

Ethical Basis of Laws Protecting Farm Animals: A Comparative Study

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Abstract

Farm Animals are sentient living beings with emotional complexities The question is that: Are they entitled to have rights?

Animal rights advocates believe that animals should be free to live as they wish, without being used or exploited by humans.

In this Article we study India and England as samples of advanced legal systems which protect Farm animals.

The Philosophical argument in this Article is that: Is it ethical to eat animals?

Humans have the ability to make ethical, humane choices to reduce suffer of helpless Animals on earth.

Keywords: Farm Animals Rights, Animal Welfare, Compassion, Cruelty, Legislation, Factory Farms.

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Introduction

Animals are sentient living beings and have complex nervous systems.

But, emotional complexities and intellectual capabilities aside, animals are capable to suffer and have an interest in leading their own lives.

In this Article we study about India and England as two advanced legal systems which protect farm animals:

India is a Nation which has recognized rights for farm animals in its laws. Following and believing in Principle of Ahimsa, Love and compassion for all living creatures.

United Kingdom as a Nation of Animal lovers has one of the most advanced legislations protecting animals on farms. The two nations are a sample of advanced laws for protecting Farm animals in the world. The main argument is that farm animals as innocent living beings must be entitled to have rights and be protected from cruelty in Factory Farms.

Humans have the power to choose between cruelty and Kindness, to spare animals excruciating pain by making better choice about the food they eat.

The truth is real peace and compassion starts from what we eat and how we treat animals.

Animal Rights

Animal Rights are moral principles grounded in the belief that non-human animals deserve the ability to live as they wish, without being subjected to the desire of human beings. As human rights safeguard the basic tenet of what makes human lives worth living. Animal rights aim to do something similar, only for non-human animals.

Animal rights advocates believe that animals should be free to live as they wish, without being used, exploited, or otherwise interfered with by humans. (The Humane League, Animal Rights, 2020)

In their defence many activists bring up a quote from Jermy Bentham:

(Jermy Bentham, The Founder of The Reforming Utilitarian School of Moral Philosophy), Stated that, when deciding on a being rights, “The question is not can they talk? But, can they suffer? Why should the law refuse its protection to any sensitive being” (Jeremy Bentham, 1789). In that passage Bentham points to the capacity for suffering.

All animals have the ability to suffer in the same way and the same degree that humans do. They feel pain, fear, depression, frustration and loneliness just like humans. (Compassion for the Animals, Happy cow) According to Peter Singer’s Opinion in his famous book: “All the arguments to prove human superiority cannot shatter this hard fact in suffering, the animals are our equals.” (Peter Singer, Australian author, Animal Liberation, 1990).

Basic Animal Rights

Animal rights refers to the belief that animals have a value separate from any value they have to humans and are worthy of moral consideration.

They have a right to be free from oppression, Confinement, cruelty, use and abuse by humans. (Doris Lin, 2017)

Some examples of Animal Rights are:

Animals may not be used for food.

Animals may not be hunted.

Animals may not be used for entertainment, experimentation or cloth (No to any kind of abuse)

Animals may not be bred.

(Humane League, 2020).

Animal Rights philosophy is based on the idea that animals (as individual beings) should not be used by humans for any reason.

Animal Welfare

Animal welfare refers to the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry, and humane treatment. Protecting an animal's welfare means providing for its physical and mental needs. (American Veterinary Medical Association [AVMA], Animal Welfare)

According to the OIE¹ Terrestrial Code², Animal Welfare means 'The physical and mental state of an animal in relation to the conditions in which it lives and dies.'

The guiding principles which inform the OIE's work on the welfare of all animals include the 'Five Freedoms, Developed in 1965, and widely recognized, the five freedoms describe society's expectations for the conditions animals should experience when under human control, namely':

- Freedom From hunger and thirst;
- Freedom from fear and distress;
- Freedom From discomfort;
- Freedom from pain, injury and disease;

¹ OIE(office International Epizooties) Founded in 1924.

² The OIE Terrestrial Animal Health Code provides standards for the improvement of terrestrial animal health and welfare and veterinary care.

- Freedom to express normal patterns of behaviour. (OIE, Animal Welfare).

World Animal Protection¹ believes Animal Welfare is affected by the relationships human beings have with animals and it is our duty to ensure all animals are treated humanely, responsibly and with respect. (World Animal Protection, 2020).

