

AN ANALYSIS TO THE CONSTITUTIONAL SCHEMES OF ANIMAL RIGHTS IN INDIA

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ABSTRACT

“No human being is justified in regarding any animal whatsoever as a meaningless automaton, to be worked, or tortured, or eaten, as the case may be, for the mere object of satisfying the wants or whims of mankind”.

Animals are a major part of our environment. Cruelty to Animals or Animal Abuse is considered as the Acts of Violence or Neglect perpetrated against animals. I strongly believe in the rights of the animals and the right to provide them is the duty of being a responsible citizen of India. Animal rights are also known as “Animal Liberation”. Many animal cruelty laws specifically exclude accepted animal husbandry practices, mistreatment, abandonment, scientific research and unlawful hunting and trapping of wildlife. It is a serious problem and also against the Law. All living things have the right to live on this Earth but sometimes we often become omit to their pain only because animals can’t speak the language of humans, they don’t have a voice, remember we can speak up our voice against Animal Cruelty. When God had created this planet, he had a specific purpose for all living things to strike a balance in the creation where Humans and Animals are equally divided to leave in peace and harmony. To bring down the cruelty shown on animals, many legal bodies or NGOs are rescuing or working for animals. India gives us the lowdown on legislation in relation to animal welfare in India so we can be informed of what protections are available to animals. ⁱ Everything on this Earth is being created by God, and has a well-defined purpose thus there is a need to have strong laws for protecting the rights of animals, only then can they be saved from Man’s greed and selfishness and the balance of Nature can be maintained. It is still not too late, let us together pledge to make a difference.

The Constitution of India is the incomparable law of India which sets out the central political code, rights and obligations of residents, order standards of state strategy, strategies, constructions and forces of legislative organizations. It is broadly respected to be a "living report"- dynamic and continually advancing with evolving times. It is the longest composed constitution in any nation on earth and it consists of 395 articles (delineated into 22 sections) and 12 Schedules. The record builds up established matchless quality, i.e., the Indian Parliament can't supersede the fundamental design of the Constitution. In May 2014, the Supreme Court of India conveyed an electrifying judgment forbidding certain bull-battling rehearses. The Court, in its investigation, looked to bring creatures under the security of the rights talk by expressing that Article 21 of the Constitution of India could be applied to creature life. The Court expressed that the term 'life' should be expansively deciphered. As a creature's structure, it is a significant piece of 'individuals' current circumstance, their privileges should likewise be secured under Article 21. This paper looks to address the more profound ramifications of this judgment by analyzing the suitability of such a methodology. It contends that bringing creatures inside the ambit of rights isn't just incongruent with the customary law of rights, however, may likewise be an incapable technique for tending to the bigger issue of securing creatures. It prescribes a move to an obligation-based methodology towards creature government assistance which is bound to prevail with regards to guaranteeing the protected and compassionate treatment of creatures by people.

INTRODUCTION

India previously left on its undertakings to advance creature government assistance also, guarantee creature wellbeing with the institution of the Prevention of Cruelty to Animals Act in 1960 ('the PCA Act'). From that point forward, there has been a well maintained development towards the animals and government assistance in the country. This is proven by the setting up of the Animal Welfare Board in 1962 and the rising unmistakable quality of creature government assistance associations. There has been critical advancement because of these occasions, which is found in the advancement of different laws and approaches like those on the treatment of performing animalsⁱⁱ also, the restriction on creature testing of cosmeticsⁱⁱⁱ. The legal executive's intercession concerning the issue of animal welfare and insurance has likewise expanded with the development and advancement of banter. When all is said in done, Indian

