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**BE THE VOICE THEY WISH THEY HAD; MAKE THE CHOICE THEY
WISH THEY COULD**- Anshika Narang & Riya Soni¹**ABSTRACT**

The paper discusses every one of the basic entitlements winning in our INDIA. The writers need to make mindful of every one of the peruses about the privileges of the relative multitude of confused animals revered in our Indian constitution and any remaining laws, like the WILDLIFE PROTECTION ACT, CATTLE TRESPASS ACT, and different demonstrations. As we as a whole realize that these puzzled animals are in a most noticeably awful condition, and they have nobody for them to battle for their benefit. The creators have investigated profoundly and displayed the job of our Indian legal executive through different case laws. The creators have put more accentuation on an incredibly famous organization PETA, which runs everywhere in the world for the insurance of basic entitlements.

Do creatures have rights? Nearly everybody trusts in basic entitlements, at any time in some insignificant sense; the genuine inquiry is the thing that that expression implies. By investigating that question, it is feasible to give an unmistakable feeling of the lay of the land—to show the scope of potential positions, and to investigate what issues, of hypothesis or reality, separate sensible individuals. “All things being equal, the spotlight ought to be set soundly on the issue of misery and prosperity. This position requires dismissal of probably the most extreme cases by basic entitlements advocates, particularly those that pressure the “self-sufficiency” of creatures or that item to any human control and utilization of creatures”. Be that as it may, this position has extremist ramifications of its own. “It firmly proposes, for instance, that there ought to be the broad guideline of the utilization of creatures in amusement, in logical examinations, and

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farming. It additionally recommends that there is a solid contention, on a basic level, for prohibitions on numerous current employments of creatures”.

KEYWORDS: ANIMALS, CRUELTY, PROTECTION, WILDLIFE, COVID-19

INTRODUCTION

“Our task must be to free ourselves from this prison by widening our circle of compassion to embrace all living creatures and the whole of nature in its beauty.”²

Similarly, as there are a huge number of creatures on our planet, there are a great many perspectives and feelings regarding basic entitlements. Ask a specialist his sentiments concerning this subject and you may find an unexpected solution in comparison to on the off chance that you asked a cleric or an attorney. Ask somebody living in America their perspectives on basic entitlements and you may find an unexpected solution in comparison to on the off chance that you asked somebody living in India. Basic entitlements are a discussion that is saturated with contention since it contacts each part of society. The ramifications go past most minds. Today creatures have managed the cost of specific assurances under the law. These insurances incorporate food, water and a protected climate in which to live liberated from unjustifiable torment and languishing. Many might want to see these creature securities taken further by giving creatures their privileges, rights that may remember the capacity to sue for an official courtroom, or the option to not go through operations for creature experimentation. Giving creatures rights is questionable because it would expect society to quit utilizing and creating creatures. Creatures at this point would not be dependent upon what some view as obtuse treatment. There would be limitations on treatment and utilization of them for food, garments and amusement purposes.

HISTORY

Similarly, as there are a great many creatures on our planet, there are a large number of perspectives and conclusions regarding basic entitlements. Ask a specialist his sentiments regarding this subject and you may find an unexpected solution in comparison to on the off chance that you asked a cleric or a legal counselor. Ask somebody living in America their

²“Albert Einstein”

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perspectives on basic entitlements and you may find an unexpected solution in comparison to on the off chance that you asked somebody living in India. Basic entitlements are a discussion that is saturated with debate since it contacts each part of society. The ramifications go past most minds.

Today creatures have managed the cost of specific insurances under the law. These securities incorporate food, water and a protected climate in which to live liberated from excessive torment and languishing. Many might want to see these creature assurances taken further by giving creatures their privileges, rights that may remember the capacity to sue for a courtroom, or the option to not go through operations for creature experimentation. Giving creatures rights is questionable because it would expect society to quit utilizing and creating creatures. Creatures would presently don't be dependent upon what some view as uncaring treatment. There would be limitations on treatment and utilization of them for food, dress and diversion purposes.

At the hour of Aristotle, in the old Greece, creatures were dealt with prevalent for example dolphins. Adam is given “dominion over the fish of the ocean, and over the fowl of the air, and over the steers, and overall the earth, and over each crawling thing that wet blanket eth upon the earth.”³ Territory need not involve property rights, however, it has been deciphered, by a few, throughout the hundreds of years to infer proprietorship. “Contemporary savant Bernard Rollin” composes that “domain doesn't involve or permit misuse any more than does territory a parent appreciates over a kid. “Rollin further expresses that the Scriptural Sabbath prerequisite declared in the Ten Rules” necessitated that creatures be conceded a day of rest alongside people. Correlatively, the Book of scriptures restricts “furlowing with a bull and an ass together”. As per the rabbinical practice, this disallowance originates from the difficulty that an ass would endure by being constrained to stay aware of a bull, which is, obviously, undeniably more remarkable. Additionally, one discovers the denial against gagging a bull when it tracks out the grain, and surprisingly a natural forbiddance against obliterating trees when assaulting a city. These antiquated guidelines, basically neglected, bespeak of smooth attention to the situation with creatures as closures in themselves”, a point likewise supported by Norm makes a difference.

