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THE HARSH REALITY OF ANIMAL CRUELTY IN INDIA.

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ABSTRACT:

Animal abuse has been a problem for humans since the dawn of humanity. It is important to talk about how animal resources have been misused because of their vulnerability and helplessness. India's diverse fauna has given rise to various biodiversity hotspots, yet despite this, encroachment on forested areas has continued. In the process, the Man-Animal conflict grew worse. The wide range of animal abuse may be roughly categorized as mistreating both terrestrial and marine species, smaller animals that are frequently found in and around human habitats, and animals utilised for amusement. The current study focuses on the necessity of developing peace between humans¹ and animals in order to create a brighter future for everyone and explores animal cruelty against wildlife, performing animals, and other smaller animals throughout the last years in India.²

INTRODUCTION:

India has a rich biodiversity, which includes many different kinds of animals and plants. As humans are the most dominant species to survive on Earth, it is our responsibility to protect the rare species, out of which some are endangered and in danger of going extinct. Ironically, though, we treat animals with such brutality that we are to blame for the extinction of many of these rare species. Animal birth control guidelines from 2001, the wildlife protection act from 1972, the prevention of cruelty to animals legislation from 1960, and others. However, these deeds or regulations are insufficient to at least reduce the prevalence of animal cruelty.

India established the Animal Cruelty Prevention Act in 1960 to strengthen government support for animals and protect their welfare. Since then, animal government assistance has remained popular in Japan.³ This has been clear since the Animal Welfare Committee was founded in 1962 and animal welfare organisations have become more and more enthusiastic. There have been amazing development made as a result of these occurrences. It is frequently observed in the improvement of several laws and arrangements, such as the treatment of performing animals and the restriction of creature testing on personal care products. As the dispute intensifies, there are also more legal interventions related to concerns about animal government assistance and protection.⁴

¹ Eco. Env. & Cons. Animal Abuse in India: A cause of concern in the last Decade, Maneesha Mishra¹ and Arpita Mitra², 26 (2) : 2020; pp. (588-593), <http://www.envirobiotechjournals.com/EEC/v26i220/EEC-17.pdf>

² Ibid

³ IJARIIE\www.ijariie.com\ A STUDY ON ANIMAL RIGHTS AND HUMAN MORALITY IN INDIA\ANANT PANDEY\ http://ijariie.com/AdminUploadPdf/A_STUDY_ON_ANIMAL_RIGHTS_AND_HUMAN_MORALITY_IN_INDIA_ijariie13606.pdf, pp. 897

⁴ Ibid

Animal abuse has been among humans since the dawn of humanity. Since animals are defenseless and vulnerable, their resources have been mishandled. Despite the fact that India's diversified wildlife has given rise to a large number of biodiversity hotspots, increasing human encroachment into forest areas has led to Man-Animal Conflict. Animal abuse can take many different forms, but the most frequent include brutal treatment of smaller animals in or around human habitats, maltreatment of performing animals, and abuse of both terrestrial and aquatic animals. Whether it's a person who kills a neighbor's cat, a hoarder of sick or dying animals, or a family that chains their starving, freezing dog outside in the midst of winter, stories about animal cruelty make headlines.

Animal abuse can take many different forms, such as basic or severe neglect, deliberate abuse, animal hoarding, organized abuse, ritualistic abuse, or animal sexual assault. Animal cruelty cannot be ignored since it has been demonstrated to have serious repercussions, from being linked to other crimes to causing great suffering to animals that have no one else to speak out for them. Everyone, including the government, NGOs, and society, has a role to play in the journey that must be taken to combat the issue of animal cruelty. This research paper examines animal abuse.⁵

RESEARCH METHODOLOGY:

The study examines animal maltreatment and the ways that humans injure animals. Regarding animal abuse in India, it has made use of the content analysis method. The objective, methodical, and quantitative description of the information found in communication research that is expressed through written or oral language expression is known as content analysis. There are several ways to assess the numerous facets and prevalence of animal cruelty in various regions of India. Some NGOs and social workers visit the locations and document the lives of the children there; they are deprived of mothers, they are not adopted, and they grow up to become stray animals, which is a major issue in India. And as they become older, they are shunned everywhere by the so-called civilized society, and in the end, they are either devoured by other animals or pass away from famine or a contagious illness.

