

Animal Sentience in Law and Policy Part I

"It shall be the fundamental duty of every citizen of India to protect and improve the Natural Environment including forests, lakes, rivers and wildlife, and to have compassion for all living creatures."

The Constitution of India, 1947. Article 51-A(g).

India may be the only country to exhort its citizens to have compassion for animals. However more and more countries are enacting legislation to protect the welfare of animals.



The Ashoka Fourteen Rock Edicts

India's constitution bears contemporary witness to a long tradition within India that goes back to the Buddhist Emperor Ashoka, 274-232 BCE. Engravings have been found throughout much of India, Nepal, Pakistan and Afghanistan, recording his strong feelings towards animals. He ruled:

"Here (in my domain) no living beings are to be slaughtered or offered in sacrifice"
(The Fourteen Rock Edicts, 1)

He also banned royal hunts and had wells dug and trees planted along the roadside "for the benefit of humans and animals". His edicts promoted "kindness to living beings" and stated that animals were to be protected.

Ireland. More modern laws can be found as early as 1635 with the Ireland Parliament [Thomas Wentworth], Act against Plowing by the Tayle, and Pulling the Wooll off Living Sheep. The wording speaks for itself!

America. In 1641 the Puritans of the Massachusetts Bay Colony printed their first legal code which forbade cruelty to animals.

The United Kingdom. In the UK in 1822 an Act to Prevent the Cruel and Improper Treatment of Cattle was passed by Parliament.

In 1911 the first general animal protection law, called the Protection of Animals Act, was introduced and updated several times since.

In 2007 the Animal Welfare Act replaced the Protection of Animals Act in England and Wales. Scotland made its own Animal Health and Welfare Act in 2006. The principal legislation relating to Northern Ireland is the Welfare of Animals Act (Northern Ireland) 1972, but steps are now afoot to create a new Act for Northern Ireland.

This new Animal Welfare Act (England and Wales) introduced the concept of "duty of care". The government defined this as follows:

““Duty of care” is a legal phrase which means that someone has an obligation to do something. Prior to the Animal Welfare Act 2006, people only had a duty to ensure that an animal didn't suffer unnecessarily. The new Act keeps this duty but also imposes a broader duty of care on anyone responsible for an animal to take reasonable steps to ensure that the animal's needs are met. This means that a person has to look after the animal's welfare as well as ensure that it does not suffer.

The Act says that an animal's welfare needs include:

- a suitable environment (how it is housed);
- a suitable diet (what it eats and drinks);
- the ability to exhibit normal behaviour patterns;
- any need it has to be housed with, or apart from, other animals; and

- protection from pain, suffering, injury and disease.”

Farm animals are included under the Animal Welfare Act and, more specifically, the Welfare of Farmed Animals (England) Regulations 2007.

Welfare codes have been created for most animals that are farmed commercially in the UK. These can be downloaded from [Department for the Environment, Food and Rural Affairs](#).

India. The Prevention of Cruelty to Animals (PCA) Act 1960(59 of 1960) was enacted in December 1960 with the object of preventing infliction of unnecessary pain and suffering to animals.

The Indian government set up the Animal Welfare Board of India in 1962. The subject of Prevention of Cruelty to Animals was transferred to the Ministry of Environment and Forests in 1990.