PROPOSED ANIMAL WELFARE ACT, 2011

³“The book GENESIS 1:26-27”

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It would rescind The Anticipation of Pitilessness to Creatures Act, 1960. The proposed Creature Government assistance Act, 2011 forces the obligation upon each individual having the consideration or charge of any creature, regardless of whether as proprietor or something else, to guarantee the government assistance and prosperity of such creature and to forestall the curse of injury, agony or enduring upon such creatures⁴. It additionally accommodates the foundation of Creature Government assistance Sheets of India and State Creature Government assistance Sheets. It additionally presents new offenses, for example, rehearsing phooka or destruction dev⁵ and so on If there should arise an occurrence of conviction under any arrangement of this Demonstration, of the proprietor or any individual in the ownership of a creature, is indicted, the creature against which the offense was submitted will be seized and moved to the guardianship of a Creature Government assistance Association or Society for Counteraction of Mercilessness to Creatures as might be requested by the Court⁶. It accommodates the compounding of the offenses⁷. The State Government will be broad or uncommon request choose *hospitals, SPCAs, Gaushalas, Creature Government assistance Associations, pinjarapoles*, and so on, for the treatment and care of creatures in regard of which offenses against this Demonstration have been submitted, and will approve the confinement in that of any creature forthcoming its creation before a magistrate⁸.

“PRIVATE MEMBER BILL FOR INCREASE IN PUNISHMENT UNDER PREVENTION OF CRUELTY ACT,1960”

- This Act characterizes creatures, proprietors and sets The Anticipation of Brutality to Creatures Demonstration of 1960 was established with the view to guaranteeing creatures are treated without mercilessness, liberated from the curse of superfluous torment and languishing. The fundamental idea of the PCA Act is:
Poise – in that individuals are stately just when creatures are treated without pitilessness. It is hence inside human personal responsibility to treat creatures.

⁴“Proposed Animal Welfare Act, 2011; Section 3

⁵*Id*, Section 18

⁶*Id*, Section 35

⁷*Id*, Section 40

⁸*Id*, Section 46”

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With consideration. out the obligations and commitments of creature "proprietors" – at Areas 3 and 11, acts that are brutal to creatures are broadly depicted and made culpable. It is striking that these areas apply to creature proprietors as well as all people who are found to have been pitiless to creatures.

- The Act requires the formation of a “Creature Government assistance Board, Society for the Counteraction of Cold-bloodedness to Creatures (SPCA) in each state and contains arrangements at Part IV and Part V” to guarantee there is no remorselessness or damage to creatures utilized in experimentation and as performing acts.

OVERVIEW OF VIOLATION OF RIGHTS OF ANIMALS IN INDIA

Even though India is one of the principal nations to unavoidably address creature government assistance. Nonetheless, the issue of creature government assistance in the nation isn't exactly apparent. The lawful system is for the most part to help people, and just negligibly to secure creatures. “In the previous years, numerous examples of basic entitlements infringement have been occurring in India. A vacuum of law has been made as to the Avoidance of Pitilessness to Creatures Act, 1960 has not been changed since its initiation in 1960. The disciplines under the Avoidance of Mercilessness to Creatures Act, 1960 are insignificant, so as not to establish any hindrance sway upon society”.

- “Threatened Species and Annihilation India has 98 species⁹ on Worldwide Association for Preservation of Nature and Characteristic Assets (IUCN) 'Red Rundown' starting in 2015-15 additional species were added to the Rundown of compromised species. In the well-evolved creatures' class, 96 warm-blooded animals' species¹⁰, 82 bird species and 53 types of reptiles, creatures of land and water and fishes are 75 and 214 individually, 7 mollusks, 128 different spineless creatures are endangered”¹¹.

⁹ “International Union for Conservation of Nature and Natural Resources was founded in 1964. It is the world’s most comprehensive inventory of the global conservation status of biological species”

¹⁰ “IUCN Red List of Threatened Species, founded in 1964, is the world’s most comprehensive inventory of the global conservation status of biological species. It classified species into nine groups -Extinct (EX), Extinct in the wild (EW), Critically endangered (CR) , Endangered (EN) ,Vulnerable (VU) , Near threatened (NT) Least concern (LC) , Data deficient (DD) , Not evaluated (NE)”

¹¹“384 plants also feature in endangered list”

