



THE LAWWAY WITH LAWYERS JOURNAL

VOLUME:-11 ISSUE NO:- 11 , MAY 25 , 2024

ISSN (ONLINE):- 2584-1106

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THE CRISIS OF CRIMES AGAINST ANIMALS AND LEGAL REMEDIES

ABSTRACT

Animals play a significant role in the stability of the environment, ecosystem, and human lives. Without them, our existence is not possible. In India, from ancient times animals have been an integral part of its economy and ecology. In their protection lies our survival. Yet the animal laws and their rights remained a largely neglected field with few people even aware of it. As a result, animals in our country have suffered enormous violence, abuse and cruelty. In the country where animals are treated as gods in scriptures cases of animal abandonment are quite visible. For the ethical treatment of animals, it is necessary to make animal laws both familiar and accessible. The situations of medical care for animals and veterinarians are under development leading to exploitations of the non-human world for self benefit whether in cosmetic industries or barefaced street abuse. No doubt development is changing nations drastically it doesn't mean humans have the right to misuse and take advantage of nature haphazardly. We're destroying and degrading the habitats of other species to grow our world. By not fulfilling their duty human dig a pit for themselves. The way of implementing the schemes and crimes against animal rights calls for debates on the subject and reformulation of weak penal provisions. On the negative side, the Courts have sometimes shown a liberal approach towards violations of the rights of animals. The people must have an important role in understanding the significance of ecology and all living beings. The basic freedoms of animals to access nature must be granted to them. The research analyzes the overview of animal suffering in Indian society with the legal remedies provided to them. Additionally, there are a few recommendations for the reader to ensure the fair treatment of the non-human world.

Keywords: Crimes against animals, Schemes for animal welfare, Animal rights and new legal developments.

INTRODUCTION

Although human is also considered as animals but what differs the human race from animals is its wisdom. It is only humans who can domesticate any other animals and use them to fulfil their needs. Everyone knows animals can contribute to human welfare in many ways, including companionship, mental health, rescues, food, therapy and aids for people with disabilities. For the rural world, sharing space with wildlife is second nature. But as development gets fast-tracked the delicate, value-based balance of man and nature is tilting.¹ High demands of human lead to exploitations of [Not only nature but also animals, birds, mammals] flora and fauna. Such situations venture violent conflicts which are increasingly common features of the developing trophies yet dangerous flagship species, face resistance from people whose lives, livelihoods and worldviews are impacted. The reports says coexistence with wild animals in India is “reaching the threshold of tolerance”.² Distinctive conflicts causing many offences towards animals. Wild animals often roam outside the protected areas and domestic animals are often abandoned by their owner. Now the question arise Does animals responsible for the conflicts or species with brains seizing their inhabitants? How growing population of humans lead to the destruction of animal inhabitants? And at the end, animals are held responsible for this.

The question we most of time encountered in a general knowledge quiz is to name the official animal or bird of a state or union territory or your country. We all are familiar with the bird, animal and tree that represent our region. But have you ever questioned that why these symbols represents us? Most of us never try to find the relevant reason behind labelling few animals as State or National bird or animal.

In an interview with the Down to earth, author and the person behind the Wildlife Protection Act, 1972, M K Ranjith Singh Jhala shared that he and his team members issued the concept to state government in the 1970s. The main symbols was to give the endemic species special attention, administering a sense of pride in them.³

While it may seem like a great way to increase awareness and encourage conservations, having the tag of ‘State Animal’ has worked for some species while for many others, it has become an irrelevant piece of trivia.

The international union for conservation of nature (IUCN) Red list of endangered species include 157190 species, with 44016 of threatened with extinction. ⁴It’s all because of human activities, their requirements and urge to fulfil them on any costs. Every year these list of endangered species or vulnerable species reaching new highs.

[I] REQUIREMENTS OF ANIMALS TO HUMAN WORLD

As a human we need animals to survive in this planet earth. Animals are important to human wellbeing and key to human development. According to IFAW’s newest report A guide book for incorporating conservation and animal welfare into development planning, highlights some of important ways in which animals effect human wellbeing and why they are essential in sustainable developments. Over a million species are in danger of going extinct if we don’t

changes the ways in which we interact with nature. Income inequality, lack of potable water and pandemics like COVID-19 has been linked to wildlife exploitation and habitat degradation.