RESEARCH OBJECTIVES:

1. To understand various types of cruelty done to animals and what are sufferings which a victim animal goes through
2. To determine the laws which are ineffective and do not support the prevention of animals.
3. To determine what can be done in order to prevent this brutal cruelty in India.
4. To examine how the number of stray animals can be brought down to 0.

⁵ Maneesha Mishra and Arpita Mitra, Animal Abuse in India: A cause of concern in the last, Eco. Env. & Cons; pp. (588-593) Copyright@ EM International ISSN 0971–765X26 (2): 2020
<http://www.envirobiotechjournals.com/EEC/v26i220/EEC-17.pdf>

ANALYSIS:**Cruel acts are done with and on animals:****(a) Experiments on animals**

Animals are abused in various types of ways like forced and unhygienic impregnation of cattle, horses, chickens, etc. Animals are subject to hazardous experiments which are done in the laboratory for example: - genetic manipulation, injecting various chemicals and viruses, etc.

(b) Animal betting fights

In India dog-fighting and cock-fighting is considered illegal but in spite of it both are quite common as betting is done in a huge amount and the animal is equipped with sharp weapons for example: -tying a blade on cock's leg, making dogs equipped with a metallic sharp denture, etc.

(c) Hoarding of animals

Animal hoarding happens when someone keeps a large population of animals and fails to provide their basic needs in terms of proper shelter, food, and hygiene and most of them end up dying due to starvation or disease generates due to negligence of the owner for example: - if someone builds up a poultry farm and fails to maintain hygiene so that the chickens may get infected and die.

(d) Animals in the circus

Animals are tortured for performing in circus shows. Lions, elephants, and zebras are bought or smuggled and trained brutally or perform in the circus. They are not provided with food and water until and unless they don't learn to perform tricks and stunts in the circus

(e) Inhumane acts for fun

Every day many cases are heard on social media on how brutally animals are killed for fun and recorded, for example, the legs of a dog are cut and recorded for getting popular on social media. These are the cases that we can witness due to social media but what about those which are not online or recorded or no one has witnessed them? These acts are increasing day by day.

ANIMAL PROTECTION LAWS IN INDIA**1. Prevention of cruelty to animal act, 1960**

For the working of this act, an animal welfare committee was established in order to prevent harm or any type of cruelty to the animals. This act prescribes various punishments for different cruel acts. The punishment for a first-time offender is rupees 10 which may extend to rupees 50 if the offender gets convicted for the second time. Within three years he gets a fine which is 25 rupees and extends up to Rupees 100 or imprisonment of three months or both fine and imprisonment.

2. The wildlife protection act, 1972

This act was brought into work for the prevention of wild animals which may be reptiles, amphibians, mammals, and their offspring. Any offense committed to these animals, birds, or plants will result in the punishment of imprisonment for a term of 3 years or a fine of Rupees Twenty-Five Thousand. Or both for a first-time offender and if the offense is repeated the punishment is increased to imprisonment for a term of 7 years and a fine of Rupees Ten Thousand. Other than these 2 laws or acts there are provisions in the Indian Penal Code of 1860, to punish animal cruelty. Sections 428 and 429 of the IPC, 1860 prescribe punishment for offenses of killing, maiming, poisoning, etc with a fine or with both.⁶

CASE STUDY

According to the ruling in **Wildlife First and Ors. v. Union of India and Ors⁷**, and numerous other similar writ petitions that the judges handled, the right to life is safeguarded by Article 21 as a basic right. For people to enjoy life to the fullest, environmental protection, ecological harmony free of air, water, and sanitary pollution, as well as their right to a life with dignity, are all requirements. It is impossible to properly experience life without these components. These specific constitutional provisions and major Apex Court decisions lay the groundwork for wildlife preservation and conservation, enabling civil society organisations and people to actively engage in the process of safeguarding forests and animals.