As a guiding philosophy for legislation and regulations, animal welfare attempts to mitigate the suffering of human – controlled animals and to ensure a minimum standard of living conditions and treatment. (Humane League, 2020)

Animals experience good welfare when they are able to experience positive Feelings arising from pleasurable activities and the fulfillment of behavioural needs and when they are free from poor physical health and negative feelings such as pain, hunger, thirst, fear and depression. (AVMA, Animal Welfare)

Factory Farming and Animal Cruelty

On Factory Farms animals are subjected to routine mutilations and extreme confinement, they're also genetically manipulated for the benefit of human beings. (Humane League, 2021)

According to the United Nations, the number of industrial livestock sent to slaughter each year is equivalent to eight times the human population on planet earth (Just like slavery) Factory Farming is the main cause of animal suffering and abuse. (Animal Equality, 2016)

These animals are sentient beings with a desire to live, but are turned into meat producer machines at the cost of unimaginable suffering from the day they are born.

They never get to experience even the slightest gesture of compassion, feel protection and care of their mother, only face the harshness of humans in the food industry.

For many animals the only time they see and feel the light and warmth of the sun will be during the sad trip to the slaughterhouse. (Animal Ethics, 2021)

All farm animals end up in the same place: the scary slaughterhouses.

If their lives were sad and miserable their deaths are a horrible nightmare.

Stunned, hung upside down decapitated and all after witnessing others gone before them. No innocent animal deserves such a cruel life or death.

(Animal Equality, 2016).

If slaughterhouses had glass walls, most of the people in the world would have become vegan.

The Philosophical Background of Animal Rights in india

¹ World Animal Protection is an animal welfare non profit organization with local reach and global influence.

Mahatma Gandhi The Political and spiritual Leader of India believed that violence begins with what we eat.

In his total commitment to non – violence, Gandhi always included the animals, stating that: “The greatness of a Nation and its moral progress can be judged by the way its animals are treated”.

More than 70 years after his death, Gandhi remains a source of wisdom and inspiration to the world.

(PETA, Honors Gandhis Life Long Commitment to Animal Liberation, 2022).

Principle of Ahimsa

Ahimsa, (Sanskrit “non injury”) in the Indian religion of Jainism, Hinduism and Buddhism, the ethical principle of not causing harm to other living things.

The practice of Ahimsa requires that one not take any animals life. (Ahimsa Religious Doctrine, 2022)

Buddhists try to show loving Kindness to all beings, and treat the lives of human and non – human animals with equal respect. (Buddhist, Ethics, 2017).

For Gandhi ahimsa means non – injury, non – violence, non – harm the renunciation of the will to kill any living thing.

The abstention from hostile thought, word or deed, and compassion for all living creatures. (Ram Ponnu, Ahimsa)

The Constitution of India concerning Animal Rights

The Indian constitution recognizes the sanctity of animal life and lays down the protection and treatment of animals with dignity as a fundamental duty of its citizens.

According to Article 51- A(g)

“It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures”

Compassion toward animals is deep rooted in Indian culture, moral values and laws.

The Indian Constitution accounts for the safety and dignified treatment of animal life and has provisions for animal rights just like the fundamental rights given to all its citizens. (Amruta Ubale, 2021)

Article 48 Protecting Farm animals

In August 1947, the Constitution makers provided for Article 48 as a Directive Principle of State Policy to ensure that the cattle in India, are protected against slaughter.

The provisions of the Article follow liberalism ideology, which is based on morals of freedom, liberty and the idea of equality before the law. (Oishiki Bansal, 2021).

Article 48 lays down that:

“The state shall endeavor to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle.”

In the context of animal rights the Supreme Court of India has brought some animal rights under the ambit of Right to Life. (Taruni Kavuri, 2020).

Prohibition of Cow Slaughter in Indian States

The Indian States have made Art. 48 of the Constitution functional after passing laws (from their Assembly) prohibiting cow slaughter.

(More than 20 out of 28 states of India have passed laws ban of cattle slaughter).

In May 2017, The Central Government Announced a Nationwide ban on cow Slaughter. (Bhasker, Tripathi, 2019).

Gujarat, Haryana and Uttar Pradesh (U.P) are three important states

Which have made changes to their legislations (Increase Penalty of cattle slaughter) in the last decade. (Factly, 2020). The Gujarat State Government has passed “The Gujarat Animal Preservation [Amendment] Bill, 2017”.

