

International Journal of Policy Sciences and Law

Volume 1, Issue 2

Animal Cruelty and Rights: **Review and Recommendations**

Navya Jain¹ and Muskan Jain²

This Article is brought to you for “free” and “open access” by the International Journal of Policy Sciences and Law. For more, visit <http://ijpsl.in/>

To submit your manuscript, email it to us at editorial.ijpsl@gmail.com or [click here](#).

¹ *Indraprastha College for Women, University of Delhi*

² *Kirori Mal College, University of Delhi*

Abstract

Each creature born on this planet is gifted the same resources by this bountiful world. We breathe the same air and live under the same sky. However, one species claims itself to govern and command the lives of the rest: humans. Humans exploit the lives of other creatures to satisfy their worldly desires. These non-humans are killed, maimed, poached and trafficked in brutal ways. Occasionally, they are subjected to cultural rituals and sacrificed in the name of God; other times, butchered in horrific ways for their skins and meats. Confined, chained and tortured, they are coerced into putting up shows for their human counterparts.

This paper analyses the acts and policies mentioned under the Constitution of India and discusses the opportunities wherein new rules could be introduced for the protection of fundamental rights for these animals. It also aims to suggest a model that ensures the security and the wellbeing of strays at the local level.

Key Words: *Animal, Non-Humans, Wild Animals, Wildlife, Cruelty, Animal Rights, Ethics, Hunting, Poaching, Circus.*

1.0 Introduction

Conversations and debates always revolve around humanity's characteristics and extend to rights and thus encompass and limit themselves to the spheres of human rights. Interestingly, some philosophers argue against drawing distinctions we consider as 'rights' or if we have any absolute rights, to begin. From a more socially and politically accepted perspective, rights are protections promised to all humans that cannot be breached or taken away by others, whether the government or the state, guarded by the constitution's security. The Universal Declaration of Human Rights was adopted unanimously by the United Nations General Assembly to guarantee all human beings moral and ethical rights. Taking it into consideration, it can be concluded that all humans throughout the globe enjoy rights, to varying degrees, to say the least.

However, is one of the most prized possessions to humans extended to those on the lower and, subsequently, the lowest pedestals of the food chain? Does the scope of our virtue also embrace the beings less talked about: non-human animals? Or as philosophers argue: What gives humanity the ground for the idea that humans have moral and ethical stature in the circle of organisms while non-humans do not? These debates still leave out the most fundamental question: do animals have rights in their being and not only when protested by activists? Animal rights advocates that propagate that animals should have the same rights as humans sound absurd in a typical sense. For some philosophers and scholars, radical even. If a sheep is given the right to propagate any religion, would it do so? If a rabbit is given the right to property, would it possess some? Hence, the scope of rights narrows down to the basics: the **right to live** and the **right against exploitation** being an umbrella for hunting, poaching, and trafficking.

Animal rights mean that animals deserve a certain kind of consideration—consideration of what is in their best interests, regardless of whether they are cute, resourceful, or an endangered species and regardless of whether any human cares about them at all. It means recognizing that animals are not ours to use—for food, clothing, entertainment, or experimentation (*What Do You Mean by "Animal Rights"?*, 2017). The need for these rights arises upon viewing themselves as righteous beings capable of feeling the same emotions as humans do: love, pain, anger, sadness, anxiety, and joy to begin. Typically, ethics is a critical reflection on how we should act and why. Similarly, animal ethics deals with how and why we should take animals into account in our moral decisions. Different ethical theories disagree about how we should act in many situations. For example, according to some views, it is always wrong to tell

a lie, regardless of the consequences. According to others, whether or not we should lie depends on the situation and the outcome for those affected by it. Despite their many differences, the most widely accepted ethical theories all support a defence of the moral consideration, which in the case of non-human animals is the rejection of practising discrimination against non-human animals, or speciesism (*Animal Ethics*, n.d.).

In the age where the global chains of trade and consumption derive a large proportion of its revenue from animals, both directly (hunting, fishing and poaching) and indirectly (as by-products in crayons, perfumes, sugars, and other luxury substances), the dependence on animals is ever-growing with a booming population and subsequently, the economy. Many animal-exploiting corporations defend their stance by introducing reforms to limit this inhumane exploitation only on paper. According to PETA, multinational beauty brands like Victoria's Secret, Bobbi Brown, Maybelline and Estée Lauder still indulge in laboratory experimentation of their products on animals like rats and rabbits.

With a population of more than seven billion people, natural resources are becoming reasons to fight wars. In a situation like this, humans will turn to an alternate source to meet their desires, ultimately making the exploitation of animals inevitable. Such probable actions with dire consequences proceed to reflect that animals have always been placed second to humans and human-focused developments, leaving them ignored more often than not. The fact that humanity has wiped out 60% of animal populations since 1970 further goes on to validate that (Carrington, 2019). The disappearance of these non-human species due to human consumption has left a far-reaching mark on the food chain, ironically affecting humans more than the others. This, however, is just one case among the billion more. Yet, the rights of animals and all other non-human species have been neglected over the centuries.

Nevertheless, with the introduction of Sustainable Development Goals in 2015, this conventional pattern was finally smashed by the United Nations. Though animal welfare wasn't explicitly included in most of the SDGs, yet it was rightly recognised as an integral factor for sustainable ecosystems under two of them, 14 and 15. The introduction of these Sustainable Development Goals has made conversations on animal rights and ethics more prevalent in the current global scenario.

To think that the ideology of speciesism will no longer have ground in the upcoming years is absurd. To expect that the exploitation of animals for human gains will vanish is bold. However, to hope that the government will bring about new policies to keep in check that supply chains and industries would not

be disrupted is completely feasible. Therefore, this paper aims to identify, analyse and criticize the existing gaps between rights for all and recommend solutions to generate an inclusive environment for all living organisms alike. The appeal is not to decrease the number of creatures in those cages, but to empty those cages. This paper aims to familiarise the reader about the plight of the non-humans while appealing for stricter, more stringent measures to counter the prevailing systems of animal exploitation.

2.0 Human Cruelty on Non-Humans

Cruelty against animals is a cognizable offence under **Section 428** and **Section 429** of the Indian penal code. There is an urgent need to implement effectively the laws made for the protection of animals. According to a PETA, global brands like Vaseline, Nivea, and even Tide are not producing cruelty-free products. Nivea sells its products in mainland China where the government has made it mandatory to test their products on animals (Collections, 2020). PETA also states that Tide and Vaseline are not cruelty-free brands which implies either their products are tested on animals, they pay for animal testing or sell their products in mainland China where this testing is required by law. Although the Chinese laws now offer some relief, this testing has to be done in case of a consumer complaint. According to National Geographic, at Sriracha Tiger Zoo, in Chon Buri, Thailand, cubs taken from their mothers at birth are kept in small cages and brought out for photo ops. Mothers are speed bred to ensure that there are always baby cats for visitors to cuddle. 1 lakh Indian mongesees were slain to make paintbrushes. Officials seized 54,352 paintbrushes made out of mongoose hair and 113 kilograms of raw mongoose hair. Forty-three people were arrested for the crime (Arasu, 2019). According to the Economic Times, in June 2020, a pregnant elephant was murdered after a local fed her a pineapple stuffed with firecrackers in Malappuram. These instances don't even begin to explain the scale of cruelty against animals. Animals are taken advantage of and used for humans' selfish purpose: be it for food, fashion, entertainment, or just to assert dominance, the relationship of codependence between humans and animals is increasingly worsening.

2.1 Cruelty in Industries

Year after year, millions of animals become subjects to bestial, barbaric and outdated test methods and experimentation and undergo immense suffering and pain to fulfil the human desire of selfishness. To measure toxic effects, rats, mice, guinea pigs, rabbits, and other animals are forced to swallow or inhale massive quantities of a test substance or have a chemical smeared in their eyes or on

their skin. More often than not, this testing becomes extremely hazardous, killing innocent animals in vain. (*Toxic and Tragic Consequences of Product Testing on Animals*, 2020)

They are cut-open- their organs, skin and teeth sold mercilessly. Their teeth, skin and even paws are being sold for millions, at least in monetary terms. Stolen from their habitats and homes, they are made to spend their lives in confinement, put inside cages or made to circle a 170ft long pool for human experimentation and entertainment. Their only crime? Being non-human (“animal”).

