

LEGALFOXES LAW TIMES

Title: The Curious Case of Cruelty Against Animals

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ABSTRACT

The exploitation of animals in recent times has only increased. Man, for his selfish motives kills or torture animals. This research paper emphasizes the same, that is, Animal Cruelty. Human thinks that they own planet earth and animal cruelty has only been ignored. Innocent animals get affected by the cruelty of humans in all places. Although every nation has tried to make some laws against animal cruelty still there are many loopholes in it. India has also made some laws against the cruelty of animals but has failed to implement them properly. Animals are tortured, killed, and are even used as actors for the source of entertainment. Their screams are unheard and their tears are of no value to humans. Through the stricter implementation of laws and imposing severe penalization, the stats of animal cruelty can be brought down to some extent. It's high time that humans realize that animals are just as important as humans for maintaining the ecological balance of the environment and that doing animal cruelty puts a blot on the humanity of mankind. Through this research paper, an attempt has been made to highlight the cruelty we are doing to animals and some solutions that can help in fighting against this problem.

INTRODUCTION:

‘Why should man expect his prayer for mercy to be heard by what is above him when he shows no mercy to what is under him?’ - Pierre Troubetzkoy

One of the major things that humans have is their humanity and we are losing it. Earth is the planet in which all living things have the right to live but humans have become so selfish that for their satisfaction they are not only torturing animals but killing them. We have not only turned a blind eye on animal cruelty but we have accepted it. Death of animals because of humans is only rising. If beating animals just for fun or doing science experiments on animals just because they can't speak is not animal cruelty, then what is?

The lives of animals are just as important as humans. God created both animals and humans for specific purposes. He wanted to maintain the balance that is why the food chain was also made but

for a selfish reason, humans started to torture animals. The food chain was made to establish ecological balance but nowadays it has become less about “eco” and more about the “ego” of the man. Around the globe in different countries, animals struggle for their life. Violence against animals, beating them to death, chaining them in cages, not providing them with food and shelter are all a part of animal cruelty.

Man has lost his basic nature, the feeling of love, the feeling of compassion. Humans have become so self-centered that they even use animals as a source of entertainment by using them in circuses or putting them behind the bars in the zoo.

‘Compassion for animals is intimately connected with goodness of character; and it may be confidently asserted that he who is cruel to animals cannot be a good man’-Arthur Schopenhauer

EXISTING LAWS AND EXISTING MALPRACTICES:

The situation of animals in India is also bad. Torturing and killing of animals happens in India too. ‘The greatness of a nation and its moral progress can be judged by the way its animals are treated’- Mahatma Gandhi

In India, there are different laws made to stop animal cruelty. Some of them are-

1. The killing of any animal including stray animal is a punishable offense under IPC Sections 428 and 429
2. Three months imprisonment can be given for abandoning any animal for any reason. Section 11(1) and Section 11(1) (j), PCA Act, 1960
- 3 Experimenting on animals through cosmetic materials and the import of tested animals is banned. Rules 148-C and 135-B of drugs and Cosmetics Rules, 1945¹

There are some other laws against slaughtering, keeping them chained, using them for entertainment, organizing animal fights, disturbing them in zoos, capturing, trapping or poisoning them.

These laws were made to stop animal cruelty still it hasn't been stopped. The implementation and the strictness of these laws are not good enough. In India we worship many animals still when it comes to crimes against animals, we remain numb. This problem is still neglected. People involved in animal cruelty should be tried in court as criminals only. Despite laws made against animal cruelty still, these criminals are not afraid.

¹ Prof. S.N. Mishra, Indian Penal Code 76 (Central Law Publications, Allahabad, 21st edn.,2018)

There are some major instances that happened in India that make us wonder if we are even humans anymore.

Elephant death in Kerala- A local fed a pregnant elephant with pineapple stuffed with firecrackers. On May 27 elephant died in pain after suffering the injury in her lower jaw. The animal became so weak that it collapsed and there was left no hope to revive the elephant.

Celebrities like Akshay Kumar, Virat Kohli, Anushka Sharma demanded action against animal cruelty. People became angry and shocked by such cruelty.²

A man raped a female dog inside his home in Kolkata- Man tied the dog with rope and covered his mouth and later raped the dog.

3 cows were raped by a man in Vadodara- On 17th January 2018 a man tied cows with rope and had sexual intercoursures with them.³

There are many more instances that happened in India like these which have induced us to have no faith in humanity.

In our daily life, we see animal cruelty still we ignore it.

In the transportation of goods animals like donkey, horses are used. This puts burden on animals and sometimes the amount of goods is so much that animals collapse. The skin of animals is used to make different types of clothes. Animal furs are used to make expensive clothes. In this process, millions of animals are killed. Tigers and elephants are killed for their body parts. To make expensive accessories, a huge number of animals, including crocodiles, are killed. Animals like dogs are used in the military where they are taught to protect soldiers even if they have to sacrifice themselves. Experiments are done on living animals and during the process, they are injected with different chemicals. They are used as a source of entertainment. Bullfighting, dog-fighting, dancing money, etc are used as tourist entertainment.

