



THE TRUTH BEHIND THE LIFE OF THE ANIMALS

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Abstract:

The Living Being other than Humans are known as “Animals”. They are considered to be a group of organisms in the family called as “Animalia”. Some animals are raised only for the purpose of food, fuel, and fiber in agriculture. These animals are called as “Livestock”. Animals are considered to be the wonderful and trustworthy being in comparison with Human Beings. Dogs, Cats, and some other animals are considered as Companion Animals as it grants companionship to Human Beings. Those creatures are having the equal right to live happily and peacefully in this world. But now-a-days, those species are being harassed and mutilated in every nook and corner of this world which is considered to be an offence. Not only people suffer due to some mis-happening act or violent behaviour of other people, even animals face those problems. As we don’t understand animals’ language, no one comes to know about their grief which they face by the people. In this article, the author tries to explain about what is animal harassment, the laws prevailing in India in order to control this wild act, the types of animal harassment, steps to stop this violent act, etc.. to the readers.

Introduction:

The term “Animal Harassment” means the ailing of the animal due to the violent behaviour of the people by their cruel act.

This wild act of the people not only makes the animal to become feeble but also leads to its death. The Animal Harassment is also called as “Animal Abuse”, “Animal Neglect”, and “Animal Cruelty”. As Maura Cummings said, “All Creatures are deserving of a life free from fear and pain”. By following the aforesaid statement made by Maura Cummings, each and every animal are having the right to live in this Earth, be it Humans or animals or insects or any other being. It was a belief that before Human Being’s existence in our Earth, many beings were happily living in its own way. And according to Mythology, Animals are considered to be the vehicles of God. Now we respect and pray God, likewise we have to respect the animals too. But these days, animals are being harmed more than Humans.

Types of Animal Harassment:

The Animals are being harmed every now and then. Mostly, every animal are exposed to those violent act, but often cats and dogs are being harassed. For example; occupying the lands where it belongs to animals by constructing some factories, buildings, etc., makes them home-less. This is considered to be one of the most cruel act towards them. By doing this act, they have no place to live. The other types of animal harassment are mentioned below:

- Shooting
- Beating
- Throwing some stones, or any waste things on them
- Stabbing
- Burning
- Mutilating



- Neglecting them by not providing food, water etc.,

These are some of the types of harassment against animals, but there are many other things which will be considered as Animal Harassment.

Period when the harassment has been started:

During the year of 1866 in the western hemisphere, an organization has been started which was famously called as “American Society for the Prevention of Cruelty to Animals” (ASPCA). It was established in order to prevent the animals from the harassment by the people. But in our country, India, it was stated that in the year of 1960 many number of animal welfare reforms has been passed. Thus, from this information, we can clearly understand that the practice of animal harassment has been in existence before the year 1960.

First, the animals were killed for religious purposes as many people were keen in superstitious beliefs. Then, the animals were shot dead for their skin from which the manufacturers will produce woollen products, leathers etc.. Then as years passed, it was researched that some parts of animal’s body has medicinal values so it was harmed. Later, for building purposes, or for earning money, many business people started to construct factories, industries in the forest area which were considered as the living place of those animals, which makes them home-less. These were considered as harm committing towards animals. And animals were killed for its flesh, bones etc., for eating

purposes which is to gain health for the humans.

But as years passed, many cruel acts were raised against those animals. Mainly the domestic animals were being harassed. Till today, the attack against the animals is not stopped.

Laws prevailing in India to control this act:

Every animal is having the due right to live peacefully in our world. In India, Numerous laws has been framed in order to protect the animals from any harm, disturbance, etc., from the humans.

Further the Government of India has formed a welfare board called as “Animal Welfare Board of India”. The following are some of the Acts which have been developed to prohibit the evil practices against the voiceless creatures in India.

1. Prevention of Cruelty to Animals Act, 1960 (PCA)
2. Wildlife (Protection) Act, 1972
3. Indian Penal Code, 1860 (IPC)
4. Local Municipal Corporation Acts

The Prevention of Cruelty to Animals Act, 1960 (PCA):

The PCA act have been enacted in the year 1960 by the Parliament of India in order to prevent the agony due to the unnecessary disturbances caused towards the animals by the Human Beings.

Section 11 of the Act makes it clear that what are the punishments to the person committing the offences against the animals. This section



has 3 sub-sections which deals with the punishments. The below mentioned are some of the sub-clauses prevails in section 11 of PCA.