2.1.1 Animal Experimentation in Laboratories

Animal experimentation is typically defended by arguments that it is reliable, that animals provide sufficiently good models of human biology and diseases to yield relevant information, and that, consequently, its use provides major human health benefits. Animals in laboratories are involuntarily placed in artificial environments, usually in windowless rooms, for the duration of their lives. Captivity and the common features of biomedical laboratories—such as artificial lighting, human-produced noises, and restricted housing environments—can prevent species-typical behaviours, causing distress and abnormal behaviours among animals. Annually, more than 115 million animals are used worldwide in experimentation or to supply the biomedical industry. Nonhuman animal (hereafter “animal”) experimentation fell under two categories: basic (i.e., investigation of basic biology and human disease) and applied (i.e., drug research and development and toxicity and safety testing).

1. The unreliability of animal experimentation across a wide range of areas undermines scientific arguments in favour of the practice. Three major conditions undermine this confidence and explain why animal experimentation, regardless of the disease category studied, fails to inform human health reliably:
2. The effects of the laboratory environment and other variables on study outcomes
Disparities between animal models of disease and human diseases.
3. Species differences in physiology and genetics. (Akhtar, 2015)

More than 100 million animals suffer and die in the U.S. every year in cruel chemical, drug, food, and cosmetics tests and in medical training exercises and curiosity-driven medical experiments at universities. Animals also suffer and die in classroom biology experiments and dissection, even though modern non-animal tests have repeatedly been shown to have more educational value, save teachers time, and save schools money. Examples of animal tests include forcing mice and rats to inhale toxic

fumes, force-feeding dogs pesticides, and applying corrosive chemicals into rabbits' sensitive eyes. Even if a product harms animals, it can still be marketed to consumers. Conversely, just because a product was shown to be safe in animals does not guarantee that it will be safe to use in humans. (*Animals Used for Experimentation*, 2020).

This cruelty does not end at rats and rabbits but also extends to more domesticated animals such as cats, dogs, guinea pigs, monkeys, chimpanzees, fishes, pigs and other primates. The barbaric experimentation on animals points out to mainly two features; (a) the potential and probability of error of experiments conducted on animals due to the factors mentioned above and (b) the suffering endured by innocent animals in inhumane conditions. Most of these subjects live short, painful and terrifying lives that come to end with chemical reactions or long exposure to harmful substances. Like us humans, animals have sensations. They too, can feel extreme joy or bear intense suffering. Replacing animals with more humane methods such as computer modelling, cell culture and using human volunteers in research and scientific research does not imply putting the human race at risk or posing a hindrance in scientific developments, it encourages the humankind to live with humanity.

2.1.2 Cruelty in Fashion

Billions of animals are slaughtered and processed each year, for the "Fashion Industry". Whether we're speaking of leather, fur, wool, feathers/down, or silk, animals are "ranching"/raised, trapped, mutilated and killed under some of the most horrific conditions imaginable. Skin is torn from them to make leather, birds are held down while handfuls of feathers are ripped out of their sensitive skin, and small animals are caged for life before being killed for their fur. Sheep are often beaten and mutilated by workers stealing their wool and their skin for shearling. Goats are similarly abused for cashmere and mohair. All this is done in the name of fashion. No matter the type of material or where it comes from, if the process involves an animal, it involves horrific cruelty. Many alternatives, cruelty-free options exist that are beautiful, comfortable, durable, and far less expensive. The market is flooded with copies of high-end designer handbags, scarves, jackets, shoes and other products, most of which are attractive, synthetic look-alikes. (*Animals Used for Clothing | Animal Cruelty Exposure Fund*, n.d.)

The slaughter and killing of these animals for the benefit of the fashion industry are vicious, not only to the animals but also to the environment. The environment and the biodiversity suffers great losses every year because of the harmful chemical substances discharged into soil and water. The pollutants from the processing of these skins and feathers release biological waste that also causes severe human diseases such as diarrhoea, soil-transmitted helminth infection, trachoma, environmental enteric dysfunction, and growth faltering. The Sustainable Development Goal 13 hence faces a major setback due to the raging existence of these animal industries.

Eighty-five per cent of the fur industry's skins come from animals on fur factory farms. These farms can house thousands of animals, and as with other factory farms, they are designed to maximize profits—with little regard for the environment or animals' well-being. Each mink skinned by fur farmers produces about 40 pounds of faeces in his or her lifetime. That adds up to millions of pounds of faeces produced annually by U.S. mink farms alone. When a Washington state mink farm was charged with polluting a nearby creek, the faecal coliform levels measured in the water were as much as 240 times above the legal limit. According to the World Bank, the hazardous process of fur dressing is so problematic that it is now ranked as one of the world's five worst industries for toxic metal pollution.

Slaughter of animals by electrocution, butchering, suffocation, exposure to gas and poison are some methods used in the fashion industry to derive skins and feathers of animals. Although the Director-General of Foreign Trade in India, which comes under the Union Ministry of Commerce and Industry, has banned the import of skins of reptiles, chinchillas, mink and fox through a notification issued on 3 January 2017, the country still boasts of a beaming industry that still indulges in the production of fur and rare skins. India tops the tally as the largest exporter of leather in the world. Religious and sacred sentiments also come into play when it comes to the leather industry but ironically a country that once revolted against the use of leather in cartilage rifles now boasts of fulfilling the desires of the West.

2.1.3 Cruelty against Animals for Human Entertainment

Cruelty against animals is not new. It has been in practice since the Roman times when brave, courageous men participated in chariot races dependent on horses which resulted in the loss of life of both: humans and horses. Circus Maximus was the supreme entertainment for the Romans. Gladiators fighting in an arena with thousands of spectators against a lion that ended with death either shows how deep this cruelty for entertainment is embedded in us. Today, circuses that confine lions to cages and put elephants in shackles is a replication of the past. Stripped of their habitats, when wild animals are put in small cells that we call zoos.

Zoo animals through all their suffering eventually lose their primal instincts and succumb to various diseases within their zoo environments. Hunting in packs or herds was once a norm for many of the animals found at the zoo; however, when the food is already prepared there is no need for groups or hunting. Many diseases that plague zoo animals include various forms of the herpes virus, E.coli, Hepatitis B, Shigella, and Tuberculosis, all passable to human beings. (Mahajan, Prashant, 2020). It does not stop there; it also covers marine animals and their exploitation and use of brute force on them for performances. Here are a few examples of cruelty against animals in this industry:

1. Marine parks, where captive marine mammals such as dolphins and orcas are doomed to a life of confinement, deprived of normal social and environmental interaction. Aquariums, as humans call it prisons, as animals call it is one of the most ruthless acts against them. Animals in marine parks typically show signs of psychological disturbance are often forced to perform degrading tricks that run counter to their instincts. Brought from oceans and seas and assigned to small pools that are just 17ft wide is unjustified and unjust.
2. Roadside circuses where, under the guise of “conservation” and the name of “education,” animals are too often treated as disposable specimens. Many animals held in captivity in these facilities continue to be bored, cramped, lonely, and unable to perform normal social behaviours. Too many zoos still sell off older and “surplus” animals who may end up in roadside menageries, breeding facilities, circuses, or even as “game” in canned hunt facilities.
3. Movie and television sets, where animals are used as involuntary “props” to sell products and services and to boost the profits of studios and production companies. In addition to all the problems associated with keeping wild animals in captivity, animals used in filming have been mistreated, injured, or even killed on set. Metro-Goldwyn-Mayer is an example.

4. Animals are also exploited and mistreated for human amusement in horse and greyhound racing, cockfighting and dogfighting, and in shopping malls and schools where they are put on public display. Exotic animals are often used in photo opportunities or are shot and killed in canned hunts or on hunting ranches. Unfortunately, people can be very creative in finding ways to make a profit off of other animals. (*Animals in Entertainment*, 2015)

This monstrosity extends to stealing the animals off their natural habitats, stripping them off of their ‘wildness’ and ‘wilderness’ and being converted to subjects for humans’ social media photographs and ‘pets’ to play with. Animals are bred and trained here before being sold to camps around the country to begin a new life of work and close confinement.

Wildlife tourism is not new, but social media is setting the industry ablaze, turning encounters with exotic animals into photo-driven bucket-list toppers. Activities once publicized mostly in guidebooks now are shared instantly with multitudes of people by selfie-taking backpackers, tour-bus travellers and social media “influencers” through a tap on their phone screens. Nearly all millennials (23- to 38-year-olds) use social media while travelling. Their selfies—of swims with dolphins, encounters with tigers, rides on elephants, and more—are viral advertising for attractions that tout up-close experiences with animals.

