



## ANIMALS ABUSE: AN ANALYSIS OF CRUELTY AND ANIMAL RIGHT'S VIOLATION

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### Abstract:

In years of human existence, the role of animals are considered to be one of the main factor to shape human culture. The contribution of animals to society is much generous and have benefited the humankind. Animals have also been a source of clothing and food to the society. These animals have also taken part in many religious customs and worships way back the earliest time. They also have unique contribution to balance our nature. But in in today's competitive world they are being exploited since they are mute spectators and are inescapable of raising their voice against this cruelty. Truly, animals have been an influential part of this mankind. With these diverse views about animals and their helpfulness, animal abuse still continued in different parts of our country and was demonstrated in different ways. This paper totally focuses on recognizing animal rights and how are such rights being curtailed by humans in different areas. It also draws an attention to aware people about such rights and laws for proper implementation.

### Introduction:

As custodians of the planet it is our responsibility to deal with all species with kindness, love, and compassion. That these animals suffer through human cruelty is beyond understanding.

Please help to stop this madness.<sup>1</sup>

Richard Gere

In the recent times it has often been seen that these animals are being enslaved, beaten and kept in chains for “entertainment” they are isolated, burned, electrocuted, brain damaged, blinded. They are wiped into submission. They are left to linger in cold cages alone without any painkiller until they are killed. They are denied everything natural to them.<sup>2</sup> *“Is this moral? Is this the right choice?”*

Every day in countries there are number of voiceless animals who are fighting for their lives. These animal have a right to live on earth but, we often become insensitive to their pain, loneliness, torture and voices which are begging to be seen and recognized. *“All life deserves respect, dignity, and compassion. All life.”*<sup>3</sup> as stated by Anthony Douglas Williams.

### Objective of the study

There have been complains about the lack of attention given to animals in the field of criminology. The suffering and abuse of non human animals in variety of forms in which it occurs have mostly grown. Although there has been progress in social science with animals making an appearance in literature but still there remains a dearth of research

<sup>1</sup>Richard Gere, available at

<https://www.azquotes.com/quotes/topics/human-cruelty.html> (last visited on December 27, 2018).

<sup>2</sup>Animal Cruelty For using Animals, Available at [http://shodhganga.inflibnet.ac.in/bitstream/10603/23635/11/11\\_chapter1.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/23635/11/11_chapter1.pdf) (visited on February 11, 2019).

<sup>3</sup>Anthony Douglas Williams, available at <https://in.pinterest.com/pin/141300507042246467/> (last Visited on December 26, 2018).



on animals. Social science disciplines, criminology, criminal justice and victimology have ignored an entire category of sentient beings namely nonhuman animals.<sup>4</sup> The presence of animals in victimology and criminology is quite sparse.

According to Beirne criminology, the increased presence of animals at work was since 1970. *But why has the study of animals remain absent largely even today?* Firstly, societies tend to value humans and not animals. Likewise, criminologists prefer to investigate harms committed by humans against other humans. As a result, violence committed against animals is not taken very seriously. And also media does not capture the full scope of animal cruelty cases, by which public perception about animal cruelty and abuse becomes less. Hence, a very small percentage of animal cruelty offences are being published, and many are seen as isolated incidents.<sup>5</sup>

The neglect of animal within victimology and other social sciences such as criminology and sociology has come to an end.

### Conceptualizing and understanding of animal rights

*What do you mean by animal rights? And why are they given such rights?*

Animal rights is an idea that intends to provide humane treatments to animals. It

means the right not to be exploited for human purposes and that the interest of nonhuman animals should be given the same consideration as similar to human beings. It is also termed as animal liberation.<sup>6</sup> The only reason to give rights to these animals are because they are sentient, and humans treat speciesism differently like racism and sexism. Many animals are also treated popularly in the meat industries like cows, pigs and chickens, which makes them confine, torture and slaughter.

There is no reason to morally distinguish between humans and nonhuman animals. They have also the equal right to prevent themselves from suffering unjustly and from extraordinary animal cruelty.<sup>7</sup>

### Theoretical background

Peter Singer is regarded as the founding father of the contemporary animal liberation movement and played an extremely important role to protect the interest of animals. The contemporary philosophical arm of animal rights or liberation movement effectively began in 1975 with Peter Singer's book *Animal Liberation*.<sup>8</sup> The increased public awareness of what exactly transpires in our treatment of nonhuman in factory farming, medical research, product testing, and so on is, to a significant extent, due to the wide circulation of the work. Singer argues that, the moral theory known as utilitarianism can be used to justify and

<sup>4</sup> Escobar, Sue Cote, Recognizing the 'other:' issues of animal-human relationships and animal rights in crime and justice, Available at <https://www.tandfonline.com/doi/full/10.1080/10282580.2015.1093746?scroll=top&needAccess=true> (Visited on February 7, 2019).

