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LAWS FOR THE MAN'S FURRY BEST FRIEND

“Until one has loved an animal, a part of one’s soul remains unawaken” these beautiful lines were said by Anatole France, a French poet. We live in a breath-taking web of ecosystems that interact with other species of beings. This article aims at exploring one such thread of this web of nature, animals. Through time immemorial, humans have depended on animals for a wide arrays of needs, however, there is little credit that goes their way. The most glaring question that comes up is if man’s furry best friend really even safe?¹

Aristotle places human beings at the top of the natures scale of being and since animals lack reason, they are, by reason, instrument of human use. Rene Descartes claimed that animals are automata lacking any consciousness. Immanuel Kant argued that we have no duties towards animals. Jeremy Bentham insisted that animal’s capacity to suffer must be included in our moral reckoning. All these key scholars and philosophers, who inherited the responsibility of forming public opinion, had such problematic approach towards animals, this just forces one to wonder whether these four legged creatures have been given their share of protection or rights. To understand the status of animals in recent times, we need to dwell in the history to understand where the rule makers gathered their inspiration from and what motivated.

In the early history, animals were intensively exploited for their muscle power in tasks of pulling sleds, carriages, blocks of limestone at construction sight and even in times of war. These animals were sometimes also used for inhumane tasks, an ancient warrior, Hannibal, tied sticks to the horns of cattle’s and set them ablaze just to create a distraction in times of war, diminishing the value of their lives quantified on the basis of power of reasoning which only the humans possessed. They were also made an object of amusement and entertainment when they were brought in the public arena, slaughtered, starved or goaded just for the laughs. During

¹ Mannat Sharma, Justice for Our Four-Legged Friends: India’s Animal Protection Laws Explained (Sept. 28, 2023), <https://bnblegal.com/article/justice-for-our-four-legged-friends-indias-animal-protection-laws-explained/>

the plague, stray cats and dogs running in the streets were often hunted and burnt as animals were recklessly blamed for the spreading of the plague. 3720 dogs were killed in one city alone as people failed to recognise the original carriers of the plague and subjected innocent animals to their cruelty taking birth from fear and helplessness. Animals were often tied at a stake in the centre of the village and were made to be attacked by trained dogs for the purpose of entertainment and fun. As, we trod through history, there was once a time where animal hunting because an indicator of wealth and status. However, this was achieved through artificial means, where game animals, enclosed in small parks were used. In the 17th century, Rene Descartes, famously stated that animals were neither rational nor moral and could not feel pain. This mechanistic view towards animals led to the infamous practice of vivisection.

This gives us a clear idea of how brutally the animals were treated in the past and how these barbarous acts were justified by elaborate theories that conclusively put humans at the top of the animal chain and placed the others at the mercy of said humans, ripping them of any right that the nature grants them through the virtue of life.

ANIMAL RIGHT MOVEMENT

However, there were still some salvageable moments in the history, where mankind came through for animals. One such noticeable moment was the publication of “Animal Liberation: A New Ethics for Our Treatment of Animals” by Peter Singer. This book acted as a catalyst and gave fuel to the animal right initiative and the animal right movement. Along with this, another book that made a huge contribution was “The Jungle” by Upton Sinclair which brought to societies notice the atrocities that the animals were going through in the circus industry and the meat industry. Thereafter, in the 19th century, British parliament passed the first cruelty to animal act. The first society for the prevention of cruelty to animals was also founded in England by Richard Martin in 1824. In the following years, various developments came to light, such as the setting up of The American Society for The Prevention of Cruelty to Animals², National Anti-Vivisection Society³, People for The Ethical Treatment of Animals (PETA)⁴, etc. This period also witnessed the increase in literature which educated people on the treatment

² About Us, ASPCA, <https://www.asPCA.org/about-us> (last visited Jan. 21, 2024).

³ Homepage | National Anti-Vivisection Society, National Anti-Vivisection Society |, <https://navs.org/> (last visited Jan. 21, 2024).

⁴ About PETA page 1 - PETA India, PETA India, <https://www.petaindia.com/about-peta/> (last visited Jan. 21, 2024).

of animals by various industries. Books like *The Case for Animal Rights*, *Diet for a New America*, etc. helped a lot in spreading awareness.

THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

Representing one of the major and significant milestones in the journey towards protection of cruelty against animal, this act was influenced by the Global trend which surfaced in the 1960s through which the entire world witnessed a newfound sensitivity stemming from the awareness of the reality concerning the capacity of the animals to experience and endure pain. With this trend providing as a more basic factor for the act, there were other distinct reasons which were unequivocally targeted by the act such as the exploitation of the physiological similarities between humans and animals by the medical sector through experimentation. One of the more focused areas of the act is cruelty prevention. In its chapter II, the act warrants establishment of an Animal Welfare Board of India, appointed with the responsibilities of advising amendments to the central government in respect of rules to prevent unnecessary pain while moving animals, performing experiments, etc. among other duties.⁵

N.R. NAIR AND ORS. V. UNION OF INDIA AND ORS,

The case of *N.R. Nair and Ors. v. Union of India and Ors*, Civil Appeal Nos. 3609-3620 of 2001, decided on May 1, 2001, started with a notification issued by the Ministry of Environment and Forests prohibiting training and exhibition of animals which was upheld by the Kerala High Court. This was challenged by The Indian Circus Federation before the Apex court as being violative of Article 19(1)(g) of the constitution of India. The decision of the Hon'ble Apex Court, however, valued the protection of animals over the right to trade.

⁵ Overview of Animal Laws in India | Animal Legal & Historical Center, Animal Legal & Historical Center, <https://www.animallaw.info/article/overview-animal-laws-india#:~:text=The%20objective%20of%20the%20Act,other%20than%20a%20human%20being.> (last visited Jan. 21, 2024)