treatment, shall not be mixed with other animals.

For slaughtering of an animals: Certain rules provided under Prevention of Cruelty to Animals Act, 1960 namely Slaughter House Rules, 2001. Slaughter house is a place where 10 or more than 10 animals are slaughtered per day and is duly licenced or recognized under a central, state or provincial Act or any rules or regulation made there under. Sec. 3(2) of the said rules prohibits slaughtering of any animal-

- i. which is pregnant.
- ii. has an offspring less than three months old, or
- iii. the animal which is under the age of 3 months.
- iv. which has not been certified by a veterinary doctor that it is in a fit condition to be slaughtered.

Animals can not be slaughter in slums, in roadside meat shops or in dhabas or in private houses. With regard to environmental hazard and public nuisance Smt. Maneka Gandhi moved the Delhi court against the Idgah Slaughter house of Delhi, in the larger public interest. The Court gave useful directions to all slaughter houses. The provision to kill or sell meat is available only for slaughtering cattle, goats, sheep and pigs within the corporation limits. On Bakri-id no animal can be slaughtered except goats. The Division Bench of Calcutta has ruled that the slaughter of Cows by members of Muslim Community on Bakri-id is not a requirement of the Muslim region and should be banned. The Supreme Court has upheld this decision. On this day slaughter can only take place in government designated Idgahs, but not in mosques.

Local Municipal Corporation Acts prohibit the slaughter of any animal within a Corporation area, other than in a licensed slaughter house. The Killing of an animal in public place amounts to public nuisance and annoyance to the public.

Sec. 4 of the Experiments on Animals (control and supervision) Rules, 1968 lays down certain conditions regarding the conducting of experiment on animals. It is illegal to sell animals for experiments According to the rule no officer, employee or agent of any animal control authority shall sell, give transfer, trade, supply or otherwise provide any animal coming into his or her possession to any animal dealer, commercial kennel, pet shop, laboratory, educational institution or other person for the use in research, product development testing, education, biological production or other scientific, biomedical or veterinary purposes. Also mentioned institutions are prohibited to purchase animals.

No private person in India is allowed to capture, buy, sell, to train or show any wild animals for public exhibition. It is cognizable offence under Wildlife Protection Act, 1972 and Sec. 22 of the Performing Animal Rules of the Prevention of Cruelty to Animals Act 1960. The man can be arrested on the spot and the animal confiscated and handed over to the Wild Life Department, Zoo or a Local Animal Welfare Shelter.

Related cases:

- i. Akhil Bharat Goseva Sangh Vs State of A.P. & ors. On 29 March 2006.
- ii. Maneka Gandhi vs Union Territory of Delhi & ors. on 18 march 1984.
- iii. Hanif Qureshi Vs st. of Bihar 23 April 1958.
- iv. S. Muralidharan Vs Nagarajan on 27 July 2015.

Conclusion: There is some conflict between the relation of human being and animal and hence some classes of animals become the subject of criminal activities of human beings. Indian laws has special protection provisions to save animals. The judiciary had taken an active role in protecting animals. When the state machinery failed in the compliance of duties mentioned under statute. After the working of courts many states established institutions required under the act to stop unsympathetic treatment of animals during slaughter and travel. Now animal experimentation is permissible for the benefit of man and animal. The owner's responsibility is not only to provide food and nutrition but also to take care of the animals in preventing cruelties on them. So, we all should try to safeguard animal protection and promote the preservation of the dignity of animals in various stages of human use. Animal are always responsible in the ecosystem for the maintenance of harmonious life in nature.

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3. Jonathan Benthall, Animal Liberation and Rights, 23 Anthropology Today (2017)

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2. S.C. Shastri, Environmental Law (Eastern Book Company Ed. 2018

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