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Law for the Voiceless: Animal Rights and the Weakness

- *DARWIN SAMRAT*

Introduction

We often see animals surrounding us but we seldom ponder over their existence, why? They constitute an integral part of the ecological chain of human civilization. Despite being creatures capable of experiencing same emotions as humans such as pain and fear animals for ages have not been recognized as holders of any legal rights. Instead, most legal systems treat them merely as property. This treatment has led to extensive abuse and cruelty towards animals, often without any substantial cause.

Although empathy toward animals is assimilated within many Indian cultural traditions and constitutional values, the legal protections provided remain abundantly limited. The Prevention of Cruelty to Animals Act, 1960 is the principal legislation regulating animal welfare in the country, however it is widely criticized for its obsolete punishments and weak enforcement machinery.

This blog scrutinizes the legal system regulating animal protection in India and the role played by the courts in promoting animal rights legislation.

Legal Paradigm for Animal Protection in India

The works of the Indian government and the toiling attempts by various NGOs and other social work organization has led to the formulization of the animal welfare act in India which is called

Prevention of Cruelty to Animals Act, 1960 (PCA Act). The act prevent the needless agony and affliction given to animals by any person and to institute a procedure for advancing animal welfare in the Indian society.

Section 11 of the Act prohibits certain acts considered cruel to animals which can cause unnecessary pain. Nevertheless, the Act fails to stipulate stringent provisions and render only meagre punishments to the offenders. According to the PCA, 1960 first time offender may be punished with a fine of Rs.10 which may be extended up to Rs.50, while further offences rarely attract penalties exceeding Rs.100 and incorporates only a short imprisonment which may extend to three months.

Certain other acts implicitly deals with animal protection such as Wildlife Protection Act, 1972 which safeguards wild animals and prohibits hunting, capturing, or trading protected species without authorization from the relevant government.

Additionally, Section 4 of PCA,1960 establishes the Animal Welfare Board of India (AWBI) which is a statutory advisory body established in 1962. The board operates under the Ministry of Fisheries aiming to prevent unnecessary pain or suffering to animals and ensure animal welfare. The board promotes animal welfare and advise the government on related laws. The AWBI acts as a nodal body for animal welfare laws and advises the central and state governments to prevent the violation of animal rights.

Constitutional vision and Animal Welfare

The Constitution of India has appropriately provided provisions for the Animal protection in India. Article 48A provides directions to protect and improve the environment and safeguard wildlife. Moreover, Article 51A(g) specifies a fundamental duty upon every citizen of the country to show compassion and kindness toward every living organism. However these provisions are not strictly implemented as rights, they only serve as guiding principles for legislative and judicial action.

Judicial Recognition of Animal Rights

The courts in India have from time to time played a crucial role in advancing animal welfare and protecting animal rights. In the landmark judgement of *Animal Welfare Board of India v. A. Nagaraja*, the Supreme Court held that animals are living creatures and they are entitled to live with dignity. Court provided a prominent development for the protection of animal welfare in the Indian society by emphasizing that the statutory laws must protect the animals and not treat them merely as property but as living beings with intrinsic values.

Similarly, in *People for Ethical Treatment of Animals v. Union of India*, the Delhi High Court expressed its views on the need for stringent enforcement of animal welfare guidelines and emphasized that cruelty to animals in any way must be prevented, which otherwise involves significant ethical and legal concerns.

These judgments reflect view points of the various Indian courts for the need of stringent laws for the welfare of the animals.

Loopholes in the Prevention of Cruelty to Animals Act

The PCA Act suffers from several deficiencies that hinder effective animal protection.

1. Inadequate Punishments

The most significant weakness of the Act lies in its outdated and minimal penalties. The fines given under the act were fixed in 1960 and have remained unamended for decades.

2. Weak Enforcement System

The cases of cruelty towards animals are commonly treated as minor offences by enforcement authorities. The local Police officials may lack training in animal welfare laws and specialized enforcement agencies are limited. Moreover the local officials show very limited empathy towards the cruelty rendered upon an animal which results in less conviction rate of the offences, and the complaints generally remain uninvestigated or lead to minimal consequences.

3. Absence of Strong Legal Status for Animals

Although various courts judgements have recognized animal dignity, the statutory law still consider animals as property. Without considering animals as rights bearing entities, the legal framework struggles to provide comprehensive protection against exploitation.

The Need for Progressive Reform

There is an urgent need to reform India's existing animal protection laws. There must be appropriate amendments to the PCA Act that significantly increase penalties for cruelty and introduce stricter enforcement provisions. Nevertheless, there is a strict need to sensitize the Indian masses towards animal rights and imbibe a sense of kindness and empathy in the hearts of the people.

Strengthening these laws would not only align India with international standards but also reflect the constitutional and ethical values of compassion toward living creatures.

Conclusion

Animals may not possess the ability to speak for themselves, yet they remain sentient beings capable of experiencing emotions such as pain and suffering. The judiciary has made notable efforts to maintain the dignity and welfare of animals, but change ultimately requires legislative amendment and stronger enforcement machinery. Only by achieving these measures the law truly serve as a voice for the voiceless and ensure a more humane and compassionate society.