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ANIMAL RIGHT AND CRUELTY TO ANIMALS ACT

Introduction-

India, the world's seventh largest country, is one of the most bio diverse regions, home to four of the world's 36 biodiversity hotspots. It is home to a variety of creatures, including the Bengal Tiger and the Great Indian Rhinoceros, and animal protection and care have become increasingly important in recent years. Animal protection is enshrined as a fundamental duty in the Indian Constitution, and there are several animal welfare laws in place in India, including the Prevention of Cruelty to Animals Act 1960 and the Wildlife Protection Act 1972 at the national level, as well as cattle protection and cow slaughter prohibition legislation at the state level.

The Indian Penal Code (IPC) 1860 is India's official criminal code, governing all substantive aspects of criminal law. Sections 428 and 429 of the IPC criminalize all acts of cruelty against animals, including murdering, poisoning, maiming, and rendering them useless.

Constitutional provisions related to Animals right-

According to Directive principle of state policy under article 48A of the Indian constitution, 1950 states that it is the duty of state to protect and improve wildlife, environment including forest, lakes and rivers and have compassion for all living creatures which was added by 42nd constitutional amendment in 1976¹. This is enforceable by law within the ambit of the fundamental right to life and liberty under article 21 which is judicially enforceable².

Allocation of powers between the centre and the states related to subject matter to structure rules and regulation and by laws for the whole or part of territory of India. Article 246 lays down the subject matter on which parliament and state has power to make laws and list of subject matter

¹ India Const. art. 48A, *amended by* The Constitution (Forty second Amendment) Act, 1976

² India Const. art. 21

list contained in 7th schedule i.e. the union list, the state list and concurrent list³. In the context of animal right matters allocated to state and concurrent list. Item no. 14 of state list describe about the power of state to protect, improve stock and prevent animal diseases and enforce veterinary training and practice. On the other hand, item no. 17 and 17B lays down subject matter related to prevention of cruelty to animals and protect of wildlife under concurrent list⁴.

Prevention of cruelty to Animals Act, 1960-

The prevention of cruelty to Animals Act, 1960 objective to prevent the infliction of suffering on animals and define “Animal” as living creature other than a human being and also established an animal welfare board of India by the central government, called as Animal Welfare Board of India having perpetual succession and a common seal with power⁵. Funds of the board grant from time to time by government⁶. Board act to keep law enforce in India and advice government on the amendments, to advice central government to make rules with a view to preventing unnecessary pain or suffering to animal mostly in the case of transportation that’s why they used to keep in captivity or confinement and to advice the government or local bodies to design slaughter houses or in the maintenance of slaughter houses or in connection with slaughter of animals so that unnecessary pain or suffering is eliminated in the pre-slaughter stages⁷.

Section 11 of the prevention of cruelty to Animals Act, 1960 lays down criteria of treating animals cruelly by beating, kicks, over-rides, over-drives, over-loads, torture any animal, willfully and unreasonably administers any injurious drug or substance to cause any such drug to be taken by any animals, being the owner fails to provide sufficient food, drink and shelter. For all the cruelty owner and whosoever beating, offer for sale and suffering pain by reason of mutilation, starvation thirst, overcrowding shall be punishable. In the case of first time commit offence shall be punishable with fine which shall not be less than 10- 50 Rs/-⁸.

³ India Const. art. 246

⁴ Quizlet, <https://quizlet.com/601832650/chapter-1-the-union-legislature-flash-cards/> (last visited on 22nd March 2024)

⁵ The prevention of cruelty to Animals Act, 1960, sec.2(a)

⁶ India Code, https://www.indiacode.nic.in/show-data?actid=AC_CEN_16_18_00001_196059_1517807317734 (last Visited on 22nd March 2024)

⁷ Ipleader, <https://blog.ipleaders.in/punishment-animal-cruelty-laws-animal-welfare-india/> (last visited on 22nd March 2024)

⁸ The prevention of cruelty to Animals Act, 1960, sec. 11

A person can be charged under Sections 428 and 429 of the IPC, which are both cognizable and bailable offences⁹. Section 428 and 429 is applicable only to animals with monetary value. Section 428 lays down that whoever acts harm by murdering, poisoning, maiming, or rendering useless any animal valued at ten rupees or more is punishable by imprisonment for up to two years, a fine, or both and section 429 says that whoever causes harm by murdering, poisoning, maiming, or rendering useless any animal valued at fifty rupees or more must be punished with imprisonment for a term of up to five years, a fine, or both¹⁰.

Conclusion-

Human industries that contribute to this brutality include textiles, cosmetics, home decor, and others. Animal skins and furs are employed in the textile industry, while horns and teeth are used to manufacture home decor items. Many animals are killed for meat as well. Animals are mistreated in laboratories where they are utilised for research and experimentation. They are frequently stored at either freezing or boiling temperatures.

Cruelty to animals is increasingly a national problem. The government has already implemented a few laws, and more are needed. Animals, like humans, deserve a quiet existence. Animals play a vital role in our ecology and provide many benefits to mankind.

⁹ Indian Penal Code, 1860, sec. 428

¹⁰ Indian Penal Code, 1860, sec. 429