

The National University of Advanced Legal Studies, Kochi.



**DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF
THE REQUIREMENT FOR AWARD OF DEGREE IN MASTER OF
LAWS (2023-2024)**

ON TOPIC:

**A CRITICAL ANALYSIS OF THE WELFARE OF DOMESTIC
ANIMALS AND BIRDS UNDER THE INDIAN LEGISLATIONS**

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4.	SIMILAR CONTENT (%) IDENTIFIED	3 %
5.	ACCEPTABLE MAXIMUM LIMIT	10%
6.	SOFTWARE USED	GRAMMARLY
7.	DATE OF VERIFICATION	17.06.2024

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ACKNOWLEDGEMENT

I couldn't have reached this goal without the help of many people in my life. I'd like to take this opportunity to thank them for their support.

First, I offer my sincere thanks to my supervisor, Dr. Abhayachandran K. The value of his guidance cannot be overstated, and he provided much wisdom that helped me chart my dissertation. He constantly ensured that I stayed on track and generously supported me with invariable information that aided in completing the dissertation. I couldn't have asked for a better supervisor than Dr. Abhayachandran K., whose knowledge and experience guided me every step of the way.

My sincere thanks also go to Vice-Chancellor Hon'ble Justice (Retd.) S. Siri Jagan and the other faculty members at the National University of Advanced Legal Studies for their constant guidance and steadfast support.

I want to extend my sincere thanks to the University Library department for providing us with continuous access to online resources and the enriched library of the National University of Advanced Legal Studies, which proved invaluable in helping me complete my dissertation.

Last but not least, I'd like to acknowledge the emotional support provided by my family and friends, and I also thank God for guidance and direction. I would like to convey my heartfelt gratitude to everyone who supported me in this endeavour.

SWESTHIGA K.

LIST OF ABBREVIATIONS

ABCR - Animal Birth Control Rules

AOA - Apartment Owners Associations

AWA - Animal Welfare Act

AWBI - Animal Welfare Board of India

AWO - Animal Welfare Ordinance

BC - Before Christ

BCE - Before the Common Era

CCRB - City Crimes Records Bureau

CITES - United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora

Cr.P.C - Criminal Procedure Code

EACSR - Experiments on Animals Rules

EWHC - England and Wales High Court

FAQ - Frequently Asked Question

FDHA - Federal Department of Home Affairs

FSVO - Food Safety and Veterinary Office

GAP - Great Ape Project

HC - High Court

IPC - The Indian Penal Code

NhRP - Nonhuman Rights Project

NGO - Non-governmental Organisation

Ors. - Others

PAR - The Performing Animals Rules

PARR - The Performing Animals Registration Rules

PCAA - Prevention of Cruelty to Animals Act

PCATAFR - Prevention of Cruelty to Animals Transport of Animals on Foot Rules

PCDPAR - The Prevention of Cruelty to Draught/Pack Animals Rules

PETA - People for the Ethical Treatment of Animals

PhD - Doctor of Philosophy

PFA - People for Animals

PIL - Public Interest Litigation

RSPCA - Royal Society for the Prevention of Cruelty to Animals

RWA - Residents' Welfare Associations

SC - Supreme Court

SP - Superintendent of Police

SPCA - Society for the Prevention of Cruelty to Animals

Swiss - Switzerland

TAR - Animal Transport Rules

TN - Tamil Nadu

UK - The United Kingdom

VgT - Verein Gegen Tierfabriken Schweiz

WATOK - Welfare of Animals at the Time of Killing (England) Regulations, 2015

WPA - Wildlife Protection Act

TABLE OF CASES

- 1) Verein Gegen Tierfabriken Schweiz (VgT) v. Switzerland (No 2) [2009] ECHR 32772/02.
- 2) The Primate Case.
- 3) R (on the application of Gray and another) v. Aylesbury Crown Court, [2013] EWHC 500 (Admin).
- 4) R (on the application of Patterson) v. RSPCA, EWHC 4531.
- 5) R v. (1) Robert Woodward (2) William Woodwood (3) Kabeer Hussein (4) Kazam Hussein (5) Artur Lewandowski, [2017] EWHC 1008 (Admin).
- 6) Tilak Bahadur Rai v. State of Arunachal Pradesh, 1979CRILJ1404.
- 7) State Of Bihar v. Murad Ali Khan and Ors, AIR 1989 SUPREME COURT 1.
- 8) People For Ethical Treatment Of Animals v. Union Of India & Others, 5 March, 2009.
- 9) Shri Ajay Madhusudan Marathe v. New Sarvodaya CHS Ltd., First Appeal No. 676 of 2009.
- 10) Gauri Maulekhi v. Union of India, Writ Petition (PIL) No. 77 of 2010.
- 11) Animal Welfare of India v. A Nagaraja and Ors, 595 (2014) 7 SCC.
- 12) People For Animals v. Md Mohazzim & Anr on 15 May 2015.
- 13) Narayan Dutt Bhatt v. Union Of India And Others, AIR ONLINE 2018 UTR 613.
- 14) In Re: Smuggling and illegal trading of endangered species of birds [WPA 10138 of 2020 With IA No.: CAN 1 of 2020].
- 15) Dr. Maya D. Chablani vs Smt Radha Mittal & Ors. on 24 June 2021.
- 16) Atasi Chakraborty (Majumdar) v. The State of West Bengal & Ors. (WPA No. 11566 of 2022).
- 17) Sohan Singh v. State of Punjab & Ors. (2024:PHHC:014284).

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CHAPTER 1 - INTRODUCTION

The world consists of different creatures, which include living and non-living beings. Animals and birds are also a part of our environment. Humans have six senses and can also ask what they want and do not want. But other living beings do not have this capacity. Nowadays, cruelty to animals and birds is on the rise. Like how humans feel pain, animals also have pain and emotions. To protect them, it is the duty of humans to stand for animal rights and should give a voice to them. There are different types of animals, and the dissertation will focus on the rights of domestic animals (also includes two to three wild animals that humans use in their daily lives or that have been domesticated) and birds. Domestic animals are like dogs, cats, cows, hens, etc., and birds live within the human environment, unlike the wild animals living in the forest. Also, we should protect birds and animals from extinction.

The welfare of animals basically means the well-being of animals. It also means an animal is in good condition. What is animal cruelty and what is not is still debatable from the animal and personhood perspective. Also, the awareness of how to treat animals is very important for society when it comes to animal rights. The researcher in the research paper will try to bring out the different kinds of cruelty faced by domestic animals and birds in India, including the past and present. Domestic and domesticated animals are exploited in many ways, such as by using them for human labour, transportation, culture, religion, sports, etc. The dissertation will also focus on the legislation and judicial decisions regarding animal welfare and the need to change society. What the people in the current society think about animal rights will also be mentioned by the researcher through empirical data collection.

1.1. SCOPE AND LIMITATIONS

Cruelty against animals can be classified into different categories. They are wild and domestic animals slaughtered for clothing, money, medicines, etc., animals slaughtered for meat, torturing domestic animals, using domestic animals as transportation, using animals for fun, caging birds and animals, using animals as pets, and using animals for religious practice/custom. The limitation of this dissertation is that it will not focus on wild animals

like tigers, lions, etc., and the use of animals for testing and medicinal purposes and animal slaughter for meat will also not be focused on.

1.2. STATEMENT OF PROBLEM

As the human population and the issues they face increase, the rights of animals and birds have been given minor importance. Street animals, mainly domestic animals, have been exploited because of ill-treatment and torture. Even pet owners need to be more aware of the treatment of animals. As we know, humans are selfish creatures in the world, and most individuals have immorally treated many animals. Also, the rights of animals and birds have yet to be addressed. In the main chapter of the dissertation, the researcher will explain how the animals have been treated in day-to-day life.

Another issue about animal rights is that animal welfare legislation, rules, etc., are not strict. Still, animal rights issues have been unsolved with statutes like the Constitution of India, 1950, the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017, the Wildlife (Protection) Act, 1972, etc. Stringent laws and awareness of animal rights will protect animals and birds. In the suggestion chapter, the researcher will try to provide solutions to the problems faced by domestic animals and birds.

1.3. OBJECTIVES

2. To study the historical perspective of animal rights.
3. To find out the sufferings domestic animals and birds face mainly in the present.
4. To analyse the statutes and case laws supporting animal rights.
5. To understand how animals should be treated by humans, welfare boards, and organisations.

1.4. RESEARCH QUESTIONS

1. Whether the measures to protect domestic animals and birds strict and addressed in day-to-day life?
2. Whether domestic animals and birds play an essential role in religion and culture?

3. Whether animals as pets are legitimate or illegitimate? If it is legitimate, to what extent is it legitimate?
4. Whether legal rights for animals and birds have been provided in the Indian Statutes? If yes, what are the laws and rules that govern animal rights?

1.5. HYPOTHESIS

Animals and birds play a significant role in the human environment and also in day-to-day life. Violation of animal rights should be considered the same as a human violation of the right to life under Article 21 of the Indian Constitution. The researcher will prove that the laws for animals and birds are insufficient and lenient, and they need to be modified. Also, implementation is not proper, and government and law authorities should take action on this.

1.6. METHODOLOGY

The researcher in the dissertation will use the doctrinal and empirical types of research. The Doctrinal research includes primary and secondary sources. Primary sources contain case laws, statutes, and regulations. Secondary sources contain books, journal articles, and newspaper articles. The Empirical research will consist of peoples' opinions, which will be conducted with the help of the Google Form.

1.7. CHAPTERIZATION

1. INTRODUCTION
2. HISTORICAL PERSPECTIVE OF ANIMAL RIGHTS
3. COMPARATIVE STUDY
4. PERSONHOOD, ANIMAL RIGHTS AND ANIMAL ABUSES
5. PROVISIONS FOR ANIMAL RIGHTS IN THE INDIAN LEGISLATIONS
6. ANALYSIS OF DATA, CONCLUSIONS AND SUGGESTIONS
7. BIBLIOGRAPHY

1.8. LITERATURE REVIEW

BOOKS

1. MARC BEKOFF, ENCYCLOPEDIA OF ANIMAL RIGHTS AND ANIMAL WELFARE 50-62 (1998).

This book contains how and why animal rights are important. There is also a short history of animal rights.

2. MANEKA GANDHI & OTHERS, ANIMAL LAWS OF INDIA, UNIVERSAL LAW PUBLISHING CO., THIRD ED., (2006).

This book contains all the Indian statutes regarding animal law. There are also legislations regarding domestic animals.

3. NIMISH M KAPADIA & PANKAJ BUCH, LAWS OF LIVING CREATURES, 1st ed. (2012).

This book also includes all the legislation regarding the welfare of domestic as well as wild animals. Different circulars regarding the protection of animals are also given in this book.

JOURNAL ARTICLES

1. Parul Anand, Animal Rights in India, Volume 10, IJCRT, 2-10 (2022).

This article talks about Indian animal rights. The researcher has included various analyses by analysing animal rights with Indian statutes, case laws, etc.

2. A Case for Personhood for Non-Human Animals by the Federation of Indian Animal Protection Organisations¹ (2018).

This article talks about the connection between human rights and animal rights. These include national and international laws, why animals should have rights, etc.

¹ It is an animal rights organisation.

3. Effective Solutions to reducing Human-Dog Conflict by the Federation of Indian Animal Protection Organisations (2014).

This article talks about dog bites and other human-dog conflicts. In this article, some measures have been given to protect humans from dog bites, as well as other measures that safeguard dogs.

4. Bhumika Sharma & Priyanka Sharma, Rights of Animals at Practice in India, Volume 3, JCIL.

The article speaks out for all kinds of animals and their rights. This also includes debates on the subject and reformulation of weak penal provisions.

NEWSPAPER ARTICLES

1. Neha Joshi, Animals have emotions and feelings like human beings: Bombay High Court, Bar and Bench (2023).

This article talks about what the Bombay High Court mentioned about animal rights. In this case, the Court stated that animals also have emotions and feelings like humans, and we should not harm these animals, which causes pain.

2. Rintu Mariam Biju, the Right of animals to get protection from humans inflicting unnecessary pain is guaranteed right under PCA: Karnataka High Court, Bar and Bench (2021).

This article talks about animal rights under the Prevention of Cruelty to Animals Act. The Court stated that animals should be protected from unnecessary pain caused by humans, and they have the right to protection from the Act.

3. Aditi, Animals have the fundamental right to live with dignity: Delhi HC issues notice in plea to prohibit animal exhibition, training in circus, Bar and Bench (2020).

This article talks about animals' right to life. The Court stated that not only humans have the right to life, but also animals have the right to life with dignity.

CHAPTER 2 - HISTORICAL PERSPECTIVE OF ANIMAL RIGHTS

2.1. Introduction

Animal rights and their welfare interests have existed since Before the Common Era (BCE), and they were brought about by different historical philosophers. It is no shock that animal rights have been given importance in the past, but there still needs to be an improvement in India with respect to animal rights. During the 19th century, a major turning point in animal rights was seen. Analysing before and after the 19th century helps in finding the difference in how people treated animals before and now and how animal rights have been given importance. Also, this analysis will help in knowing what the ancient and modern philosophers have stated about animal rights. Let us now look into how philosophers and legal experts have described animal rights in earlier times.

2.2. Before 19th Century

The belief in the reincarnation of spirits between animals and humans made the Pythagoreans and the Neoplatonists create and develop animals' interests. Aristotle, a Greek philosopher, stated that it is unfortunate that nature created all animals for the benefit of humankind. Aristotle and the Stoics opined that the world consists of different kinds of beings, and they were also arranged by God in a hierarchical order. They also stated that every being exists to serve the interests of higher-ranking groups in the chain. Because humans are the most rational of all living things, they hold the highest standing².

The Stoics believed that all creatures other than humans were odd, and they considered them slaves and, hence, viewed them with disrespect and disregard. St. Augustine (354-430) zealously promoted these Stoic concepts, which developed in Christian theology. They were incorporated entirely into Roman law as shown in the treatises and codifications of Gaius (fl. 130-180) and Justinian (483-565), then adopted by legal glossators in Europe in the 11th century and eventually forced into English/American common law. Furthermore, justifications promoting animal interests faded, and welfare for animals became somewhat of a wasteland of philosophic research and legal control until the late twentieth century. Around

² Steven M. Wise, *Animal rights*, Encyclopedia Britannica, (24 Feb. 2024), <https://www.britannica.com/topic/animal-rights>. Accessed 23 March 2024.

the late 18th century, Britain and United States humanitarian reformers fought against the weak, including animal cruelty.

During the 18th century, which is also known as the famous abolitionist era, William Wilberforce, a Former Member of Parliament of the United Kingdom, approved a Bill to put an end to bull and bearbaiting, and this was defeated in the House of Commons. After a few years, the former lord chancellor of England, Baron Erskine, passed a Bill in the House of Lords that forbids all domestic animal cruelty. With regard to the Bill, he stated that “*consecrate, perhaps, in all nations, and in all ages, that just and eternal principle which binds the whole living world in one harmonious chain, under the dominion of enlightened man, the lord, and governor of all.*”³ However, this Bill was ineffective in the House of Commons.

A few years in the same century, in the House of Commons, William and Thomas Fowell Buxton and Irish MP Richard Martin passed a new Bill regarding the “*prevention of cruel and improper treatment of cattle.*” One year after the bill was passed, a new legislation was passed, which was called the Martin Act. In this Act, treating domesticated animals like cattle, oxen, horses, and sheep in a cruel manner or unnecessarily harming them is a crime. This provision did not extend to the protection of the general welfare of animals. The legal rights were less, and punishment was not strict. Moreover, similar legislation was passed in the United States. Provisions regarding treatment by humans towards animals in agriculture, scientific research, entertainment, etc, were mentioned in the federal Animal Welfare Act of 1966.

If you look at the history of India⁴, when Britain started bringing new pharmaceuticals to the Indian colony in the 1860s, animal research commenced there. Colesworthey Grant established the first Indian Society for the Prevention of Cruelty to Animals (SPCA) in Calcutta in 1861 after getting influenced by the suffering of stray and draught animals among the Indian population. The 1860s saw the effective advocacy of the Indian SPCAs for anti-cruelty laws, which were eventually implemented throughout the country between 1890 and 1891.

In Calcutta, near the entrance of the Writers’ Building, an obelisk was put up in Colesworthey Grant’s remembrance. The anti-vivisection campaign did not gain support in India, although it grew in Britain. Regulations against animal research in India were established by the

³ CRUELTY TO ANIMALS BILL, HL Deb, vol 14 cc553-71 (1809).

⁴ Anshul Raj, *Animal Welfare Legislation in India - Its History*, Straw India, (June 9, 2021), <https://www.strawindia.org/blogs/1031/animal-welfare-legislation-in-india--its-history.aspx>

British Cruelty to Animals Act of 1876, which was resisted by both British officials and British-led SPCAs.

2.3. After the 19th Century

Around the 4th Century, Hermogenianus, an eminent Roman jurist, stated, “*Hominum causa omne jus constitum*”⁵. “*Salmond on Jurisprudence*,” written by P.A. Fitzgerald in 1966, reiterated the above-mentioned quote: “*The law is made for men and allows no fellowship or bonds of obligation between them and the lower animals.*”⁶ The significant fact here is animals have long been classified as legal things rather than legal persons. Even so, because of this standing, animals are frequently given indirect protection from laws meant to uphold social morality or animal owners’ rights, like anti-cruelty legislation in criminal cases or civil statutes that allow owners to sue for damages caused to their animals. The topic of “animal law,” which is more expansive than animal rights because it includes any legislation pertaining to the interests of nonhuman animals or the interests of their owners, is defined by this law.

Modern philosophers like Peter Singer (Australian Philosopher) and Tom Regan (American Philosopher) have more influence when it comes to animals’ moral rights. Peter wrote a book in 1975 in which equal consideration of human and animal interests was mentioned. In the book, Peter stated that animals also feel pain/pleasure, and humans should have a moral duty to prevent causing pain to animals, as they have a moral duty not to harm humans. Tom also stated that animals have moral rights because they have some advanced cognitive abilities, and because of these, animals have an inherent value. Tom also stated that these are “*the subject of a life.*”

There were also some negative arguments by some religious authors stating that animals don’t need moral considerations and that humans are the only immortal souls. Theological arguments make the consideration of animal rights more complicated. Even with these, the animal rights movement happened with the help of experts, and more professional organisations were opened to create educational awareness of the ill-treatment of animals for the general public and colleagues.

Filing legal cases in favour of animals emerged in the early 21st century. Also, the animal rights movement and animal rights interests were given importance. Animal law and animal

⁵ Trans. “All law was established for men’s sake”.

⁶ P. Fitzgerald, *Salmond on Jurisprudence*, 338 (1966).

rights courses were also first introduced in some law schools in Europe, the United States, and even recently in India. Interestingly, a plethora of law student chapters were created by the Animal Legal Defence Fund. Additionally, three legal journals were brought up: Animal Law, Journal of Animal Law, and Journal of Animal Law and Ethics.

After the 20th century, many national and international organisations like People for the Ethical Treatment of Animals (PETA), People for Animals (PFA), and Blue Cross advocated animal rights, and they are still taking steps to improve the welfare of animals. They also tried to demand animal welfare legislation and reforms.

The Spanish National Parliament embraced decisions in the year 2008 that persuaded the government to give statutory rights to chimpanzees, gorillas, and orangutans. These decisions were also brought to forbid the use of apes for entertainment, such as making them perform in public, using them for hazardous research, trading, profit purposes, etc. In zoos, apes should be provided with “optimal living conditions.”

