

HSI PRESENTS**NLSIU ANIMAL PROTECTION PIL COMPETITION, 20-22ND JANUARY,**
2017**ISSUES AND THEMES****DESCRIPTION**

The participants are expected to draft a Public Interest Litigation on **only one** of the themes below. The illustrations with the themes are purely indicative to help comprehend the nuances of the issue, and, in no manner are exhaustive. Teams are expected to research on the facts and the legal issue involved, and have the freedom to decide what their Prayer is going to be.

THEME #1: LACK OF A LEGAL FRAMEWORK IN INDIA RELATING TO TRADE OF EXOTIC
ANIMALS

Illustration: Buyerrr.com ("**Buyerrr**") is an Indian web-based advertisement platform, founded by a start-up company in June, 2014. Modelled on existing online marketplaces such as OLX and Craigslist, Buyerrr allows persons to post advertisements for the purchase and sale of a variety of products on its pages. In the last two years, Buyerrr has achieved international fame, with several transactions being conducted through its portals both in India and in foreign countries.

Buyerrr sets itself apart from its competitors by being extremely convenient to use. It provides user-friendly navigation and search tools, thus allowing buyers to locate what they require in very little time, and without having to go through a series of irrelevant advertisements. It

achieves this by allowing sellers to place their advertisements under narrowly-tailored tabs to identify specific products.

On the 28th of November, 2016, Kabir, a fourth-year law student, was browsing Buyerrr to see if he could buy his girlfriend a cute teddy bear for their '3-month anniversary'. In this process, he came across a sale-category labelled *Australian Teddy Bears*. Upon clicking on the tab, he learnt that the Australian Teddy Bears were only available for international sale between sellers from Australia and buyers from China. Intrigued by this, and intent of buying his girlfriend the best available teddy bear in world, Kabir decided to do some further research on what Australian Teddy Bears really were. A few google hits revealed that Australian Teddy Bear is the codename for Koala Bears, prevalent among communities that are engaged in the illegal trade of wild animals. He also realised that the persons who had advertised the sale of Australian Teddy Bears have also posted advertisements for other animals and animal products under codenames such as *YTB* for the Yellow Tailed Black Cockatoo and *Four Wheeler* for the Star Tortoise on Buyerrr as well as other online marketplaces.

Understandably disturbed by this, Kabir and his friends are convinced that the situation warrants legal intervention. The opinions of their parents and teachers have been discouraging, reminding them that Buyerrr is only a facilitative marketplace and that the transactions, taking place outside of India, cannot be scrutinised by local courts.

**THEME #2: RISING CASES OF ANIMAL CRUELTY IN INDIA AND INADEQUACY OF EXISTING LAWS
TO DEAL WITH THE SAME**

Illustration: Mangalam Society is a modern housing complex comprising 14 buildings of 20 apartment flats each. It is located in a residential part of Bangalore and is extremely well maintained; as a result of this, the residents of Mangalam Society rarely face significant civic issues such as the disruption of electricity or the shortage of water. Naturally, apartment flats in Mangalam Society are very expensive. Nevertheless, they are very popular on the property market because of the value they bring into people's lives in the form of peaceful living.

Despite living in this abode of peace, the residents of Mangalam Society have been facing some problems for the last 8 months. A band of street dogs have been entering the Society's boundaries by scaling the walls and squeezing-in through the gaps in their massive iron gates. In spite of the attempts of the Society's guards, the dogs refuse to leave the Society's perimeter and have taken up residence on its grounds and staircases. The BBMP has also been unresponsive to their complaints. As a consequence, the idyllic aesthetics and tranquility of the building have been ruined. The problem was worsened when several more dogs entered the Society's grounds to escape the noise of fire-crackers on Diwali.

Having had enough of the guards' laziness on the matter, the residents of Mangalam Society finally decided to take matters in their own hands on the 10th of November, 2016. They brought in contractors who carried out a systematic culling of these stray dogs within the Society's perimeter. In this manner, a total of 22 dogs have been killed.

