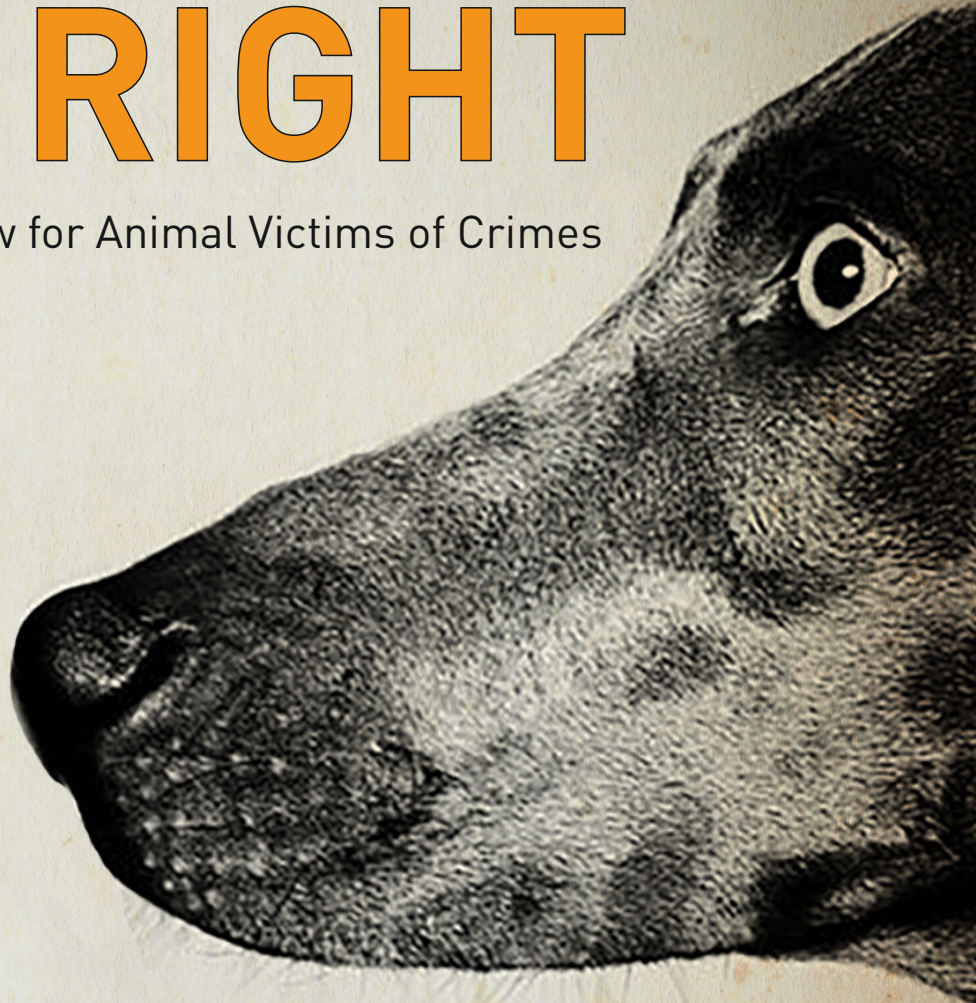


# IN THEIR OWN RIGHT

– Calling for Parity in Law for Animal Victims of Crimes



A CITIZENS' REPORT  
DEMANDING  
**RIGHTS FOR  
ANIMALS** IN INDIA

in collaboration with



Foreword by Justice (Retd.) K.S.P. Radhakrishnan



# Table of Contents

<b>I. Summary</b>	<b>1</b>
<b>Key Recommendations</b>	<b>6</b>
<b>Methodology</b>	<b>8</b>
<b>Key Findings of the Report</b>	<b>11</b>
<b>II. Unjust Laws: Violence Not Cruelty</b>	<b>14</b>
A. Do animals have a right to be protected against violence?	15
B. Colonial Legacy: Unnecessary Suffering and Pain	16
C. Post-Independent Disposition of Animal Cruelty	19
D. Indian Constitution: Compassion and Dignity for Animals	24
E. Practical Difficulties in Law Enforcement	26
F. Limitations of Section 428/429 IPC to prosecute crimes against animals	30
<b>III. COMPANION ANIMAL ABUSE</b>	<b>31</b>
A. Companion Animals	32
B. Legal Framework	36
C. The Breeding Industry	38
<b>IV. Pet Trade</b>	<b>44</b>
A. Pet Shops and Markets	44
B. Online sale of pets	46
C. Illegal Wildlife Trade	47
<b>V. Animals at Home</b>	<b>48</b>
A. Neglect and Confinement	48
B. Abandonment	51
<b>VI. Working Captive Animals</b>	<b>56</b>
A. Animal Labour as Coerced Work	59
B. Legal Framework	59
C. Use as Traditional Labour	61
D. Superstition	76
E. Begging Animals	77
<b>VII. Street Animals</b>	<b>82</b>
A. Cruelty and Kindness	84
B. Debates over Animal Birth Control	87
C. ABC Rules versus Municipal Laws	88
<b>VIII. Culture of Violence</b>	<b>96</b>
A. Animal Sexual Assault	97
B. The Vermin Exception	105
C. Findings on everyday cases of assault on animals	106
D. Honouring the Animal Victims of Assault	109
<b>IX. Conclusion &amp; Recommendations</b>	<b>111</b>
<b>Acknowledgments</b>	<b>115</b>



# Foreword by Justice (Retd) K.S.P Radhakrishnan



I have gone through the report documenting and analysing the crimes committed against animals during the period of 2010-2020 against the three main categories: companion, working and street animals. All the three chapters of this report are meticulously structured after an in-depth study and analysis of untold cruelty meted out to this species, blowing in the wind all natural human instincts. The caption of the report “In their own right” is a clear message to the humanity that animals have equal, if not superior, rights over human species.

Humans are violating even the constitutional rights guaranteed to the animals under Article 21, 51 (g), Article 48, Article 48 (A), etc. with impunity. Humans and animals are members of the same ecosystem and share space, time and resources like water, air, light, etc. None is superior to other. Face to face, animals are stronger than humans, though humans are superior in terms of intellect, but with their evil and iniquitous behaviour, humans subjugate animals to all sorts of miseries for their pleasure and convenience. This attitude of humans cannot be tolerated in a civilized society. I am sure this report will be an eye-opener, if humans have eyes and ears, and bring out proper legislative measures to which animals are entitled as a matter of right and not as charity.



**Justice (Retd.) K.S.P. RADHAKRISHNAN**

# Summary

Sacred Games, the famous Vikram Chandra crime fiction, begins with a companion dog named Fluffy being flung out of a fifth-floor apartment. Such a heinous crime seemed unlikely in real life to me, until I met the parents of a Pomeranian who was dealt with a similar fate in Faridabad, Haryana.

In October 2018, while volunteering at All Creatures Great and Small, an animal shelter run by Anjali Gopalan on the outskirts of Delhi, we were visited one afternoon by a young couple looking for a worthy shelter to honour the punishment the police had awarded their neighbour for throwing their pet companion dog, a Pomeranian, from the 8th floor of a building. The dog would often run across the hallway into the neighbour's apartment, which irritated him so much that he just threw her from the balcony.

The punishment for murder, as agreed between the police and the family, was that the neighbour would feed 100 dogs in an animal shelter. The journey of documenting cases of crimes against animals that led to this report began from the sheer horror of what this dog and her family went through. An extreme act of violence was not treated as a real crime, but bad behaviour-undocumented and forgotten.

In the past few years, the news media, largely led by the efforts of animal activists and the changing collective moral compass of our society, have increasingly been reporting cases of violent crimes against animals. Fortunately, many of these reports were made possible because of video recordings in this age of citizen social media vigilance.

And yet the idea persists that crimes against animals are not a major issue in India. A range of responses are used to diminish or distance from the realities of the crimes being recorded. We are told that India is a country of compassion and that our large vegetarian population absolves us from the crimes committed by carnivores. The instances reported are dismissed as isolated cases, committed by perverted people and not representative of society in general. And the fact is that the absence of any continuous public record of crimes against animals, which allows these cases in mainstream or social media to appear to be only occasional instances of brutality, but in reality, they are very common and establish the everyday experience of animals in India.

Many media reports have poorly attempted to collate cases of crimes against animals with misleading headlines, like "6 instances of animal cruelty"<sup>1</sup> or "15 instances of animal cruelty".<sup>2</sup> Violence against animals, mischaracterised as an exceptional occurrence of 'cruelty', is in fact much more widespread.

<sup>1</sup> Six instances of animal cruelty that show we humans are the real animals on the Earth; June 5, 2020; <https://www.scoopwhoop.com/news/instances-of-animal-cruelty-india/>

<sup>2</sup> 15 instances of animal cruelty in India that make us wonder if we're even human anymore; July 30, 2018; <https://www.scoopwhoop.com/animal-cruelty-in-india/>



The record of crimes in India is published annually by the National Crime Records Bureau (NCRB). Their annual report provides state and district wise data on violent crimes, assault, theft, sexual abuse of women and children and murders across the country. There is no mention of animal victims. Crimes of 'cruelty' under the PCA are clubbed in a miscellaneous category of Special and Local Laws (SLL) with no separate data.

A visit to the Delhi office of NCRB confirmed that in their detailed collation of district and state-wise crimes across India, animals are not a class of victims for which any data is sought. Indian news reports may be flooded with cases of animals getting raped, beaten, assaulted, tortured and killed, but their exclusion from the national crime record, is a tacit denial of this reality.

In May 2016, the Ministry of Environment, Forest and Climate Change (MoEFCC held the charge of 'animal welfare' until 2019) through a press statement released the first ever statistics of 24,000 animal cruelty cases over the period 2012-2015.<sup>3</sup> However, no further information was provided, such as: Where were these cases filed? What was the nature of crime involved? Were there any arrests or prosecutions?

Following this, in 2017, the Bombay Society for Prevention of Cruelty to Animals (BSPCA) released internal data of the past five years confirming 19,028 cases of recorded animal cruelty against victims ranging from dogs, cats, birds, goats, horses, bullocks, fowl and cattle. BSPCA's press release also revealed that not a single arrest had been made in any of these instances.<sup>4</sup>

For this report, we approached both the MoEF (Ministry of Environment and Forest) but no details were provided to us. We filed RTI applications across India in over 20 states, divided across state administration, police departments and the Animal Welfare Board of India (AWBI). The overwhelming collective response received was that no data for crimes against animals is recorded, hence none was available.

It became clear there is no public record in India of crimes against animals. Some reports are available from national level animal organisations like the Animal Welfare Board of India , Federation of Indian Animal Protection Organisations (FIAPO), People for Ethical Treatment of Animals (PETA), People For Animals (PFA), Beauty Without Cruelty (BWC) on animals in slaughterhouses,<sup>5</sup> circuses,<sup>6</sup> cosmetic industry<sup>7</sup> and the dairy industry.<sup>8</sup> Wildlife Rescue and Rehabilitation Centre (WRRC) in Bangalore has done over 50 reports documenting abuses against captive elephants across India.<sup>9</sup>

<sup>3</sup> Over 24,000 animal cruelty cases reported in last 3 yrs: Govt; May 3, 2016; <https://www.indiatoday.in/pti-feed/story/over-24000-animal-cruelty-cases-reported-in-last-3-yrs-govt-601049-2016-05-03>

<sup>4</sup> 19,028 animal cruelty cases in Mumbai over 5 years; not a single arrest; June 3, 2017; <https://www.hindustantimes.com/mumbai-news/19-028-animal-cruelty-cases-in-mumbai-over-5-years-not-a-single-arrest/story-71BzHW03ONSiKhu8FN0HL.html>

<sup>5</sup> "Stop Slaughter Cruelty" Campaign Investigations and Reports for the cities of Ahmedabad, Chennai, Bhubaneswar, Dehradun, Delhi, Hyderabad and Indore conducted by FIAPO in the past ten years.

<sup>6</sup> "Animals in Indian Circuses: A PETA Report" 2013; "End Circus Suffering" FIAPO Report, 2017; "A study on the use of Elephants in Circus" by AWBI 2017

<sup>7</sup> Multiple reports and studies published by Beauty without Cruelty on their website [bwc-india.org](http://bwc-india.org).

<sup>8</sup> "End Exploitative Dairies" FIAPO Report, 2018

<sup>9</sup> Over 50 reports on captive elephants jointly conducted by the WRRC with the Asian Nature Conservation Foundation (ANCF) are available for download at <https://cupabangalore.org/captive-elephant-welfare/>; "Elephants. Not Commodities: Taken for a Ride 2: World Animal Protection"



## Why this report?

This report is different as it records the everyday violence faced by animals. The purpose of this report is to show that violence is an integral part of the lives of animals.

The primary record of violence against animals is the publishing of this information by organisations and individual animal rescuers – mostly on social media platforms, to police stations as complaints or the media as quotes and information for news reports. The experience of animal activists, rescuers and animal organisations is the most powerful tool in understanding the scale of the brutal violence against animals. This is precisely what this report has done – it has collated these reports, as a secondary source. By doing so it pays tribute to the work of incredible animal organisations and activists across the country and honours the animal victims of violent crimes.

The predominant targets of violence are free street or stray animals, but working and companion animals face their own share of brutal violent crimes. The legal protection afforded to working and companion animals is insufficient and limited to the colonial idea of "unnecessary suffering" (discussed in detail in chapter II). But street animals – beyond the scope of usefulness – have limited to no protection at all.

The culture of violence against street animals has historic legal sanction. Between 1870s-1880s, across British India, municipal laws were enacted, which as a matter of policy and for the first-time, advocated catching and killing of any unowned street dogs, that could be found. The caught dogs would be taken to pounds and kept for 24-48 hours; in case the municipal workers had accidentally caught an owned dog. If unclaimed after 48 hours, the dogs would be killed. This was the first "fatal" distinction between owned and unowned dogs.

The method of killing used would shock us today. Adult dogs were electrocuted on specially designed chairs and high voltage current passed through them. Young puppies were gassed in a closed room with chloroform. In 1890, the British – largely led by British women, as a way to civilise Indians on how to treat 'useful animals' enacted the first Prevention of Cruelty to Animals Act, 1890 ("**PCA 1890**") which again, only protected captive working animals. Thus, street animals – especially street dogs, continued to remain excluded from any protection and just by virtue of being a street dog they were considered criminals and awarded the punishment of death.

Even the Prevention of Cruelty to Animals Act, 1960 ("**PCA 1960**") which is still in our books – openly advocates killing of street dogs. This practice of officially catching and killing street dogs continued as recently as the late 90s – and while through numerous court interventions and the new Animal Birth Control Rules, it may be on the decline, it still happens especially in II and III tier cities. Animals on the street became and have remained a victim of constant violence, just like we see with marginalised communities like migrant workers, sex workers and the transgender folk.

Mili Gandhi, an active animal activist, mentions “I didn't see this back in the 80s and 90s. Cruelty was very different then. You would kick a dog. I would see people kicking a dog away. That was it. Or someone would pick up a stone and threaten ... or even hit a dog with a stone. But they would never pick up a stone this big and crush a dog's skull, which is what I see today.”

“Today I see people taking it to the extreme level. They have taken their intent to close the chapter. Earlier it was just to put space, put space between me and you. I am not comfortable with you. I have a deep-rooted fear and bias. Now, it is not that, now they will come back. Now it's turned into a vendetta, vengeance, I want to eliminate this dog.”

As we set out to document the cases of crimes against animals, we did not expect the sheer scale and range of cases of brutal violence, torture in the form of violent attacks – intended to permanently harm or kill the animal. This is particularly shocking considering our Constitution casts a duty on every citizen to show compassion towards animals. The trends are similar to the crimes against women, where brutality of the violations is increasing.

This report is a small step towards ensuring that the violence against animals does not go unrecorded or unnoticed and provides information to policy makers to rethink and shift the framework from cruelty to violence and take concrete steps to prevent such heinous acts of crimes.

### **Scope and Objective of the Report**

Crimes against animals, as violence or cruelty, is a vast subject. In this report we focus on a limited category of animals that we mostly confront – at least in our daily public lives. Animals that are kept out of the public eye, especially farm animals and animals in experimentation face far worse violence, at a much larger scale. By focusing on crimes against animals in the public eye, we intend to shed light on the impunity with which crimes are committed against animals publicly – indicating far worse horrors that lie behind the closed walls of slaughterhouses, animal farms and laboratories where animals are experimented upon.

This report is an attempt at documentation and analysis of crimes against animals during the period 2010-20 across three main categories: Companion, Working and Street Animals.<sup>10</sup> The chapters in the report are structured in three parts:

**Part I** that links the current legal framework with companion and working animals.

**Part II** that discusses the exclusion of street animals from any protection and licensing brutal violence against them. The discussion on Assault also covers a range of offences, physical abuse, harm, assault, grievous hurt, sexual assault and murder of animals – confirming a widespread culture of violence against animals in India.

**Part III** looks at the conclusion, recommendations emerging from this report and the annexure documenting the cases.

<sup>10</sup> In some occasions our data also contains cases between 2004-2010.

Every form of violence documented in this report is ultimately rooted in the view that animals are lesser beings. This disparity in treatment is also seen within the legal framework where animals are treated as the property of humans. Their value is reduced to their market rate, with no consideration of their intrinsic value as sentient beings. This is further highlighted by the usage of terms like 'destruction' and 'vermin'. There is a need to tackle this inequality and ensure an equal consideration of animal interests along with human interests.

Through this report we aim to change the conversation from cruelty to one of widespread violence. At present, all forms of ill treatment, from keeping an animal tied all the time to cold-blooded murder, fall under the umbrella of 'animal cruelty'. However, this term is woefully inadequate to encompass the severity and intentional nature of the crimes. This report will examine the legal contexts within which the term 'cruelty' is used and recommend revised nomenclature that does better justice to communicate the magnitude of the offenses. It will also engage with visible versus invisible forms of abuse, exposing the scale of violence that is hidden from the public eye.

The primary objective of this report is to create a permanent public record of cases of crimes against animals in the past decade in India. This would be done by the dual approach of collecting news reports and compiling data handled by animal rights and welfare organisations/activists in the country. The report aims:

- (i) To demonstrate the pervasiveness of violence against animals.
- (ii) To highlight the sheer inadequacy in law to prosecute these offences.
- (iii) To collate a wide range of cases of crimes against animals.
- (iv) To serve as an effective advocacy tool both for activism and law and policy change.
- (v) To push the legal barrier of 'unnecessary suffering' to a higher moral compass.
- (vi) To create greater media attention towards crimes against animals.
- (vii) To situate crimes against animals within the larger culture of violence towards both humans and animals and how they feed into each other.
- (viii) To inspire and motivate a new generation of animal activists to work effectively to prevent crimes against animals.
- (ix) To make appropriate recommendations for the government and animal activists to arrive at the 'best interests of the animal', a derivation of the international legal test 'of the best interest of the child'.
- (x) To celebrate the incredible work done by animal rights organisations across the country to mitigate and prosecute animal cruelty.
- (xi) Finally to honour the stories and experiences of animal victims of violence by recording and preserving them for posterity.



# Key Recommendations

**We summarise some of our key recommendations for law, policy and administrative changes and for future advocacy towards protection of animals from crimes as follows:**

## **A. Law & Policy**

1. Constitution of India must be amended and the constitutional duty to show compassion to animals [Article 51A (g)] must be supplemented with a corresponding constitutional “Right to Life” guaranteed to Animals.
2. Right to Life of Animals, as recognized by the Hon'ble Supreme Court in Nagaraja, must be given legislative protection by providing effective deterrent for crimes against animals, which is currently absent from the Prevention of Cruelty to Animals Act, 1960.
3. Crimes against Animals must be appropriately graded, and punishment provided for them, according to the severity of the crime.
4. Laws excluding 'Stray' and 'Vermin' Animals from protection from crimes, must be abolished.
5. Animals used by humans for food, agriculture, transport, dairy, scientific experiments and for all other uses – must also be guaranteed the basic fundamental right of life without pain, suffering and torture.
6. Compassion towards Animals must be cultivated and nurtured in Children through systematic education policies supervised at the level of the Central Government, and only then can a substantive right in animals to be protected from crimes, will be actualized.

## **B. Administrative**

7. Currently, the Animal Welfare Board of India, within the administrative setup, rests within the Ministry of Animal Husbandry and Fisheries, Government of India – there is a clear conflict in this arrangement.
8. To appropriately address the issue of crimes against animals, and animal protection at large, a dedicated new Ministry must be created to oversee aspects of animal welfare, protection and rights and 'Animal Welfare Board of India', must be allocated to it.
9. The subjects of “Prevention of Cruelty to Animals” and “Prevention of Cruelty to Animals Act 1960” must be allocated to such Ministry.
10. There must be a permanent public record of crimes against animals, published annually, by the National Crimes Records Bureau, to create greater understanding and transparency on the issue of crimes against animals.
11. The government must set up a High-Level Committee to study the issue of crimes against animals, take representations from all stakeholders before proposing new law and policy changes. One such initiative could be to set in motion a Law Commission of India inquiry on the subject.

## C. Advocacy

All advocacy for Animals must acknowledge and take forward the following points as the basic minimum threshold:

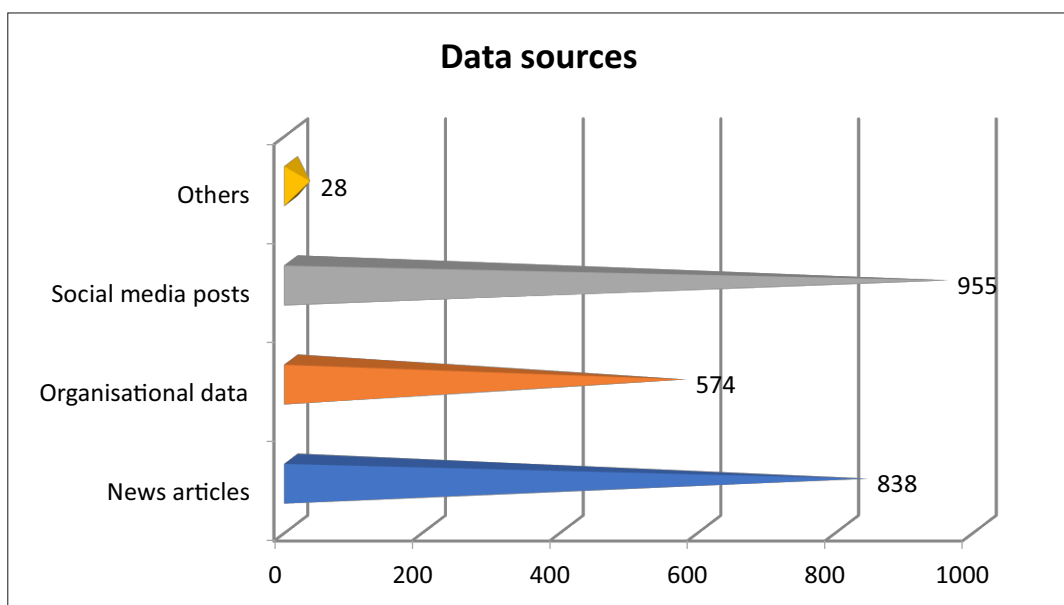
12. All animals are sentient beings with inherent, intrinsic worth and value, and an independent equal 'Right to live' on Earth, like humans.
13. The right to be free from violent crimes involves a – non-negotiable – duty on the state to protect animals from crimes.
14. All animals – whether unwanted stray or wild vermin (as categorized in the existing framework) – must be considered worthy of protection and their right to life must remain a paramount concern.
15. Crimes against animals must be treated with parity with all crimes against humans.
16. To effectively address the issue of violence against animals, laws relating to animals and more specifically “Prevention of Cruelty to Animals Act 1960” need to be examined afresh – de novo.
17. We must acknowledge that 'cruelty' is a limited concept, and crimes against animals must be defined along the severity of the incidents, and not as a single, common act of cruelty.
18. The new law must shun all suffering towards animals, including the nebulous concept of 'necessary' suffering as it effectively – in practice - ends up legitimizing crimes against animals.



# Methodology

This report attempts to look at the cases of crimes against animals during the period 2010 to 2020. A desk review was conducted on the data collected from three main sources:

- (1) News articles (a total of 838 news reports)
- (2) Animal organisations' internal data (574 incidents) and
- (3) Social media posts of animal activists reporting incidents of everyday violence against animals (955 social media posts, mainly on Facebook forums) plus
- (4) Other resources like a documentary film, some research papers and government records (28 incidents).



Graph 1: Data was collected from the above sources on cruelty against animals

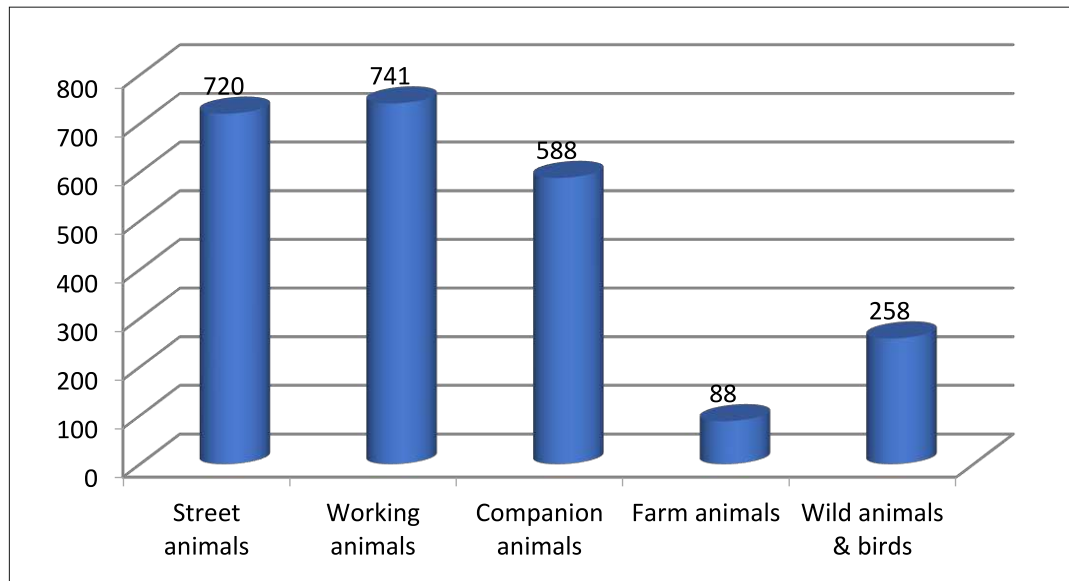
We also conducted around 40 interviews of animal activists from around the country to get a better understanding of how they deal with crimes against animals on the ground on a daily basis.

Over the past few months, we have attempted to go through these sources as best as we could, and have collected a total of 2,400 cases of crimes against animals.

The data is cumulatively presented in a master table that we have uploaded on both the websites of FIAPO and ACGS, for anyone to access. The four principal sections are:

- A. Companion Animals Table (522 incidents)
- B. Working Animals Table (743 reports and incidents)
- C. Street Animals Table (121 incidents)
- D. Assault Table (1,009 incidents)

Through the documentation process, we have further subdivided the cases between street animals (720 cases), working animals (741 cases), companion animals (588 cases), farm animals (88 cases) and wild animals and birds (258 cases).



Graph 2: Cruelty cases under different categories of animals

This report in its methodology is essentially a secondary source of documentation which has collated cases of both cruelty and violence that caught the public eye and were documented in the aforesaid formats and platforms. They are largely cases of intentional acts of violence against animals, often brutal, intended to kill or cause irreparable harm to them.

We have spread the discussion of our research over eight chapters. Chapter II is titled Unjust Laws, where we critically examine the inadequacy in the PCA Act 1960 framework to punish crimes of brutal violence against animals. The overwhelming data across the 2,400 cases we have documented shows a pattern of violence far beyond the 'cruelty' imagined in the PCA Act to brutal torture, physical abuse, sexual violence and murder. We begin with a call for a new definition and a whole new language to explain the violent crimes against animals and not just the limited enumeration of 15 types of cruelty imagined in Section 11 of the PCA.

Chapters III, IV and V (on Companion Animal Abuse, Pet Trade and Animals at Home) and VI (Working) deal with animals that are considered useful and experience a life under human control – as human property. As stated earlier, the cases of animals in institutional settings, like farm animals in dairy and slaughterhouses, and animals used for vivisection, require a separate investigation and report altogether. Here we focus on companion and working animals. Through cases and patterns of violence against companion and working animals, we highlight that despite the legal protection under PCA, they are rampantly exploited, and that exploitation is not just mere cruelty but often acts of brutal violence which has become endemic to our interaction with animals.

Street animals (and some wild animals) in Chapter VII are often considered unwanted, a nuisance and danger to human life and farmer's crops. The animals deemed unwanted face enormous violence, either by active or tacit state sanction. The assumption that a street animal as a 'stray' or wild animal as 'vermin' once deemed rejected must be killed has led to ordinary citizens taking the task of 'destroying' animals in their own hands. Thus, the violence perpetrated has a wider sanction and is not viewed as a crime. However, at the same time, it has the potential of creating a culture of criminal behaviour in the society, especially towards women and children (the 'link' project).

Finally, in Chapter VIII, in the category Assault, we examine 100 cases from over 1,000 cases documented by us to provide a window into the everyday brutality of violence. With proposed redefinition of terminology from cruelty to violent crimes, we are also attempting to develop a new tool of measurement: a scale that articulates the nature and extent of the different kinds of violence. We propose to reclassify cases of animal cruelty: as abandonment, neglect, harm, grievous assault and hurt, to graver forms like animal sexual abuse, animal murder and animal torture, to challenge the single punishment category of cruelty that fails to represent the wide spectrum of violence against animals. We are calling it the Severity Index of Crimes Against Animals which ranges from 1 to 5.

1. **Scale 1:** Participating in animal cruelty, either directly or indirectly, but unknowingly, or in uninformed manner. For example, buying a puppy from a professional breeder is cruel, but it is often done without knowledge of the cruelties committed by breeders. This should be acknowledged as cruelty but ranked lower. (Uninformed/Unknown)
2. **Scale 2:** Being cruel to an animal without realising you are being cruel. For example, neglect, not feeding a companion animal, ignoring its injuries or not complaining or acting upon animal cruelty happening in front of you etc. (Neglect)
3. **Scale 3:** Directly harming an animal by hitting, tying it up, physically restraining it from food and water, abandoning it or making an injured animal work, etc.(Hurt)
4. **Scale 4:** Physically hurting, beating or torturing an animal. (Grievous Hurt)
5. **Scale 5:** Animal sexual abuse or causing grievous hurt or violence on an animal with a clear intention to kill the animal. (Violence and Torture)

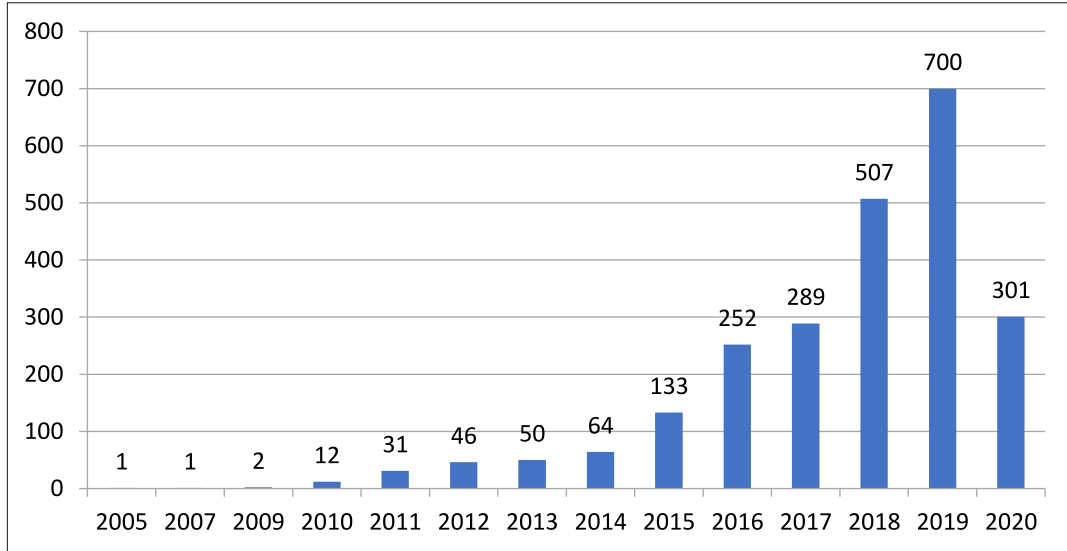
The report will cover a range of cases that will demonstrate the scales above, and possibly help us highlight that animal cruelty is rampant across all scales, and it is not a single scale of cruelty alone (which is what PCA effectively treats it as) but grave offences that require a clear definition as crimes under IPC, or a separate more effective law. Just the sheer fact that we have had numerous cases in the last two years where puppies, dogs and cats are just burned alive, thrown from high rises or balconies, or poisoned en masse by disgruntled medical students with almost no penal repercussion, requires a discussion of parity of violence and punishment with crimes against human.

The ultimate question is: do animals have a right to be protected against violent crime? If yes, then how should it be done? The answer has to be a combination of both notional acceptance of these acts as violent crimes, a movement and state acceptance that animals deserve a higher level of protection, a nationwide legislative process to create a new law and education and advocate to teach constitutional duty of compassion towards animals.

# Key Findings of the Report

During the period 2010-2020, we were able to collect a total of 2,400 cases of crimes against animals from the secondary data collected.

The graph below indicates the number of cases reported between 2010 and 2020 in the different sources reviewed as part of the desk research. We have taken a few cases from 2005 to 2009.



Graph 3: Number of cases reported during the period 2005 to 2020

We expected to see cases largely of dogs, cats and certain wild animals, but to our surprise we discovered far more – and this is nowhere near an exhaustive study. This made it clear how much a larger documentation project was needed. We found reported cases of over 47 different species of wild animals, birds, street and companion animals and working animals, as follows:

S. no	Animals	Count	S. no.	Animals	Count
1	Mules	3,80,000	25	Bears	19
2	Cattle	54,198	26	Tigers	17
3	Horses	21,685	27	Raptors	11
4	Dogs	19,472	28	Yaks	8
5	Birds	8,520	29	Turtles	7
6	Pigeon	2,621	30	Dolphins	5
7	Goat	2,024	31	Fox	4
8	Nilgais	999	32	Squirrel	4
9	Donkeys	570	33	Bulbul	3
10	Elephant	566	34	Pangolin	3
11	Pigs	517	35	Bat	2
12	Monkeys	428	36	Doves	2
13	Deers	404	37	Eagle	2
14	Parakeet	379	38	Frog	2
15	Lizards	351	39	Hippopotamus	2
16	Snakes	244	40	Myna	2
17	Camels	223	41	Civet Cats	1
18	Cats	213	42	Coucals	1
19	Rabbits	183	43	Duck	1
20	Roller Birds	105	44	Heron	1
21	Chicken	41	45	Hyena	1
22	Leopards	24	46	Munia Bird	1
23	Sheep	22	47	Peacock	1
24	Owls	21		<b>TOTAL</b>	<b>4,93,910</b>

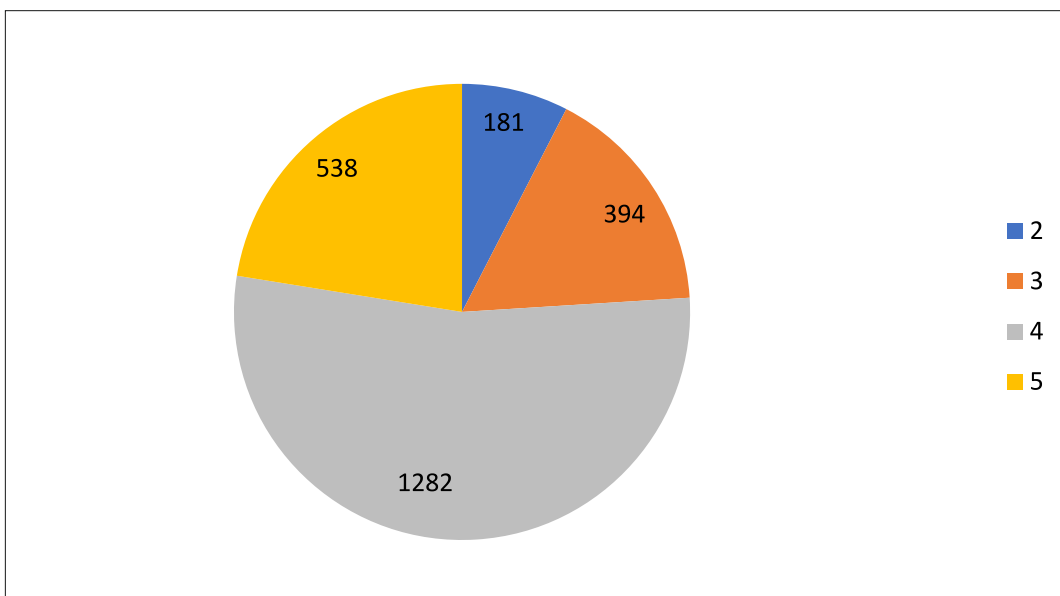
Table 1: List of animals involved in incidents from 2010-2020

- i. Of the 1,000 assault cases documented from over 300 news reports and 700 social media posts and internal records of animal activists and organisations, 82 are sexual abuse, 266 cases of cold-blooded murder and over 400 cases of violent attacks of beating, kicking, torturing, throwing acid or boiling water, maiming a part of the body, attacking with a knife or a blunt object and almost 20 of these documented cases represent assault by children on animals such as dogs, donkeys and monkeys. (Please see Appendix B our mini-Assault table of 100 cases that represent 10 per cent of the cases from the larger table.)
- ii. Our research has shown that 52 different national news reports documented killing of 161 dogs between 2016-20, of which only around five received wider attention. Lack of documentation is a big, missed opportunity, which we need rectified as we seek law reform and fight for rights of animals.
- iii. If we look at all the documented animal murder cases in the past five years, from records of animal protection organisations and social media posts of animal activists, the number of incidents goes up to 249, with over 413 dogs killed and 310 cats, monkeys, nilgais and various wild animals. These cases were just brutal crimes committed against street dogs out of hatred and spite.
- iv. In addition, we have documented that almost 4,230 dogs have been killed by mass culling drives across the country in the past five years.
- v. Our findings conclude that almost 70 per cent of the documented cases of crimes against animals did not even make it to the news media cycle.

There is better reporting of crimes against animals in the past five years than ever before as indicated in Graph 3 above, so the data is naturally skewed. We believe that the 838 total news reports surveyed as part of this study only represent a miniscule scale of the violence that street animals, companion animals and working animals are subjected to. These incidents get reported only when a concerned citizen or an animal activist raises an alarm. We need to accept that a large majority of cases of violence against animals never get reported.

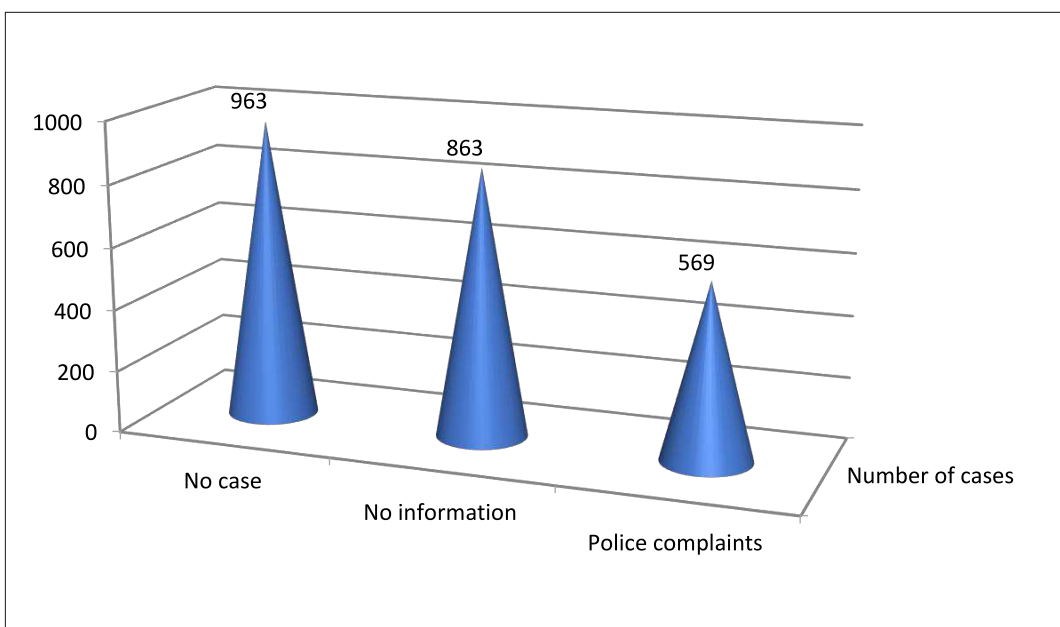
Our documentation does not include deaths in slaughterhouses, zoos, laboratories and the deaths of animals by accidents or human negligence. We know the number of animal deaths in these latter categories runs into millions. However, in the narrow category of the public space, we have counted 20,000 senseless, intentional, brutal crimes against animals over the past ten years. This works out to an average of five animal deaths per day from a violent act. **The actual figure could be at least ten times higher, which at 50 animal deaths per day, would mean an average of two animals being senselessly killed every hour in India.**

As per the Severity Index of crimes against animals mentioned in the methodology, we categorised the reported incidents in this study on a scale of 1 to 5. The findings indicate that most cases were of grievous hurt (1,282), followed by violence and torture (538), which is a matter of grave concern.



Graph 5: Incidents categorised as per Severity Index of crimes against animals

Though on the Severity Index the brutality against animals is evident, it is not reflected in the cases filed. In our study we found that there was no case filed in 963 cases, whereas there was no information regarding the legal recourse in 863 cases. In merely 569 instances, a police complaint was filed, including under IPC, PCA.



Graph 6: Number of cases where complaint was filed / not filed



## II. Unjust Laws: Violence Not Cruelty

“ I know very well that legislation is in itself not sufficient, because there are many cruelties which take place today even against the law. Side by side with legislation there must be education, the education of the public, the education of youth and even the education of those who are educated, because most of us are ignorant of the many things that are taking place... In all things we have to educate ourselves and I think even in kindness we have to educate ourselves. If young people are given the opportunity of seeing beautiful things and if they are not shown these horrors, I am sure, they will grow to be much more kind-hearted than they are today.”<sup>11</sup> Rukmini Arundale

Our documentation process revealed the horrors of violence against animals. To cite a few instances which made to the national news:

- On 15th March, 2016, a 28 year old engineering student Nakul Mishra went on a killing spree at the Green Park metro station and stabbed three dogs and one puppy to death. The entire incident was caught on CCTV camera and became a national outrage. A month later, under huge pressure from animal activists and citizen groups, Mishra was arrested in Uttar Pradesh.<sup>12</sup>
- The same month – a dark month for cases of violence against animals – Shaktiman, a kathiawari white mare, a working horse of the Uttarakhand police force was violently attacked by BJP legislator Ganesh Joshi in a political rally, fracturing his leg. Despite enormous efforts Shaktiman succumbed to his injuries a few months later. While a case was registered against the BJP politician, he remains free.<sup>13</sup>
- On 25th May 2017, in Chandigarh three men stormed into a privately run dog shelter and attacked 30 dogs with sticks, machetes and acid. The attack resulted in the death of one dog, 19 missing, probably killed and left 11 with grievous injuries.<sup>14</sup>
- In August 2017, five men bludgeoned a street dog to death in Delhi, and the entire incident was recorded on a phone video by a neighbour and also caught on CCTV. The killers stole the carcass and claimed to have eaten the dog.<sup>15</sup>

<sup>11</sup> Extract from Rukmini Arundale's speech in the Parliament (Rajya Sabha) while introducing her Prevention of Cruelty to Animals Bill, 1953. [https://rsdebate.nic.in/bitstream/123456789/585735/1/PD\\_06\\_05031954\\_15\\_p1785\\_p1809\\_3.pdf](https://rsdebate.nic.in/bitstream/123456789/585735/1/PD_06_05031954_15_p1785_p1809_3.pdf)

<sup>12</sup> Man who stabbed stray dogs near Metro station arrested in UP: Police; April 17, 2016; <https://indianexpress.com/article/cities/delhi/delhi-dog-killer-arrested-viral-video-news-2756582/>

<sup>13</sup> BJP MLA attacks police horse with lathi, breaks its leg; March 15, 2016; <https://www.hindustantimes.com/india/dehradun-bjp-mla-attacks-police-horse-with-lathi-breaks-its-leg/story-jyh6RMOwSzbbMxDIC0AltL.html>

<sup>14</sup> Two arrested for attacking dogs at shelter in Punjab; May 25, 2017; <https://www.thehindu.com/news/national/other-states/two-arrested-for-attacking-dogs-at-shelter-in-punjab/article18577559.ece>

<sup>15</sup> CCTV shows five men stone stray to death in Munirka; August 18, 2017; <https://timesofindia.indiatimes.com/city/delhi/cctv-shows-five-men-stone-stray-to-death-in-munirka/articleshow/60110210.cms>

- In a horrific incident from Vellore, Tamil Nadu, an engineering student threw a puppy off the terrace for urinating on his clothes in November 2017. He had previously killed another puppy in the same manner for the same reason.<sup>16</sup>
- On 24th July 2019, a street dog Lucky, who took shelter from heavy rains in Turf View Building in Worli, Mumbai, was brutally beaten by security guards Jawaharlal Jaiswal and Shankar Yadav on instructions from the building residents' society chairman. Led by the Bombay Animal Rights group, there were city wide protests and a nationwide call to reform animal cruelty laws. Lucky died 13 days later, and so did the momentum for animal rights his death created. He became yet another statistic.<sup>17</sup>
- In a horrific case from January 2019 involving nursing students from a medical college in Kolkata, 16 puppies were brutally killed by two students by luring them away from their nursing mothers with biscuits.<sup>18</sup> These students are meant to be trained in empathy, care and nurturing of sick patients. The college set up a committee to inquire and the students were suspended.

These instances raise the obvious question, "do animals have a right to be protected against violence?"

### **A. Do animals have a right to be protected against violence?**

Presently, the ONLY law that protects animals from "cruelty" is the PCA 1960 which is defined in its preamble as protection from the "infliction of unnecessary pain or suffering on animals". In addition, the Wildlife Protection Act of 1972 (WPA) creates government the sole custodian of all wild animals and is invested with their protection in their natural habitat. Both the PCA and WPA were provided a constitutional foundation in 1977.

The 42nd amendment to the Indian Constitution introduced environment, nature, wildlife and an idea of compassion to living creatures in the Constitution as directive principles and fundamental duties. Article 48(A) puts the onus on state to protect and safeguard the environment, wildlife and forests. Article 51A (g) creates a fundamental duty on every citizen of India to have compassion for all living creatures. **Thereby, it may be implied that the Constitution of India recognises the intrinsic value (as opposed to instrumental value) in all living creatures.** However, PCA still sees animals purely from a colonially inherited utilitarian and instrumental value.

