



## **ANIMAL TORMENT- ILLEGAL UTILIZATION: LOOPHOLES IN THE PRESENT LEGISLATION**

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*"One of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it."*

*- Anthropologist Margaret Mead.*

### **I. ABSTRACT**

India is a country which has witnessed the respect for animals since ages. In our historical times we had a huge respect for the animals whether stray or pet & wild or domestic. In our story tales like Panchatantra's we have seen a huge respect for animals.

Despite having such a great history in modern times, we are just forgetting our beliefs and respect for these beautiful creatures of almighty. There are very inhuman conditions for these animals throughout the nation. The social media is flooded with news and clips showing the inhuman behaviour of young generations.

The major flaw is in our laws and policies which are not very much strict in nature. The Prevention of Cruelty to Animals Act was passed in 1960 with the aim of curbing atrocities towards animals but, it has clearly failed to keep up with the times. Violations under this act come under the category of non-cognizable bailable offences, which roughly translates into the fact that violators usually get off only with a fine. None of the recent governments has made any efforts to amend the archaic law.

There are various issues attached with the problem of cruelty to animals like Cosmetic testing on animals, neglect of stray dogs after the procedure of birth control, Keeping animals in battery cages and many more.

The paper is inclusive of the change in behaviour of humans from past to present towards animals. The loopholes in the act of 1960(mentioned above) along with the solutions. Also, the exigency for new legislations. The inhuman behaviour by the corporates towards animals in different ways. The authors will also provide with suggestions to make the conditions better for animals.

**Keywords:** animals, cruelty, loopholes, corporates

### **II. RESEARCH QUESTIONS**

1. How are present Indian Laws being a big failure for the protection of animals from cruelty and what are the loopholes?
2. What steps are needed to protect the animals from such cruelty?
3. What are the needs for enacting new law?
4. How the companies are responsible for animal cruelty?

### **III. RESEARCH OBJECTIVE**

The object of the study is to find the loopholes in the present law related to animals and find solutions to them so as to decrease the percentage of cruelty with animals.

### **IV. RESEARCH METHODOLOGY**



The authors have done this research which is truly based on qualitative research and secondary sources to gather the information to achieve its objective in this research.

## V. INTRODUCTION

The cruelty to which animals are being subjected is increasing day by day. The poisoning chemicals which is being fed to animals to reduce their numbers is being common. The creatures which provide humans with many resources necessary for survival, are being treated in a cruel manner. Unnecessary testing of products on animals results in their deaths most of the times. The victims of rape are not only the humans but also the animals who are not even able to speak their hearts out. In 2018, a pregnant goat was gang raped by 8 drug addicts after which she died.<sup>1</sup> This kind of inhuman behaviour is an example of decline of humanity. Such acts are being performed on a high ratio and many animals die such deaths daily.

In India, The Prevention of Cruelty to Animals Act, 1960 is the legislation related to animal cruelty. In this legislation, the sections define the basic terms as well as many other important aspects have been covered under it. There are some loopholes due to which the crimes related to animals are increasing at a high pace. Some of the provisions are not very strict due to the law is not being implemented properly. The punishments, charges, grounds etc include some transformation to cope up with the present-day situations.

The young minds of the nation are using animals in a wrong way for their profitability.

The use of animals by different kind of industries is also a kind of cruelty. Illegal killing of animals for the purpose of profitability of the corporates is accusing a hug loss of creatures. The implementation of law is null due to which the criminals are getting wings. The loopholes in the law are necessary to be filled along with the enactment of fresh legislation in relation to stray animals.

## VI. INHUMANE BEHAVIOUR BY HUMAN BEINGS

In India, some animals are being treated as gods and are believed to have spiritual powers. In the ancient times, the animals have been mentioned in some of the holy books too. People were concerned and respected animals. There was a spirit of humanity among humans in relation to animals. Along with the time, people started looking for profits in everything which included animals too. The corporates started caging animals for their profits and testing.

Presently, mainly instances have been seen where people have been doing acts with animals just for fun. Such acts include raping female animals, burning, beating, cutting, poisoning of them. People have lost their religious beliefs are more concerned about their own lives. The rats which are said to be connected with Lord Ganpati are being used by companies for their product testing. Goats and cows give us give are being raped brutally. Dogs, best friends of humans are being burnt, killed by the youngsters just for fun.

Such instances are clearly the cases of animal cruelty and are to be covered under the laws

<sup>1</sup>[http:// www.news18.com](http://www.news18.com)



related to animal cruelty. The only way to get rid of such crimes is to have strict laws against them. The strictness of laws is the only way which can stop people and their cruelty. The beliefs of people need to be restored in order to save animals. The awareness needs to be increased too.

