

## CRUELTY AGAINST ANIMALS

*Author: Atanu Sur, IV Year of B.A.,LL.B from university of Calcutta.*

### **ABSTRACT**

Animal mistreatment or purposeful abuse that causes the animals to suffer or die is referred to as animal cruelty. Historically, animals have been treated horribly for many purposes, including for human profit, war, entertainment, and superstitions. As a kind of retaliation against those who support animals or who have previously mistreated them cruelly, some humans have likewise mistreated animals.

In the age of animals in antiquity (5000 BC-500 AD), animals were employed for human profit, particularly in military conflict. Elephants were utilized in battle, but they were mistreated and many of them perished along with the horses. In the Colosseum in ancient Rome, animals were also used for enjoyment and were lifted to be butchered. In the age of animals in antiquity (5000 BC-500 AD), animals were employed for human profit, particularly in military conflict. Elephants were utilized in battle, but they were mistreated and many of them perished along with the horses. In the Colosseum in ancient Rome, animals were also employed for entertainment and were lifted to be butchered. Between 500 to 1400 AD, known as the "Middle Ages of animals," mankind experienced bloodshed, dread, and a widespread of diseases. Animals like dogs and cats were routinely hunted and burned because they were mistakenly blamed for human illness. During festivals and vacations, people may also enjoy themselves by baiting animals. In some cases, animals were even charged with crimes and found guilty, which led to their hanging and worse.

In the contemporary era of animals (1800 AD-2000 AD), most people are educated and realize the problem of cruelty against animals. Some new laws have been enacted to protect animals, such as the Wildlife Protection Act of 1972, the Indian Forest Act of 1865, and the Prevention of Cruelty to Animals Act of 1960. The goal of the Indian Animal Welfare Board is to advise the national government on how to lessen animal suffering and advance animal welfare. Additionally, regulations that would punish those who abuse animals more severely are being suggested, such as the Draught Animal Welfare Act 2011.

Treating animals cruelly is not acceptable, and laws and regulations must be implemented to protect animals from cruelty. Animals must be handled with care and respect, as they are sentient beings that deserve to live without pain and hurt.

## **INTRODUCTION**

At First Starting the discussion about cruelty against animals first of all we all have to know what is cruelty. Cruelty means intentional harm or mistreatment of animals, causing suffering or death.

There are various reasons why people have historically treated animals cruelly. Some perpetrators have admitted to feeling helpless, unnoticed, or under the influence of others. To show that they don't agree with society's laws, other criminals have felt the need to startle, scare, or intimidate a vulnerable victim. Some people have mistreated animals in retaliation against those who support animals or who have treated them harshly in the past.<sup>1</sup> Now we look back to the historic period there are three historic periods we have to find that-

1. Animals in antiquity.
2. The Middle Ages of animals.
3. Animals in the modern era.

**1) Animals in antiquity:** If we look at the early history period during 5000BC-500AD animals are used for human profits. They use her muscles' power and many others. In case of any war, we have to notice that the Horses are taken soldiers from one place to another place. Healthy and Strongest animals are used for war purposes. Especially, elephants are used in military conflict less successfully.

In ancient Rome, animals are using for entertainment in Colosseum there after being hoisted up for cut down. In this part, we can find that animals are used as a weapon of war and entertainment for people. But ultimately its results many of the elephants and horses are lost their life.

**2) Animals in the Middle Ages:** In 500AD- 1400AD in this middle period many peoples lived in a village side. Their life was full of fear and violence pestilence and many kinds of disease. Many animals were falsely blamed because people thought that animals are the main reason for human illness. Especially dogs and cats are spreading the plague from one village to another village for this reason many dogs and cats frequently hunt and burned.

---

<sup>1</sup><https://www.spokanecounty.org/DocumentCenter/View/6249/Definition-of-Animal-Cruelty?bidId> (assessed on 13.05.2023).

At this time animals are used for baiting for the entertainment of people during festivals and holidays. Sometimes animals were also accused and convicted of the crime so that's the results we have to see they hanged and worse. On the other side, we have to see that the free-roaming pigs are attacked by small children in the village.