In reference to **Goa Foundation v. Union of India & Others.⁸** The major argument before the Supreme Court was the distance that mining is authorized in the Goa state from National Parks and Wildlife Sanctuaries. The National Board for Wild Life (NBWL) "adopted the Wild Life Conservation Strategy - 2002" and decided to declare the areas within 10 kilometers of the borders of National Parks and Sanctuaries as eco-fragile zones under section 3(v) of the Environment (Protection) Act at its meeting on 21.1.2002, according to the Justice Shah Commission's report, which was implemented by the Supreme Court. When a non-human species inspire empathy in people, their interests should be upheld. Affectability can be addressed separately when examining the argument for extending rights to creatures and the logic behind laws intended to provide creature government assistance through promises.⁹

A Summary of incidents of Animal Abuse:

Various items about wildlife crime and animal mistreatment may be found among the news articles chosen for the study, including the following:

⁶ANANT PANDEY, A STUDY ON ANIMAL RIGHTS AND HUMAN MORALITY IN INDIA, Vol-7 Issue-1 IJARIIE-ISSN(O),

2021http://ijariie.com/AdminUploadPdf/A_STUDY_ON_ANIMAL_RIGHTS_AND_HUMAN_MORALITY_IN_INDIA_ijariie13606.pdf

⁷ Wildlife First and Ors. v. Union of India and Ors

⁸ Goa Foundation v. Union of India & Others.

⁹ Dr. Sunitha Kanipakam, BIODIVERSITY - WILDLIFE CONSERVATION LAWS IN INDIA, ISSN: 2320-5407, 2017, https://www.academia.edu/35709183/BIODIVERSITY_WILDLIFE_CONSERVATION_LAWS_IN_INDIA

1. "14 Bird species at risk of extinction," March 26, 2012. According to a survey, at least 14 different species of birds are in danger of going extinct because of widespread pesticide usage, poaching, and the death of
2. 39 rhinos were euthanized in Kaziranga National Park in just 10 months. Business Line, The Hindu, 5 Oct. 2012. During the course of ten months in 2012, it was reported that 39 rhinos died in Kaziranga National Park. The one-horned rhinoceros is a rare animal, and poachers hunt it for its valuable horn, which sells for between Rs 40 and Rs 90 lakh on the international market and is in high demand from buyers.
3. On June 18, 2013, 23 peacocks were discovered dead in Rajasthan. Five male and twelve female carcasses of 17 peacocks were discovered in the Tonk District's Nagarfort region. The peacocks' deaths are believed to have been caused by eating poisoned food grains, according to forensic scientists from the forest department.
4. Poachers sell animal species online on May 16, 2014. Another strange claim mentioned the internet selling of jackal cubs. The Animal Welfare Board of India has verified receiving multiple reports on the online trading of wild animals from reputable websites.
5. Three chimpanzees were freed from the home of an animal trader on January 23, 2014. Customs officers recovered five marmosets, another exotic species, and three chimpanzees from the Baguiati home of an animal trader. All five marmosets were on the International Union for Conservation of Nature's endangered species list. The trader allegedly purchased the chimpanzees from Bangladesh about six months ago with the intention of selling them to a South Indian private zoo.
6. Dangerous from Kolkata, two turtles and tortoises were saved. July 7, 2015. 71 endangered turtles and tortoises were rescued from an animal trader's home. They belonged to two classified species out of four separate species. They belonged to four separate species, two of which are under Schedule I of the "Wildlife (Protection) Act, 1972" and are designated as "protected," while the other two are designated as "threatened." They were identified as 44 Indian Tent Turtles and 27 Star Tortoises, both of which are Schedule IV protected species. Four pond turtles and one Crowned River turtle were both designated as "Protected" under the Wildlife (Protection) Act of 1972.¹⁰
7. A reward of Rs 50,000 is offered for information leading to an acid assault on a monkey. 22 February 2016; DNA. "The Resqink Association of Wildlife Welfare rescued a monkey from Tusletpada in Bhandup after it had been assaulted with an acid-like substance, but the animal later died from its wounds. Animal rights NGO Humane Society International-India announced

¹⁰ Supra 1

a reward of Rs. 50,000 for any information leading to the identity, arrest, and conviction of the incident's perpetrators as a result, prompting the occurrence.¹¹

8. Beagles rescued from a facility in Bengaluru highlight the inhumane, pervasive practice of animal experimentation. On May 20, 2016, First Post 42 bred and maintained alive in captivity beagles between the ages of 2-4 years old were let out of their cages. In 2016, a Bengaluru-based pharmaceutical testing lab used these dogs as test subjects for its animal testing procedures.

