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UNDERSTANDING LEGAL VIOLATION AT ANIMAL MARKETS- A HUMANE PERSPECTIVE

Murtaza S. Noorani

Advocate, Bombay High Court, Maharashtra, India.

Prithivi Raj

Assistant Professor, School of Law, Narsee Monjee Institute of Management Studies, Hyderabad, Telangana, India.

Abstract

Owing to increased consumption of milk, meat and eggs nationally and internationally - legal breaches at animal markets have come to the fore in recent years. In India, the system of governments with varied agendas have enacted legislations revolving around farm animals - The recent animal legislations are based on theological philosophies rather than factual evidences. Even when most people seem to agree that causing suffering, misery, and death to animals is unnecessary, yet they contribute significantly to it. From the viewpoint of animals as living creatures with inherent rights, we have tried to highlight the dimension of spirituality and moral agency for getting a better overview of their avoidable abuses. There is inextricable bond that exists between people and living species, as well as its impact on human life and the planet. In this article we shall also look at the legal violations, the law and the way forward.

抽象的

由于国内和国际上牛奶、肉类和鸡蛋消费量的增加，近年来动物市场上的违法行为已经成为焦点。在印度，具有不同议程的政府系统制定了围绕农场动物的立法——最近的动物立法是基于神学哲学而不是事实证据。即使大多数人似乎都同意给动物造成痛苦、痛苦和死亡是不必要的，但他们对此做出了重大贡献。从动物作为具有固有权利的生物的角度来看，我们试图强调灵性和道德能动性的维度，以便更好地了解它们可避免的虐待。人和生物之间存在着不可分割的联系，以及它对人类生活和地球的影响。在本文中，我们还将研究违法行为、法律 and 前进方向。

Interplay between Rights and Violations

In general, the concept of violation arises when a recognized legal right associated to a living being is breached. When discussing animals as living beings, the foundation of the theory is weak in

the sense that even though there is a breach, the aggrieved living being has no means and measures to prevent, address, or keep a check on the violation of their legal rights. Thus, those who advocate for 'animals just as animals' easily

Received: August 12, 2021 / Revised: September 08, 2021 / Accepted: September 30, 2021 / Published: October 10, 2021

About the authors : Murtaza S. Noorani

Corresponding author- Email:

make the counter-argument that the animal exists just because we want them to be¹ - this argument can be more related to animals that have market value, economic profit, and are commonly eaten. However, the inverse of this viewpoint is that even though the animals as living beings are unable to address and redress their violations, they cannot be used to justify depriving them of their future, survival, and happiness. The unnecessary suffering inflicted on them can be avoided by narrow tailoring of our systems according to compelling needs, self-analysis of beliefs and practices.

Animals at markets per se is violation- in my opinion, since they are objectified and viewed as a product. Rather than respecting and acknowledging their existence as living beings and the rights attached with it, this sense of duty and responsibility is more about humans rather than animals. For it is a touch stone and a humane human gauge as to how vocal are we for the ones who cannot speak for themselves. The world is not necessarily getting better. Basic education, literacy, democracy and vaccination may all be improving for humans, but for everything else – the millions of species that also call Earth their home – the world is getting worse.

Human failures and its implication on animals

The origin of the dilemma stems from the belief that has been instilled in us since childhood that 'man is the most intelligent and wise among the living' and 'man is at the top of the food chain'. To me, the very concept is surrounded by deception and egoism. A glimpse of which can be seen and observed in the midst of the pandemic all that is development and collective failure of humankind.

Thus, current revelations have demonstrated that when we are unable to address our own challenges and when we as a species of beings ultimately struggle, we do not have the rational and reasonable right, ability and intellect to intervene in the affairs of other living creatures. Specifically, to take up the call for the functioning and life of other beings. Also, which I refer to and acknowledge as their right to be left alone.