**3) Animals in the modern era:** In 1800AD-2000AD this period is known as the modern era. Now this period is continuing. In this period most people are educated and understood the problem of cruelty against animals. Now we have a right to vote and select any particular Government that will be the representative of us. Some new laws came regarding cruelty against animals. Those laws are stated below-

- I. Wildlife Protection Act 1972.
- II. Indian Forest Act 1865.
- III. The Wild Elephant Preservation Act 1873.
- IV. The Elephant Preservation Act 1879.
- V. Indian Forest Act 1865.
- VI. Prevention of Cruelty to Animals Act 1960.<sup>2</sup>

### **INDIAN LEGAL APPLICATION**

#### **The Prevention Of Cruelty to Animals Act 1960:**

The Prevention of Cruelty to Animals Act of 1960 contains India's fundamental animal cruelty statute. Animals should not experience unnecessary pain or suffering, therefore the laws governing animal cruelty prevention should be changed. According to the Act, an "animal" is any living being that isn't a human.

The Animal Welfare Board of India (AWBI), which was established by the Government of India in compliance with Chapter II of the Act, has some of the subsequent responsibilities:

recommending the central government changes and regulations to reduce needless suffering when transporting animals, using them in studies, or keeping them in captivity.

encouragement of financial support, rescue residences, and senior animal shelters.<sup>3</sup>

<sup>2</sup>Cruelty Through the Ages: A History of Animal Exploitation (assessed on 13.05.2023).

<sup>3</sup>[https://www.animallaw.info/article/overview-animal-laws-india#:~:text=The%20Indian%20Penal%20Code%20\(IPC,or%20rendering%20useless%20of%20animals.](https://www.animallaw.info/article/overview-animal-laws-india#:~:text=The%20Indian%20Penal%20Code%20(IPC,or%20rendering%20useless%20of%20animals.) (Assessed on 13.05.2023).

**The Wildlife Protection Act 1972:**

In India's history of wildlife conservation, the Wildlife Conservation Act of 1972 marked a turning point. This Act, which got into effect on September 9, 1972, is made up of eight chapters, 60 sections, and six schedules. According to Section 2(37), "wildlife" refers to "Any animal, aquatic life, or land vegetation that is a part of any habitat." The Act was put into effect to ensure that India's animals (both terrestrial and aquatic) and their natural habitats were protected.

According to Section 62 of the Act, States may submit an index of wild animals to the Centre for consideration as pests subject to selective culling. The Central Government is given the authority to declare any wild animal (apart from those listed in Schedule I and Part 11 of Schedule.

**Draft Animal Welfare Act 2011:**

Animal abuse in India will now be punishable by harsher fines thanks to a bill that would be passed into law, the "Animal Welfare Act," the Minister of Environment and Forests promised the Lok Sabha on August 11. To repeal the Prevention of Cruelty to Animals Act, of 1960, the Animal Welfare Board of India presented a draught Bill under the name "Animal Welfare Act, 2011." The Bill was written to broaden the concept of animal maltreatment and add more severe punishments for treating animals cruelly.

A maximum fine of 25,000 rupees and a maximum prison sentence of two years are the penalties for the first offense. If the offense is committed again, the maximum penalty is 3 years in prison and an increasable fine.<sup>4</sup>

**LANDMARK CASES REGARDING ANIMALS RIGHTS IN INDIA****1. In Murad Ali Baig vs. State of Bihar (1989)-**

In this landmark case, the wildlife protection act 1972 is involved. The Wildlife Protection Act of 1972 is involved in this case. It addressed the question of whether elephant hunting is permitted under the Indian Penal Code's guidelines and the essential requirements of the Wildlife Protection Act. By Section 2(16) of the Wildlife

---

<sup>4</sup><https://blog.iplayers.in/punishment-animal-cruelty-laws-animal-welfare-india/> (Assessed on 13.05.2023).

Protection Act of 1972, the term "hunting" has been defined. According to the Supreme Court, it is safe to presume that hunting elephants is forbidden because they are included in the range and list of creatures included in Schedule I.