² Available at - <https://timesofindia.indiatimes.com/city/kozhikode/killing-of-pregnant-elephant-in-kerala-triggers-nationwide-outrage/articleshow/76183627.cms> (last visited 11th July, 2020)

³ Available at - <https://www.scoopwhoop.com/animal-cruelty-in-india/> (last visited 11th July,2020)

One animal suffers abuse in every one minute. 65 out of 100 abused animals include dogs. In the US around 10 million animals die from animal abuse. 97 out of 100 animals that are tortured are farm animals. Some bird species are in danger of being extinct. A huge number of animals die during laboratory experiments. Common victims of animal cruelty are dogs. 25% of abused dogs are Pitt Bull. ⁴

Animals are not our toys but they are used by us for our entertainment. Animals are not actors still they are forced to act. They are separated from their parents when they are born and later put inside the cages. They are forcefully trained for the entertainment shows and during this process, humans use wooden sticks, chains to give them physical punishment. Water animals like dolphins, seals, sea lions, and other animals like tiger, elephants, bear, monkeys are tortured and trained to perform silly shows. It's not only the physical pain that they have to suffer but the mental and emotional pain too. The pain of separation, try to separate a human baby from his/her mother. If we humans feel so terrible when someone tries to separate us from our parents then how can we expect animals to act normal. This is cruelty.

In 1980 PETA (People for the Ethical Treatment of Animals) was founded to work against animal cruelty. It is an international and non-profit charitable organization which works for the rights of animals. PETA wants all to be free from harm whether human or non-human. According to PETA animals are not a source of our entertainment. Animals must be free from any abuse or any harm. We have unlimited choices and exploitation of animals shows our selfishness.

'Protecting and conserving animals worldwide' is what they are committed to claims SeaWorld but this is not true as animals can be protected only in their environment. SeaWorld teaches that animals are ours which is wrong. There is a pressure to SeaWorld from PETA to modernize their business. SeaWorld abuses animals and exploits them just to make profits. This is their business to use intelligent animals and then torture them. There are several animals that have died at SeaWorld. More than 40 orcas, 300 dolphins, approximately 400 pinnipeds, and many other animals have also died.⁵ PETA has done so much to save these animals including complaints to law enforcement. In 2013, the documentary Blackfish was released which exposed the cruelty of SeaWorld. PETA works through public education, protest, and campaigns with 6.5 million members and supporters.

THE PRESSING NEED TO STOP ANIMAL CRUELTY:

'Murderers...very often start by killing and torturing animals as kids.'- Robert K. Ressler

⁴ Available at - <https://petpedia.co/animal-abuse-statistics/> (last visited 11th July,2020)

⁵ Available at - <https://www.seaworldofhurt.com/about/> (last visited 11th July,2020)

People involved in animal cruelty are often involved in committing other types of crimes as well. There have been different studies on people involved in animal cruelty. There was a study done on the relationship between violence against animals and crimes in general by Professors Arnold Arluke and Jack Levin of Northern University and Carter Luke of the MSPCA. According to the result, 7 out of 10 people involved in animal cruelty had also been involved in other drug and disorderly crimes.⁶

The animal abuser is not the only threat to animals but society also. Their brain is damaged and they don't usually realize what they are doing. There is a need to educate such people. There is a need for different programs and strict laws.

'We call them dumb animals, so they are, for they cannot tell us how they feel, but they have no words' - Anna Sewell

We must learn something from our ancestors as they were the ones who lived closer to the natural world. They were the ones who understood animals so well. But today man has become selfish and with growing urbanization, we are not only removing ourselves farther from nature or animals but we are also destroying them. Our pets are the only animals we love but for others, we turn our back. Animals can't speak our language but it doesn't mean that the torture we are doing is not hurting them. How can we gain the respect of others if we just can't respect animals? We have lost our humanity and sentiments. We live within walls, learning through books but we are not applying our knowledge in reality. We have just ignored the tears and screams of animals.

It's high time to save animals and it's a reminder for what we have done to them. They deserve to live a peaceful life just like us.



The latest Australian bush fire had been the worst bush fire in history. Last year had been recorded as the hottest year for Australia. The government declared a state of emergency when dozens of fires erupted in New South Wales, Australia. Roughly 25.5 million acres have burned. Thousands of people were forced to evacuate and at least 3000 homes were destroyed. Air quality became 23 times hazardous and Australia recorded the worst pollution it has ever seen. The smoke even reached New Zealand. A huge number of animals lost their lives. On Kangaroo Island 25000 koalas were feared dead, more than 1 billion mammals, birds, and reptiles lost their lives.⁷ Both humans and non-humans were affected but there were no enough rescues as human life is valued more.