This incident has received wide media coverage. The residents of Mangalam Society have appeared before the press and justified their actions in light of the devaluation of their property and the health and hygiene issues caused by the presence of the dogs. Despite this, the local police station has refused to register an FIR to investigate the incident.

Further research revealed that similar incidences have occurred in other cities, including Kolkata where 14 dogs were killed by the residents of a housing complex in order to effectively deal with their nuisance in July, 2016.

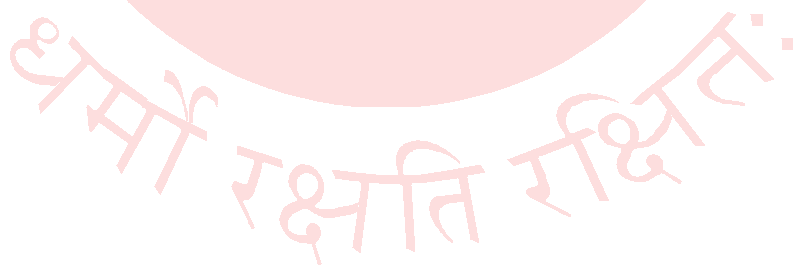
THEME #3: MISTREATMENT OF ANIMALS IN ZOOS

Illustration: Lion Safari is a famous zoo situated in the Shimoga District of Karnataka. It attracts several tourists from India and abroad who come to the zoo to look at the many rare and exotic species of animals and birds housed in this zoo. The main attraction of this zoo is the ‘*Jumbo Savari*’ where the visitors of the zoo are allowed to take a tour of the zoo on the back of an elephant. One Mr. X, a class II student studying in Kendriya Vidyalaya paid a visit to the zoo. During his time in the zoo he noticed that the habitat of the animals in the zoo was completely different from what he had studied in his school or read about in books. First of all, he noticed that a cage of deer was housed next to a cage of Asiatic Lions which seemed strange as he had learnt that deer are the natural prey of lion and always ensure that they are away from them. Secondly, he noticed that a crocodile was slithering around inside a concrete enclosure while his teachers had shown him pictures in school that a crocodile is an animal which spends most of its time in the water. There was no sign of water or any sort of vegetation in the enclosure of this crocodile. Thirdly, he noticed that there was one chimpanzee sitting alone in its enclosure which seemed strange to him as he had seen in his favorite movie ‘*The Jungle Book*’ that monkeys typically like to live in large crowds/colonies. Perplexed by all this he tried to find a supervisor to ask these queries. After a long search, he found one supervisor and asked these queries. This supervisor dismissed him saying that he is only in charge of feeding the animals and keeping their enclosures clean and did not know anything about their natural habitat. After another couple of hours of search he came across a second supervisor. Mr. X promptly asked these questions to the supervisor who replied that they have taken these cost cutting measures and housing them in their natural habitat would cost a lot of money. The supervisor on seeing at X’s unconvinced face reassuringly added “*they are animals after all, they wouldn’t notice a thing.*”

Mr. X always believed that animals too feel pain and express their sufferings (probably because he had watched a lot of Tom and Jerry) and hence was not convinced by the supervisor’s reassurance. He spoke about this issue to his class teacher Ms. Y who paid a visit to the zoo. Her observant eyes noticed a lot more things which young X had missed out. Such as the condition of the enclosures seemed unhygienic, most of the food that was fed to the animals seemed to be rotting. Moreover, the elephants which were used for the *Jumbo Savari* were shackled by their

front legs. Additionally, the enclosures of rhinoceros and elephants surprisingly had very lax security, which seemed rather suspicious. Ms. Y decided to take the matter up with the person in-charge of the zoo Mr. Z. Mr. Z, on hearing the complaints, refused to acknowledge any of these grievances. In order to reassure her that the animals were being looked after properly, he took her to another part of the zoo. Here, she was surprised to see animals being well-fed, housed in natural habitats and generally well-looked after. When she expressed her amazement, a cage cleaner heard her and unwittingly told her that the reason why these animals are being looked after so well is because the zoo plans to sell them away to a local circus.