Another reason animal rights are becoming popular in modern times is the internet and social media. This advancement began in the 21st century, and awareness is still spreading through social media like Instagram, YouTube, etc, like PETA, World Animal Protection, International Fund for Animal Welfare, Farm Sanctuary, and even animal welfare Non-governmental Organisations (NGOs) are spreading news through social media platforms. There are also some animal rights activists like Ashar⁷, Arvind⁸ who spreads awareness of animal rights on Instagram and other social media platforms.

In India, given that there were fewer animal welfare rules in place at the time and there was less public awareness generating, the stray population was more open to horrific crimes in the early 1900s. After independence, a few regulations pertaining to animal care were passed, although they were scarcely effective. The Prevention of Cruelty to Animals Act of 1960, India’s first national animal welfare law, made cruelty to animals a crime. This was a significant legislative development for India’s stray animal population.

Even though it is illegal to injure a street animal in any way after independence, as stated by sections 428 and 429 of the Indian Penal Code (IPC) and the Cruelty to Animals Act of 1960, incidents of stray animals being deliberately hurt by humans have not gone unnoticed. Technology in medicine was not as developed as it is now. Both outdated medical practices and then-current technologies were used in the treatment. As a result, recovery rates were not as great and instead declined gradually over time.

⁷ Instagram Id - @ashar-meet

⁸ Instagram Id - @arvindanimalactivist

2.4. Connection between Culture, Religion and Domestic Animals:

India is a diverse country with different religions and cultures. In many religious institutions like temples, people use animals for religious offerings or sacrifice, and animal sacrifice has become common in India. Religion and Culture are two different practices followed by humans, and cultures differ according to the religion. They are both created for humans and by humans. The main question here is, should we include animals in these practices? Do they play an important role? Does it make sense that God wants animals to suffer? The following contains different instances of religious/cultural practices that include domestic animal suffering.

In Tamil Nadu (maybe in other States also), there is a practice of killing a hen when someone dies on Saturday. So, this practice is basically, if a person dies on Saturday, the spirit should not live with the family, and people with some cultural practices believe that if one kills/buries a hen along with the funeral of the person, the spirit will go to heaven. Also, in some temples in Tamil Nadu, people kill goats, dogs, and buffaloes and drink or pour blood on the floor as a part of a religious offering. The temple is considered to be a spiritual place, and this practice will make the believers non-spiritual and sinful.

In most of the temples in Tamil Nadu and Kerala and also in other parts, they tie elephants or even chain them and force them to beg for food or money. There is some proof of how people torture these domesticated animals in the temple, and they are supposed to be in the forest. These elephants are often seen in the streets, and the owners make their trunks to bless people's heads, and afterwards, they give some money. First of all, this money collection is immoral, and it has no benefit to these elephants. Portraying Elephants and forcing them to stand and beg in the temples is also animal cruelty, and this practice should be prohibited everywhere.

Jallikattu is one of the eminent animal sports that will be celebrated during the Pongal festival as a part of religion and culture. In this sport, first things first, they will release the bulls towards a crowd of people, and the players should grab the hump of the bull to make them stop moving. This sport is used to believe that humans are brave by holding the bull. If they lose or fall, they will lose the game. This is a traditional and well-praised sport by the people. There is also an eminent judgment based on this, and in one of the following chapters, we will come to know the details and current status.

Jallikattu can be treated as animal cruelty because it involves the chasing, taunting, and often injuring of bulls, leading to animal suffering and harm. Bulls are subjected to physical and psychological stress, denying them their natural behaviour and right to live without harm. It is also a Risk to human safety as Participants and spectators are at risk of injury or even death due to the unpredictable nature of the event and the potential aggression of the bulls. There will also be public safety concerns as Jallikattu events can lead to chaos and stampedes, endangering the safety of participants, spectators, and nearby residents.

Another fact is that the cow is considered a holy animal by most Hindus in India itself, which sounds biased. Is God biased in treating only cows as holy? This is illogical. Every creature is created by God, and so are all domestic animals. Not only cows but other animals should also be given dignity and welfare. Mahabharata says that if a human kills a cow, he/she will live in hell for a longer period as it is a holy animal. Worship is mainly beneficial for the worshipper alone and not for animals or others.

In Hinduism, the cow is a sacred and respected animal, and on the other hand, the dog is considered to be the least respected animal and even dirty animal. Dogs are often given the lowest status. This is totally biased and illogical and against animal welfare. All animals, especially domestic animals, should be treated equally and should be given equal treatment.

In Zimbabwe, zebras were considered a symbol of peace and goodwill⁹. Wherever the zebras live, for example, if a zebra lives in a land, that zebra will be considered as the owner of the land, and if someone uses or takes over the land, he/she will be considered as violating the zebra's prerogative. Traditionally, each animal symbolises a human value. Some animals suffer while using them for cultural purposes, and some are not.

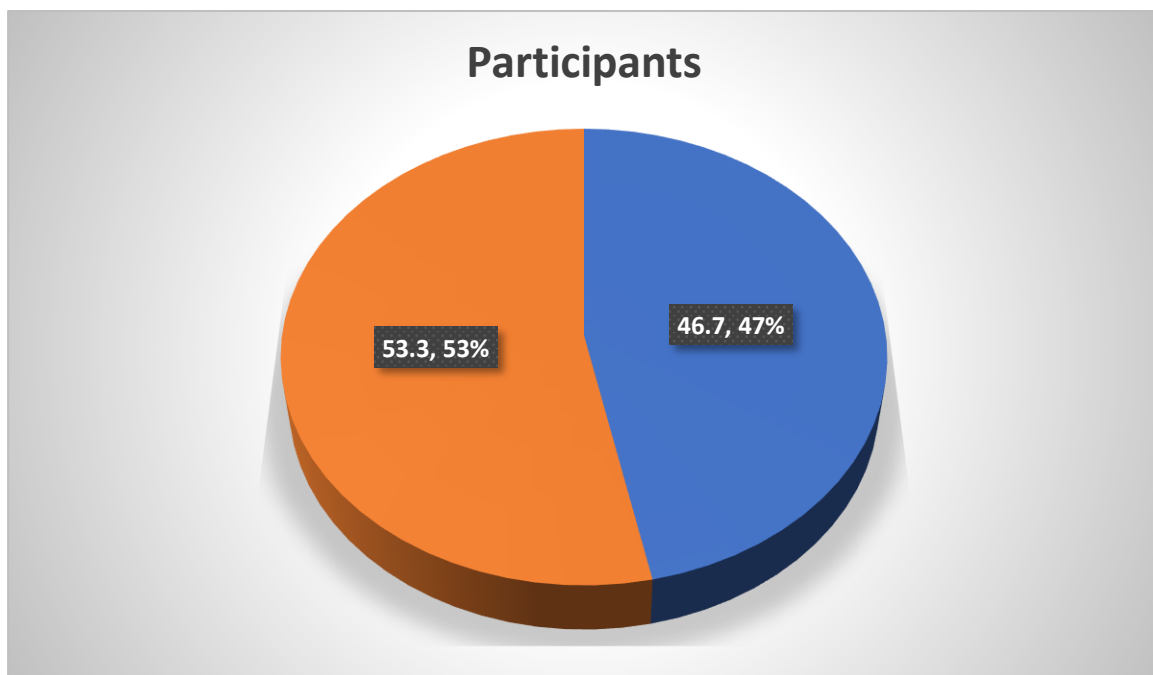
In India, Diwali is considered to be one of the famous religious and cultural festivals. Many people fire and burst crackers on that day. This will affect humans, birds, animals, and the environment. This action will cause all types of pollution. During this time, many animals, especially stray animals, get affected because of the fireworks, and birds are compelled to migrate to different places, so they are sensitive to the noises of fireworks. Therefore, bursting fireworks should be banned, which is an immoral practice.

⁹ Animals in Myth and Religion, UBC Press.

Caging and using birds, especially parrots, for horoscopes and astrology by astrologers is also an exploitation by humans.¹⁰ This practice is also known as parrot astrology. In Tamil, it is known as Kili Josiyam. Most of the Hindus believe in this type of astrology. In this practice, the astrologer will show a bunch of cards to the parrot, and the parrot will choose one card, and each card depicts different gods and goddesses. Depending on the card, the astrologer will tell the customer the predicted fortune/horoscope. They are often brought to the houses in the streets or at the temple, and they are caged. There are so many fake astrologers, and using parrots for any type of astrology is immoral. Parrots are supposed to be free, and they always migrate from one place to another for various kinds of food. Using a parrot for astrology or a horoscope is basically for money, and this will not benefit parrots. Therefore, parrot astrology should be banned.

The researcher conducted an empirical study through Google Forms and collected data from 105 participants, all Indians. Now, let us look into one response from the participants that relates to this sub-chapter, and we will also come to know what people think about the connection between animals/birds and religion and culture.

Out of 105 participants, 53.3% of the participants say that animals are part of culture/religion, and 46.7% of the participants say that animals and birds should be separated from religious/cultural activities.



¹⁰ The Story of Parrot Exploitation by Human Astrologers, VSPCA, (Feb. 7, 2024). <https://vspca.org/2024/02/07/the-story-of-parrot-exploitation-by-human-astrologers/>

2.5. Conclusion:

Many people follow myths because people with traditional beliefs are mostly uneducated, and currently, many from older generations have a strong belief in myths. So, it is difficult to make them come out of their superstitious beliefs, but we can slowly change their mind by creating awareness. The world is also getting modernised with advanced education and technology, and automatically, we can see a decrease in animal cruelty because of religion/culture. These practices are still followed in many places in India. Some practices were observed by the researcher very recently. In a nutshell, using animals for religious or cultural purposes is immoral, and they should be separated from religious/cultural activities.

CHAPTER 3 - COMPARATIVE STUDY

3.1. INTRODUCTION

The Researcher has taken the animal rights situation in Switzerland and the United Kingdom (UK) for the comparative study because these two countries have strict legislation and internationally advanced or high-level laws on animal rights/welfare. Not only the welfare of the animals but also their dignity is protected in both countries. According to the top search reports¹¹, the UK has been mentioned as one of the strictest countries in terms of animal welfare laws. Also, according to the same reports, Switzerland has been mentioned as the second-strictest country to have animal welfare laws. Both countries also have stricter punishments for the violators/accused. Both countries also have special provisions for pet animals. This will be helpful for the dissertation as it focuses on domestic animals, and pet animals will come under the category of domestic animals. The researcher wants to analyse animal rights and animal welfare laws in both countries and compare them to the Indian situation to improve animal welfare rights and laws in India. In the following sub-chapters, the Researcher will include the laws and regulations on animal rights/welfare in the UK and Switzerland.

3.2. ANIMAL RIGHTS IN SWITZERLAND

3.2.1. HISTORY

Switzerland (also referred to as Swiss) is a Civil Law country. Animal welfare has been given importance in Swiss since the middle of the eighteenth century. Public vivisection¹² It was rejected in Swiss when it was performed in the universities around the 1830s; however, it did not see organised dissent. In 1973, animal welfare was given importance, and it was separately recognised as a constitutional interest. Also, many people voted to add a general animal welfare provision by amending the Federal Constitution. This is how Swiss became the first country in Europe to have animal welfare as a provision in its Constitution. In the

¹¹ Alpha Travel Insurance, UK and Scoopwhoop.

¹² Vivisection means the practice of doing surgery on live animals for study purposes like research or experiments.

same year, animal protection was made an independent constitutional principle. Around 1992, Swiss has included a provision regarding animal protection in the Constitution and also became the first country to do so.

3.2.2. SWISS LAWS ON ANIMAL WELFARE

The first national animal welfare system was introduced in Swiss in 1981, which is known as the Animal Welfare Act (AWA). In 1981, the Animal Welfare Ordinance (AWO) was also passed by the Federal Council, and these were reviewed and revised around 2008¹³. For example, the AWA mandated the inclusion of compulsory educational courses for pet (animal) owners to understand animals in a better way and also for fishermen to understand how to catch a fish at the correct angle. The Act also prohibits battery cages on animals, livestock transportation, etc. The objectives of these legislations were to protect the animals, protect their dignity, and treat them well.

The AWO contains more than 200 articles and five detailed appendices. For instance, AWO prohibits the beating of animals' eyes or genitalia, squeezing their tails, displaying them in the exhibition, etc. Also, AWO punishes anyone who changes the appearance of animals, such as zoophilia, which affects their health. Other than these, there are also the Federal Department of Home Affairs (FDHA) and the Federal Food Safety and Veterinary Office (FSVO), which deal with animal welfare. If anyone commits an offence of animal cruelty, he/she will be punished with imprisonment of three years or a fine of more than one million Swiss francs (as per the offender's income).

3.2.3. JUDICIAL DECISIONS IN SWISS ON ANIMAL WELFARE

- *Verein Gegen Tierfabriken Schweiz (VgT) v. Switzerland*¹⁴

In this case, VgT is an association for animal welfare that produced a television advertisement on scathing battery pig farming, and regarding this, the permission to broadcast was refused as a ban on political advertising. The European Court stated that the refusal was a violation of Article 10 of the European Convention on Human Rights, which talks about freedom of expression, and also stated that the debate on animal protection was unlawfully prevented.

¹³ The AWA (Tierschutzgesetz) of Dec. 16, 2005 and the AWO (Tierschutzverordnung) of April 23, 2008.

¹⁴ Verein Gegen Tierfabriken Schweiz (VgT) v. Switzerland (No 2) ECHR 32772/02 (2009).

- *The Primate Case*¹⁵

In this case, Sentience Politics publicly introduced the rights of non-human primates in a city named Canton of Basel (Basel-Stadt), which is the oldest zoo in Switzerland with a larger population. The problem was many primates were used and killed by humans for their gain/pleasure. Regarding this, they followed two projects focusing on the rights of primates, which are the Nonhuman Rights Project (NhRP) and the Great Ape Project (GAP). These projects focus on fundamental interests, including the right to life and bodily and mental integrity. A remarkable piece of information to note in the history of Swiss is that citizens can vote on the “*introduction of fundamental rights for non-human animals.*”

After the vote, the Cantonal Executive (Parliament) stated that the initiative was invalid as it violated federal law (Swiss Civil Code) and federal public law. In 2018, around February, the citizens filed an appeal against the Cantonal Executive Report. Their argument was that the Swiss Federal Constitution doesn’t talk about legal personhood to non-human animals or organisations. Through this, it can be contended that fundamental animal rights don’t violate any law, and cantons have the authority to add more fundamental rights to the Federal Constitution.

The Cantonal Constitutional Court held that Cantons have their own rights to expand their fundamental rights, and that will not violate the Constitution. The constitutional court has also held that a primate rights conflict with federal law arises only when those rights force private citizens to observe rules that are more stringent than those given by the Swiss Animal Welfare Act of 2005. The Federal Supreme Court has stated that their arguments would only bind the cantonal and municipal powers and would not bind private individuals. It has been said that there would be a limited impact on private research entities and Basel Zoo. As those are limited, the Court held that the initiative could not protect the primates in the future as primates are only in private institutions and not under local power or public bodies.

3.3. ANIMAL RIGHTS IN THE UK

3.3.1. HISTORY

The United Kingdom (UK) is a country of common law. If you look back 200 years, few people met in a coffee shop in London to discuss the change in animals’ lives. After speaking

¹⁵ The Swiss canton of Basel-Stadt, (2020).

about that, they created the society named Society for the Prevention of Cruelty to Animals¹⁶ (SPCA) in 1824, which later spread around the world. Later on, around 1840, Queen Victoria approved the SPCA to add Royal, and later, the society was named the Royal Society for the Prevention of Cruelty to Animals (RSPCA). The main objective of RSPCA is to change animals' lives in a better way. If you looked around 1835, bear baiting¹⁷ was banned. A new act arose, the Protection of Animals Act 1911. In 1870, RSPCA Secretary John Colam and Police Superintendent Green stopped the bullfight, which became the last event in England. In 1914, during the First World War, the RSPCA Fund for injured horses was set up, which included hospitals, 180 horse-drawn ambulances, and 26 motor ambulances.

In 1940, the RSPCA inspectors were given 37 silver medals during the Second World War as they risked their lives rescuing animals in dangerous bomb-littered places. In 1998, cosmetics testing on animals was banned in the UK. In 2004, the Hunting Act was introduced to protect foxes, deer, and hares from danger. After 100 years, a significant change was noticed when the Animal Welfare Act was passed. In 2016, owners were asked to mandatorily microchip their dogs, and in 2023, the cat microchipping Act was passed in England. In 2019, the use of wild animals in circuses was banned in England and Wales after 50 years of campaigning. In 2021, the Animal Welfare (Sentencing) Act was introduced, and prison sentences were increased for the accused who've done animal cruelty for a maximum of six months to five years.

3.3.2. THE UK LAWS ON ANIMAL WELFARE

The Law of Protection of Animals, 1882, which is also known as Martin's Act, was named after Richard Martin. The objective of the Act was to decrease the cruelty and suffering of cattle, horses, and sheep, but it did not extend to birds.

The Protection of Animals Act of 1934 made rodeo.¹⁸ Illegal in England, Scotland, and Wales. This act prohibited the exhibition of animals, especially rodeo, and it also included penalties for the same. The first section of this Act states, "*Prohibition of certain public contests, performances, and exhibitions with animals.*" This legislation is a very short Act.

¹⁶ History of RSPCA, RSPCA.

<https://www.rspca.org.uk/whatwedo/howeare/history>

¹⁷ An entertainment where dogs attack a captive bear.

¹⁸ A competitive sport which includes cowboys riding cattle.

The Abandonment of Animals Act of 1960 made the abandonment of animals illegal. Therefore, any pet owner will be punished if they abandon animals without a valid reason. This Act is also a short legislation.

The Animal Welfare Act of 2006 is the latest animal protection Act in the United Kingdom (UK). This Act mainly focuses on domestic animals or animals which are under the control of humans. There are two popular animal welfare legislations in the UK. 1) The Animal Welfare Act (England and Wales), 2006, and 2) The Animal Welfare Act (Scotland), 2006. There are more detailed/explanatory definitions for important terms like “animal,” “suffering,” “pain,” etc. This act punishes anyone who causes animals to suffer unnecessarily, and it also provides stringent penalties. Another important point to note from the 2006 Act is that it requires the owners to provide a proper diet to animals, to provide a comfortable environment, etc.

Next year, another legislation was introduced, which is known as the Welfare of Farmed Animals (England) Regulations, 2007 (hereinafter referred to as the 2007 Regulation). The 2007 Regulation mainly protects farmed animals like hens, cows/calves, pigs, etc. This Regulation will really be helpful for the protection of domestic animals.

Another legislation on the protection of animals is the Welfare of Animals at the Time of Killing (England) Regulations, 2015 (hereinafter referred to as WATOK). In one of the provisions from WATOK, it has been stated that animals should not face any pain, suffering, killing, etc. Not only animals but also fish are included in WATOK, which states that legal protection should be given to fish even though there is no mention of fish in the definition of animals.

Recently, the UK Parliament has also introduced the Animal Welfare (Kept Animals) Bill, 2021 (hereinafter referred to as “the New Bill”). The key points to note from the New Bill are that it talks about primates, and in one of the provisions, it mentions that there should be a license to keep primates. It also talks about attacking dogs, live exports, and safeguarding livestock, and it mentions that dogs should be taken under legal authority.

3.3.3. JUDICIAL DECISIONS IN THE UK ON ANIMAL WELFARE

Now, let us look into the role of the UK Courts in animal rights/protection. In the case of *Gray v. RSPCA*¹⁹, many horses were injured, and it also included dead horses. The offenders were punished under section 4 of the Animal Welfare Act of 2006.