courts have received liberal and government assistance situated positions towards these issues. In 2000, the Kerala High Court, in *N.R. Nair v. Association of India*^{iv} considered the topic of stretching out principal rights to creatures and underscored that lawful rights ought not to be "the selective safeguard of people which must be reached out past individuals consequently destroying the thick legitimate divider with people all on one side and all non-human creatures on the other side". This view was additionally evolved by the Supreme Court in *Animal Welfare Board of India v. A. Nagaraja*^v. In what has been depicted as a milestone judgment, the Supreme Court of India made history by forbidding jallikattu (a bull-battling celebration celebrated in Tamil Nadu) and bullock-truck races in Maharashtra and Punjab. Conveyed by Radhakrishnan J. what's more, Ghose J., the judgment held that creature life could be incorporated inside the ambit of the privilege to life under Article 21 of the Indian Constitution (yet to the degree that common freedoms were not harmed). ^{vi}It further held that the arrangements of the PCA Act were characteristic of creatures' rights to "live in a sound and clean climate" or "not to be beaten, kicked". ^{vii}The judgment additionally momentarily considered upon the idea of the council allowing creatures established rights to secure their "poise and honor" and recommended that a revision with that impact be made by the Parliament.⁹This approach towards creature assurance has been received outside of Indian statute also, with a Court in Argentina, with regards to an orangutan's habeas corpus appeal, expressing that it is "important to perceive the creature as a subject of rights"^{viii} Despite further expressing that it has embraced a "dynamic rather than a static understanding of the law",^{ix} the Court didn't validate its premise for its view on the privileges of creatures.

We accept that a rights-based translation of creature government assistance enactment is lost. This is generally because it has been reliably maintained by Indian courts that Article 21 of the Constitution of India is a wellspring of security for basic liberties and human dignity.^x By ensuring non-human creature life through Article 21, the Supreme Court has opposed thoughts of who the owners of this privilege are. Past the idea of holders of rights, the bigger inquiry spins around the viability of a rights-based methodology towards creature assurance. Through this paper, we will contend that receiving a rights-based methodology towards getting creature government assistance, as embraced by the High Court, isn't legitimate. As another option, we propose that an obligation-based approach would end up being more powerful in ensuring the rights of the animals.

OBJECTIVES OF THE RESEARCH

The motivation behind the research is to find answers to inquiries through the use of logical techniques. The fundamental point of exploration is to discover reality which is covered up and which has not been found at this point. Although each exploration study has its particular reason, we may consider research targets as falling into various after general groupings:

1. To acquire knowledge of wonder or to accomplish new experiences into it (concentrates with this object in see are named as exploratory or formative examination considers);
2. To depict precisely the attributes of a specific individual, circumstance, or a gathering (concentrates with this item in see are known as distinct exploration considers);
3. To decide the recurrence with which something happens or with which it is related to something different.

RESEARCH METHODOLOGY

This paper is primarily based research paper where I tend to treat the methodology of Animal Rights which gives a better insight of the topic and scope for research. The secondary data is been collected from websites, international journal and articles.

AN ANALYSIS TO THE CONSTITUTIONAL SCHEME

The Constitutional Framework of creature assurance in India is incorporated in the accompanying parts: Fundamental Rights (Part III) Directive Principles of State Policy (Part IV) Fundamental/Central Duties (Part IV-A) Allotment of forces between the Union and the States (the seventh Schedule) Legal Authority of Courts (Articles 141 and 144)

1. Fundamental/Principal Rights

The Fundamental Rights of India are revered in Part III (Articles 12 to 35) of the Constitution. They set down general, intrinsically ensured rights fundamental for the presence and improvement of all people like the Right to Equality, Right to Freedom, Right against Exploitation, and so forth any break of Fundamental Rights is viewed as serious and the Supreme Court of India can be moved toward straightforwardly under Article 32 for established cures. Applicable to creature government assistance is the central Right to Life under Article 21. Article 21 sets out the Right to Life, expressing