<sup>5</sup>Id.,

<sup>6</sup> Animal Rights Law and Legal Definition, available at <https://definitions.uslegal.com/a/animal-rights/> (visited on February 5, 2019).

<sup>7</sup> Doris Lin, Why Should Animals Have Rights?, available at <https://www.thoughtco.com/why-should-animals-have-rights-127603> (visited on February 5, 2019).

<sup>8</sup>Id.,



defend the moral claims of nonhuman animals.<sup>9</sup> According to utilitarianism, a morally good action is one which promotes or produces the greatest amount of pleasure, happiness, or satisfaction of desires, and Singer argues, quite forcibly, that such promotion requires abandoning such practices as animal husbandry, and experimentation upon animals for scientific or commercial purposes. Singer's case for animal liberation, then, is anchored in his adoption of a utilitarian moral theory.<sup>10</sup>

Utilitarianism gets the intuitively right answer with respect to particular moral issues. Singer's utilitarian argument for vegetarianism is simple. If we are preference-utilitarians, for example, we will have to weigh up the preferences satisfied and frustrated by a policy of continuing to eat meat against the preferences satisfied and frustrated by a policy of abandoning meat-eating. And since the preferences of those nonhuman animals involved in the animal husbandry process will have to be included, it may seem that utilitarianism licenses a straightforward and clearcut result.<sup>11</sup> Singer presents a powerful argument by claiming that justice requires equal consideration of the interests of nonhuman as well as human animals. He also places the idea of equal consideration at the centre of the conceptual stage.

### Mental status of nonhuman Animal

<sup>9</sup>Ibid., 10

<sup>10</sup>Mark Rowlands, Animal rights moral theory and practice, available at [https://is.muni.cz/el/1441/podzim2014/SC4MK\\_ET/um/50586201/Mark\\_Rowlands\\_Animal\\_Rights\\_Moral\\_Theory\\_and\\_Pr.pdf](https://is.muni.cz/el/1441/podzim2014/SC4MK_ET/um/50586201/Mark_Rowlands_Animal_Rights_Moral_Theory_and_Pr.pdf)(visited on February 5, 2019).

<sup>11</sup>Id.,

*Do animal feel joy, grief, depression and rejection?*

People might disagree about the nature of emotions in non human animal beings. The expression of emotions in animals rises a number of stimulating and challenging<sup>12</sup> questions like "Can they think? Can they feel and can they experience emotions?"

Charles Darwin the naturalist and biologist argued that there is a continuity between the emotional lives of human and those of other animal, and that is the difference among many animals are in degree rather than in kinds. Categorically denying emotions to animals just because they can not be studied directly does not constitute a reasonable argument against their existence.<sup>13</sup>

*What are emotions?*

Emotions can be broadly defined as psychological phenomenon that help in behavioral management and control, and most of the researcher believe that emotions are not simply the result of some bodily state that leads to an action as postulated in the late 1800s by William James and Carl Lange. James and Lange argued that fear, results from an awareness of the bodily changes that were stimulated by a fearful stimulus. The emotional states of many animals are easily recognizable. Their faces, eyes and the way in which they carry themselves can be used to make strong inferences about what they feel. Changes in muscle tone, posture, gait, facial expression, eye size and gaze, vocalization, odors singly

<sup>12</sup> Animal Emotions: Exploring passionate Natures, Marc Bekoff, Available at <file:///C:/Users/nEW%20u/Downloads/animal%20emotion.pdf>( Visited on February 9, 2019).

<sup>13</sup>Id.,



and together indicate emotional responses to certain situations.<sup>14</sup>

Primary emotions, are considered to be a basic inborn emotions, which include generalized rapid, reflex like fear and fight or flight responses to stimuli for the present danger. Animals can perform a primary fear responses such as avoiding an object, but they do not have to recognize the object generating the reaction. Primary emotions are weired into evolutionary old limbic system, the “emotional” part of the brain, as said by Paul MacLean in 1952, are similar emotional circuit shared among many different species and provide a neutral substrate for primary emotions. MacLean suggested that reptilian emotions or primitive brain possessed by fish, amphibians, reptiles, birds and mammals packed in cranium is connected to other two but each has it’s own capacity.<sup>15</sup> Clearly it says that emotions helps us to manage and regulate our relationship with each other. Emotions are an integral part of orbe life. There is a continuity between the neurobehavioral system that underlie nonhuman emotions. Animals have reach emotional lives, even if they are very different from humans.<sup>16</sup>

### **Historical perspective:**

#### **Concept under Hinduism**

*Avoiding harm to all creatures... this is true knowledge. All else is ignorance.* Bhagavad Gita<sup>17</sup>.