¹⁹ R (on the application of Gray and another) v. Aylesbury Crown Court, EWHC 500 (Admin), (2013).

In the decisions of *Hall v. RSPCA* and *RSPCA v. Isaacs* cases, the pig farmers did not take their arthritic pigs to the veterinarian, and this caused pain to their pigs. The Divisional Court, in both cases, has stated that an offence will be considered animal cruelty only when someone unnecessarily causes suffering to a particular animal or even unreasonable cause or action of the defendant. This part was also cited by the *Gray v. RSPCA* case.

In the case of *R v. RSPCA*²⁰, the defendants committed animal cruelty and blood sport, and they were convicted in 2011 under section 4 of the 2006 Act. The Court prohibited the Petitioner from keeping, raising, or engaging in any animal activities.

In the case of *R v. Woodward and others*²¹, a group of abattoir slaughtermen caused suffering to a group of sheep. Those men were charged under Section 4(1) of the Animal Welfare Act, 2006 for causing unnecessary suffering to the sheep.

3.4. CONCLUSION

After the comparative analysis, the researcher found that the animal rights situation in the U.K. and Switzerland is much better than in India. They are proper and strict and the implementation status is good.

²⁰ *R (on the application of Patterson) v. RSPCA*, EWHC 4531, (2012).

²¹ *R v. (1) Robert Woodward (2) William Woodwood (3) Kabeer Hussein (4) Kazam Hussein (5) Artur Lewandowski*, EWHC 1008 (Admin), (2017).

CHAPTER 4 - PERSONHOOD, ANIMAL RIGHTS AND ANIMAL ABUSES

4.1. Introduction

Domestic animals and birds have been brutally treated by humans all around India. The Researcher will explain the different types of suffering faced by domestic animals and birds in different states across India and will also explain how the brutal treatment towards them affects domestic animals and birds. Also, the researcher has included more examples of animal cruelty from Tamil Nadu as the researcher belongs to this state and has made more observations and experiences on the same.

4.2. Sufferings faced by domestic animals and birds

Selling Dyed chicks:

A Plethora of chicks is being sold for entertainment and commercial purposes in India and other countries for easter celebrations. The researcher has also seen those businesses in Tamil Nadu. There are different methods of dyeing the chicks.²² Some might smear the colours in the chicks by mixing them, and some might inject the dye into the eggs of the chicks through incubation. If you observe the dyeing process, it is apparent that they are being feared, or some animal rights activists or scientists say that the process is not right for them.

It is apparent that those chicks are used merely for money or human entertainment. Those chicks are risking their lives for us. The colour dyes are sometimes toxic, and those might lead to skin or eye irritation. Dyeing chicks is also unethical treatment, as per PETA. So, the chicks will not get any benefits for themselves. There are some countries and lawmakers or legal activists who are against the dyeing of chicks.²³

There are some side effects of colouring baby chickens.²⁴ Some baby chickens may die because, during the dyeing process, their body will become cold or wet, which their body

²² The process can be found in this video

Bunnyswift Club, *Once you see this you would not want to buy coloured chicks*, YOUTUBE, (April 16, 2017), https://www.youtube.com/watch?v=ysa_IHqsrNk

²³ Brett Snider, *Is It Legal to Dye Baby Chickens?*, FINDLAW, (Mar. 21, 2019), <https://www.findlaw.com/legalblogs/law-and-life/is-it-legal-to-dye-baby-chickens/#:~:text=While%20other%20states%20may%20not,is%20flirting%20with%20criminal%20penalties>

²⁴ *Dangers of Colouring Baby Chicks*, CHICKEN HEAVEN ON EARTH,

won't adapt and may lead to death. Some dyes are poisonous, and that might affect their skin or some internal organs. The whole process²⁵ of Dyeing the chicks itself is brutal, and there should be a worldwide ban on dyeing innocent chicks. We have to let them live freely.

Domestic animals for labour and transportation:

Many domestic/domesticated animals are used for transportation by forcing them to work. They are used to carrying heavy goods, doing farming work, and carrying carts with goods where they need to pull the cart/carriage, also known as traction, etc. If those animals are used for profit and slavery purposes, they will not be given proper care, and injured or ill animals are often replaced, and they might even leave to die. The owners control them in a harsh way by beating them with hard sticks, and they are often forced to obey the owners by making them fearful. For example, people use bullock carts, and they use bulls to plough for farming purposes. Behind their backs, they keep a heavy iron plougher, and the bulls move around the farm field with the heavyweight. Also, in some parts of India, vendors use animals, and they tie carts and sell vegetables and fruits in them. They are often forced to wait for long hours, which makes them uncomfortable. Tradition is culture or cruelty that is still ambiguous to the people, and that needs to be clarified.

Domestic animals for riding:

In India, some domestic animals have been used for riding basically for humans' entertainment purposes. They include horse riding, elephant riding, and camel riding. These animals have been used for domestic purposes. Some argue that animals have thick skin and can endure pain, etc. These animals have their own way of life; they would like to roam and graze, travel to different places for food, and be with their family members or their groups. But when it comes to animal riding, they have been controlled, or humans might also use force (like beating or hitting) to control them, and owners will train these animals to behave properly towards humans.

Ren Hurst, an author who wrote a book on "*Riding on the Power of Others: A Horsewoman's Path to Unconditional Love.*"²⁶ advocated the ban on horseback riding and stated that "*We have this fundamental responsibility to not take advantage*" of animals who have no control

<https://www.chickenheavenonearth.com/dangers-of-coloring-baby-chicks.html>

²⁵ Screiberusz, Animal Cruelty - Dyeing Newly Hatched Baby Chickens, YOUTUBE, (Sep. 9, 2011), <https://www.youtube.com/watch?v=J5TeaMWqSII>

²⁶ Ren Hurst, an author who wrote a book on "*Riding on the Power of Others: A Horsewoman's Path to Unconditional Love.*

over whether or not they live with humans.” The wooden seats, which are also known as howdah, are attached to the back of the camels and elephants for riding purposes. Also, a heavy sheet or blanket is covered under howdah for support, and sometimes, a belt or rope is tied around their bodies for support and balance. These will make the animals suffocate and difficult in their movements.

Camels, elephants, and horses are often used for entertainment, such as riding, weddings, and carnival purposes. Horse ridings are often found on either beaches or tourist places. Even for the wedding events, the horses were used to bring the bride/groom by making them sit in the howdah or any seat above the back of the horse. Camels are seen near desert areas where they are forced to separate from the desert and make them live on the land, and humans either use them for transportation or entertainment purposes. Controlling them is a cruelty as these animals also want to live independently like humans. We are not living in ancient times, and we currently have so many advanced technologies. Why should we use animals for riding or entertainment purposes?

Domestic animals for circuses:

Many domestic animals, such as dogs, cats, elephants, and even birds, are displayed in circuses. Those animals and birds are always imprisoned (which is violent - including chaining them), and they are forced to train and perform. Adequate foods are not given to them. PETA explains that animals for circus purposes are often “beaten and battered.” No matter how much entertainment we get from watching those performances by those animals, those actions and activities will make them uncomfortable, and they are something unnatural. Displaying animals in circuses not only affects the animals themselves but might also affect the audiences. We cannot predict the behaviours of the animals, and if their behaviour changes in an aggressive way, it might lead to violence toward the audience. There are also some cases based on the above-mentioned fact. Some countries have banned the use of animals in circuses. Most countries have banned only wild animals, and this still doesn’t make sense. Domestic and domesticated animals should also be banned worldwide.

Animals are also used for other entertainment purposes, like using them in movies and advertisements. They often cage the animals and do not give proper care and attention. They also make these animals wear human dresses and make-up, which makes them uncomfortable. These animals should be allowed to live freely and independently. The actors, producers, and other workers in the film and advertisement should follow certain rules and regulations before using animals for entertainment purposes.

Domestic Animals for Sports:

Many festivals are celebrated around India, and it is well-known for its diverse cultures. Many religious festivals include using of domestic animals for sports and entertainment. Bullock cart races are conducted in most of the parts of India. Bulls, bullocks, horses, and oxen are tied up, and they are controlled and beaten by humans²⁷. Not only this but they are also forced to carry weight, for example, by tying bullock carts and pulling animals' heads. In order to win the race, they are often forced to perform certain actions.

Cock fights are also celebrated in some parts of India, and this game is often connected to gambling. Cock fights make the cocks themselves get injured, like their lungs will get punctured, bones will break, eyes will be pierced, etc. They are soft and bird-like creatures, and they often get exhausted.

Jallikattu is one of the famous animal sports in Tamil Nadu. In 2017, the Supreme Court was allowed to conduct Jallikattu and a new Legislation was passed in Tamil Nadu, which contradicted the Prevention of Cruelty to Animals Act of 1960. The owners imprison the bulls, and they train them by making them run. When they run in fear, they often fall into a well or lake. There is also a case based on Jallikattu, which will be explained in detail in one of the following chapters.

Animals getting sexually exploited:

Bestiality means a sexual relationship between humans and animals. There are many cases where humans have raped dogs, cows, goats and even baby cows, etc. After sexually assaulting and exploiting them, they even murder those innocent poor animals. This activity is mainly for human pleasure and gain, but it is immoral, and it affects the animals. Under IPC, this activity is banned. Since there are many stray animals in India, they are often prone to bestiality.

Caging birds:

Many people in India raise birds as pets. Most of the breeds include love birds, parakeets/budgies, parrots, finches, macaws, and doves. These birds are also known as one of the most popular animal companions. Many Indians keep these birds and raise them in cages. Many shops sell these for pets. This is also a cruel practice. These caged birds need freedom

²⁷ *What's Wrong With Using Animals in 'Sports'?*, PETA INDIA, <https://www.petaindia.com/issues/animals-in-entertainment/whats-wrong-with-using-animals-in-sports/>

and companionship. They are creatures with wings, and they are supposed to migrate from one place to another for food and shelter. Caging these creatures is immoral.

Because of this, birds are often alone and bored, and they might become aggressive²⁸, pull out their feathers, and hurt themselves. Even in this selling business, they are often not provided with good food and care. They also smuggle birds. Selling birds for pets should be banned, and people should stop buying these feathered and winged creatures. People who are raising them should release them from cages immediately.

Also, the Indian Constitution states that every citizen has a duty to protect living creatures, including animals and birds. Therefore, people should give some space in their homes for birds to make them build their nests. The researcher has observed a lot of homes where they have tied nets around the balconies, which prevents birds from entering inside the homes for food and shelter, and some have even chased these birds in a cruel manner. Therefore, it would be helpful if we could provide some food and water in some free space in the home so that birds can live freely.

4.3. Animals as pets: Legitimate or Illegitimate:

Many people in India raise different domestic animals as pets. Here comes the question of whether raising animals as pets is legal or illegal and if it is legal, to what extent it is legal. Legally, as per the Constitution of India or any other Indian Legislation, there is no provision that talks about the right of a human to raise animals as pets. There are some provisions in law that talk about which animals we can keep as pets and not to keep them as pets. The laws and provisions regarding the same will be discussed in the following chapter.

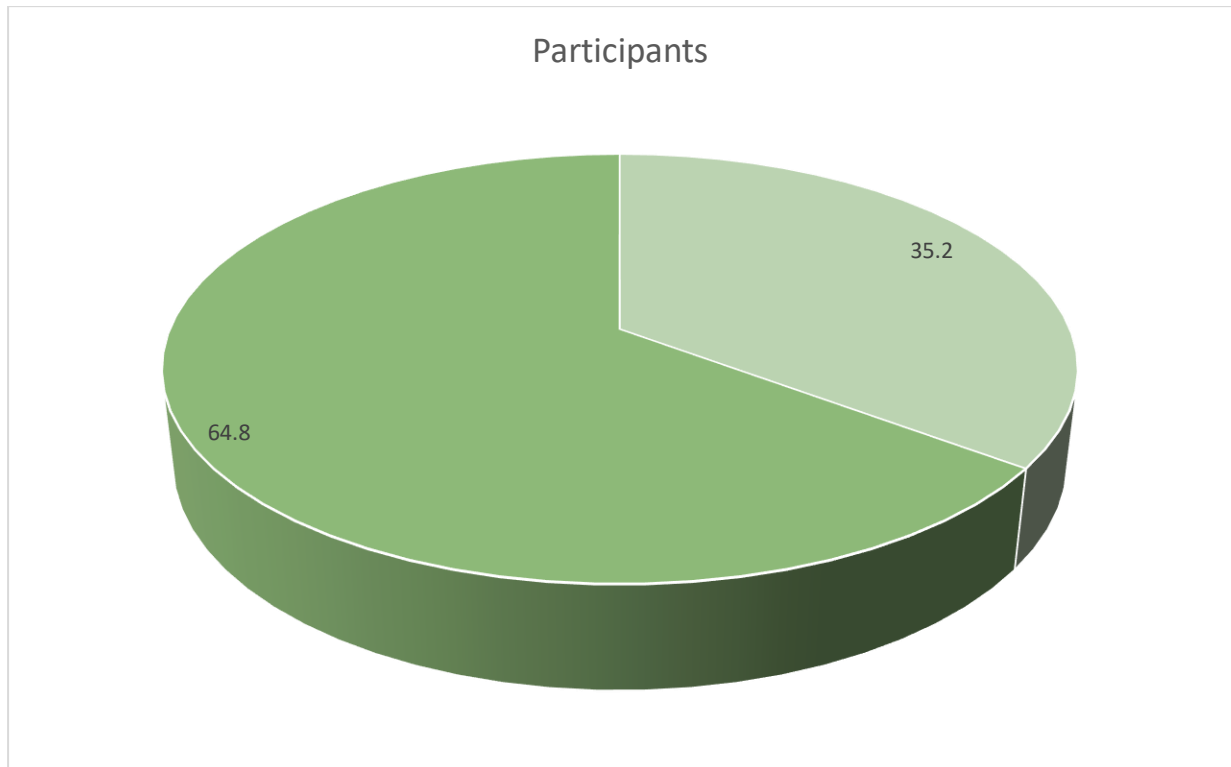
In India, most people raise cats, dogs, and birds as pets. These are the most common domestic animals. There are many domestic animals that are suffering because of a lack of proper attention and care from pet owners. Before raising an animal as a pet, the owner should be aware of the laws and moral values so that the welfare of these animals will be proper. Raising animals as pets is moral and legal, and to what extent it is moral and legal will be discussed in the following paragraphs and chapter.

The researcher conducted an empirical study through Google Forms and collected data from 105 participants, all Indians. Now, let us look into five responses given by participants that

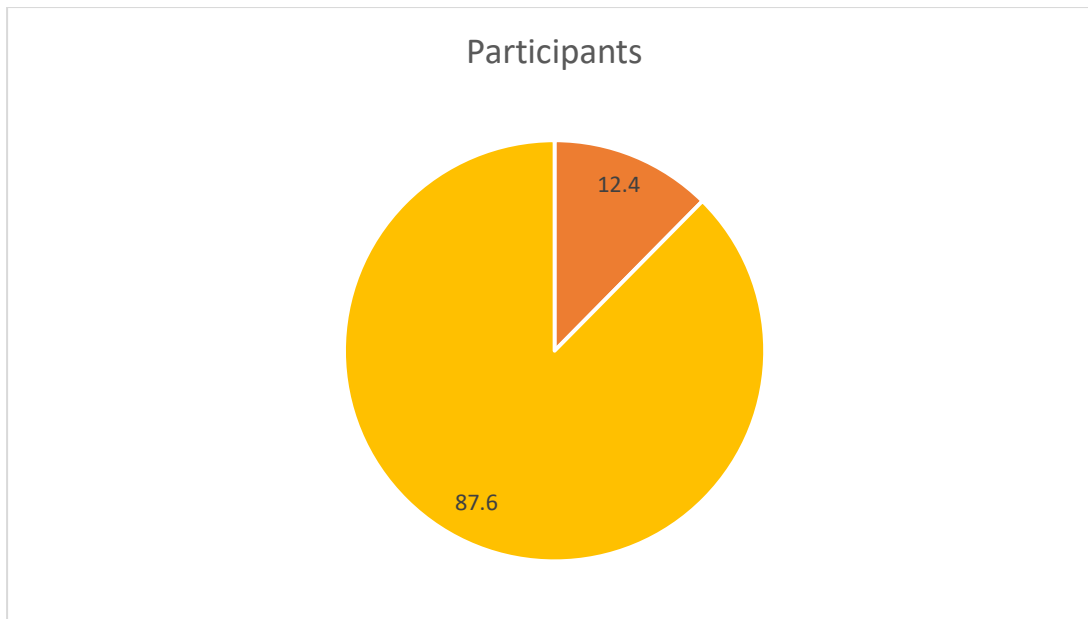
²⁸ *What's Wrong With Caged Birds? How Birds Suffer in the Pet Trade*, PETA, <https://www.peta.org/issues/animal-companion-issues/cruel-practices/caging-birds/>

relate to this sub-chapter, and we will also come to know to what extent people think raising animals as pets is moral/immoral.

1. Out of 105 participants, 35.2 % (in grey) of the participants have pets in their homes, and 64.8 % (in green) of the participants do not have pets in their homes.



2. Out of 105 participants, 87.6% (in yellow) of the participants say that it is moral, and 12.4% (in orange) of the participants say it is immoral.



3. Out of 105 participants, 35.2% of the participants raise cats, dogs, birds, fish, and parrots. Also, eight participants raise dogs and birds in the cage. Out of them, 35 participants did not raise any pets.
4. All the pet owners (35.2%) mentioned that they take care of them as family members, and some take care of them as their children.
5. With regard to the extent to which participants think raising animals as pets is moral/immoral, different participants gave different responses. They are described in paragraphs below, and each statement was given by the participants.

If we torture the pet physically, then it is immoral. Caging pets for illegal purposes is immoral. Animals as pets without affecting others' rights is moral with the fullest support. They are moral as long as they are treated well, basic necessities are met, and steps are taken to give them the best life within the means of the owner. Animals do not exist solely for human use, so they should be treated well for their own sake. They should be treated with the care they deserve and not be used as slaves. It is moral to the extent that its well-being is not compromised for the sake of our joy in raising them. It is moral if there is no cruelty to them and they are taken care of.

Exotic animals should not be kept as pets as there is no guarantee of their adaptability and the caretaker's nature. Therefore, only common breeds must be kept as pets. They are moral to some extent. If an adequate level of love and care is given, it is moral. It is extremely moral. Adopting an animal that has no home and might otherwise be destroyed is clearly a morally good thing to do. They should be free and independent, not be caged, and maybe give health care to the weaker and ailing animals.

They actually help bring compassion to children and elders. Being moral is one self-belief, and being kind and compassionate towards animals and birds makes us think if whatever we are doing is morally good or not. Therefore, in this context, I believe that having animals as pets can bring us some sense of morality. It is moral to a great extent. Very much moral if given the proper love and attention. Pets should be treated morally. They become a part of our family and deserve all the freedom, love, and respect.

We should raise them without touching them frequently because certain diseases can spread to the family when children are at home. If the pet owner takes good care of the pet(s), then it is not immoral. Restricting their freedom is immoral. It is moral as long as the owner takes good care of them and does not cause nuisance to other people. Adopting or raising any domestic animal that has no home, in my opinion, is considered noble. Can't precisely determine morality, but there is nothing immoral. It is moral to the extent not prohibited by law. It is moral to the extent they are free to survive without extreme limits to their basic instincts and necessities.