that: No individual will be denied of his life or individual freedom besides as per system set up by law. The Article has been described as the "procedural magna carta defensive of life and freedom." The Supreme Court of India has embraced a sweeping perusing of the privilege to life, including the privilege to food and haven, right to training, and so on with regards to basic entitlements, the Supreme Court has brought some basic entitlements under the ambit of the privilege to life through a broad perusing on account of Animal Welfare Board of India v. A. Nagaraja and Ors. (the Jallikattu case). Creature Welfare Board of India v. A. Nagaraja and Ors. Realities Jallikattu is a customary game rehearsed in the Indian territory of Tamil Nadu where a bull is delivered into a horde of individuals who at that point endeavor to take hold of the mound on the bull's back and cling to it while the bull endeavors to get away. The practice has seen a few human passings over the course of the years close by creature government assistance concerns. Before the bulls are delivered, they are goaded with sharp sticks or sickles, their tails are adapted to outrageous lengths to break the vertebrae and even nibbled. There are reports of the bulls being compelled to drink liquor or bean stew peppers being scoured at them for confusion and exacerbation. During the occasion, the bulls are cut by blades and sticks, punched, hopped on and hauled to the ground. If not encased, the bulls may run into progressing traffic bringing about broken bones or passing. A case was recorded in the Supreme Court of India by the Animal Welfare Board of India (AWBI) in 2010 to boycott Jallikattu because of worries of creature pitilessness and public wellbeing. Jallikattu was prohibited in 2011 by the Ministry of Environment and Forests which gave a warning forbidding the utilization of bulls as performing creatures. In any case, the training kept on being held under specific conditions the Tamil Nadu Regulation of Jallikattu Act (2007). This case was an allure documented by the AWBI against a High Court choice taking into consideration Jallikattu to be directed upon consistency with the Tamil Nadu Act. The AWBI tried to implement the public authority warning banishing bulls from being shown or being prepared as performing creatures. Administering the Supreme Court decided for the AWBI and maintained the implementation of the prohibition on Jallikattu. It held that Article 51 A (g) of the Constitution is the "magna carta of basic entitlements" and mentioned a few observable facts to shield the "life" of creatures under Article 21. The Right to Life of Animals With respect to Article 21, the Supreme Court outstandingly held: "Each species has an

option to life and security, subject to the tradition that must be adhered to, which incorporates denying its life, out of human need. Article 21 of the Constitution, while shielding the privileges of people, secures life and "life" has been given an extended definition and any aggravation from the essential climate which incorporates all types of life, including creature life, which are important for human existence, fall inside the significance of Article 21 of the Constitution. Most definitely, in our view "life" signifies something more than simple endurance or presence or instrumental incentive for individuals, however to lead an existence with some natural worth, honor and pride."

2. Directive Principles of State Policy

The Directive Principles of State Policy (DPSP) are 15 standards revered in Part IV (Article 36-51) of the Constitution shaping the premise on which States outline laws and arrangements. In contrast to the Fundamental Rights, the DPSP isn't enforceable in any court. Nonetheless, it is the obligation of States to apply them in making laws for the constitution of a fair society. Three order standards structure the establishment of state approaches on creature government assistance in India, cherished in the accompanying articles: Article 48 Article 48A Article 48 sets out that: The State will attempt to sort out horticulture and creature farming on present day and logical lines and will, specifically, make strides for safeguarding and improving the varieties, and precluding the butcher, of cows and calves and other draft steers. Dairy cattle butcher, particularly cow butcher, is a profoundly combative issue in India on account of the hallowed worth held by cows to orders of Hindus, Jains, Zoroastrians, and Buddhists. There was banter among the Constituent Assembly of the Constitution with respect to whether Article 48 should be incorporated as a Fundamental Right. To forestall driving non-Hindus from tolerating something specific without wanting to and expressing that key rights manage people just and not creatures, the Constituent Assembly eventually acknowledged the arrangement as a DPSP all things being equal.

Legal advancements in cow butcher

On account of Abdul Hakim Qureshi v. Territory of Bihar (1961), the Supreme Court heard a request in regards to the lawfulness of cow butcher boycott laws in Bihar. The Petitioner battled that the laws penetrated the central right to opportunity of religion (under Article 25) of