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- “Birds' Demises because of Bird Influenza in October 2016 Almost 15 birds (painted stork) kicked the bucket in Gwalior zoo¹²; more than 40 avian passing at Hauz Khas deer park¹³ in October 2016 because of bird influenza”.
- Liberal approach of legal executive towards infringement of privileges of creatures The Courts showed dynamic part to ensure the privileges of creatures on one hand. Simultaneously, in a couple of cases, they neglected to ensure them and their privileges. The Bollywood VIPs were vindicated disregarding the privileges of creatures. Criminal Modification Request recorded against the Judgment of Meetings Court which insisted the request for conviction and sentence passed by Boss Legal Officer, Jodhpur. “The CJM had indicted him under Area 51 of Natural life Assurance Act and condemned to go through 5 years basic detainment alongside fine of Rs 25,000/- and in default of installment of fine to additionally go through 3 months straightforward detainment. The Punjab and Haryana High Court in Amritsar in KENNEL CLUBV. UNON OF INDIA¹⁴ clarified that AWBI has no privilege to intrude on the canine shows by forcing any conditions. With this, the pet hotel clubs of Chandigarh, Patiala, and Ludhiana can arrange canine shows”.
- “Notifications of Service of Climate, Backwoods and Environmental Change (MoEFCC) in 2016 (permitting Jallikattu and bullock truck races; second permitting separating of creatures) While holding the overall restriction on utilizing a few creatures - bulls, bears, monkeys, tigers, jaguars, and lions as performing creatures, the warning dated seventh January 2016 by MoEF makes an exemption for such conventional games including bulls, subject to the authorization of the nearby organization and a few conditions”. It permits occasions, for example, “Jallikattu in Tamil Nadu and bullock truck races in Maharashtra, Karnataka, Punjab, Haryana, Kerala and Gujarat (however restricted by High Court). The warning gives that bulls might be kept on being displayed or prepared as a performing creature, at occasions, for example, Jallikattu in Tamil Nadu and bullock truck races in Maharashtra, Karnataka, Punjab, Haryana, Kerala and Gujarat in the way by the traditions of

¹² “15 bird deaths at Gwalior zoo in 3 days spark fear of bird flu”, The Tribune, Oct 21, 2016

¹³ “Delhi Government forms panel to keep vigil on bird flu after over 40 avian deaths”, Indian Express, October 22, 2016

¹⁴ “CWP No. 25558 of 2015, decided on 28 January 2016”

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any local area or rehearsed generally under the traditions or as a piece of culture”. The authorization has been made dependent upon specific conditions. Even though it gives that any occasion of Jallikattu or bullock truck races so coordinated will be held with the earlier endorsement of the states concerned¹⁵. It further gives that the Jallikattu or bullock truck races so coordinated will be appropriately checked by the Area Society for Anticipation of Pitilessness to Creatures and State Creature Government assistance Board or the Locale Specialists, all things considered, guaranteeing that no superfluous torment or enduring is delivered or caused, in any way, at all, throughout such occasions, or in readiness thereof.

- Environment, Woods and Environmental Change looked for proposition from a state/Association Area Governments, after target appraisal of the circumstance with subtleties of the spaces in which notice under Segment 62 of the Demonstration, proclaiming any wild creatures as vermin for a determined period, could be useful in the administration of contention. A similar warning has likewise been shipped off the Central Priest's and Climate and Woods Pastors of the multitude of States/Association Domain Governments and to all the Committee of Clergymen in the Public authority of India. In any event nine States, man and natural life are in genuine clash. Upwards of seven States have kept in touch with the middle looking for its mediation. Bihar asked wild hog and nilgai (a huge Indian impala) to be proclaimed vermin, Himachal requested rhesus monkeys to be announced along these lines, and Maharashtra needs wild pigs and nilgais annihilated. Uttarakhand needs the wild hog populace to go down, while Gujarat additionally needs nilgais to be proclaimed vermin. Goa needs to slaughter peacocks, West Bengal discovers elephants badly designed, Uttar Pradesh¹⁶ thinks that it is tricky to manage monkeys. Proposals from Bihar¹⁷, Uttarakhand¹⁸ and Himachal Pradesh¹⁹ have been viewed as commendable by the Service.

¹⁵ “G.S.R. 13(E) 7 January, 2016 specifies that bears, monkeys, tigers, panthers, lions and bulls shall not be exhibited or trained as performing animal, with effect from the date of publication of this notification. Section 22, Prevention of Cruelty Act, 1960 empowers the Central Government to specify by notification in the official gazette any animal which shall not be exhibited or trained as a performing animal”

¹⁶ “Modi’s Swachh Bharat, Mamata’s Nirmal Bangla get push from marauding elephants”, Hindustan Times, June 15, 2016

¹⁷ “The first notification issued by the Ministry decided on December 1, 2015, declared Nilgai and wild boar as vermin in some districts of Bihar for one year”

¹⁸ “The second notification decided on February 3, 2016 declared wild boar as vermin in some districts of Uttarakhand for a period of one year”

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Interestingly, since Freedom, the Association government has practiced Section 62, of the untamed life Insurance Act, 1972 to permit huge scope separating of wild creatures. Up until now, just Area 11(b) of the Natural life Security Act, under which the State Boss Untamed life Superintendent can allow chasing of wild creatures, has been broadly utilized by states to contain wild creatures.

JUDICIAL DECISIONS

1. Petitions for Habeas Corpus

In 2015, the Nonhuman Rights Venture (NRP) documented 3 claims in New York State for the benefit of four hostage chimpanzees, requesting that the courts award them the option to substantial freedom using the writ of Habeas Corpus and encouraged the fair court to promptly send them to a safe-haven associated with the North American Primate Asylum Partnership. Every one of the petitions was denied. For the situation including the chimpanzees Hercules and Leo, Equity Barbra Jaffe didn't quickly excuse the recording and rather requested a conference requiring the chimpanzee proprietor to show why the chimpanzees ought to be not be delivered and moved to the asylum. Following the meeting, Equity Jaffe gave a request denying Hercules and Leo's appeal. Even though the appeal was denied, NRP deciphered Equity Jaffe's choice as a triumph. In its official statement, it underscored the way that Equity Jaffe concurred with NRP, composing that 'people' are not limited to individuals, and that who is an 'individual' isn't an issue of science, yet public strategy and rule" and expressing that "Endeavors to stretch out legitimate rights to chimpanzees are along these lines justifiable; sometime they may even succeed"²⁰.