For all the visibility social media provides, it does not show what happens beyond the view of the camera lens. People who feel joy and exhilaration from getting close to wild animals usually are unaware that many of the animals at such attractions live lives of suffering and torment. (Daly, 2019)

2.2 Cruelty to Wildlife

Wild animals all across the globe have been facing cruelty on the hands of humans since the existence of mankind. They’ve been threatened through harassment, habitat degradation, encroachment and destruction, cruel hunting, poaching and trapping, capture and killing for profit, incidental poisoning and vehicle strikes, and culling. Although many of these can be observed as chain-effects, yet some of them are direct results of human actions. The act of hunting and poaching, that was earlier a source of sustenance and protection, eventually evolved to become a matter of pride and greed. Even a whole illegal trade industry dependent on these activities has flourished over the years. However, this is not the case for just one animal but many more innocent wild creatures that become the victim of human greed

and thirst regularly. It has been estimated that approximately 30,000 species are driven to extinction each year with approximately 96 African elephants being poached each day. But that's not all. Hundreds of thousands of these animals are captured, tortured and illegally trafficked to distant lands daily. Approximately 38 million animals are illegally taken away from Brazil every year and that's the number for just a single country! (Petkovic, 2020).

But what's the major factor that drives humans to cause this destruction? The answer is mainly greed. There is a huge demand for wildlife animals and their by-products in the global market. Some animals such as reptiles and birds are traded and kept alive to be used as pets. Others are either killed or harassed for obtaining precious materials such as ivory from elephants' tusk, wild bears, tigers for their skin, etc. In some parts of the world, many of the wild animals like apes and snakes are also slaughtered for preparing luxurious delicacies, and medicinal drugs and concoctions. Despite the illegal nature of all these activities, the demand for them hasn't surged. On the contrary, due to their rare nature, a booming black industry has emerged and flourished. According to sources, wildlife products worth about 160 US billion dollars were imported around the globe each year in the early 1990s. In rare cases where greed is not the answer to why the creatures are poached, the only rational answer seems to be to prevent crops from being damaged or attacked by these wild creatures. Livestock. (Actman, 2019).

The consequences of these actions are howbeit not single but multifold, with major effects on the local community, the wildlife, the environment and ultimately in the long haul, on man and its establishments like the economy as well.

1. Since many communities, especially the tribal ones heavily rely on wildlife for their sustenance, the unavailability of these resources poses a threat to their existence and adds on to their daily struggles.
2. Since the wild creatures form a significant part of the wildlife system, their disappearance causes an imbalance between the regulatory activities. The victims of activities such as poaching lead to their entire species becoming extinct. Today, a quarter of mammals are at risk of extinction, according to IUCN Red List estimates. (*Extinct Species, Explained*, 2019).
3. The environment is already declining at a rapid rate. With the extinction of species, the ecosystems and food chains are further disturbed. Our ecosystems are sensitive and must be

preserved. We need various species of flora and fauna in our environmental ecosystems so that it can maintain health and balance. The survival of our species depends on it. (Estrada, 2020).

4. Lastly, tourism forms a huge fragment of economies all over the world. Especially for tropical countries, wildlife is the major driving force. However, with the high prevalence of poaching, these economies have been hit, indicating that a tourist boycott due to local poaching is a real threat. A complete boycott could have a detrimental effect on a community's economy since restaurants, hotels, rentals, and other attractions, including local communities, would suffer. (Estrada, 2020)

The consequences mentioned above are quite limited and not exhaustive, which only adds on to the concerns. While wildlife trade alone is a significant threat to some species, it is essential to remember that its impact is frequently made worse by habitat loss and other pressures forced by humans. We, humans, not only need to start undoing our actions and start taking steps to prevent others from further causing harm but also need to instil a feeling of compassion towards species other than ours. As Rusty Eric said, *"as long as greed is stronger than compassion, there will always be suffering."*

2.3 Assaults against Animals

The year was 2018. It was a hot August day when the country woke up to the story of 8 men gangraping a pregnant goat in the town of Mewat in Nuh district in Haryana. May 2020: A 68-year-old man in Odisha was arrested and subsequently remanded in judicial custody for allegedly sexually assaulting a stray dog in the City's Patia area. The accused was booked under Section 377 of IPC (unnatural sexual offence) and Section 11 of PCA Act (for treating animals cruelly). The accused was working as a security guard at an apartment (Express News Service, 2020). October 2020: An 8-year-old female stray dog was sexually assaulted in Mumbai's Powai area where she was found lying in a pool of her blood with sticks inserted in her private parts. Onlookers ignored the suffering of this innocent creature. A similar instance took place in July 2020 in Madhya Pradesh's Bhopal where a 55-year-old man was arrested for sexually assaulting a cow (Digital, 2020). According to the Times of India, a female stray dog was stabbed in the head in Nagpur so brutally her skull was visible and she was bleeding profusely.

The above-mentioned cases are just a minuscule section of what is happening in the country. Humans do not just reprimand the human desire for sexual satisfaction but this horrific act by humans also extends to animals. However, this does not imply that all contacts with animals are considered as bestial.

In a study by Bolliger and Goetsche, bestiality is considered in a context of animal welfare law. Four distinctions offered by the authors are critical to this area of study. First, we must distinguish between human fondness for animals that may include pleasurable physical contact (e.g., petting, scratching, performing activities related to animal hygiene and health) and cases where animals are the object of human erotic desire and interest. Second, bestiality may involve acts that range from the benign in their physical impact on animals to those that cause serious injury or death. Third, in discussing whether to sanction or condemn bestiality, both human and animal dignity must be considered. Finally, the examination of bestiality should distinguish cases where it should be considered a human mental health issue from cases encompassed by criminal law (though the potential overlap between the two is obvious). These distinctions are explored in an excellent overview of past and current legal statutes related to bestiality in the various European States, the United Kingdom, and North America. (Beetz & Podberscek, 2009, pp. 1–3).

However, this distinction is not taught in schools and many adolescents turn to animals to satisfy their sexual desires. This horrific assault and the lack of humanity and sometimes, the lack of knowledge about the punishments that they might have to face in the court of law gives the youth a getaway to channel their needs.

According to research, the most number of offenders hail from the following groups:

1. Intentional cruelty to animals is strongly correlated with other crimes, including violence against people.
2. Hoarding behaviour often victimizes animals. Sufferers of a hoarding disorder may impose severe neglect on animals by housing far more than they can adequately take care of. Serious animal neglect (such as hoarding) is often an indicator of people in need of social or mental health services.
3. Surveys suggest that those who intentionally abuse animals are predominantly men under 30, while those involved in animal hoarding are more likely to be women over 60. (The Humane Society of The United States, n.d.)

The Prevention of Cruelty to Animals Act, 1960 (PCA Act) is the major legislation in India dealing with cruelty against animals. Concerning the safeguards against the assault on animals, the act is severely lacking in addressing the rising problem. Chapter three of the Act lists various acts by persons which are considered cruelty. In cases of sexual assault of animals, the accused is generally charged under Section 11(1) (a): *Section 11. Treating animals cruelly: (1) If any person, (a) beats, kicks, overrides, over-loads, tortures or otherwise treats any animal to subject it to unnecessary pain or suffering or causes or being the owner permits, any animal to be so treated.*

The Section does not at any point mention the words “sexual abuse” or “sexual assault” against animals.

Another legislation of importance is the infamous Section 377 under the Indian Penal Code. It penalises carnal intercourse with any animal with the punishment of imprisonment for life or with imprisonment for a term which may extend to ten years, and also a fine. Despite these legislations, the question remains if justice finds its home. The PCA Act is toothless with petty penalties and wanting sections. The conviction rates are extremely low; with offenders being released on a bail of Rs 3,000. (M, 2019)

According to the Times of India, The Prevention of Cruelty to Animals Act (PCA), 1960 currently stipulates a penalty between Rs 10 and Rs 50 for any act of cruelty against animals, including beating, kicking, torturing, starving and mutilating the animal.

Such a nominal amount for bail shows the loopholes in the Indian policies for the protection of animals. This lack of consideration to a suitable punishment and appropriate measures to be taken up suggests the drawbacks in the Indian policies. The forthcoming sections will talk about some suggestions that can be taken up.

2.4 Cultural (Cruelty) Traditions

Traditions, as the Cambridge English Dictionary states, are beliefs, principles, or ways of acting that people in a particular society or group have continued to follow for a long time, or all of these beliefs in a particular society or group. These traditions, unique to each culture, are passed down from generations to generations without being questioned. Hence, people start associating themselves with these traditions, making them feel secure and share the feeling of belongingness. Such behaviour based on learned customs is necessarily not adverse. However, when these human-made traditions are executed at the expense of some other living being, things take a turn towards the atrocious end.

