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Animals also need Love, Care and Respect in the Society

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ABSTRACT

The paper talks about all the animal rights prevailing in our INDIA. The authors want to make aware all the readers about the rights of all the speechless creatures enshrined in our Indian constitution and all other laws, such as WILDLIFE PROTECTION ACT, CATTEL TRESSPASS ACT, and various acts. As we all know that these speechless creatures are in a worst condition, and they have no one for them to fight on their behalf. The authors have researched very deeply and showcased the role of our Indian judiciary through various case laws. The authors have put more emphasis on a world-renowned organization PETA, which runs all over the world for the protection of animal rights.

If we talk from the religions point of view, the authors told about a renowned Bhagwat preacher Devi Chitralekhaji, who at a very young age, took an initiative of making a Cows Hospital in India, (Haryana), namely as GAU SEVA DHAM HOSPITAL, in which all the animals, especially cows are treated, with all the facilities of operation theatre, x-ray machines, etc. This is the beauty of our INDIA.

Also, the authors have explained the procedure of how to take care of your animals, in our covid-19 situation. The authors have covered almost all the aspects of animal rights in this research paper. Our constitution explains us about some of the fundamental duties, in which it is written that it is our fundamental duty to take care of every animal on this earth.

Hence, the authors request all the readers to just read this research paper once and think of all the rights and case laws and spread this concept and awareness to all the citizens of India. If all the citizens will get to know about the animal rights, then one day our INDIA will again be renamed as the "GOLDEN BIRD".

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I. INTRODUCTION

“The greatness of a nation and its moral progress can be judged by the way its animals are treated”

- **Mohandas Karamchand Gandhi**

Animals, the only creatures that are loyal, friendly, and trustworthy for all of us, except the other humans. It is the bitter truth of this society, but it is the only fact. These animals have provided us those nutrients, which we cannot even think of. Our beloved cows, who are the life of our Almighty Lord Krishna, gives us milk, out of which we can make as much things as we want. We must be thankful to all these lovely creatures, due to whom we are all surviving peacefully and happily. So, if these animals are a part of our society, then obviously, there must be some of the rights and laws for them also, so that they can also live peacefully and with equity and justice. The author heard from some of the people saying that human laws are again and again amending, then why should we make laws for them? These people need to understand that these animals also have some place in our society.

II. HISTORY OF ANIMAL LAW

At the time of Aristotle, in the ancient Greece, animals were treated superior e.g. dolphins. Adam is given "dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creep-eth upon the earth."³ Dominion need not entail property rights, but it has been interpreted, by some, over the centuries to imply ownership.

Contemporary philosopher Bernard Rollin writes that "*dominion* does not entail or allow abuse any more than does dominion a parent enjoys over a child." Rollin further states that the Biblical Sabbath requirement promulgated in the Ten Commandments "required that animals be granted a day of rest along with humans. Correlatively, the Bible forbids 'plowing with an ox and an ass together'. According to the rabbinical tradition, this prohibition stems from the hardship that an ass would suffer by being compelled to keep up with an ox, which is, of course, far more powerful. Similarly, one finds the prohibition against 'muzzling an ox when it treads out the grain', and even an environmental prohibition against destroying trees when besieging a city. These ancient regulations, virtually forgotten, bespeak of an eloquent awareness of the status of animals as ends in themselves", a point also corroborated by Norm helps.

³ The book GENESIS 1:26-27.

III. PRESENT SCENARIO

There are some of the animal rights (applicable in India) which an individual must keep in mind:

1. It is the fundamental duty of every citizen to have compassion for all loving creatures. Article 51a (g).
2. To kill or maim any animal, including stray animals, is a punishable offence. IPC sections 428 and 429.
3. Abandoning any animal for any reason can land you in prison for up to three months. Section 11(1) (i) and section 11 (1) (j) of PCA Act, 1960.
4. No animal (including chickens) can be slaughtered in any place other than a slaughterhouse. Sick or pregnant animals shall not be slaughtered. Rule 3 of Prevention of Cruelty of Animals, (slaughterhouse) Rules 2001 and Chapter 4 of Food Safety and Regulations, 2011.
5. Stray dogs that have been operated for birth control cannot be captured or relocated by anybody including any authority; ABC rules, 2001.
6. Neglecting an animal by denying her sufficient food, water, shelter and by exercise or keeping him chained/confined for long hours is punishable by a fine or imprisonment upto 3 months or both. Section 11 (1) (h) of PCA act, 1960.
7. Monkeys are protected under Wildlife Protection Act, 1972 and cannot be displayed or owned.
8. Bears, monkeys, tigers, panthers, lions and bulls are prohibited from being trained and used for entertainment purposes, either in circuses or in streets. Section 22 (ii) of PCA act, 1960.
9. Animal sacrifice is illegal in every part of the country. Rule 3 of Slaughterhouse rules Act, 2001.
10. Organizing of or participating in or inciting any animal fight is a cognizable offence. Section 11 (1) (m) (ii) and section 11 (1) (n) of PCA act, 1960.
11. Cosmetics tested on animals and the import of cosmetics tested on animals is banned. Rules 148 C and 135 B of Drugs and Cosmetics rules, 1945.

12. Teasing, feeding and disturbing the animals in a zoo and littering the zoo premises is an offence punishable by a fine of Rs. 25,000 or imprisonment of up to three years or both. Section 38J of Wildlife Protection Act, 1972.
13. Capturing, trapping, poisoning or baiting of any wild animal or even attempting to do so is punishable by law, with a fine of up to Rs. 25,000 or imprisonment of up to seven years or both. Section 9 of Wildlife Protection Act, 1972.
14. Disturbing or destroying eggs or nests of birds and reptiles or chopping a tree having nests of such birds and reptiles or even attempting to do so constitutes to hunting and attracts a punishment of a fine of up to Rs. 25,000 or imprisonment of up to seven years or both. Section 9 of Wildlife Protection Act, 1972.
15. Conveying or carrying the animals whether in or upon any vehicle, in any manner or position which causes discomfort, pain or suffering is a punishable offence under two central acts. Section 11(1)(d) of Prevention of Cruelty on animals, (Transport of animals) Rules, 2001 and Motor Vehicles Act, 1978.

IV. SAYING OF RELIGION ON ANIMAL LAW

So, now let's see, what our **Religions** have their perspective in context of Animals?

“Both Hindu and Buddhist societies abandoned animal sacrifice and embraced vegetarianism from the 3rd century BCE⁴”. Several kings in 3rd century BCE, were against hunting animals and they used to impose high penalties on those who would take animals to slaughters. Further Garner believes that Jainism took this concept of saving animals, as Jains are known for sweeping their path, so that no insect can be harmed.

In 2014, the Jain pilgrimage of Palitana city, which is known for all the vegetarian food, has illegalised the meat, chicken, and even egg.

Jainism, Buddhism, and Hinduism

The respect for animal rights in Jainism, Hinduism, and Buddhism derives from the doctrine of ahimsa. The Dharmic interpretation of this doctrine prohibits the killing of any living being.

Islam

Animal rights were recognized early by the Sharia (Islamic law). This recognition is based on both the Qur'an and the Hadith. In the Qur'an, there are many references to animals, detailing

⁴ Robert Garner.

that they have souls, form communities, communicate with God and worship Him in their own way. Muhammad forbade his followers to harm any animal and asked them to respect the rights of animals. It is a distinctive characteristic of the Shariah that all animals have legal rights. Othman Llewellyn even argues that Shariah has mechanisms for the full repair of injuries suffered by non-human creatures including their representation in court, assessment of injuries and awarding of relief to them. The classical Muslim jurist 'Izz ad-Din ibn 'Abd as-Salam, who flourished during the thirteenth century, formulated the following statement of animal rights:

V. JUDICIAL DECISIONS

Petitions for Habeas Corpus

In 2015, the Nonhuman Rights Project (NRP) filed 3 lawsuits in New York State on behalf of four captive chimpanzees, demanding that the courts grant them the right to bodily liberty via the writ of Habeas Corpus and urged the honourable court to immediately send them to a sanctuary affiliated with the North American Primate Sanctuary Alliance. All the petitions were denied. In the case involving the chimpanzees Hercules and Leo, Justice Barbra Jaffe did not immediately dismiss the filing and instead ordered a hearing requiring the chimpanzee owner to show why the chimpanzees should be not be released and transferred to the sanctuary. Following the hearing, Justice Jaffe issued an order denying Hercules and Leo's petition.