I feel it's fine to cage a bird/animal as long as it does not get hurt. If there is responsible ownership and proper care, then it is moral. If you treat them as family members, then it is moral. If it does not disturb the neighbourhood, then it is moral. Every person has the right to seek the company of pets to the extent allowed by law. Humanity speaks for morality towards animals. Humans are there to frame a plethora of human rights, but what about animal rights? So, the question of morality itself does not arise when it comes to animal care, which is subjective to reasonable precautions, care, and safety of all, including animals.

I think, considering how nature has created beings, some animals ought to be domesticated for the survival of the dominant species. So, domesticating animals for food, supplies, or even pleasure (to the extent that they are not cruel) is moral. They have moral values, but they are subservient to human values. Until you start atrocities on them. Animals are supposed to be domesticated (a few animals) like dogs, cats, etc.; they need love and human touch; pandas

need humans to take care of them; otherwise, they are extinct themselves. But I don't support keeping them in zoos or cages or forcing them to stay in a particular closed space. It is moral to the extent that it won't cause harm to others.

Unless it is getting hurt in any way or social balance is disrupted, it is moral. Morality depends on the purpose. As long as they are raised in environments that are as natural enough to them. To the extent that we are protecting them from abuse and providing proper vaccination. Domestic animals are very much needed for our daily needs, so to that extent, they are needed, but when they are harmed by keeping in chains or used for activities like festivals, taking loads, carriage, etc, it is immoral.

There are ethical problems involved in keeping animals as pets - these become obvious if the animal is not well looked after or if it is an inappropriate animal to keep as a pet. It's also unethical to keep an animal that is a danger to other people or animals. They should be free and independent, not be caged, and maybe give health care to the weaker and ailing animals. The way we treat them defines morality or immorality. If we let them the way they will be in their natural setting. To a greater extent, it is moral.

The extent to which animals are moral beings is a subject of ongoing debate, with evidence suggesting some species exhibit behaviours akin to empathy and cooperation, though the full extent remains unclear. Petting domestic animals is moral. Like a dog that can surely be domesticated. We are giving them shelter and looking after them. So basically, it is moral as we are protecting them. As long as you are not hurting them.

4.4. Welfare of the street animals

Stray animals:

In India, we find a lot of stray animals like dogs, cats, goats, cows, etc. Interestingly, there are 25 million dogs in India that live in the street without owners. There are four classifications of dogs, and they are restricted/supervised dog, which is entirely dependent and restricted; family dog, which is fully dependent and semi-restricted; neighbourhood dog, which is semi-dependent, semi-restricted, or unrestricted; and feral dog, which is independent and unrestricted. Under these categories, there are more neighbourhood dogs in the population.

In India, there are more cases of dog bites and rabies. These street animals cause a few problems, such as nuisance, goat/cow hitting humans, and dog bites. Also, humans cause problems with them, like whacking them, hitting stones at them, bestiality, etc. In the following chapter, laws and provisions regarding the welfare of street animals will be discussed. According to the WHO, India is endemic for rabies, with 36% of deaths due to rabies globally. These also include children. India is still in the developing stage; therefore, post-bite vaccines are not available.

Prevention of rabies is not only for humans but also for dogs infected with this disease. Vaccination should be accessible to everyone, as well as dogs, to prevent rabies. Education and awareness, legislation and enforcement, and provision of resources are also important for the welfare of street animals and the prevention of dog bites, as well as rabies in humans and dogs. Reduction in dog population density will also control rabies disease.

4.5. Conclusion

Today's world is more advanced than it was in historical times. In the past, there were no transportation advancements or technological advancements; therefore, humans used animals to work and make jobs easier for humans. Now, working animals are still being used by humans with so many advances in mechanics as well as labour. Using animals and forcing them to work is unethical and cruel, even in the past as well as in the present. There should be more guidelines and rules regarding raising domestic animals as pets. This will really contribute to the welfare of the animals while raising them. Also, domestic animals as pets are moral to the extent we don't hurt them, but it is also important to note that we do not have a fundamental right²⁹ to raise or have a pet. So, morally, we should raise pets and raising birds as pets is immoral.

²⁹ Is it illegal to have a pet? Laws regarding pets in India, BONUM LEX, <https://bonumlex.com/is-it-illegal-to-have-a-pet-laws-in-india/>

CHAPTER 5 - PROVISIONS FOR ANIMAL RIGHTS IN INDIAN LEGISLATIONS

5.1. INTRODUCTION

Most of the Indian laws were derived from British laws, and more of the ideas came from British rulings. There are a plethora of laws that govern and regulate the welfare of domestic animals. This chapter includes only the laws regarding the welfare and rights of domestic animals. Also, how the judiciary has played a role in interpreting the animal's rights is discussed in the same chapter.

5.2 INDIAN STATUTES AND RULES

Under Chapter II, Section 47 of the Indian Penal Code³⁰, has defined the term animal. As per this provision, animal means any living creature except a human being. The exact meaning of animal has also been defined under the Prevention of Cruelty to Animals Act³¹ (PCAA). Therefore, the term domestic animal will also come under the purview of this definition.

Section 2(d) of the PCAA has defined the term domestic animal. As per this provision, a domestic animal is an animal that has been domesticated for the purpose of man (basically human) even though it is not intended to be domesticated or has become, in fact, wholly or partly domesticated.

The Performing Animals Rules³² (PAR) defines performing animals as animals which are utilised for the purpose of entertainment to the public, which is allowed through ticket sales. The Performing Animals Registration Rules³³ (PARR) define performing animals as animals used in movies and for equine events.

What are the rights that animal lovers have? Under the Indian Constitution, an animal lover has different rights under different provisions. Under Article 19 of the Indian Constitution, the right to freedom is mentioned, and under this purview, the right to the profession,

³⁰ Indian Penal Code, 1860, Act No. 45 of 1860, (October 6, 1860).

³¹ The Prevention of Cruelty to Animals Act, 1960, ACT NO. 59 OF 1960, (December 26, 1960).

³² The Performing Animals Rules, 1973.

³³ The Performing Animals (Registration) Rules, 2001.

occupation, etc., also comes. Therefore, an animal lover has the right to occupation, such as opening an animal welfare NGO, etc.

Under Article 21, an animal lover has the liberty and right to life to protect domestic animals, and everyone has this right, and anyone can protect the welfare of animals in a moral way.

Under Article 48, the government must prepare modern agriculture and animal husbandry for conservation and breeding improvement, as well as to ban the massacre of cows and their calves and draught cattle.

Article 48A states that the government should safeguard and improve the forest and wildlife of the country.

Under Article 51A, the duties of Indian citizens are mentioned. One of the duties is to protect domestic animals as they are also a part of living creatures. Therefore, an animal lover can feed and protect domestic animals. The textual interpretation of this under the Constitution is as follows: *“Article 51A(g) To protect and improve the natural environment including forests, lakes, rivers and wild life and to have compassion for living creatures”*.

Section 11 of the PCAA explains in detail what is considered to be a cruel treatment of an animal. There are different sub-clauses 11(1)(a-o) under this section that explain animal cruelty. They are as follows:

- a) If a person is beating, kicking, over-riding, over-driving, over-loading, torturing, or causing unnecessary pain or suffering to any animals, then their action will amount to animal cruelty.
- b) If a person employs an animal because of its age or any disease that makes it unfit to be so employed and still makes it work for labour or any other purpose.
- c) If a person intentionally and unreasonably administers any harmful drug or substance to the animal.
- d) If a person conveys or carries in any vehicle which is subject to unnecessary pain or subject.
- e) If a person keeps or confines any animal in any cage or container which is not measured to allow the animal a reasonable opportunity for movement.
- f) If a person keeps an animal chained, which is heavy for an unreasonable time.
- g) If a pet owner chains a dog habitually or keeps it in close confinement.
- h) If an owner of the animal did not give proper and enough food, drink or shelter.
- i) If an animal owner abandons in any situation that causes pain because of thirst or starvation,

- j) If an animal owner purposefully allows any animal which has been infected by a contagious disease or has a disability to go in a large street and make them die.
- k) If an animal owner offers an animal for sale which is suffering from pain because of mutilation, starvation, thirst, overcrowding or poor/harsh treatment.
- l) If a person injures or disfigures or kills any animal, which includes stray dogs, by using the technique of strychnine injections in the heart or in any other unnecessarily inhumane way.
- m) If a person confines an animal for entertainment to make it an object of prey and to make it fight another animal.
- n) If a person keeps organises or uses any animal for fighting or baiting for money purposes.
- o) If a person promotes or takes part in shooting where, they have to release animals from captivity for shooting.

If anyone commits the above-mentioned acts, then that act will amount to animal cruelty.

Any person can file a complaint at a nearby police station if a person has committed animal cruelty. Moreover, the punishments given to the offender are payment of fines, which costs Rs. 50, and if it is the case of the second offence committed within three years of the previous offence, the fine amount will not be less than Rs. 25, but it may extend to Rs. 100 or imprisonment for a term which may extend to three months or with both. Also, the vehicle of the offender will be confiscated, and he/she will not be able to own an animal in the future.

Phooka or doom dev³⁴ practices will also amount to animal cruelty. Section 12 of the PCAA punishes a person who performs these acts on a cow or any other milch animal to improve lactation. They are harmful practices, and the punishment may extend to one thousand rupees or imprisonment for two years or both. This animal shall be forfeited to the government, and the police officer may also give this animal to a veterinary officer. Also, to extract milk, using oxytocin injection on dairy animals will also amount to animal cruelty under this provision. The same punishment will be given. This practice is also illegal under the Food and Drug Adulteration Act, as it is harmful to animals as well as humans. Under the Drugs and Cosmetic Act, this practice is also illegal.

Section 22 of the PCAA prohibits animals which are used for exhibition and training for entertainment by asking them to perform. Those animals mentioned under the Act are bears,

³⁴ This practice basically introduces air or any substance into a dairy female animal's organ to extract milk. This practice is also known as cow-blowing or Kuhblasen.

monkeys, tigers, panthers, and lions. The PARR, 2001 has given certain rules for the registration of performing animals. They are like they should have a veterinarian as a regular employee for treatment, the owner shouldn't confine those animals, they should feed properly, they should make them perform in a natural way, etc. Section 23 of the PCAA also has given procedures for registering the animals used for the exhibition and training of performing animals.

Section 26 of the PCAA punishes a person who didn't register animals for performance or a person who makes animals perform in an illegal or improper manner. The punishment may extend to a Rs. 500 fine or, three months of imprisonment, or both. Section 27 of the PCAA allows the training of animals for bonafide military and police purposes as long as they are not cruelly treated. Section 32 of the Act also gives power to the police officer to search and seize the animals that are suffering, and they should produce them to a veterinary doctor for medical examination.

Sections 34 and 35 of the PCAA give powers to the police officers to produce the animal before the magistrate and to show it to the veterinary doctor. Also, animals should be taken care of and should be discharged only after they become fit. The Police officer should follow the instructions of the veterinary officer regarding their treatment, and the costs should be paid by the owner of the animal.

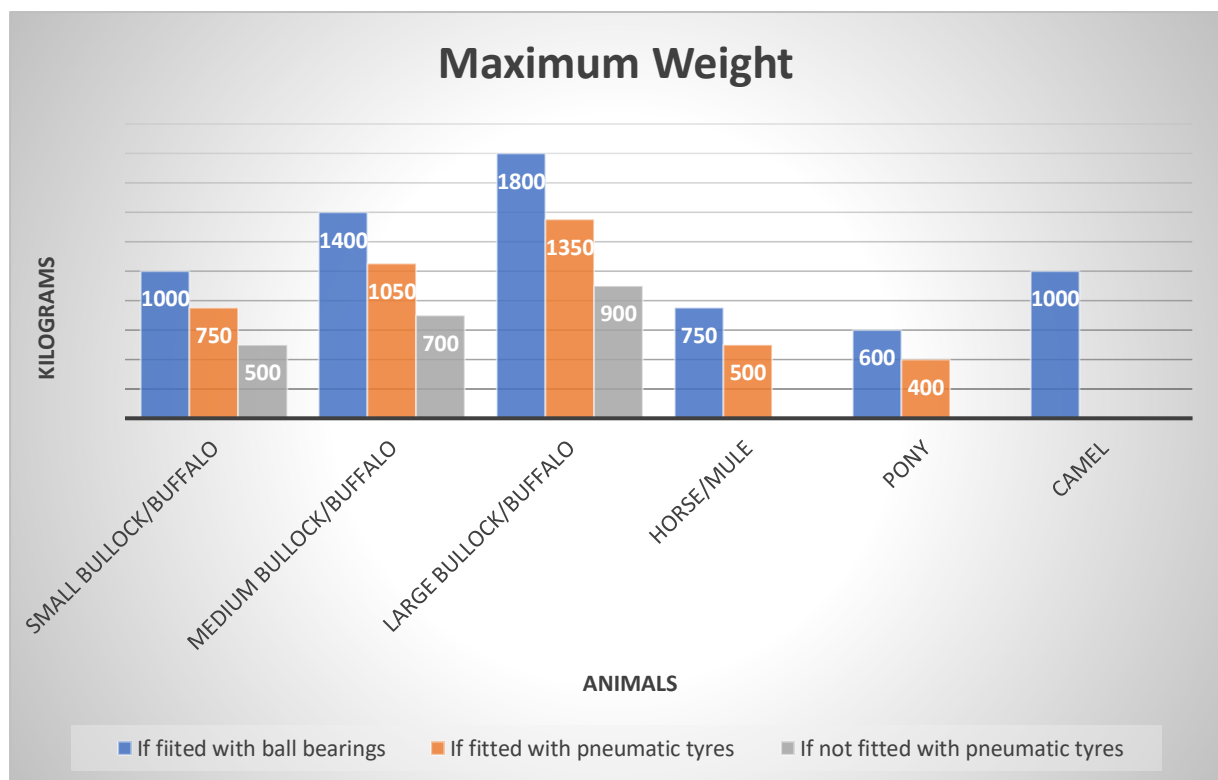
Sections 428 of the IPC punishes any person who commits mischief by killing, poisoning, maiming or rendering useless any animal(s) which are valued above ten rupees. Also, simple or rigorous imprisonment for a period of two years or a fine or both will be given. Under section 429 of the IPC, any person who commits the same offence on animals that are worth more than fifty rupees is punished. In this case, a person should file a complaint at the nearby police station, and the punishment may extend to five years (imprisonment), a fine, or both.

If a person steals any animal, then he/she will be punished under section 378 of the IPC because in that provision, if a person steals any property, then he is said to have committed theft, and the property also includes animals. If the accused steals an animal, then he/she will be punished under section 379 of the IPC, and the term of the imprisonment may extend to three years or a fine or both.

Section 503 of the IPC talks about criminal intimidation. If a person intimidates any owner of the domestic animal, then he/she is responsible for this type of offence.

Animal Birth Control Rules³⁵ (ABCR) has defined an owner in Section 2(f) as an animal owner who is in possession or custody of an animal, whether with or without the consent of the owner. Pet owners might also come under this definition. There are two types of dogs under the Rules they are: pet dogs and street dogs. Owners and animal welfare NGOs should be held liable for sterilisation. They should also be vaccinated and immunised.

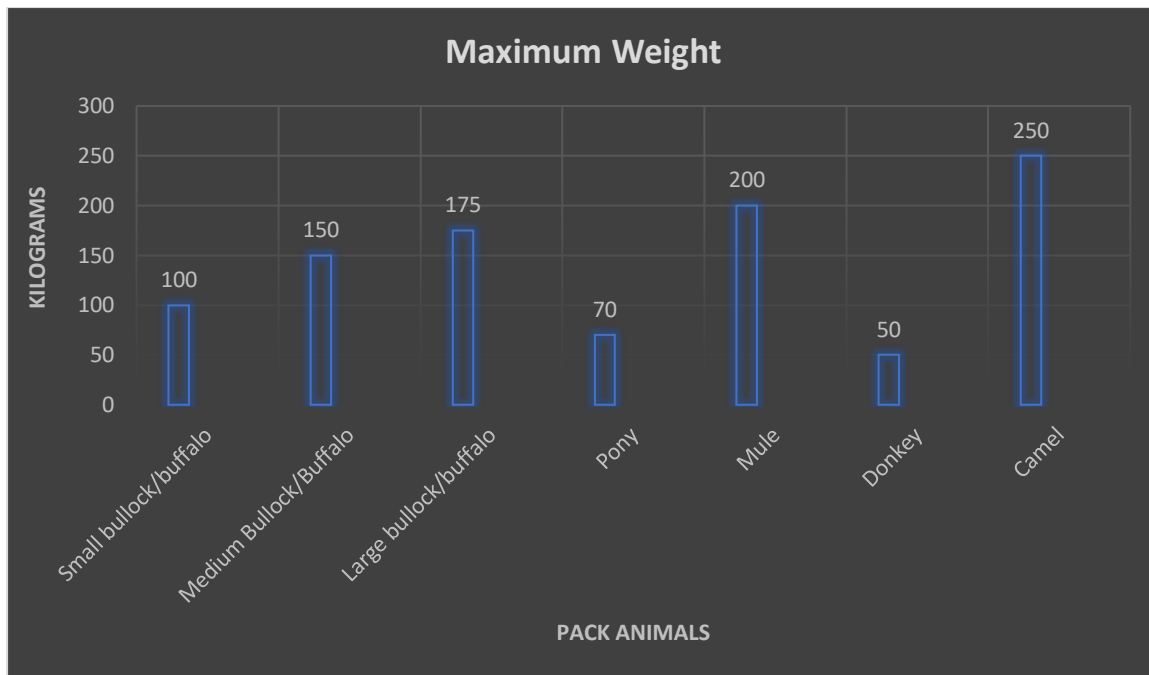
The Prevention of Cruelty to Draught/Pack Animals Rules³⁶ (PCDPAR) has given out the maximum weight these animals can carry. They are as follows:



These animals are measured by carrying two-wheeled vehicles. The Act gives weight to horses, mules, and ponies only if fitted with pneumatic tyres and if not fitted with pneumatic tyres. The camel's weight is measured in the two-wheeled vehicle. The maximum weight carried by pack animals is given below.

³⁵ Animal Birth Control (Dogs) Rules, 2001.

³⁶ The Prevention of Cruelty to Draught And Pack Animals Rules, 1965.



Rule 6 of the PCDPAR states that no one is permitted to use animals for carrying for more than nine hours per day and not more than five hours with break or rest, and they are not allowed to carry under temperatures which are more than 37 degrees Celsius between 12 and 3 pm. Rule 7 states that animals should be let free after work, and rule 8 states that the use of spiked bits on animals is banned because they are spiked sticks and they are sharp, which injures the animal. Rule 9 states that no one should saddle a horse. As per Rule 11 of the PCDPAR, police officers have the power to charge a person for overloading an animal.

Rule 98 of the Animal Transport Rules³⁷ (TAR) has laid down certain conditions regarding the transport of animals. They are only animals which are in healthy and good condition must be transported; unfit, unwell, diseased, and ineligible animals must not be transported; pregnant animals should not be transported; various categories of animals shall be kept in a separate manner for transportation and diseased and sick animals transported for treatment should not be mixed with other animals. There are also rules and conditions for transporting animals like monkeys, cattle, poultry, etc.

There is also another rule with respect to animal transportation by foot, which is known as PCA Transport of Animals on Foot Rules³⁸ (PCATAFR). The rules are every animal must be healthy as certified by a veterinary doctor, first aid should be given to the animals by the

³⁷ The Transport of Animals Rules, 1978.