Muslims by keeping them from unreservedly rehearsing customs of their religion, for example, forfeiting cows on Bakr-Id Day. The Supreme Court of India maintained that none of the Islamic writings like the Hidayah or the Quran ordered cow butcher and they considered a goat or camel to be forfeited all things being equal. Subsequently, as indicated by the Court a complete restriction on cow butcher didn't encroach on the strict opportunity of Muslims. With regards to Article 48, the Court held that mandate just applies to cows, calves and different creatures which have the capability of yielding milk or have the ability to fill in as dry spell. Hence, Article 48 doesn't conceive a disallowance on the butcher, everything being equal, or steers. A comparable position was taken on account of Mohd. Hanif Qureshi v. Province of Bihar (1959) where the Supreme Court held that "An absolute boycott [on steers slaughter] was not reasonable if, under monetary conditions, keeping futile bull or bullock be a weight on the general public and accordingly not in the public interest." ^{xi} The position was overruled in State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005) where the Supreme Court held that Article 48 imagines an all-out restriction on the butcher of cows and their offspring. It saw that steers which have served the human species should be treated with empathy in their mature age despite the fact that it is futile. The Court likewise decided that "it was obvious from the joined perusing of Articles 48 and 51-A(g) of the [Indian] Constitution that residents should show sympathy to the set of all animals. The creatures have their own principal rights. Article 48 explicitly sets out that the state will try to forbid the butcher of cows and calves, other milch and draft dairy cattle". Article 48A Article 48A sets out the order rule for insurance and improvement of climate and protecting of woodlands and natural life. It peruses as: The State will attempt to secure and improve the climate and to protect the woodlands and natural life of the country. This article was added by the 42nd Amendment, 1976 and places a commitment on the State to secure the climate and untamed life. While not judicially enforceable, Article 48A may get enforceable under the ambit of the privilege to life under Article 21. In M.C. Mehta v. Association of India (2002), the Supreme Court heard a public interest prosecution in the matter of air contamination in Delhi. The Court mentioned the accompanying observable facts in regards to Article 48A and general wellbeing: Articles 39, 47 and 48A without anyone else and all in all cast an obligation on the State to get the wellbeing of individuals, improve general wellbeing and secure and improve the climate. In Sachidanand Pandey and Ors. v. The State of West Bengal and Ors. (1987), the Supreme Court held that Article 48A should be

remembered at whatever point a matter in regards to support of the biology is brought under the watchful eye of the Court.

3. *Fundamental Duties*

The Fundamental Duties of the residents of India are revered in Article 51A (Part IV-A) of the Constitution. The Article was gotten via the 42nd Amendment of 1976 to acquire the Indian Constitution agreement with Article 29(1) of the Universal Declaration of Human Rights. While Fundamental Duties are unenforceable in courts, they are frequently depended on in the understanding of an established and different issue. With regards to basic entitlements, the applicable provisions of Article 51A read as follows:

It will be the obligation of each resident of India:

(g) to secure and improve the common habitat including woodlands, lakes, streams and untamed life, and to have empathy for all living creatures residing on the Earth.

LAWS RELATING TO PROTECTION OF ANIMALS IN INDIA

We in India are fortunate to have quite possibly the most extensive arrangement of creature insurance laws on the planet. Cherished in the Indian constitution, Article 51 (G) expresses the accompanying: "It will be the obligation of each resident of India to secure and improve the common habitat including woodlands, lakes, waterways and untamed life, and to have empathy for living animals."

Keeping established arrangement significant creature assurance laws that have been instituted include:

1. *Prevention of Cruelty to Animals Act*

The Prevention of Cruelty to Animals Act was authorized in 1960 to forestall the punishment of superfluous agony or enduring on creatures and to alter the laws identifying with the anticipation of cold-bloodedness to creatures. ^{xii}After the order of this Act, the Animal Board of India was framed for the advancement of creature government assistance. In accordance with Chapter II of the Act, the Government of India established the Animal Welfare Board of India (AWBI) with some of the following functions:

1. Advising the central government regarding amendments and rules to prevent unnecessary pain while transporting animals, performing experiments on animals or storing animals in captivity.
2. Encouragement of financial assistance, rescue homes and animal shelters for old animals.
3. Advising the government on medical care and regulations for animal hospitals.
4. Imparting education and awareness on the humane treatment of animals.
5. Advising the central government regarding general matters of animal welfare.

