



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2023 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rishikesh Dave; Publisher – Ayush Pandey

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Stray Animals: A Social Responsibility or Menace?

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Received 18 January 2023; Accepted 03 February 2023; Published 06 February 2023

The article focuses on the condition of stray animals in today's world and the laws relating to them. Over the past several years, there have been several significant developments regarding animal legal protection. There exist various legislations and initiatives to protect these animals from inhumane treatment but a lot of times they are not sufficient. The laws are not that stringent and hence defeat the purpose of their existence. Animals are frequently put to unnatural deaths throughout India despite laws and regulations prohibiting animal cruelty. India surprised many by placing 2nd in the global index for animal protection in 2020. There is a need for reforms and proper implementation of the existing plans. The article looks into the various issues in the existing animal laws and the possible reforms that can be made. It discusses both social and legal aspects of stray animals and laws relating to the same.

Keywords: *social responsibility, stray animals, menace, animal protection, reforms.*

INTRODUCTION

Stray animals can be defined as animals that are born, live, and reproduce on the streets. These animals are never adopted or taken by anyone and hence are forced to live a very difficult life. Survival in adverse conditions is tough but many stray animals manage to survive and reproduce. But the situation with stray animals is getting out of hand these days. The population of such animals has been increasing and the huge number has created an unavoidable issue. The

reason behind this increase might be abandonment as it is generally followed by uncontrolled breeding. The issue of stray animals has been existing in India for years. Traffic jams, road accidents, injuries, and many more problems have been caused by them. Apart from these many health concerns might also arise due to the unhygienic condition the stray animals live in. Many of the most hazardous viruses that are transmitted through food or water are found in animals as reservoirs. Because the animals that tend to roam around are unhealthy, they become a source of various diseases. Taking into consideration the growing issue regarding this, necessary steps should be taken to maintain a balance between protecting the animals and protecting humans from possible issues.

INDIAN LAWS AND OTHER INITIATIVES

There are many laws in India protecting such stray animals against any aggression or inhumane way of treatment. The Indian Penal Code (IPC) of 1860, which addresses all substantive aspects of criminal law, is the country's official criminal code. All acts of cruelty, such as the killing, maiming, poisoning, or rendering unusable of animals, are punishable under s.428 and .429 of the IPC¹. Under a program called Animal Birth Control Programme, stray dogs are picked up, neutered, vaccinated against rabies, and released in their respective areas. It is according to the Animal Birth Control Rules, 2001 that is framed under s.38² of the Prevention of Cruelty to Animals Act 1960.

Sterilization helps in calming the dogs and restricting them to mate and produce litters. According to Indian law, street dogs may only be sterilised by The Animal Birth Control (Dogs) Rules, 2001, which were passed under the Indian Prevention of Cruelty to Animals Act 1960 (A Central Act), vaccinated, and then brought back to their original locations. Stray dogs should not be beaten, killed, driven away, displaced, or dislocated. The practice of feeding stray animals is not forbidden by law. The Constitution of India imposes on citizens/volunteers for animal welfare the duty of exhibiting compassion toward all living things. An extensive set of guidelines for feeding stray dogs has recently been developed by the Animal Welfare Board of

¹ Indian Penal Code 1860, s 428

² Prevention of Cruelty to Animals Act 1960, s 38

India (AWBI), a statutory organisation under the Ministry of Environment and Forests of the Indian Government. Article 51A³ of the Constitution, which forms a portion of the directive principle of state policy, states that it is the responsibility of every Indian citizen to preserve and enhance the natural environment, including forests, lakes, rivers, and wildlife, as well as "to have compassion for living creatures." Additionally, the state is required to safeguard and enhance our environment by Article 48A of the Directive Principles of State Policy.⁴ One of the biggest animal welfare organisations in India, People for Animals, has given thousands of people feeder cards so they can care for their animals. People for Animals was established in 1992 by Maneka Sanjay Gandhi, an animal rights campaigner, and member of the Lok Sabha. There are more than 100 regional branches of the organisation spread out over India.

All kinds of life, including animal life, are protected by Art.21 of the Constitution of India. The Supreme Court of India in 2014, in a case titled *Animal Welfare Board of India v Nagraja & Ors.*⁵, recognized the Right to Life as enshrined under Art.21 of the Constitution, to extend to animals as well. It's crucial to keep in mind that animals and birds have legal rights just like humans, according to the Punjab and Haryana High Court's unusual verdict on the Animal Welfare Law on June 8, 2019. It additionally said that citizens had a responsibility to safeguard and promote the welfare of animals, serving as their "guardians of the animal kingdom."