³⁸ The Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001.

owner, and they should rest for 20 minutes after watering and one hour after feeding; no whip or stick be used to make the animals hurry, none of the animals should be tied by the nose or leg, and they shall be tied only around the neck, none of the animals should be transported by foot before sunrise, and after sunset and even during heavy rain and extremely dry weather conditions, pregnant, disabled, ineligible animals should not be taken on foot, animals which are not shod like goats shouldn't be transported on hard cement, metal tarred or rocky roads and the police officials should punish the offenders and take them to the magistrate.

In one of the above-mentioned chapters, it was mentioned that animal sacrifice is common in India, mostly in the South. In India, animal sacrifice is illegal under the PCAA, Wildlife (Protection) Act of 1972 (WPA), IPC. There is also a separate Act called the Prohibition of Bird and Animal Sacrifice Act in different states. They are the Kerala Animal Sacrifice Prohibition Act³⁹, the Tamil Nadu Animal and Bird Sacrifice Prohibition⁴⁰, And the Telangana Animals and Birds Sacrifice Prohibition⁴¹ Acts. In some other states, there is also some ABSPA.

Under section 39 of the WPA, injury to a wild animal that is under government property is prohibited. The WPA defines animals as amphibians, birds, reptiles, mammals, and young ones. The details of the penalty are given under section 51 of the WPA, which states that the offender will be punished with an imprisonment of three years or a Rs. 25,000 fine or both. In the case of a second or subsequent offence, the period for imprisonment will be seven years and a Rs. 10,000 fine. Madaris/Kalandars⁴² are also punished under the WPA and Performing Animal Rules.

The WPA states that only exotic species of birds can be legally kept with the condition that the owner/seller has come from outside the country and should have an import licence and permission from the United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Bureau. As per section 11 of PCAA, even keeping a permissible bird in a cage and not providing proper care and treatment will amount to bird cruelty. Section 9 of the WPA punishes a person who hunts wild birds. Section 50 of the WPA

³⁹ THE KERALA ANIMALS AND BIRDS SACRIFICES PROHIBITION ACT, 1968, ACT 20 OF 1968.

⁴⁰ The Tamil Nadu Animals and Birds Sacrifices Prohibition Act, 1950, Act 32 of 1950.

⁴¹ THE TELANGANA ANIMALS AND BIRDS SACRIFICES PROHIBITION ACT, 1950. (ACT NO. XXXII OF 1950)

⁴² Madaris/Kalandars are nomadic Indian Muslim tribe who lives by capturing young animals like bears and monkeys by training them to perform for entertainment.

gives powers to the Director, Chief Wildlife Warden or any Police Officer to arrest and punish a person who commits such an offence.

Under section 268 of IPC, killing animals in a public place creates a public nuisance and inconvenience to the public. There is also another legislation which is known as the Experiments on Animals Rules⁴³ (EACSR). The EACSR has given some conditions for conducting experiments on animals. As per this rule, it is also illegal to sell animals for experiments.

The Licensing of Farriers Rules⁴⁴ mandates farriers to be licensed. The Rules define a farrier as a person who carries the business of shoeing cattle, which includes mules, horses, buffaloes, etc. There are also certain conditions given under the Rules for a farrier to apply for the license. There is another rule known as the Prevention Of Cruelty To Animals (Application Of Fines) Rules, 1978⁴⁵.

The Prevention Of Cruelty To Animals (Registration Of Cattle Premises) Rules, 1978 mandates every cattle owner to register and get a certificate of registration for cattle premises. The Prevention of Cruelty (Capture of Animals) Rules, 1979, states that no birds and animals shall be captured for sale or export. Also, the legislation says that birds and animals can be captured by the net and the sack and loop method. The Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001 talks about the establishment of societies, infirmaries and animal shelters for the prevention of cruelty to animals in districts.

The Animal Birth Control (Dogs) Rules, 2001, has laid down certain rules for veterinarians and animal welfare boards, like euthanasia for street dogs, furious or dumb rabid dogs, breeders, etc. The Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017 talks about rules on custody of animals pending litigation, cost of care and keeping of animals pending litigation, abandoned animals, the status of animals upon disposal of litigation, the process of adoption or other disposition, etc. The Prevention of Cruelty to Animals (Dog Breeding and Marketing) Rules, 2017 mandates the breeders to register for the breeding of dogs and conditions for renewal of registration, conditions for

⁴³ The Experiments on Animals (Control and Supervision) Rules, 1968.

⁴⁴ The Prevention of Cruelty to Animals (Licensing of Farriers) Rules, 1965.

⁴⁵ The Prevention Of Cruelty To Animals (Application Of Fines) Rules, 1978.

sale, breeding requirements, etc. There are also formats for a certificate of registration of dog breeding.

The next important rule is The Prevention of Cruelty to Animals (Pet Shop) Rules, 2018⁴⁶. Pet shop rules have defined pet animals as “*dog, cat, rabbit, guinea pig, hamster, rodents - rat or mice category, pet birds and such other type of animals, the ownership of and trade which is not banned by any other law, rules or regulations.*” A pet shop has been defined as a shop where pet animals are sold and kept. The Rules mandate that pet shop owners register the pet shops before operating, and there are conditions for registration: the license will be given only after registration, and the registration should also be renewed.

The pet shop should be located in a permanent structure/building with proper arrangements like water, electricity, etc, and safety should also be ensured. Pet shop owners should make sure to take care of pet animals, including veterinary care, accommodation and other operational requirements like clean drinking water, food, enough dedicated staff, adequate measures, etc. Pet shop owners should also maintain a record book of important details. If the pet shop owner is found to have not complained about these rules, he/she will be punished and investigated.

The Animal Welfare Board of India (AWBI) has given certain Guidelines with respect to Pet & Street Dogs and their Caregivers, and Residents’ Welfare Associations (RWA) and Apartment Owners Associations⁴⁷ (AOA). Some important guidelines for pet owners are as follows:

Pet owners should treat their pet animals as their own family members, like toddlers, and they should make them healthy and hygienic in the home as well as public places; pet owners should not let their pet dogs frequently bark as it causes nuisance, and they are advised to make their dogs be quiet especially during night time, leashing of pet animals in public is permitted as they make sure of safety and a pet owner cannot be debarred by apartment owners’ associations from the utilisation of elevators for the pets/dogs.

⁴⁶ The Prevention of Cruelty to Animals (Pet Shop) Rules, 2018.

⁴⁷ *Guidelines - with respect to Pet & Street Dogs, and their Care-Givers, and for Residents’ Welfare Associations and Apartment Owners Associations*, (Feb. 26, 2015), https://awbi.gov.in/uploads/circular/163282565895pet_dog_circular_26_2_2015.pdf

Some important guidelines for Caregivers of Street Dogs are as follows:

People should feed stray animals without owners in a compassionate way, such as preparing food and feeding them, and they should also participate in sterilisation and yearly vaccination as they feed them frequently. Caregivers should not feed stray dogs near residencies on their own, and they should not feed them in areas where children play, people walk frequently and crowded areas. They should feed without making that place dirty, and it should be clean. They are also advised to keep an eye on dogs regarding sterilisation and vaccination.

Some important guidelines for RWA, AOA, etc are as follows:

Regarding the ban on pets, they should come up with an agreement and put rules in place, but they cannot convince the residents not to own pets. Legally, they can allow the residents to own pets. The residents also have the freedom to choose the way they can live their life and their right to life. RWA and AOA can allow the pets to use the elevators, parks, and gardens without any charge. Pet owners should clean the area by removing the excreta of pets, and they should not impose rules and charges for that. They should not ask the residents to give up and abandon their pets.

Some important guidelines regarding street dogs are that they should not beat, kill, dump or chase stray dogs, and birth control of animals and releasing them back to the same place is permitted. The duty of the citizens is to feed the stray dogs. People should not commit animal cruelty. Also, people should not be aggressive towards stray dogs.

We also have other legislations like the Cattle Trespass Act of 1871⁴⁸, the Elephants Preservation Act of 1879, the Cinematograph Act of 1952, the Breeding of and Experiments on Animals (Control and Supervision) Rules of 1998, and other state laws regarding animal rights and laws. Since the Researcher is from Tamil Nadu, important Tamil Nadu animal laws will be mentioned. They are the Madras City Police Act, 1988; the Towns Nuisance Act, 1889; the Tamil Nadu Wild Elephants Preservation Act, 1873; the Tamil Nadu Animal and Bird Sacrifices Prohibition Act, 1950; the Madras Livestock Improvement Act, 1940 and the Tamil Nadu Animal Preservation Act, 1958. We also have the Stray Animal Foundation of India (SAFI), which is a U.S.A.-based NGO in Florida opened by Ujwala Chintala that supports Indian stray animals.

⁴⁸ The Cattle Trespass Act, 1871.

5.3. THE DECISIONS OF INDIAN JUDICIARY

Tilak Bahadur Rai v. State of Arunachal Pradesh (1979)⁴⁹

In this case, a man shot a tiger in self-defence. The Court held that we could not charge a person if he/she committed an offence by killing an animal for self-defence. This is with regard to killing or harming animals for self-defence. I have included this case to talk about harming or killing a domestic animal. If a person is in danger, it means they can kill or harm by chasing that particular animal, but in the case of domestic animals, they are harmless. In the above-mentioned case, shooting a wild animal makes sense, but it is advised not to kill domestic animals as they are slow-running and harmless animals. It is better to chase or harm animals with stones or sticks for the purpose of self-defence.

State of Bihar v. Murad Ali Baig (1989)⁵⁰

This case is about the Respondents hunting the elephants. The issue was whether hunting of elephants was legal or illegal? This can be analysed under this study as elephants are often domesticated. In South India, especially, Tamil Nadu, many temples use elephants for spiritual and ritual purposes. They also make these elephants roam around different places. The Supreme Court stated that hunting elephants includes driving, capturing, trapping, coursing, etc. and therefore, hunting them is prohibited. In support of this, SC even added and referred to the provisions under the Wildlife Protection Act of 1972.

People for Ethical Treatment of Animals v. Union of India (2004)⁵¹

This case is about the violation of the Prevention of Cruelty to Animals Act, 1960 and Performing Animals (Registration) Rules, 2001, when making the movie “Taj Mahal”. Therefore, PETA filed a Public Interest Litigation (PIL) writ petition against the grant of a certificate of censorship. After perusing this, the Court held that if a film contains the use of animal(s), a certificate should be obtained from the Animal Welfare Board of India, where AWBI cross-checks that there won't be any cruelty towards animal(s) and film-makers should follow the essential provisions under PCA Act and Performing Animals Rules.

⁴⁹ Tilak Bahadur Rai v. State of Arunachal Pradesh, (1979) CRILJ1404.

⁵⁰ State Of Bihar v. Murad Ali Khan and Ors, AIR (1989) SUPREME COURT 1.

⁵¹ People For Ethical Treatment Of Animals v. Union Of India & Others, 5 March, (2009).

Shri Ajay Madhusudan Marathe v. New Sarvodaya CHS Ltd, 2009⁵²

The case is about restricting the owners from using dogs/pets or carrying them in the elevators. Here, a particular society has passed a resolution that dogs are not consumers, and they are not allowed in the elevators as this might lead to the spread of diseases. The owners filed a case by challenging this action by the society.

The Court, after observing both sides, ruled that the dogs are registered and the owners have the licenses for the same. Then the Court has also added that keeping dogs is safe and no diseases will be spread because of raising them. The Court finally stated that society has no right to prevent the owners from raising the pets.

This case has been positively interpreted by supporting the pet animals. Everyone has the right to raise a pet as long as it doesn't harm others.

Gauri Maulekhi v. Union of India, (2010)⁵³

This case is about the illegal export of buffaloes from India to Nepal for the festival called Gadhimai, where they sacrifice various types of animals, like buffaloes, rats, goats, birds, pigs, etc, for the luck of humans. The Supreme Court held that these practices have amounted to unnecessary suffering and pain, and these amounts to cruelty and illegal import. The Court also stated the rules and regulations should be strictly followed by the people.

Animal Welfare of India v. A Nagaraja and Ors. (2014)⁵⁴

This case is about challenging a traditional sport which is called *Jallikattu*. This sport uses bull in Tamil; it is called as paacha kaala maadu and is played every year during the famous festival in Tamil Nadu, Pongal. This is also known as bull taming. If a player tames a bull successfully, he wins; if not, he loses. This sport has existed since the BC era. The arguments by the Petitioners here was stating bull taming amounts to cruelty and violated its right to life with dignity. They have argued by referring to article 51A(g) of the Indian Constitution and other provisions under the PCA Act.

⁵² Shri Ajay Madhusudan Marathe v. New Sarvodaya CHS Ltd., (2009), First Appeal No. 676 of 2009.

⁵³ Gauri Maulekhi v. Union of India, (2010) Writ Petition (PIL) No. 77 of 2010.

⁵⁴ Animal Welfare of India v. A Nagaraja and Ors, 595 (2014) 7 SCC.

If you look into the history, there was a ban on Jallikattu all over the state, and this ban was lifted after the state government passed the Tamil Nadu Regulation of Jallikattu Act of 2009. Then, in the year 2011, the Union Government prohibited the training and exhibition of animals, which also included bulls. After this, again, the Tamil Nadu state government passed two legislations and removed the ban on this sport. They are the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act of 2017 and the Prevention of Cruelty to Animals (Conduct of Jallikattu) Rules of 2017.

In the year 2018, AWBI and PETA challenged these legislations by moving to the Supreme Court. After this protest took place by the people all over Tamil Nadu and, even the TN Governor passed an Ordinance. After all those legal and traditional battles, the bull-taming sport/Jallikattu was allowed, and the SC warned the authorities to keep an eye on bulls to prevent cruelty or abuses.

Analysis: The Researcher goes against the practice of Jallikattu and is in favour of banning this bull-taming sport. PETA⁵⁵ has made an investigation, and we can see that those bulls faced cruelty, like people twisting their tails and breaking their tailbones, pulling them harshly with the help of a rope, which even led to bleeding, etc. Even the Researcher has personally observed and heard about the dark side of Jallikattu. Because of fear, when the bulls try to escape, they often fall into the well or big deep pond, and they might die or get injured. Not only for bulls, but it is dangerous for humans, and they might also get hurt/injured while playing that sport.

People For Animals v. Md Mohazzim & Anr, 2015⁵⁶

In this case, the Complainant - the NGO filed a petition because many birds were seized and they were confined in a small cage. They also argued that this action amounts to cruelty and leads to pain and suffering of the birds. The Court, by favouring the Complainant, stated that trading of birds amounts to an infringement of the rights of birds, and they have “*the fundamental right to fly and they must be set free in the sky.*” The Court concluded that birds have the right to live with dignity without any cruelty.

⁵⁵ Shocking New Jallikattu Investigation Leads PETA Back to Supreme Court, PETA INDIA, <https://www.petaindia.com/features/new-jallikattu-investigation/>

⁵⁶ People For Animals v. Md Mohazzim & Anr on 15 May 2015.

Narayan Dutt Bhatt v. Union of India & Others, 2018⁵⁷

This case is a Public Interest Litigation (PIL) - pro bono publico for the safeguarding and welfare of animals. This case is based on the donkeys' health and other animals used for transport for a 14km route from Banbasa, a town in Uttarakhand, to Mahendra Nagar, Nepal. The Petitioner argued that the movement of horse carts should be restricted for a long distance and that proper care and medical assistance should be provided to the horses.

One issue was whether extending the idea of legal personhood to animals is possible or not. The Court held that *“the entire animal kingdom, including avian and aquatic, are declared as legal entities having a distinct persona with corresponding rights, duties and liabilities of a living person. All the citizens throughout the State of Uttarakhand are hereby declared persons in loco parentis as the human face for the welfare/protection of animals*⁵⁸.” The Court also spoke about the welfare of transport animals and the prohibition of animal cruelty.

The second issue was who would represent the rights of the animal or the ecosystem being considered. With regard to this issue, the HC didn't give any clarity. The Court just spoke about citizens' duty to protect draught animals through NGOs. The Court also mentioned a point from the 2014 Nagaraja case: *“Animals breathe like us and have emotions. The animals require food, water, shelter, normal behaviour, medical care, and self-determination.”* In the year 2017, the Whanganui River in New Zealand was given legal person status through legislation. Therefore, the welfare and rights of animals should be broadened in India.

Importantly, the HC stated that these animals which have been used as vehicles should be given “the right of way,” and the Police Officers should give directions to avoid inconvenience to the animals. Also, these stray animals should be taken to the Veterinary doctor if they are sick, and they should also be given basic needs like food, fodder, shelter and water.

⁵⁷ Narayan Dutt Bhatt v. Union Of India And Others, AIRONLINE (2018) UTR 613.

⁵⁸ Point 99 - <https://indiankanoon.org/doc/157891019/>

In Re: Smuggling and illegal trading of endangered species of birds, 2020⁵⁹

In this case, the Court stated that capturing birds that do not have mature flight feathers is not allowed as they need to live independently with proper food and other basic needs. Also, the Court has expanded the definition of pet animals under the Pet Shop Rules by stating that pet birds will also fall under the category of pet animals. In the end, the Court has also added that the state authorities should follow the rules and laws in order to prevent animal and bird cruelty.

Dr. Maya D. Chablani vs Smt Radha Mittal & Ors, 2021⁶⁰

The Plaintiff in this case asked the first Defendant not to feed stray dogs near the Plaintiff's property and the Defendant refused to do so. In response to this, Justice J.R. Midha has issued a few guidelines regarding feeding and treating stray dogs. Some important guidelines are as follows:

Animals should be treated with dignity, compassion, and respect, and they should be protected. They also have emotions like humans, and they should be provided with basic needs like food, water, etc. Stray animals also have those rights, and even the community people have the right to feed them, and they should be cautious while feeding them, and this should not also harm others in the community. People should feed only near their private property and not near other's property. The corporations and other authorities should get these stray dogs vaccinated, sterilised and registered.

Then the Court concluded that awareness needs to be passed that animals have the right to live with dignity and respect like us, street dogs have the right to food, and we (humans) also have the right to feed them.

⁵⁹ In Re: Smuggling and illegal trading of endangered species of birds [WPA 10138 of 2020 With IA No.: CAN 1 of 2020].

⁶⁰ Dr. Maya D. Chablani vs Smt Radha Mittal & Ors., (2021) on 24 June 2021.

Atasi Chakraborty (Majumdar) v. The State of West Bengal & Ors, 2022⁶¹

In this case, the wrongdoers forcefully took away the piglets from the Kalyani Court. Then, the police authorities filed a case under section 379 of the IPC. The court referred to the Jallikattu case, where the court said that animals have the right to be free from fear and discomfort. By referring to that, the Court, in this case, stated that pigs' rights were violated by forcefully taking them. Calcutta HC stated that "*society has to protect animals from cruelty*" and ordered the Ranaghat Police District Superintendent of Police (SP) to find the stolen pig from the Court.

Sohan Singh v. State of Punjab & Ors, 2024⁶²

In this case, a bus driver, while driving, hit and injured a buffalo and its calf; one died, and the other got injured. The Petitioner was the accused, and he was filed under rash and negligent driving and for smashing/hitting the buffalo and calf. Then the Petitioner filed a petition under sections 279 and 429 of IPC and section 482 of Cr.P.C. Fortunately, the Court rejected this petition, and a single bench consisting of Justice Harsh Bunger opined that "*animals may be mute, but we as a society have to speak on their behalf, and no pain or agony should be caused to the animals. Cruelty to animals also causes psychological pain to them. Animals breathe like humans and have emotions; they require food, water, shelter, normal behaviour, medical care, and self-determination.*" Then he also added that "*animals have a right to life and bodily integrity, honour and dignity.*"

5.4. CONCLUSION

Punishments are not strict, and the amount should be increased. The offenders should be jailed for more years, and the fine amounts given in the Act are very low, and they should also be increased. In the Capture of Animal Rules, it has been stated that birds and animals can be captured using the net and the sack and loop method. This is illogical and immoral even if it doesn't cause any injury and it causes inconveniences, and the provision should be modified to ensure no animals and birds should be captured in any manner. Important rules, regulations and laws regarding the welfare of the domestic animals are given above. Also, the

⁶¹ Atasi Chakraborty (Majumdar) v. The State of West Bengal & Ors. (WPA No. 11566 of 2022).