In view of the aforementioned considerations, I broadly advocate for the State to have restricted and limited authority to pass legislation on the subject of animals. The caveat being, that the State must only legislate as an obligation to protect the interests of the animals and in recognition of their rights. Since animals have no role or interference in the governmental apparatus. This concept would only make sense in our system when we acknowledged, identified, and respected the life of animals as living beings at par with that of human beings. The arbitrary power and authority that the state has under the cover of law and policy often results in blatant animal abuse; furthermore the State actions with legal backing and official sanction are not considered violations at all.

Notably, in the recent past there has been surge in the environmentalism legislations with respect to animal violations. It is a known fact that these legislations are more a result of religious ideological inclination of majority religion of the country. The ruling party plays the power and divulging politics as it has affiliations to such nationalist religious fanatic groups. Legislations passed roughly in the demi-decade by the Center and the State Governments are deponent to the fact as to how ecological and environmental

¹ <https://www.bbc.com/news/science-environment-34541077>; Can we justify killing animals for food?

legislations be constructed to abuse and catalyst the divergent politics.²

Keeping aside the constitutional and the liberalistic perspective, ecologically and environmentally there legislation even though they may look and tend to promote a environmentalist and animalistic idea have little or no effect to animals and tend to become obsolete and futile overtime. As the execution of such legislations is seldom there after the inspectional years which overtime time results into, counterproductive to the object it was actually established/ legislated for.

Speciesism

It is popular among many philosophers who advocate for non-human animals to instill human stereotypes about animal exploitation.³ According to Peter Singer, "the racist violates the concept of equality by giving greater weight to the interests of members of his own race when their interests conflict with the interests of those of another race." By favoring the needs of his own sex, the bigot violates the principle of equality. Similarly, speciesism causes his own species' desires to take precedence over the greater interests of members of other species. In each case, the pattern is the same.⁴

Moving the viewpoint forward, a fair and consistent example for maxims in relation to the background- The Constitution of India, 1950, which is the law of the land, a fundamental

principle and arguably a living text in the social backdrop, has chapter describing the rights of individuals and the obligation of the State towards them.⁵ However, saving some directives to State and a duty towards citizens, there is no mention of enforceable right conferred to animals by the constitution to identify and hold the state and persons responsible and obliged to protect them. This claim becomes evident and intelligible as we perceive the Constitution as a legal and philosophical bedrock for laws and policies in the country.

Furthermore, since laws in general are regarded as a code of conduct or collection of rules for individuals, and since humans are not the only living beings in society, a policy that excludes the well-being of other living beings is unjustified and inept in and of itself.

To view it objectively as a *humane being*, the provision of the Constitution that explicitly mentions animal welfare under Article 51A (g) is worded as a responsibility rather than just an obligation- which reads as 'It shall be the duty of every citizen of India to protect and improve the natural environment, including forests, lakes, rivers, and wild life, and to have compassion for living creatures.' This article comes under the chapter 'Fundamental Duties,' which was added by the 42nd amendment in 1976.

Furthermore, Article 48 of the Directive Principle demands the State to 'endeavor to organize agriculture and animal husbandry on

² Saffronisation of the Holy Cow: Unearthing Silent Communalism, Smitha Rao, EPW- Vol. 46, Issue No. 15, 09 Apr, 2011, url:

<https://iproxy.inflibnet.ac.in:2113/journal/2011/15/note/saffronisation-holy-cow-unearting-silent-communalism.html> (last visited on 9th May 2021)

³ ANALYSING ANIMALITY: A CRITICAL APPROACH Author(s): Jason Wyckoff Source: The Philosophical Quarterly (1950-), Vol. 65, No. 260 (July

2015), pp. 529-546 Published by: Oxford University Press on behalf of the Scots Philosophical Association and the University of St. Andrews Stable URL: <https://www.jstor.org/stable/24672730> Accessed: 08.05.2021

⁴ Ibid. Singer, (P. (1975) Animal Liberation. New York: Avon Books.)