*You must not use your God given body for killing God’s creatures, whatever it may be human or animal:- Yajur Veda.*<sup>18</sup>

In India over eighty percent of the population are Hindu and Hinduism is an ancient spiritual tradition which encompasses a wide range of practices and believes. It teaches respect to all creature including tiny creatures as aspects of God, having souls of their own and going through the same process of birth and death.

Animals are spiritually important and had religious significance. Evidence from a earliest known Indian civilization indicates that animals hold “*something of the divine*”. Indian literature also teaches Hindus to love and respect nature and God’s creation. According to various schools of Hinduism, there is no distinction between human beings and other forms of life. The main reason for Hindu to respect animal rights is from the principle of **ahimsa**. According to the principle of ahimsa, no living thing should be harmed. This applies to humans and animals too.<sup>19</sup>

The killing of animal in the name of **Yajna** has been condemned as mad and undisciplined acts in **Mahabharata**. The **Padma Purana** mentions that, those who sacrifice cattle are doomed to perdition. In

Available at [http://think-differently-about-sheep.com/Why\\_Animals\\_Matter\\_A%20Religious\\_%20Philosophical\\_Perspective\\_Hindu\\_Quotations.htm](http://think-differently-about-sheep.com/Why_Animals_Matter_A%20Religious_%20Philosophical_Perspective_Hindu_Quotations.htm) (last visited on December 27,2018).

<sup>18</sup>The Yajur Veda.

<sup>19</sup>What does Hinduism teach about animal rights?, available at <https://www.bbc.com/bitesize/guides/z3ygjxs/revisio n/5> (last visited on December28, 2018).

<sup>14</sup>Supra note 10.

<sup>15</sup>Id.,

<sup>16</sup>Id.,

<sup>17</sup> Why Animals Matter: A Religious and philosophical perspective Hinduism Quotations,



*Manusmriti*, the cruelty towards animals has been condemned. It is stated that the killer of the cattle is doomed to die as many times as there are hair on the skin of the cattle. It is further stated that ever after death, he shall have no peace.<sup>20</sup>

In Hinduism the bird garuda, considers to be the vehicle of Lord Vishnu and is worshiped among the *Vaishnava* cult. Lion, the king of animal kingdom, is considered to be the vehicle of Goddess Durga and is worshiped among the *Shakti* cult. All these shows that in different religious faiths there is a compassion for wildlife - Birds and Animal.<sup>21</sup>

#### Concept under Islam

*"And the earth, He has assigned it to all living creatures"* (Quran 55:10).

These verse serves as a reminder to us that wildlife, like humans, are created with purpose. They have feelings and are part of the spiritual world. They too have a right to life, and protection from pain and suffering<sup>22</sup>.

According to Islamic principles, humanity has no power to do everything with the living beings. Furthermore, there are Islamic restrictions so that the animals can be manipulated, for limited hours of work. Hunting of young birds for pleasure is forbidden by Islam. From the Islamic viewpoint, animals are represented as Allah's might and wisdom, and humanity must pay attention to their health and living

conditions. Several Islamic manuscripts states that animals have their own position in the creation hierarchy and humans are responsible for the facilities and animals at their disposal, including animals' health and feed. Islam determines the living costs of animals and, orders humanity to respect them and not to abuse them.<sup>23</sup>

#### ➤ Animal evolution and resurrection

*Many quranic verses emphasize animal resurrection, such as "When animals are resurrected" (81:5)<sup>24</sup>. Moreover, Allah says, "Certainly, there is no living thing on earth or on the wing unless it belongs to its own group the same way that you humans belong to your own race; We have not ignored anything in the book of creation and eventually all the living things will be resurrected and return to their Lord" (6:38)<sup>25</sup>.*

This Quranic verse's interpretation states that animals are natural signs of God's might and live in their own specific societies according to the divine rule inspired by God. Like human beings, animals have their own individual and social beliefs on the basis of which they always act to survive and save themselves from extinction.

Prohibition on separating baby birds or animals from their mother. Hunting baby birds before they have left the nest is forbidden in Islam, and it is recommended that young lings should not be separated from their mother.<sup>26</sup>

<sup>20</sup>P.S. Jaswal and Nishtha Jswal, Environmental Law, 6( Third edition, 2009).

