

Animal Sentience and its Implications on Animal Law

Author: Dhruv Agrawal

Co-author: Dr. A. K. Singh

Abstract:

Animal sentience, the capacity to experience emotions and sensations, has been a topic of increasing interest and importance in the fields of ethics, biology, and law. This research paper delves into the concept of animal sentience, providing an overview of its scientific basis, its ethical implications, and its impact on animal welfare legislation.

Keywords:

Animal Sentience, Legal Implications, Ethical Considerations, Legislation Impact, Enforcement Challenges.

Objective:

This paper aims to highlight the significance of recognizing and respecting animal sentience in the development of effective and compassionate animal laws. By advocating for the recognition of animal sentience within legal frameworks, it contributes to the ongoing discourse on animal rights, welfare and protection for animals in society.

Introduction:

The ability of an animal to detect, feel, and react to a range of feelings, emotions, and stimuli is referred to as animal sentience. It includes the capacity for subjective feelings in animals, including joy, fear, pleasure, and suffering. They may also form preferences, make decisions, and engage in complex actions that are influenced by both their internal and external environments. Acknowledging that animals are sentient entities with the ability to

meaningfully experience their surroundings rather than just being biological machines is necessary in order to establish the concept of animal sentience. This knowledge has important ramifications for moral duties toward animals, animal welfare, and ethical issues. The scientific world is coming to terms with this ability more and more, which challenges the notion that animals are just mindless machines. Legal rights, animal welfare, ethics, and other facets of human-animal relationships are all significantly impacted by the understanding of animal sentience.

Methodology:

- **Analysis of Scientific Evidence:** Evaluate the neurobiological evidence supporting animal sentience, including studies on brain structure, function, and behaviour across different species.
- **Ethical and Legal Analysis:** Review existing animal protection laws and regulations at the international, national, and local levels to understand their scope, provisions, and enforcement mechanisms.
- **Data Collection:** Gather data and research findings regarding animal sentience and its awareness among common people by preparing a questionnaire.

Literature Review:

1. Scientific Studies on Animal Cognition and Emotions:

- Mendl, M., Burman, O. H., & Paul, E. S. (2010). "An integrative and functional framework for the study of animal emotion and mood." *Proceedings of the Royal Society B: Biological Sciences*, 277(1696), 2895-2904.
- Bekoff, M., & Pierce, J. (2009). "Wild justice and fair play: Cooperation, forgiveness, and morality in animals." *Biology and Philosophy*, 24(1), 61-75.

2. Neurobiological Evidence of Animal Sentience:

- Sneddon, L. U. (2018). "Pain in aquatic animals." *Journal of Experimental Biology*, 221(1), jeb151459.

3. Legal Frameworks for Animal Protection:

- The Constitution of India
- Indian Penal Code (IPC)
- The Prevention of Cruelty to Animals Act of 1960
- Wildlife Protection Act 1972
- Cosmetics Rules, 2020

4. Ethical Considerations and Moral Implications:

- Rollin, B. E. (2011). *Animal Rights and Human Morality*. Prometheus Books.
- DeGrazia, D. (2002). "Animal rights: A non-utilitarian approach." *The Journal of Political Philosophy*, 10(4), 443-461.

This literature review provides a comprehensive overview of the current state of knowledge on animal sentience and its implications for animal law, drawing upon scientific research, ethical and legal analysis. These sources will serve as the foundation for the research paper, informing its arguments and recommendations regarding the recognition and protection of animal sentience in legal frameworks.

Scientific Evidence Supporting Animal Sentience:

Though the fact of animal sentience is implicit in experimentation, researchers have traditionally downplayed and ignored certain aspects of it, and in nonvertebrate species they have often denied it altogether. While it is established that vertebrate animals feel pain and respond to pain drugs in much the same ways that humans do, emotions such as joy, happiness, suffering, empathy, and fear have often been ignored, despite the fact that many psychological and behavioral experiments are predicated on the assumption that animals feel these emotions and will consistently react based on these feelings.