- In the main case law, Individuals for **"PEOPLE FOR ETHICAL TREATMENT FOR ANIMALS Vs. UNION OF INDIA"**, the Bombay High Court believed that that, wherein any film implied for public review, in which a creature is utilized or potentially shot, needs to acquire a declaration from the "Creature Government assistance Leading group of India, expressing that the arrangements of the Performing Creatures Rules, 2001 have been

¹⁹ "Third notification, issued on May 24, 2016 declared rhesus macaque (monkey) to be vermin in ten districts of Himachal Pradesh"

²⁰"Hon. Justice Jaffe (New York judge)"

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appropriately met”. This decision shields creatures from being misused or abused during the time of filmmaking, which can reach out across a few hours. The decision keeps creatures from, among different maltreatments, being presented to boisterous, odd sounds, beaten or kept without food and water.

- In the instance of “**SHAUKAT ALI Vs. Territory OF U.P²¹**”, the Hon. High court of Allahabad, thought that the applicant should demonstrate his ownership towards the elephant, under “segment 42 of the Natural life Assurance Act, 1972” (about the endorsement of responsibility for elephant) and arranged off the request thereof.
- Another case law is identified with guardianship of creatures, “**Territory of U.P Vs. Mustakeem and Ors**”, for this situation, goats were discovered to be shipped for the butcher in a barbarous way, subsequently, an“FIR was recorded against the proprietor. Nonetheless, the UP High Court returned the authority of the creatures to the proprietor while the matter was under the prosecution”. On request, the Hon'ble High Court pronounced that the creatures should be seized from the proprietor and housed in a Gaushala, under the consideration of the state government who was given their charge for the term of the case. “With this decision, the court made it adequately evident that once a creature was taken out from an individual's consideration on grounds of pitilessness to his/her charge, the creature would not be returned until the case was settled”.
- On 9th August 2018, the High court accomplished something exceptional. On account of “**A. RANGARAJAN and ORS. Vs Association OF INDIA and ORS**”, was labeled with a few related cases on the issue of getting elephant halls. The Pinnacle court coordinated the Tamil Nadu Govt. to seal or shut down 39 lodgings and resorts developed on an "ELEPHANT Passage" in the Nilgiri slopes in the infringement of the law, inside the following 48 hours. Hon. Justice Madan Lokur alongside Justice S. Abdul Nazeer and Justice Deepak Gupta likewise said that Elephants are the country's "public legacy" and communicated

²¹³ NOVEMBER 2017

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disappointment about infringements. It was a memorable judgment by the Hon. High Court on India's elephants.

- A famous case law related to Jallikattu and other animal races, “***Animal Welfare Board of India Vs. A Nagaraja and Others***”, when the Supreme Court banned the practice of Jallikattu in 2014, it alluded to various sections of “PCA Act, 1960, which addresses unnecessary suffering of animals. Alluding to Section 3 and Section 11, the Hon’ble Court believed that all animal fights incited by humans are illegal, even those carried out under the guise of tradition and culture. The court also listed various recommendations, among them an overhaul of the penalties and punishments in the PCA Act, 1960, to allow it to function effectively as a deterrent in cases related to animal cruelty”.

“Our treatment of animals will one day be considered barbarous. There cannot be perfect civilization until man realizes that the rights of every living creature are as sacred as his own.”²²

“Humanity’s true moral test, its fundamental test consists of its attitude towards those who are at its mercy animals”

- ***Milan Kundera***

This quote is not implementable after the happening of this cruel act, by some worst people, or the author must say, the devils, even the devils are good enough as compared to these worse people. The author hopes the readers are aware of the recent news about the female elephant, who was carrying a precious gift of the almighty (baby elephant) in her womb. As we all know the cruel incident done by some offenders of our nation to a speechless creature. Several pictures are depicting that the unborn baby elephant is asking his mom that mom, these humans are so good and helpful, that they are giving us fruits. And the female elephant, despite knowing everything, replies to her child that yes child, these humans are so caring for us. And after consuming the pineapple, the innocent creature’s mouth busted and the innocent creature suddenly rushed towards the nearest water body. As soon as the elephant reached the water body while standing only for just a few seconds; the almighty called both mother and son to their heaven. There is a religious fact, that before the commencement of

²²“DR. DAVID STARR JORDAN”

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the kaliyuga, the almighty lord **SHREE VISHNU** told that this Kaliyuga will be the worst ever period because, during this period, most of the humans will not respect women, children, and animals as well. To this, Lord Shree Narad asked the almighty Lord Shree Vishnu, that Lord! By this, no one will be able to live on this earth. Lord Vishnu smiled and replied that Narad, whosoever will do these heinous crimes to especially these 3 categories, will have to face all the hurdles and punishments and has to pay for all these crimes in this age itself. We all are aware of all the heinous acts being done on women, children; very commonly, but from yesterday's saddest news we are all aware that these humans are not leaving the animals also. WHAT'S LEFT THEN AFTER THIS? Humanity is not left now in this India. The author wants to tell you one more thing, in India, there are numerous Shreemad Bhagwatacharyas, but there is a well-known Shreemad Bhagwatacharyaa named **"DEVICHITRALEKHAJI"**. Deviji, at her younger age, started preaching Shreemad Bhagwat and she is the founder of **GAU SEVA DHAM HOSPITAL**, on the national highway of **Hodal, Palwal (Haryana)**. The author promises to all the animal lovers, that if you all love our Fauna, then you must visit **GAU SEVA DHAM** hospital, and the author assures you all that after seeing the conditions of the cows and other animals there, you all will realize that how much pain, these creatures are suffering.