<sup>16</sup> Engineering student kills puppy by throwing it off terrace, says it peed on my clothes; November 3, 2017; <https://www.india.com/news/india/tamil-nadu-engineering-student-kills-puppy-by-throwing-it-off-terrace-says-it-peed-on-my-clothes-2595520/>

<sup>17</sup> 13 days on, dog beaten up by guards of Mumbai's Worli building dies; August 8, 2019; <https://www.hindustantimes.com/mumbai-news/13-days-on-dog-beaten-up-by-guards-of-worli-building-dies/story-BEMSjMi9h8p6IE5wL8cRpl.html#:~:text=After%20fighting%20for%20his%20life,July%2024%2C%20died%20on%20Wedne sday.>

<sup>18</sup> 2 nursing students arrested in Kolkata for killing 16 puppies; January 18, 2019; <https://timesofindia.indiatimes.com/city/kolkata/2-nursing-students-arrested-in-kolkata-for-killing-16-puppies/articleshow/67549776.cms>

The common complaint made against PCA is the punishment of Rs. 50 for all offences of cruelty. In this report we argue that the problem with offence of cruelty is not the fine alone, it is the term itself. For crimes against humans, we have an extensive taxonomical terminology from attack, assault, theft, robbery, rape, sexual violence, torture, physical abuse and murder.

For crimes against animals that may involve any of the above acts, and more, we only have the term cruelty. The same term is used to describe tying up an animal, beating an animal, kicking an animal and in many cases raping and killing an animal. It is important to note that these are not mere acts of cruelty our - woefully inadequate - laws were enacted to punish. They are senseless, intentional, murderous crimes, part of a culture of violence in our society, where weaker human and animal lives do not matter. We need to move beyond cruelty to a formulation of law against violent crimes against animals.

This culture of violence towards animals has historic legal sanction in the exceptions of 'unwanted animals' and 'vermin' created in the Prevention of Cruelty to Animals Act, 1960, and the Wildlife Protection Act, 1972, which we will address in Chapter III.

The following section will provide a brief historical foundation of PCA and the constitutional amendment under Art 51, to understand the concepts of 'unnecessary harm and suffering', and 'compassion to living creatures' as the only stepping stones available towards animal rights and equality in India, and the limitations under which they confine animal activism. However, courts in India have often interpreted a deeper meaning of animal protection and rights under PCA violations beyond the law or its enforcement. In doing so the courts have often applied judicial empathy of human rights and injustice into the cause of animal protection.

## **B. Colonial Legacy: Unnecessary Suffering and Pain**

The first crimes against animals in India were punished through the Indian Penal Code in 1860, under sections 428<sup>19</sup> and 429<sup>20</sup>. These sections only inadvertently protect the animal only in those cases where the intent of the accused is to cause loss to owner of the animal. These Sections are designed to protect the owner of an animal from any reduction in the value or utility of their property i.e., the animal. And accordingly punish any violence or killing of a valued animal priced at Rs. 10 and 50, which represents the market value of the animal if they were traded.

<sup>19</sup> Mischief by killing or maiming animal of the value of ten rupees. 428. Mischief by killing or maiming animal of the value of ten rupees.--Whoever commits mischief by killing, poisoning, maiming or rendering useless any animals or animal of the value of the ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

<sup>20</sup> Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees. 429. Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees.--Whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, of any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment or either description for a term which may extend to five years, or with fine, or with both.

The Indian Penal Code of 1860 (IPC) covers a list of all crimes against humans in various chapters. What is important for us in this discussion are Chapters XVI and XVII which cover offences against the human body and human property, respectively. Defining and punishing crimes against animals has never been the intention or purpose of IPC. The term cruelty never appears in the context of crimes against humans, which have different grades of offences. In fact, it only appears once in the entire IPC – as a gendered offence - with reference to a female spouse in a domestic violence law. Cruelty alone as a framework fails to address physical violence in any context.<sup>21</sup>

For example, the punishment for criminal assault under the PCA (which under section 11 is merely defined as cruelty) is a Rs. 50 fine. The IPC for humans defines assault as 'hurt' or 'grievous hurt' under Chapter XVI and punishes it under section 325 with a sentence of up to seven years. The radical disparity in how crimes against animals are viewed underlies an absence of a sentence based understanding of animal suffering and also entrenches a deep speciesist hierarchy between the human and the non-human victims of crime.

While the IPC provisions applied only to owned animals, the subsequent (and the first law against animal cruelty) PCA 1890 – thirty years later – applied only to captured and domesticated animals. It only protected animals that were in human control [Section 2(1)]. Under Section 3, the following five activities were considered “cruel” only if they caused unnecessary pain or suffering by:

- (a) Overdriving, beating an animal;
- (b) Binding, keeping, or carrying an animal in a carriage;
- (c) Keeps or sells an animal 'which is suffering pain by reason of mutilation, starvation, thirst, over-crowding or other ill-treatment';
- (d) Sells an animal which has been killed by an unnecessarily cruel manner;
- (e) Abandons an animal to starvation or thirst.

In addition, the PCA 1890 punishes overloading an animal (Section 3A); phooka<sup>22</sup> (Section 4); killing an animal in an unnecessarily cruel manner (Section 5) and baiting and inciting an animal to fight (Section 6C). The punishment set for various acts of cruelty as unnecessary pain or suffering was fixed at Rs. 50 at large and Rs. 100 in cases of repeat offenders and especially if owners of the animals were directly involved in the said cruelty. Further, the punishment for killing an animal was Rs. 200 and the highest punishment of Rs. 500 for phooka.

Even more so, it makes cognisance of any abuse against animals conditional against a test of necessary suffering, thereby only punishing a narrow window of 'unnecessary' abuse, diluted as cruelty. David Bilchitz traces the root of this utilitarian logic of 'cruelty' only as 'unnecessary suffering' to English Common Law, where violence per se against an animal is not a crime<sup>23</sup>.

<sup>21</sup> “Cruel, inhuman or degrading treatment” is generally defined separately from torture. It includes acts that inflict mental or physical suffering, anguish, humiliation, fear or debasement, but that fall short of torture.

<sup>22</sup> Cow blowing, phooka, or doom dev is a process used in many countries according to ethnographers, in which forceful blowing of air into a cow's vagina is applied to induce her to produce more milk.  
[https://en.wikipedia.org/wiki/Cow\\_blowing](https://en.wikipedia.org/wiki/Cow_blowing)

<sup>23</sup> David Bilchitz, “When is Animal Suffering ‘Necessary’?” (27) Southern African Public Law pp. 3-27 (2012), available at <https://ssrn.com/abstract=2319419>

Animal cruelty laws adhere to a welfarist model. Welfarists believe that it is permissible for humans to use and to harm animals, so long as this is done humanely, causing animals no suffering beyond what is required for use. By constantly reiterating that animals must not be subject to 'unnecessary pain or suffering', the Act seems to suggest that certain forms of animal suffering can be necessary, and if so, will be deemed justified. Similar provisions are found in animal welfare statutes in other nations as well.<sup>24</sup>

However controversial, the idea of pain and suffering with respect to the object sought to be achieved has radically changed with time, as our own moral compass of what is acceptable harm towards an animal is viewed through a much stricter scrutiny than before. The most radical shift has been a departure from the limited colonial PCA 1890 to the current PCA 1960, which as we discuss below, is still highly inadequate.

In the 1917 Bombay High Court case of *Emperor v Ibrahim Mir Shikari* (AIR 1917 BOM 199), the limitation of the colonial PCA 1890 – that only punished 'unnecessary suffering' pertaining to the manner in which an animal was bound or carried [Section 3(b)], prevented the Court from treating of "stitching of the eyes of Saras cranes" (which induced immeasurable pain, suffering and bleeding), as cruelty. The presiding Justice Batchelor concluded: "I am forced, therefore, though with some regret, to the conclusion that the provisions of the Act are not wide enough to cover this form of cruelty and the application, therefore, must be allowed." This would not be the case post 1960, and what was acceptable in 1960 will not be tolerated today – for example, mass killing of unwanted street dogs, which we discuss in Chapter VII.

The aforementioned discussion begs the question – what form of animal suffering is then necessary? Bilchitz elaborates upon the working tests developed by courts for restricting fundamental rights of humans and suggests that the same tests can be deployed for our query of when animal suffering can be deemed necessary.<sup>25</sup> Firstly, there must be significant and legitimate objective for restricting any rights. Secondly, any limitation of a right must meet the test of proportionality.

We contend that most forms of use, work, labour, for which animals are exploited would fall foul of all the aforementioned tests. The test of suffering may be objective. However, it is inherently faulty, as it deems certain suffering necessary. Cruelty makes some form of violence necessary, which we argue has no bounds or limits.

Colonial roots are very important - we did with animals what we did with women and sexual minorities, we followed colonial era faults, divisions and prejudices in our understanding of animal protection laws without thinking them afresh in line with our Constitution and the prevailing moral compass of our society, that must correspond to a spiritual Indic ethos, of respecting nature and animals as equals. Cruelty like rape and sodomy is a draconian colonial concept that fails to address the violence against animals. We need a new comprehensive law to punish violent crimes against animals.

<sup>24</sup> For example, in South Africa, section 2(1)(c) of the Animal Protection Act of 1962 states that a person who 'unnecessarily starves or under-feeds or denies water or food to any animal' commits an offence.

<sup>25</sup> *Id* at 75



### C. Post-Independent Disposition of Animal Cruelty

When Smt. Rukmini Devi Arundale introduced a private member bill in the Rajya Sabha in 1953, it was done with the intention to replace the then existing 1890 Act, which was considered inadequate to address animal protection due to its restricted scope and applicability. The new 1960 Act brought in three significant aspects, namely;

1. Addressing limited cruelty to animals that were used in experimentation and for public performance;
2. Expansive definition of 'animals, 'owner' and 'cruelty';
3. Establishment of a central governmental body, namely the Animal Welfare Board of India.

However, surprisingly, the penal provisions were not enhanced. In 1960 we followed the 1890 punishment of Rs. 50, thereby only undermining the offence further.

Firstly, the scope and object of the 1960 Act is also – akin to its predecessor - limited to preventing unnecessary pain and suffering to animals. While the 1960 law aimed to cover all animals in its scope, it still excluded animals in experimentation, performance, slaughter, sacrifice and those that were considered “unwanted”.

Secondly, while the law punishes cruelty with a paltry Rs. 50 figure, it only awards this punishment in relation to an animal you own, control, hold captive and essentially use for some work. Finally, animals in India are only protected from cruelty to reduce their suffering from the scale of necessary to unnecessary – never to eliminate it, making cruelty a necessary evil.

This in many ways is the legal anomaly in our protection of animals – and stands confirmed by this investigation – that most reported cases of brutal crimes are against free living street animals, that are NOT in human control. The culture of violence against animals begins from this dichotomy of useful versus unwanted, which we discuss in detail in Chapter VIII. Once a useful animal becomes unwanted the floodgates of permissible violence are unleashed.

The PCA 1960, even though a modern, post-constitutional law, is in fact an insufficient development of the colonial law it replaced. It only notionally applies to all animals and punishes various forms of animal abuse diluted as 'cruelty'. Unlike the PCA 1890, the PCA 1960 provides a range of judicial discretion for the punishment from Rs. 10-50 for a first-time offender and Rs. 25-100 for a repeat offender. Thus, it can be argued that the PCA 1890, in fact, provided stricter penal action when compared to the PCA 1960.

Section 3 of the PCA 1960 lays down that anyone in charge of any animal shall 'take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering'. What happens to this duty of care when the animal ceases to be useful?

**What is cruelty?** Cruelty is defined as a set of 15 activities laid out in Section 11 of the PCA 1960 as follows:

If any person

- (a) Beats, kicks, over-rides, over-drives, over-loads, tortures, causing unnecessary pain or suffering to any animals.
- (b) Employs any animal which, by reason of its age or any disease, is unfit to be so employed, and still making it work or labour or for any purpose.
- (c) Wilfully and unreasonably administers any injurious drug or injurious substance.
- (d) Conveys or carries, either in or upon any vehicle in such a manner as to subject it to unnecessary pain or suffering.
- (e) Keeps or confines any animal in any cage or receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement.
- (f) Keeps for an unreasonable time any animal chained or tethered upon an unreasonably heavy chain or cord.
- (g) Being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement.
- (h) Being the owner of any animal fails to provide such animal with sufficient food, drink or shelter.
- (i) Being the owner, without reasonable cause, abandons any animal in circumstances, which tender it likely that it will suffer pain by reason of starvation or thirst.
- (j) Wilfully permits any animal, of which he is the owner, to go at large in any street while the animal is affected with a contagious or infectious disease, or without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street.
- (k) Offers for sale or without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment.
- (l) Mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner.
- (m) Solely with a view to providing entertainment.
  - (i) Confines or causes to be confined any animal (including tying of an animal as bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal;
  - (ii) Incites any animal to fight or bait any other animal.
- (n) Organises, keeps, uses or acts in the management of any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes.
- (o) Promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting.

Thus, killing an animal, beating an animal, or just overloading or tethering it are all the same single offence of cruelty. This negative compromise where the modern law did not treat different kinds of crimes against animals, in a hierarchy, like in the IPC, is one of the inherent flaws in the law. This is precisely the reason why most of the crimes against animals under the cruelty paradigm remain bailable and non-cognisable, as they often rank below, something as basic as traffic infractions.

## Recent Street Dog Killings

### i. Maharashtra:

- a. In 2016, within Mumbai 10 puppies were stoned to death.<sup>17</sup>
- b. In 2017, around four dogs were burned alive and 16 poisoned in Baner area of Pune.<sup>18</sup>
- c. In 2017, in Akola 40 dogs were dragged, bleeding with wires in their mouth in an attempt to relocate them and many died.<sup>19</sup>
- d. In 2019, in Buldhana, Maharashtra over 90 carcasses of street dogs were discovered in the forest with their mouths muzzled and limbs tied.<sup>20</sup>
- e. In Nanded, in 2019, over 550 dogs have been killed by the municipality itself.<sup>21</sup>

### ii. Telangana:

- a. In 2017, many street dogs went missing in Banjara Hills and Jubilee Hills and their surroundings right before Ivanka Trump's visit to India. "The streets were picked up as a part of a clean-up drive for the Global Entrepreneurship Summit. Animal activists allege that street dogs across Hyderabad are being poisoned or picked up by the municipality in a clean-up drive launched by the Telangana government in preparation for the Global Entrepreneurship Summit the city is hosting this month. Dogs have been found dead or seriously ill with symptoms of poisoning, they alleged."<sup>22</sup>

<sup>17</sup> Ten puppies stoned to death in Oshiwara; Mid-Day.com; September 29, 2016; <https://www.mid-day.com/articles/puppies-stoned-to-death-oshiwara-cruelty-to-animals-mumbai-news/17647195>

<sup>18</sup> In Pune, 4 dogs burned alive, 16 poisoned; The Times of India; October 4, 2017; <https://timesofindia.indiatimes.com/city/pune/in-pune-4-dogs-burned-alive-16-poisoned/articleshow/60933868.cms>

<sup>19</sup> Pictures of cruelty to animals in Akola shock activists; The Times of India; September 17, 2017; <https://timesofindia.indiatimes.com/city/nagpur/pictures-of-cruelty-to-animals-in-akola-shock-activists/articleshow/60712352.cms>

<sup>20</sup> 90 dogs found dead with muzzles and legs tied in Maharashtra's Buldhana; India Today; September 8, 2019; <https://www.indiatoday.in/india/story/at-least-90-stray-dogs-found-killed-in-buldhana-district-1596980-2019-09-08>

<sup>21</sup> Did Nanded Civic Body Kill 500 Stray Dogs?; Mid-Day.com; 16 February 2020; <https://www.mid-day.com/articles/did-nanded-civic-body-kill-500-stray-dogs/22618152#:~:text=A%20shocking%20incident%20of%20over,the%20killings%20on%20February%207.>

<sup>22</sup> Stray dogs 'poisoned' for Ivanka Trump; Deccan Chronicle; October 27, 2020; <https://www.deccanchronicle.com/nation/current-affairs/221117/hyderabad-ges-stray-dogs-poisoned-for-ivanka-trump-visit.html?fbclid=IwAR1NnheKL3Efqlxp8D-XSdEkbrx9hexjfJQlSwuj4dRQzQ4qjP6DNwINBGA>





- b. In 2018, 150 community dogs were injected with poison and killed in Hyderabad.<sup>23</sup>
- c. The same year in Hyderabad, 100 dogs were poisoned by dog killers hired by the Sanskruthi Township committee and bodies disposed.<sup>24</sup>
- d. In 2019, 78 dogs were poisoned on orders of civic body in Siddipet, Telangana.<sup>25</sup>
- e. Fifty dogs were killed on orders of sarpanch, bodies dumped in 2019 in Nalgonda.<sup>26</sup>

### iii. Karnataka

- a. In 2017, in Pandavpura, 30 monkeys were found poisoned to death by unknown persons. Bodies were found in gunny bags near a temple. Police, forest dept did not register case or follow up. Locals performed last rites for monkeys, demanded investigation.<sup>27</sup>
- b. In 2018, over 25 dogs were fed poisoned meat in Bangalore.<sup>28</sup>
- c. In 2018, over 60 dogs were found missing from a residential area despite the fact that most were sterilised.<sup>29</sup>
- d. In 2019, a local activist Babita Madhavraj reported that multiple dogs were found dead inside a commercial complex at Manipal University. Bodies were quickly cleared up at night before postmortem could be conducted. Even though the municipality denied involvement, Madhavraj alleged it was done in cohort with the Manipal University, Municipality and private contractors.<sup>30</sup>
- e. In 2019, CUPA activists in Bandalore caught a vehicle dumping 18 dogs with their legs and mouth tied outside the city limits.

<sup>23</sup> Reported and recorded by PFA Hyderabad.

<sup>24</sup> 100 dogs poisoned near Infosys; The Times of India; October 7, 2018; <https://timesofindia.indiatimes.com/city/hyderabad/100-dogs-poisoned-near-infosys/articleshow/66104551.cms>

<sup>25</sup> 78 dogs, allegedly killed by civic body, found dumped in Telangana's Siddipet; The News Minute; June 23, 2019; <https://www.thenewsminute.com/article/78-dogs-allegedly-killed-civic-body-found-dumped-telangana-s-siddipet-104128>

<sup>26</sup> <https://timesofindia.indiatimes.com/city/hyderabad/50-dogs-poisoned-at-village-in-nalgonda-on-sarpanchs-order/articleshow/70165022.cms#:~:text=HYDERABAD%3A%20On%20Tuesday%2C%2050%20dogs,Nakkala%20Gandhi%20water%20project%20site.>

<sup>27</sup> Miscreants poison 30 monkeys to death; locals perform last rites; News Karnataka.com; April 16, 2017; <https://www.newskarnataka.com/mandya/miscreants-poison-30-monkeys-to-death-locals-perform-last-rites>

<sup>28</sup> Around 25 dogs found killed by poison-laced meat in Bengaluru, case registered; The News Minute; August 7, 2018; <https://www.thenewsminute.com/article/around-25-dogs-found-killed-poison-laced-meat-bengaluru-case-registered-86082>

<sup>29</sup> Missing stray dogs worry HSR Layout residents; The Hindu; November 14, 2018; <https://www.thehindu.com/news/cities/bangalore/missing-stray-dogs-worry-hsr-layout-residents/article25497633.ece>

<sup>30</sup> Social Media post by Babita Madhavraj

#### iv. Tamil Nadu

- a. In 2016 in Keezhamur, 50 dogs were burnt alive by unknown people for killing their livestock.<sup>31</sup>
- b. In another case from 2016, residents of an apartment hired gypsies and a child to kill cats in the apartment. Four gunny bags were found filled with cats. The cats had suffocated to death, some were dehydrated and treated. Cats were being killed and sold for meat. Some pet cats were also stolen. Three cases filed u/s 429 IPC r/w 511 IPC & 329 IPC. Child charged u/JJA. Accused questioned by police.<sup>32</sup>
- c. In a shocking case from 2018, several dogs were poisoned and thrown into the river Cooum, six bodies recovered. Local authorities suspected. Case lodged.<sup>33</sup>
- d. In March 2020, S Durai Murugan, DMK leader, demanded the mass culling of street dogs in Tamil Nadu state assembly.<sup>34</sup>

<sup>31</sup> Shocking! 50 stray dogs burnt alive in village near Chennai; culprits still at large; India.com; June 15, 2016; <https://www.india.com/news/india/shocking-50-stray-dogs-burnt-alive-in-village-near-chennai-culprits-still-at-large-1261366/>

<sup>32</sup> Social Media Post by Blue Cross of India, Chennai

<sup>33</sup> Carcasses of six dogs found along Cooum, The Times of India; December 15, 2018; <https://timesofindia.indiatimes.com/city/chennai/carcasses-of-six-dogs-found-along-cooum/articleshow/67099212.cms>

<sup>34</sup> DMK leader wants street dogs culled, minister says there's no need, The Times of India; March 13, 2020; <https://timesofindia.indiatimes.com/city/chennai/dmk-leader-wants-street-dogs-culled-min-says-theres-no-need/articleshow/74602320.cms>

## D. Indian Constitution: Compassion and Dignity for Animals

The period between 1970 and 1980 saw exponential legislative impact in relation to animal rights. The Central Government notified laws and rules that protect animal rights in India, namely the Wildlife Protection Act, 1972; the Transportation of Animals Rules, 1978; and the Performing Animals Rules, 1971, which was further strengthened by the Performing Animals Registration Rules 2001.

Furthermore, through the 42nd Amendment Act to the Indian Constitution, 1976, Article 51(A)(g) was inserted in Part IV of the Constitution, which is today considered the 'magna carta of animal rights jurisprudence in India'. The amendment casts a fundamental duty on all citizens to protect and improve the natural environment and to have compassion for all living creatures. Through the very same Amendment, Article 48A was added to Part IV (Directive Principles of State Policy), which casts an obligation on states to protect and improve the environment and to safeguard the forests and wildlife in the country.

The 21st century has been marked by staunch judicial activism and legislative amendments, thereby taking the animal welfare narrative to a rights-centric argument. This period began a significant contribution in validating animals as separate legal entities, worthy of constitutional protection under Article 21 of the Indian Constitution. Through various judicial pronouncements, animal welfare legislations and India's obligations to international conventions over the past seven decades, we have seen the law elevate the status of animals from being mere 'things' and 'properties' to being entitled to a 'dignified existence' (N.R. Nair vs. Union of India 2000 SCC Ker 82) to being accorded fundamental rights under the Indian Constitution [Animal Welfare Board of India vs. A. Nagaraja (2014) 7 SCC 547].

In the 'Asiatic Wild Buffalo and Red Sanders case' - T.N. Godavarman Thirumulpad v. Union of India, [(2012) 3 SCC 277], Supreme Court of India held that environmental justice can only be achieved if we shift our focus from anthropocentric to ecocentric. The Hon'ble Court went on to further say that as per the ecocentric approach we must protect all animals that are there in nature and not just those who have a certain monetary value.

In N.R. Nair while upholding the MoEFCC notification dated 1998 banning five animals in performances (namely circuses) - bears, monkeys, panthers, tigers and dogs, both the Kerala High Court and the Supreme Court on appeal recognised the first recorded language of animal sentience in Indian courts. The courts upheld the notification against the claims of the right to trade of circus owners and ruled in favour of animals by recognising a greater interest in them. The Court held:

- “In Article 19(1)(g) of the Constitution does not permit carrying on of an activity whether commercial or otherwise, if it results in infliction of unnecessary pain and suffering on the specified animals.”
- “Even the rights guaranteed under the Constitutions of other civilised countries are not absolute but are read subject to the implied limitations on them.”
- “In conclusion, we hold that circus animals are being forced to perform unnatural tricks, are housed in cramped cages, subjected to fear, hunger, pain, not to mention the undignified way of life they have to live with no respite and the impugned notification has been issued in conformity with the changing scenario, values of human life, philosophy of the Constitution, prevailing conditions and the surrounding circumstances to prevent the infliction of unnecessary pain or suffering on animals. Though not homosapiens. They are also beings entitled to dignified existences and humane treatment sans cruelty and torture.”

The Supreme Court held that animal welfare laws have to be interpreted keeping in mind the best interest of the species subject to exceptions of human necessity. Most famously, in Animal Welfare Board of India vs. A. Nagaraja (2014), the Supreme Court – while banning the practice of jallikattu - held that life under Article 21 of the Indian Constitution extends to 'animal life' and that our duty to protect animals from suffering has to be elevated to a status of a fundamental right.

The court in Nagaraja laid down that: “Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word 'life' has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution... Right to dignity and fair treatment is, therefore, not confined to human beings alone, but to animals as well.”

Further, in Nagaraja the five internationally recognised freedoms under Chapter 7.1.2. of the Guidelines of World Organisation for Animal Health (formerly OIE), in which India is a member, namely

- (i) Freedom from hunger, thirst and malnutrition;
- (ii) Freedom from fear and distress
- (iii) Freedom from physical and thermal discomfort
- (iv) Freedom from pain, injury and disease, and
- (v) Freedom to express normal patterns of behaviour, have now been read into the provisions of Section 11 of the PCA.

The courts have transitioned, following Nair, Godavarman and Nagaraja to an ecocentric ethic, which runs on the premise that all animals have an intrinsic value in themselves; implying that there is a positive duty on humans to protect and preserve this value. Animals are no longer instrumentalities of human beings; but dignified beings that are entitled to constitutional protection. Therefore, the narrative of the PCA 1960, imposing anthropocentric limitations to cruelty (in word) will have to be examined in the light of ecocentric considerations (in spirit).

In conclusion, it is important to acknowledge that animals have not been conferred these rights by legislative enactments and judicial pronouncements. Animals, by virtue of their 'life', have always been entitled to these rights and the courts have merely recognised the same now. A huge gap exists between the jurisprudential development of animal rights stated above and the sheer inadequacy of PCA as a penal law to punish crimes against animals. To advocate a new law or a corrective amendment that punishes crimes against animals, we need to extend the right to protection of all animals from violent crimes.

## **E. Practical Difficulties in Law Enforcement**

Most cases of cruelty go unreported due to lack of awareness even among law enforcement authorities about the existence of the Act. Sri. Harish K.B., an animal welfare activist and previously an Honorary Animal Welfare Officer said, "It's very difficult to explain to the police about the offense of animal cruelty. Sometimes, even after showing them the statute book, they need a copy of the same in the local vernacular."

Sandhya Madappa, Trustee, Compassion Unlimited Plus Action Bangalore, says "Like most other criminal offences, informants do not approach the police directly; they often approach a local animal welfare organisation like us, who then send a cruelty inspector to the scene and report the matter to the police. Even after being informed of the legal recourse, informants resist instituting complaints as they are not direct victims of the cruelty."

Of the 2,400 examined in this report, most complaints were filed as the cases were exceptionally brutal and had received media attention. Sadly, as our investigation proves, it ends there. Almost no cases were investigated, if arrests were made, the accused were released immediately on bail and there is no record of any final convictions.

The police almost never convert complaints under PCA Act 1960 into FIRs (First Information Report). Even in cases where the complaints are entertained by Police, they are merely recorded as NCRs – non-cognisable reports, as not all acts of cruelty under section 11 are cognisable. Therefore, activists, who file complaints against perpetrators of animal cruelty, are often compelled to add provisions under the Indian Penal Code (Sections 428 and 429) or the local Police Acts (which contain cognisable offences), to overcome the ineffectiveness of the PCA 1960 and ensure registration of an FIR. An NCR does not follow immediate arrest and seizure and hence the likelihood of continued cruelty is very high. Even in cases where an FIR is registered, the offences are bailable and hence, the accused can obtain a bail by executing a simple personal bond or surety affidavit in the police station itself. The bail amounts are often as low Rs. 10 to Rs. 1,000.

Further, the police are usually not equipped to handle animal cruelty matters as they do not receive any training in this aspect. Necessary medical examination and evidence is compromised due to ignorance and loss of time. Veterinary doctors who conduct examinations and post-mortems do not have knowledge about animal cruelty laws and hence, their reports do not indicate the element of cruelty. Police investigation would require constant follow up by the complainant to ensure witness statements are recorded and necessary evidence is collected. Even in cases where a charge sheet is filed, the likelihood of an accused person pleading guilty to escape with a minor fine is greater, rendering the entire exercise meaningless. In our interview with cruelty investigator Deendayal from Animal Aid, Udaipur, he recollects:

“Three months ago, a dead dog was being dragged by a car. The video went viral. We were contacted by people across the country and by PETA as well. We filed an FIR. But the accused was released after paying a fine of 10,000 rupees. A lot of times the person accused admits that they have killed the animal and the court lets them go for a fine of 50-100 rupees. Recently around Holi, a guard beat a puppy and grabbed it by its legs and threw it in a manner that the leg of the puppy broke. We filed an FIR. He was fined around 1,500 rupees by the court and they let him go. He was fined because we put in IPC 429, otherwise nothing would have happened.”

#### **Four case studies on prosecution:**

We examine four specific cases which highlight the inherent limitation in the law and processes:

##### **a. Ponnamma's Case (Bengaluru):**

A 60-year-old woman in Bengaluru, who finds that a stray dog had given birth to eight puppies in the drainage pipe near the house entrance, picks up the puppies and flung them into a compounded vacant land, eventually killing all of them. Upon receiving an anonymous complaint, an FIR was registered by an animal welfare activist.

After incessant follow ups, the police conducted a detailed investigation. A post-mortem report was obtained from a government veterinarian. A spot mahazar was drawn and witness statements were recorded. CCTV footage was recorded. Ultimately, a charge sheet was filed before the concerned magistrate court for the offences under Section 11 of the PCA Act, Section 92 of the Karnataka Police Act and Section 428 and 429 of the Indian Penal Code. The filing of the charge sheet marked a historic moment in the state of Karnataka as the only one in recorded history to be filed by the police force in a case of stray dog cruelty.

Summons was issued to the accused, who appeared in court through her advocate and pleaded guilty to all charges. While penalties under the PCA 1960 is a meagre fine, the Karnataka Police Act imposes a fine of Rs. 100/- and/or imprisonment for a period of one month. Further, the IPC imposes a term which may extend to five years and/or fine for the offence of killing or maiming any animal having a value of 50 rupees or upwards. While the offense under the IPC was intended to protect draught animals, it can be vehemently argued that stray dogs qualify as 'any other animal', given that the state spends more than Rs. 250/- per dog towards animal birth control and anti-rabies vaccine programmes under the PCA (Dog) Rules, 2001. Although the accused pleaded guilty on all charges, she was convicted with a fine of Rs. 1,000/-.

The judgment was challenged on appeal and the appellate court upheld the conviction on the ground of the accused's age and gender. Presently, a criminal revision petition is filed before the Karnataka High Court, which stands admitted, pending adjudication. The conviction of the accused in this case brings out a rather scary proposition. Even if punishments were increased, the judicial system does not recognise crimes against animals as something serious enough to be taken cognisance of. The likelihood of the courts awarding the least possible fine or mitigating the punishments cannot be negated.

The element of speciesism is so ingrained into the Indian legal system, that crimes against animals are unfairly compared to crimes against humans, while awarding punishments. The doctrines of proportionality and deterrence needs to be applied in examining the effectiveness of criminal liability under the PCA 1960. If the penalty of an offence is such, that an accused person finds it advantageous to rather plead guilty than to undergo criminal trial to prove his innocence, it is clearly indicative of a failed judicial system that needs immediate reconsideration.

#### **b. Dog thrown from terrace (Chennai):**

A social media video of a bunch of medical students in Chennai throwing a stray dog from a four-storey building terrace went viral. The case received wide media coverage and an FIR was registered against the students for offences under Section 11 of the PCA and Section 428 and 429 of the IPC. The accused filed an application for anticipatory bail before the judicial magistrate and the same was allowed on a meagre cash surety.

However, the complainant in the said case preferred a petition before the High Court of Judicature at Madras seeking to set aside the bail order and direct the accused person to undergo psychiatric evaluation and community service, apart from bearing the cost of maintenance of the dog that was victimised due to their act. The petition filed, makes a very well researched correlation between animal cruelty and human abuse.

The medical college simultaneously suspended the students and directed them to pay a fine of Rs. 2,00,000/- towards penalty for their actions. The said suspension order and fine came to be challenged through writ proceedings. The High Court, while setting aside the order of suspension, directed the accused persons to pay a sum of Rs. 2,00,000/- each to the Animal Welfare Board of India within a week.

While the police have filed a charge sheet and the criminal proceedings against the students has still not reached closure, this case firmly examines civil remedies for holding those who commit crimes against animals accountable, which is a welcome move. Further, even if the accused persons plead not guilty, the ineffectiveness of the criminal justice system in handling non-mainstream crimes proves to be another hurdle.

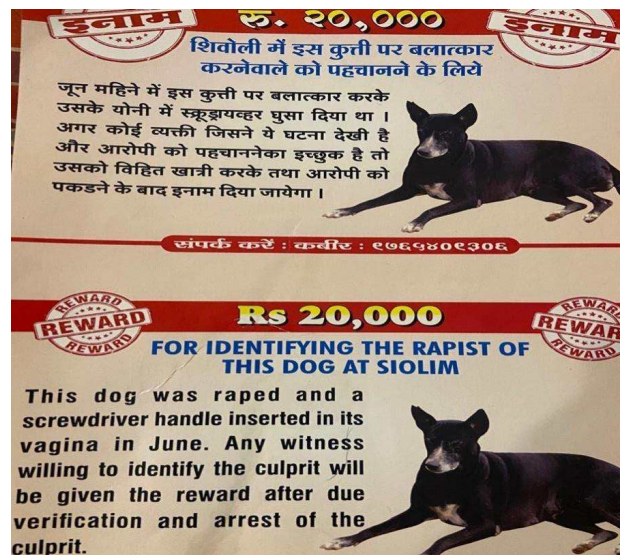
### c. Village Searches for the Victim: Black Lill the Street Dog (Goa)

We examine the case of Black Lill, a black coloured female street dog from a small tourist and fishing village in North Goa called Siolim. In July 2018, Jill Killick, an animal feeder and rescuer who leads a community initiative to feed, treat and spay/neuter street dogs found Black Lill lying on the side of a lane, sick and not moving. Black Lill had a reputation of being truly independent, fierce and strong minded. Despite all attempts Jill - an expert catcher of street dogs for Animal Birth Control (ABC) - was never able to get hold of her, as she gave litters after litters through the seasons. When Jill finally found her, Black Lill was bleeding from her vagina and was immediately taken to the local animal rescue and ABC centre but no one was prepared for what they saw.<sup>26</sup>

A medical report dated August 1st, 2018 by Dr. Karlette Ann Fernandes, Clinical Director of WVS Hicks ITC - Goa states 'on incising the abdominal region...a firm rod like structure was palpable ...[upon further] exploring the abdominal cavity, a screwdriver (handle) was found wedged in the internal organs.' The report ruled out that the four-inch green screwdriver handle was swallowed by the dog, as the intestines and the bladder seemed intact. It was concluded that handle was 'wedged in the body of the uterus, just proximal to the cervix'. It was most likely done as a village revenge to prevent her from mating again. Possibly, states Killick 'by someone she trusted and allowed to come that near to her'. This spurred off a huge activist outrage.

Humane Society International and Kabir Gama Roy (a local Goa based animal welfare activist) complained to the police and added a strong appeal to go beyond this incident and connect to greater fear of attacks of sexual nature against women and children based on what happened to Black Lill. They sought a case be registered under S. 377 of the IPC. A huge furore rose through villages of North Goa against the fear of a sexual culprit who 'raped' a dog and could come after the women and children. Posters in Hindi and English offering cash awards were pasted across the village.

The complaint of Mr. Gama Roy even drew parallels with the Nirbhaya case, in which the accused were given death sentence, and in shocking similarity had also raped the deceased victim with a metal object. The 'link' project makes an important point but with a limited reach. It is likely that the same people, who are raping women and children, have at some point also sexually abused animals - as was evident in the case of Ameerul Islam (who raped and murdered Jisha in Kerala in 2016).<sup>27</sup>



<sup>26</sup>Female dog brutalised in Goa, alleges Humane Society; July 31, 2018; <https://www.thehindu.com/news/national/other-states/female-dog-brutalised-in-go-a-alleges-humane-society/article24564647.ece>

<sup>27</sup>Police investigation revealed past history of animal sexual abuse.



We accept that people growing up in a culture of abuse, make animals an easy target of the same abuse they encounter.<sup>28</sup> Animals have been used as human-proxies for animal experimentation, entertainment, to carry goods, to work, to be eaten - for everything where we cannot morally use a human, the animal becomes a proxy. It is the physiological ability of the animal to mirror the human that is the basis of the utilitarian idea of animal use. Hence the use of animals as subjects of sexual assault should hardly surprise us.

Despite best efforts, the police case was closed a year later, as almost no leads were found. According to Gama Roy and Killick, the investigation was not motivated enough, and it only carried on as far as it did because of pressure from animal activists. In the end, the fate of an animal victim has no parity with a human victim, exposing the limitations of the 'link' argument.

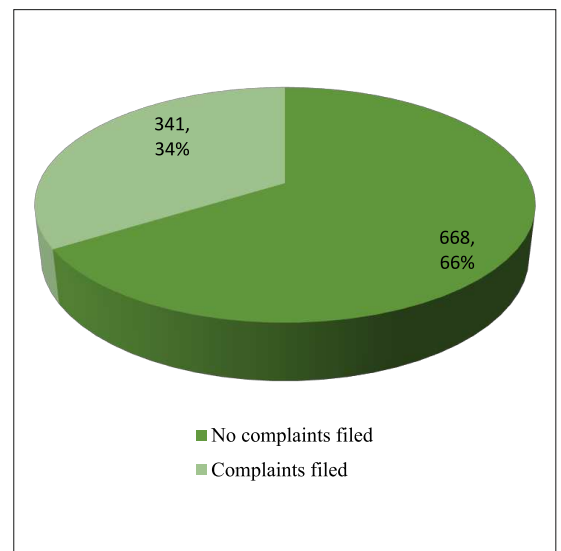
#### **F. Limitations of Section 428/429 IPC to prosecute crimes against animals.**

Many cases registered under section 428/429 IPC for street animals are filed as activist represent the street animal as often owned by them. This fails at the trial stage – especially when the animal is a free-living street animal - as the prior requirement of the value of the animal is impossible to determine. Free living street animals have no value, hence no protection.

In our investigation, from 1,009 cases of assault (including sexual abuse and murder cases), 668 (almost 66 per cent, two-thirds) had no police complaints filed, or at least no information on whether a complaint was filed was available. Of the 341 cases where complaints were filed, at least 126 cases had confirmed FIRs registered under provisions of IPC seeking a higher penalty. Of these 48 cases were filed under Section 377 of IPC to punish animals' sexual abuse, whereas 78 complaints were specifically made under Sections 428/429. Almost 95 per cent of these 78 cases where complaints were filed involved brutal and violent cases of murder, which made national headline, and there was tremendous animal activist pressure behind them.

The failure to meet the (impossible) requirement of determining the minimum value of the animal at Rs. 10 or Rs. 50 - in cases of violence against unowned, free living street animals – almost always leads to dismissal of the charges and the case altogether, on trial. Many animal activists, Dawn Williams from Blue Cross, Chennai; Alwyn Sebastian from CUPA, Bangalore; Claire Abrams from Animal Aid, Udaipur; and Meet Ashar from PETA, Mumbai, have shared their collective challenge in getting a prosecution through in a Section 428/429 IPC complaint.

These sections belong to Chapter XVII which covers offences against the human property including theft, dacoity and robbery. While the strategic importance of using these listed offences to punish a violent crime against animals cannot be denied, every time, in doing so we tacitly accept the monetised slavery of the animal.



Graph 1: Complaints filed / not filed in assault cases against animals

<sup>28</sup> William M. Fleming, Brian Jory, and David L. Burton "Characteristics of Juvenile Offenders Admitting to Sexual Activity with Nonhuman Animals"

### III. Companion Animal Abuse

“ How might we imagine friendship between human and non-human animals?...I certainly do not mean to suggest that friendship between human and animal is not possible, nor that these friendships do not occur. Clearly, it is possible for us to conceive of friendship in some way with animals, desire it and perhaps even live it every day. Yet there remains a difficulty in conceiving of friendship with animals when legalised violence and domination form the obvious backdrop for relationships. For it is no secret that non-human animal life is subject to extraordinary and intense forms of violence, which cohabit with our everyday and apparently peaceful civility... Finally, even where peaceable coexistence between humans and animals creates the possibility of friendship, such as with companion animals, this bond is placed in question by the modes of discipline, surveillance, containment and control that attend and are inherent to the practice of 'pet ownership' and 'domestication'.<sup>29</sup> – Dinesh Joseph Wadivel ”

When one thinks about a pet, the image of cute dogs and cats come to mind. However, that image is far from the lived experience of these animals. Through this chapter, we will explore the hidden world of cruelty that operates as a business to meet the demands for pets. While dogs and cats are most common, our data shows a wide range of species that are kept at home, including fish, wild animals, birds and reptiles.

A majority of our cases of cruelty and other violent crimes against companion animals are collated from animal protection organisations. We are very grateful to Bangalore based Compassion Unlimited Plus Action and PFA Wildlife Hospital for sharing their internal data with us. We have documented roughly 160 cases from CUPA's internal records of companion animals and 35 from PFA Wildlife Hospital of mostly wild animals and birds who are illegally kept as pets, mistreated, maimed, caged and often abandoned or if they are fortunate, rescued.

This chapter will begin by examining why people choose to keep pets at home, provide the legal framework in India and will then look at the exploitation of companion animals throughout their life cycle. This starts with the breeding industry, our first section, which looks at the abuse meted out to mate dogs that are used as breeding machines, tossed out when no longer of any use, as well as the effect on the puppies. The next stage of abuse occurs at pet shops and markets, where the animals are put up for sale. This section examines the treatment of animals, as they are crammed together without adequate food, water, hygiene or medical care. It also looks at online sale of animals. Puppies are sold for large amounts, with no inquiry into who is buying them or whether they have the ability to provide lifelong care for the animal, which results in ill treatment, neglect, and even abandonment, which is examined in our final section.

<sup>29</sup>Dinesh Joseph Wadivel (2009) The War Against Animals, Griffith Law Review, 18:2, 283-297, DOI: 10.1080/10383441.2009.10854642

## A. Companion Animals

The world is dominated and controlled by humans, and their needs. Animals are viewed through this lens - what matters most is what humans want from animals. So why do people choose to keep animals at home? Why do they have such vastly differing relationships with them? What need is fulfilled by animals kept as pets? Not all species are domesticated, so what animals are considered pets, and why?

This is a distinction that the animal rights perspective questions as well when it asks which animals are considered food and which are not? One could argue that when people consider it repulsive to eat particular animals, those animals could be referred to as companion animals. Maybe these particular animals form a bond with humans or develop a symbiotic relationship. Arluke and Sanders suggest that what it means to be a companion animal is “less a matter of biology than it is an issue of human culture and consciousness”.<sup>30</sup> This would explain why the standards for what is considered abhorrent differ across cultures and time.

Dogs are the most commonly kept pets. However, a dog kept as a pet serves a very different function to a dog used in dogfights. Clearly, the answer does not lie in the species alone; what also matters is what role the animal plays in the household. Making a dog fight is treating them like a working animal. On the other hand, a companion animal, as the name suggests, is considered more than just that. There is some sentimentality that comes attached. The Kerala High Court recently stated that right to life under Article 21 includes the liberty to rear an animal to make one's life more meaningful.<sup>31</sup> In that vein, some people love their pets and treat them like a family member.

For others, ownership of the animal is more of a status symbol; the animal is primarily ornamental. Milli Gandhi, an animal rescuer in Bangalore adds, “It's a romantic notion people have, that bringing a dog home is cool, it's fun”. An exotic breed, or even wildlife, would be considered more valuable because of its rarity. It carries the same logic as one would apply to luxury goods - the value lies in its exclusivity. The role of media cannot be ignored here. Demand for pugs skyrocketed after the Vodafone ad featured one.<sup>32</sup> Similarly, fans of Game of Thrones lined up to buy huskies.<sup>33</sup> This trend is not new. After the 1996 film 101 Dalmatians, people were quick to bring these dogs into their homes.<sup>34</sup> However, these animals are not for everyone - Dalmatians can be aggressive; Huskies are extremely energetic, needing a lot of exercise; pugs have many health issues. Once the initial charm wore off, people realised these animals needed special care and started abandoning them.<sup>35</sup>

<sup>30</sup> Arluke, A., & Sanders, C. (1996), *Regarding Animals*, Philadelphia: Temple University Press, p 6

<sup>31</sup> N. Prakash v. State of Kerala, WP©. TMP-28 of 2020

<sup>32</sup> PETA goes after Vodafone for use of pugs in ads; *The Economic Times*; April 4, 2018; <https://economictimes.indiatimes.com/industry/services/advertising/peta-goes-after-vodafone-for-use-of-pugs-in-ads/articleshow/63605072.cms>

<sup>33</sup> Game of Thrones fans urged to stop buying huskies as number of abandoned dogs soars; *The Telegraph*; August 15, 2017; <https://www.telegraph.co.uk/news/2017/08/15/game-thrones-fans-urged-stop-buying-huskies-number-abandoned/>

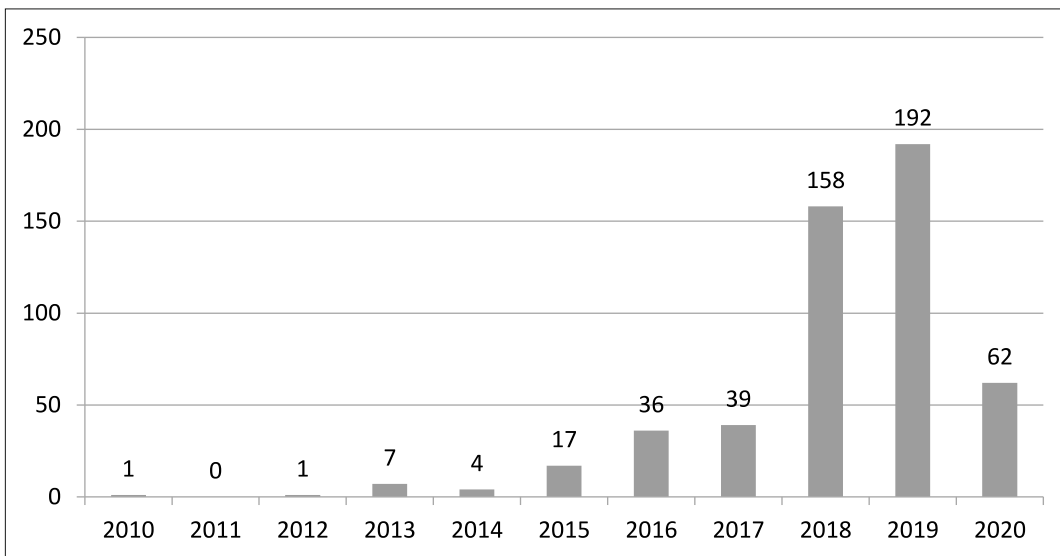
<sup>34</sup> After Movies, Unwanted Dalmatians; *The New York Times*; September 14, 1997; <https://www.nytimes.com/1997/09/14/us/after-movies-unwanted-dalmatians.html>

<sup>35</sup> People Are Buying Huskies Because Of 'Game of Thrones' - Then Dumping Them; *The Dodo*; August 7, 2017; <https://www.thedodo.com/close-to-home/game-of-thrones-huskies>



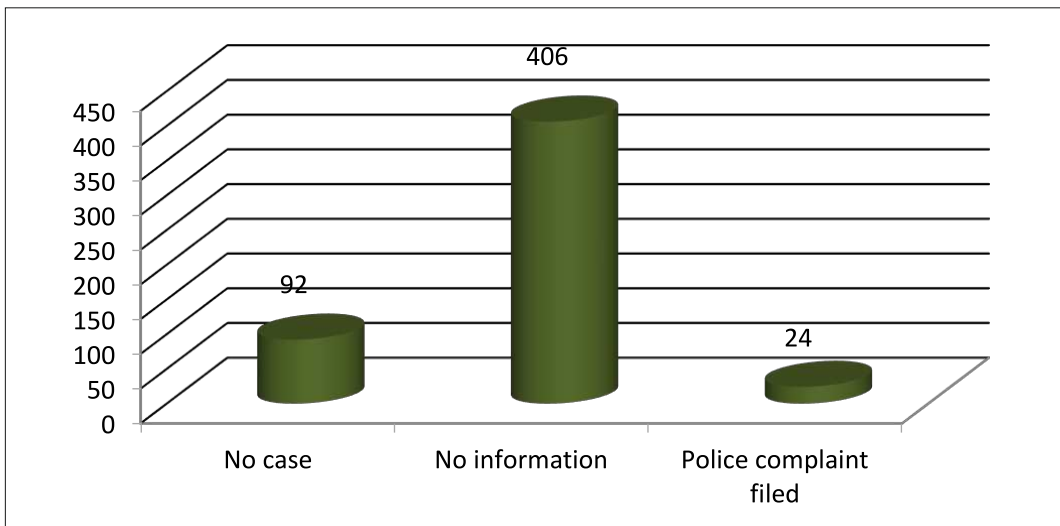
For others, animals serve some utility even if they are afforded a higher status than other animals. Dogs kept as guard dogs would fall within this category. Their owners will maintain a bond with them, but they are still expected to fulfil this purpose. This blurs the lines between companion and working animals.