Enraged by all these things, Ms. Y believes only legal recourse can solve this issue.



THEME #4: ANIMALS AND *LOCUS STANDI*: RECOGNIZING LEGAL GUARDIANS WITH THE RIGHT TO SUE ON BEHALF OF ANIMALS, AS OPPOSED TO MERE OWNERSHIP

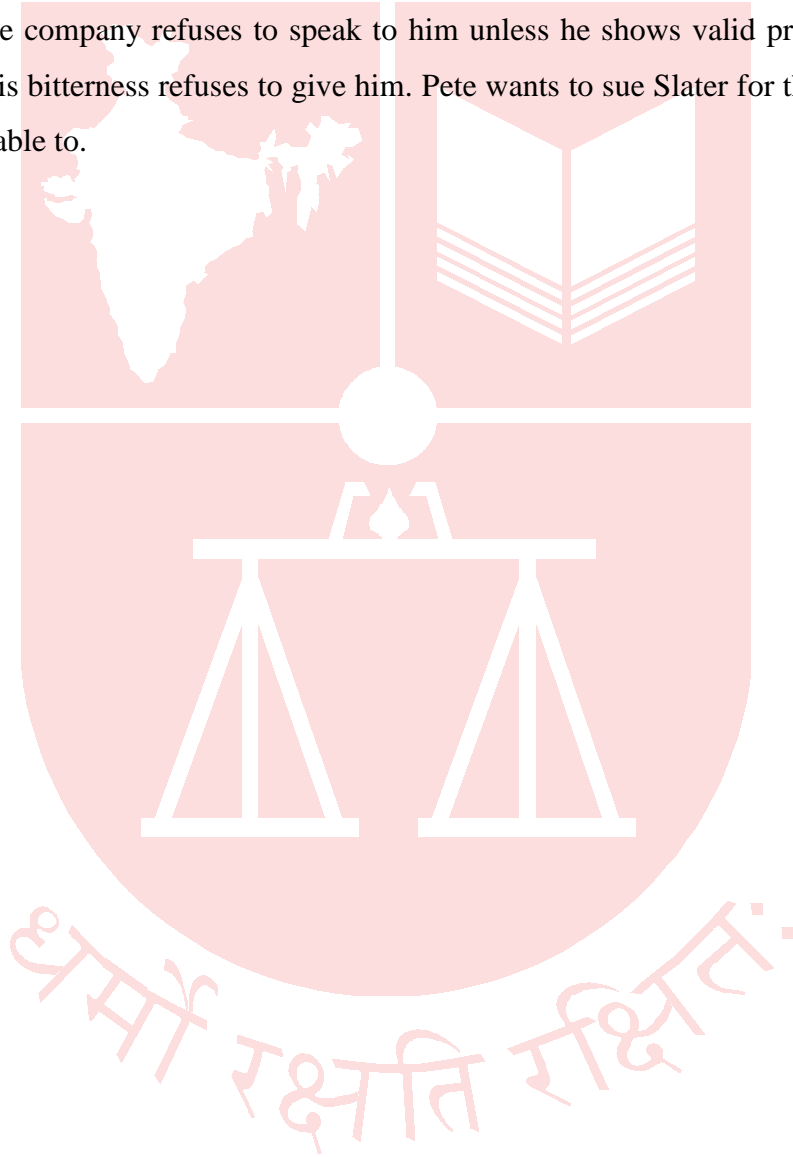
Illustration: Mr. Slater is an eccentric photographer living in Mumbai, who has created a name for himself among the world of modern art by photographing wild animals juxtaposed in unexpected urban spaces. Some of his most celebrated works include ‘Shark in formaldehyde in a Juhu gutter’ and ‘The Screams’, which features commuters in Victoria Terminus running from Slater’s hired leopards.