PRESENT SCENARIO

In the present situation of COVID-19, where all the countries are busy making vaccines to end this pandemic simultaneously millions of "mice, cats, dogs, rabbits, etc. are the ones in whom the trial is being done. The kind of horrible environment exposed to the animals in which they had to go is very terrifying". After suffering a lot of pain& experiencing torture almost all of them will be killed. "Through the Drugs and Cosmetics Rules (Second Amendment) 2014, animal testing for cosmetic products was prohibited all over India. But this subject needs more attention in today's time, it will not be wrong to say that not much has been contributed by the legislation or judiciary in this matter. The present legislation in India needs to be modified by making more stringent laws".

- ***"Recent trends in promotion of animal rights in India***

This Part shall discuss the efforts at various fronts to protect the rights of animals. The last few years (2013 onwards) have witnessed many developments about the rights of animals. The higher judiciary upheld the rights of animals in *Animal Welfare Board of India v.A. Nagaraja and Ors*²³. (It is the landmark decision of the Hon'ble Apex Court in which it banned bullfights and issued various other directions to Animal Welfare Board of India and Governments such as to take steps to impart education about human treatment of animals etc.); *Ramesh Sharma v. State of Himachal Pradesh and others*²⁴ (Hon'ble Himachal Pradesh High Court directed the State Government to propose a regulation to arrest animal sacrifice and banned animal sacrifice throughout the State) etc. Similarly, MoEFCC has taken various steps to protect endangered species of animals in the country".

- (a) *"Pro-animal movement across the country"*: "The Bengaluru Chapter of India Unites for Animals (IUFA), a nationwide movement against animal abuse, was launched on 16 October 2016. Activists are asking for better enforcement of animal rights laws and tougher punishment to abusers; greater accountability for lawmakers, according to tribunal status to the Animal Welfare Board of India, and an end to interference in its functioning. Thousands of citizens and animal lovers across 80 cities simultaneously held demonstrations and rallies on 18 September 2016 to press for stronger animal protection laws". The multiple venues event was done under the common banner, India Unites for Animals. "Humane Society International/India, in support of #IUFA, has lobbied the Indian government to replace the weak existing Prevention of Cruelty to Animals Act, 1960 with the much-delayed new animal welfare bill. The key demands of the movement from the politicians are to pass the Animal Welfare Bill in the Parliament, include animal welfare policies in party manifestos and every contestant to declare their stand on animals". Herds of PETA US "bulls" also gathered outside Indian embassies in the US and Canada, urged officials to keep bulls protected on 17 September 2016 Cutting across party lines, "Members of Parliament (Dr. Satyapal Singh (BJP), Shri Baijayant 'Jay' Panda (BJD) and Dr. Shashi Tharoor (INC)) have written to the **Ministry of Environment,**

²³“(2014) 7 SCC 547, 2014(6) SCALE 468.

²⁴ CWP No. 9257 of 2011 along with CWP No.4499/2012 and CWP No.5076/2012 dated September 29, 2014”.

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Forests and Climate Change (MoEFCC) to increase the penalties for animal cruelty by amending the Prevention of Cruelty to Animals Act, 1960 in April 2016”.

- (b) **“Protected Areas and Species in India:** In the light of the deteriorating number of animals, from time to time, efforts have been made to protect them. One such effort is declaring them national animals and birds. Indian Peafowl, commonly known as the peacock, was selected as the national bird in 1963. It was chosen from among other contenders including the Great Indian Bustard, the Sarus crane, the mythical Garuda, and the swan because of its distribution throughout India, for being easily recognizable, and its association with Indian myths and legends²⁵”. The title of national animal was conferred on the majestic creature - Royal Bengal Tiger in 1972²⁶. River Dolphin has been declared as National Aquatic Animal in 2009. The Ganges Dolphin is among the four “obligate” freshwater dolphins found in the world. The Government of India declared the elephant as India’s national heritage animal in October 2010. The National Bureau of Animal Genetic Resources (NBAGR) in July 2016 accorded genetic recognition of ‘rare and singular species to the breed of sheep, locally called ‘kuji mendha’. It is found only in the coastal Jagatsinghpur and Kendrapara districts of Odisha.

