

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

**P.G.DIPLOMA ON ANIMAL PROTECTION
2019 – 2020**

Take Home - Annual Exams (August, 2020)

PAPER III - 1.3. Laws relating to Cruelty to Animals

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Please mention your name, ID No. and Subject name only on the first page of the Answer Sheet.***
- b) Only typewritten answers will be accepted.***
- c) Please attempt any 4 question. All questions carry equal marks (25 marks)***
- d) Read the question carefully and answer. Clearly indicate the question numbers while answering them.***
- e) Every answer should be ideally within 1000 words only. The word limit is mentioned to give an approximate idea about the length of the answer.***
- f) Cut and paste of any material either from reading material or from internet will result in rejection of answer-sheet, which means a failure with zero marks. No plagiarism will be allowed.***
- g) If the answers of two students are very similarly worded, it will be presumed that both the students consulted each other and two answer sheets will be cancelled.***

Answer any four (4) of the following questions:

(4x25 marks=100 marks)

1. Coco is an old Asiatic elephant in the possession of Raghav, a mahout in the Shiv temple of Pushkar for the past 46 years. She was used for tourist rides for most of her life and when she became too old for the ride, she was ill-treated by Raghav. A video of Raghav torturing Coco took twitter by storm leading to thousands of people signing a petition against Raghav on change.org. When journalists approached Raghav, he denied all charges against him and argued that even if he had committed all the alleged atrocities, Coco was his property and he could do whatever he wanted with her. Moreover, he argued that Coco is used for religious purposes and he has the freedom of religion protected under Part III of the Indian Constitution. Rinki, an animal lover came across the petition and Raghav's response. She decided to approach the Supreme Court to secure justice for Coco. Rinki's petition was rejected on grounds of lack of evidence, standing, and existence of alternative forum and non-extension of Fundamental Rights to non-humans.

You are Rinki's friend and she is aware of the fact that you are pursuing a PG Diploma Course in Animal Law. She has approached you to advise her with the future course of action. Advice Rinki using relevant legal principles, case laws and statutes.

2. Amber is a resident of Jubilee Hills Hyderabad. He took pictures of a truck overloaded with buffalos on his way back from work. He approached the local police station, but the station officer refused to file an FIR and made fun of him for bringing trivial cases to the law. Amber then called his lawyer who advised him not to pursue the case since the offence attracts a meagre penalty of Rs. 50 under the Prevention of Cruelty to Animals Act, 1960, if the offender has committed such an offence for the first time.

What remedy does Amber have? Do you agree with Amber's lawyer? Write a reasoned opinion relying on relevant statutes, case laws and class discussion.

3. Pam and Sam are neighbors. Pam works in a law firm and comes home late in the night after working hard for 12-14 hours each day. Sam's pet dog Jam, who Sam considers to be a member of her family barks heavily and incessantly for hours when Pam enters his house. As a result, Pam is unable to sleep for several nights and has been skipping office for a week. After several confrontations with Sam, Pam decides to poison Jam one night. Pam has a good night sleep that night and goes back to his office only to find out that he has been fired for not turning up without notice. When he comes back home, Sam confronts Pam with a hockey stick, seeing which Pam loses consciousness and is hospitalized. Advise Sam and Pam using principles of Tort Law, Criminal Law or other relevant statutes and case laws.
4. In *Animal Welfare Board Of India vs A. Nagaraja & Ors* the court observes "(Article 21 safeguards) any disturbance from the basic environment....which are necessary for human life... fall within the meaning of Article 21". An interpretation of the above statement is that the court is referring to human life here and since human life includes the environment surrounding it, humans have a right to cruelty (against animals) free environment. Early animal law legislations in India were also oriented towards human aesthetics. For example, the 1890 act which preceded the 1960 act made cruelty against animals punishable when it was in a public place. Therefore, the mischief that the law rectified was nuisance caused to humans due to the sight of cruelty, rather than the act of cruelty itself. The consistent emphasis on human necessity in the Nagaraj judgment shows the reluctance of the Indian courts to move beyond the anthropocentric paradigm of animal laws in India. Discuss the 'principle of necessity' in light of the above statement and relevant statutes, case laws and class discussion.
5. Although nearly all states in the world quickly ratified the Convention on Biodiversity, most of its obligations are diminished by the qualification that they be fulfilled "as far as possible and as appropriate." Moreover, the convention lacks effective mechanism to ensure compliance. Comment on the above statement and discuss the importance of international measures in the protection of wildlife and biodiversity.