Have we ever thought why animals are important?⁵ Majorly due to –

1. Healthy ecosystems and robust wildlife protections support secure livelihoods.
2. Pastoralism supports sustainable development.
3. Animal welfare and conservations support human health.
4. Food security and livelihoods are linked to good animal welfare and conservations practices.
5. Clean water, sustainable infrastructure and climate resilience demand animal conscious development.
6. The exclusion of animals from national and international policies affects people.

The contribution of animals to human welfare can't be neglected. Animals improve the welfare of humans in many ways from ancient time by providing food or being carrier, companion or improving mental health, facilitating rescue during natural disaster. In Indian subcontinent animals were treated as gods still exploitation of animals existed with development of human world.

[II] POSITION OF ANIMALS IN ANCIENT IN INDIA

While the birth of agriculture in New Stone Age, some major changes took place, which reshaped history of mankind. These included the forming of pottery using the potter's wheel, the deliberate cultivation of wheat, barley, rice, millet, and cotton, the invention of smaller and more effective stone tools like axe, and sickles, the production of fur, cotton, leather, silk textiles, and constructions of permanent or semi-permanent villages. With these changes, hunter-gatherer human communities became food producers themselves. They also understood the importance of domesticating wild animal with the aim of using them not only as sources of meat but also as a source of milk and other nutritious foods, a powerhouse in agricultural lands, a source of fertilizers, transportation and military support. Ancient Indians not only prayed to Gods and Goddesses for the protection of their domestic animals from enemies and diseases but also used surgery, Ayurveda, and veterinary sciences to keep them healthy and fit. Ancient Vedic priests were the oldest veterinarians in ancient India. There were many festivities where animals are regards as God/goddess and treat them well. Still the position of animals in ancient India is much friendlier than in 21st century. Due to different invader mixed the culture leads to sacrifice of animals and their exploitations. Although some devotees perform the ritual by killing animals, while others perform symbolic Bali (animal sacrifice) with vegetables like cucumber, banana, or pumpkin. Vedic texts say that rice-based offerings can be a substitute for meat. No one wants to raise their voice for these voiceless animals whether domestic or wild.

[III] RIGHTS OF ANIMALS

The Supreme Court ruled that “Mother Nature” has the same legal status as a human being, with “all the associated rights, duties and liabilities of a living person.” The landmark Supreme Court (SC) judgment in Jallikattu case in 2014 held that the right to humane treatment of animals is a part of their life, which is defined widely to include the life of animals in the term “life”. The court concluded by invoking Article 51-A[g] — a fundamental duty that obliges citizens to show compassion towards living animals. Chief Justice SA Bobde entertained a writ petition seeking to declare living creatures as having a legal persona.

Consuming animals for our needs aren’t wrong but exploitations of animals against nature indeed. “If human required to have fundamental rights, why not rights for animals?”

In our considered opinion, the legal rights shall not be the exclusive preserve for the humans whom have to be extended beyond people thereby dismantling the thick legal wall with humans all on one side and all non-human animals on the other side. While the law currently protects wild life and endangered creatures from extinction, animals are denied rights, an anachronism which must necessarily become change. “In this context, why not we ask and demand for our educational institutions to offer a course on “Animal Rights Law”.⁶

The court held that “life” in the context of animals does not mean, mere survival or existence of instrumental value for human beings, but also include life with some inherent worth, respect and dignity. It in addition enlisted these five internationally recognized freedoms for animals, such as:

- (i) Freedom from hunger, thirst and malnutrition;
- (ii) Freedom from fear and distress;
- (iii) Freedom from physical and thermal discomfort;
- (iv) Freedom from pain, injury and disease; and
- (v) Freedom to express normal patterns of behaviour.

They are also called “Brambell’s Five Freedoms”. These have been elevated and equated with rights guaranteed to the citizens of this country under Part III of the Constitution of India, though they find their place in Sections 3 and 11 of the PCA Act.⁷ It is well said justice required only when crime comes.