If any person Beats, Kicks, Over-Drives, or Tortures any animal which is subjected to any unnecessary pain or Suffering¹;

Being the Owner of any animal, fails to provide such animal with Sufficient Food, Drink, or Shelter²;

Mutilates or kills any animal including stray dogs by the method of injecting Strychnine in the heart or harming them by any cruel manner³

In these cases mentioned in this said Section, the punishment would be paying a fine which shall not be less than ten rupees but may extend to fifty rupees if the person commits it for the first time. In the case of second or subsequent offences which is committed within three years of the previous offence, the punishment is paying a fine which shall not be less than twenty-five rupees, but may extend to Hundred rupees or with an imprisonment for a term which may extend to three months or with both⁴;

Wildlife (Protection) Act, 1972:

This act was enacted in the year of 1972 by the parliament of India in order to protect the Wild animals, Plants, Birds, etc.. and for the matters associated there with. This act contains 6 schedules which varies with

different degrees of protection. The 6 schedules are classified as the following:

- ✓ Schedule 1&2 grants Absolute Protection. For this, the offences mentioned are considered to be of High Penalties.
- ✓ Schedule 3&4 are also protected, but the penalties are Much Lower.
- ✓ Schedule 5 includes the Animals which may be Hunted
- ✓ Schedule 6 Deals with the Plants.

Capturing, Poisoning, Baiting or Trapping of any Wild animal or even attempting to do so will be Punished under Law, with a Fine up to Rupees 25,000/- or with an Imprisonment up to 7 Years or with both⁵

Moreover, the Monkeys should not be displayed or owned, they are Protected under the Wildlife (Protection) Act,1972.

Indian Penal Code 1860, (IPC):

Section 428 of IPC:

Mischief by Killing or Maiming Animal of the Value of Ten Rupees:

Whoever Kills, Maims, or Poisons any animal or animals of the value of Ten Rupees or Upwards, shall be punished with an imprisonment of either description for a term which may extend to 2 Years or with Fine or with both.

¹ Section 11(1)(a) of PCA,1960

² Section 11(1)(h) of PCA, 1960

³ Section 11(1)(l) of PCA,1960

⁴ Section 11(1) of PCA,1960.

⁵ According to Section 9, of Wildlife (Protection) Act, 1972.

**Section 429 of IPC:*****Mischief by Killing or Maiming Cattle, etc., of any value or any animal of the value of Fifty Rupees:***

Whoever commits mischief by Killing, Poisoning, Maiming, or Rendering Useless, any elephant, camel, horse, mule, buffalo, bull, cow, or ox, whatever may be the value thereof, or any other animal of the value of Fifty Rupees or Upwards, shall be punished with imprisonment of either description for a term which may extend to 5 Years, or with Fine, or with both.

Both these Sections were enforced to prevent the animals from the harm committed to them by the People. But making a glance in both these sections, Section 428 is intended to prevent cruelty to animal whereas, Section 429 provides for a greater punishment for committing the offence owing to the higher value of the animals mentioned in the section.

Maiming referred to section 428 and 429 means to the Injuries permanently affecting the use of a limb or the Privation of a limb or other member of the Body. Thus, any limb has been affected permanently, then the accused will be charged under section 428 and 429 of IPC.

Constitutional Validity:

It shall be the Duty of Every Citizen in India to abide by the Constitution. The Article which informs about animal welfare is stated below:

⁶ Article 51A(g) of The Indian Constitution.

To protect and Improve the natural environment including the Forests, Lakes, Rivers, and Wildlife, and to have Compassion for Living Creatures⁶. So, according to this Article, it is the duty of Every Citizen to Respect and Treat the Animal in a Good manner.

The Supreme Court of India has provided the Constitutional Protection for Animals, and also laid down that every Species has the right to be treated with Compassion and Dignity, free from unnecessary Pain and Sufferings. Further, it also recognized the Five Freedoms, to be the Fundamental Principles of animal welfare. They are the following:

- 1) Freedom from Hunger, Thirst, and Malnutrition
- 2) Freedom from Fear, and Distress
- 3) Freedom from Physical Pain and Discomfort
- 4) Freedom from Pain, Injury and Disease
- 5) Freedom to Express normal Patterns of Behaviour.⁷

List of Animal Welfare Organizations in India:

The following are some of the lists of Animal Welfare Organizations whose main goal and aim is to protect and provide shelters to those beings:

The Government Organization is classified as;

- ✓ Animal Welfare Board of India

⁷ Animal Welfare Board of India v. A. Nagaraja and Ors, 2014 (7) SCC 547



- ✓ National Institute of Animal Welfare (NIAW)

The Non-Government Organizations are;

- ✓ Blue Cross of India (BCI)
- ✓ The Wildlife Rescue & Rehabilitation Centre (WRRC)
- ✓ People for Ethical Treatment of Animals (PETA)
- ✓ Help In Suffering (HIS)

These are some of the Organizations which is for the welfare of the animals.