For the purposes of his photography, and using his art-world connections, Slater is able to obtain permissions to temporarily keep a number of exotic animals which he uses in his work. One such animal, used in his most recent project is Naruto, a three-year old Celebes Crested Macaque. He legally purchased it in July, 2016, and brought it to his small and crowded flat in Mumbai.

Slater describes his latest project as his magnum opus, changing the world of wildlife-urban photography forever, and carries it out in his flat in utmost secrecy. For this project, titled ‘Alona Lisa’, Mr. Slater tries day and night to train Naruto to operate his equipment, including chemicals and sharp objects, to take ‘selfies’ of himself and his surroundings. To keep him entertained, Slater buys Naruto a number of toys specially produced for Macaques by a company called Chimpstagram, which specializes in such products and delivers them across the country.

While Naruto is being trained, he develops a close bond with Slater’s neighbour, Pete, and they spend most afternoons together, watching National Geographic shows on TV. While Pete is amused at Slater’s projects, he is often concerned about Naturo’s wellbeing in the small, crowded apartment, operating potentially dangerous equipment. One day, his fears come true, and he learns that Naruto has suffered severe injuries when his Chimpstagram toy turns out to be defective and catches fire, injuring his hand, and in the ensuing panic, some corrosive chemicals carelessly left by Slater in his kitchen, burn Naruto’s eyes, causing him partial blindness.

While Pete rushes Naruto to the hospital, Slater is most concerned about the effect on his project. He blames Naruto for ruining what was supposed to be the greatest moment of his career, and all but abandons him, even refusing to pay his hospital bills, which are borne by Pete, even though Pete knows it was Slater's carelessness which caused the accident. While Pete tries to get compensation, the company refuses to speak to him unless he shows valid proof of ownership, which Slater in his bitterness refuses to give him. Pete wants to sue Slater for the harm caused to Naruto, but is unable to.



THEME #5: ANIMAL RIGHTS V CULTURAL PRACTICES: ANIMAL WELFARE TO BE GIVEN**PRIORITY**

Illustration: X is an old temple situated in the heart of coastal Karnataka. People across the state flock to this temple every year. They believe that the goddess of the temple confers upon her devotees the physical and mental strength to face adversities of life. According to the beliefs of these devotees, it is necessary to sacrifice an ox for the goddess for her to grant your wishes. This practice has been followed for over four hundred years and has now become an essential part of the religious belief and practice in the entire coast of Karnataka. Mr. Abdul Ansari, a noted wild-life researcher heard about this practice. He went and spoke to the village elders about how this is a barbaric practice and needs to be stopped. The village elders casually replied that this is the way things have been functioning for the last four hundred years and he dare not question the religious beliefs of the people. Unable to persuade them Mr. Ansari threatened them with legal action if they do not stop this practice on their own. Enraged by this, the village elders retorted that Mr. Ansari is anti-national for failing to understand values that are in the core of Indian religious principles and asked him to go to Pakistan. Additionally, they retorted that he is a ‘hypocrite’ for targeting Hindu-religious practices alone and not condemning the slaughter of goats and cows during ‘Id’ a Muslim religious festival.

Mr. Ansari having realized that not much can be achieved through persuasion, decided to take legal action to ban animal sacrifices in temples across the country *and* the mass culling of goats and cows during the festival of *Id*. Both Hindu and Muslim religious groups opposed this move and argued that these practices are an essential part of practicing their religion and that they are entitled to do so as Part III of the Constitution guarantees them the fundamental right to practice their own religion. They also cited ‘international examples’ such as the famous bull-fighting in Spain to justify that it is not uncommon for the rights of animals to take a backseat to the practice of essential traditions.

THEME #6: FILE YOUR OWN PIL!

Under theme 6, teams can identify their own issue pertaining to Animal Welfare and draft a PIL for the same.