“Table 1: Protected Areas of India (as of 14 June 2016)

	Number	Area(km)
National Parks (NPs)	103	40500.13
Wildlife Sanctuaries (WLSs)	536	118005.33
Conservation Reserves (CR’S)	67	2349.38
Community Reserves	26	46.93
Protected Areas (PA’S)	732 (Total)	160901.77”

²⁵“Sarasvati and Karthikeya, the warlord of the Devas, son of Shiva is associated with the peacock. The peacock represents arrogance and pride over its beauty, and by having a peacock as her mount, the Goddess teaches Hindus not to be concerned with external appearance and to be wise regarding the eternal truth. The Kanda Puranam, the Tamil version of rides a peacock the Sanskrit Skanda Purana, retells the story of Shiva’s son, Murugan, (known as Kartikeya, in North India) riding a peacock”.

²⁶“Tigers are the largest species of cat and one of the most iconic animals on the planet. The Bengal tiger is found primarily in India with smaller populations in Bangladesh, Nepal, Bhutan, China and Myanmar. It is the most numerous of all tiger subspecies with more than 2,500 left in the wild. Before 1972, Lion was the National Animal”.

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Table 1 shows the number, area occupied and % of the geographical area in India of various protected areas in India namely- National Parks, Sanctuaries, Conservation Areas, and Community areas.

“Table 2: Protected Areas of India from 2000 to 2016 (as of 14 June 2016)

Year	No. of national parks	No of wildlife sanctuaries	No of community reserves	No of conservation reserves	No of protected areas	The total area under protected areas
2000	89	489	-	-	578	155475.63
2006	96	506	-	4	606	158470.27
2007	98	510	4	7	619	158879.19
2008	99	513	4	45	661	162651.45
2009	99	513	4	45	661	162651.45
2010	102	516	4	47	669	164062.99
2011	102	517	4	52	675	164512.37
2012	102	524	4	56	686	165641.62
2013	102	526	4	57	689	166347.6
2014	103	525	4	60	692	158645.05
2015	103	531	26	66	726	160499.31
2016	103	536	26	67	732	160901.77

Table 2 shows various Protected Areas in India from 2000-2016”.

- (c) ***Ban on Capture of Dolphins:***“In May 2013, India’s Ministry of Environment, Forests and Climate Change (MoEFCC) took a strong step by forbidding the capture and use of dolphins for entertainment across the country”. The Ministry issued a policy statement instructing all state governments to deny giving permissions for setting up a dolphinarium “by any person/persons, organizations, government agencies, private or public enterprises that involves import, the capture of cetacean species to establish for commercial entertainment, private or public exhibition and

interaction purposes whatsoever²⁷.” With this step, “India became the fourth country to prohibit captive dolphin shows, along with Costa Rica, Hungary and Chile”²⁸.

(d) **Separate Cow Department in Rajasthan:**“A separate “Directorate of Gauseva” has been opened in Rajasthan to conserve biodiversity in the aspect of extinction of indigenous cow breeds, breed improvement, conservation of indigenous cow breeds,etc.²⁹.It came into functioning on 22 July 2013. A separate Gopalan Department has been created on 13 March 2016. The name of the “Gauseva Directorate, Rajasthan” has been changed to “Directorate Gopalan Rajasthan” from dated 19th December 2014”.

(e) **City Animal of Guwahati:**“Guwahati became the first city in the country to have its city animal after Kamrup metropolitan district administration declared Gangetic River dolphin as its official mascot”³⁰. Gangetic River Dolphin locally in “Guwahati is known as *Sihu*” and it is on the verge of extinction.

- **“Damages to animals:** Unlike harm caused to humans, however, there is rarely a private cause of action to redress injuries inflicted upon animals. Surely, an animal owner can recover for the lost value of the animal, but in the case of a dog or cat such sums are usually insufficient to justify filing suit”. No court under the current legal regime would award animal damages for injury to its being. “Moreover, most courts deny animal owners the ability to sue for the damages they incur to their person, in the form of emotional damage when their animals are injured or killed”.
- **“Rights versus welfare:** Even within the animal protection movement there is disagreement about the goals that should be sought on behalf of other species. Roughly, there are three competing philosophies: traditional welfare theory, animal rights, and “new welfare.” While each seeks to advance the protections afforded animals under the law, they differ in approach and the ends sought to be attained”.

²⁷ “India Bans Captive Dolphin Shows as Morally Unacceptable”, May 20,2013 available at <http://ensnewswire.com/2013/05/20/india-bans-captive-dolphin-shows-as-morally-unacceptable/>, accessed on 16 May, 2016

²⁸ Ibid

²⁹ “Rajasthan government to set up a separate department for protection of cows”, The Economic Times, 11 February 2014.

³⁰ “Haryana govt. launches adoption scheme for birds and animals”, Times of India, Oct 6, 2015

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Briefly, one might understand welfare and rights to lie at opposite ends of the protectionist spectrum. Animal welfare advocates support the types of reforms long sought on behalf of animals – increased penalties for unjustifiable harsh treatment, in other words. Welfarists accept the legal status of other species as property, even condoning such a classification. Moreover, they acknowledge that animals always will be, and perhaps to some extent should be, used as resources for humanity. The limit, however, is that animals should not suffer unnecessarily at the hands of people. In short, then, welfare advocates seek a benevolent dominion over animals that expressly reaffirms humanity's superiority to other species.