Of the 522 cases in the companion animal category documented by us, 450 are cases of dogs, 11 of cats, around 40 cases of different kinds of birds like rose ringed parakeets, mynas, bulbuls and many other exotic birds.



Graph 1: Number of cases involving companion animals from 2010 to 2020

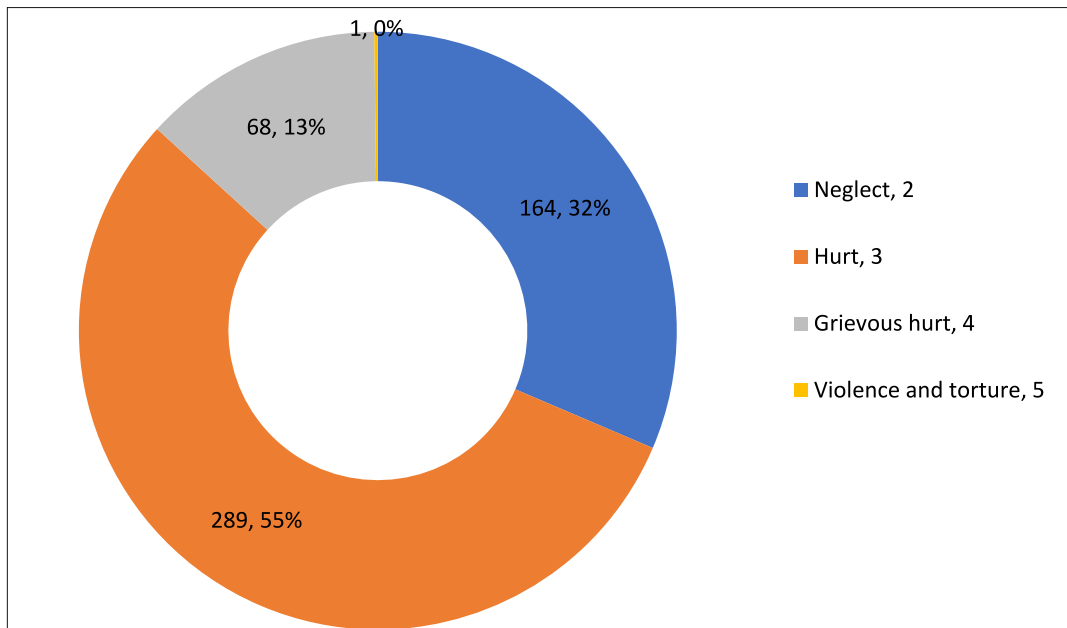
The above graph indicates that the maximum number of cases against companion animals was reported in 2019 – a total of 192 cases. The reporting and documentation has increased in recent years.



Graph 2: Companion animals case count by case category

When we analysed the data of 522 incidents, we found that there was no information regarding the action taken in 406 cases. In 92 incidents, no case was filed. While police complaints were only filed in a mere 24 cases – seven cases under PCA 1960 and one each under IPC and PCA 1960.

We tried to examine these cases against our Severity Index (as discussed in the **Methodology**) between the 2 (neglect), 3 (hurt) and 4 (grievous hurt). Fifty five per cent of the cases were of hurt, followed by 32 per cent neglect cases and 13 per cent of grievous hurt.



Graph 3: Severity Index of abuse against companion animals

We produce some examples here from the companion animal table to illustrate common experience of animals as pets and the scale of severity (severity index discussed on page 12).

**Severity Index 2** (164 cases, mostly involving poor upkeep and management of pet dogs)

- i. Pet dog fed only twice a week, never taken to vet, kept tied 24/7. Complaint filed and dog taken to vet, had major health issues requiring surgery. (PFA, Thrissur 2011)
- ii. Rocky, a dog, disabled by rickets, a negligent nutritional and vitamin deficiency, was locked indoors. (Animal Aid, Udaipur 2016)
- iii. Two dogs Romeo and Juliet, four and five years old, spent several months living on their owner's terrace. Their only shelter from the elements being the space under the water tank. Never taken downstairs, never taken for walks, ignored completely by humans, these two had only the terrace for their playground and each other for company. (Animals rescued and case reported by an animal activist on Facebook, Delhi 2017)
- iv. Dog kept chained all day. Owners brought dog after a robbery took place, but not interested in the dog. (CUPA, Bangalore 2018)
- v. Husky kept tied in unclean confined space, not maintained well, no walks. (CUPA, Bangalore 2019)
- vi. Fifteen day old pup kept tied. Rescued from road and brought home. Fed well, walked, lets puppy sleep in his bed at night. Animal Welfare Officer (AWO) explained PCA and basics of pet keeping, instructed to leave puppy open after a month. (CUPA, Bangalore 2019)
- vii. Cat abandoned by owners who were moving houses. They did not feed her the right diet, leading to malnutrition. (CUPA, Bangalore 2019)

- viii. Rottweiler not taken care of properly, kept in an unclean confined space, malnourished, lots of ticks but no vet visits. Confiscated by AWO. (CUPA, Bangalore 2019)
- ix. St. Bernard kept tied outside. AWO from CUPA visited owners, and counselled them on PCA and instructed that the dog had to be kept in a room with AC or a fan. (CUPA, Bangalore 2019)
- x. One year old female labrador dog Sparky ill-treated by owners and caretaker, was kept in a cage which was too small for her. (Social media post by an animal activist in Delhi, 2020)

**Severity Index 3** (289 cases mostly abandonment of sick, injured dogs, puppies and mutilation of wild birds to keep them captive)

- i. Blind dog abandoned on the streets at night. Rescued before almost falling to his death. (PFA Chennai, 2014)
- ii. Adult rose ringed parakeet engaged in feather picking (whole body) as a result of stress from being kept in confinement. (PFA Wildlife, Bangalore, 2015)
- iii. Black lab tied to a tree in summer heat, without food or water, with a deep, maggot-infested wound. (PFA Chennai, 2015)
- iv. Parakeet taken from the wild as a chick, kept in unsatisfactory conditions in a small cage, leading to feather loss and other husbandry related problems, rescued. (Help in Suffering, Jaipur, 2017)
- v. A 5 to 6 years old female labrador, who had been bred several times, abandoned by breeder. The animal had a plastered leg. (Pashupati Animal Welfare Society, Kolkata, 2017)
- vi. Over 65 animals kept in residential breeding facility, in cramped, unhygienic conditions, violation of all breeding rules. (PFA Bangalore, 2018)
- vii. Pregnant dog abandoned and left alone on the road by her family as they shifted to new place. (Animal Welfare Association, Panchkula, Haryana, 2019)
- viii. Pomeranian abandoned for having "illicit relations" with neighbour's dog. Left with a note attached to her collar. (Trivandrum, Kerala, 2019)<sup>36</sup>
- ix. Ex-show dog found abandoned with maggot wounds, fracture and other health issues. Rescued and treated by Blue Cross, Chennai, 2019.
- x. 5-6 year old Bully Kutta named Haseena rescued from her horrible home, along with her daughter, who unfortunately couldn't make it through. (Faridabad, Haryana 2020, reported by an animal activist on a social media post.)

**Severity Index 4** (68 cases mostly of breeder cruelty and violence against pet birds in captivity.)

- a. Three adult rose ringed parakeets kept in captivity for 16 years. (PFA Wildlife, Bangalore, 2015)
- b. Alexandrine parakeet adult kept as pet. No rectrices and primaries and secondaries of both wings. (PFA Wildlife, Bangalore, 2016)

<sup>36</sup> Pet dog abandoned in Kerala for having 'illicit relationship'; July 23, 2019; <https://www.timesnownews.com/the-buzz/article/pet-dog-abandoned-in-kerala-for-having-illicit-relationship/458011>

- c. Thirteen birds found crammed in two tiny, unclean cages at a temple. Food and excreta on the same surface, dirty drinking water. (PFA Bangalore, 2018)
- d. Adult rose ringed parakeet with all feathers of both wings clipped. (PFA Wildlife, Bangalore, 2018)
- e. Two persons, Nazim Ali and Shivi Shukla, booked for illegal dog breeding and selling in their home, his YouTube channel had videos of him offering to sell puppies. Several foreign breed dogs and pups found on his premises, case registered. (Greater Noida, UP, 2018)<sup>37</sup>
- f. Two men, Ranbir Singh and Gurmukh Singh, held on charges of animal cruelty under PCA, for carrying 26 puppies in car's boot, were involved in the business of selling puppies of foreign breeds, including Labradors, Rottweilers, pugs and German Shepherds to customers in Uttar Pradesh. One of the puppies was six months old, while most of them were one to two months old. The puppies were in a healthy condition, but were cramped for space inside the boot of the car, with no provision for food and water. (Gurugram, Haryana, 2018)<sup>38</sup>
- g. A man beats up his pet dogs every day. He keeps them tied with a chain and deprives them of proper food and water. (Reported by an animal activist from Guwahati, Assam on a Facebook/social media post, 2019)
- h. Various animals (cats, love birds, hens, rabbits) kept in cages underground in filthy conditions in a pet shop. Many cages not cleaned. (CUPA, Bangalore, 2019)
- i. Over 90 animals abandoned in pet shop, left for weeks after pet shop owner ran away after not paying rent. The animals had not been fed for weeks; their surroundings were filthy and many had died from neglect and starvation. Over 50 dead, the rest were malnourished and sick. (ResQ, Pune, 2019)
- j. Daphne was one of the six dogs that were rescued from an illegal boarding and backyard breeding ring. (Friendicoes, Delhi 2020)

## B. Legal Framework

There is no single all-encompassing legislation concerning the protection (or even definition) of companion animals. However, relevant provisions can be gathered across different Acts and Rules. As we discuss the different rules under the PCA 1960 that have been created to minimise cruelty linked to breeding, sale and upkeep of companion animals, we need to acknowledge that there is an inherent license to use the animals for economic gains. Hence it must be acknowledged that the rules under PCA 1960 and the enactment itself, with its limited cruelty and unnecessary suffering framework licenses at least some degree of exploitation of the animal, rather than eradicate it altogether.

<sup>37</sup> Two booked for illegal dog breeding at Greater Noida home; May 12, 2018; <https://timesofindia.indiatimes.com/city/noida/two-booked-for-illegal-dog-breeding-at-gr-noida-home/articleshow/64130314.cms>

<sup>38</sup> Two men held in Gurugram for carrying 26 puppies in car's boot; August 23, 2018; <https://www.hindustantimes.com/gurgaon/two-men-held-in-gurugram-for-carrying-26-puppies-in-car-s-boot/story-25sBgtGAPh3wJ3kFmMGWsM.html>

## **a) Dog Breeding and Marketing Rules, 2017**

These Rules lay down detailed requirements for breeders, such as mandatory registration, conditions of sale of dogs and puppies, including age requirements, sterilisation and micro chipping. There are specifications for housing, veterinary care, nutrition, exercise, socialising, and breeding practices. Notably, a female can only be bred between the ages of 18 months and eight years, with a maximum of five litters during that time, and restrictions on frequency of breeding. Artificial insemination and use of rape stands are not allowed. Tail docking, ear cropping, de-barking, de-clawing, branding, and other forms of mutilation are also prohibited. A draft version of these rules was published in 2010 and again in 2016, but the Ministry of Environment, Forest, and Climate Change (MoEFCC) only notified it in 2017 after a request from AWBI, and a recommendation from the Law Commission.

## **b) Pet Shop Rules, 2018**

The Rules clearly state that no shop can operate without registration. It prescribes requirements for accommodation, minimum space requirements, veterinary care, hygiene, nutrition and exercise. It prohibits the sale of underage animals as well as those with any form of mutilation (unless medically necessary). Shops are also required to maintain records of all animals and sales, with penalties prescribed for violations of any provision. MoEFCC notified these Rules in 2018, after requests and recommendations from the Law Commission and AWBI.

## **c) Wildlife Protection Act, 1972**

This Act was enacted to protect wild animals, birds and plants. Most notably, it categorised Indian wildlife into five schedules, with varying levels of protection, such as which species can be kept in private captivity. It includes a list of endangered species that cannot be hunted. It prescribes a punishment of imprisonment up to three years and/or a maximum fine of Rs. 25,000, making this the strictest law for animals.

## **d) Other relevant laws**

### **Tail docking and ear cropping**

In 2011, the AWBI issued an advisory to veterinary council, state animal welfare boards and kennel clubs, informing them that non-therapeutic tail docking and ear cropping amounts to mutilation, an act of cruelty under the PCA Act. In response, the Veterinary Council issued a notice directing all registered vets to stop these surgical procedures. However, in 2013 the Madras High Court quashed this notice. AWBI has challenged this order, which is pending. Despite being prohibited by the Dog Breeding and Marketing Rules, it continues as a common practice.<sup>39</sup>

### **Ban on importing foreign dogs**

In 2016, the Director General of Foreign Trade issued a notification banning the import of dogs for breeding or commercial purposes. They can only be brought into the country if

- (1) They are already a pet,
- (2) Brought for defence and police forces, or

<sup>39</sup>Now you can dock dogs' tail; The Times of India; April 14, 2013;  
<https://timesofindia.indiatimes.com/city/chandigarh/Now-you-can-dock-dogs-tail/articleshow/19537859.cms>



(3) R&D testing.<sup>40</sup>

It becomes evident that the main issue is not the existence of the law but its enforcement. Therein lies the constant struggle of rescuers and shelters across the country. This is particularly seen with the Breeding and Pet Shop Rules, which are rarely enforced. Further, as per the directions issued by the Supreme Court in 2008 in *Geeta Seshamani v. Union of India*,<sup>41</sup> all state governments are required to constitute a State Animal Welfare Board (SAWB). Despite this, most states in India do not have a functional SAWB. Even if the Boards have been constituted, they lack infrastructure, human resource and funds. Several petitions have been filed across the country seeking implementation of these rules. In addition, Gauri Maulekhi, Trustee at People for Animals, filed a PIL in the Supreme Court in January 2020, seeking directions for implementation of its earlier orders over the constitution and functioning of SAWBs. The Court once again issued a notice to the central and state governments.<sup>42</sup> It is yet to be seen how and to what extent this will be implemented. In the absence of SAWBs and District SPCAs, the regulation of breeding and markets is not possible.

### C. The Breeding Industry

The breeding industry is a highly profitable business, where animals are viewed as machines. Despite the laws governing this sector, enforcement remains a big problem. The demand for pedigree puppies has stabilised a supply chain consisting of backyard dog breeders, puppy mills, dog brokers and pet shops. Pedigree dogs are forcefully interbred in deplorable conditions to produce as many puppies as possible in their lifetime. This is also the most invisible form of violence against animals, since these incidents almost always occur behind closed doors, making it hard to regulate. This section will examine the effect of these practices.

#### 3.1 Treatment of Mate Dogs

##### a) Commodification of dogs

Dogs in this industry are used as puppy producing machines, not seen as sentient beings with needs and emotions. Viewed through this transactional lens, dogs are treated like inventory. This high demand of mate dogs, with no concern for their health or wellbeing, results in a miserable life. Their basic needs go unmet. Since puppies are essentially equated to products, the 'manufacturing process' naturally adopt the 'minimum input; maximum yield' analogy at the cost of their own health.

The use of rape racks or breeding racks is common, as it prevents the female dog from escaping. Milli Gandhi explains, "a female dog is fertile only in the middle of her cycle, for 3-4 days. On those days, breeders tie her up and force the male dog to impregnate her by actually joining them. This is the method used to create the progeny, which they sell."

<sup>40</sup> India bans import of dogs for breeding, Live Mint; April 27, 2016; <https://www.livemint.com/Politics/JM6zLUUYpdnm07PZGdZP7H/India-bans-import-of-dogs-for-breeding.html>

<sup>41</sup> [2008] 17 SCC 55

<sup>42</sup> Who's looking after the animals of India?; Mongabay; March 9, 2020; <https://india.mongabay.com/2020/03/whos-looking-after-the-animals-of-india/>

Breeders are rarely taken to court. However, in 2019, a Pune court ordered an illegal breeder to pay Rs. 50,000 for treatment of three dogs seized from him over allegations of ill treatment. The dogs had been kept confined and one had serious health issues.<sup>43</sup> Though the amount ordered for the treatment of the animals was low, it was a rare instance where a breeder had been brought to court and the welfare of the dogs given priority. Of the 71 documented cases of illegal breeding and abuse in our table, an FIR was filed in only 13 of them.

## **b) Types of breeders**

The breeding industry is a highly informal sector. Given the high demand, people know there is a lot of scope for earning money. Further, almost all breeders operate in secrecy. Apart from a phone number, they do not share any other information with the customer, and all transactions are undocumented. As a result, there is little data on the extent of abuse taking place inside these facilities.

### **i. Professional breeders and puppy mills**

In December 2017, a puppy mill was raided in Gurgaon and nine dogs of foreign pedigree were rescued. They had been kept tied, given no food or water for days together, and left to survive off garbage and their excreta. The dogs were all found to be severely anaemic, weak and stunted, with multiple infections. Their behaviour also suggested they were beaten in the past.<sup>44</sup> Owing to the secrecy and strategy of these professional operations, they mostly occur underground.

### **ii. Government breeding**

In 2015, a video expose of a government-run breeding unit in Chennai showed the deplorable living conditions of the dogs, who were deprived of water and only fed once a day. They were kept confined in unclean, bare kennels and given no exercise. Some dogs were suffering from severe skin diseases and malnourishment. Three puppies had died of bronchitis in the past year. The unit was understaffed, had poor record keeping, and was recommended to be shut down by the AWBI, but continued functioning.<sup>45</sup>

### **iii. Backyard breeders**

Priya Chetty-Rajagopal, Founder of CJ Memorial Trust, explains that there is another demographic of breeders that is rapidly coming up: young, technology savvy people who realise that their breed dog can make them earn a lot of money. With access to the internet, they can make quick sales. They act as traders, to convince neighbours to let them sell puppies online, instead of just giving them away. A labrador puppy can fetch between Rs. 8,000-10,000 and traders get a cut.

<sup>43</sup> Rs. 50,000 rap on breeder for ill treatment of dogs; The Times of India; February 2, 2019; <https://timesofindia.indiatimes.com/city/pune/rs-50k-rap-on-breeder-for-ill-treatment-of-dogs/articleshow/67800643.cms>

<sup>44</sup> Gurgaon: Nine dogs of foreign breed rescued from a bungalow at Sec 67; Hindustan Times; December 26, 2017; <https://www.hindustantimes.com/gurgaon/gurgaon-nine-dogs-of-foreign-breed-rescued-from-a-bungalow-at-sec-67/story-16eam43Z25kD0aNWbXVfXM.html>

<sup>45</sup> Incident posted by PETA India on Facebook; June 29, 2015; <https://www.facebook.com/watch/?v=10153459260641683> (last accessed on 14 June 2020)

Our data pertains mostly to these commercial home breeders. Pedigree dogs are kept in closed garages or roofs of houses in unhygienic conditions, with no fans, regular food or water. They are kept tied or caged in cramped conditions, with no exercise. For example, in May 2018, the Greater Noida police raided the house of a commercial home breeder. They found 10 pedigree dogs and puppies confined to the roof of the house in unhygienic conditions, without food or water. There were no provisions of a fan either, despite the heat.<sup>46</sup> Our table shows that many of these dogs also have illnesses like skin infections, maggot-infested wounds, ticks, malnourishment and developmental disorders that are left untreated.

### **3.2 Abandonment of mate dogs: physical and psychological impact**

Once costs start outweighing the benefits to the breeder, the dog becomes a liability. Old dogs are tossed out and replaced with new ones, who are subjected to the same abuse until no longer of any use, and the cycle continues. These 'breeder discards' reveal a lot about the long-term effects of a life inside a puppy mill.

In 2015, a golden labrador was found on the streets of Bangalore. She refused to move from that spot for two days, waiting for her breeder to return. He never did. She was completely blind, had a severe ear infection, was riddled with tumours, and weighed 21 kilos. She was rescued and named Helen.<sup>47</sup> She lived for another 11 months during which her foster family discovered many things about her that further revealed the extent of abuse she had experienced. She had been starved for so long that basic food was seen as a treat and eaten as quickly as possible. A sudden touch caused her to freeze in fear. A raised arm caused her to cower, readying herself for a beating, as she had undoubtedly experienced in the past. She suffered from nightmares and anxiety, needing reassurance. In the presence of an unneutered male dog, she automatically positioned herself for mating, despite not wanting to. These mannerisms revealed a lot about her life as a breeding dog.<sup>48</sup>

The fact that Helen waited two days for her owner/breeder to return speaks as to how they see breeders as a companion, the person who feeds them. The abuse and abandonment are a gross violation of their trust, and it is worth considering what that does to the dogs' psyche. Leaving these sick and injured dogs to fend for themselves is essentially condemning them to death. However, that is clearly not a concern.

This documentation highlights the prevalence of abandonment of dogs used for breeding. Each dog is found with severe health issues, which reinforces the abuse faced earlier in their lives, and as discussed in the previous section. These dogs are found starving and emaciated, with untreated wounds. Some are disabled, which makes survival on the streets all the more difficult. Some are even left tied on the roadside, which prevents them from being able to seek food or shelter or defend themselves against attacks from street dogs. The Severity Index of these incidents ranges from 3, where dogs are abandoned or not given adequate food and care, to 4, where dogs are abandoned in sick or injured conditions, which makes the act of abandonment worse. Out of a total of 71 documented cases of breeder abuse and illegal pet breeding and trade, 37 are at level 3 and 33 at level 4 on the severity index.

<sup>46</sup> Incident posted by independent rescuer Yashraj Bhardwaj on Facebook; May 15, 2018; [https://www.facebook.com/story.php?story\\_fbid=10157546126674498&id=614249497](https://www.facebook.com/story.php?story_fbid=10157546126674498&id=614249497) (last accessed on 14 June 2020)

<sup>47</sup> Incident posted by Duma's Animal Welfare Trust Bangalore; September 26, 2015; <https://www.facebook.com/DumasAnimalWelfareTrust/posts/1678220399088002> (last accessed on 14 June 2020)

<sup>48</sup> Incident posted by independent rescuer Bismia A. on Facebook; December 27, 2015; <https://www.facebook.com/bismia/posts/1245175408829285> (last accessed on 14 June 2020)

### 3.3 The Progeny

The widespread desire for pedigree puppies is the reason for the existence of this multi-crore breeding industry. However, they are viewed only as commodities. Without any knowledge in veterinary sciences, animal behaviour and nutrition, breeders keep them in unhygienic conditions and they often develop a plethora of infections and mutational disorders.

#### Inadequate care

The biggest crime against these puppies is the early separation from their mothers, which denies them essential nutrients for development. Despite a clear law that puppies under eight weeks cannot be sold, a labrador puppy was sold at just 22 days old in Chandigarh in 2019. Sher Singh was infected with canine parvovirus. He died a few days later, but spend his short life in immense pain, and put on drips twice a day.<sup>49</sup> A complete round of vaccinations is essential, as is the proper quarantining of sick dogs to stop the spread of the infection.<sup>50</sup> However, more often than not, vaccinations are neglected. When rarely administered, it is done without quality veterinary assistance. CUPA AWO Shanta Kumar states that breeders tend to administer vaccines themselves to avoid paying for transport and vet costs.

Further, there is an acute shortage of space, ventilation and light in these puppy mills. Dozens of puppies are dumped in small cages and covered with blankets in order to muffle their sounds and reduce public scrutiny. These cages are usually kept in basements, terraces and backyards. With poor sanitary conditions, these mills eventually become breeding grounds for harmful viruses and bacteria. These puppies become carriers of viruses and bacteria and begin to infect other puppies and in some cases even humans. Therefore from a municipal point of view, puppy mills pose an imminent public health threat.

#### Poor Breeding Practices

Irresponsible breeding practices arising from either ignorance or indifference have devastating consequences for the puppies. Nawaab, a three-month-old puppy was supposed to be a St Bernard. He had been bred with that intention. But at an age when he should have weighed 20 kgs, he weighed a measly 2.5 kgs. He was unable to use any of his limbs, was severely malnourished, dehydrated and had an undershot lower jaw which rendered him incapable of ever being able to eat on his own. He needed to be spoon-fed. He underwent extensive medical treatment but did not recover and had to be euthanised. Nawaab's deformities were a result of inbreeding.<sup>51</sup>

The desire for a particular breed of dog means that they need to fit a certain look and breeders ensure they meet that demand, regardless of the health implications for the dog. For example, pugs previously had snouts that helped them breathe and regulate body temperature. But irresponsible breeding has resulted in them having punched snouts and squashed heads, making them prone to overheating and epilepsy. However, this is the breed standard for pugs now, and breeders are happy to supply.

<sup>49</sup> Incident posted by Animal Welfare Association Panchkula on Facebook; July 22, 2019; <https://www.facebook.com/watch/?v=2068353726792901> (last accessed on 14 June 2020)

<sup>50</sup> What Every Owner Should Know About Parvo in Dogs; American Kennel Club; March 29, 2017; <https://www.akc.org/expert-advice/health/parvo-in-dogs/> (last accessed on 14 June 2020)

<sup>51</sup> Incident posted by independent rescuer Shraavan Krishnan on Facebook; July 14, 2017; <https://www.facebook.com/shraavan.krishnan.10/posts/10154397028617038> (last accessed on 14 June 2020)

The Kennel Club of India (KCI) plays a huge role in this as well. As a strong lobby of dog show breeders, they hold annual shows that require KCI registration certificates to participate in. Each breed is judged on the basis of standards set by KCI - restricted to certain physical traits such as shape of head, width of the chest, marking of colour on the body, etc. without checking for temperament or health issues. Chinthana Gopinath, an animal rights activist in Bangalore, opines that KCI standards have placed so much insistence on certain desirable physical traits in order to preserve blood lines that breeders resort to forced mating, artificial insemination and C-sections to attain these standards, so much that certain breeds like the British Bulldog cannot go through a natural childbirth anymore.

Therefore, in many ways, KCI has validated the breeder community by fooling customers into thinking that certificates issued by them validates the health condition of the puppies, which is far from the truth. Chinthana recounts an incident of a St. Bernard, named Vodka, who was bought along with a KCI registration certificate. Within six months, Vodka's hip dysplasia got so bad that she was in excruciating pain and needed an expensive surgery that her owner couldn't afford, and she was surrendered to CUPA. It needs to be questioned why an organisation with as much power and influence as KCI remains entirely unregulated.

### Mutilation

Puppies are subjected to mutilation for purely cosmetic reasons. Breeds like the Doberman are subjected to the painful procedure of tail docking, where their tails are cut off soon after birth, without anaesthesia. Similarly, some dogs undergo ear cropping, which is purely for aesthetic reasons. Here a large part of the ear is amputated under sedation, but the animal suffers a lot of pain for 5-8 weeks after the procedure.<sup>52</sup> These practices reaffirm the ornamental value of a pet.

### 3.4 Law Commission of India (LCI) Report

The Law Commission of India in its 261st report, "Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding" published on 28th August 2015<sup>53</sup>, vividly observed that India had a "multi-crore but essentially unregulated pet trade" growing at a rate of about 20 per cent per year, with the pet care market alone estimated to reach about Rs 800 crore in 2015. Without any regulations, pet shops suffered from various problems, such as "poor housing [for animals], terrible [animal] hygiene, cruel breeding practices, lack of veterinary care, cruel transport, high rates of morbidity, illness, disease, untrained workers, [and] rough handling". Further, the poor conditions in pet shops and a lack of basic veterinary care "also place pet shop employees and the general public at risk of contracting zoonotic diseases such as salmonellosis and psittacosis".

Besides the terrible conditions, pet shops trade in animals and birds that are protected under law, including under the Wildlife Protection Act and Convention on International Trade of Endangered Species. Some of the horror that goes on in this illicit and unregulated trade includes:

- i. Selling unweaned pups – taking the pups away from the mothers much before they can open their eyes and need their mother's milk to survive.
- ii. Puppies drugged to prevent them from crying.

<sup>52</sup> Docking Tails and Cropping ears of dogs, Beauty Without Cruelty-India, <http://bwc-india.org/Web/Awareness/LearnAbout/DockingTailsandCroppingEarsofDogs.html> (last accessed on 14 June 2020)

<sup>53</sup> <http://www.awbi.org/awbi-pdf/lawcommissionreport.pdf>



- iii. Large birds are stuffed into small cages.
- iv. De-beaking birds – cutting the beaks of birds with hot knives.
- v. De-clawing kittens – taking out the claws of cats with pliers so that they don't scratch the pet shop surface.
- vi. Docking of dogs tails - cutting tails without anaesthesia for cosmetic purposes.
- vii. Lack of basic veterinary care in such pet shops.
- viii. Star tortoises and other protected animals are sold openly and wild animals (including parakeets, munias and mynas) are caught and sold in complete violation of the Wildlife Protection Act, 1972.
- ix. It is estimated that for every bird sold in the market, two die en route. Fledglings are stolen from their nests and smuggled to market in cartons and tiny boxes, and some are even rolled up inside socks during transport to cities. Captive birds' wings are crudely clipped with scissors to prevent them from flying.
- x. Fish become stressed and sometimes die because of confinement, crowding, contaminated water and unnatural temperatures.

There should be immediate notification of the pending 2010 Draft Breeding and Pet Shop Rules to bring them under a regulatory framework and under the purview of the PCA.

### **3.5 CUPA's Report on Dog Breeders in Bangalore**

In 2014-15, CUPA conducted an undercover private investigation into the puppy mill situation in the city. The findings were published in a report titled "Report on Investigation of Dog Breeders and Puppy Mills in Bengaluru, Karnataka".<sup>54</sup> Through an investigation of 15 facilities, they concluded that every single facility was operating unlawfully, with dogs being bred indiscriminately in horrific circumstances. Inbreeding and crossbreeding resulted in severe health issues for the puppies, such as respiratory problems, hip dysplasia, heart diseases, deafness and rectal prolapse. These congenital diseases normally show up within 3-6 months, by which time they are already sold. Upon discovery of these diseases, the dogs are often abandoned. Puppies in these facilities are not given any food or water, and none of the dogs have access to medical care. Breeders don't have AWBI registration or a trade license, further demonstrating the illegality of operations.

The report further revealed that breeders have their own network, sometimes extending to other cities, enabling them to expand their 'inventory' of pedigree breeds. Puppies were sold for prices ranging from Rs. 5,000/- to lakhs, depending on the type of breed. It found that breeders are closely linked to pet shops, pet stores and certain veterinary practitioners, who receive commissions from successful referrals.

Sandhya Madappa, Trustee, CUPA, says, "We have filed many complaints against breeders in the past; but have heard from our informants that the very next day, they shift shop and disappear from the locality. There have been incidents when breeders supply police personnel with puppies in order to garner their support."

<sup>54</sup> Report on Investigation of Dog Breeders and Puppy Mills in Bengaluru, Karnataka, Compassion Unlimited Plus Action; August 2015; <https://cupabangalore.org/wp-content/uploads/2019/10/CUPA-report-on-Investigation-of-Dog-Breeders-and-Puppy-Mills-in-Bengaluru-Aug-2015-compressed.pdf>(last accessed on 14 June 2020)

## IV. Pet Trade

The next stage of the animal's life is when they are offered up for sale. Every large city has an illegal pet market that has been around for decades. Rampant corruption and violence are commonly used to prevent any interference with the business.

Animals are offered for sale in pet shops and online platforms. Another phenomenon is the sale of exotic or protected species as pets. These can be exotic dog breeds that are not suited to Indian climate and even wildlife in many cases.

### A. Pet Shops and Markets

#### Risky transport

The transport of animals to these shops or markets is not without its own share of abuse. In August 2018, two men in Gurgaon were caught with 26 pedigree puppies in the boot of their car. The puppies were mostly one-two months old and were crammed into the boot with no food or water. They were being taken to a dealer.<sup>55</sup> Animals are also routinely transported by rail, stowed away like luggage. In 2019, several wire mesh crates filled with birds and rabbits were found at Nagpur Railway station headed to Mumbai. They were rescued on the way.<sup>56</sup>

#### Deplorable Conditions of Pet Shops

Animals are routinely sold in roadside shops, where they are kept in deplorable conditions. For example, in June 2015, an animal lover saw one such outdoor shop in Ranchi, where animals were being kept in the summer heat with no shelter and inadequate food and water. Dogs, birds, rabbits, guinea pigs were confined in filthy metal cages stacked one upon the other.<sup>57</sup>

Pet shop owners are entirely uninterested in providing the care that animals need. It is clear that they are considered inventory, without any understanding of their welfare. This was on display in a Bangalore pet shop where the owner had fallen ill and left the animals for several days without any food. The animals inside were found starving and completely neglected. Activists had, on a previous occasion, found cats and birds confined in cages for four-five days at a stretch without being fed.<sup>58</sup>

<sup>55</sup>Two men held in Gurugram for carrying 26 puppies in car's boot; Hindustan Times; August 23, 2018; <https://www.hindustantimes.com/gurgaon/two-men-held-in-gurugram-for-carrying-26-puppies-in-car-s-boot/story-25sBgtGAPh3wJ3kFmMGWsM.html>

<sup>56</sup> Incident posted by Voice of Voiceless Hyderabad; April 22, 2019; <https://www.facebook.com/watch/?v=369872633640340> (last accessed on 14 June 2020)

<sup>57</sup> Incident posted on Indian Animal Forum Facebook group; June 13, 2015; <https://www.facebook.com/groups/indiaanimalforum/permalink/843255812423332> (last accessed on 14 June 2020)

<sup>58</sup>Pet shop owner booked for cruelty; Bangalore Times; December 20, 2019; <https://bangaloremirror.indiatimes.com/bangalore/crime/pet-shop-owner-booked-for-cruelty/articleshow/72893913.cms>

## Crawford Market, Mumbai

Animal activists have been fighting for the closure of pet sales at Crawford market for several years. This is one of the largest animal markets in the country, where exotic and wild animals are sold illegally. Between 1993 and 2013, 8,000 birds were rescued from traders in this market. It is estimated that for every parakeet sold, two die en route.<sup>59</sup> There have been reports of illegal sale of common house sparrows out in the open.

A complaint was filed with the Brihanmumbai Municipal Corporation over the sale and confinement of these birds in small cages. Several birds had plucked feathers and serious injuries to their eyes and head. A pair of sparrows in a cage was available for just Rs.40.<sup>60</sup> The low price, along with the sales occurring in the open, attract the uninformed buyer, who presumes it's completely legal. There have been reports of turtles and even a baby deer being sold in secrecy.

Meet Ashar from PETA, in an interview, mentions, “Anyone who has a heart and maybe that person is not an animal lover, but they will not be able to stand the sight of the animals in the Crawford market. The worst thing is the red-ear slider turtles. They are stacked on top of each other, no water nothing, they are just stacked on top of each other. So many in number because they are exotic turtles, so they are legally allowed to be sold. Once they come into India, there is no rule that bans the sale. There are large numbers of fishes that are just put into one small tank. People think that they are moving from one corner of the tank to another, they are making movements, but they are doing that under stress.”

## Russell Market, Bangalore

In 2011, The Voice of Stray Dogs investigated Russell Market, an old market known for selling fruit and flowers, as well as beef. The investigation revealed that this market was a front end of the puppy mill industry in the city. Hundreds of dogs were up for sale here, crammed into cages that were stacked one upon the other. They all had deformities and health issues. These shops also housed cats in cages and all of them suffered from eye infections. Ducks, geese and other large birds were kept in cages. The investigators were warned that it was too dangerous to try to fight this market.<sup>61</sup> It's the same story in other large markets as well.

## Shivajinagar Market, Bangalore

This is a 60–70-year-old pet market comprising of a very powerful community with strong political connections. Suparna explains that the strong network has been impervious to attempts of regulation. Police do not want to get involved and even SAWB members haven't been able to make any changes here. CUPA AWO Mohan Achari explains his reluctance to visit the market stating, “Nobody can stop the market. When animal lovers visited, they were attacked after 100 people crowded them. There cannot be any protection in such a situation.”

<sup>59</sup> Stop Illegal Animal Trade at Crawford Market; The Times of India; April 22, 2013; <https://timesofindia.indiatimes.com/city/mumbai/Stop-illegal-animal-trade-at-crawford-market/articleshow/19679227.cms>

<sup>60</sup> Now, sparrows are on sale at Crawford Mkt; The Times of India; August 21, 2008; <https://timesofindia.indiatimes.com/city/mumbai/Now-sparrows-are-on-sale-at-Crawford-Mkt-/articleshow/3387734.cms?referral=PM>

<sup>61</sup> Bangalore's Russell 'Beef' Market sells dogs not just beef – it's a front end to Bangalore's puppy mills, with diseased inbred dogs dying in crammed cages, Voice of Stray Dogs Investigation (last accessed on 11 June 2020).



This market openly sells commonly kept pets like dogs, cats, guinea pigs, rabbits and fish, but beneath that facade is a darker market for exotic and illegal species. It is known that if you want any animal, you can get it there, as long as you know who to ask. Regardless of the species, the animals are not cared for at all. They are poorly housed, not vaccinated and are often diseased. These illnesses show up within a week of being sold, by which time it is usually too late. Suparna warns of the public health risk that this market poses, since diseases can be transmitted from animals housed here.

### **Progress during the lockdown**

In the case of *CUPA v. Bruhat Bengaluru Mahanagara Palike (B.B.M.P.) & Ors.*,<sup>62</sup> the state of Karnataka notified the formation of the Karnataka Animal Welfare Board, which was followed by the Board issuing show cause notices to 44 breeders and pet shops in Bangalore, ordering them to register their establishments under the rules, failing which the animals would be confiscated. The directions of the High Court of Karnataka helped a great deal during the 21-day national lockdown, when many pet shop owners in the city left their establishments closed without water, food or ventilation for the pets inside. The increase in complaints of cruelty prompted action by the Board in collaboration with animal welfare organisations. They started actively breaking open pet shops and handing over the pets to animal shelters. Despite this, there are already reports of new shops in the city, which again raises questions about enforcement. It remains to be seen whether the raid was a one-time event.

Aside from the dreadful treatment of animals in these shops and markets, there is no inquiry made into whether a buyer has the ability to provide lifelong care for the animal. There is no screening done, and the trade is entirely undocumented. This promotes impulse buying, without taking into account the fact that animals have species/breed specific needs, as well as individual needs that need to be met. The seller's interest ceases as soon as the money is handed over. Priya notes, "This accelerated demand and accelerated supply exists because of each other. It's one of the few times where cruelty has been accelerated because of the internet."

### **B. Online sale of pets**

Owing to the age of the Internet, many breeders list their puppies on online platforms including Facebook and certain home-trade websites such as Quikr, OLX, Facebook Markets, JustDial, Instagram and IndiaMart.

#### **i. Bagheera: the incident that kick started a movement**

This tragic story kick started an entire movement. It was an incident that brought to light the ugly underbelly of pet sales in the country. He was a 21-day old labrador puppy listed for sale on Quikr and bought as a birthday gift for someone who had no idea of how to care for him. Bagheera suffered from canine distemper, an incredibly painful condition that is fatal in most instances. He was taken in by another woman who tried her best to care for him and then by a shelter. No one could save him, and the little puppy died soon after, his short life filled with pain.<sup>63</sup> His was one of 11,000+ listings on Quikr, which gave a glimpse into the scale of the problem.

<sup>62</sup> WP 4151/209

<sup>63</sup> Incident posted by independent activist Shravan Krishnan on Facebook; May 5, 2018; <https://www.facebook.com/shravan.krishnan.10/posts/10155220855087038> (last accessed on 14 June 2020)

This incident hit people hard. As Priya states, “Bagheera had died and we were devastated because he was just a symbol of the millions of deaths that happen like this, when people buy on a whim”. Public fury was harnessed and channelled towards campaigns like #NoMoreBagheera<sup>64</sup> and #BanOnlinePetSales.<sup>65</sup> Companies were called out for not adhering to the law. Volunteers came together to report every post that advertised the sale of animals and ensured those were taken down.

## ii. YouTube sales

Puppies continue to be offered for sale on YouTube, which activists have been fighting against to no avail. For instance, two people were booked for illegal pet breeding in Greater Noida in 2018, after the breeder's YouTube channel was discovered. He was offering puppies for sale online but did not have a license. A raid revealed several foreign pedigree dogs and pups on his property.<sup>66</sup>

## iii. Sale in the guise of adoption

This problem is far from over. Companies are yet to take proactive steps to stop online sale. Breeders have become smarter and are now listing their puppies in the 'adoption' column and making a monetary exchange directly with the customer, a practice that companies are turning a blind eye to. However, due to stricter wildlife protection laws, one cannot find wildlife being sold on these websites.

## C. Illegal Wildlife Trade

It is very common for people to keep wildlife or exotic species as pets. In order to cater to this demand, parakeets, monitor lizards and owls are commonly captured from the wild and made to breed in captivity. Take for example the Alexandrian parakeet, a common pet in Bangalore, but one that is non-native to South India. These birds are bred in captivity in Chennai, which is a hub for this kind of commercial breeding, according to Dr. M Karthik of PFA Wildlife Hospital, Bangalore. He notes that the breeding racket is one that takes place in great secrecy and a lot of planning, which makes it very difficult to discover. There is the rare instance where an operation is busted, but the cases that are usually brought to their attention are about an individual animal that was kept as a pet or in a shop. What makes it more difficult to clamp down on this trade is the lack of knowledge. Not only are people usually unaware of how many common pets are recognised as wildlife, even the police are often unaware of the law. As a result, these animals are regularly bought and sold in the open. These include Bonnet Macaque, Rhesus Macaque, Rose Ringed Parakeet, Alexandrine Parakeet, Plum Headed Parakeet, Common Myna, Three-Striped Palm Squirrel, Black Kite, Flap Shelled Turtle, Pond Terrapin, Star Tortoise, Owls, Civets and Peafowl. The effect of captivity of these animals is explored in the next section.

<sup>64</sup> YouTube, Instagram, Facebook & Quikr, don't break Indian laws on online pet sales; Online petition started by CJ Memorial Trust Bangalore; <https://www.change.org/p/facebook-youtube-instagram-facebook-follow-indian-laws-on-online-pet-sales> (last accessed on 14 June 2020)

<sup>65</sup> Ban online sale of pets! its cruel, evil and illegal; Online petition started by CJ Memorial Trust Bangalore; <https://www.change.org/p/goi-pranay-chulet-awbi-ban-online-sale-of-pets-its-cruel-evil-and-illegal> (last accessed on 14 June 2020)

<sup>66</sup> Two booked for illegal dog breeding at Greater Noida home; The Times of India; May 12, 2018; <https://timesofindia.indiatimes.com/city/noida/two-booked-for-illegal-dog-breeding-at-gr-noida-home/articleshow/64130314.cms>

## V. Animals at home

The most widespread form of companion cruelty comes at the next stage of the animal's lifecycle - when they are brought home. 'Home' in this context also includes petrol stations, restaurants and commercial spaces that keep pets for various purposes, such as guard dogs.

There is an initial excitement in having a pet. Owners often have little to no knowledge about what the animal needs and once the reality of the commitment sets in, they end up treating them like objects, leaving them in a corner of the house or tied. Often, they grow tired of the pet and abandon them too. Many may think they are treating their pets well, but ignorantly end up causing the animal to suffer instead.

Our severity index accounts for these varying intentions. When a person keeps their pet tied all day or doesn't provide adequate food, but makes changes when educated, it is considered severity level 2. When the actions are more serious, like keeping illegal pets, abandon mentor neglect that the owner refuses to address, it is level 3. The highest severity level of cruelty to animals at home is level 4, which includes incidents of beating the animal, severe neglect over a long period of time and abandoning an injured animal with no concern for their survival.

### A. Neglect and confinement

Given the ease of buying pets and the impulsivity that can accompany it, people are often woefully ill prepared to care for another being with needs and feelings. This can range from deliberate neglect to ignorance. Regardless, the animals suffer; it's just a question of degree. As put by Milli, "People who don't have time and the intent or commitment to look after a house pet for an average of 10 years, irrespective of what the situation might be, shouldn't be allowed to get an animal." When these animals enter a home, they are solely reliant on their owners for everything. This is a great responsibility and not one to be taken lightly. These cases highlight the need for better screening of potential buyers, a proper system to address cruelty and need for greater awareness about pets' needs.

CUPA's cruelty response records have been crucial to understanding the on-ground reality. AWOs respond to cruelty complaints by visiting the animals and assessing the situation. Often, owners are completely uninformed and once educated, make the required changes. Some prefer to shift the animal to a farm or a relative's house, realising they do not want to undertake the responsibility. Others agree to make changes, but don't get around to it, prompting follow up visits from the AWO. In certain instances, people get aggressive and refuse to listen. The different responses give a clear insight into how the animal is viewed in the home.

Even though there are many cases reported in this area, one needs to remember that far more go unreported because it cannot be seen. Swati Varma, an animal rescuer in Gandhinagar, summarised it as "what cruelty you don't see is somebody feeding the wrong food to the dog, somebody not taking their dogs out for a walk, it's the small things that you do."

Our data shows that the most common forms of neglect are leaving a dog without access to water, inadequate feeding, lack of walks and exercise, lack of vaccinations, lack of medical treatment for wounds and illnesses, no interaction with humans, unhygienic living conditions and lack of adequate shelter. Confinement for dogs occurs in the form of being tied all day or for most of the day, being tied under a hot sun, kept in a cage or a short leash, being left alone on a terrace or balcony, tied with heavy chains and kept confined in a small room. Sometimes dogs continue to be tied even when the rope causes neck wounds. There are a few instances of cats being kept caged as well. The long-term impact of confinement includes behavioural issues such as aggression as well as improper muscle development.

These instances show that there is an inherent presumption that it is okay to tether animals. Some people don't want the pet to have access to the whole house because of cleanliness issues, some assume that is how pets are to be kept and others just don't care about the effect this can have.