9. Cockfighting Is Legally Prohibited but It Gives Andhra Pradesh A Multi-Billion Dollar Betting Industry 2017-01-13 The Huffington Post. Cockfighting, a traditional sport, is very popular during Sankranti in Andhra Pradesh and is one of the most regulated blood sports in India. It was reported that roosters were being sold online on the e-commerce platform OLX for extortionate prices, which was later removed by the company, despite the Hon'ble High Court of Hyderabad's order directing the upholding the ban on blood sport prevalent in Andhra Pradesh and Telangana.¹²

10. "Madhya Pradesh: Cow escapes from farmer's shed, gets "raped" by drunk Man."27 March 2017, The Times of India. "A 50-year-old man from Bhopal was detained and imprisoned for molesting a cow in the Madhya Pradesh district of Betul. It was reported on March 19 from Betul Town, where three ladies saw the accused engaging in unnatural behavior. Police claimed that the cow had broken free from a farmer's shed. He was prosecuted under the IPC's section 377 (unnatural sex), not the 1960 Prevention of Cruelty to Animals Act.¹³

11. Animals are victims of "enforced" disappearances in Kashmir as well. The Kashmir Observer, 11 June 2017. An endangered Kashmir red stag named Hangul was fitted with a satellite collar by wildlife researchers in 2013. In an odd turn of events, the lone sample for the research has not been located despite the decision to install satellite collars on a group of Hangul at Dachigam Park.¹⁴

12. India's dairy industry has a brutal side, according to a two-year undercover investigation. November 25, 2017, The Hindustan Times. "Dairy industries' methods contravene the Prevention of Cruelty to Animals (PCA) Act, 1960, Transport Rules, 1978, Slaughterhouse Rules, 2001, and several high court and Supreme Court judgments, according to a two-year state-wide investigation by Pune-based animal conservation organization Animal Equality."¹⁵

¹¹ Supra 1

¹² Supra 1

¹³ Supra 1

¹⁴ Eco. Env. & Cons. Animal Abuse in India: A cause of concern in the last Decade, Maneesha Mishra¹ and Arpita Mitra², 26 (2) : 2020; pp. (588-593), <http://www.envirobiotechjournals.com/EEC/v26i220/EEC-17.pdf>

¹⁵ Supra 1

13. An animal rights organisation lodges a complaint after a civet cat is killed in a police academy in Chhattisgarh. India's The Times, June 22, 2018."A Mumbai-based animal rights organisation filed a formal complaint against a few police officers with the Chhattisgarh Forest department after learning that a protected wildlife species, a civet cat, had been brutally beaten and shot dead inside the Rajnandgaon-based police training school in Chhattisgarh."¹⁶

ANALYSING THE INCIDENTS

Press outlets frequently highlight instances of both domestic and wild animals being abused. Thymate, a powerful pesticide used by surrounding farms, may be used by poachers to poison elephants, according to a forester's inquiry. Along with terrestrial animals, the population of birds is also vulnerable to poisoning. Man-animal conflict usually results in cruelty to animals when opposing villages refuse to cooperate with the forest authorities. Due to the clear stream of money and the involvement of influential people, the wildlife trafficking hoax is pervasive. The crew's poor training, labour scarcity, the absence of proper equipment for animal protection, and employee safety are all causes for concern. Due to the lack of severe penalties, low conviction rates, and inadequate enforcement practices, there is an increase in animal cruelty.