Continuing since centuries, many religious and cultural beliefs even in this age of technology uphold animal abuse as a glorious fragment of their festivities. Here are a few cultural practices involving animal cruelty from around the world:

1. Gadhimai Festival:



A calf stands in the middle of the sacrificed cows during Gadhimai festival

Source: tracybrighten.com

Traced back to 250 years, this festival of mass animal slaughter is predominantly practised in the South Asian country of Nepal. Many domestic animals such as water buffaloes, goats, chickens are sacrificed in the name of Goddess Gadhimai. Except for the holy cows, thousands of such animals are sacrificed to please the deity, in numbers as high as 5,00,000 in 2009 (Sharma, 2019). Although the SC imposed a ban on the animal slaughter in 2016, the trend has declined significantly, yet the festival has continued to observe

the same old pattern being followed as just a little short of 30,000 buffaloes were sacrificed in 2019. The sole blame for this does not rely on the government. Since the members of the Madheshi community view it as a glorious and pious tradition, they refuse to see the harm born by the non-humans and take pride in their actions. As Mr Ramchandra Sah Teli, the chair of Gadhimai Temple Management Committee was quoted saying, "We don't ask the people to bring animals for slaughter. They came on their own. It's an age-old tradition that they adhere to and it is what makes the festival so popular." (Pradhan, 2019)

2. Grindadrap:

Commonly referred to as the Grind, Grindadrap is an annual whale hunt conducted in the Faroe Islands, a self-governing archipelago under Denmark. The predominant victims of this practice are believed to be the pilot whales along with a few other aquatic creatures such as the dolphins. When a pod is sighted, whales are driven to the shore and struck with a spinal lance that severs connection with the brain and kills them in a matter of seconds. When the whale is pounded with the spinal lance, its arteries are also cut, causing massive blood loss and turning the fjords waters deep red. (Burns, 2016)

Interestingly, this practice, despite its gruesome nature, is listed as sustainable by the IUCN Red List due to the insusceptible nature of the pilot whales. (Randall Reeves (IUCN SSC Cetacean Specialist Group), 2018) However, the listing still does not justify the futile killing of the creature in numbers as high as 838 per year in the last century. (Fielding, 2013) Interesting, unlike most of the other communities practising such traditions, many Faroese do disapprove of the Grindadrap citing that it is no longer necessary for their survival, with many disagreeing with the view due to its root deep in their heritage. (Burns, 2016)



**The whales are ruthlessly killed.
Their blood turns the sea red.
Credits: Jan Egil
Kristiansen/Getty Images**

3. Yulin Dog Meat Festival:



**Dogs photographed before being
killed.**

**Credits: Human Society
International**

The controversial festival of Yulin dog meat (and lychee) has been celebrated in the Guangxi province of southern China since 2009 to mark the summer solstice that year. The event has continued to be conducted as a 10 day long festival at the end of June by eating dogs that are considered to bring luck and good health, along with cat meat, lychee fruit and liquor. The fairly new tradition has received criticism from all around the world due to the inhumane treatment of the animals and unsanitary conditions in the surrounding areas due to the slaughter.

What attracts more backlash is the fact that many slaughtered animals are stolen pets with their collars indicating the same.

Although thousands of dogs are sacrificed and eaten during the period of this event, yet the number makes only 0.01% of the total dog trade for meat in China (*Facts About the Asian Dog Meat Trade & Dog Meat Festivals*, n.d.). The numbers, despite WHO's warning for rabies and cholera due to the trade, have only gone up with approximately 10 to 20 million dogs being killed for human consumption every year and more than 100 registered dog meat farms in the country.

Animal rights activists and organisations have opined and documented the cruelty meted out to animals, driving them to the brink of extinction. Although many countries have pulled the plug on some practices like the aforementioned one by imposing harsh penalties and bans, yet many have turned a blind eye to it, leaving a crucial question unanswered: How far will animals become part of festivities, to showcase emotions without considering theirs?

3.0 Case Study - Circuses in India (An investigative report by PETA India)

In November 2012, PETA India took up the mammoth of investigating various circuses across India and brought into light the torture inflicted by these circuses on animals for entertainment. The display of nonhumans performing human tasks fascinates humans and blinds them to what happens behind the curtains. These animals are chained, maimed, declawed and in some instances, with their teeth smoothed down to prevent them from attacking their trainers, or as they like to be called, masters. Ironically, daggers mark them with a very human name giving them a human identity but without basic human treatment.

In its report, PETA investigated some of the oldest and the most popular circuses with their showstoppers being their animal acts. These acts violated the parameters of humanity and went against basic animal rights. Some of the circuses were investigated by the Animal Welfare Board of India (AWBI) and PETA were:

1. Amar Circus (when performing in Navi Mumbai, Maharashtra);
2. Gemini Circus (when performing in Chennai, Tamil Nadu) ;
3. Great Bombay Circus (when performing in Pitampura, New Delhi) ;
4. Great Champion Circus (when performing in Vasai, Mumbai) ;
5. Great Golden Circus (when performing in Jamnagar, Gujarat);
6. Jamuna Circus (when performing in Warangal and Khammam, Andhra Pradesh) ;
7. Jumbo Circus (Unit 1) (when performing in Ahmedabad, Gujarat, and Ranebennur, Karnataka);
8. Kohinoor Circus (when performing in Ramganj, West Bengal)to; to name a few.

The AWBI authorised a team from PETA India and Animal Rahat to inspect circuses in India to gain an understanding of the living conditions of animals used in circuses. Of the 20-plus circuses registered with the Animal Welfare Board of India, 16 were inspected (more than 50 per cent of the

registered circuses). The observations in this report therefore substantially represent the state of affairs in circuses in India. The cruelty and violations of law witnessed and documented are pervasive and entrenched, and they occur routinely in Indian circuses.

Among the litany of abuses, it must be noted that had the Central Zoo Authority's (CZA) 2009 ban on keeping elephants in zoos been implemented, the suffering that circuses inflict upon our national heritage animal would have been eliminated, as circuses are classified under zoos collections per The Indian Wildlife (Protection) Act, 1972. The report mentions the relevant acts, rules, notifications and guidelines for circuses that must be followed in every circus. Horrifically, upon investigation, it came into the officials' knowledge that many rules and guidelines were being violated in a single circus alone.

3.1 Use of Unregistered Animals

At all of the circuses that were inspected, animals not registered with the AWBI were blatantly exhibited or forced to perform. As per the law, every animal to be exhibited or to be used to perform in a circus must be registered with the AWBI. The registered animals are listed in the Certificate of Registration that is issued to a circus by the AWBI. Exhibition or performance of any animal not registered with the AWBI (ie, not listed in the Certificate of Registration) is a violation of the Performing Animal (Registration) Rules, 2001.

When inspecting the circuses' documents, it became clear that numerous animals were being kept captive in cages or chains, exhibited, forced to perform tricks and otherwise exploited without the AWBI's permission. Unregistered animals discovered during the inspection of the 16 circuses include elephants, horses, mules, ponies, dogs, Persian cats, sheep, goats, goldfish and birds such as emus, macaws, African grey parrots, cockatoos, green parrots, geese, pelicans and ducks.

Apart from being exhibited illegally, unregistered animals are trained and forced to perform without the AWBI's consent. The practice of illegally using unregistered animals for performances is rampant in Indian circuses. In some circuses, unregistered animals are not mentioned in records and registers, including species registers, health registers, vaccination registers, feeding registers, etc. Required records, such as for veterinary care, are not maintained for these unregistered animals in most circuses. Some circuses transport their unregistered animals without the required health assessments and permissions. This is an apparent violation of the Transport of Animals (Amendment) Rules, 2001.

3.2 Animals Forced to Perform Unregistered Tricks

Annexure I of the registration certificate that the AWBI issues to circuses list the general nature of planned performances involving animals, including what the animals will perform, the number of animals participating in the acts and the duration of the acts. Circuses can only showcase acts listed in Annexure I of their AWBI registration certificates. Throughout the inspection, the team documented animals performing acts that were not registered. Forcing animals to perform such acts is a violation of the Performing Animals Rules, 1973.

In all the unregistered performances, animals were forced to perform unnatural, dangerous tricks. One frequently unregistered act involves elephants being forced to climb and balance on a circular podium while an acrobat performs on the pachyderm's back or while suspended from the animal's trunk.