⁵ Fundamental Rights; Part III of the Constitution of India, 1950.

modern and scientific lines, and shall, in particular, take measures for maintaining and improving breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.⁶

Article 48A, which was added by the 42nd Amendment in 1976, speaks about environmental protection and improvement, as well as the preservation of forests and wild life. Citing the three provisions of the Constitution, we extend my viewpoint that we have been biased as humans in favor of our race and species since our genesis. When we speak about our rights and freedoms and how we enjoy them every day, we forget that animals, as members of the society, who have the same freedom to live freely and enjoy their liberties. As per the rights perspective, we cannot inflict injury, pain, or suffering on them for our own benefit. We the authors are well aware that the viewpoints that we are presenting in this paper may seem ludicrous to some, but the prevailing perception is a contribution to collective failure on our part as individuals in a system and members of society. It's time that we begin respecting and honoring the rights of all living beings to peacefully coexist in the society.

Mutual respect and agency

To put it another way, if we look at Article 48 of the Constitution through the lens of animal rights and mutual respect, the restriction in the applicability of the protection granted from slaughter only to 'cows and calves and other milch and draught cattle' appears to be

discriminatory and unjust. Furthermore, the rationale for this protection is based on the animal's productivity and the economic value to the state and farmers. As a result, the protection provided is primarily concerned with the welfare of the State and its people, rather than the welfare of the animals. This stance of the Community and the Individual is an apparent signal for us as individuals and system enthusiasts to reconsider the ideals that underpin our society. This is also an obvious example of structural speciesism—our preconceptions and prejudices toward other species.

The 1948 Universal Declaration of Human Rights expresses the conviction that excluding any member of the human race from the realm of ethical consideration is unethical. This revolutionary vision was a big step forward, but it had narrow opinions about who morally matters; however, it also omitted a much broader spectrum of beings who can both appreciate and survive life: nonhuman animals. They have a right to be concerned, or at least those capable of feeling distress, which includes all vertebrates. Pain is pain, no matter what species is feeling it.⁷ In the backdrop of this perspective, it is necessary to consider what the religious texts—have to offer regarding animal rights. The Hebrew Bible requires that the Sabbath be a day of rest for both humans and oxen, and other texts obligate Jews to relieve the suffering of animals, even if they belong to rivals. The Quran, too, advises Muslims to be kind to animals; the Prophet Muhammad is said to have cut off his shirt sleeve rather than wake a sleeping cat.⁸

⁶ Article 48, the Constitution of India, 1950.

⁷ The Globalization of Animal Welfare: More Food Does Not Require More Suffering by Miyun Park and Peter Singer, pg. 122 para 1, *Foreign Affairs*, MARCH/APRIL 2012, Vol. 91, pp. 122-133, Council on Foreign Relations,

https://www.jstor.org/stable/pdf/23217226.pdf?ab_segments=0%252FSYC-5770%252Fcontrol&refreqid=excelsior%3Af9117df1b3b170cb6c567aab93d56403 last visited on 08.05.2021

⁸ *Ibid*

History of Animal Welfare Legislations:

In the United Kingdom, the first law, known as Martin's Act, was established in 1822 to protect animals (mostly cattle and horses). The Society for the Prevention of Cruelty to Animals (eventually renamed the Royal SPCA) was founded two years later, in 1824. The organization was particularly concerned with the enforcement of the law, with prosecutions carried out when required. The Act was amended in 1835 to extend protection to domestic animals, including as dogs and cats, from abuse.⁹ In the United States, the American Society for the Prevention of Cruelty to Animals was founded in 1866 as the first animal protection organization in the United States. Several hundred such animal welfare groups had established in America by 1900.¹⁰

In India, the Prevention of Cruelty to Animals Act, 1960 was the first national animal welfare legislation, which criminalized cruelty to animals, with exceptions for the treatment of animals used for food and scientific experiments. It also established an Animal Welfare Board of India to ensure that anti-cruelty regulations were enforced and to promote the cause of animal welfare.