<sup>21</sup>P.S. Jaswal and Nishtha Jswal, Environmental Law, 7( Third edition, 2009).

<sup>22</sup>The Qur'an 55:10

<sup>23</sup>*Id.*,

<sup>24</sup>The Qur'an 81:5

<sup>25</sup>The Qur'an 6:38

<sup>26</sup>Dr. Reza Gharebaghi, Animal rights in Islam, available at



In general, major animal rights in Islam are preparing suitable feed and water as well as mental and physical living conditions for animals, observing hygiene and specially treating sickness, manipulating them correctly, and no abusing, maltreating and misusing.<sup>27</sup>

### Concept under Christianity

*"For every beast of the forest is Mine, The cattle on a thousand hills. "I know every bird of the mountains, And everything that moves in the field is Mine. :- Psalm 50:10-11"*<sup>28</sup>

The Bible has much to say in regard to animal abuse. In the beginning, God created the earth and all the creatures on it to be under the authority of humanity. He entrusted these beautiful elements of His creation to our care (Genesis 1:26).<sup>29</sup> God expects the Christians, above all others, to be sensitive to all of His creation, knowing that exploiting or abusing it shows a disrespect for God Himself. Abuse of anything that God made is not the character of God, but rather of the Evil One.<sup>30</sup>

In addition to domesticated animals, God also watches over wild animals and commands us to do the same. *In Deuteronomy 22:6-7, God promises a long life to those who will watch over wild*

<http://altweb.jhsph.edu/wc6/paper61.pdf>(Last visited on December 28 ,2018).

<sup>27</sup>*Id.*,

<sup>28</sup>The Bible Psalm 50:10-11.

<sup>29</sup>*Ibid.*, 30

<sup>30</sup> Betty Miller, What the Bible Says about Animal Abuse, available at <https://bibleresources.org/animal-abuse/>(last visited on February 1, 2019).

*birds.*<sup>31</sup> God created animals for us to love and to learn from. In addition, God also tells us to learn from their wisdom: *"Go to the ant, you sluggard; consider its ways and be wise! It has no commander, no overseer or ruler, yet it stores its provisions in summer and gathers its food at harvest"* (Proverbs 6:6-8).<sup>32</sup>

### ➤ God communicates with animals

This is the best explanation for the migration of the animals to Noah's ark. In Genesis, God told Noah to build an ark in order to save himself, his family, and the land-dwelling creatures from the coming flood. However, he didn't tell Noah to go out and round up the animals. He told him to bring them into the ark (Gen. 6:19), which meant to simply receive them. When it was time for the flood to begin, the text says the animals "went into the ark to Noah" (Gen. 7:9). The only explanation for the actions of the animals is that God drew them to the ark. God communicated with them directly, and they responded.<sup>33</sup>

### ➤ Animals have the capacity to enjoy life

The psalmist was lighthearted when he described the joy animals feel. *In Psalm 104, he said God formed the sea creature Leviathan "to play" in the sea (v. 26).*<sup>34</sup> They are the beings with the capacity for joy. Animal also teaches us about the nature of justice, and god had created them for their

<sup>31</sup>*Id.*,

<sup>32</sup>The Bible Proverbs 6:6-8

<sup>33</sup> Barrett Duke, 10 biblical truths about animals, available at <https://erlc.com/resource-library/articles/10-biblical-truths-about-animals>(last visited on February 1, 2019).

<sup>34</sup>The Bible Psalm 104:26.



innocence which is not only important for our understanding but it also helps us to understand our sense of justice.<sup>35</sup>

### Meaning of Animal cruelty:

Animal cruelty is a behaviour that is harmful to animals, from unintentional neglect to intentional killing. It is a matter that affects everyone. Just because animals can not tell us what they feel, does not mean they are not trying to tell us.

Ten thousand attire species are wiped out every year because of the action of one species. Deforesting the planet poisoning the oceans, rivers, aquifers is a crime of unimaginable proportions. We do not talk much about animal rights, we talk about human responsibility. Its really more about us than it is about them. We need to understand that they think, feel and make choices. That they want to live just as much as we want to live, they want to avoid pain and suffering as each one of us does. But its really about our choices, because in the relationship between us and animals we hold all the cards. We have all the powers. In human history, only hundred billions human beings have ever lived. Seven billion people lived today on earth and out of which, we human beings have killed two billion sentient living and loving animal every week. Further we also have stabbed and suffocated one billion ocean animals every eight hours. The little action that we take have such consequence. Just imagine if human would be killed or being tested on or given little food just to stay alive, then we would be wiped out in one weekend. This is not the behaviour that we are supposed to do

with the animals. *Upanishadas* 3,000 years ago *ahimsa* non violence to any living beings, it says we reject violence whenever it occurs. Because it protect the most precious of all things i.e “Life”.