The Act enumerates different variants of cruelty to animals under Section 11 as the following actions:

- a) Beating, kicking, overriding, overloading, torturing and causing unnecessary pain to any animal.
- b) Using an old or injured or unfit animal for work (the punishment applies to the owner as well as the user).
- c) Administering an injurious drug/medicine to any animal.
- d) Carrying an animal in any vehicle in a way that causes it pain and discomfort.
- e) Keeping any animal in a cage where it doesn't have a reasonable opportunity of movement.
- f) Keeping an animal on an unreasonably heavy or short chain for an unreasonable period of time.
- g) Keeping an animal in total and habitual confinement with no reasonable opportunity to exercise.
- h) Being an owner failing to provide the animal with sufficient food, drink or shelter.
- i) Abandoning an animal without reasonable cause.
- j) Wilfully permitting an owned animal to roam on streets or leaving it on the streets to die of disease, old age or disability.
- k) Offering for sale an animal that is suffering pain due to mutilation, starvation, thirst, overcrowding or other ill-treatment.
- l) Mutilating or killing animals through cruel manners such as using strychnine injections.
- m) Using an animal as bait for another animal solely for entertainment.
- n) Organizing, keeping, using or managing any place for animal fighting.
- o) Shooting an animal when it is released from captivity for such purpose.

However, the Act does not consider as cruelty the dehorning/castration of cattle in the prescribed manner, destruction of stray dogs in lethal chambers in a prescribed manner and

extermination of any animal under the authority of law. This Section provides somewhat of a leeway.

Part IV of the Act covers the Experimentation of animals. The Act does not render unlawful experimentation on animals for the purpose of advancement by the discovery of physiological knowledge or knowledge to combat disease, whether of human beings, animals or plants. It envisages the creation of a Committee for control and supervision of experiments on animals by the central government which even has the power to prohibit experimentation if so required. Chapter V covers the area of performing animals. Section 22 prohibits exhibiting or training an animal without registration with the AWBI. The Section prohibits animals such as monkeys, bears, lions, tigers, panthers and bulls from being utilized as performing animals.

An additional leeway provided by the Act is that under Section 28, nothing contained in the Act shall render it an offence to kill any animal in a manner required by the *religion* of any community.

Considering the diversity of religions and traditions in India, this Section was considered imperative.

Treating animals cruelly is punishable with a fine of Rs. 10 which may extend to Rs. 50 on first conviction. On subsequent conviction within three years of a previous offence, it is punishable with a fine of Rs. 25 which may extend to Rs. 100 or imprisonment of three months or with both. Performing operations like Phooka or any other operations to improve lactation which is injurious to the health of the animal is punishable with a fine of Rs. 1000 or imprisonment up to 2 years or both. The government further has the power to forfeit or seize or destroy the animal. Contravention of any order of the committee regarding experimentation on animals is punishable with a fine up to Rs. 200.

2. The Wildlife Protection Act

The Government of India instituted Wildlife (Protection) Act 1972 with the target to viably secure the untamed life of this country and to control poaching, pirating and illicit exchange of natural life and its subordinates. The Act was revised in January 2003 and discipline and punishment for offenses under the Act have been made tougher. It has been proposed to additionally change the law by acquainting more inflexible measures to reinforce the Act. The goal is to give security to the recorded imperilled verdure and biologically significant ensured regions. To find out about the law, kindly snap here. The laws referenced above can be one's

best weapon against creature abuse. One may jump at the chance to utilize these arrangements to guard the reason for misused creatures in the specific area or location.

ROLE OF JUDICIARY IN PROTECTION OF ANIMAL RIGHTS

Animal rights signify the philosophical conviction that animals should have rights, counting the proper to live their lives free from human mediation, and extreme death at the hands of humans. There's a more prominent requirement for the acknowledgment of the right of creatures, as of men, to be absolved from any unnecessary suffering or serfdom, the proper to live a common life of "restricted freedom," subject to the genuine necessities of the community. The primary enactment around the world for the prevention of pitilessness to creatures was England's Pitiless Treatment of Cattle Act, 1822 (prevalently known as Martin's Act, after Irish MP Richard Martin). During the past few decades, legislative efforts for creature assurances have extended exponentially. Several nations presently recognize the rights of the environment and the rights of creatures beneath their Constitutions. Joined together Nations, European Union, and different worldwide creature protection societies/organizations have been playing a dynamic part for animal assurance been formulated to raise awareness about the rights of the animals. The major administrative establishments with respect to the protection of rights of creatures in India are the Prevention of Cruelty Act, 1960 and Wildlife Protection Act, 1972. The legislative arrangements and their viable requirement by Courts of creature rights are gradually changing the position enjoyed by creatures within the society. Different private not-for-profit organizations are satisfying the duty to stand for the rights of the creatures. Several petitions are being filed by creature activists and such organizations sometime recently various Courts over the nation. Against this foundation, the present paper is an endeavor to clarify the increase and enlargement of the rights of the creatures in India through liberal choices of the higher legal. The technique of the ponder is doctrinal, based on an audit of significant decisions.