During that time, the global population more than doubled. There were around three billion of us in the early 1960s, and today there are more than

7.6 billion. While demography is a factor, it does not fully explain why meat output increased fivefold. Rising earnings are another important aspect.

Economy and meat eating habits

People have got wealthier all throughout the world, with the worldwide average income more than tripling in the last half-century. When we examine consumption across countries, we observe that the richer we are, the more meat we eat. Not only are there more people in the world, but there are also more people who can afford to eat meat.¹¹

The agricultural animals greatly outweigh us humans. The total number of chickens (19 billion), cows (1.5 billion), sheep (1 billion), and pigs (1 billion) living at any given moment is three times that of people.¹²

The world's farm animal population has grown to meet this rising demand. In 2009 alone, more than 60 billion land animals- nearly nine times as many as the human population—were slaughtered for food. (This number included approximately 52 billion chickens, 1.34 billion pigs, 656 million turkeys, 521 million sheep, 403 million goats, and 298 million cattle.) In addition, around 1.18 trillion eggs were produced for food that year.¹³

⁹<https://worldanimal.net/our-programs/strategic-advocacy-course-new/module-1/history#:~:text=In%20the%20UK%2C%20the%20first,SPCA%20in%201840%20was%20established>, last visited on 5th May 2021

¹⁰Ibid

¹¹ <https://www.bbc.com/news/health-47057341>, dated 4th February 2019, last visited on 25.04.2021

¹² <https://stage.economist.com/graphic-detail/2011/07/27/counting-chickens>; <https://www.weforum.org/agenda/2019/02/chart-of-the->

[day-this-is-how-many-animals-we-eat-each-year/](#), last visited on 27.04.2021

¹³ The Globalization of Animal Welfare: More Food Does Not Require More Suffering by Miyun Park and Peter Singer, pg. 122 para 1, Foreign Affairs, MARCH/APRIL 2012, Vol. 91, pp. 122-133, Council on Foreign Relations, https://www.jstor.org/stable/pdf/23217226.pdf?ab_segments=0%252FSYC-5770%252Fcontrol&refreqid=excelsior%3Af9117df1b3b170cb6c567aab93d56403, last visited on 05.05.2021

When we look at meat eating habits around the world, we see a clear association with wealth. The United States and Australia topped the yearly meat consumption figures in 2013. These countries, together with New Zealand and Argentina, averaged more than 100kg per person, which is roughly the equivalent of 50 chickens or half a cow. In fact, meat consumption is high throughout the West, with most Western European countries consuming between 80 and 90 kg of meat per person. On the other end of the spectrum, many of the world's poorest countries consume relatively very little meat.¹⁴

One prominent exception is India. While average income has more than tripled since 1990, meat consumption has not. It is a fallacy that the majority of Indians are vegetarian; according to a nationwide poll, two-thirds of Indians consume at least some meat. Nonetheless, meat consumption in India has remained lowest in the world, weighing less than 4kg per person. This is most likely due to cultural considerations for some people in India, such as not eating specific types of meat for religious reasons.¹⁵

Animal breeding- problems and perspectives

An important strategy in animal breeding is genetic selection, which aims to maximize the rate of development of an aggregate merit function, such as profit, which indicates the combined economic value of attributes that need to be improved (with respect to time). Merit may be linear or nonlinear based on unobserved

genetic values for the target traits. These characteristics are regarded as difficult since their transmission is undetermined, and it is usually assumed that environmental factors are important and may interplay with genetic variables.¹⁶

Animal welfare is a difficult concept to define because it has no single definition. It can have multiple meanings and interpretations depending on the background and moral view of the person concerned. There are many perspectives and ethical positions on animal welfare which arise as a result of differences in values and experiences within society. Animal welfare can be defined as 'how well an animal is coping with the conditions in which it lives'¹⁷