### Question of Animal autonomy

If we focus on depth, most animal are on the relief of suffering. The agenda, is far more broader. Animal have rights and they should not be made subject to human use and control. *Ex- many people use chimpanzees in entertainment, zoos or uses horses for showing or riding, and do not consider them as the relevant animals but as a mere means as the relevant animals but as a mere means* Are such confinements in zoos or other cruelties made to animals cover animal autonomy?<sup>36</sup>

### Different kinds of animal cruelty in present scenario:

Animal cruelty is a practice which have been continued million years ago. The misuse of animal or the use of animals for the purpose beyond the animal limit is an animal abuse. Animals on factory firms, laboratories, zoo, circuses, aquariums, amusement parks and all of it are routinely beaten. This is the way that most of the animals die. There are many ways by which animals are tortured, such as:-

#### ➤ Slaughterhouse Cruelty

Animals have been firmed by humans for thousand of years but the way to handle these animals have changed dramatically over the past century. The rise of the factory firm has meant that billions of animals have

<sup>35</sup>Supra note 26.

<sup>36</sup>Cass R. Sunstein, *Animal Rights : Current Debates and New Directions*, 17 (2004).



had to endure a life which can only be described as cruel and barbaric<sup>37</sup>.

1. Battery chicken lives on space smaller than i- pad

In battery cage 280 millions laying hens lives, where 6 to 8 birds are jammed into one cage. Each bird under the industry standard has 67 square inches of space, that's the living space of a laying hen.

2. Animals are forced to grow of faster than naturally:

Due to selective breeding animals are forced to grow at an alarming rate. Chickens are made overweight and fattened up for slaughter every year globally. 4.7 is attributed to genetic manipulation, atleast 12.5 billion chicken experience painful problem for their rapid growth.

3. Absence of Veterinary care to sick and injured animals:

Sick and injured animals are neglected and left untreated in the hope that they will survive until they reach the slaughter house. Illness due to environmental condition are common form of damage that these animal face.

➤ **Laboratory Experiments or animal testing:**

Countless monkeys, rats, cats, dogs are poisoned and drugged for economic reason every year. The animals used for testing are subjected to harmful chemicals which affect their health adversely. For

example, albino rabbits are tested for chemicals that cause eye irritation. The liquid form of such chemicals are dropped into the eyes of rabbits and they are left in that condition for about 2-3 days.<sup>38</sup> About 85% animal experiments are conducted on rats and mice. It is not only cruel but also represents a bad science. Animals at the beginning of the experiments are usually healthy and then they are made ill, they are either given a diseases or made injured by artificial means which no way resembles the natural history.

➤ Animal used for the purpose of entertainment

1. Animal used in circuses

Countless animals like elephants, monkeys, dogs, cats, and others are forced to perform by trainers using abusive tools, including electric prods and whips. They are often beaten by trainers, and locked in cramped cages or chained for months as they travel from city to city. They are captured as babies, ripped away from their mothers to begin a life of cruelty and abuse. Wild animals such as lions, tigers, and elephants are kept in shamefully inadequate conditions in tiny spaces<sup>39</sup>. When they become ill they rarely receive veterinary care. It also plays unnatural demand upon animals, Making them perform bizarre tricks with the aid of whips, collars, muzzles and electric prods.

<sup>37</sup>Abigail Geer,10 Alarming Facts About the Lives of Factory firmmed Animals,available at <https://www.onegreenplanet.org/animalsandnature/facts-about-the-lives-of-factory-firmed-animals/>(last visited on December 28, 2018).

<sup>38</sup> These Types of Animal Cruelty Will Surely Make Your Heart Bleed, available at <https://animalsake.com/types-of-animal-cruelty/> (last visited on December 28, 2018).

<sup>39</sup> Animals in Sports and Entertainment, available at <https://debatewise.org/debates/2494-animals-in-sports-and-entertainment/>(last visited on December 30, 2018).