THE RELATION BETWEEN LEGAL PERSONHOOD AND RIGHTS

The focal inquiry that emerges while ascribing established or then again lawful rights to non-human creatures is whether they can be supposed to be legal persons. This thought of

interfacing creatures to personhood has been a generally immaculate one, with some, in any event, discounting the need to compare creatures with the thought of an individual for their security of government assistance. Be that as it may, this view is hazardous as it fails to think about a fundamental piece of the basic entitlements and government assistance banter: regardless of whether creatures are qualified for rights on a calculated and principled level. With explicit reference to the Indian situation, it is imperative to examine this idea of personhood, which likewise discovers explicit reference under Article 21. The conjoint reference to personhood and Article 21 was likewise made in A. Nagaraj to concede basic entitlements. Like the possibility of a 'right', the idea of an 'individual' itself is one that has been immersed in genuine philosophical discussion. There has never been an agreement on who or what precisely comprises an individual or what this element's characterizing attributes would be. Philosophical contemplations on the point present an individual to be a free and sane specialist "whose presence is an end in itself", to a more unique "pack or an assortment of various discernments" with the sensation of self-character that may exist being just a "tenacious fantasy". The clearest qualifiers for lawful personhood in a rights-based setting can be found inside the investigation of the idea of rights itself, especially inside a Hohfeldian investigation of jural relations. In the network, the correlative of a privilege would be an obligation and an individual's privilege would be fulfilled simply by someone else's obligation to not encroach upon that right. As a privilege requires a connected obligation, the normal derivation that follows is that each individual who looks to guarantee a privilege should likewise have the option to play out the comparing obligation that a correct involves. This, to a limited extent, identifies with the limit of the substance being referred to play out this obligation.

FINDING ANIMAL WELFARE IN A DUTYBASED APPROACH WITHIN THE THEORY OF EQUITY

An investigation of animal-based enactment across transient and spatial scales uncovers a few methodologies towards creature welfare. For the reason of hypothetical clearness, these methodologies can be comprehensively arranged into the rights-based approach and the obligation-based methodology. The recently tended contention, that creatures can't have 'rights' from a legitimate perspective, nullifies the reasonability of the 'rights-based methodology'. This

piece of the paper finds an option in contrast to the right-based methodology in the obligation-based methodology. Non-human creatures have been the subject of broad philosophical debate. The banter generally lays on the Aristotelian characterization of nature as an 'endlessness of creatures'. A progressive system of animal groups with unclear and dicey limit lines had been developed as the reason for additional investigation. Aristotelians accept that there is a 'characteristic acceptable' on the whole non-human creatures in terms of their profitability in the biological system and contend that this great ought to be utilized exclusively for human benefit. It was later, with the solid impact of Darwin's treatise, which featured the developmental similitudes between individuals and creatures, that the subject of conceding creatures 'moral rights' got noticeable. Bentham assisted this arrangement, by attesting that creatures' ability for languishing shaped the premise over their privileges. Despite the fact that prior contended in this paper that this enduring alone is certainly not an adequate or suitable reason for giving rights, it actually gets applicable as the focal point of creature government assistance enactment and creature assurance, since it is this enduring that the systems of law should forestall. This idea of sentiency and languishing turned into the premise over securing the interests of non-human creatures as it summoned sympathy in the human species towards their non-human partners. Sentiency can be drawn closer on one hand as the reason for allotting rights to creatures, and on the other, as the motivation to administer towards their government assistance through an obligation.