## VII. LOOPHOLES : A PATHWAY TO CRIMES

The Prevention of Cruelty to Animals Act, 1960 is the legislation which governs the animal related crimes in country. This was first enacted animal law of India and also brought many important provisions but, there are some loopholes which need to be corrected to decrease the crimes related to animals. In July 2018, a man was taken into custody as he was caught having sex with a female dog. The dog was later rescued and was taken to hospital. Though the man was alleged to be charged under Section 377 of Indian Penal Code, 1860<sup>2</sup>, the Act of 1960 itself needs to include this as crime to make it a crime separately against animals. Section 11 of the Act includes many acts which are to be treated as cruelty but, rape and having unnatural sex with animals by humans is not included under it. The section should also make a sub-section making it as a crime with grievous punishment.

<sup>2</sup> Unnatural offence. —Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Explanation. — Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

<sup>3</sup> promotes or takes part in any shooting match or competition wherein animals are released from

Section 11(o)<sup>3</sup> of the act of 1960, includes punishment for both offences but, the penalty for the former one is not sufficient. The promotion of such crimes should be treated as abetment to the crime and should be treated equally as the commission as the fine of such amount will encourage people to promote others for committing such offences of shooting animals.

Section 17 of the previously mentioned act deals with the rules and regulations regarding the experimentation of animals by the companies for testing their products. In 2017, it was discovered by an NGO that 21 beagle dogs caged for scientific experiments and were subjected to pain and cruelty.<sup>4</sup> As mentioned in Section 17(e) states the penalties which are not sufficient for the humans to make guilty of their offences.

Chapter V of the act deals with the use of animals in the shows and rules and regulations related to them. The punishments and fines in these cases are also less. The main loopholes are in the value of fine due to which people are not taking their actions and crimes and are not following the law. Such loopholes need to be sorted and amended.

## VIII. EXIGENCY FOR NEW LEGISLATION

The PCAA, 1960 is the central governing act for non-wildlife/other animals in India. The

captivity for the purpose of such shooting; he shall be punishable, 4 [in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both].

<sup>4</sup> <https://timesofindia.indiatimes.com>



law provides for various conditions to which the animals are subjected along with rules and regulations. The penalties and punishments are also mentioned according to the crime committed with the animals. The act is not being implemented properly and has many loopholes due to which the crime rate is increasing. The violation of law is taking place due to which animals are being subjected to more cruelty every day. There has been a considerable increase in the number of deaths of animals unnaturally.

The Draft (Animal Welfare Act), 2011(DAWA) has been drafted in concern with the animals. It is more comprehensive and detailed in terms of the crimes and cruelty towards animals. The exigency for having new legislation is a result of the violations of the former one. The improper or null implementation of the laws by the individuals have increased the need for new and strict legislation. This draft is also concerned with the welfare of different animals and this in also includes the working of slaughter houses and cruelty of animals in them. The penalties have been increased keeping in mind the irresponsible behaviour of people. Also, many new points related to committees and their constitution have been inserted to bring more uniformity and simplicity in the working. The passing of the act will bring a considerable change in the human behaviour.

#### **IX. TESTING AND TORTURING OF ANIMALS BY CORPORATES**

The products we use in today's world are being tested on the cost of one's life. The products like lipsticks, shampoo, hair colours and many other beauty products are being

tested on animals to check the effects of the chemicals used to manufacture it. These tests are majorly done on rabbits, guinea pigs, hamsters, rats and mice. The company puts their product on their eyes and on skin to see the reactions and collect data for their research. Pain relief isn't provided to animals on the premise that it might interfere with take a look at results, and the animals used are almost always killed at the end of an experiment. However, these animals get blind and suffer huge skin infections due to the chemicals and they end up in losing their life. The use of animals for cosmetics testing was instituted in the 1940s in response to serious injuries suffered by people who were exposed to unsafe beauty products. The Chinese government conducts obligatory animal tests on all cosmetic merchandise foreign into the country. The government may conduct animal tests on things force from store shelves. Therefore, albeit a cosmetics company doesn't take a look at their merchandise or ingredients on animals, if they sell their products in China, they cannot be considered cruelty-free.

**Cosmetics tests performed on animals are:** Skin and eye irritation tests where chemicals are rubbed onto the shaved skin or dripped into the eyes of restrained rabbits without any pain relief. Repeated force-feeding studies lasting weeks or months to seem for signs of general ill health or specific health hazards like cancer or birth defects.

Widely condemned "lethal dose" tests, within which animals' area unit forced to swallow massive amounts of a take a look at chemical to work out the dose that causes death.<sup>5</sup>

#### **X. AVOIDANCE OF ANIMAL TESTING**

<sup>5</sup> <https://www.hsi.org>



Modern non-animal tests represent the terribly latest techniques that science has got to supply to confirm the security of recent cosmetic merchandise and ingredients. These alternatives test area unit usually faster, cheaper and more reliable than outdated animal tests, producing results that are more relevant to humans and better able to predict how cosmetic chemicals will react in the human body.