## 2. Animal used in a cinema

Animal have long been used for the purpose of entertainment. They are caged, beaten, mistreated and restrained from behaving in their own instinctive way. They are often treated as little more than probes behind the scenes. Some animals are even drugged to make the work easier, and many of them have their teeth and claws surgically removed or they are jaws stitched out.<sup>40</sup>

## 3. Animal used in sports

Sports is a great part of amusement in the civilized society and animals are a huge part of sports and entertainment industries. Animals are the principle victims of exploitation in human sporting activities. The main purpose of animal sports for human beings is to indulge their penchant for gambling. Examples:- Horses are frequently being used in the entertainment world and are abused, injured and die. Bull fighting is probably the most barbaric exploitation of animals that is still legally practised in some foreign country.<sup>41</sup>

## 4. Animal used in Dairy industries.

Cows produce milk for the same reason that humans do: to nourish their young. In order to force them to continue producing milk, factory \_\_\_\_\_ farm operators typically impregnate them using artificial insemination every year. Calves are generally torn away from their mothers within a day of birth. which causes them both extreme distress. Male calves are destined to end up in cramped veal crates or barren feedlots where they will be fattened

for beef, and females are sentenced to the same sad fate as their mothers.

After their calves have been taken away from them, mother cows are hooked up, two or more times a day, to milking machines. Their reproductive systems are exploited through genetic selection, despite the negative effects on their health. Artificial insemination, milking regimens, and sometimes drugs are used to force them to produce even more milk the average cow in one day produces more than four times. Cows may be dosed with recombinant bovine growth hormone (rBGH), which contributes to an increased incidence of mastitis, a painful inflammation of the udder. which is one of the leading causes of death in adult cows in the dairy industry.<sup>42</sup>

### Implication of Animal Rights

Firstly we have to understand that what "right" means it means legal protection against harm, which does not include any act of cruelty or torture against animals. And indeed, state should create laws for the protection against cruelty and neglect. The law should be simple minimalist position in favour of animal rights and should prevent acts of cruelty to animal.<sup>43</sup>

People who impound or confine an animal is oblige to provide good air, water, shelter, and food. And people who transport an animal in truck, car or in railroad are

<sup>40</sup>Supra note 38

<sup>41</sup>Supra note 40

<sup>42</sup> The Dairy Industry, Available at <https://www.peta.org/issues/animals-used-for-food/factory-farming/cows/dairy-industry/> ( Visited on February 12, 2019).

<sup>43</sup>Cass R. Sunstein, Animal Rights : Current Debates and New Directions, 14 (2004).



required to allow the animal to rest and give them enough space to move. People who abandon, an animal including a pet should face criminal penalty. These acts should be taken seriously and should deal greatly to protect animal from suffering and premature death.<sup>44</sup>

### Analysis of Animal Cruelty and Abuse Laws in India:

Animals are an integral part of the biological diversity. They have been used in various field, especially agriculture, transportation and amusement etc. To reap maximum gain they have been exploited by human beings by using cohesive method and by inflicting unnecessary pain. The then British Government in India enacted the *Prevention Of Cruelty to Animals Act, 1890*. To give effect to the Act Cruelty to Animals, the Bill was passed by both the House of Parliament and approved by the president on 26<sup>th</sup> December 1960.<sup>45</sup> Which came on the statutes book as *Prevention of Cruelty to Animal Act, 1960(59 of 1960)*.<sup>46</sup>

This Act prohibits, any person from inflicting or causing any harm to the animals or the owner permitting unnecessary pain or suffering to be inflicted on any animals. The Act makes it a crime to beat, kick, torture, mutilate, administer an injurious substance, or cruelly kill an animal. It is also illegal to over ride, over drive, over load, or work an unfit animal. It is an offense to cruelly transport, confine or chain to an animal. It is a violation to engage in animal fighting or shooting competitions in which animals are

released from captivity to be shot. An owner commits an offense if he or she fails to provide sufficient food, drink or shelter, unreasonably abandons any animal, or permits any diseased or disabled animal to roam or die in any street.<sup>47</sup>

*The Environment Protection Act, 1986* provides the Protection and improvement of environment, safeguarding of forests and wildlife, under Article 48(A)<sup>48</sup>, and Article 51A(g). It states, that the fundamental duty of every citizen of India is to have compassion for all living creatures.<sup>49</sup> Above mentioned constitutional provisions impose two-fold responsibilities. On one hand, they give direction to the State for the protection and improvement of environment and on the other hand they cast a duty on every citizen to help in the preservation of natural environment.<sup>50</sup> These two Article are often read along with Article 21A, which not only safeguards the right to the environment but also the rights of the environment.<sup>51</sup>

It intends to prevent cruelty to animals and consequent loss to the owner. Therefore, it becomes necessary to prove the intention or knowledge of the accused, that was likely to

<sup>47</sup> THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960, Available at <https://www.animallaw.info/statute/cruelty-prevention-cruelty-animals-act-1960>( Visited on February 11, 2019).

