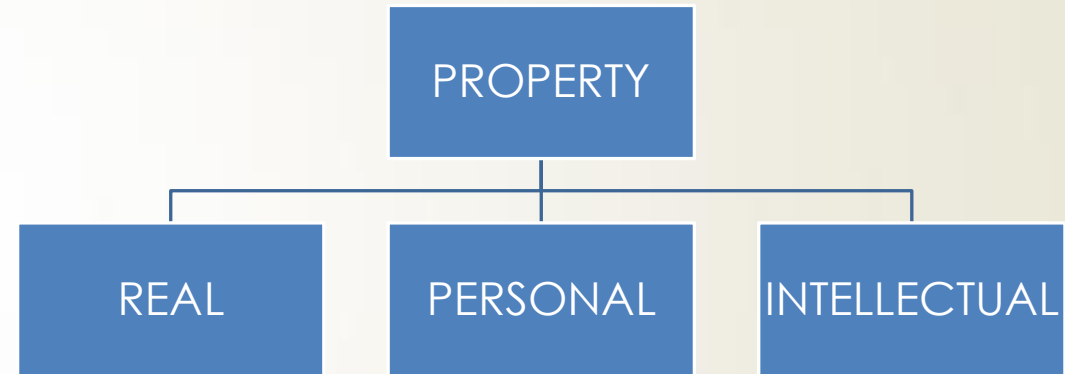
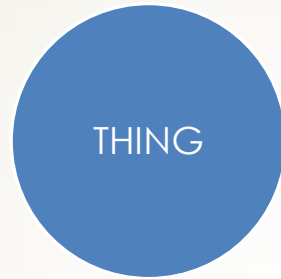




ANIMAL ETHICS

THE PROPERTY STATUS

Dr. Sohini Mahapatra





ABOLITIONIST VIEW

- Rejects commodity status of animals
 - Only right that animals should be accorded with is not to be treated as property
 - Commodification of animals = human slavery
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LIVING PROPERTY

- ▶ David Favre
 - ▶ Develop new rules about relationship between owners, other humans and the animals themselves
 - ▶ New rule regarding sale of animals
 - ▶ Favre believes what causes harm is not the property status but the disrespectful use of animals by some owners
 - ▶ It is better to exist as part of human world, even as property, than to not exist at all
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BENEFITS OF ANIMALS AS PROPERTY

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- ▶ Owner or keeper of animal has duty of care
 - ▶ Owners are responsible for bodily injuries or property damage caused by the animals they own
 - ▶ Property allows humans to realise the different values that domestic animals represent to them, thus creating the incentive to support a next generation of animals

KAUTILYA'S ARTHASHASTRA

- One of the ancient texts offering a viewpoint on animals, *Arthashastra* is principally an exhaustive literature on economic policies, military strategies and political artifice of running a kingdom.
- The reference to animals is neither from a welfare-based approach nor from a rights-based approach, but more in the context of **objects or property**.
- Under the chapter for Division of Land, Kautilya talks about demarcating forest land for the purpose of **royal sports**. Such land should be full of 'harmless animals', and others such as tigers, elephants and bison.
- Animals are also included under **property for inheritance**, where specific animals, such as goats, are considered as 'special shares' during division of property for inheritance.



INDIAN SCENARIO

- ▶ Law of tort – Animals as ‘means’ by which one person can be held liable for injury or damages caused to another person
- ▶ Indian Penal Code – ‘Offences Against Property’
- ▶ Section 378 – Theft – Moveable property – Explanation 4
- ▶ Sections 426, 428, 429 – not intended to protect animals from cruelty
- ▶ Lack of ownership makes the provisions inapplicable on strays
- ▶ Animal destroyed must be ‘subject of property’