*An elephant made to perform an unregistered act at Jamuna circus.
Credits: PETA*

3.3 Physical Abuse of Animals

Physical threats, use of weapons or blatant physical abuse was observed and documented in all the circuses with performing animals. Animals were filmed being prodded, hit and smacked with metal sticks during performances. Investigators filmed dogs who were forced to perform by workers wielding wooden and metal sticks and bare hands; camels who were hit with whips and long, thick wooden sticks; horses lashed with thick rope whips; birds prodded with metal sticks and elephants hit, poked and dragged with pointed ankuses. Animals were videotaped and photographed being hit, poked and prodded both inside the ring and in their respective sheds.



*A trainer hits a camel with a stick at Jumbo Circus.
Credits: PETA*

The abuse of animals is rampant despite regulations like The Prevention of Cruelty to Animals Act, 1960, which states that it is cruelty to animals “if any person beats, kicks, overrides, over-loads,

tortures or otherwise treats any animal to subject it to unnecessary pain or suffering or causes, or being the owner permits, any animal to be so treated”. Physical abuse also appears to violate the Performing Animals (Registration) Rules, 2001, which mandates that owners shall ensure that animals are not subjected to unnecessary pain or suffering before, during or after their training or exhibition.

3.4 Erroneous Certificates of Health for Travel

Inspectors found that the majority of health certificates that were issued to circuses by veterinarians before animals' transport from one camp to another declared unfit, lame, blind and sick animals “fit for travel”, “healthy” and “free from contagious and infectious diseases”. Inspectors asked all circuses to supply records of health certificates dating back two years. Not a single circus furnished any health certificates in which an ailing animal was declared unfit for travel. The physical assessment of the animals by the inspection team, however, documented that every circus kept four unregistered dogs but did not use animals for performances at the time of inspection) had animals who were unfit for travel on the days the circuses were inspected.

The fact that sick, lame, blind and injured animals were declared “fit for transportation” and “healthy” by veterinarians calls the credibility of the certificates into serious question and may indicate some type of coercion. As per the Transport of Animals Rules, 1978, and the Transport of Animals (Amendment) Rules, 2001, the health of all animals in circuses must be assessed before transport from one camp to the next. Circuses are required to obtain a veterinary health certificate issued by a veterinary surgeon and a certificate issued by a state government veterinarian, not below the rank of Assistant Director/ SDO (District Animal Husbandry Officer).

3.5 Injured Animals Forced to Perform

Injured, sick, lame, blind and diseased animals were forced to perform, which is an apparent gross violation of The Prevention of Cruelty to Animals Act, 1960; the Performing Animals (Registration) Rules, 2001; and the Guidelines for Care and Management of Captive Elephants.

The inspection team also filmed and observed lame equines suffering from osteoarthritis, swollen feet and uncut hooves; dogs with cataracts and bloody wounds; elephants with chipped nails and



A horse with conjunctivitis is forced to perform at Royal Circus.
Credits: PETA

bloody tethering and wounds; camels with capped feet, self-inflicted bite wounds, dermatitis and alopecia; and birds with clipped wings who were forced to perform in the ring, show after show.

3.6 Tethering, Confinement and Lack of Exercise

Inspections reveal that elephants, camels and horses spend 22 to 23 hours each day tethered by short ropes that restrict their movement to a few feet. Such restricted movement for animals who are meant to roam freely across vast territories causes severe distress and pain and is inherently cruel to the animals.

Dogs, cats, grey parrots, cockatoos, macaws, green parrots and emus are caged for 21 to 23 hours in tiny, non-collapsible cages that allow a little movement. Animals are free only for the few minutes before their performance begins and are chained and tethered immediately after their performance. They are denied the opportunity to get even minimal physical exercise.



Sharp ankuses were found in an elephant's shed at the Jamuna Circus. These are used to by the trainers to get a stronger grip around the animals and yank the.
Credits: PETA

3.7 Psychological Distress and Trauma

Just like humans, animals suffer from psychological distress and trauma, particularly when they are confined to tiny cages that restrict their movement or are continuously tethered for 20 to 24 hours each day. When not caged, they are beaten, poked and threatened with sticks or other weapons to force them to perform tricks that are not per their basic instincts. The feed is inadequate and of poor quality, and most animals in circuses have little access to drinking water. The heightened stress of repeated travel adds to the stress that animals experience in the circus. The extreme levels of stress, boredom and frustration that animals in circuses endure often leads to psychological disorders. Animals under this kind of stress often suffer mental trauma because they have no control over their environment and cannot move around to exercise their body and mind. Severe confinement and abuse, which are inherent in circuses, cause the animals to develop repetitive, obsessive and abnormal behaviour that animal



Sharp objects are used to tether these animals.
Credits: PETA

behaviourists call “stereotypical” or “displacement” behaviour – these behaviours are an indicator that the animal’s welfare has been compromised and that he or she is suffering as a result. (PETA, 2013)

The points mentioned above are just 7 of the 31 of the animal rights violations analysed in the report. The animals in these circuses don’t have access to hygiene and sanitation, no checkups or no permanent veterinarian onboard. Many times, the trainers abuse and cause physical harm to these animals. Cruelty in these circuses is not a new thing. Abuse of animals for the sole purpose of entertainment is in existence ever since the Roman times. The magnificence of the Indian circus is globally recognized which makes it a social norm. Babies are taken away from their mothers and made to live in a life of torture and confinement. Many reports and findings even suggest sharp metal claw-like leashes are used to tie animals up with scarring them deeply. Mercy is not even granted to pregnant, elderly or injured animals as well. Rules, notifications and rules like (i) CZA circular banning elephants in zoos (dated 7 November 2009) (ii) Guidelines for Care and Management of Captive Elephants, issued by the Ministry of Environment and Forests’ Project Elephant via letter number 9-5/2003 (dated 8 January 2008) (iii) Guidelines of captive-elephant management issued by the Indian government, as outlined by Tamil Nadu’s Principal Chief Conservator of Forests (dated 20 September 2012), to name a few, then just remain on paper with the vastly polar realities. The Prevention of Cruelty to Animals Act, 1960 encompasses all animals and recognizes animals as sentient creatures capable of mental and physical feelings. This Act also acknowledges animals as beings with emotional capacity hence gives ground to ensuring basic dignity to all. The above study clearly mentions animals are stripped of their dignity and made play-things for their ‘masters’. Although the Government of India put a ban on the use of wild animals in circuses in 2014, these measures must be extended beyond wild animals and provide relief to other animals as well. Willing human participants should be the only living creatures participating in these circuses. Animals must be deregistered and the injured ones should be freed. Stricter laws are needed for the protection of these animals.

4.0 Existing State Laws for Animal Welfare in India

India, a country with highly bio-diverse nature is the host to approximately 7-8% of the total species recorded through the centuries. It is the host to 4 of the total 36 biodiversity hotspots all across the globe, with over 91,000 species of just animals (*India*, 2020). Protecting such diversity in terms of fauna would become essential for any country and it has been no different for India, especially in recent

years. Animal protection and welfare are enshrined as a fundamental duty in the Indian Constitution along with a few legislations to not only prohibit any threats to the animals but also punish in case of its exertion.

Welfare legislation such as the Prevention of Cruelty to Animals Act 1960 and the Wildlife Protection Act 1972 have been enshrined in the constitution for implementation across the country, and some prohibitions have been formulated and put in place by the state governments for implementation in their specific state. The Indian Penal Code (IPC) 1860 is the official criminal code of India which covers all substantive aspects of criminal law. Section 428 and 429 of the IPC provides for punishment of all acts of cruelty such as killing, poisoning, maiming or rendering useless animals. (Kavuri, 2020)

4.1.1 Right to Life of Animals (under Article 21) as a Fundamental Right

The Fundamental Rights of India, enshrined in Part III of the Constitution, lay down universal, constitutionally-guaranteed rights essential for the existence and development of all individuals including the non-humans or animals. Relevant to animal welfare is the fundamental Right to Life under Article 21 that was ruled by the Supreme Court in India under the Animal Welfare Board of India v. A. Nagaraja & Ors. Case. The Supreme Body held that:

“Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word “life” has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution. So far as animals are concerned, in our view, “life” means something more than mere survival or existence or instrumental value for human beings, but to lead a life with some intrinsic worth, honour and dignity.”(Kavuri, 2020b)

The Article 51A (g) was characterized as the “procedural Magna Carta protective of life and liberty,” hence, safeguarding the life of animals under it.

