

# LEGALFOXES LAW TIMES

## ANIMAL CRUELTY : - BE THE VOICE OF THE VOICELESS

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### ABSTRACT

India has gone through the process of metamorphosis in various sectors including economic growth, education, healthcare, aviation etc. but there is radical let out clause in the Indian legal system i.e. the execution of the Prevention of the Cruelty to Animals Act,1960.

2020 has been the year of outbreak of the detrimental novel corona virus which has its reverberations universally. India has initiated a way to break the chain of the virus by holding cell of the population of the country, which has lead to the issues of anxiety among the citizens due to the fear of getting infected and rise of the cases form one to other end of the country. The disquietude has caused an extensive rise in the animal cruelty.

### INTRODUCTION

#### ANIMAL CRUELTY

Animal cruelty or animal abuse is the crime of inflicting physical pain, suffering or death of an animal beyond the necessity of conventional discipline. This includes the neglect so menacing that it causes the animal to suffer, results in death or causes imminent danger.

### TYPES OF ANIMAL CRUELTY

#### **1. Fur farming:**

The fur farming is one of the most monstrous treatment of animals. In this kind of farming the animals are caged for a prolonged period and when they are skinned for their fur which causes serious injuries to them.

## **2. Dog fighting**

This is an atrocious act of humans to fulfill their need to be entertained by the fighting of the dogs without looking into the agony it causes to the dogs. If the dogs don't fight they are subjected to physical torture.

## **3. Animal experimentation**

This is the process of using the animals as an object for testing the drugs, cosmetics manufactured by the companies. There are many instances in which the companies make announcements that a particular product or drug would be available to the humans but after sometime there is no launch of the product, the major reason being that they are tested on animals and find it to be allergic or not fit for the consumption. But most of the tests done of the animals are a futile process as the reactions to the animal body and human body does not reciprocate with each other.

## **4. Greyhound racing abuse**

In this racing dogs are made to do a head-on race and if the dogs don't race according to the satisfactory standards then they are scourged, neglected, abandoned, etc. which leads to their death. In some cases, their years are chopped so they cannot trace their owners.

## **5. Traditional Chinese Medicine**

This involves horrific cruelty with the animals by the Chinese for the purpose their traditional medicines. This method intimidates the survival of the endangered species and causes agony to various animals because their trade is so lucrative to the poachers.

## **6. Cruel Animal Population Control**

There are certain barbaric ways used universally in order to hegemony the number of animals. Some people are given escalated monetary benefits in order to kill the animals and control their population.

## **7. Circus Animal Cruelty**

Circus is a source of entertainment for the people, but this leads to an abuse towards the animals as they are directed and obligated to perform in a specific way which inflicts physical as well as mental torture on the animals.



### PENAL PROVISIONS

An act has been made that is the **Prevention of the Cruelty to Animals Act, 1960**. One of the main sections of this act is **Section 11(a)** that enumerates and prescribes the forms of animal cruelty some of them includes: -

- Beating
- Kicking
- Overriding
- Employment of animal for labor purpose
- Using animals as means of transport
- Confinement of animals

- Not providing sufficient food and water to animals

### **INSTANCES OF FAILURE OF HUMANIY**

- ❖ <sup>1</sup>A pregnant goat went missing and later was found dead. When the accused was arrested he confessed raping the goat along with 8 men and said they had a good time.
- ❖ <sup>2</sup>A female street dog was raped by 35 year old man. He took the dog to his house chained and roped the mouth of the dog. A few men were passing by the streets and found the man's house to be suspicious. When they broke into the man's house through the window he was seen committing rape of the female street dog.
- ❖ <sup>3</sup>100 street dogs were killed and dumped in the forest area. A complaint was filed by an NGO when they found a assemblage of dead dogs in a forest area.
- ❖ <sup>4</sup>Several dogs were poisoned by the meat sellers as they would steal the meat for their survival.
- ❖ <sup>5</sup>21 Beagles were confined by a company had put through intense torture and pain to test the products of the company. The dogs were saved by an activist and the accused company was levied with heavy fines.

### **MANEUVERS TO TAPER WHEN ANIMAL ABUSE IS WITNESSED**

#### **1. Pacify the animal and seek veterinary help: -**

When someone is bystander to cruelty against the animals he/she should act immediately and use presence of mind. Instead of panicking one should stay calm and without any second thought rush the animal for veterinary help to put the animal in the surveillance of the professionals.