When the merit function components have a genetic foundation, i.e. when there is genetic diversity across humans, it may be possible to promote genetic improvement by selection, although it depends on the type and quantity of variance present. In the absence of specific genetic knowledge, abstraction is required to derive genetic merit from observable values, and quantitative genetics theory provides some of the groundwork. Performance records include growth rate and feed intake in meat animals, fleece weight and quality in sheep and goats, milk supply, composition, reproductive performance, and survival in dairy animals, and egg output or litter size in polytocous species such as chickens or pigs.¹⁸

¹⁴ Supra (note 12)

¹⁵ <https://www.bbc.com/news/health-47057341>, dated 4th February 2019, last visited on 26.04.2021

¹⁶ Daniel Gianola and Guilherme J.M. Rosa, One Hundred Years of Statistical Developments in Animal Breeding; November 3, 2014, <https://www.annualreviews.org/doi/pdf/10.1146/annur>

[ev-animal-022114-110733#article-denial](https://www.intechopen.com/books/animal-welfare/animal-welfare-considerations-in-food-producing-animals) , last visited on 05.05.2021

¹⁷Oscar Madzingira, Animal Welfare Considerations in Food-Producing Animals, September 26th 2018 <https://www.intechopen.com/books/animal-welfare/animal-welfare-considerations-in-food-producing-animals> , last visited on 03.05.2021

¹⁸ Supra Note 17

Since records on reproductive events or diseases, such as brucellosis cattle, are more difficult to obtain, proxy variables, such as somatic cell counts (SCC) in cows' milk and the number of ticks in the skin of cattle in tropical or subtropical regions, are widely used. The impact of genuine genetic merit cannot be isolated from the impact of environment. The problems encountered with observational data in human medicine are analogous in several respects.¹⁹

Randomized trials with people, on the other hand, are rarely feasible, and the amount of replication required in animal breeding research is frequently impossible to obtain even with laboratory animals. Sex-limited characteristics such as milk output in females and urethral circumference in bulls, both of which are assumed to have a favorable genetic association with cow ovulation, provide additional challenges.²⁰

Breeding more animals, whether for profit or to obtain a specific "look" or characteristic, is also harmful to the animals produced. Animals don't care if their physical appearance satisfies the standards of a judge, yet they are the ones that suffer as a result of human manipulation.²¹

The welfare aspect of animals varies. It is constantly changing due to volatility of the elements that contribute to good or bad welfare. As a result, an animal's welfare status can be

good, bad, or somewhere in between, and it evolves with time.²² As a consequence of such nuances, it becomes necessary to recognize legal infringement and set moral, legal, and policy criteria to limit the influence of scientific and technological development dynamics—for the better good of all living creatures.

Relation between human beings and living animals:

Economic development and advancement all over is driving up demand for animal products. With a rising number of animals being produced for international markets and the potential for people to watch previously unseen footage of animal handling has come into forefront- policymakers, businesses, nongovernmental organizations, and ordinary citizens are becoming more concerned about how animals are handled, wherever they be. It is no longer enough for nation states to be vigilant about animal welfare within their own borders: animal welfare is increasingly has become an international priority.²³

Massive consumption poses considerable environmental problems, as does the increased need for grain and soybeans to feed these animals, and the significant contribution of farm animal production to global warming. At the same time, the animals' living conditions are

¹⁹ Daniel Gianola and Guilherme J.M. Rosa, *One Hundred Years of Statistical Developments in Animal Breeding*; November 3, 2014, <https://www.annualreviews.org/doi/pdf/10.1146/annurev-animal-022114-110733#article-denial>, last visited on 05.05.2021

²⁰ Ibid.