4.1.2 Prevention of Cruelty to Animals Act, 1960

As the official law states, Prevention of Cruelty to Animals Acts is an act to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals that extends to the whole nation except the state of Jammu and Kashmir. (*The Prevention of Cruelty to Animals Act, 1960*, n.d.) The Act consists of **six chapters and forty-one sections**, addressing crucial points, such as cruelty to animals, their training and experimentation.

1. To avoid any ambiguities, section 1 of the act **defines terms** such as ‘animal’, ‘domestic animal’ and ‘captive animal’ that are mentioned throughout.
2. For the promotion of animal welfare generally and for the purpose of protecting animals from being subjected to unnecessary pain or suffering, a separate committee called the **Animal Welfare Board of India** was set in place by the act, under section 2.
3. Under section 3, owing to the principle of “Ahimsa” enshrined in the legal document that requests people to show compassion towards all beings, the act vests every person with the **duty to take all reasonable care** in order to ensure the welfare of such animals.
4. Section 11 of the act **deliberates on various acts of cruelty** towards animals. This includes prohibiting beating, kicking, overriding, over-driving, overloading, torturing, wrongfully capturing and confining, mutilating or otherwise treating any animal, in ways that subject it to unnecessary pain or suffering. It also forbids to abandon or sell an animal ‘without reasonable cause’, knowing that the animal ‘will suffer pain by reason of starvation or thirst’ or involve them in purposes of entertainment like animal fights or shooting dangerous for them. The section provides for a **maximum fine** of One Hundred Rupees and imprisonment, which may extend to a term of three months in case of the violation of the set rules.
5. However, through Section 14, **animals used in scientific experiments** are exempt from all of the cruelty provisions mentioned in the act for the purpose of treating diseases and alleviating sufferings of human beings. The experiments carried out on animals by various institutions are regulated by the Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) under the Breeding of and Experiments on Animals (Control and Supervision) Rules 1998.

6. Section 28 of the act further **protects the religious slaughter** of animals from being considered an offence. (*The Prevention of Cruelty to Animals Act, 1960*, n.d.)

This act **establishes many necessary rules**, which have been amended several times, like:

1. the **Performing Animals (Registration) Rules**, whereby no animals could be displayed, exhibited or used for performance (especially in circuses or travelling zoos) without mandatory clearances,
2. **Prevention of Cruelty to Animals (Slaughter House) Rules** that define the conditions under which an animal can or cannot be slaughtered,
3. **Transport of Animals Rules**, for transportation of animals by rail, road, inland, waterway, sea or air and Transport of Animals on Foot Rules,
4. **Animal Birth Control Rules** that provide for sterilization and vaccination as a means of reducing stray dog populations and eliminating the risk of rabies, and the guidelines for the carrying out of local Animal Birth Control programs. The law also states that no sterilised dogs can be relocated from their area. If the dog is not sterilised, the society can ask an animal welfare organization to sterilise and vaccinate it, but they cannot relocate them,
5. and **Pet Shop Rules** which ensure humane handling of animals and regulation of commercialised establishments that trade animals in any way or form, only after obtaining a license as prescribed, among the many other rules.

4.1.3 Wildlife Protection Act, 1972

Passed by the Parliament of India on August 21, 1972, and implemented on 9 September 1972, the Wildlife Protection Act is an umbrella Act to protect the wild species, animals, birds and plants, and establish ecologically important protected areas. Amended 6 times till date (the latest one being 2006), it currently consists of 7 chapters, 66 sections and six schedules.

1. Under **Section 2** of the act, the hunting of wild animals and animals is strictly prohibited. However, it does permit the hunting of animals but only in special circumstances where it becomes dangerous to human life and property, or when it is diseased or disabled beyond recovery. The latter is also allowed only after rightful written permissions have been obtained. Lastly, it lays the rules for using any wild animal for the purposes of education, scientific research without killing and harming the wild animals.

2. **Section 5** restricts the trading of wild animals, animal articles and trophies. According to it, wild animals are marked to be state government property and therefore, bans possession, trading, of these animals or their derivative parts with a special emphasis on ivory.
3. Through **Section 6**, the prevention and detection of offences to Wildlife are regulated. The powers of entering, searching, arresting and detaining the offenders to the Chief Wildlife Warden or wildlife authorities are granted in case of any suspicion. Further defining the penalty for such offenders, the act states that imprisonment for a term which may be extended to 3 three years, or with fine up to twenty-five thousand rupees, or both can be imposed.
4. The **6 Schedules** give a list of the wildlife species considered under the said act.
5. Through the **1982 amendment** of the act, people were inhibited from applying for licenses for animal article trading.
6. The **second amendment** of the act (**1991**) banned hunting of wild animals and birds, proposed immunization of animals in sanctuaries and national parks. (Hajare, 2020)

A bill was proposed to further amend this act in 2013 but was later withdrawn in 2016 to further refine and work on the proposal.

4.1.4 Sections under IPC

Some sections of the Indian Penal Code make it illegal to maim or cause injury to any animal.

1. Under **Section 428**, whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animal of the value of the ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
2. According to **Section 429**, whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, of any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.
3. **Section 378** makes stealing an animal tantamount to the crime of theft.

4. Lastly, **Section 508** criminalizes criminal intimidation which is to be charged if animal caretakers are prevented illegally or forcibly from keeping pets or feeding stray animals. Offenders can be reported to the local animal protection groups or at a police station, and a case can be filed under the above-referenced sections. Both the offences, however, are bailable in nature. (Kavuri, 2020)

4.2 Analysing the implementation of laws and the current state of animals

India has a wide set of principles administering the treatment of both household and wild animals, making it a nation with one of the most thorough provisions of Animal Welfare Legislation in the world. The principles set by it are not only thorough but also holistic in nature. The caretaker of all these provisions and animals is the Animal Welfare Board of India, that solely focuses on enhancing and cementing animal welfare rights in the country. However, despite all the necessary arrangements and precautions, many alarming cases of animal cruelty have been clocked in over the years, betraying the utopian treatment of its animals on grounds of moral failure.

As per the data compiled by the Bombay Society for Prevention of Cruelty to Animals in 2017, in just a span of 5 years, 19,028 animal cruelty cases were recorded and no arrests of the offenders were made. In 2016, the Kerala government carried out a mass killing of stray dogs in the State to curb the canine population. Although hundreds of people are bitten by stray dogs across the country every year, Kerala was said to be the worst affected with an estimated 2.5-lakh feral canine dog population. (*Stop Killing Stray Dogs in Kerala: Supreme Court Tells Vigilante Groups - India News*, 2016) To deter this situation, association and groups were formed for the purpose of training children to kill stray dogs and subsidized air guns were made available to the people. Even the business communities promoted the culling process by providing incentives like cash and gold coins. Killings were carried out in public by some groups and some of these assassins were even arrested, but every time they got away by paying a meagre fine of ₹50 as per the PCA Act guidelines. Despite the criticism from many animal welfare groups, it was only after the intervention of the Supreme Court that the menace was brought to a halt (LexQuest Foundation, 2020). In 2019, due to increasing dog menace, 50 stray dogs were poisoned in Telladevarapalli village in the Nalgonda district of Telangana on the orders of the village's head. These were just a few of the many cases to depict how animals have been subjected to cruelty and sinners after

committing the most serious forms of animal violence have gotten away due to insignificant amounts of punishment or penalty.

To make matters even worse, animals have repeatedly been subjected to unnecessary pain and suffering in the name of traditions and religion. Bullock cart races are primarily such events wherein bulls become a victim of religious cruelty. Kambala (bull race in Karnataka), bullock cart race held on the occasion of the annual temple fair of Gramadevathe Sri Banashankari Ammanavaru are a few such events. To challenge the lack of regulations and to point out the pain and trauma caused to animals for food and entertainment during such festivities, a PIL was filed in the Supreme Court of India in 2015 to no avail. The SC refused to interfere with the religious practices and stop centuries-old traditions practised by different communities. (Mahapatra, 2015)

In order to protect a few animals though, the government of India took two huge steps in the 2010s. Firstly, it banned the testing of cosmetic products on animals and secondly, completely prohibiting the import of skins of number animals and reptiles including minks, foxes and chinchillas. The legislation was openly welcomed by the animal welfare activists since these banns were first of the kind in South Asia. Such bans, however, have a narrow scope and failed to include other important aspects and animals such as fur and leather. Leather industry in the country is a booming one with significant room for growth. Due to its demand, the government hasn't imposed any regulations specific to it and cattle protection in two Indian states. To further the challenge, the government supports the industry by providing incentives such as allowance for 100% foreign direct investment and duty-free imports. This gap has led to the gruesome slaughter and even illegal trade in many cases. The fact that the illegal wildlife trade market has an extremely active ring in our neighbouring countries further does not also help the case. A UN report on World Wildlife Crime has also acknowledged the links between the illegal wildlife trade and professional criminal groups involved in other transnational offences, such as drug trafficking, human trafficking and terrorism.