Rights advocates do neither accept the property status of animals nor the wisdom of subjecting them to human domination. Animal experimentation in laboratories, even if helpful to humans, is unjustified. Factory farming, and perhaps the meat industry itself, is immoral. Indeed, one must be careful not to eat produce sprayed with pesticides that cost insects their lives. Even the concept of pet ownership is suspect under the rights framework. "Acceptance of this rights position requires a rejection of American law as it currently stands".

COVID-19 EFFECTS ON ANIMALS

As we all know that an infectious disease named Coronavirus or COVID-19, has destroyed almost and everything in this whole world. We, all humans are safe in our homes, but we all haven't even thought of our speechless creatures i.e. our animals. In how much pain, they might be suffering from. There are many animal lovers who, even in this pandemic also, are working whole day and night, so that everyone on this planet is safe and healthy. Not only animals, but they are also taking care of our health workers, doctors, police officers, and many others. I humbly pray on the behalf of all these corona warriors, before the almighty, to cure every person and creature on this earth as soon as possible.

There are some reports of animals being infected with this virus worldwide. The reports are as follows:

- “A few numbers of pet cats and dogs have been reported to be infected with the virus in several countries, including the United States. Most of these pets became sick after contact with people with COVID-19.
- Several lions and tigers external icon at a New York zoo tested positive for SARS-CoV-2 after showing signs of respiratory illness. Public health officials believe these large cats became sick after being exposed to a zoo employee who was infected with SARS-CoV-2. All of these large cats have fully recovered”.
- “SARS-CoV-2 was recently discovered in milk (which are closely related to ferrets) on multiple farms in the Netherlands. The mink showed respiratory and gastrointestinal signs; the farms also experienced an increase in mink deaths. Because some workers on these farms had symptoms of COVID-19, infected farmworkers were likely the source of the mink infections”. Some farm cats on several mink farms also developed antibodies to this virus, suggesting they had been exposed to the virus at some point. Officials in the Netherlands are investigating the connections between the health of people and animals as well as the environment on these milk farms.

“CDC, USDA, and state public health and animal health officials are working in some states to conduct active surveillance of SARS-CoV-2 in pets, including cats, dogs, and other small mammals, that had contact with a person with COVID-19”. These animals are being tested for SARS-CoV-2 infection and also tested to see whether the pet develops antibodies to this virus. This work is being done to help us better understand how common SARS-CoV-2 infection might be in pets as well as the possible role of pets in the spread of this virus. “The U.S. Department of Agriculture (USDA) maintains a list external icon of all animals with confirmed infections with SARS-CoV-2 in the United States”.

➤ **Research on the speechless creatures in the phase of COVID-19 :**

If we talk about the research on animals, then it is limited, but studies are underway to learn more about how this virus can affect different animals.

- “Recent research shows that ferrets, cats, and golden Syrian hamsters can be experimentally infected with the virus and can spread the infection to other animals of the same species in laboratory settings.

- Several studies have investigated non-human primates as models for human infection. Rhesus macaques, cynomolgus macaques, Grivets, and common marmosets can become infected with SARS-CoV-2 and become sick in a laboratory setting.
- Mice, pigs, chickens, and ducks do not seem to become infected or spread the infection based on results from these studies.
- Data from one study suggest some dogs can get infected but might not spread the virus to other dogs as easily compared to cats and ferrets, which can easily spread the virus to other animals of the same species”³¹.

➤ **There are some of the precautions which are to be kept in mind while treating your pet during this pandemic situation:**

- “If your pet tests positive for the virus that causes COVID-19, isolate the pet from everyone else, including other pets.
- Do not wipe or bathe your pet with chemical disinfectants, alcohol, hydrogen peroxide, or any other products not approved for animal use.
- Only a few pets have been confirmed to be infected with the virus that causes COVID19. Some pets did not show any signs of illness, but those pets that did get sick all had a mild disease that could be taken care of at home. None have died from the infection.
- If you think your pet has COVID-19, call a veterinarian first to discuss what you should do.
- Pets with confirmed infection with the virus that causes COVID-19 should be restricted to isolation in the home until a veterinarian or public health official has determined that they can be around other pets and people.”³²

“We are still learning about how the virus that causes COVID-19 can affect animals. A small number of pets (cats and dogs) have been confirmed to be infected with the virus that causes COVID-19, mostly after close contact with a person with COVID-19. Some pets did not show any signs of illness, but those pets that did get sick all had a mild disease that could be taken care of at home. None of the pets have died. Tests for COVID-19 in animals are available for most

³¹“information from WHO in context of animals”

³²“medical experts all around the globe”

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types of pets, but testing is only recommended for animals with COVID19 symptoms and that have been exposed to a person with COVID-19”, as per the world animals health department.

“Based on the limited information available now, the risk of pets spreading COVID-19 to people is considered to be low. There is no reason to abandon or surrender pets that have been confirmed positive for the virus that causes COVID-19. If you are sick with COVID-19, do not take your pet to the veterinary clinic yourself. Call your veterinarian first and tell them you are sick with COVID-19”. Some veterinarians may offer telemedicine consultations or other plans for seeing sick pets.