CONDITIONS AND BEHAVIOUR TOWARDS THE ANIMALS

Four hundred and ninety-three thousand nine hundred and ten animals would be subjected to human cruelty between 2010 and 2020, claims a report released by the Federation of Indian Animal Protection Organizations (FIAPO) and All Creatures Great and Small (ACGS). Every five years, data at the national level is gathered on the livestock population. The next census is scheduled for 2024, with the most recent one being held in 2019. The number of stray dogs and cattle in the nation was 203.31 lakh as per the 2019 census. According to a Mars Petcare India survey titled "State of Pet Homelessness Index," which was released in November 2021, about

³ Constitution of India 1950, art 51A

⁴ Constitution of India 1950, art 48A

⁵ *Animal Welfare Board of India v Nagraja* (2014) 7 SCC 547

50% of present and former pet owners in India claimed they had previously abandoned a pet, compared to 28% globally. This shows the possible contribution of abandoned pets to the increasing number of stray animals in India. There could be a possible increase in the abandonment of such animals during the pandemic because of the financial problems face by many or even the death of the caregivers.

Dogs and cats might be the most commonly found stray animals on the streets. And due to the presence of numerous stray dogs, there have been many instances of a single dog or maybe a group of them attacking children or even adults. In many cases, the consequences had been very bad. If we were to delve into the past, a study by the National Academy of Sciences stated that dogs were first domesticated by humans in the last ice age. About 23,000 years ago, the Grey Wolf was domesticated in Siberia for the first time. The initiation of such relationships can either be related to the utilitarian ethics of humans or when the wolves entered the human territory while scavenging food and with time the wolves proved to be good companions by helping the humans. Domestication of cats started around 8000 years ago when humans had already started farming. There was a mutually beneficial relationship between them as the cats could get rats in the farms as their food and the farms were protected from any damage by the rats.

The majority of people view stray dogs and other animals as a threat and a menace. In most cases, stray dogs are attacked, their puppies are killed or taken away, and if they bite someone in response, calls for their mass killing are made. Erich Fromm, a renowned psychoanalyst, and social philosopher, provided insight into man's cruel and senseless behaviour in his well-known work, "The Anatomy of Human Destructiveness." "Man's history is a record of unparalleled destructiveness and cruelty, and human aggression, it seems, considerably exceeds that of man's animal progenitors. Man is, in contrast to other animals, a true "killer," he wrote. People's behaviour towards stray animals can be because of various myths associated with them like all the strays are carriers of rabies, every stray animal is violent, they can't be trusted because they have been roaming around since birth, and many more. But some people are just cruel and take out their anger or frustration on the strays or even harass them for "fun". Due to the continuous

harsh behaviour and beatings, many animals become traumatised and tend to flinch every time a human tries to go near them.

ISSUES

Although there are many laws protecting such stray animals, there is a need for stricter rules and greater implementation of the existing laws. A pet owner who "knowingly or negligently" fails to take adequate precautions against the likely threat their pet provides is subject to imprisonment for up to six months, according to Section 289⁶ of the Indian Penal Code, as a form of punishment or restitution. However, according to a response given by the ministry of fisheries and animal husbandry in the Lok Sabha in August, there is no legal framework for awarding compensation for injuries or deaths brought on by attacks by community dogs. However, Kerala is the only state in India to have a committee established on the top court's directives, led by S. Siri Jagan, a former Kerala high court judge, to determine compensation for incidents of neighbourhood dog bites.