To better analyse the situation and understand the matter, the authors have conducted a SWOT analysis below:

| <u>Strengths +5</u> | <u>Weaknesses -6</u> |
|--|--|
| <ol style="list-style-type: none"> 1. Thorough provisions for ensuring animal welfare. 2. Holistic nature of the existing animal laws and acts. 3. Frequent amendments in animal laws according to the needs. 4. Separate regulatory body to look after animal rights. 5. Prohibition on conducting experiments on animals in certain industries as opposed to many other countries. | <ol style="list-style-type: none"> 1. Low effectiveness of the laws due to poor ground implementation. 2. Ambiguity in understanding concepts and terms due to unclear or unavailable definitions. 3. Lack of substantive fine in case of violation of the law. 4. Non-cognisable nature of animal laws. 5. Absence of rules for all the industries for animal cruelty-free trade and production. 6. The gap in awareness about the laws among regular citizens. |
| <u>Opportunities +5</u> | <u>Threats -4</u> |
| <ol style="list-style-type: none"> 1. Educating citizens on animal rights and laws, especially through campaigns for the elder population. 2. Management of the stray animal population in an effective manner. 3. Developing stringent laws to avoid animal cruelty for all the industries. 4. Ban on confinement of any and all marine animals. 5. Absolutely prohibiting the import and usage of natural furs and fur farming. | <ol style="list-style-type: none"> 1. The active illegal market of animals, especially in the South, South-East Asian countries. 2. The conflict between human and animal interests due to the involvement of animals in religious practices. 3. Habitat loss for wildlife animals due to urbanisation and industrialisation. 4. Growing leather industry in the country without stringent laws for it to forbid animal skin usage. |

Table: SWOT analysis of the current scenario of animal rights and welfare in India

5.0 Action Plan

India is a progressive country when it comes to the protection of animals. The Government of India took steps in the early decade that invited scrutiny from many stakeholders. Such moves involving the ban on the use of dolphins and wild animals for entertainment purposes halted registration for the same in circuses throughout India. It also declared itself a cruelty-free country by banning cosmetics testing on animals and importing the same. Such commendable measures make India an animal-friendly country when it comes to cruelty in industries.

However, there is scope for improvement in a few spheres. India has little or no solid regulations laid down for the rearing of farm animals. One major factor that the country needs new rules for is the legal status of hunting endangered species for exhibition, museums, and zoos. The most horrific one that needs immediate reforms is the lack of strict rules for protecting stray animals. (Animal Protection Index, 2020)

There is no provision under Prevention of Cruelty to Animals Act 1960 to protect strays from being killed in 'lethal chambers' by methods deemed humane for slaughter if they're found to be mortally wounded with an incurable disease. The Government of India brought about new rules like The Animal Birth Control (Dogs) Rules 2001, that laid down the procedure for capturing, culling and subsequent sterilization of street dogs if overpopulation takes place. Over the course of time, it was found that culling is a massively ineffective way to deal with the situation, and a much more merciful act was put into action. No animal deserves to undergo mass killing. The rule also mentions that the captured dogs will be released back to their original localities. Relocation or killing of the dog is deemed illegal. It, however, allows the euthanization of dogs in case they're found in a fatal state, in a humane manner, in the absence of other dogs.

In this section, the authors will be discussing a model to be considered by respective state governments which can be implemented down to the district level in urban areas. Due to the lack of quantitative data on the population and management of stray animals, the model couldn't be discussed as a pilot one. This model ensures the wellbeing of strays and proposes a simple adoption mechanism.

These set of rules were in effect due to a number of reasons. One of the prime reasons has always been overpopulation of stray dogs. The overpopulation is caused largely due to careless management by the official agencies, which allow the number of the strays to multiply exponentially. Another reason consists of unregistered dog breeders and pet shop owners “illegally” carrying on with their business of selling pets without keeping tabs, to make a neat coin. Even though the 2017 rules make it compulsory for dog breeders to be registered with their respective state animal welfare boards, it is not very effective due to the self-reporting nature of the provision.

To counter these happenings, an organization or welfare body must be set into place that complies with the rules set in 2001. This organization will be structured in the form of a tree. There will be three main components to this tree, namely, the root, branches, twigs and leaves.

1. **The root will comprise the headquarters for the organization.** It will be a centralized body directly under each state government of the country. All the monitoring of statistics, funding, resource allocation and decision making takes place here. Hence, it can be referred to as the mind of the organization.
2. **The branches will be zonal offices with city offices as twigs.** This is where the operations of the organization are implemented. Let us suppose a state is divided into four zones, North, West, South and East. Each of these zones will have a specified “branch” with further sub-offices operating under the municipality of smaller towns and cities. The number of these sub-offices under each municipality would depend on the area of the town/city and in case, the demarcated area is huge, the gram panchayats can also be reeled in for managing the operations. Moving ahead, regular patrol vehicles would be stationed at these sub-offices. Weekly patrols can be conducted with ease, thereby enabling the office to keep a consistent track of and check on the stray dogs. To keep an accordant count, all the strays under the allocated area of the sub-office must be numbered with similar demarcation on the animal, perhaps in the form of a collar. Further, vets can be authorized per area who would be available for medical emergencies, providing subsidised treatment to stray dogs/animals to encourage local residents to look after these animals. It would also make it easier to track down illegitimate dog breeders and shop owners, which in turn makes it easier to track strays down since a lot of stray dogs are abandoned. If the zonal offices are affiliated to a trusted pet shop, the strays can also be sold to homeowners on a subsidised price. This ensures that the dogs would at least be taken care of and

have a secure, home-like environment. These dogs can then be put up for adoption with the guarantee of free healthcare for them for the first 3 months or at subsidised rates which will act as an incentive to encourage adoption, providing strays with the love and care they deserve. Follow-ups can be done with the adopters. This not only tackles the problem of overpopulation but also encourages pet shops to register these dogs and look after them which will be funded or heavily subsidised by the government. This also promotes the adoption and furtherance of indigenous animal breeds, instead of buying the others.

3. **The leaves will consist of voluntary workers.** These serve as the eyes of the organization. It can be anyone, ranging from daily wage workers to residents of a colony. These people will be in charge of reporting any mishappenings, incidents of overpopulation and reporting of new, stray dogs within the colony to the offices, which in turn, would take the necessary action. Makeshift shelters should be set up which will be monitored by the district authorities. Participation of citizens will make the best of this programme.

For the success of this organization, it is instrumental for all three components to work together in cohesion. This can be achieved through hard work, dedication and support from not only the government but also the citizens. It will ensure a safer environment for man's best friend that ought to be treated with respect and deserve long-pending dues in terms of security.

6.0 Conclusion

Cruelty is barbarism, regardless of the species, it is inflicted upon. Basis this, in a moral, utopian world, no considerable ethical contrast exists between the abuse of human and non-human animals. For a country like India that has been built on the principles of Ahimsa, it becomes even more essential to assess its foundation and put it in practice for all beings alike. With India bagging the second rank in Global Animal Protection Index 2020, a concern surfaces. The problem for India does not lie with imprecise analysis or policy formulation concerning animal welfare, but with the ineffective implementation of these almost well thought out policies and regulations. However, this cannot be solely blamed on the government and its legal framework. The citizens of the country and their ignorant behaviour are equally deserving for the criticism. Hence, for a viable utilisation of these laws, government offices along with the individuals should approach and bear the liability. Failing to do so, human species could face several grave consequences further threatening their existence.

Humans were late to understand the consequences of their actions and ironically, what they considered as ‘progress’ was harming them the most. Therefore, nations collectively, under the United Nations Sustainable Development Goals have been taking crucial steps to curb the problem. As the 2030 Agenda envisages a development model in which humanity lives in harmony with nature and protection of other living species, two SDGs specifically become relevant to animal welfare. As a part of SDG 14, Life below Water, and SDG 15, Life on Land, marine and territorial and wildlife animals respectively are being targeted. Just the fact that animal welfare is being recognised as important for achieving SDGs holds the potential to make progress in achieving conservation of non-human species and ultimately, biodiversity.

