

AN ANALYSIS ON ANIMALS ABUSE AND ITS LAWS

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ABSTRACT:

This article relates to human and animal relations where the humans are made superior to the other creatures on this earth and they use their superiority to dominate over the other by brutalizing them for their own purposes whether it pertains for scientific experiments, studies or any personal reasons. The Governments were trying their best by passing legislation in order to protect these innocent ones but the current scenario shows a different story. In between year 2012 to 2016 there were over 24,000 cases of animal cruelty reported under the Prevention of Cruelty to Animals Act which was enacted in year 1960. The US Federal Bureau of Investigation has reported that a history of animal abuse is one of the traits that regularly appear in the records of serial rapists and murderers. These acts indicate that individuals have deep mental disturbances which often lead them to move from being animal abusers to in harming humans. Therefore, this topic has become the need of the hour.

KEYWORDS:

Human – Animal Relationship, Animal Cruelty, Animal Protection, Wildlife Protection, Cognizable Offence.

INTRODUCTION:

India officially known as Republic of India is second most populous country; the seventh largest country by area and the most populous democracy in the world have a history of several millennia old. It is the birthplace of many religions such as Hinduism, Buddhism, Jainism, etc making it a powerful and multi-cultural Society holding onto the moral values from the epic lesson from Ramayana, Mahabharata, Quran etc. The culture of India collectively referred to the infinite number of distinct and unique cultures of all religions and communities present which all are based on the concept of Dharma and Karma. Dharma means behaviour that are considered to be in accordance with duties, rights, laws, conducts, virtues and right way of living. Karma means action, work or deed. It is generally referred as the spiritual principle of cause and effect where intent and actions of individual influence the future of that individual.

In India people not only believe on God as their idols in statue form but also in the things which he made such as the sun, the rivers, the trees, the animals etc. Some of the greatest

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example can be the River Ganga which is known as goddess on Earth from heaven and people consider its water as holy water, the Peepal tree also known as Bodhi tree which is considered as the place where Lord Lakshmi lives or where Gautam Budh attained enlightenment etc.

But in middle of all the these faiths and believes there are still many misconceptions which lead us humans into being cruel and indifferent towards the other God made things or creatures like barbaric cutting of trees for woods, polluting rivers in the name of holy practices, most importantly brutal sacrifice of animal for domestic or commercial purpose.

ANIMAL CRUELTY:

If we specifically consider the problem of animal cruelty it is itself a vast inhuman, insensitive act done by humans in the name of religion or development. On further analysis it is stated that human attitude towards animals or their relation with animals have been greatly influenced by the ancient Greek philosophers as they have four different school of thoughts on the human-animal relationship. They are the following:

- Animalism¹ - It is derived out of Latin term “*anima*” which means breath, spirit, life. It is the belief that objects, places and creatures all possess a distinct spiritual essence; it is professor that the souls are indestructible and composed of fire and air and moves from human to animal or human in succeeding incarnation.
- Vitalism² - It emphasizes the interdependence of soul and body i.e., difference between organic and inorganic entities.
- Mechanism - It professed that both human and animal are mere machines without their souls.
- Anthropocentrism - It professes about humankind in the centre of the world as everything in this universe was interpreted in terms of humans and their values.

Whereas in the Bible³ it is clearly stated that:

“Then God said, Let Us make man in Our image, according to Our likeness; let them have dominion over the fish of the sea, over the birds of the air, and over the cattle, over all the earth and over every creeping thing that creeps on the earth. So God created man in His own image; in the image of God He created him; male and female He created them. Then God blessed

¹Professed by Pythagoras (569 to 475 BC).

²Professed by Aristotle (382 to 322 BC).

³Genesis 1:26 to 28, 1982.

them, and God said to them, be fruitful and multiply; fill the earth and subdue it; have dominion over the fish of the sea, over the birds of the air, and over every living thing that moves on the earth.”

Herein, the biblical concept emphasize on the Gods dominance over humans and humans dominance over animals establishing the foundation of attitude of individuals between human and animal. This dominant given by the God have been greatly misinterpreted by the humans of current world. As the superior human forget that all living things that are created by the supreme have right to live on this planet earth and we, very often the come in sensitive towards their pain only because they can't speak the language of human, because they don't have a voice?

For instance, according to a report of 2018 where a pregnant goat was gang raped by 8 men in Haryana, several stray dogs were poisoned to death in Nagpur, three sick and wounded horses were used in wedding procession in Delhi, twenty-one beagles dogs were confined in cages for scientific experiments in Pune for last six years subjecting then to intense torture and pain.

