



CRUELTY TO ANIMALS *

Cruelty to animals – an introduction.

Cruelty to animals, also called animal abuse or animal neglect, is the intentional infliction by humans of suffering or harm upon any non-human animal, regardless of whether the act is against the law. More narrowly, it can be the causing of harm or suffering for specific gain, such as killing animals for food or for their fur; opinions differ about the extent of cruelty associated with a given method of slaughter. Cruelty to animals sometimes encompasses inflicting harm or suffering for personal amusement, as in zoosadism. Animal cruelty can be either deliberate abuse or simply the failure to take care of an animal. Either way, and whether the animal is a pet, a farm animal or wildlife, the victim can suffer terribly.

Animal cruelty can take many different forms. It includes overt and intentional acts of violence towards animals, but it also includes animal neglect or the failure to provide for the welfare of an animal under one's control. In addition to this, it is important to remember animal cruelty is not restricted to cases involving physical harm. Causing animals psychological harm in the form of distress, torment or terror may also constitute animal cruelty.

As a result of there being so many possible forms of animal cruelty, state and territory animal welfare legislation does not attempt to define it in an exclusive way; rather, animal cruelty is described generally as any act or omission that causes unnecessary or unreasonable harm to an animal. Most animal welfare Acts will provide particular examples of cruelty. These may include:

- torturing or beating an animal;
- confining or transporting an animal in a way that is inappropriate for its welfare;
- killing an animal in an inhumane manner;
- failing to provide appropriate or adequate food or water for an animal;
- failing to provide appropriate treatment for disease or injury; and
- failing to provide appropriate living conditions.

After understanding what animal cruelty exactly is, let's have a look what laws and rules are there to protect these little ones.

1. In India-

- Government has set up some duties of person having charge of animals.¹

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- Government has constitute a board which includes the Inspector General of Forests, the Animal Husbandry Commissioner, two persons to represent respectively the Ministries of the Central Government, one person to represent the Indian Board for Wild Life etc.
- Penalty for practicing phooka or doom dev.
- Destruction of suffering animals.
- Power to prohibit experiments on animals
- Penalties : If any person-
 - (a) contravenes any order made by the Committee under section 19; or
 - (b) commits a breach of any condition imposed by the Committee under that section: “he shall be punishable with fine which may extend to two hundred rupees, and, when the contravention or breach of condition has taken place in any institution the person incharge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly”.
- Restriction on exhibition and training of performing animals - as a performing animal, any animal which the Central Government may, by notification in the official gazette, specify as an animal which shall not be exhibited or trained as a performing animal.

Animal Rights in India That Every Citizen Should Know;

It is the fundamental duty of every citizen of India to have compassion for all living creatures. Article 51A(g).

To kill or maim any animal, including stray animals, is a punishable offence. IPC Sections 428 and 429.

Abandoning any animal for any reason can land you in prison for up to three months. Section 11(1)(i) and Section 11(1)(j), PCA Act, 1960.

No animal (including chickens) can be slaughtered in any place other than a slaughterhouse. Sick or pregnant animals shall not be slaughtered. Rule 3, of Prevention of Cruelty to Animals, (Slaughterhouse) Rules, 2001 and Chapter 4, Food Safety and Standards Regulations, 2011.

Stray dogs that have been operated for birth control cannot be captured or relocated by anybody including any authority. ABC Rules, 2001.

Neglecting an animal by denying her sufficient food, water, shelter and exercise or by keeping him chained/confined for long hours is punishable by a fine or imprisonment of up to 3 months or both. Section 11(1)(h), PCA Act, 1960.

Monkeys are protected under the Wildlife (Protection)Act, 1972 and cannot be displayed or owned.

Bears, monkeys, tigers, panthers, lions and bulls are prohibited from being trained and used for entertainment purposes, either in circuses or streets. Section 22(ii), PCA Act, 1960.

Animal sacrifice is illegal in every part of the country. Rule 3, Slaughterhouse Rules, 2001.