More than forty non-animal tests are valid to be used. For example, there are a number of skin tests available that use human reconstructed skin, such as Epidermis and EPISKIN, as wells as the “3T3 NRU” test for sunlight-induced “photo toxicity,” and the Bovine Cornea Opacity and Permeability test for eye corrosion

There are a unit already several merchandise on the market that area unit created exploitation thousands of ingredients that have an extended history of safe use. Companies will guarantee safety by selecting to form merchandise exploitation those ingredients. Companies even have the choice of exploitation existing non-animal tests or finance in and developing different non-animal tests for brand spanking new ingredients. There are a unit nearly fifty non-animal tests that are valid to be used, with more in development. These trendy alternatives offer results that aren't solely additional relevant to individuals, however additional economical and cost-efficient. Advanced non-animal tests represent the terribly latest techniques that science has got to supply, exchange noncurrent animal tests that were developed decades past.

### **Cruelty-Free campaign**

The Humane Society of the United States and Humane Society International area unit committed to ending animal testing forever. Through our Be Cruelty-Free campaign, we are working in the U.S. and round the globe to form a world wherever animals now not ought to suffer to provide lipstick and shampoo. In the u. s., the Humane Cosmetics Act was introduced, which, if enacted, would prohibit animal testing for cosmetics in the U.S., as well as the import of animal-tested cosmetics. We're also reaching out to legislators and regulators in Canada, Asia and South America to achieve lasting progress for animals. By operating with scientists from universities, private companies and government agencies worldwide, we are supporting efforts to develop an approach to testing that combines ultra-fast cell tests and sophisticated computer models to deliver human-relevant ends up in hours, unlike some animal tests that can take months or years.<sup>6</sup>

### **The Leather Industry**

Leather will be made up of cows, pigs, goats, and sheep; exotic animals such as alligators, ostriches, and kangaroos; and even dogs and cats, who are slaughtered for their meat and skin in China, which exports their skins around the world. Because animal skin is generally not labelled, you never really know where (or whom) it came from. Most animal skin comes from developing countries like Republic of India and China, where animal welfare laws are either non-existent or not enforced. In India, a PETA investigation found that employees break cows' tails and rub chili peppers and tobacco into their eyes so as to force them to induce up and walk

<sup>6</sup> <https://www.humanesociety.org>



once they collapse from exhaustion on the thanks to the butchery.

Buying leather directly contributes to factory farms and slaughterhouses because skin is the most economically important coproduct of the meat industry. Leather is additionally no friend of the setting, as it shares responsibility for all the environmental destruction caused by the meat industry as well as the pollution caused by the toxins used in tanning.

With each combine of animal skin shoes that you just purchase, you sentence an animal to a lifetime of suffering. Instead, you'll select from many kinds of non-leather shoes, clothing, belts, bags, and wallets. Check out PETA's cruelty-free clothing guide for great tips on where to find fashionable yet compassionate clothing. Fashion should be fun, not fatal!<sup>7</sup>

#### **Pharmaceuticals industries abusing animals:**

Pharmaceuticals industries are one of the major contributors to the cruelty against animals. The drug manufacturers test their drug on the animals to check the reactions of the drug on the living creatures as a result these creatures lose their life. The companies argue that it is necessary to check out the results of the drugs before it is made available to the public. They check whether the drug is toxic or not or it has some harmful effects. Laws and regulatory agencies worldwide currently require that medicines are tested on animals before clinical trials on humans. Millions of animals are used in these cruel tests worldwide every year. Dogs and monkeys are used to test the medicines and

about 81% of these animals are dead due to the side effects of these drugs.

#### **XI. SUGGESTIONS**

The authors have some suggestions after doing the research on the topic. The suggestions are as follows.:

- a) There must be campaigns to promote awareness among people about the cruelty to which the animals are being subjected to.
- b) The loopholes in The Prevention of Cruelty to Animals Act, 1960 should be sorted urgently.
- c) The amendment bill for the same act should be passed as soon as possible.
- d) There must be a new legislation with more deep and complete provisions.
- e) The fines and penalties must be increased along with the time.
- f) There must be strict actions against the companies using and torturing animals unnecessarily.
- g) There must be a mandate for the companies not to test their products on animals.

#### **XII. CONCLUSION**

The laws governing the animal cruelty cases in India are having some major loopholes. Those need to be covered and sorted as soon as possible. The need for enactment of new law for other issues related to animals is also an urgent need for the country. The cruel behavior by humans is increasing and needs to be stopped so that we may not lose much animals. Those living beings are being considered less than others.

<sup>7</sup> <https://www.peta.org>



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The major issue is with the corporates because their experimentations are harming animals and also, they are not following the laws. Such corporates need to be controlled and governed properly. The law in relation to animal prevention in corporates is a separate and foremost need. The filling of loopholes, enactment of new law and also the awareness among youngsters are the only ways to decrease the cruelty among animals.

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