Steps to stop Animal Abuse:

The following are the steps which will prevent the animal abuse. Though it doesn't stop this cruel activity immediately, it makes a little change in the Human's Mind to save those animals from such cruel exposure.

1) Teach your Children to respect Animals:

It is the duty of the parents and the elders at home to teach the small kids about how to be affectionate towards the animals, knows to respect them, provide the necessity and etc., By doing this, the children's mind will be set in a positive way about the animals which will have a drastic change in the animal abuse. It is found that, those who don't have a compassion or affection towards animals, the person fails to respect the elders as well.

2) Provide a Safe Environment:

It is the responsibility of the Pet Owner to give the basic things to the

animals. Providing some Food, taking it to the veterinarian Hospital for check- up, having a morning Walk with the pet makes it feels healthy. Providing the animals, a safe environment and to have their own space is good. Continuously doing this, makes the animal to have a good health.

3) Make a Call to the Animal Protection Centre:

If you come to know that an animal is being harmed by someone, immediately make a call to those organizations or Centre to rescue these animals. Before the arrival of the concerned officers, you can save the animal first and then hand it over to those organizations. It is a must for all the people to save the animals if you think that the animals need protection. Because, by ignoring it, that may cause animal to face a lot of tortures which may lead to the death of that animal.

4) Don't Neglect the Animals:

If a person is not interested to raise an animal is usual. But, for that reason neglecting the animal which is in need is harmful. Teach your children, Neighbours, colleagues etc. not to neglect the animals.

These are some of the points which a person can do to prevent the animals from abuse. Changes will not occur suddenly outside the home. Every change will happen from the home. Be a Responsible person towards animals and respect and have a compassion towards the



animals.

Laws prevailing in other Countries:

In this part of the article, the Readers will gain a few Knowledge about the laws existing for animal's right in other countries. The Author here, mentions the laws prevailing in order to protect the animal's life in other countries. They are:

Switzerland:

Switzerland is considered to be the first country which has a lot of Provisions to protect the Animal's Dignity. In the year of 1992, it was considered that, it enforced the constitutional rights to recognize the animal's life and it's right. It is the first country in the world which provides a coaching class to those pet owners and educate them about raising their pets.

Austria:

In Comparison with the other countries, Austria is considered as the Best Country for Animals. In the Year of 2004, it enacted a welfare called as "Austrian Animal Welfare Act, 2004". In that Act, it suggests that Animal is also has the right and Value which is equal to Human's life. It imposes strict penalties to those people who violates those Animal Laws. If a person Violates the laws and indulges in Mal-Treating the Animals, they will be fined from \$ 2,420 up to \$ 18,160, and their animals will be Seized from the them by the authorities.

United Kingdom:

This Country imposes the strict penalties and laws to the people who shows their Cruel behaviour towards the Animals. This country not only makes penalties to

those who indulges in cruel activity, but also to those people who neglects the animals. The penalties are as follows:

- ✓ Lifetime Ban of the Animal from the Pet Owner
- ✓ Maximum of 51 Week Imprisonment
- ✓ And Fine amounting to £ 20,000.

Steps to make Stricter Laws in India:

We are having enough laws for protecting the animals from the Human Beings and have constitutional rights for them as well. But the penalties are not enough. The Penalties have to be made more Stricter and the rally's about "Animal Harassment to be avoided" have to be made. By making this, the people will have a compassion towards animals and the animal harassment will also be reduced in our World.

Conclusion:

Animals are not the Cheapest Creatures. They too have their life, Family and everything like other Human Beings. Harassing, Slaughter them and many other Harmful Activities affects its life and its family. As Human Beings, we can talk, convey what feelings we have, but as animals they don't converse like us, so, we don't understand those pain and sufferings of the voiceless Creatures. But it is our Duty to Understand them and show some respect and gratitude towards them to make them feel safe and comfortable. Animals too have their Life to Live in the World like other Living Beings. Thus, from this Article, the author tries to explain to the readers about the



harassments faced by the animals and wants the readers to have a good attitude towards the Animals.