Additionally, there are various instances where the presence of militant or opposing groups increases the frequency of wildlife crime. India's borders also make it easier for illegal immigrants to migrate, highlighting the illegal trade in animals and animal goods. Technology advancement has led to the development of new online trading methods, making it difficult to pinpoint the true culprit. Smaller creatures like reptiles are targeted since they generate more while drawing less notice. The general incompetence of regulatory bodies and the bottomless avarice of certain people continue to feed the demand for illegal animal reproduction for experimentation. Animal testing will no longer be mentioned in the cosmetic standards of India, according to the Bureau of Indian Standards. Modern alternatives to inhumane animal testing have been mandated¹⁷ .

According to The Pharmacy Council of India, all institutions that fall under it are required to register with the CPCSEA and follow the rules set forth for animal testing.¹⁸ Domestic animals have been victims of sexual abuse on several occasions because of their docile nature. In dairy farms, inexperienced males utilize non-sterile equipment to perform artificial insemination on dairy animals. The calves are then taken from their moms within days of birth.¹⁹ As milk production declines, the animals are kept chained and ruthlessly beaten with sticks before being sold to slaughterhouses.

¹⁶ Supra 1,12

¹⁷ <https://industries.ul.com/news/india-bans-cosmetics-animal-testing> Supra 1, 12

¹⁸ http://www.hwashsociety.org/conf/HWC2015/papers/41ID_HWC2015.pdf, Supra 1, 12

¹⁹ <https://www.hindustantimes.com/Mumbai-news/two-year-undercover-study-revealscruel-side-of-India-s-dairy-industries/story7icLDyv1Rq2tVV2kbYKccN.html>

A RIGHTS-BASED APPROACH TO ANIMAL WELFARE AND PROTECTION CAN BE PROBLEMATIC

There are some conflicts and problems within the present rights framework when non-human animals are viewed as genuine elements and when their entitlements are adequately understood. The main problem with this practice is that conflict over human and fundamental rights develops as a result. Giving animals rights provides them the chance to make up for a lost time, especially in light of the Legitimacy Constitution. These benefits could affect how human rights are valued in order to maximize business (for instance, there might be clashes between strict human rights and basic entitlements).²⁰

However, the vocabulary of rights has evolved, and the word itself can evoke feelings of "good and supernatural signaling" and has mostly been used in an explanatory context. Rights are important only in terms of the intrigues that their actuality can support. Unquestionably, rights are perpetually unchangeable, unalterable, and usually expanded to include things that were not originally intended. Not just to enhance the respect and help of creatures, but also to the extent that human government support in and of itself can be neglected.

It has been reported Despite the fact that disputes over rights only serve to increase the supremacy of human rights, the possible impact of such a legal development might be to stress human prosperity and social demands. According to the interests of rights theory, you can grant "a privilege from a feeble standpoint" to a creature whose rights are barely inside the boundaries of a human decision to interact with a creature. It is frequently looked at. On the other hand, it can be really challenging to determine precisely what a "firm" right is striving to defend against a "feeble" right, especially in the context of an argument. between fundamental entitlements and human rights.²¹

Even if this were to be achievable, it could invalidate the notion of a privilege as a generally acceptable and enforceable right. These questions play a big role in determining whether the right should be granted to the subject and whether the subject is a creature. Real human attributes are the central topic of investigation and the single driving force for development. There is much debate about whether protecting animals is in the human interest and whether we will continue to do so as long as humans and nonhuman animals share a biological system and state, or until people stop using it. Create beings that help you or someone else grows. The sections below go into further information regarding this.

In any event, just because something has actual human value doesn't mean that it needs to be founded on rights or that it can help people understand that value better. The next question is important in this case. The next question reveals the best course of action to achieve a certain goal. If animal insurance is constantly agreed to be the ideal goal, there are a few alternative strategies to get there. Award In order to achieve its ultimate goal, it is essential to concede rights to the creature rather than adopting creature government aid legislation since it is not

²⁰ Supra 6

²¹ Supra 6

feasible for a creature to detect a violation of rights and seek out its own insurance. It is a ludicrous medium.²²