⁶ Available at- <https://www.mspca.org/why-prevent-cruelty/> (last visited 11th July,2020)

⁷ Available at- <https://www.theverge.com/2020/1/3/21048891/australia-wildfires-koalas-climate-change-bushfires-deaths-animals-damage> (last visited 11th July,2020)

The reality is that this is a result of human ignorance. Climate change, the extreme heat is all a result of human selfishness. Not only this event but other events have also disturbed the ecological balance of the mother earth. Rising pollution in the air has resulted in a rise in the greenhouse effect and led to the melting of glacier ice. This has also destroyed the natural habitat of many animals. Humans are continuously ignoring such events and later it will come back as a disaster for us only. Mobile towers are killing bees and sparrows. 'If bees disappeared off the face of the earth, man would only have four years to live.' - Albert Einstein. Many birds are on the verge of getting extinct. Healthy biodiversity is essential to human health. Extinction of any specie will affect humans. Infectious diseases can rise in both humans and animal kingdom if there is extinction in any animal or bird species. It is a sign of an ecosystem falling apart. A pure and healthy environment is necessary for everyone. This is the time where we should act like educated people and let animals live their lives in peace.

'Animals should not require our permission to live on earth. Animals were given the right to be here long before we arrived' -Anthony Douglas Williams.

CONCRETE SOLUTIONS TO STOP CRUELTY:

'Kindness is a language which the deaf can hear and the blind can see.' - Mark Twain

How we treat animals defines our personality. Now is the time where we have to stop animal cruelty. There is a significant need in devising concrete solutions that can tackle animal cruelty. We must teach our children to respect animals and to treat them with kindness. There is a reason for everything. Children learn and adapt to everything from the adults near them. Children must be taught to be a role model and to be compassionate and kind towards animals. We should support different NGOs and other organizations working for the welfare of animals. We should volunteer to help animals. Injured animals should be adopted by foster families. Simple love and care can heal animals. We should stop ignoring the crime against animals which we see regularly. Whether someone is torturing animals physically or mentally, it should be reported.

Animal cruelty is directly linked with other crimes like domestic violence or sexual offences. One crime will lead to several other crimes. Animals left outside in poor living conditions, in extreme weather, with lack of food and water, in dangerous living conditions is all animal cruelty. Abandoning animals or pets is also animal cruelty.

India has taken some major steps to stop animal cruelty:

India's Ministry of Environment and Forests in May 2013 took a huge step by forbidding the capture and use of dolphins for entertainment across the country. Import of animal-tested cosmetics was banned in India. India was the first South Asian country to do so. Hundreds of sharks every year are killed. They are left to die a slow and painful death. The marine ecosystem gets disturbed due to the death of a huge number of sharks. After the appeal by India shipment of sharks and their fins were banned. This was done to protect the population of sharks worldwide. The Ministry of Home Affairs on November 4, 2014, ordered to stop the illegal movement of animals to Nepal.⁸

Though these steps made a good impact, yet these are not enough. The laws are not strict. There is no proper implementation of laws. Nobody is looking for stray animals. Despite orders from the Supreme Court to set up an Animal Welfare Board, many states have failed to form. The functioning of the Animal Welfare Board is very less. Nobody is taking this problem seriously. There have been many orders passed by the Supreme Court since 2001. Still, due to the failure of state governments, it hasn't been yet implemented successfully. Repeated reminders have also been given to the government at various levels. After many attempts, there is little progress but not enough. We have to stop every crime against animals. We have to realize that animals are also important to maintain the ecological balance. They have equal rights to live their lives in peace.

Laws have played a vital role in justice for the animals but animals are muted and can't raise their voice. So every individual must take a stand against animal cruelty. We can't just wait for NGOs or government to protect animals but as humans, it's our responsibility also to save them.

There have been many instances where the fine was so less that the punishment was not justified. There were some cases in which the fine was only Rs.50.

It's time for the government to hike the penalization so that there is some fear in the minds of such people. High fines or punishment will make people think twice before committing any crime to animals. 7 out of 10 animals' death in an accident is due to rash and negligent driving. The government should make strict laws against this also. State governments should work properly to make a good system to save animals. Implementation and working of rules and laws should be better.

CONCLUSION:

⁸ Available at - <https://www.thebetterindia.com/16188/laudable-initiatives-india-stop-animal-cruelty/> (last visited 11th July,2020)

Humans on the earth; this is what we think. There are a huge number of other species with whom we share our planet. We make 0.1% of the total biomass. The greatest gift we have is the opportunity to raise voice for the voiceless. We have been facing different issues but there is a commonality in them, that is, the fight against injustice. We have to fight for animal rights. We have made ourselves disconnected from the natural world. We are just destroying natural resources and we think we own them. We torture animals and then we steal their babies. Their screams remain unheard. Their tears are of no value to us. We are scared. We fear from personal change. We think that we have to sacrifice something. But we have to know our value. Humans are the best in developing any programs or finding any substitutes. We are innovative and emotional. We all have been cruel at some time but we all deserve a second chance. This is the time where we think of the torture we do to animals and try to change everything. We should educate each other and help to grow others. We are at our best when we support each other. Animal lives matter and animal cruelty should be stopped immediately.

‘Run to the rescue with love and peace will follow’



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