⁶² Sohan Singh v. State of Punjab & Ors., (2024), PHHC:014284.

practice of Jallikattu should be banned as they apparently amount to cruelty. On the other hand, fortunately, in many cases, the decision of the Courts was reasonable, and it highlights and supports animal rights.

CHAPTER 6 - ANALYSIS OF DATA, CONCLUSION & SUGGESTIONS

6.1. WHAT DO TODAY'S PEOPLE THINK ABOUT ANIMAL RIGHTS?

- Animal Welfare Organisation

Non-Governmental Organizations (NGOs)⁶³:

1. TRICHY NGO:

i. What is the nature and purpose of the NGO?

The main aim was to save the lives of old and infirm cows, bullocks, etc., and dry cows from being slaughtered as far as possible.

The objectives⁶⁴ of Gaushalas⁶⁵ are:

“1. To preserve the Indian cow and progeny and to breed and upgrade them to supply plenty of unadulterated milk & milk products to the people & distribute the best female calves to the villagers.

2. Prepare the best pedigree Indian Bulls & supply them to villagers for breeding and upgrading village cows.

3. Production of best healthy bullocks for draught work and preserve male calves for distribution to agriculturists.”

⁶³ The details of NGOs and the questionnaire are given in Annexure-1 and Annexure-2.

⁶⁴ <https://www.thetrichinopolyinjrappole.org/about.php>

⁶⁵ Gaushalas are shelters in India that provide care and support for cows, calves, and oxen that are old, abandoned, unproductive, infertile, or infirm. Gaushalas are also centers for breed improvement and study.

- ii. When did the NGO open, and what was the motivation behind that? How was the NGO registered?

Opened in the year 1907. The motivation was “to rescue stray, abandoned, and neglected cows, bring about their recovery as healthy, well-treated companions, and to promote such care and compassion, expanding *our enterprise*. *In both aspects of our goals, premier cow protection, milk production, utilisation of cow power (gober methane gas), self-sufficiency, and being an inspiration to all good-natured souls are what we strive for and to provide the best possible care and attention given to cows prior to being taken to a shelter home and veterinary centre.*”

The NGO was registered under the Indian Trusts Act of 1882.

- iii. What kinds of domestic animals/birds do they take care of?

Cows, buffaloes and a few dogs and cats.

- iv. How will they receive complaints about animal abuse, and how many complaints will they receive in a month/week?

If people cannot raise cows, they will take and raise them. If some events happen, they will save, and they will also save from the slaughterhouse. Some unknown business happened, and they took cows to Kerala.

On average, they get 30-50 cows per year, and the number depends on the people who give.

- v. How do they save the animals from abuse?

Some unknown business happened, and they took cows to Kerala. The NGO will prevent this and save the cows. They provide food, facilities, shelter, medicine and protection for those animals.

- vi. What do they think about animal rights in the current situation? What needs to be improved, or what are the suggestions that the NGO would like to give?

Many NGOs are not active, and they have not seen many NGOs in the Tiruchirappalli district. Awareness should be created, and it should come from the shoe level. The government should also help.

vii. What are the issues that the NGO is currently facing?

People are not there to take care of these animals. Therefore, labour problems are there. This is the reason why they cannot take care of more cows.

Additional information: By taking care of these cows, they also provide by selling quality milk to the people. Revenue for milk is between 40 and 50%.

2. KERALA NGO:

i. What is the nature and purpose of the NGO?

To take care of stray animals.

ii. When did the NGO open, and what was the motivation behind that? How was the NGO registered?

The NGO has opened 30 years ago.

iii. What kinds of domestic animals/birds do they take care of?

Dogs, cats and other forest animals.

iv. How will they receive complaints about animal abuse, and how many complaints will they receive in a month/week?

Common people and panchayat people will give complaints, and even the NGO will file the complaint. In the area of common people, complaints will come.

v. How do they save the animals from abuse?

They provide medicine and shelter and take them to the veterinary doctor.

vi. What do they think about animal rights in the current situation? What needs to be improved, or what are the suggestions that the NGO would like to give?

Improve laws and animal rights, and problems should be solved by rescuing them, and animal welfare boards should also improve.

vii. What are the issues that the NGO is currently facing?

There are no problems for now, and the NGO is running well with familiarity.

3. MADRAS NGO:

i. What is the nature and purpose of the NGO?

They protect the animal kingdom and the environment.

ii. When did the NGO open, and what was the motivation behind that? How was the NGO registered?

Captain Sundaram was the motivation behind the NGO, which opened in 1959. The NGO was registered under the Society Act of 1964.

iii. What kinds of domestic animals/birds do they take care of?

Dogs, cats, donkeys, buffaloes and other domestic and domesticated animals.

iv. How will they receive complaints about animal abuse, and how many complaints will they receive in a month/week?

There is a call centre where people can call and complain. They receive 50 complaints a day. During festival time, more animals get injured. They receive 250 complaints per day during that time and sometimes even holidays time.

v. How do they save the animals from abuse?

Advanced hospital facilities, medical facilities, veterinary doctors and hospitals.

vi. What do they think about animal rights in the current situation? What needs to be improved, or what are the suggestions that the NGO would like to give?

Indian legislation - The Prevention Act should be improved. Law enforcement authority and education need to be improved. The level of punishment should be increased. Parents and teachers should also be educated and teach the children. Teachers should educate the students as parents might not have time to educate their children, and there should be a separate lesson and education on the animal kingdom.

vii. What are the issues that the NGO is currently facing?

The treatment of animals is good there, but there are not enough humans to help the NGO.

4. ANDHRA PRADESH NGO:

i. What is the nature and purpose of the NGO?

To take care of stray dogs and to provide medical support, proper shelter and a good environment. They opened it voluntarily.

ii. When did the NGO open, and what was the motivation behind that? How was the NGO registered?

In 2001, he bought a dog, and day by day, he started raising and finding injured dogs and opened an NGO. First, he did not know about the registration. In the year 2012, a customer bought an injured dog, and that person suggested he register to get benefits like funds and schemes that would support the NGO. He spent Rs. 5000 to register, and he is not aware of the Registration Act. He is doing 23 years of service.

iii. What kinds of domestic animals/birds do they take care of?

Mostly stray animals like dogs, cats, cows, crows, parrots, and pigeons.

iv. How will they receive complaints about animal abuse, and how many complaints will they receive in a month/week?

There are no official channels, and all complaints will come through phone calls and. He receives 40-50 complaints per day.

v. How do they save the animals from abuse?

Helps with birth control, medical treatment, shelter, and food with own money that costs between Rs. 80,000 and Rs. One Lakh and people will also donate pedigree and milk. The government veterinary hospitals don't take good care of pregnant dogs; sutures are not proper, which will lead to infection and death, and they also feed those dogs only once. He also witnessed relocation, which is illegal. He saved them, and he saved a dog from cancer, and he spent money on hospital and operation by waiting there for seven days to take care of.

- vi. What do they think about animal rights in the current situation? What needs to be improved, or what are the suggestions that the NGO would like to give?

Government schemes are not providing money, hospitals are not taken good care of, punishments and fines are less and should be increased, laws are not stringent, and implementation is not proper. Complaint filing is not proper, and no action is being taken. The awareness and mentality of the people need to be changed. Laws in foreign countries are strict, and the government is taking full responsibility and adopting strict procedures and schemes, such as the officials going to check the house, whereas in India, these are not there, and India should learn from the foreign countries.

- vii. What are the issues that the NGO is currently facing?

Funding problem: Funds are not sufficient for the rescue teams' job. There is no support from the government schemes at all. His daughter is a doctor, and they run the NGO with the help of her. There are small donations.

Additional information:

He gave an interview to the ETV program. He witnessed people throwing stones and hurting the animals.

5. KARNATAKA NGO:

- i. What is the nature and purpose of the NGO?

They help the animals from accidents/mishaps, and they will go and see and take care of them properly. Volunteer type of NGO.

- ii. When did the NGO open, and what was the motivation behind that? How was the NGO registered?

They registered 15 years ago, and he is not aware of the Registration Act.

- iii. What kinds of domestic animals/birds do they take care of?

Dogs, cats, cows, and any other animals roam on the streets.

iv. How will they receive complaints about animal abuse, and how many complaints will they receive in a month/week?

They basically won't receive, and if they receive, people will come to them, but mostly, they go to the street and see.

v. How do they save the animals from abuse?

They save the animals by visiting the streets and roads, and they will provide care and treatment. They have provided homes for 250+ stray dogs. They also take care of animals with cancer and skin problems. They also provide sterilisation surgery and anti-rabies vaccination for dogs.

vi. What do they think about animal rights in the current situation? What needs to be improved, or what are the suggestions that the NGO would like to give?

Laws and legislation are there, but implementation and execution are not there. What is written is not important; what action is taken is what is important. Awareness should be created at a large level.

vii. What are the issues that the NGO is currently facing?

Labour facilities are not enough, and the government should help, as some funds are needed for the development of the NGO.

Additional information:

They have recently opened a cow shelter. They also have an adoption centre for animals.

6. The researcher also **interviewed** a veterinary doctor (one-on-one/personal interview) to gain a better understanding of the welfare of domestic animals⁶⁶.

WHAT ARE THE TYPES OF ANIMAL ABUSE HE HAS SEEN?

Street dogs and cows were disturbed by the people.

⁶⁶ The details of other participants is given under Annexure-2.

WHAT ARE THE FACILITIES HE PROVIDES TO ANIMALS?

He gives tablets and some medical care/ facility, and he also performs surgeries. He said that how doctors treat humans in the same way they treat animals. Pet owners will bring pets to him, and he gives treatment like injections, medicines, etc.

ANY RECOMMENDATION REGARDING LAW AND PEOPLE?

We need more volunteers for the welfare of animals; people should be understanding, and animal welfare organisations/boards/centres should care for animals in the true sense and shouldn't exist just for money. The law is there, but it is not strict. Humans should not go into the territory of animals, and humans should not go to their own place and disturb or commit cruelty. Just for pleasure and gain, humans are committing animal cruelty.

WHEN THE CLINIC WAS OPENED?

It was opened in the year 2012.

HOW MANY ANIMALS HE HAS TREATED?

In his service, he treated more than one Lakh animals, worked in this clinic for five years, and gave treatment to more than 20,000 animals.

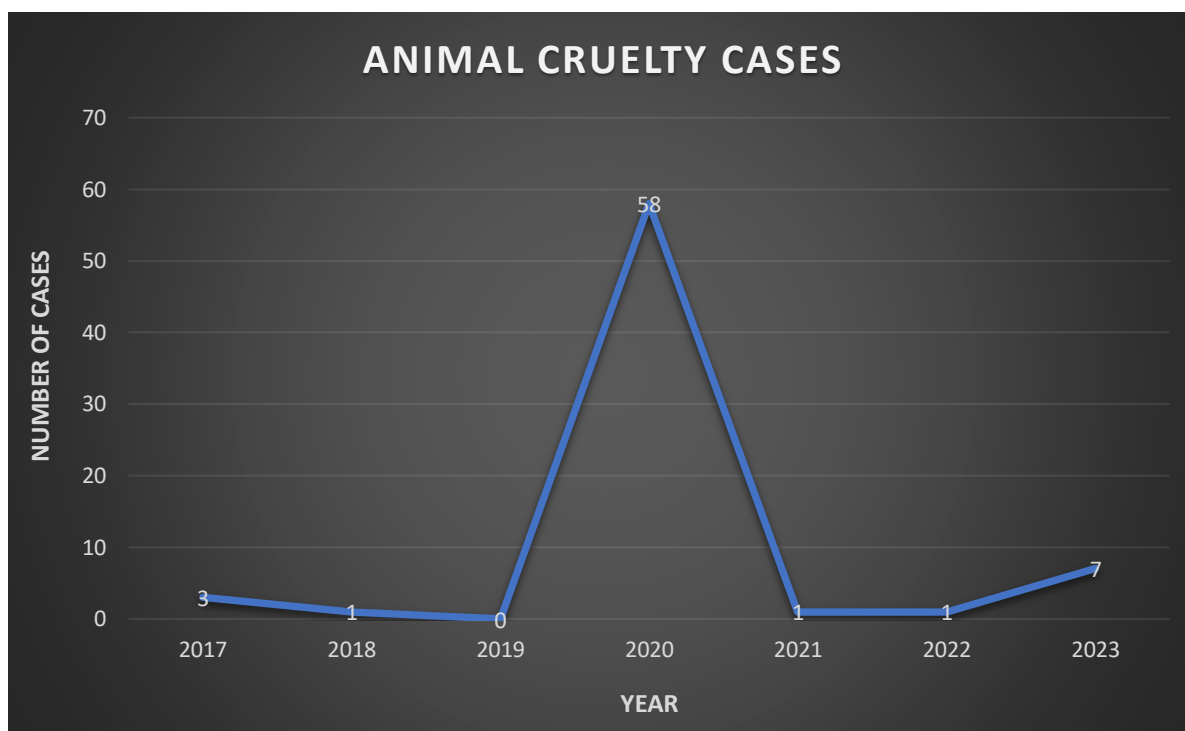
Additional information:

There are sufficient veterinary doctors, but the workload is not there, and he said there is not much work. So far, he has seen only a few cruelty cases, and he said only NGOs know more about this.

7. The Researcher also conducted an **interview** with a **police officer** in Trichy regarding the number of **animal cruelty cases** they witnessed from the year 2017 to 2018.

Each year, different animal cruelty cases were registered by the police in charge. All these cases were cattle cases where animal cruelty happened, and two cases were only dog cases. In the year 2020, more cases were registered, and it is apparent that during the COVID-19 period, many of the people were at home, and animals were prone to cruelty. We can also see a slight increase in the number of animal cruelty cases, where we see seven cases in the year 2023 and in 2022, only one case was registered. Only in the year 2019 were no animal cruelty cases registered.

The graphical representation of the data collected is given below.



8. The Researcher also conducted an **Interview** (Online - phone call) with an **animal rights advocate**:

1) What was your motivation behind becoming an animal rights advocate?

He is a dog lover, and he provides many services based on animal rights in Trichy. He is also doing so many things to make the Blue Cross, Trichy active by investing money, time, services, etc. He also recently wrote a book on FAQs on animal rights and animal welfare laws.⁶⁷

2) What are your views/recommendations regarding animal laws and people? What do you think needs to improve?

Implementation problem, the law has low authority, filing complaints is not proper, police are not active, and they keep saying that they have many human crime cases to deal with; people are not understanding, they need to conduct many workshops, and he is also conducting them, there are many laws and rules, but implementation is not proper, even new Dog Rules,

⁶⁷ C.M. George Smith, *FAQs on animal rights & animal welfare laws*, CENTRAL SECRETARIAT LIBRARY, 2023.

2023 implementation is bad, need many people to work on improvement and there are labour problems, even animal lovers have lack of awareness, many people are money minded, and they just give importance to money than animal welfare and service, they are giving membership, but they don't care about service and animal welfare, they are also not ready to learn or educate, and when meetings happen at the board, no one comes and attend the meeting.

3) Please explain any one incident where you have raised your voice for animal rights. (It can be anything like interviews, news, cases, publications, etc)

He dealt with cases like a person beating a dog and dying, tying cows under the sun, and he observed that police were not active and they didn't have awareness.

4) Please explain your views on the Judiciary regarding the welfare of animal rights.

Judges gave only a fine of Rupees 50 for beating a dog to death to the offenders, which is very low and not strict. The Supreme Court judges are okay, and they are somewhat considerate, like protecting stray dogs. Even the Mumbai High Court does the same.

Additional information:

Dyeing chicks will come under second-degree cruelty. Those chicks are male chicks, and female chicks are used for egg production. Since male chicks have fewer benefits, they dye them and sell them for entertainment. If not, they grind these small chicks to death. Their life span will also reduce, and they live only for ten days, and they die early. So, dyeing chicks is also animal cruelty.

9. The Researcher also conducted an Email Survey (Questionnaire) with an animal rights/law professor:

The given responses by the assistant professor are as follows:

1) What was your motivation behind becoming an animal rights/laws professor?

I had decided on pursuing my PhD in animal law way back in 2014, when I was in my final year of 2-year-LLM. I have always grown up with companion animals at home and was intrigued by the idea of whether there are any laws whatsoever for them. This inquisitiveness was the seed of a journey that is continuing even now with my research in the said field. In

2018, I completed my PhD in the field of animal law. During my PhD, I discovered that there are so many facets to animal law, and it is not unidimensional like most people think. I subsequently published my book on 'Non-Human Animals and the Law: An Analysis of Animal Rights and Animal Welfare within the Indian Legal Discourse' by Thomson Reuters in 2020, and I continue to pursue my research and interest in the field of animal law even today.

2) What are your views/recommendations regarding animal laws and students/people? What do you think needs to improve?

Animal law is a growing area of law. When I completed my PhD in 2018, I was the first in the country to do so. In the following years, I noticed that the interest of people in this field of law has grown, even though there is still a lot to be achieved. There are more students pursuing PhD and Master's thesis on animal law; there are more conferences/seminars on the same; it is certainly more talked about than it was a few years ago. Nonetheless, animal law does not find a guaranteed slot in academics - either it is taught as a small part of environmental law, sometimes mostly restricted to wildlife protection, or there are a few credit courses/certificate programmes here and there, or it is not offered at all. Animal law, once made part of the curriculum in law school, albeit it has its own challenges, will help in increasing discussions, research and writings on issues of animal rights and animal welfare.

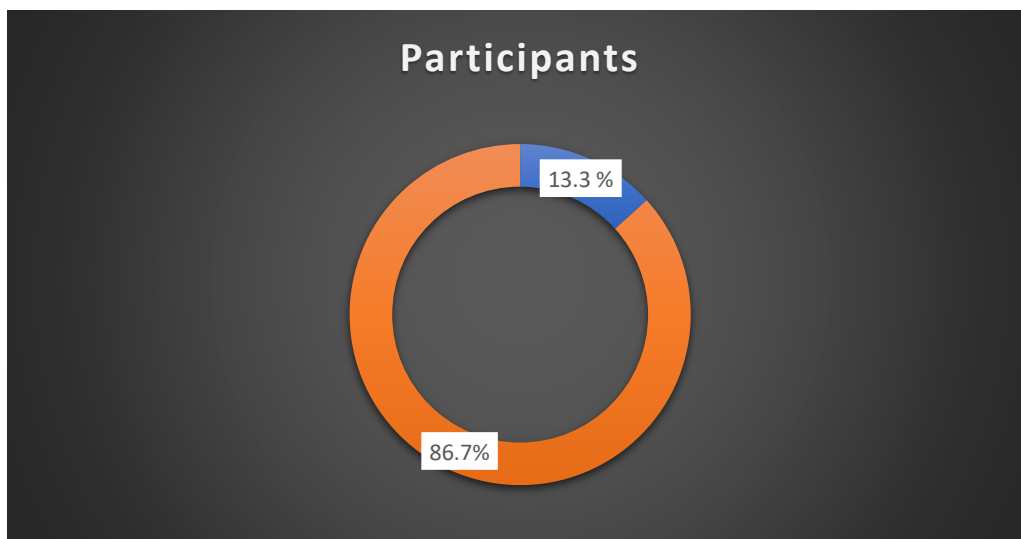
3) Please explain your views on the Judiciary regarding the welfare of animal rights.