¹ sec.4 of THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960

Organizing of or participating in or inciting any animal fight is a cognizable offence. Section 11(1)(m)(ii) and Section 11(1)(n), PCA Act, 1960.

Cosmetics tested on animals and the import of cosmetics tested on animals is banned. Rules 148-C and 135-B of Drugs & Cosmetics Rules, 1945.

Teasing, feeding or disturbing the animals in a zoo and littering the zoo premises is an offence punishable by a fine of Rs. 25000 or imprisonment of up to three years or both. Section 38J, Wildlife (Protection) Act, 1972.

Capturing, trapping, poisoning or baiting of any wild animal or even attempting to do so is punishable by law, with a fine of up to Rs. 25000 or imprisonment of up to seven years or both. Section 9, Wildlife (Protection) Act, 1972.

Disturbing or destroying eggs or nests of birds and reptiles or chopping a tree having nests of such birds and reptiles or even attempting to do so constitutes to hunting and attracts a punishment of a fine of up to Rs. 25000, or imprisonment of up to seven years or both. Section 9, Wildlife (Protection) Act, 1972.

Conveying or carrying animals whether in or upon any vehicle, in any manner or position which causes discomfort, pain or suffering is a punishable offence under two Central Acts. Section 11(1)(d) Prevention of Cruelty to Animals, (Transport of Animal) Rules, 2001 and Motor Vehicles Act 1978.

2. Egypt

Some countries, such as Egypt, have laws against animal cruelty that were set up by other governments during imperialism and colonialism in that country. However, now the animal laws in countries like Egypt are not enforced. Egypt does have animal welfare activist organizations, such as the Egyptian Society for the Prevention for Cruelty to Animals that was created under the RSPCA (the Royal Society for the Prevention of Cruelty to Animals) that was set up by Great Britain when Egypt was one of its colonies. Though ancient Egyptian law would have you executed for killing a cat, modern Egyptian laws protecting animals are scarce. The Law of Agriculture states that it is forbidden to exercise cruelty to animals, but there is no law that recognizes animal sentience and thus are no statements that refer to the pain and suffering of animals.

Legislation is focused mostly on “labor animals,” such as donkeys, but the Penal Code was amended in 1982 to include domesticated animals such as cats, dogs, and cattle. Willfully killing or harming a riding animal, a carrying beast, a towing beast, or any other livestock is punished by prison labor for up to three years. Incarceration is mandatory as the law does not give the judge the option to consider a jail sentence of a monetary fine.

Poisoning any of the animals mentioned above or any kind of fish would put the individual under police observation for a period of no less than 1 year and no more than two years. Any attempts to commit any of the crimes previously mentioned is also punishable by a fine of up to 200 Egyptian Pounds (approximately \$25.55) or up to 1 year of prison labor.

3. China-

China had no animal laws or animal welfare organizations whatsoever in 2006, with legislation stating that dog control officers had the ability to kill stray dogs whenever

they wanted. Now, this law is in the process of being changed. In September of 2009, a legislation was drafted that will protect pets, farm animals, and wild animals. Animal Laws are hoped to be enacted in China by 2013.

4. New York-

Because animals are not mentioned in the Constitution, anti-cruelty acts for animals are mostly introduced at the state rather than the federal level, making legislation limited in scope and inconsistent between states. State animal cruelty laws generally protect against the intentional harming, torturing, or killing of an animal, as well as animal fighting. However, the treatment of farm animals is usually excluded from these state statutes.

According to New York state's anti-cruelty provisions, "animal" includes every living creature except a human being. It doesn't matter if the animal is wild or tame, belongs to you or another person. To cruelly and unjustifiably torture, injure, maim, or kill an animal or deprive, neglect or refuse an animal of necessary sustenance like food or water is a Misdemeanor and is punishable with a fine up to \$1000 and/or imprisonment up to 1 year. Aggravated cruelty to animals, defined as: "conduct intended to cause extreme physical pain, done or carried out in an especially depraved or sadistic manner," is a Felony punishable with a fine of up to \$5000 and/or imprisonment up to 5 years. There are exceptions for research, hunting, trapping, or fishing, as well as the dispatch of diseased animals or animals that pose a threat to human safety or other animals, as well as veterinary care.

