

Interpretation of Statutes

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Scheme of Lecture

- Short Narrative on different kinds of Animal legislations in the world
- Significance of the Text
- Extrinsic and Intrinsic Aids to Understand text
- Choices limited by context
- Using Higher body of law to overcome text limits
[Constitution – International Law]
- Context and Interpreter overcoming limits of text

Different kinds of Animal Legislations in the World

- **Case 1:** Countries where no animal welfare legislation was found
 - Case 2:** Countries having basic national laws: anti-cruelty laws (or penal code provisions) and new legislation on animal welfare [ASIA-India]
 - Case 3:** Countries with a national civil code provision giving a new status to animals.[Finland]
 - Case 4:** Countries with a basic national law and a provincial civil code provision giving a new status to animals¹ [Canada Quebec]
 - Case 5:** Countries with a basic national law and a national civil code provision giving a new status to animals¹
 - Case 6:** Countries with a basic national law and a provincial or local constitutional principle²
 - Case 7:** Countries with a basic national law and a national constitutional principle²
 - Case 8:** Countries with a basic national law, a national civil code provision giving a new status to animals¹ and a national constitutional principle² [Germany]
- <https://www.globalanimallaw.org/database/national/index.html>

Key to Table

- ¹ Civil codes provisions giving a new status to animals recognize the sentient nature of animals and/or extract them from the category of things (however they are still subjected to the property regime)
- ² Constitutional principles are key provisions recognizing a duty of the State, province or city toward animal beings. Those important principles (e.g: compassion, dignity etc.) differ from more common provisions recognizing only the jurisdiction (eg: national or provincial) to legislate on animal cruelty or animal welfare matters.
- <https://www.globalanimallaw.org/database/national/index.html>

Importance of the objective of animal legislations

- The manner in which you view animals will determine how you legislate on them
- <https://www.animallaw.info/article/detailed-discussion-international-comparative-animal-cruelty-laws>

Prevention of Cruelty to Animals Act 1960

- Long title

An Act to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals.

Section 3 It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

Section 11 Treating Animal with cruelty

- wilfully and unreasonably administers any injurious drug or injurious substance to ²[any animal] or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by ²[any animal]; or
- (d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or
- (e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or
- (f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

Intrinsic and Extrinsic Aids to Interpretation

- Intrinsic – within the statute[preamble, long title, marginal note, punctuation]
- Extrinsic – outside the statute [parliamentary debates, dictionaries, other contextual information]

Choices limited by Context

- Bulls
- Bullock Cart races
- The Cultural idiom and the relationship between humans and animals

Possibilities of using the constitution

Art 21 No person shall be deprived of his life or personal liberty except according to procedure established by law.

Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word “life” has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, **including animal life**, which are necessary for human life, fall within the meaning of Article 21 of the Constitution. So far as animals are concerned, in our view “**life**” **means something more than mere survival or existence or instrumental value for human beings, but to lead a life with some intrinsic worth, honor and dignity.**”

Other Constitutional Provisions

- 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
- The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.
- to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures

Use of International Law

- Article 51 of the Constitution
- The State shall endeavour to —
 - (a) promote international peace and security;
 - (b) maintain just and honourable relations between nations;
 - (c) foster respect for international law and
 - (d) encourage settlement of international disputes by arbitration.

International law

- International Standards of the World Organisation of Animal Health [OIE]
- It is keeping track of diseases attacking animals but also how animal diseases can endanger humans.

UN Convention on Animal Health Protection

- Acknowledging that animal protection is a complex and multifaceted issue involving ethical, cultural, social, religious, political, economic and scientific dimensions,
Acknowledging that the interests and needs of non-human animals are to be fully considered in every field of human endeavor,
Acknowledging that the need to protect animal health and welfare is recognized by the World Organisation for Animal Health (OIE),
Acknowledging that the need to protect wild animal species from the threat of extinction is already acknowledged in some international instruments,
Considering the growing world-wide concern for animal health, animal welfare and protection,
Considering the need to better protect all animals, including companion animals, farm animals, laboratory animals, wild animals and other categories of animals, such as animals used for sport and entertainment,
Considering the One Health and One Welfare concepts, acknowledging that global health and welfare of humans and animals are interdependent,
Considering that the OIE standards on animal welfare are intended to be enforceable by all Contracting Parties and provide minimum standards on animal health and welfare,
Considering the need for the cooperation and engagement of all UN member states in implementing efficient measures on law adoption, law enforcement and education on animal health, welfare and protection,
Recommending the creation of a UN institution on animal health, welfare and protection, hosting the UNCAHP Secretariat established by this convention, and leading the way for future instruments on animal protection,
Recalling the UN Mandate for a peaceful world, which is not limited to human beings but must be extended to all non-human individual animals,
Recalling the UN World Charter for Nature stating that “Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action”,
Agree as follows:

Reconstruction of Text

- The Interpreter and the Context overcoming the limits of the text
- The last lecture looks at judicial interpretation of the Prevention of cruelty to animals act