The Amendment made in 2017, increased the punishment of cow slaughter to a minimum of 10 years and maximum of lifetime imprisonment and along with an increase in fine ranging from 1 to 5 Lakh – Rs (Mahesh Langa, 2017).

United Kingdom Animal Protection Legislation

The United Kingdom As a Nation of Animal Lovers. Was the first country in the world to start a welfare charity for animals. Battersea Dogs and Cats Home is the best – Known animal sanctuary in the world. Since it First opened its doors in 1860, millions of abandoned and abused pets have benefited from its refuge. Around the world Battersea is a by word for compassion and hope. (Garry Jenkins, A Home of Their Own, 2010).

The UK Government efforts to promote animal welfare and recognizes animals as sentient beings. UK has an impressive record of animal welfare legislation in the world. (Verfassungsblog, 2021). The Animal Welfare Act 2006 [AWA – UK] imposes various duties of care on those deemed responsible for an animal.

Responsibility includes straight ownership and being incharge of an animal. Section 9 of the AWA places a duty of care for their animals properly and in particular must provide for the five welfare needs, which are:

- Need for a suitable environment;
- Need for a suitable diet;
- Need to able to exhibit normal Behaviour patterns;
- Need to be housed with, or apart, from other animals;
- Need to be protected from pain, suffering, injury and disease.

It is a criminal offence to unreasonably fail to meet the needs of an animal for which one is responsible, in accordance with good practice. (Alice Collinson, 2018).

Codes of Practice under the AWA 2006 UK provide owners and keepers with information how to meet welfare needs of their animals.

They can also be used in courts as evidence in cases brought before them relating to poor welfare. The codes apply to England only (Wales and Scotland have their own equivalent codes), and are enforced From April 2010. (Guidance Animal Welfare Legislation, Gov. UK, Published April 2013).

Welfare of Farm Animals in Unted Kingdom

The welfare of all farmed animals is protected by the Animal Welfare Act (2006) which makes it an offence to cause unnecessary suffering to any animal. (The Act applies to all vertebrate animals).

The Act also contains a duty of care to animals – any one responsible for an animal – must take reasonable steps to make sure the animals welfare needs are met (Art.9)

The welfare of farm animals is additionally protected by:

The Welfare of Farmed Animals (England) Regulations 2007 (as amended). Which are made under the AWA (2006).

(Guidance: Animal Welfare, Gov. UK, Published April 2013 – Last Updated 2022).

Farm inspectors visit farms in UK to check on animals welfare.

So, all farmers and any staff working with animals must read and have access to the specific welfare codes of recommendations for livestock. Welfare codes arent law, but can be used as evidence in courts. (Farm animals: Looking after their welfare, 2015).

UK has one of the most advanced legislations protecting animals on farms.

British farmers invest a lot of time and resources into caring for their animals to make sure their farms have some of the highest welfare standards. (Countryside, Animals Health and Welfare, Oct 2020).

Conclusion

India is a Nation which has recognized compassion and rights for farm animals in its legal system.

The Indian Constitution recognizes the sanctity of animal life and lays down the protection and treatment of animals with dignity as a fundamental duty of its citizens.

It also directs the states to make efforts for banning the slaughter of cows, calves and other milk and draught cattle.

United Kingdom as a Nation of Animal Lovers, has an impressive record of animal welfare legislation. Farm animals are protected under the Animal Welfare Act 2006 (AWA) which imposes various duties of care on those deemed responsible for them.

Also, UK is one of the biggest producers of vegetarian and vegan food in the world. Largest vegan Food companies are in England.

India and united kingdom are two Nations which show compassion, Kindness and care to farm animals and protect them under their advanced legal systems.

The two Nations must become a successful law sample for other countries in the world.

Animals are unique, feeling individuals with their own wants and needs, which deserve to live happy, peaceful and secure in this world.

They value their lives and do not want to die.

Why do people talk about peace, humanity and compassion when they have dead animals on their plates?

For most of us peace is only related to humans not with nature or animals.

The truth is real peace and mercy starts from our plates, from what we eat and how we treat animals.

There is no humane or ethical way to eat animals.

So, if we really care for animals, the best thing is just to leave them off our plates.

Humans have the ability to make compassionate, ethical choices, so we must end the use of animals for food in favor of a humane, vegan diet and reduce suffering of any innocent, helpless animal on earth.

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