5. Switzerland –

Switzerland has some of the most comprehensive animal protection laws in the world and governs everything from the minimum number of hamsters and parakeets you must keep (at least two) to how you can put down a sick fish (with a sharp blow to the head or by immersing them in a mixture of water, clove oil, and alcohol). Dog owners are required to attend a four-hour course before they are legally qualified to buy a pet, and professional fishermen must attend compassion classes. The canton government of Zurich even employs a lawyer to represent the interests of animals in animal cruelty cases.

Though the Swiss Animal Welfare Act does not explicitly refer to sentience, the concept of animal sentience is recognized in the fact that the purpose of the Act is to prohibit cruelty to animals and the disrespect of their dignity. Unjustifiable pain and suffering are considered to be a disregard for the animal's dignity, as is anxiety or humiliation, even if the animal lacks the ability to be aware of it. Willful cruelty towards an animal is punishable by imprisonment of up to 3 years, and negligent cruelty is punishable by a fine of up to 20,000 Swiss Francs.

6. Paris-

One of the first countries to recognise sentience in some animals, on the 28th of January this year the French National Assembly voted to modify Civil Law to change the classification of animals from "personal property" to "living beings gifted with sentience." However, the new amendment only applies to pets or wild animals that have been tamed or held in captivity and thus excludes wild animals.

The Penal Code makes it an offense to physically or sexually abuse, or to commit an act of cruelty to animals that have been domesticated, tamed, or are held in captivity. The maximum penalty is up to 2 years imprisonment and a 30,000 euro fine (\$33k).

Offenders may also be prohibited from keeping animals for a period of 5 years as well as be prevented from working with animals.

7. Sydney-

There are no national laws that apply to animal welfare, and the treatment of animals in Australia is mostly governed by the individual Prevention of Cruelty to Animals Acts ('POCTAs') for each state and territory. The treatment of farm or "production" animals is not regulated by this legislation but by industry codes of practice.

The POCTA of New South Wales prohibits persons in charge of an animal from committing acts of cruelty, or authorizing the commission of an act of cruelty upon animals. Persons in charge of an animal are required to provide reasonable care, supervision, and necessary veterinary treatment for animals. The maximum penalty for corporate offenders is a fine of 250 penalty units. Individual offenders may be fined up to 50 penalty units and/or 6 months imprisonment. For Sydney, a penalty unit equals \$110.

Any act of cruelty that results in the death, deformity or serious disablement of an animal, or the animal being in such a physical condition that it would be cruel to keep it alive is considered Aggravated Cruelty and is punishable with 1000 penalty units in the case of a corporation and 200 penalty units and/or 2 years imprisonment in the case of an individual.

According to the above provided data there are many countries to have good number of law for the protection of animals as well as punishment is also there if someone violates these laws. But the real questions arises here is "weather these laws are applicable or do any one follow these laws"?

Let's look after the condition of animals in different countries all over world regarding their protection-

1. Netherlands -

In the last 10 years, there have been a really big amount of cases of animal abuse registered in Netherlands. Although there are many kind of animal abuse I Netherlands, some of the most common shameful animals cruelty of throwing of baby chicks into a paper shredder and butchering dogs without their own masters.

2. Greece-

When it comes to animal cruelty Greece can shiver your spine down. Greece is known for poisoning cats and dogs, killing wolves and also slaughtering sea turtles. They used to dispose off the little chicks in plastic bags.

3. Romania-

Similar to Greece, the people of Romania are also known for their behavior when it comes to treating animals in the right way. If you take a stroll through Romania you can see calves hung on tree with their heads down and their throat cut. They practice the habit of skinning, suffocating and beheading animals.