The judiciary has definitely played a huge role in the evolving jurisprudence of animal law in India. Since the legislations are not that effective, the role of the judiciary in interpreting provisions of the Prevention of Cruelty to Animals Act 1960, or contributing to the jurisprudence in understanding animal rights, what kind of rights are they entitled to, how they can be made subjects of rights, corresponding duty of human, so on and so forth, has been quite pivotal. However, there is still a lot to be done here as well. Even though the judiciary has given landmark decisions elevating animal rights, it has also sometimes given interpretations which are not so favourable as well. Thus, the role of the judiciary is very important in laying down precedents on animal law so that their rights are duly protected.

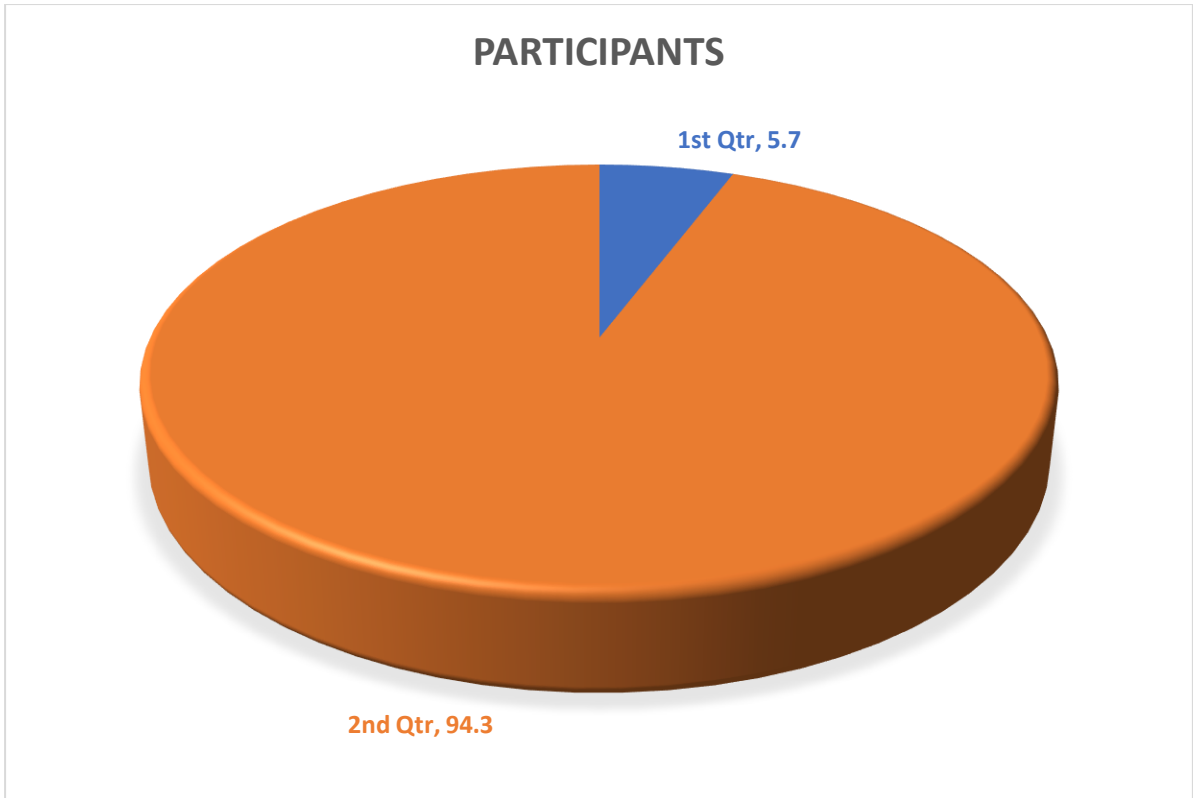
- People's view on animal rights

The researcher conducted an empirical study through Google Forms and collected data from 105 participants, all Indians. Now, let us look into a few questions that relate to this sub-chapter, and we will also come to know to what extent people think about animal rights.

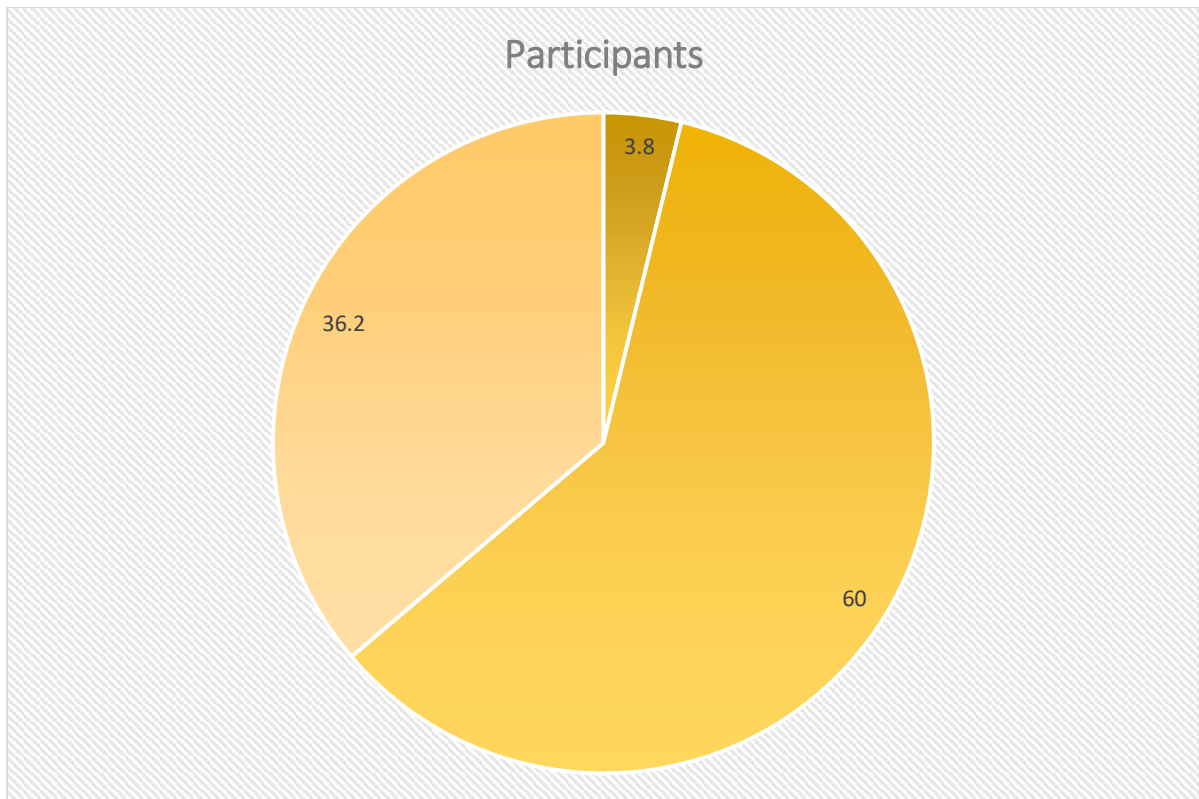
1. Out of 105 participants, 86.7% of the participants are aware of animal rights, and 13.3% of the participants are not aware of animal rights.



2. Out of 105 participants, 94.3% of the participants think we should consider animal rights equal to human rights, and 5.7% of the participants think that animal rights are more important than human rights.

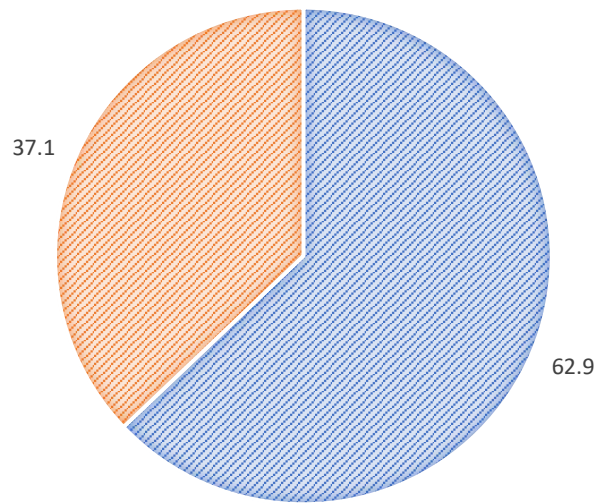


3. Out of 105 participants, 60% of the participants think animal rights are not strict in India, 3.8% of the participants think that they are strict and 36.2% of the participants think that they may be strict.



4. Out of 105 participants, 37.1% of the participants have come across animal cruelty, and 62.9% of the participants have not come across animal cruelty incidents.

PARTICIPANTS



5. Out of 105 participants, some have come across animal cruelty, and very few of them have not come across these incidents. The mentioned incidents mentioned by the participants who have come across animal cruelty (each statement was indicated by each participant) are as follows:

Stray dogs are being chased and hit with stones on the streets and in educational institutions. A dog was beaten to death. Many stray dogs in the streets don't get proper care and food. They get beaten or treated harshly by people due to lack of shelter. Dogs are leashed in the sun for the whole day, and people throw stones at dogs and beat them with sticks. Elephant taming. Dogs are tied to a rod, and burnt starvation street dogs and pet dogs are tied to the balcony of the house all day long.

Lovebirds in cages and roadside people do not give proper food to their cows. During the Diwali celebration, kids used firecrackers purposely to threaten the dogs resting there. Dogs are getting stoned and intimidated. Dogs and cats get pelted with stones very often. The roads are home to a lot of stray dogs, and throwing stones at them when they do no harm is quite

heartbreaking. Hitting the animals and taunting them. A dog got hit with a spear. Beating up of dogs, inhumane use of animals at circuses, and use of horses for tourist purposes. Killing animals for eating.

Pets dogs as a means to security to their homes, and when the dogs get old, the owners normally won't care to give proper treatment or care but mercilessly kill them using electric shocks or poisoning. And they buy another dog as a pet for security. This goes on and on. They are beaten if they encroach in shops or houses or defecate in the same. Ponmalai weekly market saw a lot of pets confined in cages for sale. Further, a lot of stray dogs have been attacked by the people.

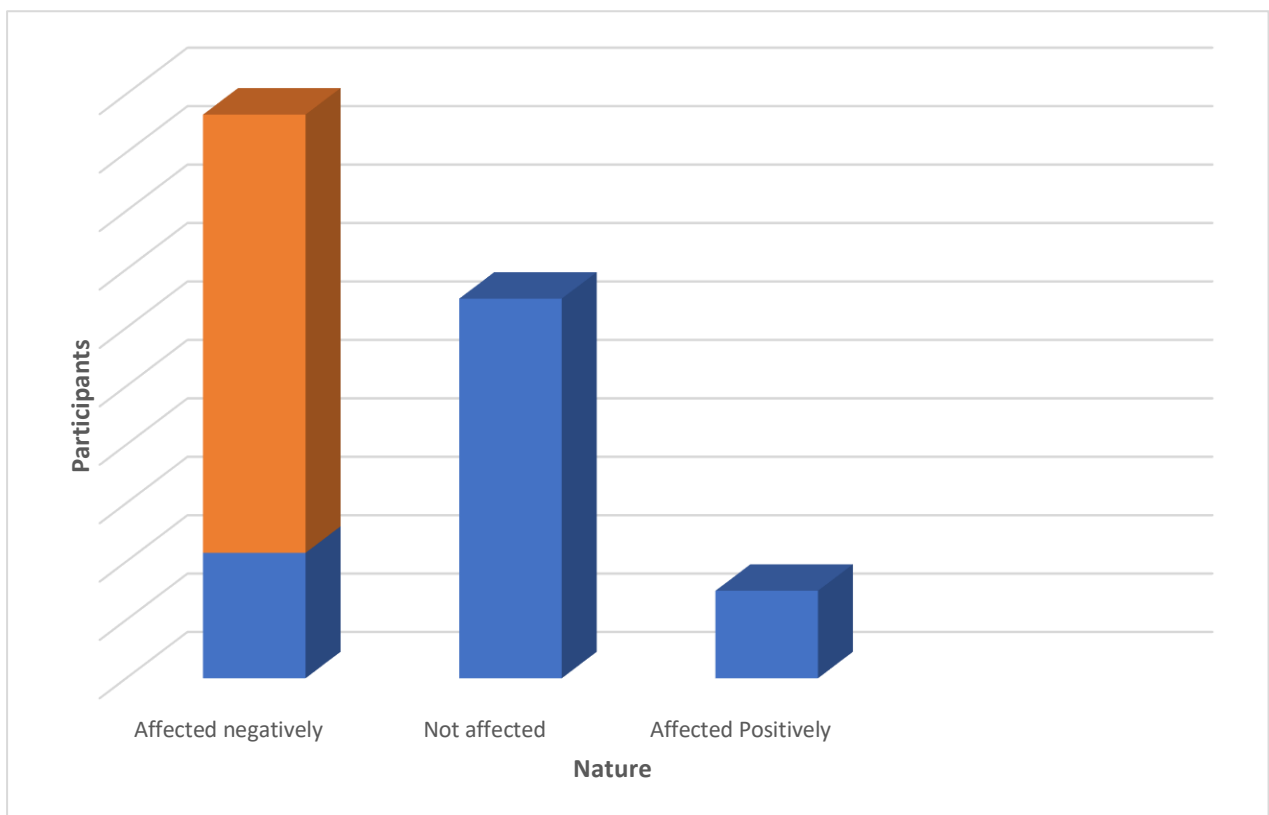
In a place called Kakoor, we have a harvesting festival conducted every year named "Kakoor Kalavayal". Castles, especially ox races, are usually there. It is part of the entertainment for people there to see these animals reined and beaten to run fast and win. I felt this is something similar to the Jallikattu in Tamilnadu and is an explicit example of cruelty against animals.

Stray dogs used to roam around in my school. They didn't harm any student. But the management arranged for people to kill those dogs. It was very brutal. They were killed during school hours, which means we had to witness them. It was cruel. A pet dog was shot in the head by an airgun. That incident led to his death. Often, newborn puppies are abandoned at isolated places in the city.

The dogs of our street bark just like any other dogs during nighttime in case anything suspicious or strange people. This always happens, and to my knowledge, nobody has found it disturbing, as it is the tendency of dogs. One day, a van came, and two members of the van, with masks and ppe on, landed. They had a syringe for each one. The stray dogs started barking. The gang people calmly injected them on stray dogs and threw them into the grilled van. 2 days passed by, and the van returned to our street, and they released them to the streets as if nothing had happened. The van came for two weeks on alternative days and picked up and dropped off every other dog. I assume it's a cruelty.

Brutal assault on the dog and whacking it to death. Treating the stray animals very badly. Beating them with sticks and stones.

6. Out of 105 participants, only four of them have sent a complaint or reported an animal cruelty/abuse case to an NGO and animal welfare board. Others have not given a complaint/report.
7. Out of 105 participants, 13 of them have not been affected by animals/birds. Few got in a positive manner; as they say, animals are more compassionate, their sense of loyalty is enchanting, and they are harmless. Others got bitten by dogs (in orange) (rabies), puppies, monkeys, cock, and snakes. Some stated that stray dogs always chase them wherever they go. One stated that the feathers of birds are allergic.



8. One hundred and five participants gave different opinions about animal rights. Those statements framed in paragraphs (each statement was given by each participant) are as follows:

Animal rights laws can be made better in India and should be given due importance. Demand stricter animal welfare laws and their proper implementation. Cruelty against animals should not be tolerated, and the violators must be strictly punished. Laws need to be stricter, and people should be more considerate. Animal rights awareness is far from being widespread in this country. Legislation and policymaking must be made more robust.

Animal rights should be present. More awareness can be created about such rights, especially for stray animals. The Earth is for everyone; as long as there are human rights, there should also be animal rights! They are also part of our world, like us. We all belong to this place. So, every other thing on this earth deserves its own freedom and rights. They should be given rights, and application must be fair to both humans and animals,

Animals deserve to be considered, recognised and protected. The statute is all right. The execution is very bad. I don't have much knowledge about animal rights. Animals should be treated with care, but when it comes to humans or animals, we should choose the former. I see a lot of stray dogs injuring people around me. In such cases, the appropriate measures should be taken to remove the dogs from the place, whereas, in some other places, innocent animals are tortured; in such instances, the one who tortures the animals should be punished. So it depends on the circumstances.

Since animals are part of society in the sense of the environment, everything comes in the chain, so animal rights should be strictly followed, punishments should be taken seriously, and non-cognisable offences for serious animal abuse should cause death to animals.

Human beings do not have any ownership over animals. The culture of having pets itself is something I don't encourage. Many of us still practice it, but all we have to make sure is that we are protected from any forms of cruelty and are treated equally as human beings. Animal rights should be acknowledged by more people in order to spread awareness about it.

Pet owners should respect the humans around them more than their own pets. Cruelty to animals is a myth. Pets attacking their own owners is on the rise, too. Pet owners must be qualified to have pets. There are no regulations on that. It changes from one scenario to another. Definitely, the rights of an animal are far less important than those of a human.

Apart from pets. Stray dogs, cats and other homeless pet animals should be taken care of by the government.

Even though India has laws and organisations to protect animal rights, we can still see people not considering or abiding by them. There are a lot of incidents where animal rights have never been considered. For example, I recently read a piece of news regarding animal cruelty where a person killed a number of puppies but was only asked to pay a minimal amount as a fine. This shows how laws related to animal cruelty are not that strict. These laws should be made more stringent in order to protect animals.

Animals and birds are now a part of business commodities, so the government needs to implement policies to safeguard them from becoming extinct. Hurting them must always be a punishable offence.

Separate legislation must be developed for animal rights, and the animal welfare boards have to be given a larger ambit of power to ensure that violators are prosecuted. There must be speedy prosecution of the animal abusers, with a dedicated bench for hearing such matters in a summary manner.

Necessary for the protection of these animals and ecosystems. They must be protected. Animals have to be allowed to live in their natural environment. It should not be a written document, but it should be practised. Treat them as a human.

We must be given the right to live on this planet like us. Free to live and survive. More stringent laws on animal rights and more awareness are needed. Need to improve. The law should be strictly implemented for animal cruelty.

They are just other species like humans. They need an independent life like us. We can't use it for our benefit. Animals are an important part of our earth.

Animal rights must be considered equal to human rights. But, some animals, mostly in the streets, attack children on some occasions. So, developing animals as pets is good enough. But leaving them on the roadside may be avoided. Responsibility should be given to the people who care for them on the roadside. Street animals who are not cared for must be taken to common caring homes by the government, society and welfare groups.

My concern about animal rights is the lack of awareness about it. There's still a long way to go to attain a voice for animal rights, like in the case of human rights. It should be maintained strictly. Animal rights awareness programs should be conducted in all areas.

Animal rights are part of civilisation and human rights. Proper legislation needs to be enforced for recognising animal rights. Give them the maximum level of rights, as they are otherwise voiceless.

Some issues like jallikattu are part of the culture; they should not be banned in the name of cruelty to animals but rather have proper rules in place for the protection of such animals. Could improvise. Humans have to give them equal space and protection for animal welfare with strict laws. Nothing in specific immediately.