- Charles Darwin was the first scientist to make a serious study of animal emotions, and he pioneered comparisons between human facial expressions of emotions and the expressions of other animals.
- Noted primatologist Frans de Waal describes how, when he observed the way chimpanzees would reconcile with a kiss after a fight, he was pressured to use the phrase "postconflict reunions with mouth-to-mouth contact" rather than the terms "reconciliation" and "kiss."

- Tens of millions of rodents are used in experiments every year. They are held in small enclosures and genetically altered, their family relationships are manipulated at will, they are sometimes housed singly in stressful isolation, and any number of painful and distressing experiments are performed on them. There is truly no limit to what experimenters are permitted to do to these animals, no matter how painful or senseless. But like other mammals—including dogs and primates—rats and mice can experience feelings of fear, pain, and suffering as well as positive emotions.
- Play is an important activity that humans derive pleasure from, and it's been shown that animals who engage in play experience similar pleasure. Neurobiological data collected from animals at play provide evidence that play is enjoyable to them, and rabbits, dogs, elk, buffalo, elephants, and primates have all been shown to engage in it. Rats can also feel remorse for their actions and exhibit empathy and altruistic behaviour by forgoing a treat to help a fellow rat. Sheep can anticipate rewards, react with disappointment when they do not receive the reward, and experience an array of emotions including fear, anger, boredom, disgust, and happiness. Goats also display an array of emotions. They can show optimism after being rescued from a situation of neglect, remember their kids' calls and recognize them up to at least 17 months after weaning (the time frame of the study), and excel at learning and remembering novel tasks. They communicate with humans using eye contact, a strategy they share with dogs and horses. Pigs understand time, are capable of spatial learning and memory, can understand the perspective of another, are able to categorize front and back views of human heads using open-ended categorization, and engage in complex forms of play. Cows grieve when separated from their calves, show frustration, and exhibit a sense of accomplishment when completing a task. Birds are used in a variety of experiments, including infectious disease, toxicology, cancer, neurology, vaccine development, and embryology experiments. Chickens and turkeys are used in experiments for the agricultural industry as well. Some birds are taken from the wild or held in colonies and captive bred, yet birds consistently demonstrate sentience and the expression of emotions such as joy and grief. Birds have rich and complex emotional lives and possess advanced cognitive abilities. For example, chickens show declarative representation, object permanence, self-control when making decisions, and advanced social learning abilities. There are many species of fish who are used in biomedical experiments, including goldfish, zebrafish, and trout. They are subjected to experiments in toxicity, neurology,

embryonic development, disease control, and cancer, and they are increasingly being proposed as a replacement for mammals in experiments. The preponderance of evidence in current literature indicates that fish not only feel pain but also experience a range of positive and negative emotions and demonstrate significant cognitive abilities.

- Convergent evidence indicates that non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of conscious states along with the capacity to exhibit intentional behaviours. Non-human animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates. Thus, based on available evidence and scientific consensus, invertebrates must also be included in the consideration of sentience. Cephalopods Octopuses indicate when they are suffering from pain or distress, demonstrate complex cognitive abilities, and are able to connect perceptual experiences and memory and retain memories long-term. They also show a variety of emotions through changes in coloration and skin patterns (though the meaning of many of these patterns is still speculative) and demonstrate play behavior. They can learn to open jars to obtain food and develop and use tools.
- Researchers at Kyoto University in Japan tested a number of pet dogs in a special experiment. They found the dogs were more interested in the humans who performed better at certain tasks, than those who struggled. Female dogs proved to be the most judgemental - much preferring the most competent humans.

Ethical Implications:

Animals are not ours to experiment on, eat, wear, use for entertainment, or abuse in any way.

Every day in countries around the world, animals are fighting for their lives. They are enslaved, beaten, and kept in chains to make them perform for humans' "entertainment"; they are mutilated and confined to tiny cages so that we can kill them and eat them; they are burned, blinded, poisoned, and cut up alive in the name of "science"; they are electrocuted, strangled, and skinned alive so that people can parade around in their coats; and worse.