4. Australia-

Although Australia is normally considered a peaceful country, treating animals in right way is something rare. Slaughterhouses are common in Australia, they are known for large scale killing of large animals such as bulls and kettles by punching and kicking

them till they die. it's worse for smaller and helpless animals who are tortured without mercy.

5. Egypt-
This country needs a very big improvement when it comes to treating animals in the right way. These people used to entertain themselves by abusing these innocent animals. Animals abuse is not just done by adults but also by the kids and youngsters.
6. Spain-
Spain does have a really ugly side when it comes to treating animals. Hunting is the only crime they do, they are also known for their merciless killing of poor animals such as kittens, dogs, pigs and even calves.
7. China-
China is another place animals wouldn't want to be living in. These Chinese not only don't care for the animals but they were well known for their shameless act such as sinking of live foxes and other furry animals. Even dogs are clubbed to death for meat in china
8. Japan-
The Japanese people seem to believe that animals are not living and they don't have a right. Generally in japan, people seem to find pleasure in killing poor and helpless animals.

Well now, we have a clear result of protection of animals all over the world. Despite of having so many laws these innocent one are being tortured. To stop all these cases we need some strict laws restricting all these practices and if anyone one break any law he should be imposed with a heavy penalty.

➤ Violent against animals- as a dangerous indicator

Violent acts towards animals have long been recognised as indicators of a dangerous psychopathology that does not confine itself to animals. "Anyone who has accustomed himself to regard the life of any living creature as worthless is in danger of arriving also at the idea of worthless human lives", wrote humanitarian Dr Albert Schweitzer.

Robert K Ressler, who developed profiles of serial killers for the US Federal Bureau of Investigation (FBI), states, "Murderers ... very often start out by killing and torturing animals as kids". Studies have now convinced sociologists, lawmakers and the courts that acts of cruelty to animals deserve our attention. They can be the first sign of a dangerous pathology that threatens humans as well.

Animal abuse is not just the result of a minor personality flaw in the abuser but rather a symptom of a deep mental disturbance. Research in psychology and criminology shows that people who commit acts of cruelty to animals don't stop there; many of them move on to their fellow humans.

The FBI has found that a history of cruelty to animals regularly appears in the backgrounds of serial rapists and murderers, and the standard diagnostic and treatment manual for psychiatric and emotional disorders lists cruelty to animals as a diagnostic criterion for conduct disorders.

A study conducted in the US by Northeastern University and the Massachusetts SPCA found that people who abuse animals are five times more likely to commit violent crimes against humans. The majority of inmates on death row in California's San Quentin State Prison "practiced" their crimes on animals, according to the prison's warden.

As we are talking about animal cruelty linked with personality flaws, here are some examples

1. As a child, serial killer and rapist Ted Bundy – who was convicted of two murders but was suspected of actually killing more than 40 women – witnessed his father's violence towards animals, and he himself later tortured animals.
2. Earl Kenneth Shriner, who raped and stabbed a 7-year-old boy, was known in his neighbourhood for hanging cats and torturing dogs.
3. David Berkowitz (aka the Son of Sam), who pleaded guilty to 13 murder and attempted murder charges, once shot a neighbour's Labrador retriever.
4. Brenda Spencer, who opened fire at a California school, killing two children and injuring nine others, had repeatedly abused cats and dogs, often setting their tails on fire.
5. Serial killer and cannibal Jeffrey Dahmer impaled the heads of dogs and cats on sticks.