<sup>48</sup>Ibid., 49

<sup>49</sup>V.N.Shukla, Constitution of India, 385(Twelfth ed, 2013).

<sup>50</sup> CONSTITUTIONAL MANDATE FOR ENVIRONMENT PROTECTION IN INDIA, Available at

[http://shodhganga.inflibnet.ac.in/bitstream/10603/174248/9/09\\_chapter%204.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/174248/9/09_chapter%204.pdf) (Visited on February 8, 2019).

<sup>51</sup>Ibid.,

<sup>44</sup>Supra note 43

<sup>45</sup>Maneka Gandhi, Ozair Husain and Raj Panjwani, Animal Laws Of India, 5 (6<sup>th</sup> ed, 2013).

<sup>46</sup>Ibid.,



cause wrongful damage or loss for convicting under sec 428 and 429<sup>52</sup> of the Indian Penal Code which make illegal to maiming or causing injury to any animal with a monetary value. The Code also makes illegal for cars which purposefully injure or kill dogs, cats and cows on the street.<sup>53</sup>

Categorized as an “unnatural offence”, whoever voluntarily has carnal intercourse against the order of nature or keep consensual sexual intercourse between persons of same-sex or animals shall be punished for life imprisonment under sec 377.<sup>54</sup> The Supreme Court has laid down certain guidelines while partially striking down Section 377 of the Indian Penal Code.<sup>55</sup> The apex court, however, said any kind of sexual activity with animals shall remain penal offence under Section 377 of the IPC.<sup>56</sup>

#### Judicial decision that changed the status of Animal:

<sup>52</sup>PSA Pillai, Criminal Law, 809(11<sup>th</sup> ed 2012).

<sup>53</sup> ANIMAL LAWS IN INDIA, Available at <http://www.compassionateliving.in/AnimalLawsInIndia.pdf> (visited on February 8, 2019).

<sup>54</sup>Indian Penal Code Act, 1860.

<sup>55</sup> VICKY NANJAPPA, Section 377: Sex with animals still an offence, sexual act without consent punishable, Available at <https://www.oneindia.com/india/section-377-sex-with-animals-still-an-offence-sexual-act-without-consent-punishable-2770421.html> (Visited on February 9, 2019).

<sup>56</sup>The Economic Times, SC decriminalises gay sex: What the court said on Sec 377, Available at <https://economictimes.indiatimes.com/news/politics-and-nation/sc-decriminalises-gay-sex-what-the-court-said-on-sec-377/articleshow/65698816.cms> (Visited on February 9, 2019).

#### Animal Welfare Board Of India V. A. Nagaraja Ors.<sup>57</sup>

In this case the Court recognized the acts of cruelty towards animals, it banned the sport of jalikattu which violated sec 3, sec 11(1)(a), sec 11(1)(m), sec 11(1)(n) and sec 22 of PCA and Art 51 A(g) and (h) of the Constitution. In 2014, the Hon'ble Supreme court of India passed a landmark judgment pinching strongly on animal rights in India. It is presently consider as the matter of animal laws and also extended the fundamental and constitutional right to life<sup>58</sup>.

Life means something more than mere survival or existence or instrumental value for human beings, and animals has also honer and dignity which can not arbitrarily deprived of. Every species has an inherent right to live and shall be protected by law, subject to the exception provided out of necessity. The supreme court also spoke about the concept of unnecessary pain, it held that in cases of animal offences it is important to see whether the suffering caused to the animal, have been reasonable avoided or whether the conduct causing suffering is for a “legitimate purpose”. The court while interpreting sec 3 of prevention of cruelty Act gave the opinion that sec 3 of prevention of cruelty Act does not confer any right upon any person to inflict necessary or unnecessary pain or suffering to animals<sup>59</sup>. In the case of *Compassion Unlimited Plus Action V Union of India*, held that any action which causes

<sup>57</sup>(2014) 7 SCC 547.

<sup>58</sup>Art. 21 of The Indian Constitution.

<sup>59</sup>Krushni Goseva Sangh v State of Maharashtra 1987 SCC Online Bom 309.



unnecessary pain and suffering to animals is an offence. In consonance with the provision of the PCA, Bombay High Court held in *krushi Goseva Sangh V State of Maharashtra*, that the transfer of cattle, in cages not proportionate to their size is an offence under PCA. Transportation of animals for slaughter amounts to an offence under sec 11(1)(e) of PCA. In *Bharat Amartlal Kothari V Dosukhan Samatkhani Sindhi*, where the issue was regarding transportation of animal for slaughter via truck, in which they had been filled in a cruel manner, the Supreme court not only imputed liability for the offence for the driver but also on the owners of the truck<sup>60</sup>.