The abuse that animals suffer at human hands is heartbreaking, sickening, and infuriating. It's even more so when we realize that the everyday choices we make—such as what we eat for lunch and the kind of shampoo we buy—may be directly supporting some of this abuse. But as hard as it is to think about, we can't stop animals' suffering if we simply look the other way and pretend it isn't happening.

Animals deserve rights, regardless of how they taste or how convenient it is to experiment on them. Like humans, animals are capable of suffering and have an interest in leading their own lives. They are not ours to use for food, clothing, experimentation or entertainment.

As an activist, you can educate people in your community and positively affect their attitudes and lifestyles. Regardless of your level of activist experience, PETA India can help you make a difference for animals. You just need the desire to generate positive change and to believe that your voice and actions matter. We are here to help you every step of the way! If you're ready to join the millions of other compassionate people who are working to create a kinder, better world for animals, learn how animals suffer when used for food, clothing, experimentation, entertainment, and the pet-trade. Together, we can make a difference.

Legal Implications:

India is the seventh-largest country in the world and one of the planet's most bio-diverse regions. India is home to four of the 36 biodiversity hot spots. Recent years have seen a rise in the importance of animal care and protection in India, which is home to several animals – wild and domestic. It is necessary to treat animals with kindness and deference.

Indian Constitution has certain provisions for the protection of animal rights. There are also many statutes in India for the protection of both wild and domestic animals. Furthermore, there are many important judgments connected with animal rights. In the 2014 case of the *Animal Welfare Board of India v. Nagaraja and Others*, the Court held that animals also possess honour and dignity, and these characteristics cannot be taken away from them without justification.

According to the Indian Constitution, it is everyone's responsibility to care for and preserve the country's natural resources, such as its forests, lakes, rivers, and animals. However, many of these provisions come in the DPSPs and

Fundamental Duties – which cannot be enforced unless there is statutory backing. Article 48 A states that the State shall endeavour to protect and improve the environment and safeguard the forests and wildlife of the country. Article 51A(g) states it to be a duty of every citizen of India “to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.” Further, the State and Concurrent List have been assigned the following items about animal rights. The States are given the authority to “preserve, maintain and improve stock and prevent animal diseases and enforce veterinary training and practice,” according to State List Item 14.

The Concurrent List contains legislation that both the Centre and the States may pass

- “*Prevention of animal cruelty*,” which is mentioned in item 17.
- “*Protection of wild animals and birds*” which is mentioned as item 17B.

Important Laws in India for the protection of animals

- Indian Penal Code (IPC)
- The Prevention of Cruelty to Animals Act of 1960
- Wildlife Protection Act 1972

Are the sections in the Indian Penal Code devoted to Animal Protection?

Section 428 – Mischief by killing or maiming animal of the value of ten rupees – whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards, shall be punished with imprisonment of either description for the term which may extend to two years or with fine or with both.

Section 249 – Mischief by killing or maiming cattle, etc of any value or any animal of the value of fifty rupees – whoever committing mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to 5 years or with fine or with both.

The Prevention of Cruelty to Animals Act of 1960- The Prevention of Cruelty to Animals Act, 1960, was composed by under the leadership of renowned dancer and animal advocate Rukmini Devi Arundale. It was passed by the Indian Parliament in 1960 to amend the laws about the prevention of cruelty to animals and to prevent the infliction of needless pain or suffering on animals.

The Animal Welfare Board of India was established by the Indian government by legal requirements. The board undertakes the following functions

1. Advising the central government regarding amendments and rules to prevent unnecessary pain while transporting animals, performing experiments on animals, or storing animals in captivity.
2. Encouragement of financial assistance, rescue homes, and animal shelters for old animals.
3. Advising the government on medical care and regulations for animal hospitals.
4. Imparting education and awareness on humane treatment of animals.
5. Advising the central government regarding general matters of animal welfare.