[IV] DEVELOPMENT LEADS TO DISTRUCTIONS

➤ *Crimes against domestic animals.*

What would be one’s response if one bumps into a murderer in broad daylight? One would either run away from the spot or call the police. In the last couple of years, there has been an alarming rise in the number of cases where puppies, dogs, and cats were burned alive, thrown from tall buildings, or poisoned en masse by disgruntled individuals, or groups with almost no punitive consequences. Some so called influencer even shoot videos and post all online without any fear of punishment or wrongdoing. One of the most common crimes against domestic animals is abandoning them without any reasonable cause which is actually causing harm to our society. If they want to abandon them why

firstly the adopt them? In 2018, a security guard in Mumbai raped a street dog Bindu by inserting a rod in her vagina and pulling out her intestines.⁸This was an act of retribution after her barking allegedly scared her. These are only visible and noted crimes. The whole country knew that these domestic animals crimes often regarded as a religious agenda without a single thought of justice to them.

➤ ***Crimes against wild animals.***

India is not only culturally diverse but also bio-diverse country, with 6.5% of the world's known wildlife species but approximately, 7.6% of the world's mammals and 12.6% of the world's birds are found in India. Globally, the demand for wildlife and its products has seen the high rise leading wildlife crime across the subcontinents. The United Nations Convention against Transnational Organized Crime (UNTOC) is an important instrument providing the necessary legal framework for international cooperation in controlling wildlife crime and mandated to support its member states fight with wildlife crime. Wildlife crime is a widespread problem in India that is harming ecosystems, affecting food security and impacting the livelihoods of rural communities in many cases, cross-border smuggling of living animals and plants can result in the spread of disease through bearer animals and plants. Major wildlife crime in India includes hunting of tigers, rhinos and the sale of Star tortoises. Tigers are an endangered species, poached and sold for their skins and bones in illegal market. Their body parts are used in Asian medicines and tiger claws are used in jewellery. Tiger whiskers are considered a deadly poison in Malaysia and a powerful aphrodisiac in Indonesia.

Ancient trade routes for salt, spices and wool are being used to smuggle tiger skins and bones. These illegal goods are primarily sent to buyers based in northern India and then smuggled out of the country through couriers. The main route goes through Nepal, with which India has a porous border, or directly across the border to China. Recently, routes through Myanmar have also been used. Apart from tigers, India is also witnessing a rise in crime against Rhinos. Driven by a soaring demand for their horn, hundreds of rhinos are being killed, illegally. According to a report by TRAFFIC and the International Union for the Conservation of Nature (IUCN), cosmopolitan advance poachers are using veterinary drugs, poison, cross bows and high calibre weapons now to kill the rhinos. These are not only large mammals, but also smaller species that are under the threat. Star tortoises from South India are illegally traded in huge numbers. Due to their popularity in Feng Shui, they are kept as pets, believed to bring prosperity and can cost up to \$500 in the illegal market. Many protected marine species such as sea cucumbers, molluscs, sea horses and coral are also illegally harvested in Indian waters for export. There are numerous of wildlife crime which aren't even in media or caught or visible but can be studied through black market.

What is worst that these crimes are not collected by the National Crime Records Bureau and never tried to research on it? Their annual report of crimes in India provides state and district wise data on violent crimes, assault, and theft, sexual abuse of women and children and murders across the country. It is most essential policy

document for the control on crimes in India and it makes no mention of animal victims. According to research created by All Creatures Great and Small (ACGS) and the Federation of Indian Animal Protection Organizations (FIAPO), 4,93,910 animals were abused by people between 2010 and 2020 increasing aggressively every year.

In the country where these creatures are treated as saviour and god the crime against animals such as rape, hunting, abuse of animals quite evident.

[V] LEGAL REGULATIONS

Article 51A (g) of the Constitution of India stated that it is the fundamental duty to every Indian citizen to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures. The Indian Constitution also gives the parliament and state legislatures the right to create legislation to combat animal cruelty and to protect wild animals and birds, as stated in Article 246 read with schedule VII of the constitution. The Panchayat is empowered to create legislation on animal husbandry, dairying, and poultry under Article 243G and Schedule XI of the Constitution.

In order to protect and conserve wild animals as well as to stop smuggling and illegal wildlife trade, the Wildlife Protection Act of 1972 was passed. It safeguards the world's threatened and endangered species.