In *People for Animals V Md. Mahazzim*, Delhi High Court recognized, that the fundamental rights of the birds is to fly in the sky as against the rights of human to keep them in cages for the purpose of trade or business. However, the Supreme Court, in *Nagaraja* recognized the fundamental right of animals to live with dignity and honor, by expanding the definition and scope of Art 21 of the Constitution, which includes animal life as well.<sup>61</sup> Animals thus, have been given the right to live with dignity and honor which is reflected in the constitution of India.<sup>62</sup>

**Stop Animal Cruelty “A life worth living”**  
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Each and every year million of animals suffer from human action directly or indirectly. Dogs are being abused, cats are

being mistreated, and some animals are raised on farms simple for human consumption, circuses are held for entertainment purposes, experiments are done on cosmetic products etc.<sup>63</sup>

*Mahatma Gandhi once rightly said, “the greatness of a Nation is judged by the way it treats its animals”.* The history of the movement in the context of protecting the rights of animals dates back to the 3rd century when Ashoka explicitly banned the killing of any animal in his kingdom<sup>64</sup>. But in today’s competitive world they are being exploited since they are mute spectators and are inescapable of raising their voice against this cruelty. To curb the menace of cruelty against animals, various laws have been implemented by the central Government quickly such as Prevention of Cruelty to Animals Act, 1960 to rescue those animals from exploitation.

Necessary steps should be taken :-

Step1: Inform local animal lover or NGOs any way so that they can help and make your work easier.

Step2: Confront the perpetrators and tell them that they are doing something wrong and illegal. Lodge a complain in the police and have immediate action. Note that if what they are doing involve wildlife or not, Wildlife include all animals apart from few domestic animals. If the

<sup>60</sup>Bharat Amartlal Kothari V Dosukhan Samatkhani Sindhi, 2010 1 SCC 234.

<sup>61</sup>People for Animal V Md. Mahazzim, 2015 SCC Online Del 9508.

<sup>62</sup>Id.,

<sup>63</sup>Animal Cruelty For Using Animal, Available at [http://shodhganga.inflibnet.ac.in/bitstream/10603/23635/1/11\\_chapter1.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/23635/1/11_chapter1.pdf) (Visited on February 9, 2019).

<sup>64</sup>Rebecca Furtado, Cruelty Against Animals in India, available at <https://blog.ipleaders.in/cruelty-animals-india/> (last visited on December 31, 2018).



perpetrator caught while harming or capturing them, he can be liable for serious crime which involves imprisonment. And if domestic animal are being hurt unnecessarily it can still be a crime under the law for which there is a punishment.<sup>65</sup>

Step3: If they do not listen, record the evidence of the wrong doing over a phone. And also tell them that the recording can go viral in social media.

Step4: Along with the recording, go to the police station and lodge a complain if wildlife is involved, inform the wildlife department about such incident. If the police refuses to lodge such complain send directly to the SP by registered post. And tell them that people from Animal welfare NGOs will come to insist if they do not register complaint.

Step 5: Inform animal welfare people to take medical care if the animal is hurt unnecessarily.<sup>66</sup>

Additional step in case of serious instances:  
Contact the Honorary Animal Welfare Officer of the respective state and inform him about the ill treatment and cruelty which has occurred, and ask him to take some immediate action.<sup>67</sup>

### Conclusion:

Animal cruelty is still a kind of inhuman behaviour which makes the animal surrender or wipe into existence. These animal are no longer animals they have turned into meat,

milk and egg producing machinery. They are confined into a space where they can not even turn around or extend their limbs. It is not just a moral problem, it is a legal problem which the country needs to recognize. In India there has been some development in laws regarding welfare of animals. Government has initiated different kind of laws regarding the protection of animals, such as Prevention of Animal from Cruelty. However it has also been identified by the judiciary increasingly to give rights to animals under the Constitution and also impose certain duties on citizens. To overcome this, we should educate people that as we suffer, animals also suffer equally, they feel pain too. *“Sky is like Father, Earth is like Mother, and all the creatures that live in between constitute a family. Any disturbance to any one of them will disturb the entire system”:- Rig Veda.*

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<sup>65</sup>Id.,

<sup>66</sup>Id.,

<sup>67</sup>Supra note 64.