Animal slaughter in public is prohibited by the Prevention of Cruelty Act of 1960. Because of this, the Act mandates that any state in India select a slaughterhouse for any slaughter that takes place inside municipal corporation boundaries. The number of slaughterhouses and animals sacrificed in a given area should be proportional to that area's population. Chickens cannot be slaughtered anywhere other than a slaughterhouse, according to Rule 3 of the Prevention of Cruelty to Animals, (Slaughterhouse) Rules, 2001. The killing of sick or pregnant animals is prohibited. According to Section 11(1)(h) of the Prevention of Cruelty to Animals Act, 1960, it is considered cruelty to an animal if the owner of the animal fails to provide it with enough food, water, or shelter. An individual who neglects an animal by depriving it of necessary food, water, shelter, and exercise or by keeping it chained or imprisoned for an excessive amount of time may be subject to a fine, up to three months in jail, or both.

Wildlife Protection Act, 1972- Hunting of certain wild species, including Indian Elephants, Indian Lions, Snow Leopards, Tigers, Great Indian Bustards, etc., is prohibited by Section 9 of the Wildlife Protection Act of 1972.

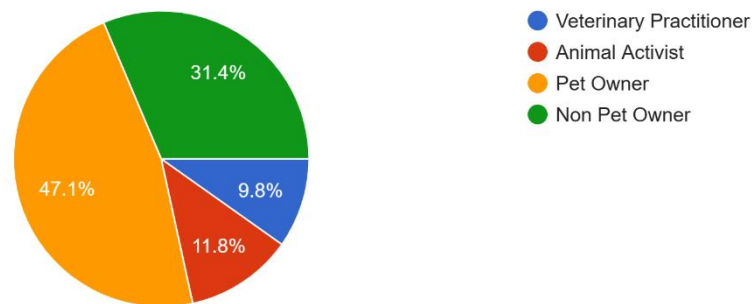
Cosmetics Rules, 2020- The Ministry of Health and Family Welfare adopted the revised Cosmetics Rules, 2020 as a consequence of suggestions provided by PETA India. The prescribed rules established a distinct and modernized

regulatory framework for the development, production, distribution, and importation of cosmetic items. The regulations also included clauses assuring that the importing of cosmetics subjected to animal testing is strictly prohibited. India became the first nation in Asia to outlaw both animal testing of cosmetics and the components used in them as well as the importing of the tested goods. An important aspect of the established regulations is that any suffering of animals cannot be justified by the possible advantages of novel cosmetics.

Data Analysis:

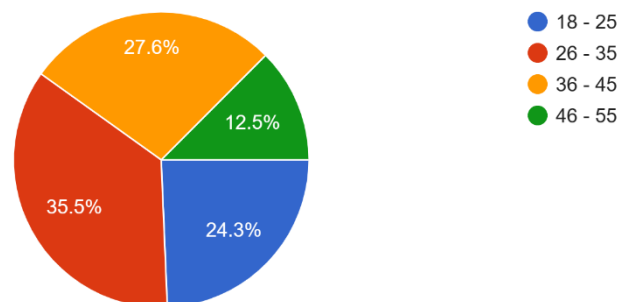
1. Who are you?

153 responses



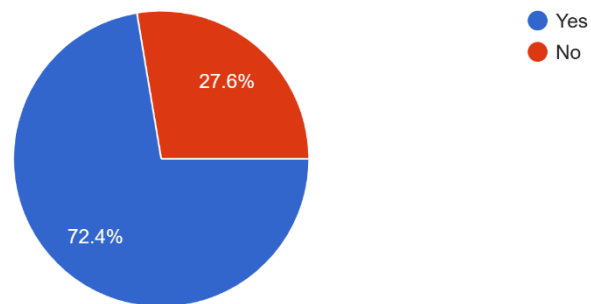
2. Your Age

152 responses



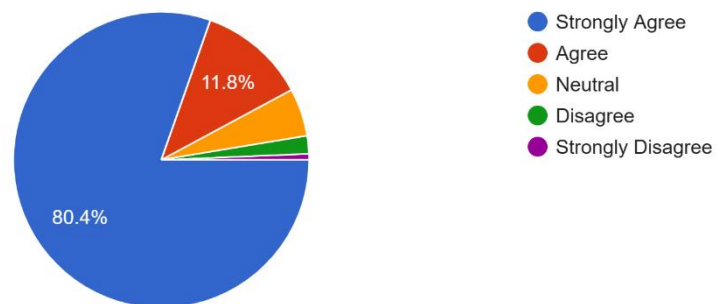
3. Have you heard of the concept of animal sentience before?