**2. In Naveen Raheja vs. Union of India (2001)-**

The incident involved the skinning of a tiger in an Andhra Pradesh Zoo. When the Supreme Court heard the case's facts, they were in complete disbelief. To clarify what procedures and measures were being done to maintain and conserve the tiger population in zoos and reserved forests, the SC ruled that it was urgently required to summon the chairwoman of the Central Zoo Authority to court. The Central Zoo Authority was therefore required to take consciousness of this matter and proceed properly when the Supreme Court issued the requisite orders regarding the aforementioned issue.

**3. In Gauri Maulekhi vs. Union of India (2010)-**

The unlawful export of cattle and buffaloes from India to Nepal was the subject of this case. Every five years, the Gadhimai festival happens in Nepal. The indigenous people of Nepal's Bara District observe this festival, during which they sacrifice a variety of animals, including buffaloes, rodents, goats, pigs, and others. The animal sacrifice performed during the Gadhimai Festival might be one of the biggest animal sacrifices ever. The Foreign Trade (Development and Regulation) Act of 1992 and the Prevention of Cruelty to Animals Act of 1960 were both followed by the SC in passing the order. The Court ruled that no non-human living beings can be subjected to needless pain or suffering for the sake of gratifying human interests.

**4. In N.R. Nair and Ors. vs. Union of India and Ors. (2001)-**

The extraordinary leave granted by the Kerala High Court presented the Supreme Court with its principal obstacle in this appeal. In this case, the Kerala High Court issued a ruling. Section 22 of the Prevention of Cruelty to Animals Act, 1960, affirmed the Ministry of Environment and Forests' notification that bears, monkeys, tigers, panthers, and lions may not be trained or shown as performing animals. SC ruled that cruelty to animals is frequently practiced. Then, after being repeatedly mistreated, they are imprisoned within a cell's four walls, where they are trapped and have limited freedom of movement. Therefore, it denied the Appellants' claim that the

freedom to operate any kind of business or trade under Article 19(1)(g) of the Constitution of India.<sup>5</sup>

#### **5. In Animals Welfare Board of India vs. A Nagaraja and Others (2014)-**

The Apex Court made references to different sections of the PCA Act, of 1960, which addresses the needless suffering of animals when it outlawed the exercise of Jallikattu in 2014. The Hon'ble Court declared that all animal battles provoked by humans are unlawful, even when they are done so in the name of tradition and culture, alluding to Sections 3 and 11. The Court also made several suggestions, including updating the PCA Act's penalties and sanctions to make it more effective as a deterrence in cases involving animal cruelty. All of these verdicts have, in some little way, lessened the pain that innocent animals have to experience. But the recent injury to Shaktiman the horse and other horrific incidents.<sup>6</sup>

### **CONCLUSION**

Animal cruelty is a persistent and pervasive issue with grave ethical and moral ramifications. Animals can be treated inhumanely in a variety of ways, including through abuse, abandonment, and exploitation, and in a range of settings, including farming, entertainment, and study. The consequences of animal cruelty are far-reaching and can have a significant impact on both individual animals and the environment as a whole. Animals that are subjected to cruelty may experience physical and emotional pain, suffer from trauma and disease, and ultimately die prematurely. Additionally, the destruction of animal habitats and ecosystems can have devastating effects on the balance of the natural world. To address the issue of animal cruelty, it is essential to raise awareness about the significance of animal welfare and to promote more compassionate and sustainable practices. This includes supporting legislation that protects animals from abuse and neglect, reducing our reliance on animal products and services, and advocating for the humane treatment of animals in all aspects of society. In conclusion, the problem of animal cruelty is a serious one that requires

---

<sup>5</sup>[https://blog.finology.in/Legal-news/animal-rights-india#:~:text=The%20Indian%20Penal%20Code%20\(IPC,maiming%2C%20or%20rendering%20useless%20animals.](https://blog.finology.in/Legal-news/animal-rights-india#:~:text=The%20Indian%20Penal%20Code%20(IPC,maiming%2C%20or%20rendering%20useless%20animals.) (Assessed on 13.05.2023).

<sup>6</sup><https://www.thebetterindia.com/52075/animal-welfare-cruelty-law-court-judgements/> (Assessed on 13.05.2023).

the attention and action of individuals and society as a whole. By working together to promote animal welfare and reduce our impact on the environment, we can help to create a more just and compassionate world for all living beings.



BRILLOPEDIA