Making rights for them would thus not be the greatest way to ensure and authorize their guarantee. Due to the aforementioned issues, the rights-based technique creates a grading system that is almost impossible to manage properly. It isn't the most effective way to protect animals. Finally, it is difficult to conclude that adopting this practice would also enhance creature government aid if the costs and benefits of engaging creatures are dissipating. The result of this will frequently be the triumph of human rights and the success of creature "rights," which may in certain cases cause conflicts between human rights and fundamental entitlements.²³

As shown in the next section, there are more effective ways to secure animals than preventing them from entering the realm of rights. In essence, all regulations pertaining to the protection and support provided by the government to animals only seek to raise their status and lessen the likelihood that they would do harm to humans. A rights-based technique is useless when people stop to consider it. Avoid letting a mandatory rating scheme backed by the force of legislation divert your attention. In order to deal with the continued assurance of creatures, creature government aid attempts must switch from a rights-based approach to one focused on obligations.

Different approaches to dealing with creature government support are revealed by examining creature-based enactment at various temporal and geographical scales. The argument made above that from a moral standpoint, organisms cannot have "rights," invalidates the viability of a "rights-based approach". The rights-based approach is used in the commitments-based methodology in this section of the text. Wide-ranging philosophical debates have focused on non-human animals. The discussion heavily depends on Aristotle's description of nature as the "vastness of presence." The basis for further investigation was a succession of animal species with unclear and incorrect cut-off criteria²⁴.

All non-human animals possess a "characteristic decent" of efficiency, according to Aristotle's followers, and this quality should only be used for human benefit in the biological system. Giving creatures "moral rights" has become a topic of rising discussion because of people and other species. Bentham went a step further and said that a creature's ability to endure is what establishes its rights. The archive said that this lasting alone was not a sufficient or appropriate reason to provide rights, but it is this enduring that the legal instrument must prevent, and the Animal Welfare Law continues to be crucial as a focal point of creature assurance. The concept of this propensity and sluggishness. Non-human creatures' interests should be protected when they make people feel compassion for them. When considering the justification for granting rights to creatures and the rationale behind legislation aimed at providing creature government aid through commitments, affectability can be tended to separately.²⁵

²² Supra 6

²³ Supra 6

²⁴ Supra 6

²⁵ Supra 6

CORRECTIVE MEASURES TO END ANIMAL MALTREATMENT

The accessibility of India to its neighboring countries, such as Bangladesh, Nepal, and Myanmar, considerably promotes the trafficking of illegal wildlife. The third cause is India's diverse and transient population, especially in its big cities, which is fast making it a transit country for illicit wildlife trafficking on a global scale. Authorities in charge of forest security face challenges as a result of poachers' use of sophisticated weapons and ammunition. Restricting procedures like artificial insemination, which untrained employees carry out using unhygienic ways, is vital.

Even if an increase in complaints of animal cruelty does not necessarily mean that these incidents will occur more frequently, it may show that these cases are being reported more quickly. But the general populace in India still doesn't fully comprehend the rights of animals. The law enforcement sector needs to hire more competent and skilled personnel to deal with cases of wildlife crime and animal cruelty. Improving the chances of being found, apprehended, charged, and found guilty is required for strengthening the links in the enforcement chain (Nurse,2016).²⁶

Because people who support or campaign for animal rights are typically picked out and targeted by shady poachers, animal cruelty and violent crimes are strongly related. In order for the public to speak out against acts of animal cruelty and report them to the proper authorities, it is imperative that the complainant be given the necessary protection. Such a procedure would help protect animal rights while regaining public confidence in the legal system. Compassion for all living creatures is the primary duty set forth in our Constitution. Therefore, it's critical that we change the present

CONCLUSION

All these acts and laws are not potent enough to prevent the animal which is getting abused and deprived of basic needs. The only solution is that this law must be amended and must be made as strict as it can be. For the stray animals, we must keep our environment clean and adopt them or make a shelter for them, and make them vaccinated so that the diseases like rabies and other animal-dominant diseases Do not get spread. We are humans and it's our moral duty to raise voices for the voiceless because they are wholly dependent upon us.

²⁶ Supra 1