#### **2. Speak up for the animals:**

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<sup>1</sup>29.07.2018: - Haryana

<sup>2</sup>17.07.2018: - Kolkata

<sup>3</sup>18.05.2018: - Hyderabad

<sup>4</sup>29.03.2018: - Nagpur

<sup>5</sup>20.01.2017: - Pune

Whenever you see an inhumane behavior towards any animal assert for the animal. Take the animal indoors and take care of it.

### **3. Seed the lesson of kindness among children**

Children are like clay and can be sculpted with kindness from a very initial stage of their life. Kindness towards animals and the ecosystem should be taught to the juvenile so that they can be saviors of the fellow mates on the planet.

### **4. Consciousness of the law**

The citizens of the country are well versed with the human rights and duties guaranteed to them by the constitution of the land. But this is not enough, the people should be familiar with the law made for the protection of the animals and ecosystem in order to save them from being exploited for trade or any other needs of the population.

### **5. Discourage the use of animal products**

The brands which sell products made out of animal skin should be crestfallen. The products involving the utilization of animals includes leather belts (from snakeskin, alligator skin, buck skin), casein (used in plastics, clothing, cosmetics), egg oil, emu oil, horse oil ( these oils used for manufacturing of masks and other cosmetics), snail mucin ( used in pharmaceutical industries to manufacture various drugs), etc.

### **6. Get in touch with animal protection groups**

Whenever someone spots an incident of animal ruthlessness, they should contact the animal protection organizations which will file F.I.R. against the offenders that would result in stringent actions against the crook. Some organizations are listed below: -

- a) **PETA (People for the Ethical Treatment of Animals)**
- b) **Animal Welfare Board of India**
- c) **The Blue Cross of Hyderabad**
- d) **Bhartiya Gau Raksha Dal**





### LANDMARK JUDGEMENTS

- <sup>6</sup>In a case, it was held that the court held that the cinema that is free for public opening has to obtain a certificate from the Animal Welfare Board of India that issues the guidelines of Performing Animal (Registration) Rules, 2001. The ruling prevents the animals from being subjected to abuse or exploitation for the purpose of entertainment.
- <sup>7</sup>In this case, it was held that residents cannot be forbidden from having pets and their pets cannot be stopped from using the lifts.
- <sup>8</sup>In this case, it was held by the court the information labels on the food items should be such that people are able to distinguish between vegetarian and non-vegetarian products. The products which include whole or any part of the animal but not milk should be represented with a brown circle. Likewise, the vegetarian food should be represented with a green circle and the non-vegetarian food with a red circle.

<sup>6</sup>PETA and Anr. V. U.O.I., Bombay H.C., 2490, 2004

<sup>7</sup>Marathe V. Central Public Information Officer, Central Information Commission, 1795, 2013

<sup>8</sup>Hussain V. U.O.I., Delhi H.C., 837, 2001

- <sup>9</sup>On appeal, the Hon'ble Supreme Court declared that the animals were supposed to be confiscated from the owner and housed in a *gaushala*, under the care of the state government who was given their charge for the duration of the case. With this ruling, the Court made it amply clear that once an animal was removed from a person's care on grounds of cruelty to his/her charge, the animal would not be returned until the case was resolved.

### **KERALA PREGNANT ELEPHANT CRUELTY INCIDENT: -**

On 27.05.2020, a pregnant elephant died due to the nefarious act of a local who fed her a pineapple stuffed with crackers. The elephant died standing in river Velliyar after it suffered an injury in the lower jaw. The elephant was standing with mouth and trunk in the water.

This incident was a shame towards humanity. This atrocious act of humans had not only caused the death of the elephant and the foetus but also death of fiduciary relationship of human beings with the ecosystem.



### **CONCLUSION:**

Animal cruelty is an issue that needs to be delve into and stringent punitive action against the offenders must be taken by enforcement of the law made for the protection and prevention of the animal abuse. The Constitution of India in Article 51 (a) (g) deals with the protection and

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<sup>9</sup>Mustakeem V. State of U.P., Allahabad H.C., 3134, 1999

improvement of the natural environment including forests, river, lakes, rivers, and wildlife and to have compassion towards the living creatures.

Animals also have a right to live their lives free from any kind of torture and pain. Let's practice coexistence and benevolence and cushion the animals against any sort of abuse or misbehavior.

Humans should practice compassion as a collective mission as the greatness of humanity is not being human but in being humane.

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