Even though the petition was denied, NRP interpreted Justice Jeffe's decision as a victory. In its press release it emphasized the fact that Justice Jeffe agreed with NRP, writing that "'persons' are not restricted to human beings, and that who is a 'person' is not a question of biology, but of public policy and principle" and also stating that "Efforts to extend legal rights to chimpanzees are thus understandable; some day they may even succeed."⁵

In a leading case law, **People for Ethical Treatment of Animals Vs. Union of India**, the Bombay High Court opined that that, wherein any film meant for public viewing, in which an animal is used and/or filmed, has to obtain a certificate from the Animal Welfare Board of India, stating that the provisions of the Performing Animals Rules, 2001 have been duly met. This ruling safeguards animals from being exploited or ill- treated during the period of film making, which can extend across several hours. The ruling prevents animals from, among other abuses, being exposed to loud, strange sounds, beaten or kept without food and water.

⁵ Hon. Justice Jaffe (New York judge).

Another case law is related to custody of animals, **State of U.P Vs. Mustakeem and Ors.**, in this case, goats were found to be transported for slaughter in a cruel manner, hence an FIR was filed against the owner. However, the UP High Court returned the custody of the animals to the owner while the matter was under the litigation. On appeal, the Hon'ble Supreme Court declared that the animals were supposed to be confiscated from the owner and housed in a Gaushala, under the care of the state government who was given their charge for the duration of the case. With this ruling, the court made it amply clear that once an animal was removed from a person's care on grounds of cruelty to his/her charge, the animal would not be returned until the case was resolved.

A famous case law related to *Jallikattu* and other animal races, **Animal Welfare Board of India Vs. A Nagaraja and Others.** when the Supreme Court banned the practice of Jallikattu in 2014, it alluded to various sections of PCA Act, 1960, which addresses unnecessary suffering of animals. Alluding to Section 3 and Section 11, the Hon'ble Court was of the opinion that all animal fights incited by humans are illegal, even those carried out under the guise of tradition and culture. The court also listed various recommendations, among them an overhaul of the penalties and punishments in the PCA Act, 1960, so as to allow it to function effectively as a deterrent in cases related to animal cruelty.

In the case of **SHAUKAT ALI VS. STATE OF U.P** , the Hon. High court of Allahabad, opined that the petitioner must prove his possession towards the elephant, under section 42 of the Wildlife Protection Act, 1972 (about the certificate of ownership of the elephant) and disposed off the petition thereof.

On 9th August, 2018, the Supreme court did something extraordinary. In the case of **A. RANGARAJAN & ORS. V. UNION OF INDIA & ORS.**, which was tagged with several related cases on the issue of securing elephant corridors. The Apex court directed the Tamil Nadu Govt. to seal or close down 39 hotels and resorts constructed on an "ELEPHANT CORRIDOR" in the Nilgiri hills in the violation of law, within the next 48 hours. Hon. Justice Madan Lokur along with Justice S.Abdul Nazeer and Justice Deepak Gupta also said that Elephants are the country's "national heritage" and expressed displeasure about encroachments. It was a historic judgment by the Hon. Supreme Court on India's elephants.

There is another landmark case on the ivory of an elephant. Famous actor Mohanlal was charge sheeted by Kerala Forest Department for the illegal possession of ivory and failing to inform the Chief Wildlife Warden (CWW) about its transfer and possession. G. DHANIKLAL, the range forest officer submitted the charge sheet against the actor and 3

others for the violation of Wildlife protection Act, 1972. The four were accused in the charges of section 39 (wild animals etc. to be a government property), section 40 (declarations made regarding the control, custody of any captive animal as specified in schedule 1 of the said act), 49 A and B (regarding the sale of animal articles) and 57 (presumptions made in certain cases) of the said act.⁶ The forest officials were of the view that these offences are held liable upto 7 years of rigorous imprisonment or fine or both.

Hence, it can be proved that Our Modi Government and Indian Judiciary is leaving no stone unturned in protecting the lives of our animals and plants.

National University of Study and Research in Law (NUSRL), located in Ranchi, Jharkhand, took a great step in establishing a Centre of Advocacy and Research in Environment and Animal Protection, (CARE-AP), which is a very first Animal law centre of the nation and a pioneer in working for cause of Environment and Animals.