INTERNATIONAL PERSPECTIVE ON ANIMAL LAW

As compared to India, “other countries have been more willing to embrace some notion of animal rights.” For example, “in New Zealand Long years back, the Wild Animal Initiative was put into action. By providing basic rights to societies nearest genetic cousins, the bill made a significant change in the law system.” These species now have three essential rights under New Zealand law: the right not to be robbed of life, the right not to be exposed to mistreatment, and the right not to be subjected to medical or scientific experiments. It's worth noting that” each right is a bad thing, i.e., a right to be free of something, instead of a constructive option.” Each bill drew diverse reactions from throughout the nation, but no other governments have followed suit yet. “Furthermore, New Zealand has not increased the scope of this animal welfare.”

Recently, on the other hand, Germany enshrined a wide assurance of animal welfare in its legislation, albeit the constitution's true effect is unknown. After arguing for years, the German parliament's chamber animal rights will be mentioned in the nation's governing document, according to the agreement. “There is no specific language explaining what this means. Thus, what effect such language will have on the daily lives of German animals remains to be seen”. “How will fundamental protections for animals mesh in a country known for its meat products? Similarly, Switzerland several years ago declared animals were no longer property. Despite this assertion, the practical status of animals within the country remains substantially the same.”

India is a nation with early as the 1990s tensions similar to those that may be brewing in Germany. India is the home of some of the earth's most ancient faiths. "Indeed, Hinduism, Jainism, and Buddhism all contain important threads teaching respect and protection for all animal life. To these religions, humanity is just a link in a much greater chain of existence." Mahatma Gandhi was a modest but passionate animal champion who was recognized for his efforts and concern for people. "Indeed, these philosophies have, in part, carried through into Indian law with several important protectionist laws. The Indian constitution itself specifically protects animal life." Even still, these safeguards fall short of providing animals with true rights. More significantly, the Indian ideal has a long way to go and may even be on the decline. "The nation is also being flooded by Modern society and its associated animal welfare. It is home to the substantial killing of these lovely creatures and exports, notably the maltreatment of calves - the holiest species to Hinduism. Even some Hindus who are famed for their vegetarianism have abandoned their beliefs in favor of a meatier food."

MAIN REASON TO BE WORRIED ABOUT INDIA'S ANIMALS

Like many other countries, it has been a continuing tradition in India to sacrifice non-human species for medical research, industrial use, farm production, and human consumption, and also to check zoonotic diseases such as A H1N1 and A H5N1. The common fact underlying these activities is that "animals are killed prematurely, mistreated with the consideration of having no dignified existence, and to a great extent unethically to save and secure human lives." India has got a "deep-rooted tradition of concern, affiliation, and respect for non-human animals." Like Hinduism and Buddhism, for example, animal protection with respect, dignity. "Animals in the Hindu tradition mostly have been conceived as protectors and companions of Gods and humans. Being associated with gods, these animals were portrayed to be preserved and conserved, for they have shown to possess the capacities to reason practically, to guide the Gods and humans to the path of righteousness."

1. **"Animal sacrifice for the sake of religion"**: Inhuman animals such as bovines, camels, horses, goats, and chickens in India continue to be sacrificed for the sake of religious rituals, even though the killing of animals for religious purposes has been declared to be illegal by the Wildlife Protection Act of 1972, the Local Municipal Corporation Acts, Rule 3,

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Slaughterhouse Rules, 2001, and the Prevention of Cruelty to Animal Act (PCA), 1960 of Indian Penal Code.

2. **“Animal sacrifice due to illegal hunting, poaching, and trafficking”**: Rather than legal protection’s span for animals under the Wildlife Protection Act, 1972, illegal hunting, poaching, and trafficking continue in India, mainly to meet the demand of international agents, as representative of organized transnational crime. In the Kaziranga National Park, Assam, for example, between 2006 and 2015, just under 200 rhinos have been documented as poached.
3. **“Animal sacrifice for experimentation and research”**: “The use of non-human animals in experiments, research, education, training, and in vivo testing is popularly known as animal testing. Worldwide, it is reckoned that every second approximately three animals are used for the experimentation process.” Many years ago in India, “the findings of India’s Committee for Control and Supervision of Experiments on Animals (CPCSEA) had presented a deplorable standard of animal care, shelter, and treatment in the majority of facilities inspected.” **“People for the Ethical Treatment of Animals (PETA)** reports that Procter and Gamble India has continued to test on animals in 2016, even after announcing the end of the use of tests on animals for all its current non-food and non-drug products in 1999. Such illegal arrangement of animal research and experimentation not only inflicts pain on their bodily health but also affects the environment where animals deserve to be and obstruct their potentialities to grow and develop.”

CONCLUSION

Animals are a part of our environment and are living creatures. They also breathe, they also eat they also need a home and they also deserve respect and care. As a good human and a member of this environment, we should take care of the animals and put every effort forward to protect them from abuse and overkilling. The use of animals in experiments, testing and clothes should be minimized. Research should be done to find alternatives to animal parts like skin.

Animals should have rights because they are living beings with the right to live freely as long as they have the will to. Humans are not in a position to determine when an animal should die or what its life should be like. These lovely creatures have characteristics that cannot be detached

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from them as humans do. “They value their lives very much and are sentient and this is why they try to avoid any harm that may come their way. There is no moral ground upon which humans should deny them their rights. Moreover, granting them their rights will take nothing away from humans.



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