

Justice Sunanda Bhandari Forum for Natural Resources Law  
of  
The WB National University of Juridical Sciences, Kolkata  
Presents  
National Seminar on Legal Aspects of Animal Welfare  
09-10 September, 2016

Human society is faced with the challenge to redefine our understanding of development so that our recognition and protection of the rights of animals is as much an indicator of our level of progress as our recognition and protection of the rights of human beings.

Evolution teaches mankind to accept the commonalities between human and non-humans. Science has proved that animals can no longer be assumed as mere commodities for the benefit of humans. Animals may not be able to express their feelings and interest or claim their rights from us in a similar language as we humans do; nonetheless their existence is beyond question. Animals seek to protect their own lives, preserve their freedom, and avoid what caused them pain according to their own priorities. As individuals, animals possess and express distinguishing characteristics, however vastly their lives may differ from us, they are in many ways akin to humans. The exploitation of animals by human beings is as deeply entrenched in human culture in the 21st century as the exploitation of our fellow human beings was in the last centuries. The assumption that animals cannot have rights because we still have not given them is an absurd radical belief which ought to change.

Introduction of mechanised farming procedures, the destruction of the natural environmental set up and experiments of advanced scientific techniques such as cloning and xeno-transplantations indicates abuse of the lives and interests of animals in situations never comprehended before. Additionally experimentation on animals is a fundamentally flawed approach to learning about human biology and diseases owing to the inherent complex biological system differences of various species of animals with humans. This dual existence of the recognition of the principle of individual rights for human beings and of the institutionalised abuse and exploitation of individual animals on a global scale represents an ethical challenge

that calls for a speedy action, and which will determine the progress of morality and, undoubtedly, civilisation in the coming century.

Initiatives for the promotion of Animal Rights already exist within the UN system and related agencies that promote animal rights in terms of preserving species and biodiversity. Animals' role in the food chain is currently part of internationalization. Multilateral institutions as IFAD (International Fund for Agriculture Development), FAO (Food and Agriculture Organization) and the World Food Program address animals as a resource for humans and now the mandate urges to address not just animal health but also humane treatment even when exploited as resource. UNEP, (the UN's Environment Program) and its biodiversity initiative are focused on species and habitat preservation. Poaching and other abuse of our ecosystem are addressed in the context of preserving animal and plant life for future human generations. CITES (Convention on International Trade of Endangered Species of Wild Fauna and Flora) has evolved into a capable body to address issues as over-exploitation of plant and animal life as well as poaching. Nonetheless, CITES is only now beginning to affect attitudes and laws within sovereign states where conservation and/or abuse are largely defined.

India first embarked on its endeavours to protect animal welfare and ensure animal safety with the enactment of the Prevention of Cruelty to Animals Act in 1960. This has ushered in a sustained movement towards animal welfare in the country as evidenced through the establishment of the Animal Welfare Board in 1962 and the raising prominence of the various animal welfare organisations in the country. Constitutional provisions in Articles 48 A, 51A (g) and (h), Sections 428 & 429 IPC, reflects the obligation towards animal welfare.

Development of various laws and policies like the treatment of performing animals, the ban on animal testing and the judicial interventions project the significant progress of interest in this area unlike the days when animals were merely looked upon as entities to serve the needs of mankind. The Kerala High Court in *N.R. Nair v. UOI* (AIR 2000 Ker 340) had rightfully upheld the notification banning the training and exhibition of animals while the Hon'ble Supreme Court in *AWBI v. A. Nagaraja & Ors.* (2014) 7 SCC 547) had held that bulls must not be used in jallikattu, bull races, bullfights or any other type of performance. However in a recent incident of political protest in Uttarakhand wherein the Police horse named Shaktiman

eventually succumbed to its injuries and died (June, 2016), highlights what is most essential is to end the cruelty to animals not simply because it is our moral obligation and that animals have the right to live free of pain but also that millions of human beings depend on animals for their survival. It is thus important to make collective efforts towards Animal rights protection as a sustainable future for the planet can only be achieved if both animals and people are part of the solution.

While philanthropic efforts have led to the setting up of a number of shelter homes and organisations such as PETA, STRAW, IDA and Compassionate Crusaders Trusts etc. have been making restless efforts towards protection and welfare of animals, the absence of stringent penalties for violation of the laws, have often stood as an impediment in their efforts.

In the light of the growing inadequacy of the existing laws towards protection and promotion of animals' rights, the inevitable prominence and importance of the space they occupy in our ecosystem without which human existence by itself would stand hollow and the coming of age where animals *ought* to be given their revered status on this planet, the WB National University of Juridical Sciences finds it timely to have a national seminar to deliberate on issues pertaining to the protection and promotion of Animal rights and their welfare at the national level. We are certain that the outcome of this deliberation would help in throwing light on the steps to be taken for breaking the deadlock in Animal Rights law-making for instance the Animal Welfare Bill 2011 which continues to remain in the draft format. It is expected to lead the way for finding long-lasting solutions to the emerging complications due to over lapping of laws in the field of Animal Rights protection vis-a vis- the economy of the country and many more issues and mostly importantly to influence decision makers to put animals on the national agenda.

## Major themes of the Conference

- Animals in customs, traditions and religions
- Do animals have rights beyond species? Are they to be considered/ treated as individuals entitled to life and liberty - and if yes, how do we differentiate between species?
- Are animals to be addressed mostly in context of perceived utility to humans, from food to companion animals? (Economy- agriculture, dairy, entertainment industry, circus, racing and hunting, sports, etc., transportation of livestock, slaughter houses)
- Animals in Cages and Captivity- Zoo Animals, Companion Animals
- Animals in drugs and cosmetics experiments etc.
- Animals as property- ownership and liability (Jurisprudential aspect- companion and stray animals)
- Biodiversity and the right of species as whole to survive and perpetuate. [Poaching and habitat, genetic modification]
- Is there a need to have separate conventions to protect animal rights? [Comparative statutory laws/policies on Animal welfare and protection (emerging issues)]
- Man and Animal Conflict (lack of prey, animal corridor, land enclosures etc)
- Application of sustainable development principles on animals, land enclosures and animal/ wildlife protection.

## Call for Papers

Those who are interested in presenting a paper on any of the above themes must send an abstract of 300 words along with a brief biographical note (not more than 300 words) **on or before 8<sup>th</sup> August 2016**. The acceptance of the paper for presentation would be informed by **10<sup>th</sup> August 2016**. A full length paper of 5,000 - 7,000 words must be sent by **2<sup>nd</sup> September 2016**. If the full length paper is not submitted before the last date, authors will not be allowed to present the paper in the Conference. Submission of the full paper would be presumed as unconditional consent of the author/s for a possible publication by the organisers.

Last date for submission of Abstract: 8 August 2016  
Last date for submission of Full Paper: 2 September 2016  
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Conference Date: 09-10 September 2016  
Conference Venue: The WB National University of Juridical  
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A **registration fee of Rs. 700/-** shall be charged to the participants. All the participants must register their name by email communication to any one of the student co-ordinators by 31 August 2016. Due to the financial constraints, organisers are not in a position to provide any support regarding transportation or accommodation of participants.

\* Note: Certificate would be issued to only those participants who attend all sessions.

Conference Coordinator

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