152 responses



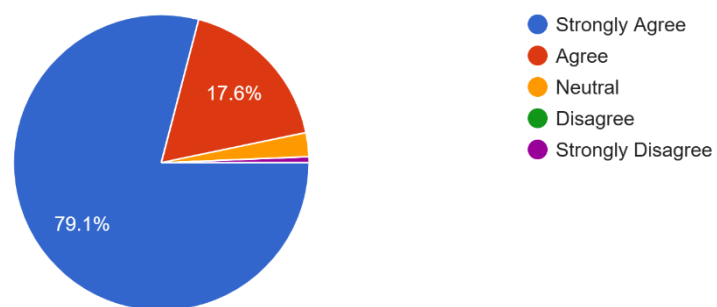
4. Do you believe that animals are capable of experiencing emotions such as joy, fear, and pain?

153 responses



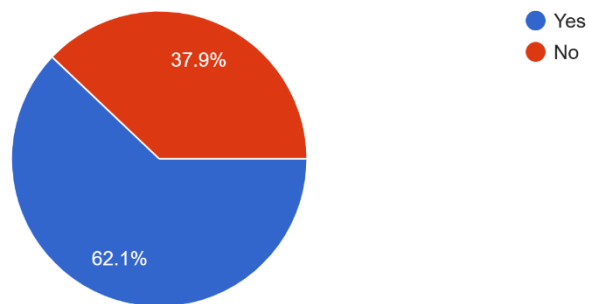
5. To what extent do you believe that animals should be protected from suffering based on their capacity for sentience?

153 responses



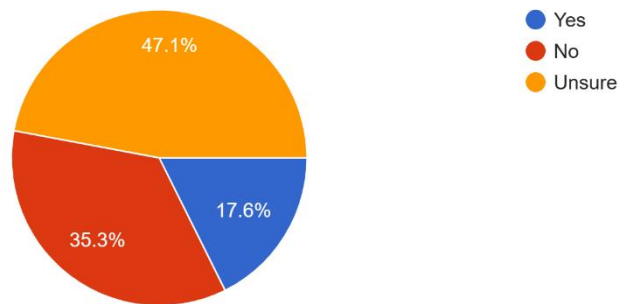
6. Are you familiar with the existing animal welfare laws in your country?

153 responses



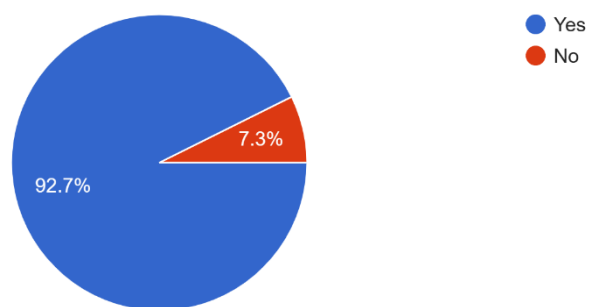
7. Do you think current animal welfare laws adequately address the concept of animal sentience?

153 responses



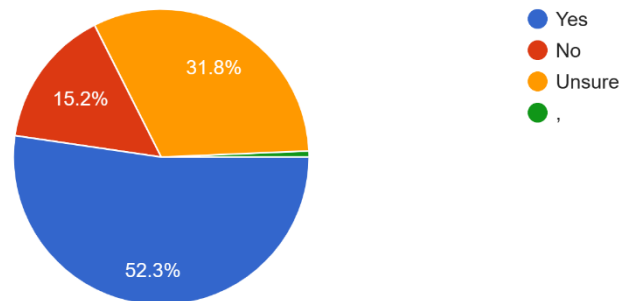
8. Do you think there should be more education about animal sentience in schools and public awareness campaigns?