²¹ Animal Rights Uncompromised: There's No Such Thing as a 'Responsible Breeder', <https://www.peta.org/about-peta/why-peta/responsible-breeders/> last visited on 03.05.2021

²² Oscar Madzingira, *Animal Welfare Considerations in Food-Producing Animals*, September 26th 2018

<https://www.intechopen.com/books/animal-welfare/animal-welfare-considerations-in-food-producing-animals>, last visited on 03.05.2021

²³ *The Globalization of Animal Welfare: More Food Does Not Require More Suffering* by Miyun Park and Peter Singer, pg. 122 para 1, *Foreign Affairs*, MARCH/APRIL 2012, Vol. 91, pp. 122-133, Council on Foreign Relations, https://www.jstor.org/stable/pdf/23217226.pdf?ab_segments=0%252FSYC-5770%252Fcontrol&refreqid=excelsior%3Af9117df1b3b170cb6c567aab93d56403_ last visited on 05.05.2021

harmful to their health and well-being. The vast majority of the world's animal products are supplied by severe confinement systems, which deny animals the chance to live in ways that are compatible with the usual behavior of their species. As the global demand for meat, eggs, and milk has increased, so has the intensive confinement model of food production.²⁴

Reducing our meat intake will drastically reduce greenhouse gas emissions, assist in species preservation, restrict farmland expansion, and safeguard water. A dietary adjustment would prevent the natural ecosystem on which all humans rely from crumbling.²⁵ The ethical treatment of animals is central to the environmental debate. The pain and suffering faced by farm animals is well documented. Yuval Noah Harari, best-selling novelist and historian, has argued²⁶ that industrial farming is one of history's most horrendous crimes.²⁷

Animal cruelty and abuse have an unspoken yet unavoidable association with humans as individuals and as a group. In our society, when an animal is abused, a chain reaction begins.²⁸ Not only is an innocent animal affected, but the victim often falls into a pit that may lead to harassment of other people. The evidence supporting a connection between animal cruelty and human violence is compelling. Animal abusers are five times more likely to commit violent crime.²⁹

Apart from the specie and moral considerations, animal welfare is undeniably human welfare.

The inescapable interaction between people and animals is one clear example. Adopting a flexitarian diet has health benefits. Reducing our meat intake will also result in fewer diet-related diseases such as heart attacks, strokes, and some types of cancer. These are presently the major causes of death in the world's developed countries.³⁰

Conclusion

Although moral agency and spirituality are largely supplementary indications, there is always an essential parallel between animals and people via the chain of physical wellbeing and the environmental influence on all living species in general. However, in recent years, a heuristic approach by long-standing movements, technological innovation, and scientific aptitude has stunned stakeholders and spectators, the most apparent being the global climate change movement. Taking lessons learned from previous pandemics and the COVID19 virus, with which major developed and developing countries are grappling, it has been insinuated that the animal industry and related activities have an impact not only on animal welfare and health, but also on food security, the environment, and community sustainability. Even while the argument for spirituality and moral agency may appear unduly ardent, in my opinion, our ideas and mental processes are a collective failure and the product of a humanly biased system. The egoistical eyes that only

²⁴ Ibid.

²⁵ <https://www.atlasandboots.com/travel-blog/countries-that-eat-the-most-meat/>; dated 29th

JUNE 2019, last visited on 07.05.2021

²⁶

<https://www.theguardian.com/books/2015/sep/25/industrial-farming-one-worst-crimes-history-ethical-question>; last visited on 07.05.2021

²⁷ Ibid.

²⁸ Animal Abuse & Violence; <https://www.wihumane.org/advocacy/laws/animal-abuse-violence>, last visited on 08.05.2021

²⁹ *ibid*

³⁰ The Intergovernmental Panel on Climate Change, <https://www.ipcc.ch/>, last visited on 05.05.2021

look about and promote a system for, by, and with humans is problematic per se. In my opinion, we cannot talk about sustainability, progress, and the good of society for all unless we advocate for those who cannot speak for

themselves—the goal is to make friends beyond species. For, human progress and growth is a distant reality in absence of a just and humane society.