These reports come every year with “n” number of addition where innocent animals are subjected to harsh behaviour of humans who sometimes do not even have a rightful objective of operating these tortures.

Nevertheless, sometime Government themselves sponsor this cruelty programin the name of mankind which are evident from the poor state of Zoos and behind the doors of the laboratories where the animals such as rats,rabbits, Guinea pigs, monkeys,etc. are torture in the name of study, experimentation andmaking of rare medicines etc.

But in spite of all the sadists nature by human the law does its best to protect each one of the innocent animals no matter what the situation is!

LAWS IN PROTECTION OF ANIMALS AND WILDLIFE:

To put a stop to this serious issue of animal cruelty the Parliament passed several laws such as The Prevention of Cruelty Animals Act, 1960, Wildlife Protection Act, 1972, etc. In detail, the Section 11⁴deliberates on *various acts of cruelty towards animals*, including beating, kicking, overriding, overdriving, overloading, torturing, causing unnecessary pain and suffering the animal, employment of unfit animals, administration of injurious drugs to them, conflicting for

⁴ Section 11 of Prevention of Cruelty Animals Act, 1960.

carrying them in compact cages, failing to provide food, water and shelter and mutilating or killing any animal. The act punishes cruelty against animals with fine ranging from rupees 10 to rupees 50 for the first time offender and rupees 25 to rupees 100 for repeated offender.

Moreover, killing, poisoning, maiming or torturing animals is a cognizable offence under the following section of the Indian Penal Code, 1860 - Section 428 and Section 429, where the punishment is rigorous imprisonment which may extend for up to two years or a fine or both.

Even a written order i.e., a writ petition can be a powerful way in righting animals wrong under Article 226 of the constitution which confers on each and every High Courts of the country the power to issue writ of mandamus and demanding action from the addressee. This power of court can be applied on any person, authority or officer who is duty bound by law to take action but refuses to do so. In addition, Supreme Court has made it mandatory for police to immediately register the first information report (FIR) and if he refuses to do so or take any notice of the complaint. Following are the two ways guided by the court:

- Arrest him or her if he or she has committed a cognizable offence under Section 43 of Cr.P.C⁵, though the culprit must be handed over to a police officer or to the police station without a delay
- Alternatively, a complaint can be filed before the magistrate requesting to initiate proceeding against the wrongdoer.

Meanwhile, the section 9 of Wildlife Protection Act, 1977 had described about *hunting* which includes trapping without killing too where section 51 of Wildlife Protection Act, 1977 states about the punishments upon having captive wild animal or bird with imprisonment not less than 7 years and with fine not less than 10,000 rupees. Even so, Section 50 of Wildlife Protection Act, 1977⁶ has widened the power of a police officer stating them to make arrest without a warrant.

CONCLUSION:

Though various legislation have been passed in concern to protection of animal of any kind and prevention of any abuse towards them a harsh reality is yet to be faced as the number of insensitive and inhumane act done with these animals increase day by day just because police

⁵ Section 43 of Criminal Procedure Code, 1972 - Arrest by private person and procedure on such arrest.

⁶ Section 50 of Wildlife Protection Act, 1977 - Power of entry, search, arrest and detention.

making no attempt to catch the perpetrators and hold them accountable and even if they do so the negligible amount of fine and nothing for these culprits. Although a proposal was discussed in 2018 in parliament to increase the fine upto 6000 rupees no new amendments are done in the same.

Mahatma Gandhi once justifiably aforesaid, “*the greatness of a state is judged with the aid of mistreatment the way it treats its animal.*” We human are graced by the blessing of God to become a superior in this God made world for which we should be thankful and help the one in need not to brutalize them. These innocent animals does not want much they just demand for little food, water and a shelter and in order to solve this basic problem authorities, Government, and most importantly the citizen of the nation are to be awakened fully. This little help could become a peaceful life for another.

SUGGESTIONS:

➤ Individual Level –

- Adopt - by providing food, water to any stray animals such as dog, cat, etc.
- Donate - donations help in maintenance of the vital conservation areas.
- Volunteer – do not have money to give, donate your time. Many organizations and zoos have a volunteer program which works in helping in cleaning, rescue wild animals or teaching visitors, etc.
- Recycle - Trash isn't just ugly but it is harmful too. Birds and other animals can trap their heads in plastic rings and fish get stuck in nets leading to their deaths.

➤ Government Level –

- Amend the laws making them strict where the fine amount should be sizable.
- Set-up committee or society which concerns for animal rights and their protection.
- Proper allotment and allocation of funds

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