### **i. Tied up and forgotten**

Certain cases stand out, like an eight-year-old dog Boxer who was kept chained in a balcony for his entire life, not taken for a walk in nearly a year and was living in his own filth.<sup>67</sup> The owners were completely nonchalant to his daily torment for eight long years. Dogs brought home as guard dogs don't fare any better. A Great Dane, meant to serve as a guard dog for a warehouse, was kept tied her entire life, not walked or given adequate food, water or medical care.<sup>68</sup>

### **ii. Pedigree-bias and neglect**

At times, the neglect can arise from unrealised expectations, such as the dog that was kept starved, ignored and tied in a balcony because she didn't "look like a labrador" as she grew up.<sup>69</sup> This serves as a good example of the fall out of the breeding industry as well. People are so insistent on having a dog of a particular breed that they are willing to pay large amounts of money. At the same time, breeders looking for a quick buck pass off mixed breeds as pedigree pups and move on with their lives.

In another instance, two dogs were sold as Retrievers, but when their owner realised, they were not Retrievers he chained them outside next to an open sewer. The length of the chain was not adjusted as they grew, and they struggled to stand properly, developing permanent deformities in their hind legs. Three years later, they were severely malnourished and weak with maggots beginning to eat their feet. At this point, not wanting to have to deal with their dead bodies in the near future, their owner abandoned them at a shelter.<sup>70</sup>

<sup>67</sup> Incident posted by Welfare for Animals in Goa on Facebook; August 23, 2015; <https://www.facebook.com/wag.india/posts/461425544040506> (last accessed on 14 June 2020)

<sup>68</sup> Incident posted by Bhow Bhow N Meow Paradise on Facebook; 27 January 2020; <https://www.facebook.com/BestPetService/posts/3416137278416152> (last accessed on 14 June 2020)

<sup>69</sup> Incident posted by independent rescuer Himani Mod on Facebook; July 14, 2017; [https://www.facebook.com/himani.gsingh/posts/10214244967027113?\\_\\_xts\\_\\_\[0\]=68.ARCrYJWuR\\_fef8FcU5ilQVzPQIXE0bfilM2MRAexhXE3KF-Aon6UI7VWkw50Q4Hr7RG2sb-kVB\\_cddwRMBq6hL\\_wfNr6CloBdFxbuCpM0o09grJe1imltH2qekorN\\_U0FFs6vYY9PuRbSWhGIAJ\\_9n\\_VSwwcsQZPat](https://www.facebook.com/himani.gsingh/posts/10214244967027113?__xts__[0]=68.ARCrYJWuR_fef8FcU5ilQVzPQIXE0bfilM2MRAexhXE3KF-Aon6UI7VWkw50Q4Hr7RG2sb-kVB_cddwRMBq6hL_wfNr6CloBdFxbuCpM0o09grJe1imltH2qekorN_U0FFs6vYY9PuRbSWhGIAJ_9n_VSwwcsQZPat) (last accessed on 14 June 2020)

<sup>70</sup> Resident Dogs Database, Stray Assist

### iii. Home Alone

At times, people go out of town for days together, leaving their dog behind with no food or water. In February 2018, Pepper was left locked inside the compound of her house while her owner went out of town. She was left outside in the cold for four days with no shelter, water or blankets; only a dry bowl of pedigree that was left untouched.<sup>71</sup> Similarly, in May 2019, locals noticed a dog crying and trying to escape from a balcony in Ghaziabad. It was discovered that the owners had been away for the past week, leaving the dog alone with no food or water.<sup>72</sup>

### iv. Involvement of police

When owners have no desire to listen to anyone, with an oft-displayed attitude of “don't tell me what to do with my dog”, advice from concerned neighbours and even AWOs, fall on deaf ears. CUPA AWO Mohan Achari estimates that around 50 per cent of the people he visits are uncooperative. For instance, the case of a Rottweiler who was kept chained his entire life. Despite multiple visits, counselling and warnings from the welfare officer, the dog's situation did not improve. It was only when the police were involved that the owner gave a written undertaking to act on the AWO's advice.<sup>73</sup>

Sometimes even the police are of no help. A labrador was kept tied on a small leash with no food or water. The situation remained unchanged for at least two months. However, despite being approached with a written complaint, the police did not take any action or even enquire after the owner.<sup>74</sup> Welfare officers often face difficulty in getting police assistance. Mohan Achari states that there is often a need to rely on connections and appeal to higher authorities in order to get a case taken seriously. Fellow AWO Shanta Kumar concurs, “Out of 100 cases, they will file FIR in only one. They don't take action at all.” However, he notes that there has been some improvement over the years. Milli Gandhi also expresses a similar frustration with the legal process, noting that police rarely follow up on complaints.

### v. Effect of captivity: wildlife and exotic species

Wild and exotic species kept as pets particularly suffer as a result of neglect and confinement. For instance, captive macaques are often confined to a single room from a young age, which results in a hunch due to lack of exercise. Nutritional deficiencies from inadequate or inappropriate food have an effect on their body condition. There are also long-term effects on behaviour. Dr. Karthik recounts the story of Maruthi, a bonnet macaque kept in captivity for 13 years, during which he was given human food, coffee and even cigarettes. Prolonged captivity without interaction with others of his species caused an incompatibility with other macaques. Without this skill, he cannot join a troop in the wild and can never be released.

<sup>71</sup> Incident posted by independent rescuer Yashraj Bhardwaj on Facebook; February 13, 2018; [https://www.facebook.com/story.php?story\\_fbid=10157259864844498&id=614249497](https://www.facebook.com/story.php?story_fbid=10157259864844498&id=614249497) (last accessed on 14 June 2020)

<sup>72</sup> Help pours in for dog locked inside Ghaziabad house for past 7 days; Times of India; May 21, 2019; [https://timesofindia.indiatimes.com/city/ghaziabad/help-pours-in-for-dog-locked-inside-ghaziabad-house-for-past-7-days/articleshow/69426770.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://timesofindia.indiatimes.com/city/ghaziabad/help-pours-in-for-dog-locked-inside-ghaziabad-house-for-past-7-days/articleshow/69426770.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>73</sup> CUPA Bangalore internal cruelty cases records

<sup>74</sup> FIAPPO emergency cases records

Captive birds like black kites and parakeets are kept in cages, which result in damaged and soiled wings. There are several instances of malnourishment and inadequate medical attention due to lack of knowledge. Often, sellers and owners choose to clip their feathers to prevent them from flying away. This can have lifelong repercussions, especially if the primaries are clipped. Dr. Karthik explains that when the primary feathers are cut, there is little scope for complete development of the feathers and the birds will never be able to fly. If the primaries are intact and some smaller feathers are clipped, there is a greater chance that the primaries can protect the other feathers as they grow back.

Parakeets learn basic life skills from their parents, like what food to eat, where and how to find it, grooming, etc. Those kept as pets for several years tend to lose their instincts to groom themselves. Parakeets spend more than half their day grooming themselves - it is an integral behaviour for the species. However, once they lose this instinct, some are unable to learn it even after being introduced to other parakeets. They are known to often engage in feather picking behaviour out of stress from captivity. However, terrapins and turtles can thrive even after being kept captive, because reptiles don't need any parental care. They survive on instincts from day one. That makes their post-captivity rehabilitation process much easier.

With responsible pet parenting and love for them, it is possible to give some animals, like dogs, a fulfilling life. However, exotic and wild species suffer in captivity, no matter how good. The effect of an unnatural environment can be quite severe for the animal. This applies to foreign dogs like Huskies and St. Bernard who are not suited to Indian climate and need colder temperatures. Even if they are kept in air-conditioned rooms all year round, it still deprives them of a full life and is not in their best interest. There are many aspects of captivity that are completely normalised, like fish kept in small bowls, birds in cages, dog kept tied, etc., that need to be questioned.

## **B. Abandonment**

Our data shows that dogs are abandoned in various conditions: old, sick, injured, blind, deaf, paralysed, emaciated, weak and pregnant, to name a few. This reveals intolerance in caring for animals that are old, sick or disabled. There is a strong desire for the animal to be perfect and anything short of this is not good enough. This mentality reinforces the commodification of animals - disposable and replaceable.

### **a. Reasons for abandonment**

i. Sick and disabled: A St Bernard puppy was found wandering the streets of Jaipur after being abandoned. She had large, painful infected skin sores all over her body and was thin and weak. Her skin condition was diagnosed as demodectic mange, a life-threatening condition that she did not survive.<sup>75</sup> Disabled dogs are often thrown out on the streets. One night in May 2016, a completely blind dog was seen stumbling a few feet away from the edge of a bridge when she was rescued.<sup>76</sup>

<sup>75</sup> Incident posted by Help in Suffering - Jaipur on Facebook; August 6, 2018; [https://www.facebook.com/HIS.Jaipur/posts/2120468078025305?\\_\\_xts\\_\\_\[](https://www.facebook.com/HIS.Jaipur/posts/2120468078025305?__xts__[) (last accessed on 14 June 2020)

<sup>76</sup> Incident posted by People for Animals - Chennai on Facebook; May 2, 2016; <https://www.facebook.com/peopleforanimalschennai/photos/a.232046000257036/853223591472604> (last accessed on 14 June 2020)

ii. **Injured:** In 2016, a dog was found near a flyover with his mouth tied. He was suffering from spinal fractures, internal injuries and severe bleeding. The injuries were too severe and the vet decided to euthanise him. Upon investigation, it was revealed that this dog had been hit by a train and sustained serious injuries. His owner, a slum dweller living near the train tracks, tied his mouth and abandoned him on the road.<sup>77</sup> Apart from the brutal manner of abandonment, this case raises a crucial point about lack of affordable veterinary services. There is no guarantee that the owner in this case would not have abandoned the dog if he could get him treated, but free or subsidised medical care can save thousands of animals from suffering.

iii. **The 'illicit' affair:** In a highly unusual case, a family abandoned their three-year-old female Pomeranian in Trivandrum with a note tucked in her collar. The note read: "It is a nice breed. Well-behaved... she has many good qualities and takes minimum food only. She is healthy and free from all diseases. It only barks and in three years it did not bite anyone. Main food is milk, raw eggs and biscuits. Recently, it developed an illicit relation with a dog next door so I am abandoning it."<sup>78</sup> While this story may amuse many, it highlights many problematic values, such as anthropocentric notions of virtue, lack of understanding of canine behaviour and lack of care towards the animal. The owner clearly recognised her good nature and behaviour but chose to ignore that in favour of (antiquated) human notions of virginity, honour, and etiquette.

iv. **Moving homes:** There are many cases where dogs are simply left behind. For instance, a St. Bernard dog was left behind in the locked house after his owners shifted. He struggled there for nine days with no food or water before he was rescued.<sup>79</sup>

## b. Location of abandonment

Our data shows that the most common locations are the streets, main roads, hospital campus, outside shelters, boarding facilities, markets, parks, dump yards and locked inside a house. These can be divided into two categories:

- i. Where some thought has been put into the welfare of the animal, such as when they are abandoned outside a shelter where they can receive help, and
- ii. Where the owners do not care about what happens to the animal, as in the case below.

In an instance of unnerving indifference, a CCTV camera caught a car stopped by the side of the road. A woman opened the door to the backseat and a black dog jumped out. She dragged a white dog from inside the car, pushed the black dog back in, shoved the white one away when he tried to follow the other dog and drove away. The abandoned dog was missing his front limbs entirely and struggling to walk while balancing only on the hind limbs.<sup>80</sup> This video captured the cold-blooded indifference that accompanies the act of abandonment. Evidently the woman wanted pets, since she kept the healthy, able-bodied dog. She was just completely emotionally detached from the disabled dog and did not care what would happen to him on the streets.

<sup>77</sup> Incident posted by Pashupati Animal Welfare Society on Facebook; January 20, 2016; <https://www.facebook.com/1490798644550799/posts/1532262917071038/?d=n> (last accessed on 14 June 2020)

<sup>78</sup> Pet dog abandoned in Kerala for having 'illicit relationship'; Times Now News; July 23, 2019; <https://www.timesnownews.com/the-buzz/article/pet-dog-abandoned-in-kerala-for-having-illicit-relationship/458011>

<sup>79</sup> Incident posted by Welfare for Animals in Goa on Facebook; September 2, 2017; <https://www.facebook.com/wag.india/posts/790491004467290> (last accessed on 14 June 2020)

<sup>80</sup> Incident posted on PAL Thane - Pet Owners and Animal Lovers Foundation Facebook group; January 9, 2020; <https://www.facebook.com/groups/PALThane/permalink/2745136472202047/> (last accessed on 14 June 2020)

Often dogs are abandoned in the very home they consider safe. Abodh Aras from WSD, recounts a horrific case from 2019, from Kemp's Corner in Bombay:

“Somebody called and informed us that a lady has left for her village with her dog locked up in the house. By the time we received the complaint four-five days had passed. I went to Gamdevi police station and sought their help. I told them that neighbours have called and informed of the situation and I need your help. They of course said how can we break into somebody's house, that will need a court order. So I pleaded and said the dog might die. They finally agreed and dispatched a constable with me. As soon as we reached the door, we could hear a dog crying inside...With the permission of the police, we got a key maker to make a duplicate and opened the door. And as soon we went in, the dogs were in a very bad shape, but thanks to God we rescued them.”

“Soon after a second case happened in Vakola, Santacruz East. Similar to the earlier case, a woman had gone and left the dog inside. So again I went to the police station and got permission. This time I took a veterinarian with me in case the dog needed any urgent medical attention. What that woman had done was kept lots of food and the worst part was she had tied the dog up inside the house. The dog was inside the house for over 15 days. It had finished all the food and in its attempts to escape the leash, it had a severe gash which had become infested with maggots. The dogs piss and shit was all mixed up with the food, it was a miserable sight.”

### **c. Effect of abandonment**

#### **i. Starving on the streets**

One of the worst things a person can do to an animal is to abandon them. After years of having their basic needs met, it is extremely stressful for animals to find themselves homeless and forced to find a way to survive. They get attacked by street dogs, hit by vehicles, develop infections and starve. This situation is far worse for senior, disabled, sick or injured animals, who are far more vulnerable.

An indie dog was kept as a pet for many years, but when he grew old his owners bought a new dog and threw him outside the house. They stopped feeding him. As a senior dog, he was unable to fight the other dogs for food and remained outside his house, starving. His former owners saw him every day but continued to ignore him. When he was rescued, he was just skin and bones.<sup>81</sup> In a similar vein, Woolly was found abandoned on the streets in January 2016. He was unable to cope on the streets and deteriorated to the point where he developed several infections and just lay still on the side of the road.<sup>82</sup>

<sup>81</sup> Resident Dogs Database, Stray Assist, <https://www.assistinganimals.com/> (last accessed on 14 June 2020)

<sup>82</sup> Resident Dogs Database, Stray Assist, <https://www.assistinganimals.com/> (last accessed on 14 June 2020)



## ii. Psychological effects of abandonment

Dogs bond with their owners, no matter how cruel. To them, these humans are their family. Being uprooted from that life and left homeless can be extremely traumatising. While the general discourse on animal abuse focuses primarily on physical violence, we need to also consider the psychological impact of such actions, especially long-term trauma. In September 2016, a family moved out of their home in Bangalore, leaving behind their pregnant Pomeranian, Ruby. She was confined in the house for days before managing to escape and was found on the street. When she finally gave birth, it was a litter of stillbirths. Four years later, Ruby still suffers from the mental distress of the whole incident and struggles to trust humans.<sup>83</sup>

Going back to the question raised in the beginning, why do we keep pets at all? The data clearly shows that companion animals are abused at every stage of their life cycle. Even when cared for, many animals suffer in captivity. There are some who question the ethics of pet keeping in general. Dr Jessica Pierce argues that pet ownership is problematic since it takes away an animal's right of self-determination. Humans decide where they live, what they eat, how they should behave, how they look and even whether they get to keep their reproductive organs. We need to rework the role of animals in our home, to ensure a mutually beneficial relationship.

Priya Chetty-Rajagopal raises a fantastic point about the importance of reaching the right audience. She says, "I've got this 30-30-30-10 category, which is 30 per cent of people who hate animals and don't want to have anything to do with them. You have 30 per cent who are on the fence and 30 per cent who may be generally positive. We are just 10 per cent of the entire population: the ones who love them and will do anything for them. The problem is we've been trying to talk to ourselves for far too long. That top 30 per cent who hates dogs, please don't bother about them; they're not going to change. But the 30 per cent who are on the fence and 30 per cent who are positive, they don't know the laws, they don't know the rules, they don't know what cruelty is. Let's start talking to them. Let's start addressing this 60 per cent. Let's start including them in the conversation. That, if you ask me, is advocacy."

Our research documents 522 instances of companion animal abuse, which affected over 1,500 animals. When money is the driving force, everything else takes a backseat and animals suffer. These stories are a miniscule percentage of the abuse that companion animals face on a daily basis. We need to step back and question existing norms, because our current relationship with animals is causing immense suffering:

"By not objecting to what is happening to pet animals - the widespread abuse, the sexual exploitation... the disposable animal culture, the cruel breeding practices, the high mortality rates of animals being warehoused and sold as pets... the boredom and frustration felt by the animals who spend their entire life in solitary confinement - we are giving our tacit assent. By remaining silent, we agree to or choose to ignore the status quo."<sup>84</sup>

<sup>83</sup> CUPA Bangalore Large Animals Rescue and Rehabilitation Centre Internal Records

<sup>84</sup> Pierce, J., (2016), Run, Spot, Run: The Ethics of Keeping Pets, University of Chicago Press, p 217.

Some recommendations on companion animals that emerge from the discussion are:

**i. Enforcement:** India already has strong laws in place that can reduce this cruelty. However, there needs to be more focus on enforcement. The fact that activists have been fighting for SAWBs for over a decade, only to be let down at every turn, is unacceptable. SAWBs and district SPCAs are critical for addressing animal cruelty. At present, this burden falls solely on shelters and individual rescuers. With limited funds and support, there is only so much they can do. The state needs to step up and do its job. There is a pressing need for sensitisation amongst the police, to ensure cases investigated and pursued.

**ii. Awareness:** This can only happen with adequate and consistent public pressure on governmental bodies. In order to mobilise the public, we need to understand how to communicate effectively to them. Campaigns like #NoMore50 and #AdoptDontShop have been crucial in raising awareness.

**iii. Background checks:** To safeguard animals from domestic abuse, background checks are needed for all potential buyers as well as adopters. While shelters do undertake these on an individual level, it needs to be implemented uniformly. It is imperative to ensure that anyone bringing home an animal has the capacity to provide a safe and nurturing home for the animal, with all their needs being met for the rest of their life.

**iv. Voluntary surrendering programmes:** There is a need to minimise the cruelty of abandonment for the animal. As discussed above, the location of abandonment is critical in determining chances of survival and rescue. A system of voluntary surrender, where owners can give up their pets to shelters, with no questions asked, is in the best interest of the animal. Many shelters already do this, but we need to remove the stigma about surrendering, so people can safely give up their pet when necessary, without putting them in danger.

**v. Rehoming of pets:** Voluntary surrender of pets has to work in tandem with an active rehoming programme. Rehoming has to be done by educating prospective pet parents to seek abandoned animals and animal activists to thoroughly evaluate and assess future homes.

## VI. Working Captive Animals

“ Every day the langurwala brings an allegedly 'domesticated' pet langur on the water tank of a Delhi building either a housing society, a school, a hospital or a government office. The langur is tied on the water tank through the day – a captive superior wild species – used as a 'scarecrow' for the free, vermin-like, inferior rhesus-macaques.....”

**Abhinav Srihan, Fauna Police**<sup>85</sup>

With dogs being used by our hunter-gatherer ancestors, the history of working animals may predate agriculture.<sup>86</sup> Animals have been used as means of transportation (for both humans and goods), in agriculture, for religious purposes (sacrificial animals, animals held in captivity in temples), as sources of tourism and entertainment (joyrides, circuses, zoos, blood sports), for research (scientific, industrial, animals sent to space) and so on. All in all, human society has greatly depended on the labour of animals for our material and recreational needs. Yet, the notion of animals being co-workers in the history of labour seems incomprehensible to many. The 'animal question' rarely gets raised in contemporary legal or political conversations surrounding workers' rights and labour justice.<sup>87</sup>

Much to the contrary, animals are viewed in the labour equation as mere resources. This is consistent with the current legal framework that treats animals as property.<sup>88</sup> The law operates in a property/personhood binary. If persons have rights and property doesn't, then legal 'things' like animals remain mere chattel in the eyes of the law, subject to whatever use their legal 'owners' deem important.<sup>89</sup>

The notion of animals being 'property' not only falls foul of the contemporary scientific consensus which recognises animals as sentient and conscious but has disastrous consequences for how humans perceive their relations with animals. Once we accept this view of animals – as our resources – the rest is as predictable as it is regrettable. Why worry about their loneliness, their pain, their death? Since animals exist for us, to benefit us in one way or another, what harms them really doesn't matter.

This view enables us to subject animals to treatment that would otherwise never be meted out to humans, or would, at the very least, be subject to strict penal consequences. For instance, can we imagine torturing humans with whips, wooden and metal sticks, food deprivation and several other forms of cruelty – to enable them to perform tricks to entertain an audience? Perhaps not. Yet, every circus animal is made to undergo such suffering for human pleasure.

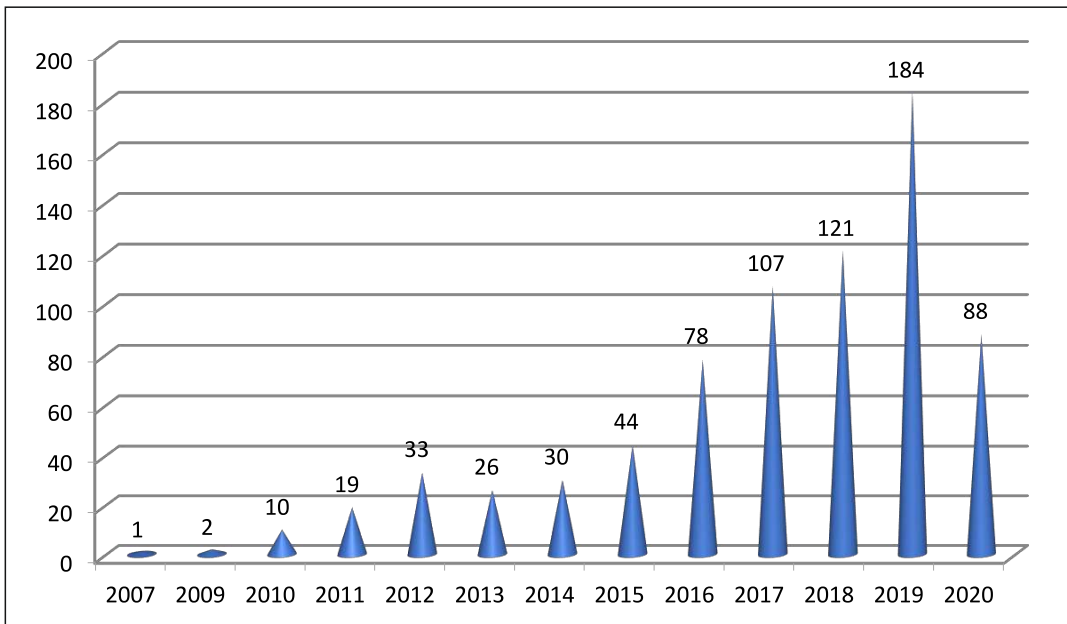
<sup>85</sup> Interview

<sup>86</sup> Wikipedia, Working animal, [https://en.wikipedia.org/wiki/Working\\_animal#Roles\\_and\\_specialisations](https://en.wikipedia.org/wiki/Working_animal#Roles_and_specialisations)

<sup>87</sup> Animal Labour: A New Frontier of Interspecies Justice?; Charlotte E. Blattner, Kendra Coulter, et.al. (eds.); Oxford University Press, 2019

<sup>88</sup> Under the Indian Penal Code (Act 45 of 1860), offences of killing or maiming animals are classified under Chapter XVII—which deals with 'offences against property'. See Sections 428, 429.

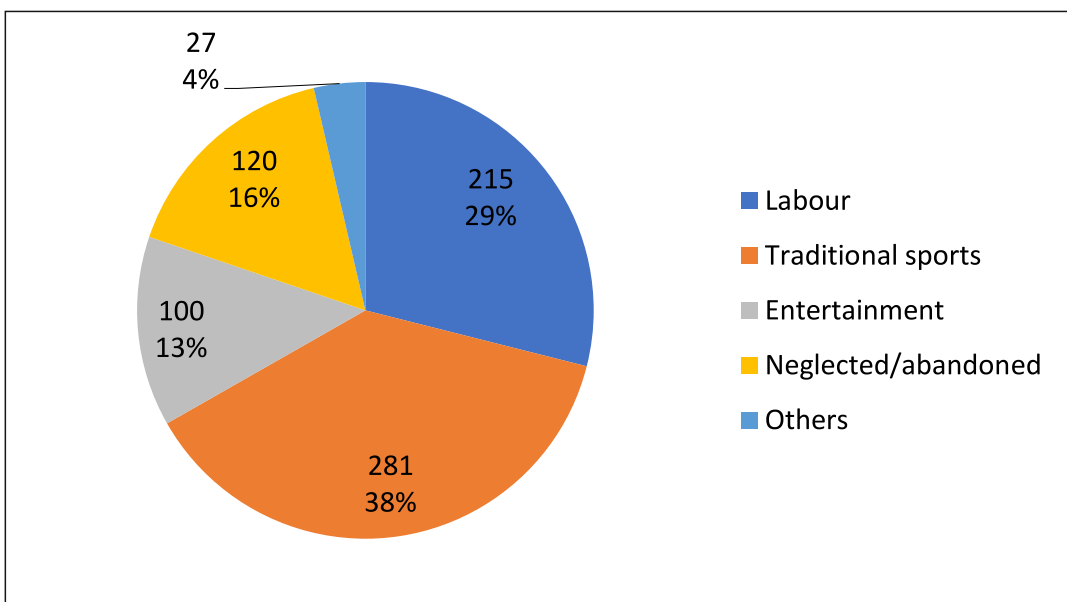
<sup>89</sup> Are Animals Things?; Cara Feinberg, Harvard Magazine, March-April 2016; <https://harvardmagazine.com/2016/03/are-animals-things>



Graph 1: The number of cases of cruelty against working animals from 2007 to 2020

The above graph presents the number of cases of cruelty against working animals from 2007 to 2020 as documented in this report. The reporting has increased over the last few years. See Appendix 1 for details of 100 cases of abuse and violence against working animals under 20 different practices reported during 2010-2020.

We have documented 743 cases of working animals that include 215 cases of animals used in labour, 281 in traditional sports, fights and races like Kambala, Jallikattu etc, 100 cases of animals used in entertainment and over 120 cases of neglected and abandoned working animals, after their usefulness has come to an end.



Graph 2: Working animals categorisation by their usage and those neglected or abandoned

This chapter will focus on the lives of working animals in captivity. An underlying presumption here is that all working animals lead lives of captivity. This is because they are often dislocated from their natural habitats or raised for purposes of commercial exploitation through selective breeding. Further, they lead lives of intense confinement and subordination, being deprived of liberty, companionship, the autonomy to engage in natural behaviour and so many cherished features that make their lives meaningful.

For the purpose of our discussion, when we speak of 'work', we are including a vast gamut of activities representing various occupations on the labour spectrum. This includes the use of animals in traditional labour (as load-bearing workers), for joyrides and in weddings. It will cover the use of animals in political rallies or protests, as well as animals employed with the military and police force. Further, insofar as begging is considered a form of human occupation, we will include animals used in begging within the ambit of working animals.

Secondly, we will examine the scope of animal labour in the entertainment sector. These include circuses, magic shows, dolphinariums and the use of animals in cinema, television and advertisements. These are the more familiar spaces of entertainment, which represent cruelty towards animal workers at a global scale. However, there are more indigenous forms of entertainment, which raise animal cruelty concerns specific to the Indian context. These include madaaris (street entertainers who coerce monkeys into performing), snake charmers and communities that abuse sloth bears, horses and camels for dance performances. Animals in the entertainment sector are coerced into performing activities contrary to their most basic instincts. Such coercion causes them life-long physical and mental trauma. (See the mini table on Assault for a review of some of the cases documented in Annexure III.)

The final category of analysis will revolve around abandoned working animals. After leading lives of back-breaking and arduous labour, most working animals are unceremoniously abandoned to die or alternatively sold to slaughterhouses. This section will explore the patterns of abandonment and the forms of post-abandonment cruelty these animals are subjected to.

Another category of working animals includes animals being used under the framework of customary or traditional activities and sports. However, the politics of Jallikattu (a bull-taming sport primarily practised in the state of Tamil Nadu), the Supreme Court judgment banning it, and the Tamil Nadu ordinance that created an exception to permit it again, has been documented and discussed amply in the past six years.

This issue is deeply linked with a wider practice of animal sports including races, fighting competitions and weightlifting events that we have documented as part of the table of over 700 cases. These customary practices and sports have emerged as breeding ground for conflict between cultural/religious rights of human groups and the constitutional mandate to secure welfare of non-human animals. Emerging legislative trends within this domain have favoured people's right to freedom of tradition, even if it comes at the cost of judicial precedents securing animal rights. In that context, there is a visible tussle between the legislative and judicial wing of the state.

## A. Animal Labour as Coerced Work

At the outset, we wish to challenge the assumption that animal labour is in any manner consensual or voluntary. In many cases, animals are forcefully captured from the wild and incorporated into our schemes of labour. This is true of elephants captured for joyrides and begging, birds used for racing and fighting events, monkeys held captive for begging, langurs enslaved to scare off monkeys, snakes locked into the control of snake charmers and so on. For most of these animals, their natural bonds with their family and surroundings are wrecked overnight and they find themselves in cruel human bondage. On the other hand, many animals have been moulded through selective breeding to serve human purposes and so they can only live in a state of unhealthy and exploitative dependence.<sup>90</sup>

In both these cases, there is no positive consent on part of the animals to be used as 'tools' or even 'personnel' within the overall labour framework. The absence of consent on part of the animals makes their labour 'coerced work' - the moral and legal equivalent of slavery.<sup>91</sup>

Not only do we forcefully include them in our labour ecosystem, but we resort to grueling techniques to break their spirit of resistance. Working equines in India's brick kilns are controlled through the use of sticks and whips.<sup>92</sup> In FIAPO's circus investigation, it was found that dogs were forced to perform by workers wielding wooden and metal sticks and bare hands; camels were hit with whips and long, thick wooden sticks; horses lashed with thick rope whips; birds prodded with metal sticks; and elephants hit, poked and dragged with pointed ankuses.<sup>93</sup> Animals used for joyrides, dance performances and traditional sports are similarly tortured in order to make them subservient to their controllers. They are often starved into submission.<sup>94</sup>

The lack of consent combined with the use of brutal procedures to prevent animals from escaping or protesting, should be sufficient evidence that animal labour is, in fact, involuntary and obtained through coercion. Such enslavement is not only physically injurious for animals, but also causes them tremendous amount of fear, anxiety, loneliness and grief.

## B. Legal Framework

Several statutes regulate human-animal interaction. These legislations have been passed with the purported aim of reducing the amount of suffering and pain caused to animals across the spectrum of animal work. However, as the subsequent discussion will highlight, these statutes are more honoured in the breach than in the observance.

<sup>90</sup> The Animal Rights Debate: Abolition or Regulation?; Gary Francione and Robert Garner; New York: Columbia University Press; 2010

<sup>91</sup> The Thirteenth Amendment to the US Constitution abolished slavery and involuntary servitude. Article 23 of the Indian Constitution prohibits forced labour.

<sup>92</sup> Brick by Brick, Environment, Human Labour & Animal Welfare, Report by Brooke, The Donkey Sanctuary and ILO; 2017

<sup>93</sup> End Circus Suffering – FIAPO; 2016

<sup>94</sup> After four decades of slavery, circus elephant 'Rhea' to walk free; Times of India; April 17, 2016; <https://timesofindia.indiatimes.com/city/agra/After-four-decades-of-slavery-circus-elephant-Rhea-to-walk-free/articleshow/51859046.cms>

### **a) Prevention of Cruelty to Animals Act, 1960 (PCA 1960)**

Section 11 of the PCA 1960 outlaws several kinds of conduct that cause unnecessary pain or suffering to animals, which we have discussed in detail in Chapter II, Unjust Laws. Despite these provisions, abuse is prevalent in most forms of animal work. Donkeys in brick kilns are hit and goaded to haul enormous loads of bricks in the unrelenting sun, without breaks for food, water, or rest. Many a times they even collapse from exhaustion and injuries.<sup>95</sup>

A majority of animals employed for joyrides and in weddings suffer from severe wounds that make it difficult for them to work. In Kerala, an elephant employed by a temple was a victim of incessant abuse and brutality. His health deteriorated over time and no measures were taken to treat his wounds or his illnesses. He eventually passed away – in a state of disease and suffering.<sup>96</sup>

### **b) Prevention of Cruelty to Drought and Pack Animals Rules, 1965**

These rules regulate the amount of weight to be carried by different animal species (Rule 3). It specifies the maximum number of passengers that may ride on an animal-drawn vehicle (Rule 5). It provides a maximum work limit of nine hours a day and prohibits the use of animal drawn vehicles between 12 – 3 pm in any area where the maximum temperature exceeds 37° Celsius (Rule 6).

As our research documents, the aforementioned provisions are blatantly flouted. Clearly, the enforcement of these provisions is sporadic to the point of being non-existent.

### **c) Performing Animals Rules, 1973**

Rule 3 provides that every application for registration, by a person desirous of exhibiting or training any performing animal, shall be in the form set out in the First Schedule. Further, every person to whom a certificate of registration is issued under these rules shall have his name entered in a register (Rule 6).

### **d) The Transport of Animals Rules, 1978**

Rule 98 provides that animals should be healthy and in a good condition while transporting them, and that they should be examined by a veterinary doctor for freedom from infectious diseases and their fitness to undertake the journey. Any animal that is diseased, fatigued or unfit for travel should not be transported. Furthermore, pregnant and very young animals should be transported separately.

### **e) Prevention of Cruelty to Animals (Transportation of Animals on Foot) Rules, 2001**

This statute provides that “[e]very animal to be transported on foot shall be healthy and in good condition for such transport” (Rule 4). Rule 11 says that no person shall use a whip or a stick in order to force the animal to walk or to hasten the pace of their walk. Rule 12 prescribes the maximum distance and time period for which an animal may be required to walk; it provides for mandatory rest intervals.

<sup>95</sup> Animal Rahat, Mechanization Projects; <https://www.animalrahat.com/our-work/mechanization-projects/>

<sup>96</sup> Facebook; <https://www.facebook.com/photo.php?fbid=1403093599873005&set=a.330154593833583&type=3&theater>

## f) The Performing Animals (Registration) Rules, 2001

This statute, inter alia, lays down the general conditions for registration of performing animals (Rule 8). Significantly every person employing ten or more performing animals is required to have a veterinarian as a regular employee for their care, treatment and transport [sub-clause (i)]. The owner must ensure that unnecessary pain or suffering is not inflicted on the animals before, during or after their training or exhibition [sub-clause (v)]. Depriving animals of food or water as a method of training is prohibited [sub-clause (vi)]. Crucially, the owner must not train animals to perform acts contrary to their basic natural instincts [sub-clause (vii)].

In *N.R. Nair v. Union of India*,<sup>97</sup> the Kerala High Court had to adjudicate on the validity of the 1991 notification issued by the Government of India banning the training and exhibition of five animals, viz. bears, monkeys, tigers, panthers and dogs. The court rejected the contention that banning the use of these animals for performances would infringe on the rights of circus owners to carry on their trade or business in terms of Article 19(1)(g) of the Constitution. The court's reasoning displayed an acknowledgment of foundational animal interests, "No person has any right, much less a fundamental right to carry on a trade or business which results in infliction of unnecessary pain or suffering [upon animals]..." Notably, the Court held that circus animals are forced to perform unnatural tricks, (that is, activities that run contrary to their basic instincts) and subject to an undignified way of life.

In November 2018, the central government issued draft rules called the Performing Animals (Registration) Amendment Rules, 2018, intending to ban all animals in circuses. As per the new rules, "No animals shall be used for any performances or exhibition at any circus or mobile entertainment facility." The final notification is still pending and exploitation of circus animals still rampant.

## C. Use as Traditional Labour

It is estimated that 1.1 million working horses, donkeys and mules serve to support people's livelihoods in India.<sup>98</sup> However, the lack of value ascribed to animal life and the meagre punishment prescribed for their abuse<sup>99</sup> create a set-up wherein animal labour is free to be exploited in an uncontrolled and unchecked manner. Most owners provide their animal workers minimum levels of welfare - the amount that is just sufficient to keep the animal productive enough for them to be continually exploited. When animals are unable to work well or suffer from severe injuries or old age, the employer would not invest in their health care or treatment. Rather the animal would be killed or abandoned to die, since it is often more economical to replace animals, than to take care of them.

<sup>97</sup> AIR 2000 Ker 340

<sup>98</sup> Supra note 8

<sup>99</sup> Section 11(1) of the PCA Act prescribes a maximum penalty of Rs.50, in the first instance, for offences as serious as starving, mutilating or killing any animal.



## a) Animals in weddings

Weddings are meant to be joyous occasions. They mark a momentous occasion in an individual's life, and it is evident that people wish to celebrate the event. However, what is not so evident is the forced inclusion of animals in this arrangement.

Origins: The use of a ghodi, or white horse, as transport for the groom to the wedding venue is believed to be a common part of Indian tradition. However, this practice has no religious backing. A speculated explanation is that the groom riding in on a horse suggests his intention to domesticate the wife and control her for the rest of their married life. That is why the horse rented is always a mare.<sup>100</sup> The practice, far from having customary value, is rooted in terribly patriarchal notions and must be rejected for that itself. Further, this tradition subjects wedding animals to unthinkable levels of cruelty.

Procuring wedding horses: Some are racehorses that have been kept in great comfort till they start losing races and then sold to smaller racecourses till they end up in the hands of the marriage horse suppliers. They go from good food and clean stalls to bad food and being tied up on the side of the road in a village, with no shelter tolerating the heat, rain and cold. The others are inbred because of their white colour and the females are repeatedly made to reproduce till they die of exhaustion, so that there are enough white horses in the market.<sup>101</sup>

Reaching the wedding venue: People in the business of letting horses for weddings own dozens and house them outside the city. When they are rented for marriages, they are made to walk more than 30-50 kilometers to the venue – a trek that starts early morning and lasts the whole day. By evening they reach the baraat venue and stand around for several hours till the groom and his party is ready to leave.<sup>102</sup>

In the baraat: The saddle on the horse is a heavy throne like chair and her forehead is decorated with all sorts of things that hang over and get into her eyes. The horse is walked for several kilometers in a slow and extremely noisy parade. Excited crowds, firecrackers and loud music bother these animals, who are extra-sensitive to high-frequency noises and can hear sounds that humans can't. Even though horses are often controlled by weapons, the auditory onslaught of weddings can be too much for them to bear and they often panic, which can lead to accidents.<sup>103</sup>

After the wedding: Horses are made to serve for several wedding functions on the same day. By 2 am, the functions and weddings of the day are over and the horse is walked back to her owner outside the city. Drunken late-night truckers often hit the horses on their homeward journey. While some collapse due to fatigue, some die on the spot or are left there to die if they have broken their legs.<sup>104</sup>

<sup>100</sup> Torture & Trauma Mark The Lives Of Wedding Horses; Shruti Pillai; ScoopWhoop; June 08, 2016; <https://www.scoopwhoop.com/wedding-horses-live-tortured-lives/>

<sup>101</sup> Hold your horses! Ever wondered how much a wedding horse has to suffer?; Maneka Gandhi; Firstpost; June 6, 2016; <https://www.firstpost.com/living/hold-your-horses-ever-wondered-how-much-a-wedding-horse-has-to-suffer-2818992.html>

<sup>102</sup> Ibid

<sup>103</sup> PETA India, Pledge Never to Use Horses at Weddings; <https://secure.petaindia.com/page/26246/data/1?locale=en-GB>

<sup>104</sup> Supra note 21

Living conditions: At night, they are often confined to filthy sheds full of biting flies that torment them. Their back legs are constantly tethered, sometimes limiting their mobility so much that they can't turn around or even lie down comfortably.

Most of these horses are partially blind and deaf, they're rendered so lame that they cannot walk anymore and end up dying of exhaustion. They are deprived of all forms of care and nutrition. In one such case, the owner of a wedding horse wouldn't feed the horse but would leave him to graze for himself. The horse would routinely eat from a dumpster.<sup>105</sup>

Use of spiked bits: Many handlers ram spiked bits – which is clearly prohibited by Rule 8 of Prevention of Cruelty to Draught and Pack Animals Rules, 1965 – into horses' mouths, causing lacerations, lesions, bleeding and pain, in order to control the animals. In June 2019, Delhi police and PETA India intervened in the cases of more than 50 horses, replacing the spiked bits with smooth ones. Besides causing bloody wounds, spiked bits also cause immense mental trauma and lifelong damage to the animals.<sup>106</sup>

Repugnant practices: In a wedding in Baghpat, Uttar Pradesh, a horse was forcefully intoxicated. When the horse lost consciousness, people physically climbed on the body of the collapsed horse and started dancing. The police stood as mute spectators while this abuse took place.<sup>107</sup>

Another practice involves forcing a horse to climb and dance on a charpoy, while the groom sits atop the horse.<sup>108</sup> In one case, while the horse was being coerced to dance on a charpoy (with the groom seated on the horse), another man climbed on the horse and stood on the horse's back with his shoes on. This man then callously started jumping and dancing, causing immense distress and pain to the horse.<sup>109</sup>

It is important to note that dancing or performing is not natural to horses. Rather, handlers commonly beat them into submission during training sessions prior to the events in order to force them to dance, perform or endure crowds and loud noises.<sup>110</sup> Being coerced into performing such activities, contrary to their natural instincts, is often a deeply traumatic process for the animals. In Gandhinagar, Gujarat, a horse named Bahadur lost one of his legs while being trained to climb on a charpoy and dance.<sup>111</sup>

<sup>105</sup> Social media;

<https://www.facebook.com/photo.php?fbid=10153663949343323&set=pcb.1013699122029318&type=3&size=539%2C960>

<sup>106</sup> PETA India, Following PETA India Complaint, Delhi Police Seize Spiked Bits Used to Control Horses in Weddings; June 25, 2019; <https://www.petaindia.com/blog/following-peta-india-complaint-delhi-police-seize-spiked-bits-used-to-control-horses-in-weddings/>

<sup>107</sup> Facebook; <https://www.facebook.com/groups/sgacc/permalink/1564140003651891/>

<sup>108</sup> Youtube; [https://www.youtube.com/watch?v=iLZDmLCF\\_DM&t=4s](https://www.youtube.com/watch?v=iLZDmLCF_DM&t=4s)

<sup>109</sup> Youtube; <https://www.youtube.com/watch?v=B4zQRoUtS-I>

<sup>110</sup> Supra note 26

<sup>111</sup> Facebook; [https://www.facebook.com/VermaSwati.SV/posts/10157928326726807?\\_\\_tn\\_\\_=-R](https://www.facebook.com/VermaSwati.SV/posts/10157928326726807?__tn__=-R)

## b) Load-bearing animals

Despite long hours of labour, they sometimes survive on only dry weeds and a little fodder, leaving them thin, exhausted and run down. Even when suffering from serious illnesses and injuries, they rarely get to see a veterinarian. Instead, harmful traditional medicines are used to treat them.<sup>112</sup> In fact, many a time the owners use grease or chuna (limestone) powder to cover the wounds, so they are not visible to the public or police officials.<sup>113</sup>

**i. Tongas:** Tongas are two-wheeled carts, drawn by equines or bullocks, which are used to transport goods and passengers. In a letter written by the Commissioner in 2010, it was observed that draught animals such as horses and mules are regularly abused to drive tongas on the streets of Delhi. These mute animals are made to work in extremely harsh weather conditions and in a severely polluted environment. The quantity of load or number of passengers being taken violates the Prevention of Cruelty to Draught and Pack Animals Rules, 1965.<sup>114</sup>

There have been instances of accidents involving these tongas: causing injuries to commuters, pedestrians and the animals. The owners of these animals are not in a position to provide them a healthy, wholesome and balanced diet. There are no proper shelter facilities for these animals in their non-working hours. Stressful environments, heavy work and poor housing and feeding result in the premature deaths of these animals.<sup>115</sup>

Notably, the Municipal Corporation of Delhi (MCD) passed a resolution in 2010 banning the plying of tongas on the streets of Delhi. However, the 2010 decision of the MCD is hardly being enforced. PETA India conducted field surveys and found that a total of 155 tongas are routinely plying in North Delhi Municipal Corporation areas, 58 in East Delhi Municipal Corporation areas and 40 in South Delhi Municipal Corporation areas.<sup>116</sup>

Desperate owners force animals to work even when the air is polluted, they are sick, or they have been injured in traffic accidents. They use whips, painful nose ropes and spiked bits to force them to haul overloaded carts.<sup>117</sup> The working bulls are hardly fed and even at night, they are kept tied to their carts, preventing them from getting rest even in their non-working hours<sup>118</sup> (in violation of Rule 7 of the Draught and Pack Animals Rules which lays down that animals must be disengaged after work).

<sup>112</sup> Top Six Abuses of India's Working Animals; Animal Rahat; June 1, 2015; <https://www.animalrahat.com/latest-news/top-six-abuses-indias-working-animals/>

<sup>113</sup> Supra, note 79.

<sup>114</sup> [https://drive.google.com/file/d/1lXb9Vd9swlFU\\_9gnC2YAXUvglAVyuowB/view](https://drive.google.com/file/d/1lXb9Vd9swlFU_9gnC2YAXUvglAVyuowB/view)

<sup>115</sup> Ibid.

<sup>116</sup> PETA India; PETA India Files Petition in Delhi High Court Seeking Enforcement of Tonga Ban; Jan 17, 2020; <https://www.petaindia.com/blog/peta-india-files-petition-in-delhi-high-court-seeking-enforcement-of-tonga-ban/>

<sup>117</sup> PETA India; PETA India Calls For Ban on All Animal-Drawn Carts Because of Pollution Crisis; Nov. 6, 2019; <https://www.petaindia.com/blog/peta-india-calls-for-ban-on-all-animal-drawn-carts-because-of-pollution-crisis/>

<sup>118</sup> Youtube, <https://www.youtube.com/watch?v=M6c4SEpDgmk&t=225s>

In the case of Rama (a pony), the owner had allowed the tonga to deteriorate into such a state of disrepair that it was off balance, unsteady and extremely hard for Rama to pull - to the point that his harness was cutting into his flesh.<sup>119</sup> Many of the tonga pulling animals are found with severe wounds on the body and yet made to labour to the point of exhaustion.<sup>120</sup>

**ii. Pilgrimages:** In the first nine months of 2019, over 62.71 lakh pilgrims visited the famous Vaishno Devi shrine atop the Trikuta hills in Jammu and Kashmir.<sup>121</sup> The shrine represents one of the most famous pilgrimage sites for Hindus. However, what should ideally be a spiritual experience immersed in peace and compassion is in fact undercut by the severe brutality meted out to animals incorporated in this ecosystem.