However, despite the recognition, a very long path lies ahead of all the nations, including India, to pay the pending dues to the other species and potentially revert the harm that has already been caused to their communities and habitats. A nation in today’s world cannot be entitled to the term “developed” without achieving absolute protection for its animals. As Mahatma Gandhi once said, “The greatness of a nation and its progress can be judged by the way its animals are treated”.

References

- Actman, J. (2019, February 12). *Poaching animals, explained*. National Geographic.
<https://www.nationalgeographic.com/animals/reference/poaching-animals/>
- Akhtar, A. (2015). The Flaws and Human Harms of Animal Experimentation. *Cambridge Quarterly of Healthcare Ethics*, 24(4), 407-419. DOI:10.1017/S0963180115000079
- Animal Ethics. (n.d.). Animal Ethics. Retrieved November 5, 2020, from
<https://www.animal-ethics.org/ethics-animals-section/ethical-theories-nonhuman-animals>
- Animals in Entertainment. (2015, September 10). Wildlife Rescue & Rehabilitation.
<https://wildlife-rescue.org/services/advocacy/animals-in-entertainment/>
- Animal Protection Index. (2020). India | World Animal Protection.
<https://api.worldanimalprotection.org/country/india>
- Animals Used for Clothing | Animal Cruelty Exposure Fund. (n.d.). Animal Cruelty Exposure Fund. Retrieved November 6, 2020, from
<https://www.animalcrueltyexposurefund.org/animals-used-for-clothing/>

Animals Used for Experimentation. (2020, October 5). PETA.

<https://www.peta.org/issues/animals-used-for-experimentation/>

Arasu, S. (2019, November 18). Nearly 100,000 Indian mongooses die every year for paintbrushes. Quartz India.

<https://qz.com/india/1750476/nearly-100000-indian-mongooses-die-every-year-for-paintbrushes/>

Beetz, A. M., & Podberscek, A. L. (2009). Bestiality and Zoophilia: Sexual Relations with Animals. Berg Publishers.

<http://www.isaz.net/isaz/wp-content/uploads/2017/03/Bestiality-and-Zoophilia.pdf#page=128>

Burns, N. (2016, August 18). I visited the Faroe Islands to learn about the Grindadrap. Here's what I found out. Matador Network.

<https://matadornetwork.com/life/visited-faroe-islands-learn-grindadrap-heres-found/>

Carrington, D. (2019, May 21). Humanity has wiped out 60% of animal populations since 1970, report finds. The Guardian.

<https://www.theguardian.com/environment/2018/oct/30/humanity-wiped-out-animals-since-1970-major-report-finds>

Collections, C. F. (2020, March 10). Is NIVEA Cruelty-Free in 2020? Cruelty-Free Collections. <https://crueltyfreecollections.com/is-nivea-cruelty-free/>

Daly, N. (2019, June 4). Suffering unseen: The dark truth behind wildlife tourism. National Geographic.

<https://www.nationalgeographic.com/magazine/2019/06/global-wildlife-tourism-social-media-causes-animal-suffering/>

Digital, M. N. (2020, October 25). 'She was in a pool of blood': Female dog struggles for life after brutal sexual assault in Mumbai. The Times of India.

<https://www.timesnownews.com/mumbai/article/she-was-in-pool-of-blood-female-dog-struggles-for-life-after-brutal-sexual-assault-in-mumbai/672545>

Estrada, O. C. (2020, July 27). The Devastating Effects of Wildlife Poaching. One Green Planet.

<https://www.onegreenplanet.org/animalsandnature/the-devastating-effects-of-wildlife-poaching/>

Express News Service. (2020, May 21). 68-Year-old man in Bhubaneswar jailed for sexually assaulting stray dog. The New Indian Express.

<https://www.newindianexpress.com/cities/bhubaneswar/2020/may/21/68-year-old-man-in-bhubaneswar-jailed-for-sexually-assaulting-stray-dog-2146008.html>

Extinct species, explained. (2019, February 5). National Geographic.

<https://www.nationalgeographic.com/animals/reference/extinct-species/>

Facts About the Asian Dog Meat Trade & Dog Meat Festivals. (n.d.). Animals Asia.

Retrieved November 6, 2020, from

<https://www.animalsasia.org/us/our-work/cat-and-dog-welfare/facts-about-dog-meat-trade.html>

Hajare, P. (2020, July 3). Wildlife Protection Act 1972. PSC Notes.

<https://pscnotes.in/wildlife-protection-act-1972/>

India. (2020, April 30). IUCN. <https://www.iucn.org/asia/countries/india>

Kavuri, T. (2020a). Introduction to Criminal Law in India | Animal Legal & Historical Center. Animal Legal & Historical Center (Michigan State University).

<https://www.animallaw.info/article/introduction-criminal-law-india>

Kavuri, T. (2020b). Overview of Animal Laws in India | Animal Legal & Historical Center. Animal Legal & Historical Center (Michigan State University).

<https://www.animallaw.info/article/overview-animal-laws-india#:~:text=Protection%20of%20animals%20is%20enshrined,protection%20and%20cow%20slaughter%20prohibition>

LexQuest Foundation. (2020, September 21). The Prevention of Cruelty to Animals Act: An Insight. <https://lexquest.in/the-prevention-of-cruelty-to-animals-act-an-insight/>

M, M. (2019, January 12). Justice for Sexually Assaulted Animals– Has India Failed? IndianFolk.

<https://www.indianfolk.com/justice-sexually-assaulted-animals-india-failed-edited/#:~:text=Another%20legislation%20of%20importance%20is,years%2C%20and%20also%20a%20fine>.

Mahajan, Prashant. (2020). Negative effects of zoos on animals.

Mahapatra, D. (2015, September 28). Can't interfere in animal sacrifice tradition: Supreme Court. The Times of India.

<https://timesofindia.indiatimes.com/india/Cant-interfere-in-animal-sacrifice-tradition-Supreme-Court/articleshow/49144192.cms>

PETA. (2013). Animals in Indian Circuses: A PETA Investigative Report. PETA India.

https://www.petaindia.com/wp-content/uploads/2013/09/IndiaCircusReport_A4_72.pdf

Petkovic, N. (2020, April 2). 51 Eye-Opening Poaching Statistics You Must Know in 2020. Petpedia. <https://petpedia.co/poaching-statistics/>

Pradhan, S. B. (2019, December 3). Gadhimai festival: Mass slaughter of animals begins in Nepal despite outcry. Outlook India. <https://www.outlookindia.com/newscroll/gadhimai-festival-mass-slaughter-of-animals-begins-in-nepal-despite-outcry/1676944>

Randall Reeves (IUCN SSC Cetacean Specialist Group). (2018, June 18). The. IUCN Red List of Threatened Species. <https://www.iucnredlist.org/species/9250/50356171>

Russell Fielding (2013) Whaling Futures: A Survey of Faroese and Vincentian Youth on the Topic of Artisanal Whaling, *Society & Natural Resources*, 26:7, 810-826, DOI: [10.1080/08941920.2012.721058](https://doi.org/10.1080/08941920.2012.721058)

Sharma, B. (2019, December 6). Nepal's Animal-Sacrifice Festival Slays On. But Activists Are Having an Effect. New York Times. <https://www.nytimes.com/2019/12/06/world/asia/nepal-animal-sacrifice-gadhimai.html>

Stop killing stray dogs in Kerala: Supreme Court tells vigilante groups - india news. (2016, November 17). Hindustan Times. <https://www.hindustantimes.com/india-news/stop-killing-stray-dogs-in-kerala-supreme-court-tells-vigilante-groups/story-wnPjOLRR3vFAIX5ToHD5KI.html>

The Humane Society of The United States. (n.d.). Animal cruelty facts and stats. Retrieved November 2020, from <https://www.humanesociety.org/resources/animal-cruelty-facts-and-stats>

The prevention of cruelty to animals act, 1960. (n.d.). India Code. Retrieved November 20, 2020, from https://www.indiacode.nic.in/bitstream/123456789/11237/1/the_prevention_of_cruelty_to_animals_act%2C_1960.pdf

Toxic and Tragic Consequences of Product Testing on Animals. (2020, October 5). PETA. <https://www.peta.org/issues/animals-used-for-experimentation/animals-used-experimentation-factsheets/product-testing-toxic-tragic/>

What do you mean by "animal rights"? (2017, March 31). PETA <https://www.peta.org/about-peta/faq/what-do-you-mean-by-animal-rights/>