Animals are innocent, and they deserve the right to live freely among us. All these animals are asking for is peace and love to fulfil their short lifespan. They deserve everything we do. They are like our children, like our family.

Stringent laws are needed. These animal legislations are actually a valuable mouthpiece for innocent souls, which protects them from abuse. Animal rights need to be protected. Not much, as I am unaware of the topic.

Implementation should improve. It should be protected against all kinds of Domestic abuse. Awareness must be made because they're still latent in nature. First, a proper framework that regulates and lines out the laws in specifics must be established. Second, implement and enforce them with regard to an adequate look into penalties when they are violated.

Animals have very few rights. I don't think it's practical to talk about animal rights. Sorry. Not sure. They are a necessity for the conservation of the ecology of the Earth and to preserve and promote certain fundamental human morals.

Animal rights should be recognised more. Excellent. (The Researcher is not sure whether the participant said in a positive way or sarcastic way)

Animal rights is a complex and debated ethical issue that revolves around the question of how animals should be treated. Advocates for animal rights argue that animals have intrinsic value and deserve to be treated with dignity, free from unnecessary suffering and exploitation. They often call for legal protections and improved welfare standards for animals.

Recommendations for addressing animal rights concerns may include:

Legislation and Regulations: Advocates often push for stronger animal welfare laws and regulations to protect animals from cruelty and exploitation. This can involve stricter penalties for animal abuse and improved living conditions for animals in captivity.

Ethical Treatment: Promoting ethical treatment of animals in various industries, such as farming, entertainment, and research, is a common focus. This may involve supporting practices that prioritise the well-being of animals over profit.

Education and Awareness: Raising public awareness about animal rights issues is crucial. Education can help people make informed choices regarding their interactions with animals, whether it's through their diet, entertainment choices, or consumption of products tested on animals.

Alternatives and Innovation: Encouraging the development and use of alternatives to traditional practices that involve animal exploitation, such as cruelty-free products, plant-based diets, and non-animal testing methods.

It's important to note that perspectives on animal rights vary, and there are different ethical frameworks and cultural considerations that influence people's views on how animals should be treated. The debate often involves finding a balance between human interests and the welfare of animals.

There is extensive legislation that deals with animal rights. It is acceptable to the extent that they should not be harmed by any means. But when it troubles humans, strict actions should be taken. Animal safety should be our priority.

Animal rights should be enforced in a manner which is in balance with human rights. Okay. It could bring more awareness to people, and it should also ban and take serious action against people who are misusing it. Need stricter laws and enforcement.

Animal rights certainly should have been given the required importance that human rights are already getting. There are very few organisations and people speaking and fighting for Animal rights. Everyone is, in fact, contributing in one way to Animal cruelty, which is everywhere in every house, from Toothpaste to the polythene bags that we all use. From tower radiations to harmful fertilisers. Be vegan and Be Human. Thank You.

Animals, just like humans, are capable of experiencing pain, pleasure, fear, frustration, loneliness, and maternal love, and they also deserve to live free from suffering and exploitation. However, the food cycle created by nature itself shows that many animals are necessary for the existence of human beings. But that doesn't give the right to anyone to exploit or act cruel to the animals. They are also our fellow beings. Also, we can see that only a certain group of animals are being used for human needs, but they also have the said animal rights of their own. For instance, consuming a pig while refusing to eat a dog is an example of speciesism, as both animals are equally capable of experiencing pain. Millions of animals are killed around the world every year, either for food, medical experiments or other needs. However, it is a proven fact that the survival of the fittest theory exists in nature. Anyway, it is crucial to effectively implement the laws made for the protection of animals, starting with educating children to respect animals and treat them kindly So that the cruelty against animals can be curtailed to a certain extent at least and the future generations will act much more responsibly. Also, there should be punishment for cruelty against animals (which I think exists in law but not in practice in many countries).

Only when animals are considered equally important as humans can they be protected from bad actors. Need more awareness among the public. Sensitisation drives can be held to promote political will.

They should be treated like humans. It is a less explored area, and it should have stringent laws. More than the laws, the implementation should be made so that animals can be saved. STRICTER LAWS, more penalties, ban zoos, don't eat animals, ban slaughterhouses.

Animal rights in India need further amendments or reworking. The penalty for cruelty to animals is puny. At least cows are treated better than the rest. Laws can be made stringent. Since they don't have a voice to speak, we need to be considerate and respect their rights, too.

They should be made stronger in India. Animals are essential to our being and to our survival. I believe all creations are scary. None should be harmed except for a good reason. They should be set free.

They also have equal rights to humans. Strict laws are needed to prevent birds and domestic animals from being exposed to human violence. Imposition of huge fines for animal rights violations.

Strengthen animal abuse prevention laws and establish a strong animal abuse monitoring system. Animals do have rights, but that cannot be compared to human rights. It is the state's responsibility to properly sterilise especially stray animals and try to give accommodation to them.

Strengthen animal rights and better awareness to people about it. Animals should be protected. I can't stand anyone abusing an animal. They need the peace that they deserve.

Animal abuse should be strictly and legally restricted in India, especially in Kerala. Many animal abuses happened in our state. Strict laws should protect animals. Animals may not be hunted. The habitats of animals must be protected to allow them to live according to their choices. Animals may not be bred. Free them and let them to live in their own habitat.

Animals have their own rights like humans. Nothing in particular. They must be valued as much as human rights. I am not that aware, but I feel like there should be more stringent animal rights, which can be practical.

It has great importance in the present scenario. Animal rights should be given due importance.....but on top of that, human rights should be given priority!!!!

Animal Rights should be considered more important as equal to human rights as they can't speak for themselves for their rights. We, Humans, as intellectual beings, have the duty to take care of all other species.

People should be educated about animal rights. Lack of literacy is leading to people overlooking and undervaluing animal rights. Make people more conscious about them. Animal laws should be strict.

The law relating to animal rights is not strong. The law only gives protection to specific animals, and this is heavily influenced by the culture of that particular region. For, e.g. Tribes in Nagaland eat dog meat, and it's not considered cruelty. But if the same act is committed in Kerala, it comes under the ambit of Cruelty towards animals.

THE ANALYSIS OF THE RESEARCH:

First of all, the researcher collected data from all the participants, who were all educated. Even though they are educated, there are still some who are not aware of animal rights. So, imagine in this world, there might be many educated people who are not aware of animal

rights. Therefore, spreading awareness is of utmost importance. Animals as pets are moral to the extent that we don't cause any harm to them as well as other people (neighbours, etc.).

The researcher agrees with participants when they said animal rights should be considered equal to human rights. Animals also have the right to live with dignity. The problem is the laws and regulations regarding them are not strict, and immediate action should be taken by the officials. Also, the participants gave good recommendations on animal rights, and some who were not aware of them did not provide any recommendations.

The researcher has witnessed many pet animals being treated in an improper manner. Some were not given proper food as the owners left them alone for long hours as they went to job, and most of them were also chained and caged. In most of the houses, people raise birds in cages. These are immoral practices. Imagine yourself being caged/chained for long hours. It causes a lot of problems. So, there are a lot of things we need to consider before buying domestic animals as pets. If an individual is buying, he/she should be at home for long hours to protect them.

If pet owners take good care of basic necessities, it is moral, and caging birds/animals is totally immoral. The government/Legislation should bring up a complete ban on caging them. Also, if possible, it is advisable to raise injured or lost animals/birds that are found near the house or along the roadside. The Researcher has raised and given proper protection to bird-spotted dove - species. The bird was released soon after it was recovered, and it flew after being able to fly. If not possible, it is advised to take these animals to a nearby veterinary hospital or NGO.

After analysing empirical data, the researcher opines that the status/situation of the welfare of animal rights is not proper in India, and there are a lot of actions that should be taken especially implementation. Government and non-governmental authorities should play a significant role in this. The researcher also advises the common people to take action regarding the protection of domestic animals and birds because we cannot solely depend on the authorities and organisations. Also, the researcher disagrees with the participants who have stated that animals can be connected with religion and culture. Religion and culture are part of human nature, and animals and birds have nothing to do with them. Overall, the researcher is happy with the participants as they have provided valuable points, and most of them are for the protection of domestic animal and bird rights.

6.2. RECENT STATUS

Recently, the Researcher has noticed through the social media platform that a goat's head was chopped off because one political party lost in the election. This is completely stupid and illogical. Just for humans' emotions, why do we need to disturb animals? This was observed on June, the seventh day in the year 2023, after the recent (2024) Lok Sabha Election Result. This shows there still exists animal cruelty.

The Madras High Court mandated the government of Tamil Nadu to regulate the boarding facilities for pet animals in Tamil Nadu after an animal rights activist moved to the HC requesting this⁶⁸. The HC directed to regulate the same within two months. Here, the judiciary has played a major role in the welfare of domestic animals.

Recently, the Co-founder of Blue Cross of Hyderabad spoke about supporting stray dogs in the newspaper⁶⁹. She talks about dog bites. Also, she urges the authorities to vaccinate and sterilise the dogs for people's safety, which will also keep the dogs safe. Birth control and the above-mentioned actions will also reduce dog-human conflict. She says that they are loyal companions, they are not threats, and they are valuable protectors. She also finally said that we should treat it safely and not harm them by throwing thrash or other things.

Recently, a few cows which were loitering were seized and transported using an impounding drive⁷⁰. Loitering cows are mostly disturbing for passersby, and they find it hard to travel. Therefore, a local body used a hydraulic truck to seize and transport the loitering cows safely to a safe shelter. This is really a new technique, and it shows how technology plays a major role in the welfare of animals. We are living in a world where everything is getting modernised with technology. So, with the help of these, we have to find different ways to protect the stray animals.

⁶⁸ *HC asks TN to regulate pet boarding facilities*, TIMES OF INDIA, (June 4, 2024),

<https://timesofindia.indiatimes.com/city/chennai/madras-high-court-directs-tamil-nadu-government-to-regulate-pet-boarding-facilities/articleshow/110680964.cms>

⁶⁹ Amala Akkineni, *Stray dogs need not be a threat, they can be our valued protectors*, TIMES OF INDIA, (May 4, 2024),

http://timesofindia.indiatimes.com/articleshow/109832696.cms?utm_source=contentofinterest&utm_medium=txt&utm_campaign=cppst

⁷⁰ *Trichy Corpn resumes stray cattle impounding drive*, TIMES OF INDIA, (May 4, 2024),

http://timesofindia.indiatimes.com/articleshow/109828465.cms?utm_source=contentofinterest&utm_medium=txt&utm_campaign=cppst

6.3. FINDINGS AND CONCLUSION

The different national and international legislations are discussed and analysed, and it is apparent that international legislation is way better and more stringent than Indian laws and regulations. The Indian judiciary has played a major role with regard to the interpretation of animal rights. The following contains the answers to the research questions which were mentioned earlier.

The measures to protect domestic animals and birds are not strict and addressed in day-to-day life:

The Indian laws on animal rights explain the protection of domestic animals and birds in detail, and there are many Acts and Rules on the same, but the implementation is not proper when it comes to the measures to protect domestic animals and birds. According to recent news reports, measures are slowly being taken to prevent dog bites, and the research has also found that the measures are only taken when there is an increase in cases like dog bites, rabies, etc. It is always advised that measures should be taken beforehand so that we can prevent problems in the future for better and more peaceful lives.

Domestic animals and birds do not play an essential role in religion/culture.

Religion and culture are part of human lives, and they are for humans' pleasure. Domestic animals and birds doesn't have more senses like humans and religion/culture has nothing to do with them. Animal sacrifices are the most common practice in India, and it is connected with religion and culture. Even the Courts have stated that animal sacrifices should not be practised and they are immoral. Not only animal sacrifices but also other evil practices that use animals for religion/culture are immoral and should be prohibited. They are basically using animals and birds for humans' benefit, and it doesn't do any good for the animals, and these practices make animals' and birds' lives hell. Therefore, domestic animals and birds do not play an important role in religion/culture.

Animals and birds as pets are legitimate.

Raising animals and birds as pets is moral and legitimate to the extent that they follow the rules given under the pet legislation. The pet owners should make sure that they don't cause any harm to others/neighbours. Also, pet owners should take care of their pets in a fair way, and they should provide proper care, food, water and shelter to the pets. More importantly, the owners should take care of them like their own family members.

There are only a few legal rights for animals and birds that have been provided in the Indian Statutes.

There are few laws regarding the welfare of domestic animals, but there is no general domestic law statute like the current Wild Life statute, which specifically focuses on wild animals. So, we need a statute for domestic animals and birds. There are only a few provisions regarding the welfare of birds, and we need a separate statute for the protection of birds.

After comparing Indian domestic animal and bird laws with those of the UK and Switzerland, the researcher opines that those two countries have stricter laws than India, and India should learn and implement them like these have been done in those countries. The researcher feels that those two countries have advanced laws, such as proper punishment and stricter laws.

After doctrinal and empirical study and analysis, it is found that there are a lot of laws that talk about the protection of domestic animals and birds, but implementation problems are there. Another problem is that the punishment given under the statutes should be modified and should be increased as they're not stringent. If not, the judiciary should play an important role in increasing the punishment and protecting the animal rights. The more punishment there is, the fewer people will commit offences. Common people should be aware of the laws regarding animals.

Violation of animal rights should be considered the same as a human violation of the right to life under Article 21 of the Indian Constitution, and as stated by the Courts and experts, animals also have the right to live with dignity. Therefore, the hypothesis is proved by the researcher that the laws for animals and birds are insufficient and lenient, and they need to be

modified. Also, implementation is not proper, and government and law authorities should take action on this.

6.4. SUGGESTIONS

After a detailed empirical study, it was found that every organisation and expert stated that there is no proper implementation even though there are a plethora of laws. The government (including police authorities) and law authorities should take action regarding the implementation of animal laws. There are only a few provisions that focus on the welfare of birds (domestic and domesticated birds). So, the statutes and rules must be modified accordingly.

Also, it is observed that punishment given to the offenders is less, and it needs to be stringent and modified. Also, we should not only depend on the official authorities alone. Even the common people should take action with regard to the welfare of domestic animals and birds, like feeding stray animals and birds, providing them shelter, giving complaints regarding animal abuse, etc. There are fewer medical facilities, and the government should provide medical facilities and transportation facilities in every city/district. Also, there should be frequent check-ups by the government authorities to observe the situation of domestic animals and birds.

Unfortunately, we do not have a legally binding convention on animal rights. Currently, we have a draft of the United Nations Convention on Animal Health and Protection (UNCAHP), which has not yet been adopted. All the parties and the UN members should take part in order to bring an adopted convention. Also, we need a convention for the protection of birds. The International Convention on the Protection of Birds is a European Convention which was signed by different European countries. This is not enough, and we need a convention for birds and animals on a universal level.

In India, as far as has been observed, there is no LL.M. specialisation course in animal law. It is recommended that this course be provided, as this will teach the students more about this and provide stringent protection in the future. Also, more elective courses on Animal Laws should be provided in the Law and other related universities. Animal Laws Journals should also be created so that awareness and knowledge will spread through publications. Parents

and teachers should educate children, and this will really change the future, and we can see a world where there is no or less animal and bird abuse.

With regard to pet animals, owners should be responsible and careful while raising them. It is often seen that owners take out dogs without using chains and leave them freely, and this leads to dog bites. In this situation, it is suggested that you either watch them by taking them out for walks using chains or that every pet dog should use dog muzzles in order to prevent dog bites and other aggressive behaviour. Even pet owners should not cause any nuisances, and they should be held responsible for violent actions.

During the COVID-19 situation, many stray animals and birds were brutally treated by humans, and they were starved to death. Therefore, it is advised to keep all the measures ready beforehand to avoid this kind of situation or any emergency situations. The authorities should get dogs vaccinated and sterilised in order to prevent dog-human conflicts. Many people are raising birds in cages, and it is not moral. It is advised not to raise birds as pets as they are meant to migrate.

India is a developing country. So, it is recommended to look into the legal status and welfare of domestic animals and birds in a developed country or in a country where laws and rules for domestic animals and birds are strict. This will provide ideas for India. For example, why can India not implement stricter laws if other countries implement stricter laws?

People can also voluntarily create awareness regarding the welfare of domestic animals and birds to the common people. Every citizen should be obliged to feed stray animals, and they should take care of and protect them by taking them to medical facilities. Last, but not least, it is also advised that people who plan to adopt pet animals can do so by adopting stray animals as pets. This will provide protection to the stray animals and will also be good for the common environment where people can walk or pass in a free environment. Stray animals often live without food and shelter, and this type of adoption will be helpful for stray animals.

ANNEXURES

ANNEXURE - 1

QUESTIONNAIRES FOR EMPIRICAL STUDY

NGO

- 1) What is the nature and purpose of the NGO?
- 2) When did the NGO open, and what was the motivation behind that? How was the NGO registered?
- 3) What kinds of domestic animals/birds do they take care of?
- 4) How will they receive complaints about animal abuse, and how many complaints will they receive in a month/week?
- 5) How do they save the animals from abuse?
- 6) What do they think about animal rights in the current situation? What needs to be improved, or what are the suggestions that the NGO would like to give?
- 7) What are the issues that the NGO is currently facing?

GOOGLE FORM

1. Occupation
2. Do you have pet(s) in your home?
3. What kind of pet animal/bird you are raising? If yes, are you raising them by keeping them in the cage?
4. Do you take care of a pet like your family member or give them the least importance?
5. Whether animals and birds as a pet are moral or immoral?
6. To what extent are animals as pets moral/immoral?
7. Are you aware of animal rights?
8. Do you think that animal rights are more important than human rights, or at least those rights must be considered equal to human rights?
9. Whether animal rights are strict and proper in India?

10. Have you ever come across animal cruelty in your place?
11. If yes, please mention the place name and briefly describe the incident.
12. Have you ever reported/given complaint(s) about an animal abuse case to a police station or animal welfare organisation? If yes, kindly mention those complaint(s) in one or two lines.
13. Have you ever been affected by an animal or bird? If yes, describe in a few words.
14. Whether animals play a major role in culture or religion or they should be separated from religious/cultural purpose?
15. What are your thoughts/opinions/recommendations about animal rights?

ANNEXURE - 2

PARTICIPANTS PARTICIPATED IN EMPIRICAL DATA

The researcher collected empirical data from different NGOs and other officials. They are as follows:

NGOs:

- 1) THE TRICHINOPOLY PINJRAPOLE, TRICHY - TAMIL NADU
- 2) ANIMAL WELFARE SOCIETY - KERALA
- 3) BLUE CROSS OF INDIA, MADRAS - TAMIL NADU
- 4) RATNA ANIMAL SOCIETY - ANDHRA PRADESH
- 5) AHIMSA ANIMAL CARE TRUST, UDUPI - KARNATAKA

OTHER PARTICIPANTS:

- 1) VETERINARY DOCTOR - DR. GANESH KUMAR
Place - Kaalnadai Marunthagam (**Veterinary Clinic**), Trichy. The main branch is at Palakkarai, Trichy, and the hospital is called the Government Veterinary Poly Clinic.
- 2) POLICE OFFICER - MS. AATHILAKSHMI M.
Police Officer Designation - Grade 1 (GR1) Police.

Name of the Police Office: **CCRB** - City Crimes Records Bureau, Office of the Commissioner of Police, Trichy.

Area: Overall Trichy.

3) **DISTRICT COURT ADVOCATE - C.M. GEORGE SMITH**

He is a founder and Secretary of the Blue Cross, Trichy.

4) **ASSISTANT PROFESSOR - DR. SOHINI MAHAPATRA**

Designation: Assistant Professor of Law, National Law University, Odisha.

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