There are nearly 20,000 animals working at Vaishno Devi - many of whom are blind, lame, pregnant and suffering from diseases.<sup>122</sup> Horses and mules are forced to continuously give rides on the steep slope of around 24 km up-and-down, with an average weight of 90-100 kg on their back. Many of the animals have bleeding sores in the mouth from reign-pulling and on the backs because of the rough saddles. Many limp from foot injuries and damaged joints. To force them to continue, handlers hit them repeatedly often till their flesh tears; handlers even twist their tails to get them to keep moving even when their exhausted bodies are beginning to give way under the pain and stress. Incidents where tired horses have slipped, fallen and broken their forelegs have been reported.<sup>123</sup>

Shivam Rai, a conservation officer with Wildlife SOS, was shocked to see the extent of cruelty these animals were put through. In one instance, he spotted a horse limping and shivering, whose front right leg was broken. Even after trying for two and a half hours, Rai didn't receive any help from the shrine board. He claims there was not a single veterinary officer to look after the condition of those horses.<sup>124</sup>

**iii. Sugar Industry:** India's sugar industry routinely engages in animal abuse - where carts pulled by bullocks are used to transport sugarcane to milling factories. Not only are these animals forced to work long hours in the heat with few or no breaks to rest, they are denied water and food from early morning until long into the evening, and many suffer from injuries and yoke gall - painful swelling that results from the constant rubbing of an ill-fitting, heavy, wooden yoke. The carts that these animals pull are overloaded with massive piles of sugarcane and the drivers and their families usually ride on top too, adding to the difficulty in pulling the vehicle down rutted roads.<sup>125</sup>

<sup>119</sup> Animal Rahat, Countless Ponies and Bullocks Will be Spared Immeasurable Suffering; November 7, 2011; <https://www.animalrahat.com/latest-news/countless-ponies-and-bullocks-will-be-spared-immeasurable-suffering/>

<sup>120</sup> <https://drive.google.com/file/d/1vQ1lHtLNZ4VmVvPzMBi62GWrgG46YT0M/view>

<sup>121</sup> Over 62.71 Lakh Pilgrims Have Visited Vaishno Devi Shrine So Far this Year: Officials; News 18; October 8, 2019; <https://www.news18.com/news/india/over-62-71-lakh-pilgrims-have-visited-vaishno-devi-shrine-so-far-this-year-officials-2337893.html>

<sup>122</sup> Change.org petition by Friendicoes SECA; <https://www.change.org/p/smt-mehbooba-mufti-sayeed-please-stop-the-abuse-cruelty-to-horses-and-mules-at-vaishno-devi>

<sup>123</sup> Change.org petition by Preeti Singh; <https://www.change.org/p/feedback-maavaishnodevi-net-vaishno-devi-shrine-board-ban-use-of-mules-and>

<sup>124</sup> Facebook post about deplorable state of animals in Vaishno Devi creates huge outcry; official refutes claims; Indian Express; February 1, 2018; <https://indianexpress.com/article/trending/trending-in-india/facebook-post-about-deplorable-state-of-animals-in-vaishno-devi-creates-huge-outcry-official-refute-claims-5048143/>

<sup>125</sup> Supra note 14

In one such case, bullock carts were being used to transport sugarcane to Shri Chhatrapati Cooperative Sugar Factory in Pune, Maharashtra. The bullocks were grossly overloaded, being forced to pull up to 4,500 kg when they should be pulling no more than 1,800 kg. The police failed to act even though the carts passed right in front of the police station. After PETA India's repeated complaints, Judicial Magistrate First Class (Indapur Taluka) had to order the police to probe the allegations.<sup>126</sup>

**iv. Slate mines:** High up in the slate mines of Khanayara, in Himachal Pradesh, the air is thin and the track is steep and covered in small rocks and slate. This is a difficult environment for both people and animals to navigate and yet the animals seem to disproportionately bear the brunt. For one of the owners, his three mules and three horses have to walk eight kilometers for over three hours each day, collect slate and then walk back to the village where the slate is sold to local construction companies. Thin air and long walks cause the equines to develop respiratory problems and lameness from the rough terrain. Another main cause of illness and disease comes from the dirty stables - an unsafe environment that can cause accidents and lameness.<sup>127</sup>

**v. Brick Kilns:** Around 380,000 animals are estimated to be working in the kilns in India.<sup>128</sup>

**Sourcing animals:** The animals used in the brick kilns either remain all year long with their owners and are used for other income generation activities and/or domestic chores during the non-brick kiln seasons or they are bought from equine fairs especially for the brick kiln season. Animals travel nationally and regionally to be used in brick kilns. In India, more than 80 per cent of donkeys, horses and mules migrate to brick kilns within or outside a district.<sup>129</sup>

**Living conditions:** They often live in small and temporary shelters where numerous animals are crowded with little or no space to move, no ventilation, no windows and dirty conditions. This leads to a number of health conditions, including fly borne diseases and hoof problems.<sup>130</sup>

Animals have no access to clean water and are rarely given water during the day. They do not get opportunities to graze and are underfed for the work they do.<sup>131</sup> Poor diet, inadequate feeding time and intermittent access to water make them prone to colic and other intestinal problems.

**Overworking:** A Donkey Sanctuary India study on the link between animal welfare and socio-economic conditions of their owners showed a direct correlation between poverty and poor welfare.<sup>132</sup> The debt that the owners have accumulated, the pressure of delivering on daily quotas and their reliance on the animals to support their livelihoods result in them pushing the animals to work as much as possible with virtually no rest.<sup>133</sup>

<sup>126</sup> Probe cruelty to bullocks, cops told; Indian Express; May 17, 2010; <https://indianexpress.com/article/cities/pune/probe-cruelty-to-bullocks-cops-told/>

<sup>127</sup> Brooke; In The Slate Mines of India; <https://www.thebrooke.org/our-work/india/slate-mines-india>

<sup>128</sup> Brooke India and The Donkey Sanctuary India

<sup>129</sup> Brooke India; Review and Reflection, The Brooke India Direct Operations: 2009 – 2010; 2010

<sup>130</sup> Supra note 9

<sup>131</sup> R.K. Rao, T. Agrawal, et.al., Working equine feeding practices in Uttar Pradesh, India: with specific reference to horse and mule; 2010

<sup>132</sup> R.S. Kumar, R. Tomar, et.al.; Comparison of different working equine communities: Their animal welfare and socio-economic status in Gwalior; The Donkey Sanctuary India, 2010

<sup>133</sup> Supra note 9

**Reduced life expectancy:** Animals are exposed to the heat, dust and toxic emissions from the chimneys. Temperatures in the brick kilns can exceed 50 degrees, which combined with lack of access to water during working hours, can lead to heat stress.<sup>134</sup> Animal workers in these brick kilns lead lives filled with cruel beatings, spinal pain, fear towards humans, eye problems, poor condition of their hooves and so on. The life expectancy rarely exceeds 15 years for mules and horses and tends to be even shorter for donkeys.<sup>135</sup>

**vi. Abuse of vulnerable animals:** Section 11(1)(b) of the PCA 1960 clearly prohibits the employment of any animal who by reason of age or any disease, infirmity, wound, sore or other cause might be unfit to be so employed. Yet, in clear violation of this mandate, vulnerable animals have been hired to perform strenuous labour in several instances. In Chennai, two pregnant donkeys were being abused to carry heavy loads. When not being exploited for their labour, they were tied to a lamppost day and night — in the hot sun and pouring rain.<sup>136</sup> In Guwahati, a lactating female elephant was forced to haul a huge log, flouting Project Elephant guidelines. The video shows the mother elephant on the verge of buckling while trying to drag the log over the road with her calf waiting on the other side.<sup>137</sup> In Raxaul (Bihar), a malnourished and injured horse was coerced into back-breaking toil. Unable to carry the load of the cart she was pulling, her legs giving way, ribs showing, her body pierced with open wounds and sores, the horse-cart owner continued to whip her. She was also blind in one eye.<sup>138</sup>

### c) Joyrides

The use of the term 'joyrides' for animal-based rides is incongruous, since these rides represent anything but joy for the animals involved.

**i. Elephants:** The use of a sharp, hooked ankus and other weapons. Wounds and injuries that are left untreated. Constant chaining, including with spiked hobbles, on concrete floors. Severe foot problems. Psychotic behaviour. Even mutilation. Such are the abuses elephants used for joyrides face in India.<sup>139</sup>

**Sourcing Elephants:** When they are babies, elephants who will be used for rides are torn away from their mothers and families in the wild. They are illegally captured because they have a high sale value and their protective mothers are often killed as they try to save them.

**Training process:** 'Training' begins immediately after capture. The babies are tied down and beaten with bull-hooks and other instruments designed to inflict pain, until their spirits are broken and they are willing to obey their trainers in order to avoid being hurt. Researchers have found that elephants who are subjected to this "breaking" process (part of which includes confinement to a wooden pen called a "crush") often develop post-traumatic stress disorder.<sup>140</sup>

<sup>135</sup> Ibid

<sup>136</sup> Social media; <https://www.facebook.com/bluecrossofindia/posts/10157648759967170>

<sup>137</sup> Outrage over jumbo ordeal; The Telegraph; June 14, 2017; <https://www.telegraphindia.com/states/north-east/outrage-over-jumbo-ordeal/cid/1433765>

<sup>138</sup> Milaap fund raiser; <https://milaap.org/fundraisers/support-pfa-uttarakhand>

<sup>139</sup> PETA India; Pledge never to take elephant joyrides; <https://secure.petaindia.com/page/32760/data/1?locale=en-GB>

<sup>140</sup> PETA India; 8 Reasons Why You Should Never Ride an Elephant in India or Elsewhere; <https://www.peta.org/features/elephant-rides-india-amber-fort-jaipur/>

On December 4, 2017, a gruesome video appeared where an elephant was tied to a tree as three men took turns to beat her with canes. The elephant dropped to her knees before collapsing to the ground as the beating continued. The men allegedly beat the animal so hard they broke one of her hind legs. She was subjected to this cruelty to tame her for the tourism trade.<sup>141</sup>

Lack of registration certificates: As per the Performing Animals Registration Rules 2001, any firm offering joyrides to tourists using captive elephants should register with the Animal Welfare Board of India and produce the registration certificate.<sup>142</sup> However these rules are often flouted. In Idukki (Kerala), nine elephant safari firms — owning 43 captive elephants— did not possess any such registration certificates. They were, however, openly offering elephant joyrides, charging Rs. 400 per person for a 20-minute ride.<sup>143</sup>

Amer Fort, Rajasthan: The Amer Fort in Jaipur has nearly 103 elephants regularly carrying tourists up and down a deep slope at the fort built by the erstwhile Kachwaha Rajput rulers. The Animal Welfare Board of India has conducted multiple investigations in the past, disclosing the conditions under which these elephants are tortured. They suffer from the blows of ankus, which is prohibited, and from beating, kicking and insufficient diet and inadequate medical care.<sup>144</sup> Many of these elephants suffer from blindness and tuberculosis.<sup>145</sup> Their controllers even mutilate their ears and tusks to break the elephant's spirit. They are kept chained for long periods and are denied adequate space, the opportunity to engage in natural forms of behaviour, such as roaming freely and socialising.<sup>146</sup>

In June 2017, a group of American tourists visiting Jaipur witnessed two elephants trying to escape from their handlers while being made to give rides in extremely high temperatures. Subsequently, around eight men carrying sticks arrived and proceeded to hit one of the elephants for up to 10 minutes in order to force the animal to obey them.<sup>147</sup>

In July 2018, PETA filed a petition before the Rajasthan High Court seeking a ban on the elephant joyrides at Amer Fort and the 'Hathi Gaon' (Elephant Village) in Jaipur. The petition pointed out that these rides are illegal as none of the elephants are registered with the Animal Welfare Board of India.<sup>148</sup>

<sup>141</sup> Elephant 'has leg broken' as it is beaten for India's tourist trade; Independent; December 5, 2017; <https://www.independent.co.uk/news/world/asia/elephant-leg-broken-india-tourist-trade-rides-a8093231.html>

<sup>142</sup> No more elephant joyrides in Idukki; The New Indian Express; August 2, 2019; <https://www.newindianexpress.com/states/kerala/2019/aug/02/no-more-elephant-joyrides-in-idukki-2012756.html>

<sup>143</sup> Ibid

<sup>144</sup> Court puts cruelty against elephants at Amber Fort under scanner; The Hindu; June 2, 2018; <https://www.thehindu.com/news/national/other-states/court-puts-cruelty-against-elephants-at-amber-fort-under-scanner/article24061528.ece>

<sup>145</sup> PETA moves court seeking ban on elephant 'joy rides' at Jaipur's Amer Fort; Times of India; July 12, 2018; <https://timesofindia.indiatimes.com/home/environment/flora-fauna/peta-moves-court-seeking-ban-on-elephant-joy-rides-at-jaipurs-amer-fort/articleshow/64961043.cms>

<sup>146</sup> PETA India; Shocked Tourists Contact PETA After Witnessing Elephant Abuse in Jaipur; June 26, 2017; <https://www.petaindia.com/blog/shocked-tourists-contact-peta-witnessing-elephant-abuse-jaipur/>

<sup>147</sup> Ibid

<sup>148</sup> Supra note 66

**ii. Camels:** In their native deserts, camels are social animals who live in close-knit herds. These naturally free-roaming animals fare poorly when forced to carry heavy loads in arduous conditions with little food or care. Joyride operators often ignore the animals' most basic needs. Camels are housed with inadequate or no shelter at all and are not provided sufficient food. They are forced to carry riders all day long in the blazing sun with few breaks for rest and water. Many camels become emaciated, exhausted and ill.<sup>149</sup>

Timmie Kumar of Help In Suffering, Jaipur, in an interview, with reference to camels, tells us “They are used in the stone industry. They are overloaded with stones and are made to climb the bridges. Imagine drawing such a weight on a steep road. And the roads are made of tar and camels are used to walk on soft sand. For the cows, government has made gaushalas, but for the camel, there isn't anything like that. Because now people are using tractors and other machines for transportation, so the camel owners still have them, but don't know what to do with them. So when they grow older, they sell them and they go to slaughter houses for skin or they get exported. This gets smuggled out of our country, go to Bangladesh. They use them for Eid and other festivals, they go to Saudi Arabia. So we have been fighting. I remember how we had to fight to get it declared as the state animal.”

Camels are fitted with heavy and ill-fitting saddles which chafe and leave them with sores, which are typically concealed from tourists with decorations. In order for joyride operators to control them better, camels' noses are pierced without any anesthesia and rings are forced through the holes. This painful procedure leaves the animals bleeding and mutilated. Their distress, however, is ignored and they are offered no veterinary care. Left untreated, their sores grow progressively more painful and often develop into acute infections.<sup>150</sup>

**Taken to foreign climates:** According to a news report published in The Times of India, the demand for camels who are transported from Rajasthan to Pune for giving joyrides “goes up during festivals”. These animals are suddenly subject to a humid climate, which has a detrimental effect on their health. Camels who are taken to foreign climates are susceptible to respiratory disorders and skin diseases.

According to veterinarian Dr. Dhananjay Shinkar, who works with the sanctuary 'Animal Rahat', many camels used for joyrides suffer serious skin disorders and they typically do not survive for long. Further, camels' feet are biologically adapted to walk on sand, but they are forced to walk on concrete roads instead.<sup>151</sup> The camels transported to Juhu for joyrides on beaches are made to work in terrible conditions. The saline water makes their feet sore. They have numerous skin diseases and wounds. When they fall sick, they are tied up and left to drown in the sea.<sup>152</sup>

<sup>149</sup> PETA; Camel Joyrides: Cruel Entertainment; <http://action.petaindia.com/ea-action/action?ea.client.id=111&ea.campaign.id=2858>

<sup>150</sup> Ibid

<sup>151</sup> Supra note 70

<sup>152</sup> Youtube; <https://www.youtube.com/watch?v=NzFsUGlyzHQ>



**Chokhi Dhani:** Chokhi Dhani in Rajasthan is famous for school picnics and is visited by 500 to 800 children on an average per day - with only two camels catering to this crowd. While a camel's back can accommodate four people, the organisers overburden them with at least eight students. They are beaten up by their handlers and made to constantly carry people on their backs without a moment of respite, food or water. Their mouths froth as a result of exhaustion.<sup>153</sup>

**iii. Horses:** PETA India Director of Veterinary Affairs Dr. Manilal Valliyate points out that forcing horses to spend their entire lives on pavement – when they are meant to walk on grass – is inherently cruel. He explains that once horses lose function in a joint, as it quickly happens when they are made to walk on pavement or haul heavy loads, more stress is placed on the other joints, tendons and ligaments. As a result, the healthy parts of their legs are subjected to wear and tear, eventually leading to inflammation of all the joints, tendons and ligaments. He mentions that no veterinary medicine or surgery can cure this condition and it cannot be reversed.<sup>154</sup>

**Victoria Carriages:** Victoria carriages have often been called a symbolic part of Mumbai's landscape and have featured in several memorable films.<sup>155</sup> Nevertheless, the innate cruelty to animals remains invisible to most admirers of these carriages.

In seven reported cases, Victoria-carriage horses had been so abused that they collapsed of exhaustion.<sup>156</sup> In one such case in Thane, a joyride horse collapsed in the middle of the road and the carriage driver kept whipping him till he got up. The horse walked a few steps and collapsed again and the driver started whipping him to force him to get up.<sup>157</sup> In many cases, the horses are over-worked and overloaded. One such horse tugging a carriage loaded with nine passengers collapsed and died of exhaustion outside the Gateway of India.<sup>158</sup>

**Living Conditions:** The horses are housed in cramped stables, where they are consistently made to stand in their own dung for hours. A survey conducted by Animals and Birds Charitable Trust indicated that 87 per cent of the horses and ponies in three stables in Mumbai suffered from various ailments and abnormalities. Further, no horse or pony was registered under the Performing Animals (Registration) Rules, 2001.<sup>159</sup>

<sup>153</sup> FIAP0's letter to Director, India Tourism Jaipur; June 7, 2013; [https://drive.google.com/file/d/1v5rduBtSuB58T-\\_rYcegaZZ5Ucb6vXMc/view](https://drive.google.com/file/d/1v5rduBtSuB58T-_rYcegaZZ5Ucb6vXMc/view)

<sup>154</sup> Victorias to become history soon; Deccan Herald; June 28, 2015; <https://www.deccanherald.com/content/486200/victorias-become-history-soon.html>

<sup>155</sup> Ibid

<sup>156</sup> Victoria horse collapses near Gateway; Times of India; Jan 10, 2012; <https://timesofindia.indiatimes.com/city/mumbai/Victoria-horse-collapses-near-Gateway/articleshow/11430413.cms>

<sup>157</sup> Facebook; <https://www.facebook.com/meetashar02/posts/1813340805343076>

<sup>158</sup> Horse carriages face whip - Animal deaths provoke ban cry in Mumbai; The Telegraph; July 10, 2012; <https://www.telegraphindia.com/india/horse-carriages-face-whip-animal-deaths-provoke-ban-cry-in-mumbai/cid/400240>

<sup>159</sup> Animals and Birds Charitable Trust v. Municipal Corporation of Greater Mumbai; 2015 (4) BomCR1

**Bombay HC judgment:** In a landmark judgment delivered in June 2015, the Bombay High Court banned the plying of Victoria carriages, holding that the use of horse driven carriages in the city of Mumbai for joyrides was completely illegal. The Court ordered that all stables where these horses were kept must be closed down and directed the authorities to come up with a scheme to rehabilitate those involved in the trade.<sup>160</sup>

The HC in its judgment challenged the very purpose of subjecting animals to cruelty for joyrides, noting that “The activity of using horse driven carriages only for joyrides solely for human pleasure is an avoidable human activity.”<sup>161</sup> In doing so, the Court expanded the contours of ‘unnecessary pain or suffering’ within the meaning of the PCA Act — holding that human pleasure is not a ‘necessary’ enough criterion for animal suffering.

Despite the transformative potential of the Bombay HC’s judgment, its implementation remains suspect. In fact almost two years after the judgment, an exasperated division bench of the Bombay HC had to ask, “We still see these carriages plying at Marine Drive. Has the BMC done nothing to stop them from plying?”<sup>162</sup>

At least 10 reported cases of horses being used for illegal joyrides, in violation of the Court’s orders, have come to light. In November 2018, 17 horses were rescued by Mumbai police after being abused for illegal joyrides. They were suffering from malnourishment, wounds all over their bodies and inflamed tendons, ligaments and joints, among other health conditions.<sup>163</sup>

Alibaug beach: Another pernicious practice involves forcing horses to lug buggies filled with passengers deep into the sea. As late as January 2020, horses at the Alibaug beach were being forced to ferry tourists through waist-deep sea to and from the Kolaba fort.<sup>164</sup> When Newslines visited the spot, 30 to 40 horses carts—each with two horses—were found to be operating on the Alibaug beach stretch. The wobbly ride to the fort lasts about 15 minutes, during which horses are whipped periodically as they try to make their way through the seawater which, at one point, reaches dangerously close to nape of the horses’ neck. “When they are forced to walk through water, they are unable to see the depth and height of the ground. A misjudgment by the horse may result in fatal injuries,” said Dr. Manilal Valliyate.<sup>165</sup>

Such rides cause unnecessary pain and suffering to the animals and are in contravention of their basic natural instinct.

<sup>160</sup> Mumbai court bans horse-drawn Victoria carriages; BBC; June 9, 2015; <https://www.bbc.com/news/world-asia-india-33059920>

<sup>161</sup> Supra note 81

<sup>162</sup> Two years after ban, sight of Victoria horses irks Bombay high court; India Today; February 15, 2017; <https://www.indiatoday.in/india/west/story/two-years-after-ban-sight-of-victoria-horses-irks-bombay-high-court-960891-2017-02-15>

<sup>163</sup> PETA India; PETA India Awarded Custody of 17 Horses Used for Illegal Rides; November 23, 2018; <https://www.petaindia.com/blog/peta-india-awarded-custody-of-17-horses-used-for-illegal-rides/>

<sup>164</sup> Maharashtra: Horses made to run into sea to take tourists to Old Fort at Alibaug beach, activists up in arms; Times of India; January 2, 2020; [https://timesofindia.indiatimes.com/city/pune/horses-made-to-run-into-sea-to-take-tourists-to-old-fort-at-alibaug-beach-activists-raise-complaint/articleshow/73073075.cms?utm\\_source=Google\\_Newsstand&utm\\_campaign=RSS\\_Feed&utm\\_medium=Referral](https://timesofindia.indiatimes.com/city/pune/horses-made-to-run-into-sea-to-take-tourists-to-old-fort-at-alibaug-beach-activists-raise-complaint/articleshow/73073075.cms?utm_source=Google_Newsstand&utm_campaign=RSS_Feed&utm_medium=Referral)

<sup>165</sup> To Kolaba fort, a cruel ride; Indian Express; February 23, 2012; <https://indianexpress.com/article/cities/mumbai/to-kolaba-fort-a-cruel-ride/>



## d) Military/Police Animals

Military animals are trained animals that are used in warfare and other combat related activities. The Indian Army uses dogs for infantry patrol, tracking, explosive detection, guarding bases and casualty detection in times of disaster.<sup>166</sup> Camels are used by the Indian Army and Border Security Force for patrolling in the desert regions of Rajasthan.<sup>167</sup>

**i. Animal sacrifice:** The Indian army engages in several barbaric acts towards animals, including animal sacrifice by the Gorkha regiment. The majority of troops in the regiment hail from Nepal. They follow a traditional custom of sacrifice of animals – mainly male buffaloes (rango) and goats (khasi) during Dusshera.<sup>168</sup> Tradition dictates that the buffalo's head must be cut off cleanly with a single blow in order to secure the regiment good fortune for the coming year.<sup>169</sup>

In her letter to then Defence Minister Manohar Parrikar, Lok Sabha MP Maneka Gandhi wrote, “The government of Uttarakhand has banned animal sacrifice even for the Army, and the regiments stationed in Uttarakhand have stopped killing animals. Therefore, killing animals for sacrifice is not intrinsic to any culture or practice followed by a regiment. Hence it needs to be immediately stopped.”<sup>170</sup>

**ii. Air dropping live animals:** In another brutal practice, the Indian army air drops living animals for regiments posted in inaccessible areas to provide them fresh meat. Maneka Gandhi notes in her letter, “It may have had its use during that period when communication and roads were not available, but there is no reason why the animal should be subjected to such cruel practices in present times, especially when pre-packaged meat products are easily available.”<sup>171</sup>

**iii. Lethal spikes:** In December 2018, beds of six-inch long iron spikes were put up in an army cantonment in Guwahati to keep wild elephants at bay. Days after, these deadly spikes claimed the life of a male elephant who was found near a stream from the Amchang Wildlife Sanctuary on March 4, 2019. The post-mortem report noted “externally there are various punctured wounds on right fore and hind legs.” The report said the wild elephant died of septicaemia.<sup>172</sup>

<sup>166</sup> Retirement means death for Army's canine comrades; The Economic Times; July 11, 2018; [https://economictimes.indiatimes.com/news/defence/retirement-means-death-for-armys-canine-comrades/articleshow/47524529.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/news/defence/retirement-means-death-for-armys-canine-comrades/articleshow/47524529.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>167</sup> Wikipedia, Military animal, [https://en.wikipedia.org/wiki/Military\\_animal](https://en.wikipedia.org/wiki/Military_animal)

<sup>168</sup> Maneka Gandhi has a point: Indian Army's animal practices need a rethink; Scroll.in; April 10, 2015; <https://scroll.in/article/719238/maneka-gandhi-has-a-point-indian-armys-animal-practices-need-a-rethink>

<sup>169</sup> Maneka Gandhi opposes Army's animal sacrifice practices; Firstpost; April 6, 2015; <https://www.firstpost.com/india/maneka-gandhi-opposes-armys-animal-sacrifice-practices-2186505.html>

<sup>170</sup> Maneka Gandhi objects to 'animal' practices followed by Army; India TV News; April 6, 2015; <https://www.indiatvnews.com/news/india/maneka-gandhi-objects-animal-use-in-army-49397.html>

<sup>171</sup> Ibid

<sup>172</sup> Iron spikes put up by army to repel elephants allegedly kill pachyderm near cantonment in Guwahati; Hindustan Times; March 12, 2019; <https://www.hindustantimes.com/india-news/iron-spikes-used-to-repel-elephants-allegedly-kill-pachyderm-near-army-cantonment-in-guwahati/story-PlqduNhNcRJoQgRAdYSxFL.html>

“This Army base is bordering the wildlife sanctuary which is an elephant habitat and they do venture into it frequently searching for food,” said Kaushik Baruah, a conservationist who serves as the Honorary Wildlife Warden, Guwahati. These spikes have allegedly caused at least two elephant deaths, and left several injured. In her letter to then Army Chief Bipin Rawat, Maneka Gandhi strongly expressed her dismay, “Whoever in the Army has done this needs to be pulled up...The Army has no business of putting these lethal spikes in the middle of a forest.”<sup>173</sup>

**iv. Premature Euthanasia:** In response to an RTI query, the Indian Army replied, “Army horses and dogs are evaluated for their fitness with respect to the performance of duties. The animals which are considered unfit for one month active service are disposed of by humane euthanasia.” A retired official, on conditions of anonymity, said the Army puts to sleep dogs deemed unable to keep up with the rigour of their duty, even if they have a few years of life ahead.<sup>174</sup> In interviews with former army veterinarians, it was gathered that the Army also issues equines to serum institutes—this figure is in double digits.<sup>175</sup> Inspections by AWBI and PETA India have revealed the widespread abuse and neglect of thousands of equines in India who are being used as living equipment to produce antitoxins and antivenins by many serum institutes.<sup>176</sup>

In a written reply to a query in Lok Sabha, then Defence Minister Manohar Parrikar admitted that nearly 2,000 horses, dogs and mules have been ‘disposed of’ by the Army between 2015-2018.<sup>177</sup> However, in a landmark development, in January 2020, it was announced that animals used by paramilitary services would be retired with benefits, just like human members of their corps. The animals, including dogs, horses, camels, yaks and mules, would be retired to old age homes or rehabilitation centres. The most important part of the policy was that: “no euthanasia or auction would be conducted for worn-out cases.”<sup>178</sup>

<sup>173</sup> Maneka Gandhi tells Army to act against elephant deaths in Assam, remove ‘dreadful spikes’; The Print; March 16, 2019; <https://theprint.in/india/maneka-gandhi-tells-army-to-act-against-elephant-deaths-in-assam-remove-dreadful-spikes/206413/>

<sup>174</sup> Supra note 88

<sup>175</sup> [https://drive.google.com/file/d/1wFb\\_pwNl3jMqk6M1-65Rqt4-ojgWx365/view](https://drive.google.com/file/d/1wFb_pwNl3jMqk6M1-65Rqt4-ojgWx365/view)

<sup>176</sup> PETA India; Shocking: Horses Abused for Their Blood; November 23, 2016; <https://www.petaindia.com/blog/shocking-horses-abused-blood/>

<sup>177</sup> Nearly 2,000 animals ‘disposed of’ by Indian Army in three years; The Economic Times; July 11, 2018; [https://economictimes.indiatimes.com/news/defence/nearly-2000-animals-disposed-of-by-indian-army-in-three-years/articleshow/48297031.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/news/defence/nearly-2000-animals-disposed-of-by-indian-army-in-three-years/articleshow/48297031.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>178</sup> Animal welfare: Army joins the ranks; The Economic Times; January 10, 2020; <https://economictimes.indiatimes.com/blogs/onmyplate/animal-welfare-army-joins-the-ranks/>



## Shaktiman - the Police Horse

On 14 March 2016, BJP workers had held a protest march in Dehradun against the Harish Rawat led Congress government of Uttarakhand. Heavy police deployment was made as part of the security arrangements. Soldier horse, Shaktiman, was a part of the mounted police force deployed on the occasion.<sup>179</sup> The BJP protest march was on its way to the State Assembly, when it got intercepted by the police near Rispana bridge. BJP workers then tried to jump over the barricades, prompting security personnel, including the mounted police, to swing into action to control the protesters. This enraged BJP MLA Ganesh Joshi who began brutally hitting the 13-year-old police horse with a stick. Joshi assaulted Shaktiman so mercilessly that the horse's leg had to be amputated.<sup>180</sup>

In the weeks following his amputation, Shaktiman learnt to walk using an American prosthetic leg. He was regularly administered ice packs and given physiotherapy every day. Days after he was fitted with a prosthetic leg, Shaktiman even briefly wandered out of his makeshift enclosure amid cheers and claps from the team that looked after him. He lost 70 kg in the weeks after the incident.<sup>181</sup> Shaktiman died on 20 April 2016, after being sedated for a surgery. Senior Superintendent of Police Sadanand Date said, "Shaktiman died after it underwent a shock during preliminary anaesthesia. It was to undergo a bone reconstruction surgery."<sup>182</sup>

Animal rights activist Gauri Maulekhi said, "Shaktiman died the same day when it was attacked and its leg broken. Horses with such weight have very little chance to live on three legs. We were mentally prepared for this but political parties are playing blame games."<sup>183</sup>

Four days after his arrest, MLA Joshi was granted bail by the Dehradun district judge.<sup>184</sup> Next year, Joshi was re-elected as an MLA from the Mussoorie constituency.<sup>185</sup>

There are approximately 1,000 horses employed in the mounted police units of 16 states in the country.<sup>186</sup> Yet, Shaktiman's story stands out - not only as a mirror of the brutal treatment meted out to police animals, who are often at the frontline of crowd management and vulnerable to such assaults - but also as a reminder of the culture of violence towards animals that is so deeply ingrained in our society.

<sup>179</sup> I took on BJP MLA Ganesh Joshi over Shaktiman, claims Robert Vadra; India Today; August 28, 2016; <https://www.indiatoday.in/india/story/robert-vadra-ganesh-joshi-shaktiman-dehradun-337680-2016-08-28>

<sup>180</sup> Accused of thrashing police horse Shaktiman, BJP MLA Ganesh Joshi arrested; Firstpost; March 18, 2016; <https://www.firstpost.com/india/accused-of-thrashing-police-horse-shaktiman-bjp-mla-ganesh-joshi-arrested-2682766.html>

<sup>181</sup> Shaktiman dies, Rawat pays tribute; The Indian Express; July 12, 2016; <https://indianexpress.com/article/india/india-news-india/shaktiman-dead-harish-rawat-tribute-reactions-police-horse-2762495/>

<sup>182</sup> Police horse 'Shaktiman' dies; The Hindu; April 20, 2016; <https://www.thehindu.com/news/national/Police-horse-Shaktiman-dies/article14247725.ece>

<sup>183</sup> Shaktiman, police horse injured at BJP rally in Dehradun, dead; The Indian Express; July 12, 2016; <https://indianexpress.com/article/india/india-news-india/shaktiman-the-horse-dead-injured-at-bjp-rally-in-dehradun-2762414/>

<sup>184</sup> Shaktiman case: BJP MLA Ganesh Joshi granted bail; Hindustan Times; March 23, 2016; <https://www.hindustantimes.com/india/shaktiman-case-bjp-mla-ganesh-joshi-granted-bail/story-sKGAKIGuOLNkHw8XKRScuJ.html>

<sup>185</sup> Wikipedia; Ganesh Joshi; [https://en.wikipedia.org/wiki/Ganesh\\_Joshi](https://en.wikipedia.org/wiki/Ganesh_Joshi)

<sup>186</sup> Shaktiman is a rare horse, and there is more than one reason for it; Indian Express; March 17, 2016; <https://indianexpress.com/article/explained/shaktiman-is-a-rare-horse-and-there-is-more-than-one-reason-for-it/>

## e) Animal Races and Fights

Jallikatu is the practice of releasing a deeply distressed bull into a controlled area and prodding it. Human participants attempt to grab the hump on the bull's back with both arms and hang on to it while the bull attempts to escape. In 2014, the Supreme Court of India had banned the practice that is inherently cruel to animals in the celebrated judgement of Nagaraja v Animal Welfare Board of India.

After three years of defiance of the Supreme Court order and massive protests across Tamil Nadu, where the issue was about tradition and Tamil pride, in January 2017 the state government passed a law exempting Jallikattu from the PCA 1960. Since its legalisation in 2017, PETA reports 22 bulls and 57 humans died and 3,632 humans were injured, some grievously.<sup>187</sup>

In this report we have documented several practices where animals are used for entertainment in the guise of tradition, causing the animal great suffering leading to death. Some of the key practises are:

- i. Tonga races are frequent in Ajmer, Rajasthan. During the 62-km-long race between Ajmer and Sarwar, there have been several incidents where the horses have died. There is massive betting during the event. While the race has been banned, it continues underground.<sup>188</sup>
- ii. A traditional event called Gaider is celebrated annually in Bihar and Jharkhand on Bhai duj, where people tie the legs of piglet and throw it in front of bulls and buffaloes. The large animals are goaded, tugged at and made aggressive, so that they attack the pigs, who are killed eventually.<sup>189</sup>
- iii. Pigs are carried upside down on a rod and taken for slaughter during annual celebrations of onset of rains in Goa.<sup>190</sup>
- iv. Locals in Karnataka decorate cows with garlands and bells and then force them to walk over fire. They believe that this would ensure good fortune and protect them from harm.<sup>191</sup>
- v. People across India attend the annual fair celebrating goddess Mayakka Devi in Karnataka. Approximately 2,500 bullocks, ponies and horses are forced to run for two days, for distances between 100 and 250 kilometers, hauling carts packed with large families.<sup>192</sup>

<sup>187</sup> <https://www.india.com/viral/peta-india-documents-cruelty-to-jallikattu-bulls-in-tamil-nadu-urges-supreme-court-to-strike-down-the-sport-4062402/#:~:text=In%20its%20bid%20to%20seek,report%20in%20the%20Supreme%20Court&text=Nose%20ropes%20we%20roughly%20handled,to%20bleed%20in%20the%20nostrils>.

<sup>188</sup> People used to bet on tongas in Ajmer; The Times of India; August 24, 2017; <https://timesofindia.indiatimes.com/city/jaipur/people-used-to-bet-on-tongas-in-ajmer/articleshow/60198894.cms>

<sup>189</sup> Social Media Post by Hope and Animal Trust

<sup>190</sup> Sausage-loving Goa wakes up to pigling torture; Deccan Herald; July 3, 2019;

<https://www.deccanherald.com/national/west/sausage-loving-go-a-wakes-up-to-pigling-torture-744554.html>

<sup>191</sup> Cows made to walk through fire in Karnataka. Where are the gau rakshaks?; India Today; January 16, 2019;

<https://www.indiatoday.in/india/story/cows-made-to-walk-through-fire-in-karnataka-where-are-the-gau-rakshaks-1432290-2019-01-16>

<sup>192</sup> Chinchali Fair: Sponsor a Bus, Spare a Bull; Animal Rahat; February 12, 2014;

- vi. Though illegal, cock fights are held regularly in Pedapaka, 10 kms away from West Godavari district headquarters. Betting ranged up to Rs 3 lakh for each game that took place between the owners in the ground, whereas it crossed Rs 25 lakh in the galleries, involving the onlookers.<sup>193</sup>
- vii. The annual Rama Laxmana Jodukere Kambala, bullock cart race, is held at night and goes on till the morning of the next day. Recent reports confirm the races took place as recently as January 2020 on the outskirts of Mangaluru.<sup>194</sup>
- viii. A Rekla race (bull race) was organised in January 2020 as part of Velaan and Kaalnadai Thiruvizha, an event to celebrate agriculture and livestock in Tamil Nadu. The race was held in two categories - 200 meters for the younger bulls and 300 meters for the older bulls.<sup>195</sup>

#### **D. Superstition**

We have documented 60 cases where animals have been subjected to violence that involved maiming a part of their body, paralysing them and killing them in some misguided form of worship linked to deep superstitious belief systems. For example, during the visit to the upcoming shelter of Prayaas, in Surat, while interviewing Darshan Desai, a volunteer walked in after rescuing a monitor lizard from a drum with all her limbs chopped off, as an act of voodoo magic to wish ill on an enemy.

These include instances of ceremonial sacrifice, mutilation, torture, burying or burning them alive, use of black magic like voodoo and using body parts for rituals or medicine. According to Darshan the most common superstition-linked animal cruelty in Gujarat and Rajasthan is called 'tindli ka tel', where spiny tale lizards are broken while still alive, fried in oil and the oil is sold and consumed for its healing powers. All this is illegal, unethical and immoral, but it continues under the same license of tradition under which practices like Jallikattu and other animal races and fights take place.

The other commonly reported incident, which was also confirmed during interviews with Nadeem Saud of Wildlife Rescue, Delhi, and M Karthik of PFA, Wildlife, Bangalore, was the brutal murder of barn owls during Diwali. Nadeem told us that “barn owls are considered the vahana of Goddess Lakshmi. The belief is that if during Diwali puja you trap and ultimately kill a barn owl in the house, Goddess Lakshmi cannot escape and you are blessed with wealth.” The combination of unconditional, irrational belief with the deep instrumentality of animals, that they are always a means to an end, leads to the most unspeakable acts of violence. Some of the other incidents documented by us are given below:

<sup>193</sup> Inside a cockfight colosseum in Andhra: A banned blood sport, a multi-crore industry; The News Minute; January 15, 2018; <https://www.thenewsminute.com/article/inside-cockfight-colosseum-andhra-banned-blood-sport-multi-crore-industry-74751>

<sup>194</sup> When Kudla celebrated the spirit of Kambala; The Times of India; January 31, 2020; <https://timesofindia.indiatimes.com/city/mangaluru/when-kudla-celebrated-the-spirit-of-kambala/articleshow/73766933.cms>

<sup>195</sup> Bulls joust for top position at this race; The Times of India; January 9, 2020; <https://timesofindia.indiatimes.com/city/coimbatore/bulls-joust-for-top-position-at-this-race/articleshow/73171900.cms>

1. In 2016, villagers around Bhopal killed three tigers and three leopards in the Kanha-Pench jungle corridor, after four tantriks claimed to have supernatural powers to double the money in bank accounts by performing witchcraft on ATM cards and required body parts of the animals. Thirty three members of a poaching racket scorched the jungles for wild cats, electrocuting them, cutting off their vital parts and burying the carcass. Two witch doctors confessed to have lured villagers to kill tigers for their paws, saying they could cast magic spells to "rain money in new currency".<sup>196</sup>
2. In Meerut, members of the Baheliya community deal with owls brought in by the trappers and poachers from Uttarakhand. The birds are subjected to brutal death through black magic rituals and sacrificed in tantrik rituals during Diwali. There are at least 16 tribes involved in the trade across Pilibhit, Meerut, Moradabad, Agra, Dehradun and Ambala. Live owls are buried during Diwali outside the door of the house to bring prosperity. Birds are even blinded before being slowly killed over days. They are trapped with the 'latex and bamboo' and 'takkva' method.<sup>197</sup>
3. Police intercepted two men on a motorbike in Ghaziabad who were smuggling five rare owls cramped in a plastic bucket worth around Rs One crore. The owls were being delivered to an occultist for sacrifice during Diwali, in a rite to ward off bad luck and bring prosperity.<sup>198</sup>
4. During a jatra performance (a popular traditional theatre form) in Odisha, a performer ate raw pig after killing it on stage.<sup>199</sup>
5. Hundreds of buffaloes, sheep, goats, hens and birds are sacrificed during Sulia Yatra in Odisha, annually.<sup>200</sup>

## E. Begging Animals

The use of animals for begging poses a complex moral issue. Humans forced into begging are themselves greatly vulnerable and one would assume their reliance on animals is motivated by a desperate need to survive. However, it is important to contextualise the animal abuse that is deeply pervasive in begging activities. While it is crucial that our legal and policy interventions aim at rehabilitating humans trafficked into the organised begging nexus, we must equally seek to rescue animals who are exploited as 'props' to gain sympathy and money.

<sup>196</sup> Tantriks make tribals kill tigers, leopards in Madhya Pradesh; The Times of India; December 6, 2016; <https://timesofindia.indiatimes.com/city/bhopal/Tigers-leopards-in-Madhya-Pradesh-become-victims-of-tantriks-ATM-card-gig/articleshow/55835404.cms>

<sup>197</sup> In Red List of threatened species, owls massacred on Diwali for luck; The Times of India; October 29, 2018; <https://timesofindia.indiatimes.com/india/in-red-list-of-threatened-species-owls-massacred-on-diwali-for-luck/articleshow/66411500.cms>

<sup>198</sup> Grotesque! Killing owls for Diwali Good Luck; India Today; October 27, 2019; <https://www.indiatoday.in/mail-today/story/grotesque-killing-owls-for-diwali-good-luck-1613212-2019-10-27>

<sup>199</sup> Horrifying moment performer gnaws on a raw piglet carcass after slaughtering it on stage during traditional theatre production in India; Daily Mail; January 8, 2019; <https://www.dailymail.co.uk/news/article-6568377/Performer-gnaws-raw-piglet-carcass-slaughtering-stage-traditional-Indian-play.html>

<sup>200</sup> Hundreds of animals sacrificed at Sulia Yatra; The Pioneer, January 9, 2019; <https://www.dailypioneer.com/2019/state-editions/hundreds-of-animals-sacrificed-at-sulia-yatra.html>



**i. Monkeys:** In India, monkeys are the most commonly used begging animals. From railway stations to beaches to traffic signals, the subjugation of monkeys for begging is widespread. The entire process is torturous for the animals. “[F]or every baby monkey you find captured, you will probably find one more baby monkey that was injured while being captured or a mother monkey that has been shot or left to die protecting it,” says Chinny Krishna, Vice-Chairman, AWBI.<sup>201</sup>

Most of the monkeys are in a bad shape, malnourished, with their ears and noses pierced.<sup>202</sup> They are often drugged with narcotic substances like Corex which are obtained illegally.<sup>203</sup> Their teeth and claws are clipped with pliers to prevent them from hurting their handlers; this causes excruciating pain and results in eating disorders in the animals.<sup>204</sup> They are fed on garbage or scraps from nearby food stalls and kept in cramped, filthy conditions. A monkey, whose natural lifespan extends over a decade, doesn't survive beyond six-seven months in these conditions, says Dawn Williams of Blue Cross.<sup>205</sup>

At Marina Beach, Chennai, three monkeys, bonnet macaques around eight months old, were being tortured to perform a begging routine. Their handlers had tied wires around their necks, which were used to choke them when they did not obey commands. Forest officials said there were 10 captive monkeys on the beach.<sup>206</sup>

In several cases, it has been found that monkeys have been integrated into the larger begging racket. In May 2018, over a dozen beggars were found begging with separate infant monkeys on the busy PAP chowk on the Delhi-Amritsar national highway. Some of the monkeys were seen lying lifeless in the laps of the women beggars and appeared to be sedated. A person driving a motorcycle was seen guiding the gang members from a distance. He too had over four infant monkeys tied to his vehicle. The gang members vanished before the police arrived on the spot, nevertheless a police probe was initiated into the incident.<sup>207</sup>

<sup>201</sup> Tortured, malnourished: Tale of monkeys used for begging; The Times of India; June 14, 2015; <https://timesofindia.indiatimes.com/city/chennai/Tortured-malnourished-Tale-of-monkeys-used-for-begging/articleshow/47660480.cms>

<sup>202</sup> Ibid

<sup>203</sup> Facebook, Blue Cross of India, <https://www.facebook.com/bluecrossofindia/posts/monkey-saved-from-beggingin-a-fortunate-turn-of-events-blue-cross-of-india-manag/10154506834932170/>

<sup>204</sup> Ibid

<sup>205</sup> Supra note 109

<sup>206</sup> Monkeys rescued from Marina begging racket; The Times of India; August 23, 2018; <https://timesofindia.indiatimes.com/city/chennai/monkeys-rescued-from-marina-begging-racket/articleshow/65507635.cms>

<sup>207</sup> Beggars use monkeys as props, police initiate probe; The Tribune; May 17, 2018; <https://www.tribuneindia.com/news/archive/jalandhar/beggars-use-monkeys-as-props-police-initiate-probe-591619>

**ii. Elephants:** Elephants used for begging lead lives filled with mental and physical trauma. Many of them are forced to work for film shoots or at weddings.<sup>208</sup> Raju spent 50 years being forced to beg through the streets of UP. A chain and spiked shackle continuously cut into his leg to keep him from running away. His body bore multiple scars and chronic abscesses that are believed to be evidence of repeated jabs with a bull-hook. His only food was scraps thrown to him by passersby.<sup>209</sup> “Raju was in chains 24 hours a day, an act of intolerable cruelty. The team was astounded to see tears roll down his face during the rescue,” said Pooja Binopal, a spokesperson for Wildlife SOS.<sup>210</sup>

Other begging elephants are similarly abused. Some of them are blinded by their mahouts, who poke their eyes with an ankus.<sup>211</sup>

Mohan is a bull elephant who was suffering extensively from injuries, dehydration and malnourishment. He was tied up and beaten so that he would be more easily trainable by his owners. Based on Wildlife SOS’s examination of his dung, he was eating plastic for food.<sup>212</sup>

**iii. Other animals:** Other animals used for begging include cows, bulls, snakes and langurs. In Goa, a bull born with an extra limb was used for begging. He was forced to walk 10 miles a day on the hot tarmac, which resulted in severe arthritis.<sup>213</sup> In another case in Tamil Nadu, a group of Sai Baba devotees captured a five-legged calf believing she was “God’s miracle” and used her for begging. They tied her inside a motorised cycle rickshaw. She was restricted severely, leaving her barely any space to sit, stand or move. The group traveled all the way from Sholapur district in Maharashtra to Chennai in order to collect donations. However, the police nabbed the group and handed the calf over to a shelter, which found her severely dehydrated, malnourished and terrified of everyone.<sup>214</sup>

<sup>208</sup> Bijlee dies, activists call for end to elephant cruelty; The Times of India; July 1, 2013; [http://timesofindia.indiatimes.com/articleshow/20850394.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/20850394.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>209</sup> Elephant Who Spent 50 Years Begging Always Hoped Life Would Get Better; The Dodo; June 7, 2018; <https://www.thedodo.com/in-the-wild/rescue-elephant-surprise-party>

<sup>210</sup> Raju The Elephant Cries After Being Rescued Following 50 Years Of Abuse, Chains; The HuffPost; July 8, 2014; [https://www.huffingtonpost.in/entry/raju-elephant-cries-rescue\\_n\\_5564543?ri18n=true](https://www.huffingtonpost.in/entry/raju-elephant-cries-rescue_n_5564543?ri18n=true)

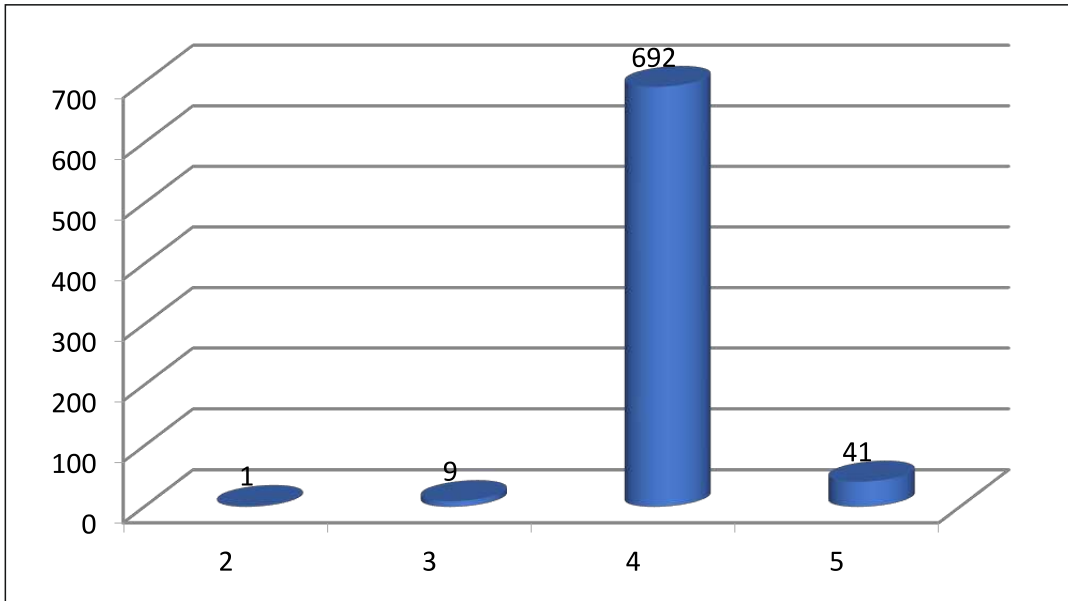
<sup>211</sup> Owner, mahout jailed in Chhattisgarh for forcing ailing tusker to entertain and beg; The New Indian Express; June 19, 2019; <https://www.newindianexpress.com/nation/2019/jun/19/owner-mahout-jailed-in-chhattisgarh-for-forcing-ailing-tusker-to-entertain-and-beg-1991995.html>

<sup>212</sup> World’s ‘Unluckiest Elephant’ Freed After 50 Years In Chains; The Dodo; September 26, 2016; <https://www.thedodo.com/mohan-elephant-freedom-wildlife-sos-2017717692.html>

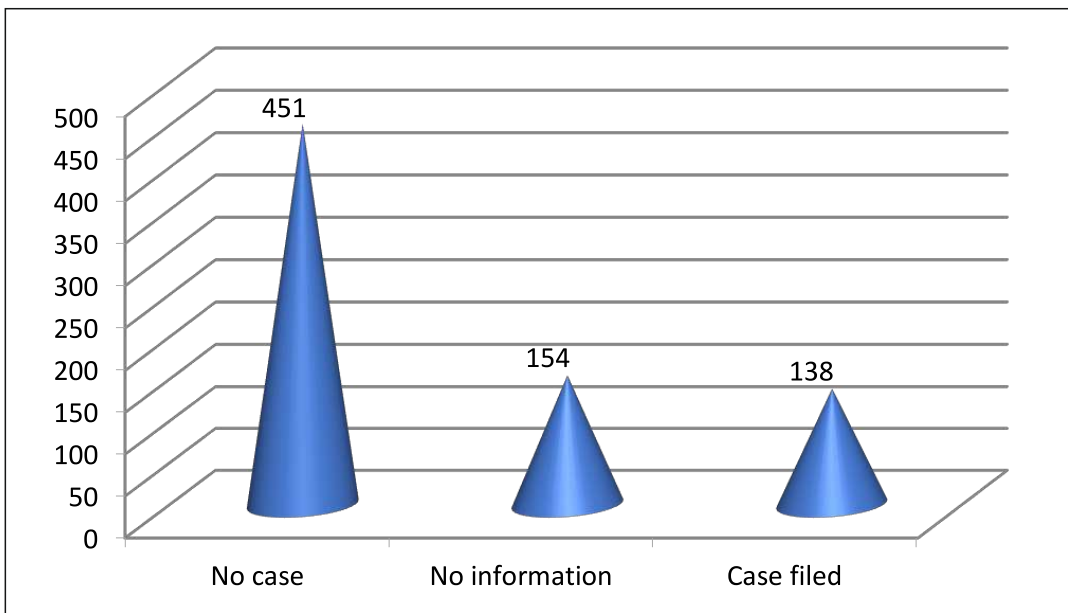
<sup>213</sup> Facebook; Welfare For Animals In Goa; April 20, 2017; <https://www.facebook.com/wag.india/posts/720607108122347:0>

<sup>214</sup> Facebook; Blue Cross of India; February 6, 2015; <https://www.facebook.com/bluecrossofindia/photos/a.421535982169/10153052577277170/?type=3>

Among the 743 cases documented of instances of cruelty against working animals, the highest 692 cases were under Grievous Hurt (4) of the Severity Index, followed by 41 cases of violence and torture (5).