“Our treatment of animals will one day be considered barbarous. There cannot be a perfect civilization until man realizes that the rights of every living creature are as sacred as his own.”⁷

“Humanity’s true moral test, its fundamental test...consists of its attitude towards those who are at its mercy animals”-MILAN KUNDERA

This quote is not implementable after the happening of this cruel act, by some worst people, or the author must say, the devils, even the devils are good enough as compared to these worse people. The author hopes the readers are aware of the recent news about the female elephant, who was carrying a precious gift of the almighty (baby elephant) in her womb. As we all know the cruel incident done by some offenders of our nation to a speechless creature. There are several pictures depicting that the unborn baby elephant is asking his mom that mom, these humans are so good and helpful, that they are giving us fruits. And the female elephant, despite of knowing everything, replies her child that yes child, these humans are so caring for us.

And after consuming the pineapple, the innocent creature’s mouth busted and the innocent creature, suddenly rushed towards the nearest water body. As soon as the elephant reached the water body, while standing only for just a few seconds; the almighty called both mother and son to their heaven.

There is a religious fact, that before the commencement of the *KALIYUGA*, the almighty lord

⁶ Wildlife protection act, 1972

⁷ DR. DAVID STARR JORDAN

SHREE VISHNU told that this Kaliyuga, will be the worst ever period because during this period, most of the humans will not respect women, children and animals as well. To this, Lord Shree Narad ji asked the almighty Lord Shree Vishnu, that Lord! By this no one will be able to live on this earth. Lord Vishnu smiled and replied that Narad, whosoever will do these heinous crimes to especially these 3 categories, will have to face all the hurdles and punishments and has to pay for all these crimes in this age itself.

We all are aware of all the heinous acts being done on the women, children; very commonly, but from yesterday's saddest news we are all aware that these humans are not leaving the animals also. WHAT'S LEFT THEN AFTER THIS? Humanity is not left now in this India.

The author wants to tell you one more thing, in our India there are numerous Shreemad Bhagwatacharyas, but there is a well-known Shreemad Bhagwatacharya named "DEVI CHITRALEKHAI". Deviji, at her younger age, started preaching Shreemad Bhagwat and she is the founder of GAU SEVA DHAM HOSPITAL, on the national highway of Hodal, Palwal (Haryana). The author promises to all the animal lovers, that if you all love our Fauna, then you must visit gau seva dham hospital, and the author assures you all that after seeing the conditions of the cows and other animals there, you all will realize that how much pain, these creatures are suffering.

VI. COVID-19 EFFECT ON THESE LOVELY CREATURES

As we all know that an infectious disease named as Corona virus or COVID-19, has destroyed almost each and everything in this whole world. We, all humans are safe in our homes, but we all haven't even thought of our speechless creatures i.e. our animals. In how much pain, they might be suffering from. There are many animal lovers who, even in this pandemic also, are working whole day and night, so that each and every one on this planet is safe and healthy. Not only animals, they are taking care of our health workers, doctors, police officers and many others. I humbly pray on the behalf of all these corona warriors, before the almighty, to cure each and every person and creature on this earth as soon as possible.

There are some of the reports of animals being infected with this virus worldwide. The reports are as follows:

- A few numbers of pet cats and dogs have been reported to be infected with the virus in several countries, including the United States. Most of these pets became sick after contact with people with COVID-19.

- Several lions and tigers external icon at a New York zoo tested positive for SARS-CoV-2 after showing signs of respiratory illness. Public health officials believe these large cats became sick after being exposed to a zoo employee who was infected with SARS-CoV-2. All of these large cats have fully recovered.
- SARS-CoV-2 was recently discovered in mink (which are closely related to ferrets) on multiple farms in the Netherlands. The mink showed respiratory and gastrointestinal signs; the farms also experienced an increase in mink deaths. Because some workers on these farms had symptoms of COVID-19, it is likely that infected farm workers were the source of the mink infections. Some farm cats on several mink farms also developed antibodies to this virus, suggesting they had been exposed to the virus at some point. Officials in the Netherlands are investigating the connections between the health of people and animals as well as the environment on these mink farms.