There are some facts and figures about animal cruelty-

1. Puppy mills are large-scale commercial dog breeding operations that put greater priority on profits than the health of the puppies. Many dogs are plagued with illnesses like kidney or heart disease as a result of the conditions they're kept in.
2. Thousands of greyhounds die each year—some in the name of "selective breeding"—before they ever touch a racetrack. Many dogs do not make it to the nominal "retirement" age of 4 or 5.
3. Due to genetic manipulation, 90% of broiler chickens (chicken bred specifically for meat production) have trouble walking. Encourage your school cafeteria to go meatless on Mondays to protest. Sign up for Meatless Mondays.
4. Dogfighting became prevalent in the US after the Civil War, with professional pits proliferating in the 1860s. And was a source of entertainment for police officers and firemen.
5. Today dogfighting has been reported in urban, suburban, and rural settings in all regions of the country.
6. More than 50% the fur in the US comes from China, where millions of dogs and cats are often bled to death and skinned alive for their fur. Chinese fur is often mislabeled, so if you wear any fur, there's no sure way of knowing whose skin you're in.
7. It's been estimated that there are 900 to 2,000 new cases every year of animal hoarding in the US, with 250,000 animals falling victim.
8. Over 115 million animals – mice, rats, dogs, cats, rabbits, monkeys, birds, among others – are killed in laboratory experiments worldwide for chemical, drug, food, and cosmetics testing every year.
9. Every major circus that uses animals has been cited for violating the minimal standards of care set by the United States Animal Welfare (AWA).
10. Most rodeo events rely on creating a stressful environment for the domesticated and often docile animals involved. Participants rely on harsh handling practices (i.e. twisting calves' tails or painful electric shocks) to make animals perform.
11. The exotic pet trade is a multi-billion dollar industry in the US and while some wild pets are bred in captivity, many are taken from their native habitats. The stress of being violently removed from their homes causes a number to die prematurely.

➤ A step for the betterment of animals against cruelty

Indian legislators are being urged by Humane Society International to replace the Prevention of Cruelty to Animals Act with the Draft Animal Welfare Bill 2014.

HSI/India took this action in the wake of a landmark judgment given by the Hon'ble Supreme Court of India in Animal Welfare Board of India Vs. A. Nagaraj² case where it stated:

“Parliament is expected to make proper amendment of the PCA Act to provide an effective deterrent to achieve the object and purpose of the Act and for the violation of section 11, adequate penalties and punishments should be imposed.”

The board, acting on the directions of the Supreme Court, drafted the new bill. HSI/India sent Parliament the draft along with the extract of judgment and photographs depicting animal cruelty. N.G Jayasimha, HSI/India's managing director and member of the drafting committee said:

“The Prevention of Cruelty to Animals Act was a strongly worded law for 1960 when it was drafted, but has failed to protect animals for more than two decades now due to lack of enforcement. The current provisions, with penalties amounting to a maximum of only Rs. 50, fail miserably to deter animal abusers. Taking advantage of this obsolete act, animal abusers have continued to inflict unfathomable cruelty on animals. We urge the Parliament of India to treat this issue with utmost urgency so that the animal abusers do not go unpunished.”

HSI/India's call to replace the 1960 PCA Act with the modern Animal Welfare Act coincides with Indian Independence month, an occasion to celebrate India's liberation from years of servitude through ahimsa (non-violence). HSI/India is working to ensure Parliament passes the 2014 legislation, a paradigm shift from preventing cruelty to promoting animal welfare.

➤ What you can do?

- Write to the Minister of Environment and Forests and encourage him to increase the currently meagre and ineffective penalties for cruelty to animals. When the penalties are increased, police, animal protection groups and citizens will have more power to stop the senseless animal abuse that could lead to cruelty to humans:

Urge your state government and local school to take cruelty to animals seriously. Laws must send a strong message that violence against any sentient creature – human or non-human – is unacceptable.

- Be aware of signs indicating that children or animals are being abused. Take children seriously when they report that animals are being neglected or mistreated. Some children won't talk about their own suffering but will talk about an animal's.
- Don't ignore even minor acts of cruelty to animals committed by children. Talk to the child and the child's parents. If necessary, call a social worker.

² Animal Welfare Board of India Vs. A. Nagaraj (AIR 2014 SCW. 3327)