Graph 3: Severity Index in cases of cruelty against working animals



Graph 4: Working animals case count by case category

As indicated in the graph above, of the 743 cases documented in most instances (605 incidents) there was no case filed or no information regarding the legal recourse. Police complaint was filed in 138 cases, with 24 under PCA and nine under PCA and IPC.

Please see a representative, mini-Working Animals table of 100 cases from the larger investigation to get an overview of the kinds of cases of abuse and cruelty that commonly get reported with reference to Working Animals as Appendix 1.



## VII. Street Animals

### Stray to free living street dogs

In the earlier sections, we discussed the limited and inadequate scope of the PCA 1960 and how it inadequately protects companion and working animals. In this current chapter we will discuss one glaring exception: the exclusion of 'unwanted' (read stray/street animals) from the scope of the protection of PCA 1960. This exclusion of unwanted animals is coupled with a positive instruction to eliminate them. Section 11 (3) (b) among the exceptions to cruelty lists “the destruction of stray dogs in lethal chambers or by such other methods as may be prescribed; ... (c) the extermination or destruction of any animal under the authority of any law for the time being in force; or”

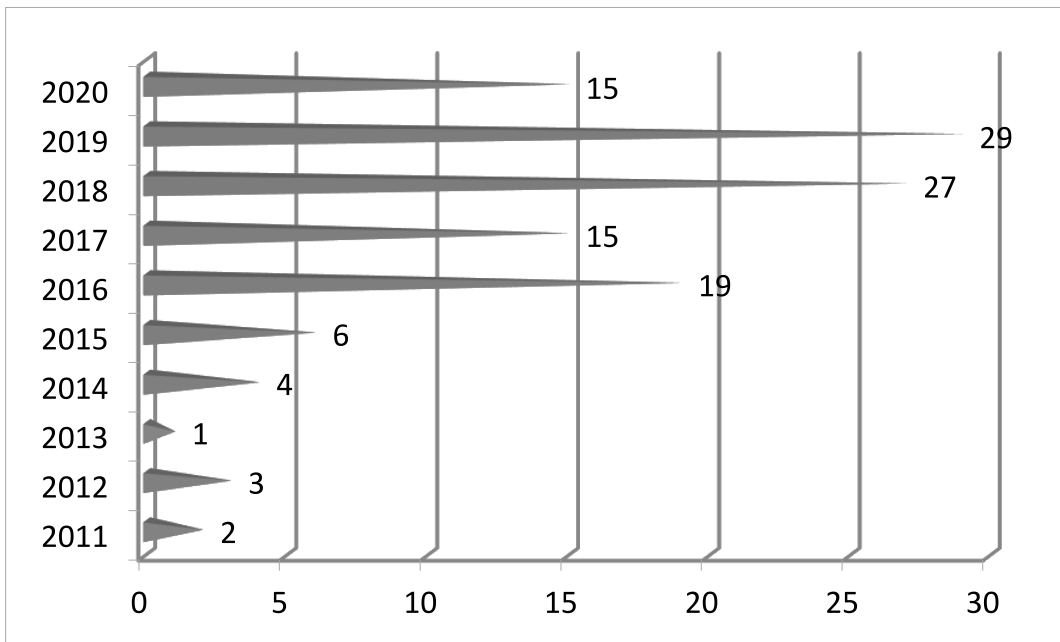
In addition, one of the primary functions of the Animal Welfare Board of India, under section 9 (f) of PCA 1960 is “to take all such steps as the Board may think fit to ensure that unwanted animals are destroyed by local authorities, whenever it is necessary to do so, either instantaneously or after being rendered insensible to pain or suffering.”

The PCA 1960 in continuation of the British colonial policy of killing unclaimed, ownerless street dogs does the following:

1. It acknowledges a distinction between utilitarian and unwanted animals;
2. It only protects animals that are useful to humans, and in human control;
3. It deems killing as the only consideration for unwanted animals;
4. It separates killing of an unwanted stray animal – by methods of destruction of extermination (thus indicating mass, and not individual animal killing) – from the scope of the crime of cruelty, and hence from the idea of suffering itself.

The word mass culling is used widely with reference to animals that are considered a nuisance and a risk to humans, public health and farmer crops. The etymology, in fact, of the word culling is not to kill, but to separate, select rejected items from a collection, a stock. Humans have historically deemed 'destruction', 'extermination' and 'killing' as the only viable option for animals culled as rejected. Thus unwanted street animals are deemed criminal, similar to the provisions of the controversial colonial 1872 Criminal Tribes Act, which deemed various wandering Indian tribal communities, including hijras, criminal.

Even after 20 years of the ABC rules, rampant killing of animals, considered stray and unwanted, continues across India. We have documented – in the past decade - a total 121 incidents of mass killing, relocation or killing and relocation of animals, mainly dogs, but also cats, pigs, monkeys and nilgais.



Graph 1: 121 instances of mass culling against street animals (mostly dogs) from 2011 to 2020

Our documentation – as stated in the introduction – is limited to secondary resources and captures only a small fraction of the violence animals on the street face. Through our survey of newspapers, AWO records and social media posts, we have documented a total of 18,000 killings, as part of mass killing drives, and 1,000 animals relocated from their original habitat.

These 19,000 deaths and relocation of street animals, intended to kill them and often resulting in their death, include the following animals:

S. No	Animals	Total Count
1	Dogs	17,235
2	Cats	34
3	Pigs	500 (relocation)
4	Monkeys	167
5	Nilgais	995

Table 1: Street animals killed and relocated during 2010-2020

The culling debates mainly focus on street dogs, hence their disproportionate numbers both in active efforts to kill them and also the cases that are reported. Of the 121 incidents documented, 71 are from national news reports, while the rest were reported on social media platforms by animal protection organisations and independent animal rescuers. Of these 105 cases (87 per cent) are just from the past five years, and over 70 cases from the past three years alone. As we discuss below, while the debate over whether street dogs can be killed or not ensues both in the Supreme Court of India and in our national media, rampant killing and relocation of animals considered unwanted continues unabated.

The cases are not limited to any specific region, but happen uniformly across the country. We have documented cases of mass killing of street animals from the following 21 states: Jammu & Kashmir, Haryana, Delhi, Uttar Pradesh, Rajasthan, Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, West Bengal, Odisha, Assam, Meghalaya, Gujarat, Maharashtra, Goa, Karnataka, Telangana, Andhra Pradesh, Tamil Nadu and Kerala. Our data reveals varied methods of killing: animals being buried alive, beaten to death, burned alive, poisoned, injected with chemicals, shot, strangled with ropes and barbed wires, suffocated, stoned and left to die with their mouths and limbs tied.

This awarding of the punishment to kill, en masse, to rejected animals has created a deeper culture of violence against animals that in modern animal rights understanding are in fact free living street and wild animals. In addition, the vermin exception in the Wildlife Act, 1972 – and repeated attempts by state governments to declare monkeys, wild boars, pigs and nilgais as vermin - has resulted in mass culling of these animals as well as private individual led brutal and intentional acts of violent crimes.

Some of the key cases we have documented show a variety of agencies catching, relocating and killing dogs and other animals en masse. These are municipalities (despite ABC rules), housing societies, privately hired contractors, angry villagers, forest department workers, or just ordinary people who commit brutal, violent acts to kill animals they consider unwanted, nuisance as a service to the society/community of humans at large. In most second and third tier cities, municipalities instead of developing ABC programmes, are catching and killing street dogs, brazenly.

Repeated instances of mass killings of animals like cats, dogs and monkeys – who are largely misunderstood, informs a social sanction and permissibility of individual-led violence against animals. The law remains deeply ambiguous and the policy of ABC hangs at a loose balance. Thus, while we may have come a long way from the colonial policy of electrocuting and gassing street dogs, we have just taken the location of the violence out in the open public fora and adopted far more brutal methods.

### **A. Cruelty and Kindness**

The language of combat and the use of terms like destruction and extermination with reference to street dogs in the PCA allude to a war like situation on the streets. Are we at war against street animals? It appears so. Dogs represent the entire gamut of our relationship with animals.<sup>215</sup> We love them as pets, we hate them as unwanted 'strays' that must be killed. We worship them in Hinduism as Shvan the beloved companion of Lord Bhairava and we eat them in certain cultures of our society. As Indians, while we show selective anger at the North East for eating dogs, we ignore the pervasive rejection of street dogs and their welfare across the country. In many instances politicians have actively proposed catching and sending street dogs to the North East to be eaten, as a win-win solution for all.<sup>216</sup>

<sup>215</sup> Dinesh Joseph Wadiwel (2009) The War Against Animals, Griffith Law Review, 18:2, 283-297, DOI: 10.1080/10383441.2009.10854642

<sup>216</sup> <https://blogs.wsj.com/indiarealtime/2012/07/06/punjab-lawmakers-proposal-for-stray-dogs-ruffles-feathers/>



We also experiment upon dogs across laboratories in Gujarat and Karnataka. We force train them to do unnatural tricks in circuses. In parts of Rajasthan, Haryana, Punjab and NCR we gamble on them in dog races and fatal dog fights.<sup>217</sup> Above all, rampantly across India, we exploit them in ways unimaginable by breeding them to produce puppies that are sold across from online platforms to squalid live animal markets (Please see chapter on Companion Animals).

Kritika Srinivasan in her work on the colonial roots of the dog killing policy rejects the use of the term of stray.<sup>218</sup> Srinivasan argues, and we concur, that most dogs that are beyond the scope of protection, are in fact free living street animals. The killing of street dogs as a matter of policy has roots in colonial urban planning, part of the project to contain rabies, manage public nuisance, sanitise and civilise. Thus, while home dogs are to be loved as pets, street dogs must be 'controlled as pests.' It also belies a horrible truth of the deeply dichotomous legal relationship with dogs: the pet versus the street, claimed versus unclaimed. Cruelty laws in India were not designed to protect ALL animals but only those that were considered useful and controllable.

### The Mahalaxmi Dog Pound

The colonial policy was inserted in urban municipal legislations across the country. The dog pound provision which remain uniform, gave power to municipal authorities to catch and kill street dogs - after waiting for a holding period of 48 hours for any owner dogs to be reclaimed.

The place where street dogs were taken to be killed in Bombay was the notorious Mahalakshmi Dog Pound. Abodh Aras, the CEO of the Welfare of Stray Dogs (WSD), recounts in an interview: "WSD - like many other animal welfare work in India, began with opposing the daily violence of the dog pounds." The power to pick up an unclaimed, ownerless dog from the street - for the sole purpose of killing - was enacted in colonial Municipal Laws. For example, the Bombay Municipal Act 1888 under Section 191-BA prescribed the method for control of dogs:

- (1) If any dogs are found or reported to be a source of nuisance to the residents of any building or locality, the Commissioner or any person duly authorised by him may enter any premises for the purposes of seizing such dogs.
- (2) Any dog so seized shall be kept in the municipal kennel and if any person, within three days from the date of such seizure, satisfies the Commissioner that he is the owner or person in charge of such dog, the Commissioner may order it to be delivered to such person on payment of the tax, if any due and the costs incurred by the Commissioner by reason of its detention and on such person giving an undertaking that the dog will thereafter be kept in accordance with the conditions of the licence and will not be a source of nuisance to the residents of the building or locality:

<sup>217</sup> 2 men shoot dog to death, booked; The Times of India; December 8, 2017; In December 2017, Two men, including an ex-army man, shot dead a pit bull, booked under Section 429 IPC and Section 11 PCA. <https://timesofindia.indiatimes.com/city/chandigarh/punjab-2-men-shoot-dog-to-death-booked/articleshow/61983720.cms>

<sup>218</sup> The biopolitics of animal being and welfare: Dog control and care in the UK and India Krithika Srinivasan 2013, Transactions of the Institute of British Geographers, 38 (1). pp. 106-119



Provided that, if, within the said three days, no person satisfies the Commissioner that he is the owner or person in charge of the dog and pays the tax and the costs or gives the undertaking aforesaid, the Commissioner may cause the dog to be destroyed.

(3) If a stray dog has bitten any person the Commissioner may order it to be detained in the municipal kennel for its incubation period, if it is so desired by the person who has been bitten by that dog, and no charge shall be recovered from any person for such detention. If a license dog, which has bitten any person, is brought to the municipal kennel, the Commissioner may order it to be detained therein for its incubation period, if so desired by the owner or person in charge of such dog or the person who has been bitten by that dog, on payment of detention charges not exceeding Rs. 2 per day as may be determined by the Commissioner.

(4) If any dog detained under sub-section (2) or (3) is after examination found to be suffering from rabies, the Commissioner shall order it to be destroyed forthwith.

(5) No damage shall be payable in respect of any dog destroyed under this section.

After 100 years of indiscriminate killing of street dogs, WSD was started in 1985, by a group of Jain philanthropists to rescue dogs from the pounds. Aras recounts the horrors of the pounds:

“If you wished your dog not be picked by the BMC, you had to ensure that the license, which came as a token, known as a billa, was placed on the dog’s neck. Essentially at WSD we would, either track information on where dogs were being picked up from, and regularly visit the pound, and pay Rs. 100 license fees per dog, to get the dogs released. Unclaimed dogs would die a horrific death. They were just thrown in an iron chamber and the staff would raise the voltage and the dogs would be electrocuted. They would often electrocute many dogs at once. It was the easiest and fastest way in their eyes. However, many times we would go and see that dogs after electrocution were still alive and suffering immeasurably...And also puppies were of course. The method of killing the puppies was different. It used to be chloroform chambers. So they used to just go to sleep.”

Aras was a young volunteer with WSD and through his work he and others like him, began to build a relationship with BMC workers who ran the dog pound. Gradually, they all began to realise that it was not working. For as many dogs killed, there were always more dogs, let alone the brutality of the pound itself. Through small pilot programmes and a demonstration that vaccination, sterilisation and release of dogs back to their home territories keeps the dog population in control, makes the dogs less aggressive, prevents new dogs from coming in and overall prevents the threat of attacks and rabies from dogs, the activities of the pound were suspended. In fact, over the years through the work of WSD, the Mahalakshmi dog pound was converted into an ABC centre.

## B. Debates over Animal Birth Control

The Animal Birth Control (Dogs) Rules, 2001, redefined the colonial policy of killing street dogs. ABC rules prescribe catching, vaccination, sterilisation and release of street dogs back to their original locations. Under Rule 9, ABC rules limit killing, as humane euthanasia, only of sick and wounded dogs:

“Euthanasia of Street Dogs: Incurably ill and mortally wounded dogs as diagnosed by a qualified veterinarian appointed by the committee shall be euthanised during specified hours in a humane manner by administering sodium pentathol for adult dogs and Thiopental Intraperitoneal for puppies by a qualified veterinarian or euthanised in any other humane manner approved by Animal Welfare Board of India. No dog shall be euthanised in the presence of another dog. The person responsible for euthanising shall make sure that the animal is dead, before disposal.”

Under Rule 10, a suspected rabid dog should be isolated, till it dies a natural death.<sup>219</sup> ABC rules are revolutionary and unique to India. Street dogs do not have a right to exist and live freely in the so-called free, modern, western world. However, because of the ABC rules, 'dogs in India can (exist) without a human owner.'<sup>220</sup> Thus ABC rules in fact recognise the reality of the urban streets of India and the ecosystem under which there is a way for animals and humans to co-exist.

Despite our troubled and sometimes deeply hypocritical relationships with dogs, we might be the only modern nation that debates their right to live on the streets as free-living street animals. The crux of the debate around street dogs and other 'stray' animals are two sides who have almost zero common ground. The core argument for killing of street dogs appears to come from the belief:

- That street dogs are not worth saving.
- A deep objective disagreement on the science behind ABC.
- That every dog bite will lead to rabies.

<sup>219</sup> Rule 10: Furious or dumb rabid dogs: (1) On the receipt of complaints from the public to the Dog Control Cell of the Local Authority or on its own, the dog squad of the Local Authority would catch such dogs, suspected to be rabid. (2) The caught dog would then be taken to the pound where it would be isolated in an isolation ward. (3) The suspected rabid dog would then be subjected to inspection by a panel of two persons i.e. (i) a veterinary surgeon appointed by the Local Authority and (ii) a representative from an Animal Welfare Organisation. (4) If the dog is found to have a high probability of having rabies it would be isolated till it dies a natural death. Death normally occurs within 10 days of contracting rabies. Premature killings of suspected rabid dogs therefore prevents the true incidence of rabies from being known and appropriate action being taken. (5) If the dog is found not to have rabies but some other disease it would be handed over to the AWOs who will take the necessary action to cure and rehabilitate the dog.

<sup>220</sup> However, in making street dogs legitimate, the ABC rules do more than just move away from the legal tradition of conceiving animals as human property. They also indirectly make ownerless dogs not killable (Haraway 2008). The significance of making street dogs not killable becomes clearer in light of the pest status of these animals. While dogs under human care, and in private human spaces, are considered pets, dogs that are on the street are regarded as potential threats to human health and safety...Irrespective of whether the presence of street dogs is welcomed by all humans, the fact of their existence is acknowledged and accepted in the very language of Indian law. In India, thus, dogs don't necessarily have to be owned; they are not always already defined as human property and therefore restricted to living in the pre-determined role of human pets, working animals or experimental objects in laboratories.

Girish Shahane<sup>221</sup> and Coomi Kapoor<sup>222</sup>, liberal writers, editors and columnists, see no scientific basis or scope of success in ABC and openly advocate killing of street dogs. Their opinion is echoed by many<sup>223</sup>. This despite the fact that in its Technical Report Series 931, WHO's expert consultation on rabies states: "Since the 1960s, Animal Birth Control programmes coupled with rabies vaccination have been advocated as a method to control urban street male and female dog populations and ultimately human rabies in Asia."<sup>224</sup> (2004)

The fundamental issue is the framing of the street dog protection as an anti-human argument. Justice N. Venkatachala in a 2003 report, as the head of the Lokayukta in Bangalore, echoes the fears of NHRC and further makes the dog protection argument elitist anti-poor agenda when he writes:

"When I have seen these sophisticated people, who are interested in saving stray and ownerless dogs and not interested in saving thousands of their own people (fellow beings) annually dying [sic] on account of the bites of such dogs." (Quoted in Hiranmay Karlekar's book on killing of street dogs in Bangalore)

Justice Venkatachala misses an essential point. Compassion towards animals is not the exclusive domain of the rich and comfortable but is liberally exercised – some would argue more so - by the poor he speaks for. Often street dogs are cared for by the poor and working-class communities that work and survive on the streets and they are the first to protest when municipal vans come to capture these dogs that are in fact part of an existing urban ecosystem of the streets.

The articulation that street dogs represent a threat to human rights was orchestrated by the National Human Rights Commission - as a deeply unfortunate human versus animal debate. However, to have minimum consensus, we first need to find common ground on the basic idea of compassion for animals. The debate is not humans versus dogs. It never has been, and it should not.

### **C. ABC Rules versus Municipal Laws**

ABC rules have been enacted without deleting either the municipal dog killing provisions or the exception to kill stray dogs in PCA. This is the primary site of conflict. Indian courts have become a site of angry litigants debating killing street dogs. There is an ongoing case in the SC where anti-stray dog groups have challenged the ABC rules, wanting to revert to colonial municipal laws and legally sanctioned culling. The colonial policy explained above stands as one of the biggest obstacles against the ABC rules today.

<sup>221</sup> It's unpleasant but culling cattle, dogs and monkeys is becoming a necessary evil in India; Scroll.in; March 27, 2019; <https://scroll.in/article/917974/its-unpleasant-but-india-needs-to-cull-cattle-dogs-monkeys-to-deal-with-rampaging-animal-problem>

<sup>222</sup> A bizarre and unscientific policy is behind the menace of stray dogs all over India; The Indian Express; July 31, 2020; Coomi Kapoor; <https://indianexpress.com/article/opinion/columns/stray-dogs-india-coronavirus-pandemic-6524760/>

<sup>223</sup> Do India's stray dogs kill more people than terror attacks?; BBC News; May 6, 2016; <https://www.bbc.com/news/world-asia-india-36035456>

<sup>224</sup> WHO Expert Consultation on Rabies; 5-8 October 2004; <https://www.who.int/rabies/931/en/>

Second, and perhaps owing in part to the above, there is widespread non-compliance with these rules. The non-compliance, misinformation and lack of a dialogue have led to a sense of lawlessness. In the urban setting, RWAs and housing societies hire dogcatchers who either capture animals in a brutally violent manner to relocate them or violently kill them on a large scale. Similar acts occur at the initiative of small municipalities and panchayats in rural and semi-urban spaces.

### **Bombay High Court**

While there have been many challenges to the ABC rules and demands in courts by citizens for mass killing of street dogs, we focus on one such case from the Goa and Bombay benches of the Bombay High Court. In a 1998 case filed by Vinyog Parivar Trust, a Jain organisation committed to ahimsa, the BMC accepted a set of guidelines – the first policy departure from the colonial policy – ordering “no stray dogs shall be killed as a rule, subject to the exception of critically ill, violent, fatally injured or rabid dogs.”<sup>225</sup>

Around the same time, People for Animals, Goa, headed by Norma Alvares, challenged the 'barbaric practice of shooting' street dogs in Goa. PFA-Goa demanded a switch to humane ABC instead and under the direction of the Court, an MoU was signed with the Panjim Municipal Corporation wherein 12,000 dogs would be sterilised each year. Both these cases by creating private MoUs and guidelines were one of the first examples where ABC was seen as a way forward with a departure from mass killing of street dogs by brutal methods.<sup>226</sup>

The Goa MoU was soon challenged in 2001 by a paediatrician called Dr. Rosario Menezes, who started a campaign to eliminate street dogs in the late 90s. Dr. Menezes citing Section 278 of the Goa Municipalities Act that permitted killing of unclaimed dogs argued that mass killing was the only solution against rising cases of dog bites. The court took note of the exception of section 11(3) in the PCA 1960 and referred the matter to a larger bench by a 2003 order, by when the formal ABC (Dog) Rules had come into force.

The promulgation of ABC rules (under the central legislative authority) of PCA that recognise the right of harmless free street dogs to remain, stands at odds with both the local municipal laws and the exception in PCA that permit their killing. This pending issue needs an urgent resolution.<sup>227</sup>

<sup>225</sup> AIR 1998 Bom 71, <https://indiankanoon.org/doc/844714/>

<sup>226</sup> 2003(4) BomCR588, Rosario Menezes (Bombay High Court – Goa Bench)

Respondent: State of Goa and Ors. While at the same time, in a challenge by Animal Rights organisation against attempts by the Airport Authority of India to relocate and kill street dogs in the Bombay Airport tarmac area, the Bombay High Court advised the authorities ‘will do their best to see to it that the sentiments and emotions of the animal lovers are not hurt and to the extent possible, life of animals is respected. May be, in extreme situations harsh measures may have to be evolved which we would like to avoid.’ Airport Authority Of India vs MCGM(2004) 106 BOMLR 915

<sup>227</sup> Since 2009, the high courts of Karnataka, Maharashtra and Himachal Pradesh have attempted to reinstate the dog killing regime in one way or another, but such invasive actions have been stayed by the Supreme Court.

A three judge bench of the Bombay High Court – in a case titled and (unfortunately led) by the People for Elimination of Stray Troubles, an organisation that proudly calls itself PEST in a strong reference to street dogs as unwanted pests that must be killed, and opposed by many animal rights organisation – debated the following two questions over a period of five years:

- (1) Whether in the circumstances and seriousness of the problem, the danger posed, and the menace caused by the stray dogs, resort can be had to the provisions of Sub-section of Section 11 of the Prevention of Cruelty to Animals Act, 1960 and the relevant provisions of the Bombay Municipalities Act, Maharashtra Municipalities Act and the Goa Municipalities Act and other enactments?
- (2) Whether despite the aforesaid provisions of Sub-section (3) of Section 11 of the Prevention of Cruelty to Animals Act, 1960 and other Acts referred to above, the killing of the stray dogs has to be totally prohibited?

Justice D S Radhakrishnan and Justice Bhosale, with different reasoning, arrived at a similar conclusion in a judgment dated 19th December 2008. They saw no conflict between the Municipal laws, the exception in the PCA and the ABC rules, and advocated a harmonious construction to manage and regulate the street dog population. The words of Justice Bhosale in his concurring opinion are key:

“While implementing the dogs control scheme, if a veterinarian comes across dogs which are incurably ill, mortally wounded or rabid, he should not waste his time and energy in treating such dogs and is allowed to put them to sleep. **This does not mean that the dogs, other than these categories, cannot be put to sleep which is otherwise allowed under the provisions of Section 11(3) of the Act of 1960 and Section 191-BA of the MMC Act.**”<sup>228</sup>

Similarly, the Karnataka High Court in an order dated 7th December 2012 expanded the scope of killing to dogs that may be considered a **nuisance**. “Dogs which do not come within the scope of Rule 9 or 10 but **which are a menace or cause nuisance irrespective of whether there is evidence of such dogs having mauled or bitten children or adults could be exterminated in the manner specified in Rule 9 of the ABC Rules, 2001**, under the orders of the Commissioner of the BBMP as per the provisions of KMC Act, 1976....The citizens must also bear in mind that street dogs also have a right to live and therefore, must refrain from attacking these dogs by stone throwing or by beating etc. They must ensure that children do not go near the stray dogs either to play with them or to feed them.”<sup>229</sup>

**These judgments extended the scope of killing beyond sick and injured to street dogs that were considered a nuisance.** Public nuisance is a vague idea with tremendous potential for misuse thereby bringing every harmless, free living street dog under the purview of catching and impending death. This litigation continued its way to the Supreme Court by way of an SLP (691/2009) where the scope and legality of ABC that protects street dogs versus the municipal laws along with the PCA exception that permit their killing, are being debated.

<sup>228</sup> People for the Elimination of Stray Dogs (Bombay High Court) 2008; <https://indiankanoon.org/doc/67377443/>

<sup>229</sup> Master Joshua G -v/s- BBMP (W.P. No.37197/2011) which came to be decided on 07.12.2012

In an interim order, the Supreme Court directed a status quo where ABC and the municipal laws were meant to co-exist – despite being contrary legal provisions and worse expected to work in harmony. The court states 'that all the State municipal corporations, municipal committees, district boards and local bodies shall be guided by the Act and the Rules and it is the duty and obligation of the Animal Welfare Board to see that they are followed with all seriousness. It is also the duty of all the municipal corporations to provide infrastructure as mandated in the statute and the rules. Once that is done, we are disposed to think for the present that a balance between compassion to dogs and the lives of human beings, which is appositely called a glorious gift of nature, may harmoniously co-exist."<sup>230</sup>

It has been more than a decade since, what is now known as the dog case, is pending before the Supreme Court, in which time this report has documented over 17,000 street dog deaths by mass culling drives, still a small fraction of the real numbers. The ambiguity in law will only go if municipal laws that permit killing are struck down by courts.

<sup>230</sup> SC Order dated 18th November 2015 in SLP 691/2009 (also known popularly as the Dog case).



### We list twenty such brutal incidents below:

- i. In 2011, the Srinagar Municipal Corporation resorted to killing of street dogs by poisoning as a knee jerk reaction to address the problem of dog numbers and rabies. More than 6,000 street dogs were allegedly poisoned, under the orders of Asgar Samoon, Divisional Commissioner, Srinagar.<sup>1</sup>
- ii. In 2012, employees of the Shillong Municipal Board captured street dogs using iron tongs and wooden clubs, caged and killed them in large numbers.<sup>2</sup>
- iii. Over a 100 dogs were killed by injecting cyanide in Thiruvalluvar, Tamil Nadu, in 2012. “Many of us here are night shift workers in companies and it is very difficult to walk along or cycle past this stretch to get home at nights, because the dogs attack us or chase us. We had complained to the panchayat and the officials said they would take care of it,” said another resident. “But we never wanted them to be killed and dumped like this,” he added.<sup>3</sup>
- iv. In 2013, Hindustan University in Tamil Nadu hired a private dog catcher who killed 20 street dogs in its premises by lethal cyanide injections. Blue Cross took up the case, and charges under section 428/429 IPC and Section 11 of the PCA were filed.<sup>4</sup>
- v. In 2014, 400 street dogs were killed and buried at different locations by town panchayat workers along the seashore near Marakkam in Villuppuram. The dogs were initially taken away using vaccination as an excuse. However, it was later learnt the dogs had been injected with cyanide and buried along the seashore in Theerthavari near Konavayankuppam fishing village.<sup>5</sup>
- vi. In 2015, a dentist in the posh Nizamuddin East area of South Delhi got irritated with the seven dogs living in his neighbourhood, abducted five of them and dumped them elsewhere.<sup>6</sup>
- vii. In 2015-2016, it is estimated that over 6,000 street dogs were killed violently and brutally by hiring private contractors to catch and kill street dogs across Kerala.

<sup>1</sup> Archival news report from the Greater Kashmir Daily.

<sup>2</sup> N-E lawyer saves dogs from torture - Shillong resident takes up animal cause; The Telegraph Online; May 15, 2012; <https://www.telegraphindia.com/states/north-east/n-e-lawyer-saves-dogs-from-torture-shillong-resident-takes-up-animal-cause/cid/423146>

<sup>3</sup> 100 dogs killed, stealthily buried in village; The Hindu; May 8, 2012; <https://www.thehindu.com/news/cities/chennai/100-dogs-killed-stealthily-buried-in-village/article3394902.ece>

<sup>4</sup> Social Media Post by Blue Cross of India on their Facebook page.

<sup>5</sup> 400 dogs poisoned with cyanide and buried, alleges Blue Cross; The News Minute; November 26, 2014; <https://www.thenewsminute.com/article/400-dogs-poisoned-cyanide-and-buried-alleges-blue-cross-18149>

<sup>6</sup> Dog-hating dentist caught on CCTV 'abducting and dumping five strays'; Mail Online India; March 18 2015; <https://www.dailymail.co.uk/indiahome/indianews/article-2999542/Dog-hating-dentist-caught-CCTV-abducting-five-strays-dumping-elsewhere.html>



viii. In 2017, VIT University Campus in Chennai, Tamil Nadu, hired private catchers to catch and relocate dogs. Several dogs were displaced, then a video emerged of a dog strangled by ropes and dragged out by the hired men. Relocation of dogs is an extremely violent act and often intended to kill the animal.<sup>7</sup>

ix. Around 2017, Animal Aid, Udaipur, (mentioned in an interview with the author) responded to a SOS call by an animal lover. A housing society called Treasure Town had instructed their sweepers to relocate puppies. They saw the three puppies being beaten and tied with plastic strings and were being thrown at the back of a tempo truck. The puppies were rescued and complaints filed. This is probably the most common experience across India – the criminal displacement of young puppies, away from their mothers, by residents of a neighbourhood, which often leads to death of the puppies. Therefore, relocation is equal to murder.

x. In another Animal Aid case, circa 2017 in Nai village, 10 kilometers away from Udaipur, 30-40 live puppies were collected and dumped in an empty plot and bushes, allegedly by the army. The puppies were very young, merely 10-15 days old. Some of them didn't even have their eyes open. Fortunately, they were rescued and rehomed. (As mentioned in an interview with the author)

xi. From December 2018 to January 2019, in Udupi, Karnataka, several monkeys were found poisoned to death.<sup>8</sup>

xii. In 2018, in Gurgaon, Haryana, animal activists filed complaints when monkeys were being captured, after illegally inducing drugs through bananas, administering pain through cruel handling, breaking up family groups, reportedly selling the juvenile and infant monkeys to madaaris and/or killing them or causing them to disappear in undisclosed locations. All this was being done at the behest of housing societies and residents.<sup>9</sup>

xiii. In a 2018 case, 350 dogs were killed by the municipal corporation of Hassan, Karnataka.<sup>10</sup>

xiv. In 2019, in a village near Bikaner, Rajasthan, more than 50 street dogs were shot dead by angry villagers with airgun. A video surfaced, but no official complaint was lodged.<sup>11</sup>

<sup>7</sup> Video showing dog being strangled and dragged lands VIT in trouble; The Quint; October 12, 2017; <https://www.thequint.com/news/india/video-shows-dog-being-strangled-and-dragged>

<sup>8</sup> 14-monkey troop poisoned to death; The Times of India; October 28, 2017; <https://timesofindia.indiatimes.com/city/mangaluru/14-monkey-troop-poisoned-to-death/articleshow/61282186.cms>

<sup>9</sup> Activist files plea in high court against MCG for animal cruelty; The Times of India; March 11, 2018; <https://timesofindia.indiatimes.com/city/gurgaon/activist-files-plea-in-high-court-against-mcg-for-animal-cruelty/articleshow/63250866.cms>

<sup>10</sup> SC notice over Karnataka 'dog killing'; The Telegraph Online; November 16, 2018; <https://www.telegraphindia.com/india/sc-notice-over-dog-killing/cid/1675578#:~:text=According%20to%20the%20petition%2C%20the,law%20and%20the%202001%20rules.>

<sup>11</sup> Over 50 stray dogs shot dead in Bikaner village; The Times of India; March 14, 2019; <https://timesofindia.indiatimes.com/city/jaipur/over-50-stray-dogs-shot-dead-in-bikaner-village/articleshow/68402464.cms>



- xv. In 2019, in Vaishali, Bihar, forest department hired sharp shooter to cull herds of nilgais after extensive crop damage. Over 500 were culled in July, while 495 in August.
- xvi. In another horrific case from Buldhana, Maharashtra, (2019) over 90 dog carcasses were found in the forest with mouth muzzled and limbs tied. After being directed by officials to relocate the dogs, the accused caught them, tied up their limbs and mouths, and piled them up in a vehicle, to transport them 60 kms away. Some dogs were beaten with sticks. Many died due to suffocation en route to the dumping spot. Five people were arrested under PCA, Section 429 of IPC and confessed they were directed to move the dogs by the Municipal Council. A Council committee member claimed that due to several incidents of dog bites, the animals were to be transported to the forest area, not meant to be killed.<sup>12</sup>
- xvii. In 2019, in Bhopal, Madhya Pradesh, 56 dogs were captured as part of the civic body's drive to keep roads clear of canine. However, the civic body has been accused of not checking and impounding sterilised dogs, capturing animals in inhuman ways and dumping the dogs at waste dump sites.<sup>13</sup>
- xviii. In a January 2020 case from Haryana, several dogs were dumped in a deep pit, after tying their feet and mouth, to prevent them from entering the CM's Republic Day function. The dogs were in a very bad condition and were removed from the pit after several hours and were handled in a very brutal way.<sup>14</sup>
- xix. During Trump's visit in February 2020, in Ahmedabad, Gujarat, dogs and nilgais were captured and relocated to keep them away from the VVIP route for at least five days, till his visit was over.<sup>15</sup>
- xx. In 2020, 21 cats were killed by feeding them fish laced with poison by residents of a locality in Poonjar, Kerala. A rescuer buried over 21 of his pet cats and numerous community cats in a period of seven years. Reporters account: "Hundreds of cats are being killed by this lady and her accomplice. 2019-2020 alone 11 bodies of cats were thrown into my compound...the 11th cat was hung on my gate...I have filed a police complaint in the local police station ...the enquiry is ongoing"<sup>16</sup>

<sup>12</sup> 90 dogs found dead with legs tied in Maharashtra; The Times of India; September 9, 2019; <https://timesofindia.indiatimes.com/city/aurangabad/90-dogs-found-dead-with-legs-tied-in-maharashtra/articleshow/71042044.cms>

<sup>13</sup> On Day Two, rights activists cry cruelty towards animals; The Times of India; January 18, 2019; <https://timesofindia.indiatimes.com/city/bhopal/on-day-two-rights-activists-cry-cruelty-towards-animals/articleshow/67579504.cms>

<sup>14</sup> Social media post by an animal activist

<sup>15</sup> Dogs, nilgais to disappear from Donald Trump route; The Times of India; February 17, 2020; <https://timesofindia.indiatimes.com/city/ahmedabad/dogs-nilgais-to-disappear-from-trump-route/articleshow/74166213.cms>

<sup>16</sup> Social media post by an animal activist

This clarity will strengthen the ABC programme. Implementation of ABC is a momentous task, the burden of which falls squarely and disproportionately on animal rescuers and activists. It remains the only solution for controlling rabies, the dog population and preventing violence.

Failure of ABC and the discontent against it, soon turns into violence, as Shirley Menon of Save our Strays (SOS) Mumbai, explains from her experience of working with street dogs in northern Mumbai suburbs in an interview with the author:

“When we started in Andheri West ...we did a ... there are 700 dogs and not even two per cent of them are neutered. ...The available capacity to us initially was 12 dogs a month. We have this dog in this Anandnagar slum. Obviously we didn't have the capacity to get her neutered and she littered and begging for food. The slum was so congested, someone called me and said that the dog who you come and feed in a tent has been hit very badly by some of the kids in the slum. So when I went there and I found out that some kids were playing cricket and these kids were 15, 16, 17-year-old boys, who were playing cricket and she kept running up and down for food and she kept obstructing them while they were playing so they just took the bat and bashed her. She was alive when we picked her up and we took her to an animal hospital ...I think she survived for about 8 to 10 hours after that because she had a head injury. So the next day I went to the Oshiwara police station and filed a complaint.”

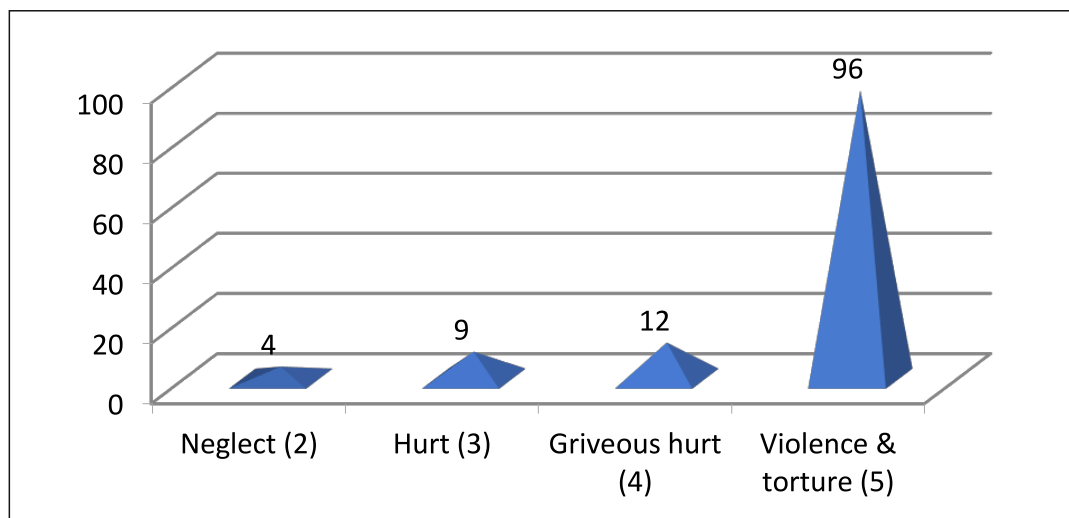
## VIII. Culture of Violence

When the state fails to effectively implement ABC and tacitly sanctions killing, the public anger manifests in front of the free animal on the street – which in the eye of the aggrieved citizen, is a symptom and a by-product of the state's administrative and civic failure. Hence the violence is self-delegated and a deeper culture of crimes against animals ensues. Please see **Appendix 2** on the dog killings of Kerala for an extreme example of this self-delegation.

In the recent years, the street dog killings of Kerala may have reduced but they continue all across the country. For the past five years, we have documented over 100 reported cases of mass killing and relocation of dogs and other animals. Of these, 50 cases are just from the five states of Maharashtra, Telangana, Andhra Pradesh, Karnataka and Tamil Nadu. **[See Box C]**

The reports are skewed towards the southern states only because of better systems of reporting and animal activist vigilance and they do not reflect any regional bias. Most mass killing drives function to achieve maximum impact and the streets and public spaces become stages on which unspeakable violence is performed on dogs. Thus, entire families, children, young and old watch dogs being picked up with hooks and barbed wires, shot, beaten, poisoned or burnt alive. The normalisation of this violence converts the spectators into actors, blurring the lines between a crime which obscenely becomes an act of larger public good.

The brutality of the crimes is reflected in the Severity Index of the cases in the graph given below.



Graph 3: Severity Index of crimes against street animals

It clearly indicates that most of the crimes are in the nature of torture to the street animals.

## A. Animal sexual abuse as a startling example of crimes against animals

Activists' accounts are replete with local residents taking the law in their own hands. The team at Animal Aid Udaipur, in our interview with them narrated:

“There are a lot of poisoning cases. There is a case going on right now where foam was coming out of the mouth of around 8-10 dogs and we think they were poisoned by someone. All the dogs died. No one has any idea if it was intentional or accidental, there are no witnesses. It is very strange that from one location, 10 healthy dogs died of poisoning. .. There is another case. In 2015, two panicked boys came to our campus with a dog and told us that some dogs have been shot in our village and this dog has also been shot. We went and saw three dead dogs that had been shot by a gun. They had been killed by a retired Major army officer. He woke up in the morning and randomly shot the villager's dogs considering them a nuisance.”

The case of Ponamma killing the puppies in Bangalore or the 2019 Trivandrum case where a pregnant cat was killed and hung on a spear or the case of Black Lill from Siolim, Goa, the anger towards street animals is exercised on their sexual and reproductive bodies. Dr. Karlette Fernandes from WVS Goa mentioned two cases where she found a street dog and a street cat had very tight rubber bands tied around their penis and testes. Abodh Aras narrated a case where he had rescued a street dog from Zaveri Bazaar in Mumbai where someone had tied a metal wire around the dogs penis, causing a massive infection, let alone the suffering: “you can imagine that if a dog has allowed somebody to do that, how... friendly that dog would've been.”

Shirley Menon of SOS narrated a brutal story of sexual violence against a street dog: “There was one case in Andheri West, we said we never have proof who did it. It was rumoured that this dog used to hang around a lot of drug dealers, so she was found bleeding one morning from her vagina and we pulled out a piece of wood and a syringe, thankfully without a needle. So that kind of cemented the fact that it was probably them because this dog was known to hang around them. They could have also raped her, I don't know, because she was bleeding so terribly. The tract had ripped open and thankfully the doctor had the presence of mind to look in and see, otherwise it would have gone undetected. After that we had a sonography done, we found two foreign objects in. The piece of wood was brought out and the syringe was brought out. We were so scared if there was a needle because it could have been worse.”

