



Ayana Legal

THE BUZZ

Vol 02-02

Monthly Newsletter By Team Ayana Legal

Rules for the protection of animal

- The Animal Protection (Dogs) Rules, 2001
- The Performing Animals Rules, 1973
- The Prevention of Cruelty to Animals (Slaughter House) Rules, 2001
- The Prevention of Cruelty to Draught and Pack Animals Rules, 1965

Landmark Judgements

Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547

It was held that "All living creatures have inherent dignity and a right to live peacefully and right to protect their well-being which encompasses protection from beating, kicking, over-driving, over-loading, tortures, pain and suffering etc.



ANIMAL LAWS IN INDIA

Spain recently introduced a new law that recognizes animals as sentient beings. In USA too, a case has been filed by a tribe on behalf of salmon to protect their right to exist. With this latest trend towards increased recognition of animal rights, this edition of 'The Buzz' takes a look at the various Animal Protection laws in India.

Constitution of India

Article 21 of the Constitution states that no person shall be deprived of his life and person liberty other than a procedure established by law.

Through various judgements by the Supreme Court has expanded the scope to include animal rights and animal life. Under the Directive Principles of State Policy, Article 48A lays down that the state shall endeavour to protect and improve the environment and safeguard the country's forests and wildlife.

Article 51A discusses the fundamental duties of every citizen. Article 51A(g) states that every citizen has a fundamental duty to safeguard and improve the natural environment including forests, lakes, rivers and animals and to have compassion to living creatures.

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G.R. Simon v. Union of India, 1997 SCC OnLine Del 324

It was held that Wild Life forms part of our cultural heritage in the same manner as other archaeological monuments painting, literature etc. Each and every animal plays a role in maintaining the ecological balance and, therefore, the contention that certain animals have no role to play or are detrimental to human life is completely misconceived. That it is to be recognized that Wild Life is an asset and heritage to be preserved for future generations.

State of Bihar v. Murad Ali Baig, AIR 1989 SC 1.

It was held that elephants fell under Schedule I of the Wildlife Protection Act, 1972 and differentiated between the offence of 'hunting' under the Wildlife Protection Act, 1972 and the Indian Penal Code, 1885.

Thus spake Mahatma Gandhi

"The greatness of a nation and its moral progress can be judged by the way its animals are treated"

Thank You

Ayana Legal thanks all its readers for the continued support.

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Indian Penal Code, 1860

Section 428 of the Indian Penal Code states that "Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

Section 429 provides that "Whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both."

The Wildlife Protection Act, 1972

The Act aims to "provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country." The Act discusses the setting up of bodies such as the National Board for Wild Life, a Central Zoo Authority and a National Tiger Conservation Authority and the constitution of a Tiger and other Endangered Species Crime Control Bureau to achieve its objectives. The Act also gives way for the setting up of protected areas such as Sanctuaries and National Parks.

The Prevention of Cruelty to Animals Act, 1960

The purpose of the Act is "to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals." The Act states that "It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering." It describes various acts that would constitute cruelty and further provides for the establishment of the Animal Welfare Board of India to oversee laws regarding prevention of cruelty to animals.