

LEGAL DUTIES OF THE VETERINARIANS

- To make a veterinarian know and recognize his exact duties, privileges and responsibilities in vetro-legal cases both as witness and as an expert advisor it is very essential that he should have a fair knowledge of all the subjects of veterinary sciences.
- He must be well acquainted with the animal related Acts and the legal procedures in the criminal courts.
- Veterinarian has the following responsibilities.
 - Conducting postmortem examination of the vetro-legal cases.
 - Investigations of common offences against animals.
 - Investigations in case of malicious and accidental poisoning.
 - Investigations in case of frauds in the sale of livestock and livestock products.
 - Issuing health certificates.
 - To get the real culprits punished and help in providing justice and fair treatment to man and animal and also to save innocent people/persons from the false accusations of crime.
 - To prevent cruelty to animals.
 - Application and enforcement of state of law meant for animals. (Prevention of cruelty to Animals, Cattle Trespass Act)
 - To protect the interests of society at large and prevent the unethical practices in relation to animals in the society.
 - In fact everything in which recourse to law is necessary in relation to the veterinary profession.
- The evidence is recorded as follows
 - **Examination in chief**
 - This is the first examination of a witness y the party which calls him.
 - In Government prosecution cases, the prosecuting inspector as a rule, first examines the witness to elicit the principal facts concerning the case.
 - If the witness is summoned by a private party, he is first examined by the pleader of that party. Leading questions are not allowed. (Eg.) If a person x strike or with a stick
 - The proper forms of the question in a case of an assault are
 - When did this incident occur?
 - Where were you at that time?
 - What did you notice?
 - In that case the witness will narrate the whole incident of a person 'x' striking 'y' as he saw it.
 - **Cross examination**
 - This may be regarded as the most reliable procedure of testing the value of an evidence and is held by counsel for the accused

who tries to elicit facts (or) demonstrate the possibility of theories, not necessarily inconsistent with the evidence the witness has given, but helpful to his own case.

- Leading questions are permissible and witness should be very cautious in answering them.
- He should not attempt to answer the questions unless he clearly and completely understands them.
- There is no time limit to cross examination.

Re examination

- The prosecuting Inspector or counsel who conducts the examination in chief has the right to re-examine the witness to explain away any discrepancies that may have occurred during cross examination.
- The witness should not introduce any new subject without the consent of the judge or opposing counsel lest he should become liable to cross examination on the new point thus introduced.

Question put by the Judge, Juror or Assessor

- The Judge, Juror or Assessor may question the witness at any stage to clear up doubtful points.

FORENSIC AND STATE MEDICINE LAW

- Application of basic science of judiciary and foretell on the grounds of scientific knowledge to detect crime and responsibility for the damage.
- It is a special discipline of veterinary procedural steps.

COMMON OFFENCES AGAINST ANIMALS AND LAWS RELATED TO THESE OFFENSES

Common offences against animals

- It is more or less obligatory for a veterinarian to be familiar with the laws for protection of animals, more so because of his training and profession which inculcate a spirit of sympathy and understanding towards our dumb companions, the domestic animals, who deserve all sympathy and kindness.
- The common offences against animals are
 - mischief,
 - bestiality and
 - cruelty.

Mischief

- This includes killing, poisoning or maiming an animal. Poisoning is the commonest method of mischievous killing. Abrus precatorius seed, arsenic, aconite root, snake venom, datura leaves, and seeds of yellow oleander are common poisons used in the mischievous killing of the animals.
 - Accidental poisoning may occur in animals by linseed or jowar consumption.
 - Mischief is punishable under sections 428 and 429: I.P.C.

Maiming

- It means making an animal permanently useless by the use of violence. This type of offence is also common and its aim is to harm the owner when his animal damages the crop or other property. The common forms of hurting animals and rendering them useless are:
 - Fracture of bone
 - Cutting tendons of legs and neck
 - Injury to udder in milch animals
 - Tearing of the vagina or rectum by introducing sharp or blunt object
 - Punctured wounds, etc.

Bestiality

- Bestiality means carnal intercourse with man, woman or animal, against the order of nature. This type of crime is quite frequently found in India due to the following reasons:
 - The common belief among illiterate people that intercourse with she-donkey is a remedy for gonorrhoea.
 - Excessive sexual desire with little opportunity for natural intercourse.
 - Young villagers who go out to graze cattle in fields far away from human eyes, are incited, owing to loneliness and the proximity of the animals, to commit this crime, People having some mental abnormalities.
 - The human male is generally the active agent and the passive agent a goat, donkey, mare, cow, or even hen. Examination of animal for bestiality

- Bestiality is punishable under Section 377, I.P.C. The offenders are usually caught red-handed.
- The vagina of the animal should be examined for [evidence](#) of injury and the suspect examined for marks of injuries caused by the kicks teeth or claws of the animal.
- The surrounding hair of the animal should be examined for presence of human spermatozoa (it is very important to note whether the spermatozoa found are of the same animal or not and for this purpose the presence or absence of heat in the female animal is also a guide).
- The presence of organisms of gonorrhoea in the vagina of the animal is a definite sign of bestiality.
- The clothes of the suspect will smell of urine or faeces of the animal as after a sexual [act](#) animals have a habit of urinating.

Cruelty

- This offence includes basting, overloading, using a diseased animal for work, starvation, "Phuka", etc. These acts are punishable under the Prevention of Cruelty to Animals [Act](#), 1960.