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An Urgent Need to Emphasize Animal Rights in Reference to the Environment

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ABSTRACT

This research paper is an attempt to draw the attention of the readers toward the fact that Environment protection is not only important for Human beings but also for animals to survive and live a healthy life. Under Article 21 of the Constitution of India, the right to life and liberty, the term 'person' not just includes human beings but all the living beings created by nature. The right to life includes the right to a healthy environment which shall be exercised by all the living beings on our planet. There are various judgments and legislations in support of the same and are explained in this research paper. The author also aims to establish that the animals also have rights and shall be treated equally to humans. Animal rights include the protection against exploitation by human beings. To curb exploitation and cruelty on animals, it is important to note that taking care of the animals and sheltering them is not sufficient, the environment they are offered also plays a vital role in their survival. One of the ways of exploitation is through an unhealthy environment. It is not only the human who bears the consequences of an unhealthy environment but it also leads the animal to unnecessary pain, suffering, and extinction of certain species. The major aspect which is to be highlighted is that the consequences and repercussions of actions of human beings should not be borne by animals who have no contribution in the same, instead, it is our duty to save and protect them.

Keywords- *Animals, Environment, Constitution, India.*

I. INTRODUCTION

We all know, how much important it is to protect our environment, to stay healthy and what role the environment plays in our survival, our life span, and how environmental protection is a prerequisite for overall development. Environmental protection is a key to our healthy lives, survival, growth, and development. But it's not only human beings who require a healthy environment, it is also important for the animals to have a healthy life. Nature has created human beings who can control their surroundings, their environment, and rule on other creatures. Human beings rule on other creatures and often exploit them for their greater use

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which leads to the extinction of these species. Apart from the exploitation of animals, an unhealthy environment is also a factor that leads to the extinction of various species. Do we know, who is responsible for this unhealthy environment? The answer is yes, we know who is responsible for disturbing the environment, it is us – A masterpiece of the creator. We, human beings are responsible for disturbing nature and for the extinction of endangered species. We must keep our environment healthy not only for us but for others who are not able to do so, like animals, and not make their lives harder by polluting the environment and pushing them to death. We must conserve and preserve the environment for all the species, for the complete ecosystem.

Regarding animal health, since the earliest times, human beings are exploiting natural resources in multiple ways which have disturbed the surroundings and habitat of animals. Why should the animals bear the consequences of inhuman acts done by humans themselves? The Animals also have the right to life and the right to a healthy environment which is provided to them by the nature itself. Who are the human beings to encroach upon their right to life and environment?

Let's discuss this in detail.

II. RIGHTS OF ANIMAL

The basic right of animals is 'not to be exploited for the human cause'. They should be treated like any other living being on this planet which includes humans. The animals' interests should be protected as how the interest of humans is protected. Humans use animals for their use, like for food and entertainment, exploiting animals in every possible way. The animal's rights include termination of this exploitation of animals.

The People for Ethical Treatment of Animals (PETA)², which works for the rights of the animals, defines animals' rights as:

“Animal rights means that animals deserve certain kinds of consideration—consideration of what is in their best interests, regardless of whether they are “cute,” useful to humans, or an endangered species and regardless of whether any human cares about them at all. It means recognizing that animals are not ours to use—for food, clothing, entertainment, or experimentation.”

Right to life of animals under the Indian Constitution

² What do you mean by 'animal rights'? [<https://www.peta.org/about-peta/faq/what-do-you-mean-by-animal-rights/>] [(last visited Aug. 24, 2021)].

Article 21 of the Constitution of India, which protects the right to life and personal liberty of a person, includes the right to life of any living being or alien, not just human beings. The term 'life' not merely means the life of a human being but a life of any living being, whether a citizen of India, a person, or an alien. This article not only protects the right to life of humans, from encroachment but also the right of animals encroached by humans.³ The apex court in Animal Welfare Board of India v. A. Nagaraja & Ors. banned a traditional sport called 'Jallikattu' for the protection of particular species of animals i.e., bulls, and to curb animal cruelty and promote public safety. The Court held that every species has a right to life and within the purview of 'life', comes any other subject matter which contributes to a healthy and meaningful life.

The Court stated that –

“Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word "life" has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution. So far as animals are concerned, in our view, "life" means something more than mere survival or existence or instrumental value for human beings, but to lead a life with some intrinsic worth, honor, and dignity.”⁴

In the case of People for Ethical Treatment of Animals v. Union of India⁵, the High Court of Bombay held that for any movie, in which they aim to use an animal, they must obtain a certificate from the Animal Welfare Board of India. The AWBI would grant the certificate after checking whether such use is not for shooting or any form of animal cruelty. The Court's ruling was an attempt to prevent animal cruelty and promoted the well-being of the animals.

The judiciary and legislature in India, have recognized the right to life of animals and have supported it by various legislations and judgments but these rights have to be enforced as well. Though we have all means to cease the exploitation of animals it still lacks implementation. Today, not all people realize the importance of animal safety and continue to exploit animals for their benefit. The exploitation of animals includes the exploitation through the environment. Human disturbs and pollutes the environment which affects animal health negatively. By protecting the environment, we can protect animals and humans simultaneously. Environment

³ INDIA CONST. art 21.

⁴ Animal Welfare Board of India v. Nagaraja and Ors. (2010) 15 SCC 190: 2010 SCC Online SC 1341.

⁵ People for Ethical Treatment of Animals v. Union of India, (2005) SCC Online Bom 997.

plays a major role in safeguarding animal interests and improving their health.