The conflict in 2015 between representatives of a city goshala and cattle traffickers over the release of captured livestock exposed gaps in animal rights legislation, making it more challenging to protect animals. While police are permitted to seize livestock under the prevention of cruelty to animals legislation, they are not given the resources or funding to care for them. Additionally, police officers find themselves in a difficult position when the demonstrators and the merchants agree to deliver the seized cattle to a private goshala managed by animal rights activists. Officials worry that the conflict between Muslims and Hindus could give the situation a sectarian hue. *"The main problem is that there is no government-run goshala where seized cattle could be maintained. Moreover, the law does not specify what type of cattle is being transported, or whether the cattle are meant for slaughter or not. As per the law, anyone could stop and*

⁶ Indian Penal Code 1860, s 289

seize cattle, regardless of what purpose they are being transported. Given this loophole, the issue could very easily become communal”, said one official.⁷

The PCA's major part, Section 11, lists specific offences that are punishable by harsh penalties for acts of cruelty. As a result, it makes illegal actions like hitting, kicking, overriding, overdriving, tormenting, etc. that cause any animal unnecessary suffering. Any of the activities listed under 11(1)(a) to (o) of the Act that subjects an animal to those actions subjects the offender to a fine that may only be up to Rs. 50. A fine of at least twenty-five rupees, which may also reach one hundred rupees, must be paid by the offender in cases of a second or subsequent offence committed within three years of the first offence. Alternatively, the offender may be sentenced to a term of imprisonment that may last up to three months, or to both. If cruelty to such innocent strays is continued to be taken so lightly, crimes against these animals will never stop. This trivial punishment seems more like a formality that somehow encourages people to continue with such heinous behaviour with the strays. This kind of punishment or fine doesn't do any more than defeat the whole purpose of the law which is to prevent people from committing such offences. Moreover, the proportionality doctrine should be followed in case of deciding the punishment for offences.

SUGGESTIONS

There have been many instances of killing stray dogs to decrease the increasing problem due to stray animals. For instance, in 2016 a Stray Dogs Eradication Society was formed in Kerala which killed around 300 stray dogs in a year. But this is unethical and also doesn't solve the problem. The growing population of strays should be controlled by using strict sterilisation drives. The issue with the sterilisation drives might be the cost because a lot of Indian families would be hesitant to do the same. So, if the cost is decreased or made free the problem of families being hesitant might be solved and this way the problem of pet dogs or abandoned dogs mating with strays can be solved. The sterilisation drives should be conducted for other strays too where

⁷ Gautam K, 'Loopholes in Animal Rights Laws Highlighted | Coimbatore News - Times of India' (*The Times of India*, 29 July 2015) <<https://timesofindia.indiatimes.com/city/coimbatore/loopholes-in-animal-rights-laws-highlighted/articleshow/48259004.cms>> accessed 10 January 2023

they are sterilised and dropped back to their habitat. India accounts for 59.9 percent of rabies death in Asia and 35% of deaths globally. So, vaccination drives should be held too along with sterilisation.

There should be initiatives to make people aware of the rights of the strays too to make the public sensible towards the situation of strays. People should be offered incentives to adopt stray dogs instead of pure-breed dogs. And taxes should be imposed on store-bought dogs. Moreover, there should be pet control laws which should aim for decreasing the abandonment rate of pets. Initiatives should be taken to rehome the strays by providing shelter. In addition to that, provisions should be added for maintaining a clean environment which is how the holding capacity of a particular habitat would be decreased hence decreasing the number of strays in a particular habitat.

The punishment for cruelty to animals under s.11 of PCA should be revised and made serious enough to actually teach the offender a lesson and not just serve the purpose of a formality. Any act of hurting or killing the strays should result in severe punishment of imprisonment of several years and a fine of at least something over Rs. 20,000-30,000. This way the act can serve its purpose in a better way.

CONCLUSION

In 2020, the Netherlands is the only country to have no stray dogs because of their CNVR program (collect, neuter, vaccinate, and return) which is a government-funded sterilisation programme. It was a progressive move to set the foundation for animal protection in India with the passage of the 42nd Amendment to the Indian Constitution in 1976.

Animal protection laws have been passed both at the federal and state levels as a result of the constitutional provisions defining the obligation to protect animals, with the Prevention of Cruelty to Animals Act of 1960 being the most noteworthy example. In India, there is much more work to be done before animal law is properly established on a firm foundation. Animal protection provisions in the Indian Constitution are still regarded as principles rather than as binding legislation. The Prevention of Cruelty to Animals Act of 1960 imposes harsh enough

penalties for animal cruelty, yet they fall short of being severe enough to effectively deter animal abuse.

Numerous provisions in the statute allow for flexibility in application, making it less likely that violations will result in punishment. To provide India with a stronger animal protection law, extensive reforms are required in this area. Regular sterilisation and vaccination drives should be conducted and people need to be made aware that stray animals are more of a responsibility for society than a menace.