150 responses



9. Do you think the portrayal of animals in media, such as movies, documentaries, and social media, influences public perceptions of their sentience and welfare?

151 responses



10. Please do provide any suggestions that you believe will have a significant impact on improving the welfare of animals? 5 responses

Limiting use of animals for experimentation, discontinue eating meat, strict legislation for protection of domestic as well as wild animals, making living arrangements for street animals.

Animals are sentient beings, one should treat animals with kindness, torturing and abuse of an animal should be strictly punished

There should be more animal shelters in every state and the government must look after it

Better quality veterinary services

No suggestions

Peta India must collaborate with every state government to promote animal protection and in bringing awareness

The above data analysis of 153 people was done with the help of Google Forms Survey and is true to its response as mentioned.

Survey Form Link: <https://forms.gle/6iqiYQ1UKw1d1PCA6>

Suggestions:

Animal welfare policy in India should have regard to and build on its current definition of sentience, including negative and positive welfare. This should identify which animals should be considered sentient, which specific emotions should be considered, and the implications thereof for how such animals should be treated. Increasingly, jurisdictions around the world are enacting legislation aimed at protecting animals from cruelty and promoting

their welfare. Laws addressing issues such as animal abuse, neglect, and exploitation are informed by scientific evidence of animal sentience and aim to reflect societal values regarding the treatment of animals. Despite progress in recognizing animal sentience and enhancing animal welfare laws, challenges remain in ensuring effective enforcement and addressing emerging issues such as animal experimentation, wildlife conservation, and the treatment of animals in industrial agriculture. Future efforts should focus on fostering greater public awareness, promoting ethical education, and advocating for legislative reforms that prioritize the interests of sentient beings. As with neglecting to report any crime against people, it is criminal to witness animal cruelty and not report it.

We ought to be kind to animals. While seeing animal cruelty can be painful, one must be prepared to respond in a way that will shield the animal from future harm. Animal abuse can be diminished by notifying the proper authorities and educating kids and adults.

Conclusion:

In conclusion, the recognition of animal sentience in law is not merely a matter of legal technicality but a reflection of our society's values and principles. As sentient beings ourselves, we have a moral obligation to extend compassion and empathy to our fellow creatures and to ensure their well-being and flourishing. By advocating for legislative reforms, raising public awareness, and fostering a culture of respect for all living beings, we can create a more humane and compassionate world for animals and humans alike. Throughout this research paper, we have explored the scientific evidence supporting the notion that animals are sentient beings capable of experiencing emotions, feeling pain, and exhibiting complex cognitive abilities. We have also delved into the ethical considerations surrounding the treatment of animals, emphasizing the moral imperative to respect their inherent worth and dignity.

It is imperative that policymakers, lawmakers, scientists, ethicists, advocates, and citizens collaborate in advancing the cause of animal sentience and animal law. Through collective action and commitment, we can work towards a future where the rights and interests of all sentient beings are recognized, respected, and protected under the law.

Together, let us strive towards a world where compassion triumphs over cruelty, where justice prevails for all living beings, and where the dignity and worth of every sentient being are upheld and celebrated.

References:

- [Scientists prove dogs judge humans on their competence - BBC Newsround](#)
 - Animal Sentience and Emotions- The Argument for Universal Acceptance Prepared by Ingrid L. Taylor, D.V.M. Research Associate
 - [The sentience shift in animal research - PMC \(nih.gov\)](#)
 - [PETA India: India's Animal Rights Organisation | PETA India](#)
 - Bekoff, M., & Pierce, J. (2009). "Wild justice and fair play: Cooperation, forgiveness, and morality in animals." *Biology and Philosophy*, 24(1), 61-75.
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