



## People Rights Vs Animal Welfare

**For Prelims:** DPSP, Fundamental Duties, Article 48 A

**For Mains:** Balancing People Rights Vs Animal Welfare

### Why in News?

In view of rising cases of stray dogs menace, the **Supreme Court of India said that a balance has to be maintained** between the safety of people and animal rights.

- The court also **suggested that people who feed stray dogs** could be made responsible for vaccinating them and bearing costs if somebody is attacked by the animal.

### What is the Need to maintain a Balance between People Rights and Animal Welfare?

- **To Address the Fundamental Issue:**
  - This **issue raises even more a fundamental issue** regarding rights of wild animals within the society dominated by human beings in general and within the framework of the Constitution of India in particular.
- **Recognition in Hindu Texts:**
  - **Ancient Hindu texts have recognized the rights of animals**, birds and every living creature and regarded every living being as having emerged from the same divine power as humans, thereby deserving due respect, love and affection.
  - India has a culture that promotes tolerance and respect for all life forms. Hindus regard cows as their sacred animal.
- **Punishing Animals is Wrong:**
  - During ancient times **some civilizations punished animals for wrongs committed by them**. But with time, the argument relating to Moral agency evolved and it was realized that punishing animals was wrong, since they **lacked the rationality to distinguish right from wrong** and thus punishment would serve no use.
  - Thus, **laws evolved and animals (like minors and persons of unsound mind) were held to be bearer of interests** that needed to be safeguarded by the law sans any obligation to perform any corresponding duties.
  - The **present legal regime penalizes pet owners** for any damage resulting from the negligent handling of their pet.

### What are the Related Judgements?

- **Animal Welfare Board of India v. Nagaraja (2014):**
  - In this case, while striking down the practice of Jallikattu (bull-wrestling) and bullock cart racing in the Indian states of Tamil Nadu and Maharashtra, respectively, the **Supreme Court had ruled that the right to dignity and fair treatment** as enshrined in and arising out of **Article 21 of India's Constitution is not confined to human beings**

alone, but animals as well.

▪ **Other Judgements:**

- In July 2018 the Uttarakhand High Court and in June 2019, Judge Rajiv Sharma of the Punjab and Haryana High Court observed that **animals have a distinct legal persona with corresponding rights, duties, and liabilities** of a living person and subsequently declared all the citizens throughout their to be persons in loco parentis as the human face for the welfare/protection of animals.
- All citizens of Uttarakhand and Haryana were declared to have legal responsibilities and functions similar to those of a parent vis-à-vis minor children for the welfare and protection of animals within their respective States.

## What is the Constitutional Protection for Animal Rights?

- According to the Indian Constitution, it is everyone's responsibility to care for and preserve the country's natural resources, such as its forests, lakes, rivers, and animals.
  - However, many of these provisions come in the **Directive Principles of State Policy (DPSP)** and **Fundamental Duties** - which cannot be enforced unless there is statutory backing.
- **Article 48 A states** that the State shall endeavour to protect and improve the environment and safeguard the forests and wildlife of the country.
- **Article 51A(g) states** it to be a duty of every citizen of India "to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures."
- Further, the **State and Concurrent List have been assigned** the following items about animal rights.
- The States are given the authority to "preserve, maintain and improve stock and prevent animal diseases and enforce veterinary training and practice," according to State List Item 14.
- The Concurrent List contains legislation that both the Centre and the States may pass
  - "Prevention of animal cruelty," which is mentioned in item 17.
  - "Protection of wild animals and birds" which is mentioned as item 17B.

## What are the Important Laws in India for the Protection of Animals?

- **Indian Penal Code (IPC):**
  - The Indian Penal Code (IPC) 1860 is the **official criminal code of India which covers all substantive aspects of criminal law**.
  - Section 428 and 429 of the IPC provides for punishment of all acts of cruelty such as killing, poisoning, maiming or rendering useless of animals.
- **The Prevention of Cruelty to Animals Act of 1960:**
  - The objective of the Act is to **prevent the infliction of unnecessary pain** or suffering on animals and to amend the laws relating to the prevention of cruelty to animals.
  - The Act defines "animal" as any living creature other than a human being.
- **Wildlife Protection Act 1972:**
  - The act **aims to safeguard all plants and animal species in the country** to ensure environmental and ecological security.
  - The Act **prohibits the hunting of endangered animals** while providing for the establishment of wildlife sanctuaries, national parks, and zoos.

## Way Forward

- Our legislative provisions and judicial pronouncements make an effective case for animal rights, but no rights can be absolute. Like human rights, regulation of animal rights is a must.
- The need of the hour is **to strike a balance between safeguarding the interests of animals** without compromising on the safety or well-being of humans. Animal abuse has to stop.
- **Humans need to shed their condescending approach** of patronizing other species.
- **Mere intellectual superiority of humankind cannot be allowed to supersede living rights** of another species. Co-existence of all life forms is absolutely essential to prevent an imbalance of our eco-system.

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