The culture of violence, assault, instrumentality – the belief that either animals are unwanted or there to serve a human need, converges in the most brutal form in cases of animal sexual abuse. A combination of CCTV and phone cameras and more alert networks of citizen animal activists on the streets have led to increase in the reporting of cases of animal sexual abuse in recent years.

The 2014 Voice of Stray Dogs report<sup>231</sup> is the first attempt by an animal rights organisation to consolidate data and arrive at an estimated percentage figure of animal sexual abuse cases. With records from across the country, and based on interviews with animal activists in Mumbai, Delhi, Hyderabad and Bangalore, the report lists a total of 33 cases of interspecies sexual assault between (almost always) a human male perpetrator and dog, cows and young calves as victims. By taking an approximation of 90 per cent underreporting, the report concludes animal sexual abuse stands at the same occurrence rate as human rape cases, of 20 per 100,000, which calls, at the very least, for a parity in response.

In a student made documentary titled “Bestiality the Unheard of Crime”, an animal activist named Aditi recounts the case of a watchman found raping a female dog in a housing society:

“The police and an animal activist arrived, took the accused to the station and filed a case under Section 377. While the accused was arrested, he was granted bail because of political pressure and lack of forensic evidence,” recounts Aditi. The documentary features several such stories shared by animal activists of sexual crimes against animals.<sup>232</sup>

### **Pregnant Goat from Haryana**

The most prominent recent case to catch national headlines was that of rape and murder of a pregnant goat from Haryana. On 25th July 2018, in the village of Nagina, district Nuh in the Mewat region of Haryana, Aslup Khan, who kept many goats, and was used to people stealing them, went looking that evening for another stolen goat. To his complete shock and horror, around 11 pm, he found the goat being sexually abused by three village men, while five others watched. When they saw him they smashed the goat's head against the wall and ran away. The goat died the next day.

Aslup Khan's grief and love for his goat, either as part property, part companion animal and part source of other goats that she was about to deliver, led him to pursue the matter with the authorities. He demanded Rs. 100,000 in compensation. Unable to forgive the perpetrators, he referred to the goat as his 'child' who was about to deliver.<sup>233</sup> He mourned her suffering as a sentient being: she “was injured and lying on the ground. It was not even able to walk. I took it home and applied medicines on the wounds on its head and nose. It did not eat anything the next day and was lying as if it was paralysed”.<sup>234</sup>

<sup>231</sup> Id

<sup>232</sup>

[https://www.facebook.com/navin.nadar2/videos/10212861818715573/?comment\\_id=10216487394032690&notif\\_id=1571812876375337&notif\\_t=comment\\_mention](https://www.facebook.com/navin.nadar2/videos/10212861818715573/?comment_id=10216487394032690&notif_id=1571812876375337&notif_t=comment_mention)

<sup>233</sup> Haryana police arrest two of the 8 men accused of raping pregnant goat in Nuh; August 3, 2018;

<https://www.hindustantimes.com/indi...goat-in-nuh/story-WBpKwfKviqrlldZuFm71UZN.html>

<sup>234</sup> Id

As per the news reports, the three primary accused were let off after a decisive village beating 'as they were allegedly in an inebriated state and were regular offenders'. According to the police one of the accused met Aslup the next day and mocked him over the condition of the goat. This inspired Aslup to take the matter to the police as a criminal case, where initially a case was registered under the highly lenient and inadequate Prevention of Cruelty to Animals (PCA) Act of 1960 which punishes crimes of cruelty against animals with a punishment of Rs. 50 fine.

This became the most public of animal sexual assault cases from India, with a simple Google news search showing over 100 Indian and international news reports. Meet Ashar, from PETA, convinced the police to conduct an immediate post-mortem confirming the presence of human seminal discharge.<sup>235</sup> Dr. Ramvir Bhardwaj, veterinary surgeon of animal husbandry at Nagina, confirmed the goat died of brain hemorrhage. He also added that she "was 50 days pregnant and would have delivered two babies in the last week of November. There were two fetuses found in the abdomen during the autopsy".<sup>236</sup>

Emboldened by the medical report that confirmed the goat was subjected to penetrative sex, Ashar lobbied the police to register an offence under section 377 of Indian Penal Code 1860.<sup>237</sup> The police in India notoriously resist lodging criminal complaints, but since the case was now trending national news, an amended complaint was lodged under stricter sections 377 and 429 of the IPC and along with sections 11(1)(a) and 11(1)(l) of the PCA 1960.<sup>238</sup>

PETA took the case further, and made a strong submission to the ministry drawing a 'link' between the 'mental health and law-enforcement' of perpetrators of animal sexual abuse and vulnerability of women and children, based on numerous studies.<sup>239</sup> Thus, according to the letter 'those who commit acts of cruelty to animals are more likely to hurt and even kill human beings'. In a powerful editorial, Dr. Manilal Valliyate, the head of PETA India followed up this argument:

<sup>235</sup> Interview on record with the author on 23rd October 2019 at the PETA India office in Mumbai.

<sup>236</sup> Footnote 23.

<sup>237</sup> Unnatural offences.-Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with 1\*[imprisonment for life], or imprisonment of either description for a term which may extend years, and shall also be liable to fine. Explanation.- Penetration is sufficient to constitute the intercourse necessary to the offence described in this section.

<sup>238</sup> PETA asks Ministry to amend PCA Act to include "bestiality" as cognisable offense; August 1, 2018

<https://www.devdiscourse.com/article/science-environment/98189-peta-asks-ministry-to-amend-pca-act-to-include-bestiality-as-cognizable-offense>

<sup>239</sup> A Campbell 'The Admissibility of Evidence of Animal Abuse in Criminal Trials for Child and Domestic Abuse' (2002) 43(2) Boston College Law Review 463); Sarah DeGue and David DiLillo, "Is Animal Cruelty a "Red Flag" for Family Violence?: Investigating Co-Occurring Violence Toward Children, Partners, and Pets", Journal of Interpersonal Violence 24:6 (June 2009), pp. 1036–1056. FR Ascione 'Animal Abuse and Youth Violence' (2001) Juvenile Justice Bulletin at 1; A Arluke, J Levin, and F Ascione 'The Relationship of Animal Abuse to Violence and Other Forms of Antisocial Behaviour' (1999) 14 Journal of Interpersonal Violence 963

“Horror stories of humans raping dogs, goats, cows, and other animals already appear in our newspapers, and if India's laws no longer adequately punish these unsettling crimes with the severity they demand, the unchecked deranged individuals who commit them may move on to unleashing their cruelty on humans, too... It is imperative that India's government continue to protect animals from sexual assault by keeping bestiality criminalised under Section 377 ...not only will this safeguard India's animals - who are revered - it will also protect our beloved citizens.”<sup>240</sup>

The victims are not always goats, mostly in the cases studied they are dogs. However even the “holy cow” is not spared. Most reports leave no doubt that the sexual activity is committed for immediate sexual gratification. In an earlier case from 2011, similar to the Nagina pregnant goat case, a villager in Coimbatore heard one of his calves crying only to find four semi-clad drunk men sexually abusing her.<sup>241</sup> The four young men were identified as migrant workers from Odisha. The complainant said 'that he had rushed out of his house on Perumal Kovil Street in Chettipalayam on hearing the cries of his one-and-a-half year old calf. He found the calf bleeding from its tongue because the youth had beaten it and smashed its tongue in a bid to silence it.' This bone-chilling attempt to silence the victim is recognition of the shame and violence in the act.

Farm animals are repeatedly bred through forced insemination often at the hands of the same migrant, poor workers employed to perform the daily tasks in a farm, who then end up sexually exploiting them in the night. In this report we have documented over 85 cases of animal sexual abuse across India. The cases are often widely reported in the media, come from across the states and cover a range of animals like cows, dogs, cats, donkeys,<sup>242</sup> buffaloes and monkeys. With no animal spared, the cases only compete with each other on the scale of violence and brutality.

<sup>240</sup> Criminalising bestiality safeguards society; August 20, 2018; <https://www.downtoearth.org.in/blog/wildlife-biodiversity/criminalising-bestiality-safeguards-society-61415>

<sup>241</sup> Sept 13, 2011, Express News Service.

<sup>242</sup> The FIAPO report and also a US report which records 77 reported cases of ASA from PET-ABUSE.COM, both involve animals ranging from dogs, puppies, cats, horses, foals, miniature horses, goats, pigs, show hogs, lambs, cows and mice. The US information can be accessed at <https://getleashedmag.com/2019/04/11/when-it-comes-to-abuse-silence-is-not-golden/> “To end animal sexual abuse we have to first stop keeping it a secret” by Fransi Weinstein.



## Sample case of Animal Sexual Abuse from each year 2004 to 2020

Year	Description of a case from each year 2004 to 2020
2004	In a bizarre incident that smacks of sheer desperation and sadism, two men in South Delhi's Tughlaqabad area allegedly raped a cow. The two repeatedly stabbed the cow after the assault. The incident occurred at about 4 am, when the two accused, in an inebriated state, were walking back home. The two reportedly tied the cow's legs to a tractor and also tied up its snout and after sexually assaulting the animal, stabbed it repeatedly. The owner, Amar Singh, went to the police station, but he says the police were initially hesitant to lodge a complaint. It was only when there was a public backlash that they registered a complaint. (Indiatimes report, documented in the VoSD report).
2009	In possibly the first recorded case where a charge under Section 377 was made, Mahesh Kamat a taxi driver was arrested for having sex with a stray dog. Eyewitnesses and medical reports were the only evidence on which the Tardeo Police Station in Mumbai based the case. The news report stated that "the police and law experts have never heard or represented such a case. Anuradha Sawhney, head of PETA India: "He [the accused] needs to be taken to a psychiatrist. People who commit such a crime are mentally ill. They should be severely punished." Vikram Doctor, gay activist: "It's simply wrong because of the issue of consent. Animals can't give consent to what people do to them." (Times News Network, documented in the VoSD report)
2011	Based on repeated complaints by residents of Chandigarh, Neeru Sidhu, the Secretary of the local chapter of the Society for the Prevention of Cruelty to Animals (SPCA), filed a complaint that the staff hired to look after the dogs by SPCA were indulging in 'bestiality'. A man named Manglu was arrested for investigation. <sup>35</sup>
2012	An FIR under Section 377 was registered against a man for having sex with a three-month-old calf. While the calf is being raised in a Gaushala, the accused had reportedly jumped bail. <sup>36</sup>

<sup>35</sup> SPCA reports alleged bestiality with dogs; Dec 9, 2011; <http://archive.indianexpress.com/news/spca-reports-alleged-beastiality-with-dogs/885772/>

<sup>36</sup> Man accused of bestiality missing, trial yet to begin; April 10, 2013; <https://timesofindia.indiatimes.com/city/chennai/Man-accused-of-bestiality-missing-trial-yet-to-begin/articleshow/19470183.cms>



Year	Description of a case from each year 2004 to 2020
2013	The case of Blacky, a street dog, was discussed in the VSoD report based on extensive interviews with Save Our Strays (SOS), a suburban Mumbai based animal welfare organisation. Blacky was tortured sexually by a man living in the same locality. He had inserted multiple metal objects into her and was rescued in an extremely weak condition by SOS. Shirley Menon who founded SOS was quoted as stating: "We have a particular spot in Andheri West from where we get repeat complaints. It is a spot where junkies hang out and even the police stay away from there. We had sent a few there one night when a late-night feeder witnessed a man sexually abusing a dog and called me. The cops reached there, stopped the commotion, (a lady and her young daughter got into a fight with the junkies and were cornered by them) shouted at the lady and told her never to feed on the streets at that late hour, that too with a young 18 year old daughter. I wanted to file a complaint, but the lady backed out." (Documented in the VoSD Report)
2014	Residents of Nallasopara, a north-western suburb of Greater Mumbai, caught a man red handed while he was having "sex" with a two-month-old puppy in the month of March, 2014. He had lured the puppy by offering some food, then took the animal to a secluded place and had "sex". The puppy's shrill voice raised an alarm for the residents who immediately collected at the scene and thrashed the man. According to them the man was fully drunk. While the police did arrive, they let the man off with a warning saying it was just a puppy. Witnesses claimed this was not the perpetrator's first attempt at sex with animals. <sup>37</sup>
2015	In Delhi, an 18-year-old, from a dairy farm area of Najafgarh in South West Delhi, has been accused of committing bestiality on a baby cow, after which he was admitted in the All India Institute of Medical Sciences (AIIMS). He is being treated by the hospital's department of Psychiatry and Forensic Medicine, for involving in brutal sexual activity with calves. Dr. Satapathy also said that the offender had not shown 'any feeling of guilt or remorse' upon learning that the calf had died. She said he even openly admitted to having been involved in the act. When Satapathy and other doctors tried to treat the teenager, he fled and never came back. It was discovered that his family lived on a farm, in unhygienic conditions. "...we are concerned because a person who had engaged in childhood bestiality is more likely to commit adult interpersonal crimes and this should be taken as a warning sign by society," she said. <sup>38</sup>

<sup>37</sup> Man in Mumbai let off by police after he was caught having sex with a puppy; March 27, 2014; <https://www.indiatvnews.com/crime/news/man-in-mumbai-let-off-by-police-after-he-was-caught-having-sex-with-a-puppy-5720.html>

<sup>38</sup> Delhi teenager admitted in AIIMS after having sex with baby cow!; December 22, 2015; <https://www.india.com/news/india/delhi-teenager-admitted-in-aiims-after-having-sex-with-baby-cow-804891/>

Year	Description of a case from each year 2004 to 2020
2016	<p>In a horrific incident, medical college students from Vellore in Tamil Nadu brutally killed a female monkey after she entered their hostel room. They tied up the monkey's hands, legs and neck with a phone wire, took her to the hostel terrace and thrashed her brutally in front of 30 other students. They also stabbed her back with a sharp object and raped her with an iron rod. "The monkey was abused by the worst means," said Antony Robin, one of the activists involved in exhuming the body. "Her hand was tied in the rear side and a telephone wire was tied to her neck. We observed fractures in the knee, ankle, neck and other places. We also noticed a sharp object was inserted from behind and came in front. This is by far the worst case [of animal cruelty] we have seen." The body was exhumed and buried behind the hostel. The students were suspended from college.</p> <p>"I think this is really pathetic," said Dr Lakshmi Vijaykumar, a senior psychiatrist with the World Health Organisation. "You're supposed to regard every life as important and precious, especially as a doctor. This cannot be pardoned by any stretch of the imagination."<sup>39</sup> She pointed out that students of medicine were more likely to lack empathy towards animals due to the nature of their studies. "These students are probably anaesthetised to suffering," she said. "Medical students, during the course of their studies, generally cut open frogs, rats and human cadavers, so there may be some anaesthetisation in that sense." A police complaint and criminal case under provisions of the Indian Penal Code Section 429 for assaulting an animal and the Wildlife Protection Act continues with no convictions.</p>

<sup>39</sup> As medical students stab and burn a monkey in Vellore, activists demand stricter animal welfare laws; November 24, 2016; <https://scroll.in/article/822413/as-medical-students-stab-and-burn-a-monkey-in-vellore-activists-demand-stricter-animal-welfare-laws>



Year	Description of a case from each year 2004 to 2020
2017-2020	<p>Repeat cases in news reports of a taxi driver, a watchman, a young boy of 19 years, men working in dairy farms<sup>40</sup> caught by others or on CCTV footage<sup>41</sup> for sexually assaulting street dogs, puppies and cows.</p> <p>There are two horrific cases from 2018, the same year as the murder of a pregnant goat in Haryana. A security guard was arrested for assaulting a known community street dog Bindu in Mumbai by inserting an iron rod pulling out her intestines. It is alleged it was retribution after he was scared by her bark. Bindu died of trauma and her newborn puppies did not survive after her. The security guard was arrested and immediately granted bail of Rs. 3000.<sup>42</sup></p> <p>In another 2018 incident from Ghaziabad in UP, two men allegedly sexually abused a street dog, tied the animal behind their scooter and dragged her to death. Witnesses saw them dragging the dog, caught one man while the other escaped. The perpetrator, in a brazen defense, claimed the dog had bitten many people in the locality so this was done to teach her a lesson.<sup>43</sup></p>

<sup>40</sup> In a January 2020 case two men were arrested for raping four cows on a dairy farm. The two men were drunk when they brutally attacked one cow, and then tied the legs of three more cows with ropes and raped them. The cows' sexual organs were swollen and they were unable to walk the next day. <https://www.newindianexpress.com/states/andhra-pradesh/2020/jan/08/two-arrested-for-raping-cows-at-vnagaram-farm-2086702.html>

<sup>41</sup> Man caught on CCTV raping four newborn puppies. Was seen doing the same thing a month earlier, and had been warned by local residents. Police initially refused to file a complaint despite video evidence, claiming that the nature of the crime was unclear.

Two arrested for raping cows at Vizianagaram farm; January 8, 2020; <https://www.newindianexpress.com/states/andhra-pradesh/2020/jan/08/two-arrested-for-raping-cows-at-vnagaram-farm-2086702.html>

<sup>42</sup> Security guard rapes stray dog in Mumbai's Kandivali: India must strengthen PCA Act to deter sexual crimes against animals

<https://www.firstpost.com/india/security-guard-rapes-stray-dog-in-mumbais-kandivali-india-must-strengthen-pca-act-to-deter-sexual-crimes-against-animals-5086991.html>

<sup>43</sup> 2 rape dog, drag her to death; December 16, 2018; <https://www.dailypioneer.com/2018/pioneer-exclusive/2-rape-dog--drag-her-to-death.html>

## B. The Vermin Exception

This report, the data, the cases and the discussions go beyond cases of animal sexual assault. The cases collated from the past decade simply demonstrate how much information on crimes against animals is missing from our advocacy, campaigning and outrage, just because they have not been documented together to demonstrate a widespread pattern of abuse. And similar to unwanted street animals, the category of unwanted wild animals, additionally contributes to the culture of crime against animals.

The unwanted rejection of street animals like dogs, cats and pigs is mirrored by the vermin exception in the WPA. The term vermin means a 'noxious animal' or worms, echoing the pathological formulation of unwanted animals as pests. While the entire country has expressed outrage over Soumya, very few have connected her killing to the culture of violence where a class of animals are excluded and brutal violence upon them is encouraged. When an animal is declared vermin and placed in Schedule V of WPA, it loses the protection of Section 9 against hunting. This is key as the inference of policy towards Schedule V animals is that they can be hunted without any prior permission.

In March 2020, in Himachal Pradesh, in a measure adopted by the government to protect the interests of the farmers and citizens, it has declared rhesus macaque vermin in 11 districts for a period of one year. No scientific basis recommending the reclassification has been presented by the state. This results in indiscriminate cases of poisoning of monkeys with or without the formal vermin notification in many parts of the country. In this report we have documented cases of mass poisoning of monkeys from Udipi and Mangalore in Karnataka and parts of Himachal Pradesh and Uttaranchal. This is a common trend to classify nilgais, wild boars, monkeys and in some cases even gaurs and peafowls as vermin across the country.

Any license to kill an innocent free-living animal in the wild or on the streets unleashes something deeper than the Wild West, it sows seeds for a wider public sanction of violence, often brutal, against animals, that has become the bane of our society. We list two brutal cases from 2020 that confirm this nexus of violence from the legal exception of street dogs and vermin to everyday crimes:

1. On 6th February 2020, in Ludhiana, Punjab, a street dog was tied up with an electric wire, thrashed with iron rods for hours till he was nearly unconscious and then thrown from a rooftop. It did not end there. He was then dragged on the road after being tied to an auto-rickshaw. The plan was to dump him near a canal by dragging him till there but before that, local residents heard the cries of the dog and came to rescue him. He was dragged for some 200 metres before being rescued. The dog was bleeding with a broken jaw, fractured limbs and other injuries.<sup>243</sup>
2. A stark reminder that the 2016 case of torture of a monkey by students in Tamil Nadu was not exceptional. On 29th June 2020, a video was released of a monkey being tied and tortured. The incident took place in the Ammapalem village of Khamman district of the state of Telangana, where the monkey was hanged by his neck to death in full view by the local villagers. The video shows the monkey struggling for his life with two dogs barking over him. Some locals can also be seen with lathis in their hand. The reason for this crime was that the monkey had entered the farmer's field so the villagers killed it.<sup>244</sup>

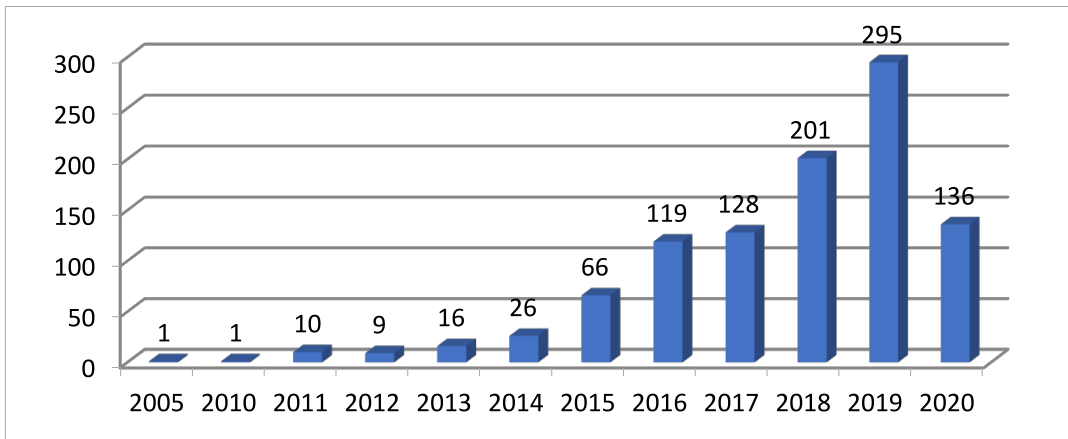
<sup>243</sup> Stray dog thrown from rooftop, three arrested; The Tribune; February 5, 2020; <https://www.tribuneindia.com/news/ludhiana/stray-dog-thrown-from-rooftop-three-arrested-36043>

<sup>244</sup> Youths kill monkey by hanging it from a tree in Telangana; Bangalore Mirror; June 29, 2020; <https://bangaloremirror.indiatimes.com/videos/sectionhomelist/animal-cruelty-youths-kill-monkey-by-hanging-it-from-a-tree-in-telangana/videoshow/76685169.cms>

### C. Findings: Everyday Assault against Animals

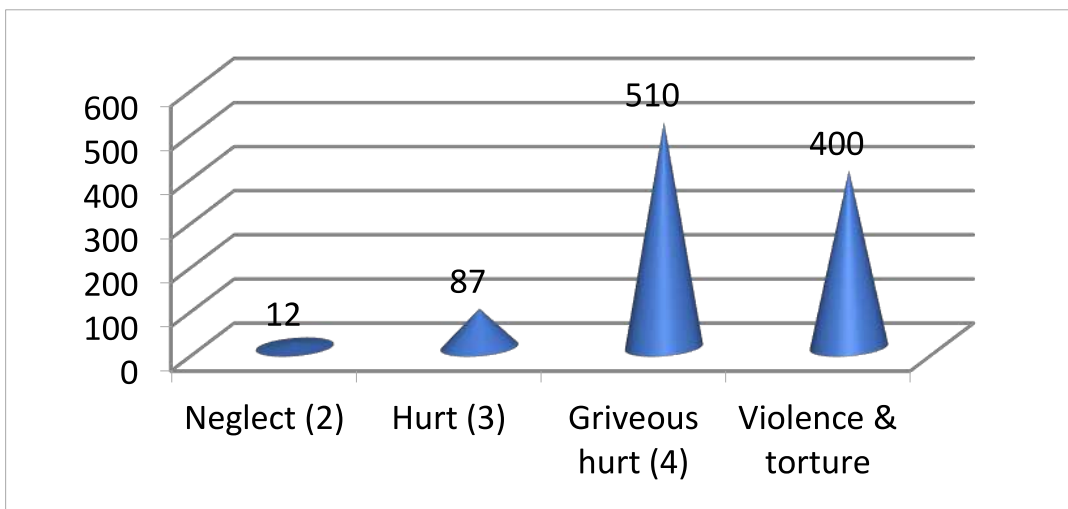
Assault has been defined in the dictionary as the crime of attacking somebody physically. The preceding chapters make it amply clear that animals – companion, working or street animals – have been at the receiving end. Animals have been brutally assaulted, tortured, sexually abused and murdered.

In this report spanning over a decade, there were 1,009 incidents of reported assault out of the total of 2,395 cases of violence against animals. They account for over 42 per cent of the reported cases of violations. The reporting of these cases has increased over the years. A year by year count is given below in Graph 1. The year 2019 recorded the highest number of 295 assault cases as documented in this report.



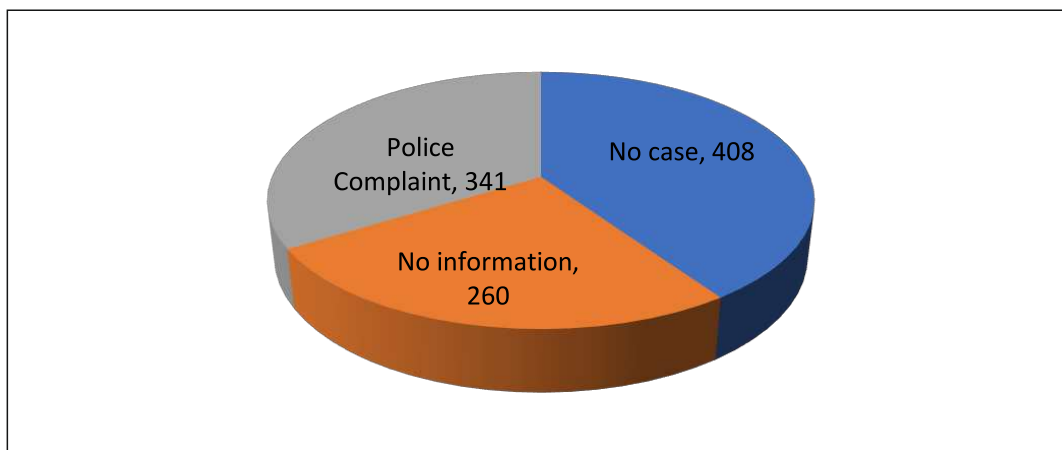
Graph 1: Cases of assault from 2005 to 2020

The Severity Index of these 1,009 cases indicates that most of them fall in the category of Grievous Hurt and Violence & Torture - over 90 per cent. A clear indication of the brutal attacks on these animals. Neglect and Hurt are comparatively much lower.



Graph 2: Assault case count by Severity Index

Even though the crimes against animals are serious in nature, in most cases we find that no case was registered – 408 cases. Significantly high is the number of cases where there was no information (260 cases) about the legal recourse. In 341 cases, there were police complaints under IPC, PCA, as indicated in Graph 3.



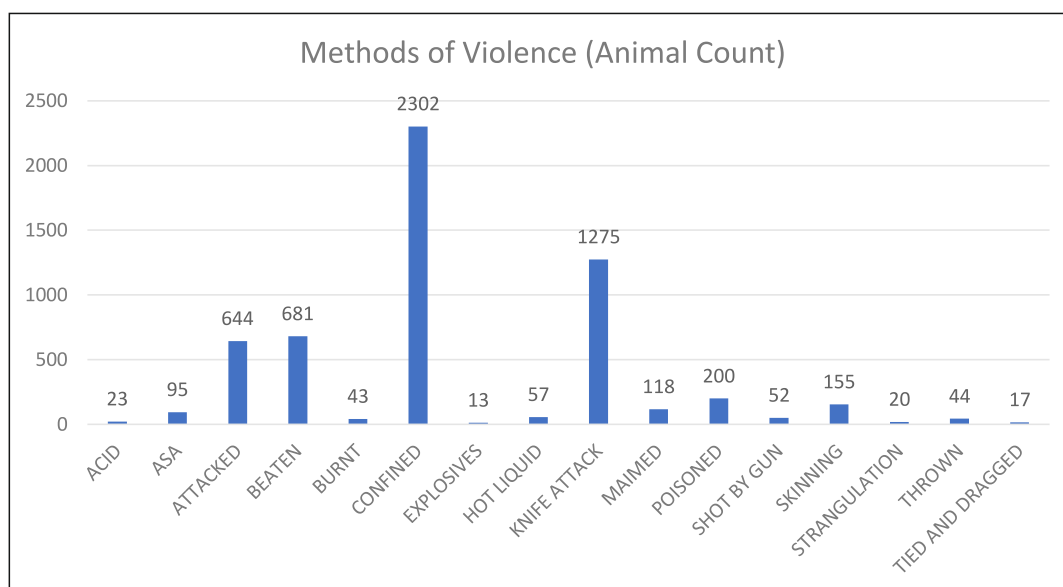
Graph 3: Assault cases as per criminal case category

To highlight the kind of brutalities faced by the animals, we have provided a representative list of 100 cases of assault below. The table below highlights the various methods of violence employed to assault animals. Beating animals seems to be the most common form of assault, followed by their confinement and maiming them. As per the documentation available for the last decade, 351 incidents of beating were reported, 135 incidents of confinement and 103 incidents of maiming of animals.

Methods of violence	Incident count	Incident %	Species count	Species %
Acid	22	2%	23	0%
Animal sexual assault (ASA)	83	8%	95	2%
Attacked	52	5%	644	11%
Beaten	351	35%	681	12%
Burnt	18	2%	43	1%
Confined	135	13%	2,302	40%
Explosives	11	1%	13	0%
Hot liquid	50	5%	57	1%
Knife attack	39	4%	1,275	22%
Maimed	103	10%	118	2%

Methods of violence	Incident count	Incident %	Species count	Species %
Poisoned	42	4%	200	3%
Shot by gun	31	3%	52	1%
Skinning	16	2%	155	3%
Strangulation	11	1%	20	0%
Thrown	29	3%	44	1%
Tied and dragged	16	2%	17	0%
<b>Grand Total</b>	<b>1,009</b>		<b>5,739</b>	

During the same period, 2,302 (40 per cent) animals were confined while a significant 1,275 animals were attacked with knife (22 per cent) and 681 animals (12 per cent) were beaten up.



Graph 4: Number of animals assaulted using various methods of violence

During the same period, 2,302 (40 per cent) animals were confined while a significant 1,275 animals were attacked with knife (22 per cent) and 681 animals (12 per cent) were beaten up.

## D. Honouring the Animal Victims of Assault

This investigation, the data collected and the mini-100 cases Assault table as Appendix B represents only a small window in the lived reality of animals in India, mainly street animals. This report is an attempt to begin important, policy changing conversations around our relationship with animals, and to shift the scale of violent crime to compassion.

In conclusion, it is pertinent that we acknowledge:

- i. That brutal violence is the everyday experience of animals in India. These animals cut across all the categories of street, stray, wild, domestic, farm, working and companion.
- ii. Instrumentality has no bounds as we see particularly in the brutality of using tradition, religion, culture, black magic and superstition to commit crimes of violent assault on animals.
- iii. The justification of necessary suffering based on the usefulness of an animal, leads to senseless exploitation and violence against them. This happens because of a strongly held belief of human dominance over animals, despite recognition of their pain and suffering.
- iv. Exploitation of working animal induces a form of continuous violence. There is no one time experience of brutality. Captive elephants, circus animals, dogs used for breeding or fighting, load bearing cattle, horses and mules, experience violence throughout their lives, through forced breeding, deprived childhoods, early work and training, brutal working lives and abandonment with no food, water or care, once their usefulness is complete.
- v. When we cull, reject and declare a class of animals to be killed, we sow the seeds for this deeper, endemic culture of violence, that takes forms beyond the permissible limits of suffering that the prohibition from cruelty protects.
- vi. Instead of teaching compassion for animals, we instill a pedagogy of violence among the youth. It is this continuation of passing the baton from old to young, that keeps both the violence and domination of the human species, alive.
- vii. No one goes to jail, impunity is writ large, only confirming that the present system has failed.
- viii. The cases of violence against animals documented in this report show that we are far passed the discussion of seeking minimum threshold of compassion.
- ix. We need a new, de novo, definition of crimes against animals, where their inherent right to be free and live lives as per their natural instincts must be the primary demand of the animal community.
- x. Animals need legal and constitutional protection from acts of brutal crime. These crimes create a culture of violence in the society at large, but animals are entitled to this protection just for their own interest as sentient beings.

We end the section on the culture of violence and assault in this report with this heart-breaking story of Veeru the donkey,<sup>245</sup> from our interview with the team at Animal Aid, Udaipur:

<sup>245</sup> <https://www.thedodo.com/on-the-farm/abused-donkey-rescued-india-veeru>



There are lots of causes where animals are beaten to death and it is difficult to think which is the cruelest. However, there was this case of the donkey called Veeru, on whom we made a YouTube video and we have made him a sanctuary animal now. He was tied and some drunkard guy was beating him incessantly with a pipe. When we reached there, his whole body was covered with marks and blood. He had been repeatedly hit over his head and body, while he was tied. One of the blows ruptured his eye. He had 20 deep wounds. The attacker was at loggerheads with the owner of the donkey and out of vengeance, he beat the donkey – taking revenge against a sentient being, which is still a property of the owner. We filed a complaint and we tracked him through his mobile phone and caught him and handed him over to the police.



The story of the brutality that Veeru experienced in addition to his daily chores and his subsequent rescue and recovery, represents both the worse and the best of our relationship with animals. This report while focussing on the worse, hopes that we proceed with a determined hope of a better future of co-existence with animals, as human animals, among the non-human ones. (As we are animals too.) We dedicate this report to the animal victims of violence across India, with a hope that it will serve as a catalyst for systemic change in our relationship with all animals, away from violence, and towards compassion and peaceful coexistence.

Our dominance over animals will only be challenged by a self-realisation that it is morally corruptible and ethically wrong. We cannot go through this world as silent spectators. The time for that deep reflection is NOW!

## IX. Conclusion & Recommendations

In the year 2011 and again in 2014, two bills were introduced in the Parliament in order to enhance the penal provisions from a fine of Rupees Ten Thousand to Twenty Five Thousand along with a term of up to two years for first time offences and to make the offences under Section 11 of the Act cognisable. However, till date, they have not been tabled for debate. An attempt by BJP MP Poonam Mahajan through a Private Member Bill of 2016 was served a similar fate. While we await the law-making process to take its course, the Indian legal system needs to re-examine crimes against animals altogether.

The Central Government in the year 2001 framed and passed the Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001, to establish Societies for Prevention of Cruelty to Animals [hereinafter referred to as “SPCA(s)”] in every district in the state. By an order dated August 6, 2008, in *Geeta Seshamani vs. Union of India & Anr.*, the Supreme Court directed that all the states must establish State Animal Welfare Boards within three months and to constitute SPCAs in every district. In addition, AWBI on October 1, 2008, issued an advisory to all the states and union territories to comply with the directions given in *Geeta Seshamani* to constitute state board and SPCAs. No demonstrable actions have been taken across the country.

While justifiably angry, and guided by this anger, the focus of the animal rights movement in India needs to be redirected from the mere enhancement of punishment to a demand for de novo definition of violent crimes against animals. We need a new law that punishes crimes against animals proportionate to the severity of the violence. We have documented cases of such a wide range of violence, the new law must mirror the exhaustiveness of the reality that animals face, similar to the meticulousness of Indian Penal Code.

While stricter punishments and cognisance of offences would help with the element of deterrence to some extent, animals need to be accorded parity in the Indian legal system. Measures such as sensitising and training the police force and judges, maintenance of records indicating crimes against animals, having functional State Animal Welfare Boards and SPCAs in each state and district respectively are the need of the hour. In addition, we need AWBI to function as an autonomous board with more powers to take direct, enforceable action to protect animals.

We return to the quote of Rukmini Arundale in Chapter II, and her emphasis on education. When the PCA was enacted in 1960, it lacked any constitutional backing, which it only received in the form a constitutional duty in Article 51, 17 years later in 1977. This constitutional duty needs to be cultivated. In our research, shockingly children and young people – even medical and engineering students – appear to be many of the offenders who have committed violent crimes on animals. Clearly, the message many of our youth are learning is contrary to the fundamental duty to show compassion. The idea of animal suffering has become far too remote, and crime and punishment alone cannot alleviate it. We need to teach, cultivate and nurture compassion towards animals – only then can a substantive right in animals to be protected from crimes, will be actualised.

## **A. Notional Acceptance: Animals are beings and not things.**

1. Our constitutional duty to show compassion towards animals must be understood to mean that all animals are sentient beings with inherent, intrinsic worth and value.
2. We need constitutional and legal recognition that all animals have a right to be free from violent crimes.
3. The right to be free from violent crimes involves a – non-negotiable – duty on the state to protect animals from crimes.
4. Policies of exception of street and vermin animals from legal protection encourage a culture of violence against all animals. These exceptions must be abolished.
5. All animals – whether street or wild vermin – must be considered worthy of protection and their right to life must remain a paramount concern.
6. Our relationship with animals must be re-examined on a level of parity and not instrumentality. It is because we recognise that animals have an intrinsic worth – they must be treated equally.
7. To protect working/companion animals the test of unnecessary/necessary suffering must be abolished as an archaic idea. No suffering toward an animal must be permitted by law.

## **B. Public Record**

8. No effective, correct, and required assessment of the need for change can be conducted without being informed the scale of the problem.
9. The National Crime Records Bureau's mandate must be revised to include all animals related crimes.
10. All data on crimes against animals must be recorded, collated, analysed and shared on an annual basis – as part of the government's larger commitment to rid our society of all crimes.
11. Appropriate documentation of crimes against animals will automatically generate a culture of parity towards these offences, leading to appropriate law and policy reform.

## **C. Strengthening existing institutions**

12. PCA as it stands today is a regulatory statute, it should be strengthened to reduce the suffering of animals in human captivity and control. A fresh law should be created to punish crimes against animals.
13. The Animal Welfare Board of India, rests within the Ministry of Animal Husbandry and Fisheries – there is a clear conflict in this arrangement. AWBI must be a truly independent body, with executive powers to make enforceable rules for animal protection.
14. Consequently, institutions like the State Animal Welfare Boards of India and District Level SPCAs must be mandated across all states and districts to aid the function of regulation of any sanctioned use of animals.
15. To appropriately address the issue of crimes against animals, and animal protection at large, a dedicated new Ministry must be created to oversee aspects of animal welfare, protection and rights.
16. Animal Birth Control programmes must be created by allocating greater state funds at district and panchayat levels to avoid conflict and violence; similar measures must be implemented towards wild animal conflict to minimise all kinds of violence against animals.

## D. Punishing Crimes against Animals

17. Constitution of India must be amended and the constitutional duty to show compassion to animals [Article 51A (g)] must be supplemented with a corresponding constitutional “Right to Life” guaranteed to Animals.
18. Right to Life of Animals, as recognized by the Hon'ble Supreme Court in Nagaraja, must be given legislative protection by providing effective deterrent for crimes against animals, which is currently absent from the Prevention of Cruelty to Animals Act, 1960.
19. Crimes against Animals must be appropriately graded, and punishment provided for them, according to the severity of the crime.
20. Laws excluding 'Stray' and 'Vermin' Animals from protection from crimes, must be abolished.
21. Animals used by humans for food, agriculture, transport, dairy, scientific experiments and for all other uses – must also be guaranteed the basic fundamental right of life without pain, suffering and torture.
22. It is widely recognised that people who commit crimes on animals do not stop there and also become a criminal threat to women and children in human societies.
23. Crimes against animals must be treated with parity with all crimes against humans.
24. While we welcome the current ongoing efforts to increase the penalty for crimes against animals in the PCA, to effectively address this issue we need to reexamine these laws afresh – de novo.
25. The government must set up a high-level committee to study the issue of crimes against animals, take representations from all stakeholders before proposing new law and policy changes. One such initiative could be to set in motion a Law Commission of India inquiry on the subject.
26. A new law specifically for the purpose of Prevention of Crimes Against Animals - at par with the Indian Penal Code be enacted.
27. All violent crimes against animals must be cognisable and non-bailable.
28. In the meanwhile, till the time the Prevention of Cruelty to Animals Act 1960 is appropriately amended to bring in effective deterrent, or a new law as recommended is enacted, the Courts must invoke Sections 428-429 of the Indian Penal Code for crimes against all animals, including stray animals, reading down the ingredients of “mischief” and “monetary value” from these two sections.
29. We must acknowledge that cruelty is a limited concept, and crimes against animals must be defined along the severity of the incidents, and not as a single, common act of cruelty.
30. The new law must shun all suffering towards animals, including the nebulous concept of 'necessary' suffering as it effectively – in practice - ends up legitimising crimes against animals.

31. Every police station must have a designated team to register and investigate crimes against animals - like we have the women's cells.
32. The most crucial piece of evidence in crimes against animals are medical reports, as animals cannot testify. All veterinarians must, by law, be required to notify any medical cognisance of crime upon examination of an animal, to the nearby Police Station.
33. In addition, for the purpose of investigation the customary requirement of public veterinarian for medical reports must be dispensed with to allow all registered veterinarians, including those in private practice to certify reports of criminal abuse and assault on animals.

#### **E. Cultivation of Compassion**

34. We need to teach, cultivate and nurture compassion towards animals – only then can a substantive right in animals to be protected from crimes, will be actualised.
35. This needs to begin at primary and secondary school levels. Mandatory 50 hours of theoretical and practical education must be included in schools to cultivate compassion towards animals.

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Alok Hisarwala Gupta



# Appendix 1

Working animal table - 20 different kinds of practises, 100 cases of abuse and violence

S No.	Date	Location	Animal	Practice/Incident
<b>A. ANIMALS AS GUARDS</b>				
1.	01.01.2010	Kanpur, Uttar Pradesh	Langur	The Employees State Insurance Corporation, Kanpur, had hired Mangal Singh, a 10 year old langur from Lucknow, for Rs 10,000 a month to keep monkeys away from the ESIC campus. <sup>1</sup>
2.	23.01.2013	Pawal, Haryana	Langur	A langur was badly abused by RPS-Vikas Group Company, who were keeping the langur tied to a pole to repel monkeys. <sup>2</sup>
3.	11.07.2015	Ongole, Andhra Pradesh	Langur s	Ongole Municipal Corporation is using langurs to scare away monkeys. <sup>3</sup>
4.	14.12.2019	Ghaziabad, Uttar Pradesh	Langur	Four adult langurs were found stuffed in a gunny bag and dumped in the corner of a train toilet. Having travelled for almost 10 hours, the animals were gasping for breath when they were rescued by a forest department team. They were being smuggled from Lucknow in a Delhi-bound train. Three persons were arrested. The accused said the langurs would have been sold in the Seelampuri market, where they are bought by RWAs and offices that are troubled by monkeys. <sup>4</sup>
5.	22.02.2020	Agra, Uttar Pradesh	Langur	The security agencies have deployed five langurs on the route of Trump's convoy to tackle monkeys. <sup>5</sup>

<sup>1</sup> Threatened by monkeys, Agra hires monkeys; The Telegraph Online; November 15, 2018; <https://www.telegraphindia.com/india/threatened-by-monkeys-agra-hires-monkeys/cid/1675428>

<sup>2</sup> [https://www.youtube.com/watch?v=FkE27\\_XG58o](https://www.youtube.com/watch?v=FkE27_XG58o)

<sup>3</sup> Tamed langurs to scare away unruly monkeys; The Hindu; November 7, 2015; <https://www.thehindu.com/news/national/andhra-pradesh/tamed-langurs-to-scare-away-unruly-monkeys/article7852969.ece>

<sup>4</sup> Four langurs rescued from a gunny bag in train toilet; The Times of India; December 14, 2019; <https://timesofindia.indiatimes.com/city/ghaziabad/four-langurs-rescued-from-a-gunny-bag-in-train-toilet/articleshow/72555705.cms>

<sup>5</sup> Five langurs added to Trump's security team for his visit to Taj Mahal in Agra; India Today; February 22, 2020; <https://www.indiatoday.in/amp/trending-news/story/five-langurs-added-in-trump-s-security-team-for-his-visit-to-taj-mahal-in-agra-1649064-2020-02-22?fbclid=IwAR1sEaE7Nagvihmd-CEamTwNtUWJ99S73ouZjkHrWpFzbp2H-iqprYyWgnQ>

S No.	Date	Location	Animal	Practice/Incident
<b>B. SUPERSTITION AND ANIMAL VICTIMS</b>				
6.	10.10.2016	Delhi	Indian Roller Birds	"We have rescued hundreds of Neelkant birds with their feet chopped. These birds were captured from the forests and taken to Delhi and other cities. The sellers earn a hefty amount of over Rs 5,000 only to provide a glimpse of the bird," said Abhinav Srihan of Fauna Police. Certain section of Hindus worship these birds, particularly during Diwali, and the poachers make quick bucks. <sup>6</sup>
7.	01.12.2017	Haridwar, Uttarakhand	Monitor lizard	Hatha Jodi was being sold in various shops which were selling articles for worship in Haridwar, Rishikesh and Dehradun. The shopkeepers said it was plant material and was used in poojas, especially during Deepavali, and a few people were also using it in tantric poojas. The samples purchased were tested and turned out to be the genitalia of Bengal monitor lizards <sup>7</sup> .
8.	25.06.2018	Bhopal, Madhya Pradesh	Frogs	Complaint lodged against Minister of State for Woman and Child Development Lalita Yadav for organising a wedding of two frogs at a temple to appease rain gods. Both frogs were mishandled, adopting cruel and abusive manner. <sup>8</sup>

<sup>6</sup> 'Tantriks sacrifice owls': Activists raise the alarm over illegal sale of owls and Indian rollers during Diwali; Mail Online India; October 10, 2016; <https://www.dailymail.co.uk/indiahome/indianews/article-3829726/Tantriks-sacrifice-owls-Activists-raise-alarm-illegal-sale-owls-Indian-rollers-Diwali.html>

<sup>7</sup> Wildlife forensics in battle against veneration frauds in Uttarakhand, India: Identification of protected Indian monitor lizard in items available in the local market under the name of Hatha Jodi; <https://www.tandfonline.com/doi/full/10.1080/23802359.2018.1501284?scroll=top&needAccess=true&>

<sup>8</sup> FIR sought against Madhya Pradesh minister for 'forcible' wedding of frogs; The Times of India; June 25, 2018; <https://timesofindia.indiatimes.com/city/bhopal/fir-sought-against-madhya-pradesh-minister-for-forcible-wedding-of-frogs/articleshow/64735942.cms>



S No.	Date	Location	Animal	Practice/Incident
9.	27.10.2019	Ghaziabad, Uttar Pradesh	Owls	The Ghaziabad Police caught two men smuggling five rare owls cramped in plastic bucket, worth around Rs 1 crore. The owls were being delivered to an occultist for sacrifice during the night of Diwali. Mail Today found several private accounts on social media websites, especially Facebook where people were openly selling owls ranging from Rs.10,000 up to several lakhs. Also some pet shop owners, who usually sell fish and aquariums, were illegally arranging owls for their customers. Jama Masjid has become a hub where people buy owls with an ease. <sup>9</sup>
10.	03.01.2020	Kutch, Gujarat	Spiny tailed lizards	More than 300 spiny tailed lizards have allegedly been killed in Bhuj. Activists believe that Sanda lizards are killed for their tails to extract a special kind of oil, which is used to heal bone diseases and increase sexual stamina. Sanda lizards are protected under Schedule II of the Wildlife Protection Act. <sup>10</sup>

### C. HARD LABOUR AND ANIMALS

11.	17.05.2010	Pune, Maharashtra	Bulls	Bullock carts transporting sugarcane to Shri Chhatrapati Cooperative Sugar Factory were being overloaded; they were forced to pull up to 4,500 kg when they should pull no more than 1,800 kg. The animals were whipped and forced to work for long periods in extreme temperatures. The police failed to act even though the carts passed right in front of the police station. Judicial Magistrate First Class (Indapur Taluka), Pune, has ordered the police to probe the allegations. <sup>11</sup>
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<sup>9</sup> Grotesque! Killing owls for Diwali Good Luck; India Today; October 27, 2019; <https://www.indiatoday.in/mail-today/story/grotesque-killing-owls-for-diwali-good-luck-1613212-2019-10-27>

<sup>10</sup> 300 spiny-tailed lizards allegedly killed in Bhuj; India Today; March 1, 2020; <https://www.indiatoday.in/india/story/gujarat-300-spiny-tailed-lizards-allegedly-killed-in-bhuj-1651243-2020-03-01>

<sup>11</sup> Probe cruelty to bullocks, cops told; The Indian Express; May 17, 2020; <https://indianexpress.com/article/cities/pune/probe-cruelty-to-bullocks-cops-told/>

S No.	Date	Location	Animal	Practice/Incident
12.	29.11.2012	Agra, Uttar Pradesh	Camels	Ill treatment of camels and horses used as commercial transport near Taj Mahal. They are subjected to inhumane working conditions - harnessed to heavy carts to take tourists for joyrides, forced to stand in their own excreta as they are tied and have no place to move around and continuously beaten as they navigate heavy vehicular traffic. The animals have damaged hooves and footpads and are covered in bruises as well as malnourished. No provision of food, water or shade for the overworked animals is visible. <sup>12</sup>
13.	04.09.2017	Challakere, Karnataka	Bulls	Hundreds of bullock cart owners are misusing the permission given by the district administration to transport sand from patta land in and around Challakere and Nagarangere tanks. Everyday hundreds of cartloads of sand are sold uninterruptedly. <sup>13</sup>
14.	24.12.2018	Moradabad, Uttar Pradesh	Horse	The horse with a broken leg, limping with difficulty, being whipped to run while pulling a carriage with two people. <sup>14</sup>

<sup>12</sup> FIAPO case archive

<sup>13</sup> With no checking, bullock carts used to transport sand illegally; The New Indian Express; April 9, 2017; <https://www.newindianexpress.com/states/karnataka/2017/apr/09/with-no-checking-bullock-carts-used-to-transport-sand-illegally-1591648.html>

<sup>14</sup> <https://www.facebook.com/pooja.bahukhandi.3/posts/1135006019994293>

S No.	Date	Location	Animal	Practice/Incident
15.	17.01.2020	Delhi	Tongas	<p>In 2010, MCD had passed a resolution banning plying of tongas in Delhi. PETA's field surveys have found that a total of 155 tongas were routinely plying in North Delhi Municipal Corporation areas, 58 in East Delhi Municipal Corporation areas and 40 in South Delhi Municipal Corporation areas. The animals were made to work in extreme heat and cold in a highly polluted environment and for prolonged hours. The carts were often overloaded, exceeding the legal limits on the quantity of goods and the number of passengers. Both equines and humans have been seriously injured in traffic accidents. The animals openly defecate on roads, causing a hazard to public health as their faeces contain tetanus pathogens. They may also contain deadly zoonotic diseases (which can spread to humans) such as glanders.</p> <p>PETA India has filed a petition in the Delhi HC seeking the enforcement of the 2010 MCD resolution.<sup>15</sup></p>
<b>D. ANIMALS USED IN POLITICS</b>				
16.	01.01.2010	Rajasthan	Donkey	<p>Several political activists from the National Congress Party in a suburban area portrayed a pregnant donkey as a leader of the Opposition party, hit the animal with slippers and sticks, while dragging her along from one end to the other with a rope around her neck.<sup>16</sup></p>

<sup>15</sup> <https://www.petaindia.com/blog/peta-india-files-petition-in-delhi-high-court-seeking-enforcement-of-tonga-ban/>

<sup>16</sup> Case reported by Laj Jain, animal activist.