CDC, USDA, and state public health and animal health officials are working in some states to conduct active surveillance of SARS-CoV-2 in pets, including cats, dogs, and other small mammals, that had contact with a person with COVID-19. These animals are being tested for SARS-CoV-2 infection and also tested to see whether the pet develops antibodies to this virus. This work is being done to help us better understand how common SARS-CoV-2 infection might be in pets as well as the possible role of pets in the spread of this virus.

The U.S. Department of Agriculture (USDA) maintains a listexternal icon of all animals with confirmed infections with SARS-CoV-2 in the United States.

Research on animals and COVID-19

If we talk about the research on animals, then it is limited, but studies are underway to learn more about how this virus can affect different animals.

- Recent research shows that ferrets, cats, and golden Syrian hamsters can be experimentally infected with the virus and can spread the infection to other animals of the same species in laboratory settings.
- A number of studies have investigated non-human primates as models for human infection. Rhesus macaques, cynomolgus macaques, Grivets, and common marmosets can become infected SARS-CoV-2 and become sick in a laboratory setting.
- Mice, pigs, chickens, and ducks do not seem to become infected or spread the infection based on results from these studies.

- Data from one study suggest some dogs can get infected but might not spread the virus to other dogs as easily compared to cats and ferrets, which can easily spread the virus to other animals of the same species

There are some of the precautions which are to be kept in mind while treating your pet during this pandemic situation:

- If your pet tests positive for the virus that causes COVID-19, isolate the pet from everyone else, including other pets.
- Do not wipe or bathe your pet with chemical disinfectants, alcohol, hydrogen peroxide, or any other products not approved for animal use.
- Only a few pets have been confirmed to be infected with the virus that causes COVID-19. Some pets did not show any signs of illness, but those pets that did get sick all had mild disease that could be taken care of at home. None have died from the infection.
- If you think your pet has COVID-19, call a veterinarian first to discuss what you should do.
- Pets with confirmed infection with the virus that causes COVID-19 should be restricted to isolation in the home until a veterinarian or public health official has determined that they can be around other pets and people.

“We are still learning about how the virus that causes COVID-19 can affect animals. A small number of pets (cats and dogs) have been confirmed to be infected with the virus that causes COVID-19, mostly after close contact with a person with COVID-19. Some pets did not show any signs of illness, but those pets that did get sick all had mild disease that could be taken care of at home. None of the pets have died. Tests for COVID-19 in animals are available for most types of pets, but testing is only recommended for animals with COVID-19 symptoms and that have been exposed to a person with COVID-19”, as per the world animals health department.

Based on the limited information available now, the risk of pets spreading COVID-19 to people is considered to be low. **There is no reason to abandon or surrender pets that have been confirmed positive for the virus that causes COVID-19.**

If **you** are sick with COVID-19, do not take your pet to the veterinary clinic yourself. Call your veterinarian first and tell them you are sick with COVID-19. Some veterinarians may offer telemedicine consultations or other plans for seeing sick pets. Your veterinarian can evaluate your pet and decide the appropriate steps for your pet’s care.

There might be some of the questions, which might arise in front of each and every animal lover. Don't worry, you will get each and every answer for your question.

Q. If your pet is tested for COVID-19 and is confirmed to be infected, then what to do?

Answer: Depending on how sick your pet is, your veterinarian may recommend that your pet be isolated at home, instead of staying in the hospital. Some pets did not show any signs of illness, but those pets that did get sick all had mild disease that could be taken care of at home.

If your veterinarian recommends home isolation and you are able to care for your pet at home, follow this advice to protect yourself and others.

Q. What to do if your pet gets sick?

Answer: Keep your pet at home, except to get medical care

- Talk with your veterinarian regularly. Call before you take your pet to the veterinary clinic. Be sure to alert your veterinarian if your pet has trouble breathing, or if you think it is an emergency.
- While most pets appear to show only mild symptoms or no symptoms, we are still learning about how they are affected by the virus. Even if your pet appears to be feeling better, **avoid** the following activities until your veterinarian determines that it is safe for your pet to do so or your pet has met the guidance to end their isolation:
 - Visits to veterinary hospitals, without calling the veterinarian first
 - Visits to human healthcare facilities or schools
 - Visits to parks (including dog parks), markets, or other gatherings such as festivals
 - Visits to the groomer, including mobile grooming salons
 - Visits to pet daycares or boarding facilities
 - Other outings such as playdates, hikes, or visiting other homes, with or without pets
 - Using dog walkers or pet-sitters that live outside your home

Separate your pet from other people and pets in your home

- Have the pet stay in a designated “sick room” (such as a laundry room or extra bathroom) if possible, or otherwise be separated from people and other animals. This

is the same way a person with COVID-19 would separate from others in their household.