The Prevention of Cruelty to Animals Act (PCA) of 1960 is a legislation that applied only to domestic and captive animals. The goal of this act is to prevent situations like the ones recounted at the beginning of the narrative where animals are made to undergo unnecessary pain or suffering. According to the Act, an animal is any living creature that is not a human. Since both domestic and captive animals are under the preview of law, it also defines what each of these categories of animals is. According to the Act, a first offence attracts a fine ranging from Rs.10 to Rs. 50. In the case of second offence within 3 years, this fine can be increased to Rs.100 and/or imprisonment of up to 3 months

The Concurrent List includes the prevention of animal cruelty, so both the Union and State Governments have the power to pass laws in this area. Sections 428 and 429 of the Indian Penal Code (IPC), the Wildlife Protection Act of 1972, and the Prevention of Cruelty to Animals Act of 1960 are the three main animal protection legislations in India. Apart from these three, there are further rules that apply only to certain activities, such as The Performing Animals Rules of 1973, The Transport of Animals Rules of 1978, and The Experiments on Animals (Control and Supervision) Rules of 1968.

The Indian Penal Code (IPC) of 1860 has provisions for punishment for acts of cruelty against animals. Section 428 and 429 of the Indian Penal Code cover acts of cruelty such as killing, poisoning, maiming, or rendering animals useless.

RECOMMENDATIONS –

- ❖ **Strict Laws Required**

The legislations prohibiting animal cruelty are rarely enforced. Sections 428 and 429 of the Indian Penal Code make cruelty to animal punishable offence. However incidents of animal cruelty are increasing day by day, because the norms and laws are not being enforced. Money-hungry people sell animal body parts for their own financial gain. It's essential to have an emotional bond with animals and appreciation for them. Animal rights groups like the Society for the Prevention of Cruelty to Animals (SPCA) and People for the Ethical Treatment of Animals (PETA) may accomplish a lot with the assistance of regional groups and the public.⁹

In India, it is not uncommon to see animals roaming freely on the streets. Pets get special attention from their owners, however, stray animals are often neglected and abused. Humans should treat stray animals and pet animals equally and recognize the importance of all lives. Every year, thousands of animals are killed for human consumption and in laboratories for medical studies, but the most of the animals are kept under strict surveillance for testing cosmetics, medications, and other things. Those who are accused of animal cruelty should receive severe punishment from authorities.

❖ **Regular Monitoring of Population of Animals**

To prevent cruel treatment of animals, it is necessary to monitor the number of animals roaming on the street on regular basis. The rapidly increasing population of animals in metropolitan areas may make people feel uneasy and discourage them from leading active life. All of these situations lead to the cruel and harsh treatment of animals. Society can assist to prevent animal cruelty by regularly monitoring and supervising specific places. In serious situations of animal cruelty, it is responsibility of the witness to contact the animal service agency. When individuals follow the rules and take care of the animals and only will the animal abuse prevented.

❖ **Keeping Unauthorized Killing in Check**

Much of the measures to prevent cruel and violent behaviour towards animal depend on how person views other living beings. Killing of animals without permission must be controlled. The Police should conduct appropriate checks to ensure that the movement is legally permissible. Additionally, when this happens, animals are abused when they board the cars. To reach the destination, the transporter should be considerate towards the animals, correctly board them, and drive the truck. The automobiles of rude drivers should also be confiscated as part of the harsh penalties. Barbaric acts of animal abuse in India are unlikely to end until people are willing to recognize and respect wildlife as equals as them as living creature.

❖ **Shelter for Roaming or Abandoned animal**

Although there are many welfare schemes managed by state or centre authorities under Animal Welfare board of India (AWBI) provides financial assistance to NGOs or AWOs. But there should be specific govt. body which will manage the shelters and also may provides the jobs to unemployed youth in each town and city of the country. It is visible that India not only growing in populations but also in the crisis of animal abandonment. Required such reforms and new legislations to combat the abandonment of domestic animals and need to form

shelters or food to them. As not only human but animals must have basic right to food and shelters. We human are destroying the nature for our selfish gains now it is our responsibilities to provide basic rights to animals as well.

CONCLUSION

Animals are integral part of sustainable development and, by exploiting them, we venture our own wellbeing. And the way our society treats animals says so much about our humanity, compassion, and happiness. It has never been more evident than ensuring the humane treatment of animals is critical to protecting our own wellbeing-and public policy strictness in laws should evolve accordingly.

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