III. ROLE OF ENVIRONMENT IN ANIMAL HEALTH

The Environment is the most primary factor on which the health of a living being is dependent. It becomes very difficult to survive when the environment is polluted and unhealthy because the pollution brings diseases like asthma, cancer, typhoid, and jaundice, etc, and affects not just humans severely but the animals too. Many species have suffered from the consequences of an unhealthy environment and went extinct. For example, toxic pollutants like toxic metals, chemicals, oil, destruction of the ozone layer due to pollution, and many more, are very dangerous and affect humans and animals severely. These pollutants threaten the habitat of animals and make them vulnerable. Due to these many of the species lost their habitats and went extinct. That is why there is an urgent need to pay attention to the protection of both humans and animals by protecting the environment.

Most importantly, it is we the humans who pollute the environment so, only we should bear the consequences and repercussions and not the other species. It is often seen that people throw their plastic wastes at any place they see, regardless of the question that what if the animals eat it or try to touch it then suffer and die because of the chemicals or sharpness of the objects. Not just the plastic waste, many industries release unbearable gases and chemicals into the air causing Air pollution. Like in the case, Union Carbide Corporation v. Union of India⁶, popularly known as Bhopal Gas Tragedy, a harmful gas was released namely, Methyl Isocyanate (MIC), due to which 5,00,00 people suffered, some died, some suffered from diseases, and some are still having some effects on their health and environment. It is very essential to note that we often talk about how many people died and suffered due to this tragedy or any other tragedies, we don't talk about how many animals have died and suffered. There is an urgent need to realize how much it is important to protect the environment not only for us but for others also.

(A) What is Environmental protection?

Environmental protection is the process of protecting the environment for a healthy life. It includes protecting the natural resources from exploitation by people in any form, for example, pollution and degradation. Environment protection is essential for both the present and future generations. Its main focus is to prevent the degradation of natural resources due to pollution, climate change, overconsumption, etc. It promotes the preservation and conservation of the

⁶ Union Carbide Corporation v. Union of India, (1989) 2 SCC 540.

natural environment. It also includes protecting natural ecosystems.

The Environment (Protection) Act, 1986, defines the environment as-

*"environment" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism, and property"*⁷

Under Article 51-A (g) of the Constitution of India, every citizen must protect and improve the natural environment. It is a fundamental duty under Part IV -A of the Constitution and a right comes with a duty. If any person fails to perform his/her duty to save the environment s/he shall not be entitled to any right such as the right to consume natural resources and the right to water, etc.⁸

Under Article 48 of the Constitution of India, the state has to organize agriculture and animal husbandry and prevent animal cruelty such as slaughtering.⁹ Under Article 48 A of the constitution of India, the state must protect and improve the environment and safeguard the forests and wildlife of the country.¹⁰

In *Sachidanand Pandey & Anr. v. The State of West Bengal & Ors. (1987)*¹¹, the Supreme Court held that *"Article 48A must be kept in mind whenever a matter regarding maintenance of the ecology is brought before the Court."*

Also, the Supreme Court in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*¹², stated that *"it was evident from the combined reading of Articles 48 and 51- A(g) of the [Indian] Constitution that citizens must show compassion to the animal kingdom. The animals have their fundamental rights. Article 48 specifically lays down that the state shall endeavor to prohibit the slaughter of cows and calves, other milch and draught cattle"*.

IV. LEGISLATIONS TO PROTECT THE ANIMALS IN INDIA

(A) The Prevention of Cruelty to Animals Act, 1960 –

This Act focuses on preventing unnecessary pain and suffering of animals. It prohibited and illegalized the cruelty of animals. It mandates every person having charge of animals, to take reasonable care of their animals, to take all the measures necessary for their well-being, and to

⁷ The Environment (Protection) Act, 1986, § 2, No. 29, Act of Parliament, 1986 (India).

⁸ INDIA CONST. art. 51-A, *Inserted by* The Constitution (Forty-second Amendment) Act, 1976, § 11 (w.e.f. 3-1-1977).

⁹ INDIA CONST. art. 48.

¹⁰ INDIA CONST. art. 48-A, *Inserted by* The Constitution (Forty-second Amendment) Act, 1976, § 10 (w.e.f. 3-1-1977).

¹¹ Sachidanand Pandey Another v. State of West Bengal and Others, (1987) 2 SCC 295.

¹² State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat and others, (2005) 8 SCC 534.

prevent unnecessary pain and suffering on these animals. It also mandated the formation of the Animal Welfare Board of India, a body to promote animal welfare. It has also defined the cruelty on animals under Chapter III in detail. It also discusses the scope of experimentation on animals and the constitution of a committee for the control and supervision of experiments.¹³

(B) The Wildlife Protection Act, 1972 –

This act was enacted to protect the wildlife of the country. It prohibits hunting and also allows certain exceptions under Chapter III. It also protects the specialized plants and prohibits picking, uprooting, damaging, destroying the specialized plants. It prescribes the authorities be appointed and the constitution of the Wildlife Advisory Board to advise the state government in formulation of the policy of protection and conservation of Wildlife animals and plants and for selection of areas to be declared as sanctuaries, National parks, etc.¹⁴

V. CONCLUSION

The Constitution of India has clarified that it is the duty of both the citizens and the state to protect and improve the environment, protect animals and prevent cruelty on animals. There are judgments and other legislations, as well, for protecting the rights of the animals and promoting their well-being, but it still lacks implementation. There are some people, industries or organization who doesn't take this seriously and continues to carry out animal cruelty and exploitation for their use. Some even think that animals shouldn't have rights similar to humans because they aren't the same. But we as the citizens of India have to make sure that we abide by our Constitution and rules and regulations. We must protect the weak. A small step can be to save our environment which will lead them to a healthy life. We have to save our environment for ourselves and other species as well.

¹³ The Prevention of Cruelty to Animals Act, 1960, No. 59, Acts of Parliament, 1960 (India).

¹⁴ The Wildlife Protection Act, 1972, No. 53, Acts of Parliament, 1972 (India).