CONCLUSION

In deciphering arrangements of authoritative demonstrations and laws, it is significant for courts to keep up standards that relate to the establishments of what comprises jurisprudential hypothesis. To this end, the judgment in A. Nagaraj has blundered in its discoveries. Not exclusively will embracing a rights-based methodology towards getting creature government assistance be conflicting with essential thoughts of who the owners of rights are nevertheless it is likewise an illogical method of tending to the issue at hand, i.e., the insurance of creatures under the law. Giving rights to creatures is far-fetched to have the ideal impact as inquiries of remaining just as clashes with existing common liberties are probably going to emerge. In this manner, the right methodology is one which is as of now exists in Indian law and protected law, that which makes an immediate and positive obligation upon people. This methodology guarantees that courts can decipher creature government assistance and assurance laws in the

language of empathy and poise just as try not to address conflicts between creature and basic freedoms. Truthfully, no one deserves that kind of treatment we ought to learn to love them and not to harm them. Every year, millions of animals suffer just because of humans due to harsh driving and the sad part is millions of rabbits are being caged for animal testing which should be banned. Today if we don't speak up for them, they will keep on suffering for the rest of their life. We are humans and we should raise our voice for the voiceless souls. Apart from India, Canada and United States has strict laws against animal cruelty. Our Government should raise funds for the animals for their treatment and strictly should be a frame with a charge for violating the rules against them. Animals are also entitled to Fundamental Rights. If people can afford to buy a breed dog then they should be liable to take care of them rather than abandoning them on the streets. ^{xiii}They feel pain, pleasure, fear, frustration, loneliness, and motherly love. Should the more intelligent humans have rights and the less intelligent humans be denied rights? If that is not so, then why are animals are denied their rights? There are still some people exists who hurt animals and make fun of them by exposing them on social media honestly being a human being we are well educated but still lack the use of laws to make people commit offence against animals.

ENDNOTES

ⁱ Available at <https://www.shareyouressays.com/essays/short-essay-on-animal-cruelty/84215> (Last Visited Sept 25, 2020)

ⁱⁱ The Performing Animals Rules, 2005

ⁱⁱⁱ Govt. of India, Ministry of Health and Family Welfare, F. No. - X.11014/11/2013-DFQC (October 13, 2020).

^{iv} N.R. Nair v. Union of India, AIR 2000 Kerala 340.

^v Available at <http://docs.manupatra.in/newslines/articles/Upload/F6A0FB5A-88EF-4DF0-9583-3CBE36BDB956.pdf> (Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547)

^{vi} People for the Ethical Treatment of Animals, Supreme Court Bans Jallikattu, Bull Races and Bullfights, May 7, 2014, available at <http://www.petaindia.com/blog/sc-bans-jallikattu-bullraces-fights/> (Last visited on Oct 21, 2020).

^{vii} Available at <https://dokumen.pub/postcolonial-intellectuals-in-europe-critics-artists-movements-and-their-publics-1786604124-9781786604125.html> (Last visited Nov 01, 2020)

^{viii} Orangutan Sandra s/ appeal s/ HABEAS CORPUS, Federal Criminal Court of Appeals, Cause No. 68331/2014/CFCI, December 18, 2014 (Last visited on Oct 29, 2020)

^{ix} Available at <https://www.gpo.gov/fdsys/pkg/CHRG-110shrg73583/pdf/CHRG-110shrg73583.pdf>

^x Maneka Gandhi v. Union of India, (1978) 1 SCC 248 : AIR 1978 SC 597; State of A.P. v. Challa Ramakrishna Reddy, (2000) 5 SCC 712 : AIR 2000 SC 2083; Kartar Singh v. State of Punjab, (1994) 3 SCC 569 (Last Visited on Nov 01, 2020)

^{xi} Available at <https://www.animallaw.info/article/constitutional-scheme-animal-rights-india>

^{xii} Available at <https://www.animallaw.info/article/overview-animal-laws-india#:~:text=Protection%20of%20animals%20is%20enshrined,protection%20and%20cow%20slaughter%20prohibition> (Last visited on Nov 08, 2020)

^{xiii} Available at <https://www.peta.org/about-peta/why-peta/why-animal-rights/> (Last Visited Nov 20, 2020)