- Avoid contact with the pet as much as possible, including, petting, snuggling, being kissed or licked, and sharing food or bedding.
- If possible, provide a separate litterbox or bathroom area from other pets.

DOGS: If you have a private backyard where your dog can go to the bathroom, do not take them for walks. If you must walk your dog, limit it to bathroom breaks only, stay close to your home, and keep your pet at least 6 feet away from other pets and people. Do not let other people touch or interact with your dog.

CATS: Cats should be kept inside. Do not allow cats that have tested positive for the virus that causes COVID-19 to roam outside.

Always wash your hands with soap and water immediately after cleaning up after your pet.

- Provide bedding, bowls or containers, treats, and toys that are separate from those used by other people or animals in the household.
 - Disinfect bowls, toys, and other animal care items with an EPA-registered disinfectant [external icon](#) and rinse thoroughly with clean water afterwards.
 - Soft items like towels, blankets, and other bedding, can be safely laundered and reused. Dirty laundry that has been in contact with an ill animal can be washed with other items.

Pet's symptoms for this disease:

It is important to keep track of your pet's symptoms during home isolation. If you think your pet has new symptoms or is getting worse, call your veterinarian.

Pets sick with COVID-19 may have:

- Fever
- Coughing
- Difficulty breathing or shortness of breath
- Lethargy (unusual laziness or sluggish)
- Sneezing
- Runny nose

- Eye discharge
- Vomiting
- Diarrhea

Follow all care instructions from your veterinarian. Your veterinarian may have you keep a written log of your pet's symptoms.

If your pet develops new symptoms or seems to be getting worse, including trouble breathing, you should call your veterinarian right away. Your veterinarian may be able to advise you over the phone or may tell you to bring your pet to their clinic or go to another clinic that can better care for your pet.

Protect yourself when caring for a sick pet

- Follow similar recommended precautions as for people caring for an infected person at home.
- If you are at higher risk for severe illness from COVID-19, another household member should care for the pet, if possible.
- People should wear a cloth face covering and gloves in the same room or area as the sick pet.
 - Animals should **not** wear a cloth face covering or mask. Do not try to put a cloth face covering on your pet.
- Use gloves when handling the pet's dishes, toys, or bedding and when picking up feces (poop). Throw out gloves and place waste material or litterbox waste in a sealed bag before throwing away in a trashcan lined with a trash bag. Always wash your hands with soap and water immediately after cleaning up after your pet.
- Clean your hands regularly throughout the day.
 - Wash hands: Wash your hands often with soap and water for at least 20 seconds each. Make sure everyone in the home does the same, especially after touching the sick pet or handling their dishes, toys, or bedding.
 - Hand sanitizer: If soap and water are not readily available, use a hand sanitizer that contains at least 60% alcohol. Cover all surfaces of your hands and rub them together until they feel dry.
 - Do not touch your eyes, nose, and mouth with unwashed hands.
- Clean and then disinfect:

- Follow cleaning and disinfecting recommendations found on CDC's Cleaning and Disinfecting Your Home
- **Do not** wipe or bathe your pet with chemical disinfectants, alcohol, hydrogen peroxide, or other products not intended or approved for use on animals. There is no evidence that viruses, including the virus that causes COVID-19, can spread to people or other animals from the skin, fur, or hair of pets. Using chemical disinfectants on your pet could make them very sick or kill them.

Therefore, it is a humble request to the rest of Indians, to kindly think over our animals, from whom we get Milk, and other important nutrients. Afterall, they also have a family like us, they also possess some feelings. At the end I would like to end up by quoting, "Our treatment of animals will one day be considered barbarous. There cannot be a perfect civilization until man realizes that the rights of every living creatures are as sacred as his own." Just think over it.