S No.	Date	Location	Animal	Practice/Incident
17.	29.09.2014	Chandigarh	Elephant	<p>Indian National Lok Dal candidate rode an elephant to file his election nomination. EC has sent a notice to the candidate.</p> <p>Kadian from Indian People for Animals notes that animals are often made to carry loads beyond permissible limits, made to work long hours and some candidates even paint slogans and election symbols on them using harmful chemicals. Bulls, donkeys, elephants and other animals used in election campaigns are commonly beaten, pushed into crowds, overloaded and otherwise abused. They are often undernourished and denied adequate food and water. Wounds and other injuries are common.<sup>17</sup></p>
18.	29.03.2017	Delhi	Snakes	<p>Farmers from Tamil Nadu protesting in Delhi held pieces of dead snakes in their mouth. A group of these farmers began these protests in Trichy, where they held dead rats in their mouths. They arranged for the snakes, cut it into pieces and distributed them.<sup>18</sup></p>
19.	18.11.2018	Wardhanna pet, Telangana	Horse	<p>Wardhannapet Telangana Rashtra Samithi candidate riding horse during election campaign. The horse was being paraded through dense crowds, while a camera pointed a beaming flashlight in front of the horse's face.<sup>19</sup></p>
20.	22.10.2019	Jaipur, Rajasthan	Donkey	<p>BSP workers made Ramji Gautam, the national coordinator, sit on a donkey and paraded him and former state unit chief Sitaram outside the party office. This was done to protest the alleged corruption in ticket allocation in the 2018 Rajasthan Assembly polls.<sup>20</sup></p>

<sup>17</sup> EC slaps notice on INLD candidate for riding elephant on way to file papers; The Indian Express; September 29, 2014; <https://indianexpress.com/article/india/politics/ec-slaps-notice-on-inld-candidate-for-riding-elephant-on-way-to-file-papers/>

<sup>18</sup> TN farmers in Delhi hold dead snakes in mouth on Day 16 of protests; The News Minute; March 29, 2017; <https://www.thenewsminute.com/article/tn-farmers-delhi-hold-dead-snakes-mouth-day-16-protests-59474>

<sup>19</sup> <https://www.youtube.com/watch?v=b5s0Da94AYU>

<sup>20</sup> 2 BSP leaders garlanded with shoes, paraded outside party office in Rajasthan; The Hindustan Times; October 22, 2019; <https://www.hindustantimes.com/india-news/2-bsp-leaders-garlanded-with-shoes-paraded-outside-party-office-in-rajasthan/story-2YXcn2wt9tJ6xzDSHdzKIM.html>

S No.	Date	Location	Animal	Practice/Incident
<b>E. ANIMALS USED IN ENTERTAINMENT</b>				
21.	08.09.2011	Ludhiana, Punjab	Greyhound racing	<p>FIAPO's letter urging against the building of a special dog and greyhound racing track in the state. Greyhounds are trained using live bait such as rabbits and kittens. They are kept hungry so as to motivate them to chase, catch and tear apart small animals. When they are not in training, dogs are forced to spend up to 20 hours a day in small crates barely allowing them to move.</p> <p>In addition, Greyhounds, brought in from the United States, Canada and Europe, are not able to adjust to the tropical climatic conditions of India. The 'sport' encourages vices like gambling.<sup>21</sup></p>
22.	15.06.2017	Punjab	Dog fights in popular culture	<p>Diljit Dosanjh, Kamal Grewal being called out for promoting dog fights through their music videos. Diljit Dosanjh's "Pitbull" with the lyrics, "Rakhe fight nu vi pitbull chaarni (Have kept four pitbulls for fighting)," and Kamal Grewal's, "Sarkariban" which says, "Petbull'an da chalayayaan ne haidaurni (Friends have begun the trend of pitbull fighting)." In the video of the song, we see Kamal handling the dogs with mouth guards and making them fight.<sup>22</sup></p>

<sup>21</sup> FIAPO case archives.

<sup>22</sup> Diljit Dosanjh's music video slammed for promoting cruelty to dogs, public apology demanded; The Indian Express; June 15, 2017; <https://indianexpress.com/article/entertainment/bollywood/diljit-dosanjh-music-video-slammed-for-promoting-cruelty-to-dogs-public-apology-demanded-4704973/>

S No.	Date	Location	Animal	Practice/Incident
23.	22.07.2018	Collem, Goa	Elephant	A captive adult Asian elephant is forced to shower tourists with its trunk at a Jungle Book themed resort in Goa. The mahout has a long pointed stick with which he pokes the elephant to make him/her perform the aforementioned activity. Kartick Satyanarayan, founder of Wildlife SOS, describes the process, “[The handler] has conditioned that elephant, saying every time I am going to poke you, and if you don't do this I'm going to poke you harder. The elephant has realised, the minute I get a slight poke I'm going to do [what he wants] because I don't want more pain.” One of the visitors described the abuse in his review, “The elephant that did the 'showers' had open wounds on its head and a rope tied around its neck that dug into it to allow tourists to climb on.” The elephants were kept chained by both their front and back legs and tourists were offered rides on the animals, which were expected to carry as many as three people at a time. <sup>23</sup>
24.	13.06.2019	Alwar, Rajasthan	Dogs and cats	A man named Maninder Singh Issar trains dogs to kill cats and records them being brutally killed by his dogs. He provokes his dogs and laughs at these cats being killed. He does this purely for entertainment and to get more subscribers on YouTube. <sup>24</sup>
25.	01.11.2020	Bikaner, Rajasthan	Camel race	Camel race to be held at Bikaner Camel Festival, organised by the Department of Tourism, Art and Culture. <sup>25</sup>

<sup>23</sup> Video shows ‘shocking cruelty’ towards elephants at Jungle Book themed resort sold by top UK travel agencies; Independent; July 23, 2018; <https://www.independent.co.uk/news/world/asia/elephants-pointed-sticks-go-india-resort-uk-tourists-wildlife-sos-a8458771.html>

<sup>24</sup> SPCA records

<sup>25</sup> Camel festival in Bikaner; <https://www.indianholiday.com/fairs-and-festivals/rajasthan/camel-festival-bikaner.html>

S No.	Date	Location	Animal	Practice/Incident
<b>F. ANIMALS RACES</b>				
26.	14.05.2012	Mumbai, Maharashtra	Horses	An illegal horse cart race was reported on the Eastern Express highway at midnight. There were at least 10-12 carts, each with two horses, surrounded by about 50 bikes and many cars and autos. The bikes and autos were part of the entourage and trying to make way for the carts, clearing traffic. Even the people on the bikes had whips. By the time the police van reached the spot, the carts had disappeared. <sup>26</sup>
27.	05.10.2013	Maharashtra	Greyhound dogs	On 29 September, an illegal greyhound race was stopped with the efforts of two animal welfare groups – Sarva Jeev Mangal Prathisthan and Beauty Without Cruelty. Greyhounds are given intoxicants and performance-enhancing drugs. They are kept hungry and made to chase down their prey to practice for the race. Kalyan Gangwal, founder-President of Sarva Jeev Mangal Prathisthan claimed that the race, organised by Satyasheel Mohite Patil, had political backing. He is the son of Vijaysingh Mohite Patil, the former Deputy Chief Minister of Maharashtra. <sup>27</sup>
28.	20.04.2013	Ludhiana, Punjab	Donkeys	Donkey race held as part of the Kila Raipur Sports Festival. <sup>28</sup>

<sup>26</sup> Couple report illegal horse cart race at midnight; The Indian Express; May 14, 2012; <https://indianexpress.com/article/cities/mumbai/couple-report-illegal-horse-cart-race-at-midnight/>

<sup>27</sup> Activists draw the finish line for greyhound races; Pune Mirror; October 5, 2013; <https://punemirror.indiatimes.com/pune/cover-story/activists-draw-the-finish-line-for-greyhound-races/articleshow/31228791.cms>

<sup>28</sup> <https://www.youtube.com/watch?v=U8bsBWiHp7s>

S No.	Date	Location	Animal	Practice/Incident
29.	31.07.2017	Delhi	Pigeons	Kallu Khan's flat in Kotla Mubarakpur houses more than 100 pigeons in crammed cages. He forces this fleet to participate in pigeon races from August to May. In May 2017, Kallu Khan won a competition organised in North Delhi's Azadpur. Some of these birds are bought from old Delhi's Kabootar Bazaar, where pigeons are sold for as less as Rs.200. <sup>29</sup>
30.	20.09.2018	Belagavi, Karnataka	Bull and horse	In Akkol village, cart races with one bull and one horse were scheduled to take place. Such races are widespread in Karnataka and Maharashtra. PETA India with the help of Belagavi SP stopped the event from taking place. "Horses don't have fat muscles on their back and can pull a cart only from their chests. The bull, however, pulls from its back. When hitched together on one cart, it is tied to the backs of both the animals, which means that the horse suffers. A bull can't run at the same pace as a horse, so to make it run faster, it is beaten with sticks, its tail is twisted, tailbone broken and it is even given electric shocks. We have video evidence of all of this. Bulls have collapsed and died of heart attacks as a result," says Meet Ashar from PETA India. <sup>30</sup>

#### G. ANIMALS USED FOR RIDING

31.	28.01.2009	Rajasthan	Camels	Chokhi Dhani is famous for school picnics and is visited by 500 to 800 children on an average per day, with only two camels catering to this crowd. While a camel's back can accommodate four people, the organisers overburden them with at least eight students. One of the camels died allegedly due to being overburdened, the other was sick. <sup>31</sup>
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<sup>29</sup> Kabootarbaaz: India's finest birdman; <https://www.arre.co.in/people/kabootarbaaz-india-birdman-pigeon-trainer-old-delhi/>

<sup>30</sup> Making bulls & horses race together is extreme torture; The Times of India; September 20, 2018; <https://timesofindia.indiatimes.com/city/bengaluru/making-bulls-horses-race-together-is-extreme-torture/articleshow/65870596.cms>

<sup>31</sup> No joyride: 'Overloaded' camel dies; DNA; January 28, 2009; <https://www.dnaindia.com/mumbai/report-no-joyride-overloaded-camel-dies-1225476>



S No.	Date	Location	Animal	Practice/Incident
32.	21.07.2015	Mumbai, Maharashtra	Camels	Camels taken to Juhu for joyrides on beaches are working in terrible conditions. The saline water makes their feet sore. They have numerous skin diseases and wounds. When they fall sick they are tied up, abandoned and left to drown. <sup>32</sup>
33.	04.12.2017	India	Elephant	Priyanka, an elephant, abused for joyrides, begging and wedding processions, was rescued by Wildlife SOS. The veterinarian check-up revealed that she had corneal opacity in both eyes and was going blind. Her hind limbs appeared to be twisted inwards because of improper development due to poor nutrition in her younger years, her toenails were overgrown and had begun cracking as a result and she had an abscess on her right hind limb. She had a fracture in the third digits of both feet. In this condition, she was exploited day in-and-out. Being forced to give joyrides to people who clambered into the heavy carrier that sat atop her aching back. She was forced to walk continuously while her fractured feet burnt on the hot tar. <sup>33</sup>
34.	27.09.2018	Amer, Rajasthan	Elephants	At Amer Fort 103 elephants regularly carry tourists up and down a deep slope. As per AWBI investigations they suffer from the blows of ankush or bullhook, which is prohibited, and from beating, kicking and insufficient diet and inadequate medical care. They have open wounds, scars, are chained when not working and display stereotypical behaviour caused by lack of natural mental stimulation. Additional Chief Metropolitan Magistrate in Amer has asked the police to file an FIR against the accused. <sup>34</sup>

<sup>32</sup> <https://www.youtube.com/watch?v=NzFsUGlyzHQ>

<sup>33</sup> Priyanka the elephant loves her new life after 40 years of slavery; February 8, 2018; <https://ladyfreethinker.org/video-priyanka-elephant-loves-new-life-40-years-slavery/>

<sup>34</sup> Court puts cruelty against elephants at Amber Fort under scanner; The Hindu; June 2, 2018; <https://www.thehindu.com/news/national/other-states/court-puts-cruelty-against-elephants-at-amber-fort-under-scanner/article24061528.ece>

S No.	Date	Location	Animal	Practice/Incident
35.	01.02.2020	Alibaug, Maharashtra	Horses	At Alibaug beach, horses are forced to lug carts filled with people into the sea to reach the Old Fort that is surrounded by water on all sides. This causes severe physical and mental trauma to the equines who do this for hours at a stretch. A resident said, "A few horses were also limping, which means that they are suffering from bodily injuries." <sup>35</sup>
<b>H. ANIMALS USED IN CIRCUSES</b>				
36.	16.07.2013	Wayanad, Kerala	Hippopotamus	A circus hippo was killed in floods at Varayal, due to the negligence of Gemini Circus that held the wild animal captive as an entertainment source for circus visitors. <sup>36</sup>
37.	04.08.2016	Nanded, Maharashtra	Many animals	Nearly 40 abused animals rescued from Moonlight Circus. They include four elephants, five horses, one camel, 16 exotic birds such as African parrots and 13 dogs. The investigation report found elephants restrained at all times; camels, horses, dogs, and birds housed in cramped and filthy living spaces and all animals deprived of everything natural and important to them. The bird's flight feathers were clipped so it could never fly again. <sup>37</sup>
38.	03.10.2016	Hyderabad, Telangana	Elephant	A 33 year old female Asiatic elephant Sita was rescued from the possession of Jamuna Circus. Zoo officials said the female elephant had a wound on her foot despite which she was being compelled to perform. <sup>38</sup>

<sup>35</sup> Horses made to run into sea to take tourists to Old Fort at Alibaug beach, activists up in arms; The Times of India; January 2, 2020, [https://timesofindia.indiatimes.com/city/pune/horses-made-to-run-into-sea-to-take-tourists-to-old-fort-at-alibag-beach-activists-raise-complaint/articleshow/73073075.cms?utm\\_source=Google\\_Newsstand&utm\\_campaign=RSS\\_Feed&utm\\_medium=Referral](https://timesofindia.indiatimes.com/city/pune/horses-made-to-run-into-sea-to-take-tourists-to-old-fort-at-alibag-beach-activists-raise-complaint/articleshow/73073075.cms?utm_source=Google_Newsstand&utm_campaign=RSS_Feed&utm_medium=Referral)

<sup>36</sup> <https://www.youtube.com/watch?v=GK5qQR3XSJU>

<sup>37</sup> Largest rescue of abused circus animals successful in Nanded; The Times of India; April 8, 2015; <https://timesofindia.indiatimes.com/home/environment/Largest-rescue-of-abused-circus-animals-successful-in-Nanded/articleshow/46852020.cms>

<sup>38</sup> Elephant rescued from circus; The New Indian Express; March 10, 2016; <https://www.newindianexpress.com/cities/hyderabad/2016/mar/10/Elephant-Rescued-From-Circus-902043.html>

S No.	Date	Location	Animal	Practice/Incident
39.	29.10.2018	Hyderabad, Telangana	Many animals	PFA Hyderabad led the ground rescue operations for one elephant, one camel, two horses, two goats, five dogs, three puppies, and one bullock. The elephant was almost blind. She was kept tied for 22 hours a day without adequate food, water or exercise. The circus had also not registered the elephant with the Central Zoo Authority and was holding the animal illegally. <sup>39</sup>
40.	27.02.2020	Ahmedabad, Gujarat	Elephant	An elephant being forced to perform at the Great Golden Circus. <sup>40</sup>

### I. ANIMALS USED FOR FIGHTING

41.	13.01.2012	Vadodara, Gujarat	Cock fighting	A cock fight took place with 30odd spectators. Such fights take place once or twice a month in Vadodara. The rooster which runs away from the ground is of no use. He becomes chicken and is sold. <sup>41</sup>
42.	24.10.2014	Bareilly, Uttar Pradesh	Cow vs. pig fight	The legs of the pig are tied with a rope held by a man who flings the nervous animal into a group of cows, who use their horns to batter the pig to death. This is part of Govardhan pooja celebrations. The annual event is organised by Yadav families of the area to mark the 'victory' of good over evil, and bring luck and prosperity to the locals. Inspector of Cantonment police station, Vidya Ram Diwakar said, "The celebration is part of a ritual and so far no one had objected about it...so it's going on". <sup>42</sup>

<sup>39</sup> FIAPO internal case list. Also documented in End Circus Suffering Report.

<sup>40</sup> <https://www.youtube.com/watch?v=oBBvNGKuc9A>

<sup>41</sup> Old Vadodara still eggs on cocks to fight, but not to kill; The Indian Express; January 13, 2012; <https://indianexpress.com/article/cities/ahmedabad/old-vadodara-still-eggs-on-cocks-to-fight-but-not-to-kill/>

<sup>42</sup> Cruel cows vs pig fight continues despite protests; The Times of India; October 24, 2014; <https://timesofindia.indiatimes.com/city/bareilly/Cruel-cows-vs-pig-fight-continues-despite-protests/articleshow/44927496.cms>

S No.	Date	Location	Animal	Practice/Incident
43.	20.06.2015	Haryana	Dog fights	In a farmhouse in Haryana, people gather to watch dog fights. It's the new pass time for suburban elites and lakhs of rupees are bet on these fights. Apart from Gurgaon, dog fights are held in farmhouses of Bhatinda (Punjab), Jhajhar (Rajasthan), Wazirabad (Delhi), Noida (Uttar Pradesh), and Faridabad (Haryana). The police have made a few arrests, but the dog fighting racket continues unabated. These fights are publicised on Facebook pages as "dog shows". The losing dog is either shot on the spot or they tie his/her legs with ropes and throw the dog into a canal—where she drowns because she can't swim with tied legs. <sup>43</sup>
44.	17.01.2020	Assam	Bull fights	Fifty bulls were made to take part in a bullfight with thousands of people in attendance during the festival of Bihu. There was loud music playing (further distressing the agitated bulls), as their owners hit them with sticks. There was no medical facility available for the bulls who suffered injuries during the fight. <sup>44</sup>
45.	30.01.2020	Fatorda, Goa	Bull fights	Bull fights (Dhirio) held at an open field in Fatorda. The police registered an FIR against two persons for organising the fight under Sections 336, 429 r/w 34 IPC and u/sec 11 (m) (n) of PCA Act. <sup>45</sup>
<b>J. ANIMALS USED FOR DANCING</b>				
46.	10.12.2011	Pakhi Tola, Jharkhand	Sloth bear	Forest department officials nabbed two suspects from Jharkhand with a nine month old bear cub. The suspects were believed to be of the community who perform on streets with bears. Unfortunately while one bear cub was rescued, the two ran away with another bear cub. <sup>46</sup>

<sup>43</sup> [https://www.youtube.com/watch?time\\_continue=7&v=QipG7bFJgmo&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=7&v=QipG7bFJgmo&feature=emb_logo)

<sup>44</sup> Bull fights mark Magh Bihu in Assam despite ban by Supreme Court; The Times of India; January 17, 2020; <https://timesofindia.indiatimes.com/city/guwahati/bull-fights-mark-magh-bihu-in-assam-despite-ban-by-supreme-court/articleshow/73317567.cms>

<sup>45</sup> Two booked for holding bullfight; Herald; January 30, 2020; <https://www.heraldgoa.in/Goa/Two-booked-for-holding-bullfight/156348>

<sup>46</sup> Bear cub saved from a dancing fate; October 12, 2011; <https://indiasendangered.com/bear-cub-saved-from-a-dancing-fate/>

S No.	Date	Location	Animal	Practice/Incident
47.	10.11.2012	Faridabad, Haryana	Horse	The controller is seen constantly whipping the horse, who is visibly agonised. The horse, who has wounds where he is being whipped, is forced to raise his feet alternatively, as a form of 'dance' before the audience. In the subsequent shot, another horse is being tortured to 'perform'. The controller can be seen constantly tugging the horse's reins (connected to spiked bits inside his mouth), causing him immense pain and suffering. There is deafening beating of drums, which causes immense psychological trauma to the horse. <sup>47</sup>
48.	24.11.2014	Pushkar, Rajasthan	Horse	Pushkar Fair has a tradition of exhibiting dancing horses. The horse is controlled through the bridle (and hooks pierced through her/his nose), although visibly distressed and anxious. S/he is hit with a wooden stick to make her/him stand on her/his hind legs. <sup>48</sup>
49.	13/03/20	Karnal, Haryana	Camel	A camel is forced to stand on a charpoy and 'dance'. There are several ropes pierced through its nose, causing her/him immense pain when the controller pulls them with a jerk, which forces the camel to lift his front legs and head (giving the appearance of dance). Next it is made to lie down and a woman gets on top of the camel's body and starts dancing and performing tricks. There is a huge crowd of spectators and deafening drum is played. Subsequently the woman climbs the camel, sits on her/his neck and dances. <sup>49</sup>
50.	12/02/20	Jaisalmer, Rajasthan	Camels	Camels forced to dance on the pointed ends of the 'chabuk'. They are forced to hold sticks with fire on the ends and made to lie down while the handlers dance over them. <sup>50</sup>

<sup>47</sup> <https://www.youtube.com/watch?v=azY7pJgygDs>

<sup>48</sup> [https://www.youtube.com/watch?v=LwO\\_izY\\_Uic](https://www.youtube.com/watch?v=LwO_izY_Uic)

<sup>49</sup> <https://www.youtube.com/watch?v=leuwA9vEdeg>

<sup>50</sup> [https://m.facebook.com/story.php?story\\_fbid=10220135325320831&id=1456693436&ref=content\\_filter](https://m.facebook.com/story.php?story_fbid=10220135325320831&id=1456693436&ref=content_filter)

S No.	Date	Location	Animal	Practice/Incident
<b>K. ANIMALS USED IN TV ADVERTISEMENTS /FILMS</b>				
51.	22.07.2010	Mumbai, Maharashtra	Elephant	Akshay Kumar's film Khatta Meetha shows a scene of animal cruelty, wherein an elephant is forced to pull a road roller. A complaint was filed with Central Board of Film Certification to order the makers to delete the scene. <sup>51</sup>
52.	23.05.2012	India	Roosters	ASCI asked Euro Fashion Innerwears to withdraw their advertisement featuring roosters, saying it depicted the birds in a bad light. The print advertisement that depicted nude men holding roosters to cover their privates with a tagline: "What's your size?" FIAPO said the ad violated the PCA Act and called it distasteful and vulgar. <sup>52</sup>
53.	28.07.2015	Tamil Nadu	Pigeon and rooster racing and fight	Tamil director Vetrimaaran made a film in 2011 Aadukalam around rooster fights. He now intends to make a film on pigeon racing. The 2015 film Maari, starring Tamil superstar Dhanush, showed pigeon racing. <sup>53</sup>
54.	02.09.2017	Mumbai, Maharashtra	Indian spectacle d cobra	An Indian spectacled cobra, protected under Wildlife Protection Act, 1972, was brought for shooting to the sets of a TV serial Naagarjun–Ek Yoddha. An FIR was registered under Sections 9, 39, 48(a) and 51 of the Wildlife Protection Act against two actors and two producers of the show. <sup>54</sup>

<sup>51</sup> Khatta Meetha faces animal cruelty complaints; The Indian Express; July 22, 2010;

<https://indianexpress.com/article/entertainment/entertainment-others/khatta-meetha-faces-animal-cruelty-complaints/>

<sup>52</sup> Withdraw undergarment ad featuring roosters: ASCI; Deccan Herald; May 23, 2012;

<https://www.deccanherald.com/content/251644/withdraw-undergarment-ad-featuring-roosters.html>

<sup>53</sup> After rooster fight, it'll be pigeon race for director Vetrimaaran; The Hindustan Times; July 28, 2015;

<https://www.hindustantimes.com/regional-movies/after-rooster-fight-it-ll-be-pigeon-race-for-director-vetrimaaran/story-G6TzujBb1cgNW09v1W0zBP.html>

<sup>54</sup> Shruti Ulfat of 'Nagarjuna' fame arrested for posing with live cobra, posting video on social media; Local Press;

February 9, 2017; <https://localpress.co.in/mumbai/shruti-ulfat-nagarjuna-fame-arrested-posing-live-cobra-posting-video-social-media/>

S No.	Date	Location	Animal	Practice/Incident
55.	18.06.2019	Tamil Nadu	Gorilla	Director Don Sandy's new movie Gorilla, features a real chimpanzee named Kong. Great apes used in the film and television industries are commonly torn from their frantic mothers shortly after birth, leaving both mother and baby traumatised for life. Trainers often punch, kick, beat and even electrically shock apes during behind the scenes training sessions in order to make them perform "correctly" in the fewest takes possible. When chimpanzees reach adolescence and become too difficult to manage, they are typically relegated to cramped cages, where they face decades of loneliness and isolation. <sup>55</sup>
<b>L. ANIMALS USED IN WEDDINGS</b>				
56.	21.11.2013	Chomu, Rajasthan	Elephant	Abused elephant being taken in a truck for a marriage procession. <sup>56</sup>
57.	28.11.2014	Gujarat	Horse	Wedding horse forced to dance on a charpoy with the groom on its back. There is loud music playing while the controller keeps tapping the horse with a wooden stick (triggering her/his pain response, based on months of cruel 'training'). <sup>57</sup>
58.	11.03.2017	Baghpat, Uttar Pradesh	Horse	In a wedding in Baghpat, a horse was forcefully intoxicated. When the horse lost consciousness, people physically climbed on the body of the collapsed horse and started dancing. Police stood as mute spectators. <sup>58</sup>

<sup>55</sup> PETA asks Don Sandy to not use real chimpanzee in his film Gorilla; India Today; April 17, 2018; <https://www.indiatoday.in/movies/regional-cinema/story/peta-india-urges-don-sandy-to-not-use-real-chimpanzee-in-gorilla-jiiva-shalini-pandey-1213880-2018-04-17>

<sup>56</sup> <https://www.youtube.com/watch?v=rXQqYlwvxlG>

<sup>57</sup> [https://www.youtube.com/watch?v=iLZDmLCF\\_DM&t=4s](https://www.youtube.com/watch?v=iLZDmLCF_DM&t=4s)

<sup>58</sup> <https://www.facebook.com/groups/sgacc/permalink/1564140003651891/>

S No.	Date	Location	Animal	Practice/Incident
59.	25.06.2019	Rajouri Garden, Delhi	Horse	Spiked bits were fitted in the mouths of wedding horses in Delhi. Delhi police and PETA India intervened in cases of more than 50 horses and replaced spiked bits with smooth ones. A non-cognisable offence report for multiple violations of PCA 1960 was registered against four horse owners by the Rajouri Garden police station. <sup>59</sup>
60.	03.07.2019	Ahmednagar, Maharashtra	Elephant	Used as a begging elephant, Champa was forced to perform at weddings and religious ceremonies in Ahmednagar in addition to her 'shift' at the temple. The mahout in charge of her care neither provided her with food or water and she could be usually seen chained to a tree under the scorching sun. She is severely arthritic with advanced cataract in her eyes, a deformed spine and lesions and abscesses all over her body as a result of years of mistreatment.  When she was found by ResQ, she had been chained to stand under the hot sun with no access to fresh food, water or even a resting mound for 60 days straight. <sup>60</sup>
<b>M. ANIMALS USED FOR BEGGING</b>				
61.	01.01.2014	Goa	Bull	Bull born with an extra limb used for begging. He would be draped in thick mirrored blankets, had a nose ring, forced to walk 10 miles a day on the hot tarmac, which resulted in severe arthritis. Confiscated from owners and treated. <sup>61</sup>

<sup>59</sup> Following PETA India complaint, Delhi Police seize spiked bits used to control horses in weddings; June 25, 2019; <https://www.petaindia.com/blog/following-peta-india-complaint-delhi-police-seize-spiked-bits-used-to-control-horses-in-weddings/>

<sup>60</sup> Abused for years, now rescued: This temple elephant's story will move you to tears; The Better India; March 7, 2019; <https://www.thebetterindia.com/174349/india-temple-elephant-rescue-heartwarming-pune/>

<sup>61</sup> Social Media Post by WAG: <https://www.facebook.com/wag.india/posts/720607108122347:0>



S No.	Date	Location	Animal	Practice/Incident
62.	02.06.2015	Thiurvanima yur, Tamil Nadu	Calf	A five limbed calf considered to be God's miracle, caught by devotees, and used for begging. They tied the calf inside a motorised cycle rickshaw. She was restricted severely, leaving her barely any space to sit, stand or move. The group had travelled all the way from Sholapur district in Maharashtra to Chennai in order to collect donations. Their journey was till Kanyakumari, but they were stopped. Police was called, calf confiscated and handed over to shelter which found her severely dehydrated, malnourished and terrified of everyone. <sup>62</sup>
63.	05.08.2017	Trilokpuri, Delhi	Monkey	Man exploiting monkey to beg in the name of lord Hanuman. He forced the monkey to climb on the extremely hot front glass of cars. If the monkey didn't climb, he would hit with the cane in his hand. <sup>63</sup>
64.	30.10.2019	India	Langur	Person dressed up as sadhu is carrying a langur around for begging. The langur is tied to a rope and has his face smeared with saffron colour. In the video, the langur even gets bitten by a dog. <sup>64</sup>
65.	12.01.2020	Mumbai, Maharashtra	Cow	A cow named Rani was forced to beg on the streets of Lokhandwala. The animal was found in poor state of health, a swollen udder and could not even stand. Rescued and living in a sanctuary of Animal Rahat. FIR lodged against the abuser. <sup>65</sup>
<b>N. MADAARIS</b>				
66.	29.08.2011	Chennai, Tamil Nadu	Monkeys	Ten monkeys used by street artists for performing tricks were rescued with the help of the Marina Beach police. <sup>66</sup>

62 Social Media Post by Blue Cross India:

<https://www.facebook.com/bluecrossofindia/photos/a.421535982169/10153052577277170/?type=3>

63 Social Media Post by an Animal Activist:

<https://www.facebook.com/photo.php?fbid=10212714408957301&set=pcb.1399220870143806&type=3&theater&ifg=1>

64 <https://www.youtube.com/watch?v=3C-c-luUA8Y>

65 [https://m.facebook.com/story.php?story\\_fbid=3664076830269455&id=100000015219256](https://m.facebook.com/story.php?story_fbid=3664076830269455&id=100000015219256)

66 10 monkeys rescued from Marina beach; The Times of India; August 29, 2011;

<https://timesofindia.indiatimes.com/city/chennai/10-monkeys-rescued-from-Marina-beach/articleshow/9777304.cms?from=mdr>



S No.	Date	Location	Animal	Practice/Incident
67.	11.06.2016	India	Rhesus macaques , dog, mongoose	In the video the monkey and the dog have ropes around their necks. The dog has injuries on his face. The monkey is made to pull the dog's rope, causing the latter great distress. The dog in return attacks the monkey. They are made to fight. The madaari then forces the monkey to stand on his hind legs and slaps and manhandles it. The monkey is visibly distressed and tries to remove the suffocating collar around his neck. The madaari has trapped a mongoose in a small box. He opens the box and places it in front of the monkey, making them both growl at each other. He hits the mongoose with a stick multiple times. <sup>67</sup>
68.	16.02.2017	Haryana	Monkeys	Two monkeys have been tied with ropes around their necks and belts around their waists. The madaari loudly plays the pellet drum while the monkey is forced to walk on his hind legs. The madaari is seen slapping and manhandling the monkeys. <sup>68</sup>
69.	31.08.2019	Delhi	Monkeys	Madaari keeps the baby monkey and mother tied to a wall. Local kids tease the baby and even hit him with sticks. <sup>69</sup>
70.	01.02.2020	Thane, Maharashtra	Rhesus macaques	Person arrested by Thane forest officials for trying to sell three rhesus macaque species of monkeys to local jugglers. He confessed that he used to trap monkeys from nearby jungles and then sell them to jugglers in the area for Rs 15,000. <sup>70</sup>

<sup>67</sup> <https://www.youtube.com/watch?v=PrwfY1Ea4bo>

<sup>68</sup> <https://www.youtube.com/watch?v=kX0kAtUrJFY>

<sup>69</sup> <https://www.facebook.com/photo.php?fbid=3139576379450753&set=pcb.2449058895159993&type=3&theater&ifg=1>

<sup>70</sup> Man trapped while trying to sell monkeys to jugglers; The Times of India; January 2, 2020;

<https://timesofindia.indiatimes.com/city/thane/thane-man-trapped-while-trying-to-sell-monkeys-to-jugglers/articleshow/73061709.cms>

S No.	Date	Location	Animal	Practice/Incident
<b>O. SNAKE CHARMERS</b>				
71.	19.04.2014	Chennai, Tamil Nadu	Snakes	The snake charmer had crammed two snakes into one basket. The fangs of the snakes had been pulled out, which meant that they could never be rehabilitated as they would not be able to kill and eat their prey or even defend themselves against aggressors. The snake charmer was using the snakes to beg. <sup>71</sup>
72.	08.08.2018	Mathura, Uttar Pradesh	Snakes	Twenty one snakes were rescued from snake charmers outside Shri Krishna Janmasthan temple in Mathura. The cobras had been defanged and their venom glands had been extracted. <sup>72</sup>
73.	21.08.2018	Agra, Uttar Pradesh	Snakes	Fifty three snakes rescued from the illegal custody of snake charmers outside temples across Agra. A total of 43 cobras, five common sand boas, three red sand boas and two rat snakes were rescued. Monday marked the last day of 'Shravan Somvar' and snake charmers use this occasion to extract money from devotees. Every year, thousands of snakes are poached from the wild, defanged brutally and then kept hungry for months before the festival. <sup>73</sup>
74.	13.08.2019	Agra, Uttar Pradesh	Snakes	Wildlife SOS and the Uttar Pradesh Forest department conducted raids and rescued 34 snakes from snake charmers. With temperatures touching almost 33°C, all the snakes were suffering from severe dehydration and exhaustion. So far the raids have led to a recovery of a total of 101 snakes. <sup>74</sup>

<sup>71</sup> <https://www.facebook.com/bluecrossofindia/posts/10152346777087170:0>

<sup>72</sup> 21 reptiles seized from snake charmers outside Mathura's Shree Krishna temple; The Times of India; August 8, 2018; <https://timesofindia.indiatimes.com/videos/city/lucknow/21-reptiles-seized-from-snake-charmers-outside-mathuras-shree-krishna-temple/videoshow/65321699.cms>

<sup>73</sup> 53 snakes seized in Agra before Shravan month concludes; The Times of India; August 21, 2018; <https://timesofindia.indiatimes.com/city/agra/53-snakes-seized-in-agra-before-shravan-month-concludes/articleshow/65490161.cms>

<sup>74</sup> Over 100 snakes recovered during Shravan month; The Times of India; August 13, 2019; <https://timesofindia.indiatimes.com/city/agra/up-over-100-snakes-recovered-during-shravan-month/articleshow/70662215.cms>

S No.	Date	Location	Animal	Practice/Incident
75.	21.08.2019	Bhubaneswar , Odisha	Snakes	Forest officials rescued a rare snake from a youth. He was seen showing the colourful snake and asking people for money. The person has been booked under the Wildlife Protection Act, 1972. <sup>75</sup>
<b>P. ANIMALS IN ZOOS</b>				
76.	22.05.2012	Kolkata, West Bengal	Many animals	67 animals including tigers, lions, chimpanzees, marmosets, kangaroos, birds and snakes died at the Kolkata Zoo between August 2011 and March 2012. The zoo had recorded 57 animal deaths in 2009-10 and 52-53 deaths in 2010-11. The former Director of the zoo has admitted that the zoo lacks appropriate health infrastructure and even the drinking water and food are not up to the mark. Additionally, International Union for Conservation of Nature report other issues besides unhygienic and unhealthy conditions, such as lack of trained staff, small cages, animals in wrong cages. <sup>76</sup>
77.	18.04.2014	Gokul, Uttar Pradesh	Many animals	400 animals (deer and black bucks) held in illegal captivity at Karshni Ashram. Visitors to this place offered unnatural food in unregulated quantities to the animals, which was harmful. Central Zoo Authority of India has not recognised the said zoo. <sup>77</sup>

<sup>75</sup>Youth from West Bengal held in Bhubaneswar with rare 'flying snake'; The Times of India; August 21, 2019; <https://timesofindia.indiatimes.com/city/bhubaneswar/youth-from-bengal-held-in-city-with-rare-flying-snake/articleshow/70760889.cms>

<sup>76</sup> 67 animals died at WB zoo in eight months; Deccan Herald; May 22, 2012; <https://www.deccanherald.com/content/251516/67-animals-died-wb-zoo.html>

<sup>77</sup> <https://www.youtube.com/watch?v=zzCIB-6Ac7M>

S No.	Date	Location	Animal	Practice/Incident
78.	13.01.2020	Mumbai, Maharashtra	Many animals	As per data submitted to the Central Zoo Authority, 59 animals and birds died at Veermata Jijabai Bhosale Udyan (Byculla zoo) in 2017-18, many of them due to cardiac shock. The mortality rate in 2016-17 was 77 animals and birds. There are hundreds of species from Schedule I, II and IV of the Wildlife Protection Act, apart from exotic species housed in the zoo. BMC plans to have additional leopards, lions, giraffe and around 17 other exotic species on the premises. <sup>78</sup>
79.	23.06.2020	Orissa	Himalayan black bear	Himalayan black bear Kulu passed away due to tuberculosis in Nandankanan zoo. <sup>79</sup>
80.	30.06.2020	Chhatbir, Punjab	Crocodile, ostrich	A 30yearold female crocodile died of kidney and liver infection and a three year old ostrich was found dead in the zoo. <sup>80</sup>
<b>Q. CAPTIVE ELEPHANTS</b>				
81.	14.04.2011	Bangalore, Karnataka	Elephant	An elephant was abused for a magic performance in Jadugar Anand magic show at Town Hall. The elephant was kept in captivity for continuous three days without any exercise, adequate food or water, while suffering from stomach ache. Moreover, the elephant was used for begging which is a banned activity under Wildlife Protection Act, 1972. <sup>81</sup>

<sup>78</sup> 59 animals and birds died at Byculla zoo in 2018-2019; The Times of India; January 13, 2020; <https://timesofindia.indiatimes.com/city/mumbai/mumbai-59-animals-and-birds-died-at-zoo-in-2018-2019/articleshow/73219975.cms>

<sup>79</sup> Himalayan black bear Kulu dies at Nanandankanan; Pragativadi; June 23, 2020; <https://pragativadi.com/himalayan-black-bear-kulu-dies-at-nanandankanan/>

<sup>80</sup> Twin deaths in Chhatbir zoo; The Times of India; July 1, 2020; <https://timesofindia.indiatimes.com/city/chandigarh/twin-deaths-in-chhatbir-zoo/articleshow/76725686.cms>

<sup>81</sup> Jumbo goes begging, owner gets the rap from BBMP; DNA; April 13, 2011; <https://www.dnaindia.com/bangalore/report-jumbo-goes-begging-owner-gets-the-rap-from-bbmp-1531328>

S No.	Date	Location	Animal	Practice/Incident
82.	07.07.2014	Allahabad, Uttar Pradesh	Elephant	Raju, an elephant, spent 50 years being forced to beg through the streets of UP. A chain and spiked shackle continuously cut into his leg to keep him from running away. His body bore multiple scars and chronic abscesses that are believed to be evidence of repeated jabs with a bullhook. His only food was scraps thrown to him by passers-by. Wildlife SOS rescued the elephant. <sup>82</sup>
83.	17.06.2017	Aundh, Maharashtra	Elephant	Elephant (Gajraj) captured from the wild in 1965 at the age of 12, beaten into submission. Used as a temple elephant. After 52 years, he was found shackled to one spot, abandoned. Was injured and partially blind with foot abscesses on his hind and elbows caused by continuous chaining. He was frail and unable to walk from lack of food, hydration, movement and veterinary care. His ivory tusks were hacked off to protect the mahouts who abused him daily. Rescued at the age of 65, now with Wildlife SOS. <sup>83</sup>
84.	19.06.2019	Sarangarh, Chhattisgarh	Elephant	A 60 year old elephant was used for begging and entertainment. The mahout had blinded her by damaging her eyes with pointed objects. The elephant was forced to walk despite noticeable injuries in both forelimbs. Her health was entirely neglected by the mahout. Severe deficiency of blood and the failure of kidneys led to a depleted health condition and consequently her death. A court has sentenced the owner and mahout for inflicting cruelty and ill-treatment on the animal. <sup>84</sup>

<sup>82</sup> Elephant who spent 50 years begging always hoped life would get better; The Dodo; June 7, 2018; <https://www.thedodo.com/in-the-wild/rescue-elephant-surprise-party>

<sup>83</sup> Elephant that had suffered for 50 years in Hindu temple gets rescued; The Christian Post; June 19, 2017; <https://www.christianpost.com/news/elephant-that-had-suffered-for-50-years-in-hindu-temple-gets-rescued-188513/>

<sup>84</sup> Owner, mahout jailed in Chhattisgarh for forcing ailing tusker to entertain and beg; The New Indian Express; June 19, 2019; <https://www.newindianexpress.com/nation/2019/jun/19/owner-mahout-jailed-in-chhattisgarh-for-forcing-ailing-tusker-to-entertain-and-beg-1991995.html>

S No.	Date	Location	Animal	Practice/Incident
85.	30.12.2019	Kollam, Kerala	Elephant	<p>Shasthamkotta Neelakantan, an elephant, was with the Sree Dharma Sastha temple. He was six years old when he was donated to the temple, which is under state forest department. However, he was subjected to constant torture. It is contended that his mahout stabbed him in the leg. Further, he had severe wounds on his legs, as a result of being constantly shackled. His front legs were distinctly bent and swollen. Arthritis worsened his condition, and as a result, he was struggling to stand.</p> <p>Animal Legal Force (ALF), Society for Elephant Welfare (SEW) and PFA filed petitions in the HC to have him shifted to Wildlife SOS in Agra for better treatment. The court was misled by the forest department. They claimed that all facilities at SOS Agra will be provided to Neelakantan at the rehabilitation centre in Kottoor.</p> <p>However he was not given proper veterinary care or food at the centre. Unable to bear the pain, the tusker passed away, with chains still clasped to his legs.<sup>85</sup></p>

#### R. DONKEYS AND MULES IN BRICK KILNS

86.	06.07.2016	India	Donkeys	The donkeys were forced to carry back-breaking loads of construction materials. They were rescued by Animal Rahat. <sup>86</sup>
87.	04.06.2018	India	Donkeys	Donkeys used at kilns spend all day carrying enormous stacks of bricks on their backs and suffer from wounds, injuries, diseases, dehydration and exhaustion. Animal Rahat is hoping to retire 75 donkeys from five brick kilns very soon. <sup>87</sup>

<sup>85</sup> Kerala jumbo Neelakantan dies after years of neglect, abuse by caretakers; The News Minute; December 30, 2019; <https://www.thenewsminute.com/article/kerala-jumbo-neelakantan-dies-after-years-neglect-abuse-caretakers-115037>

<sup>86</sup> <https://www.youtube.com/watch?v=8YtIQ3o7skU>

<sup>87</sup> Five more brick kilns to be mechanized means retirement for 75 donkeys; Animal Rahat; April 6, 2018; <https://www.animalrahat.com/latest-news/five-more-brick-kilns-to-be-mechanized-means-retirement-for-75-donkeys/>

S No.	Date	Location	Animal	Practice/Incident
88.	12.01.2019	Tamil Nadu	Donkeys	Blue Cross of India rescued two pregnant donkeys who were being abused to carry heavy loads. When not being exploited for their labour, they were tied to a lamppost day and night, in the hot sun and pouring rain. <sup>88</sup>
89.	19.12.2019	Maharashtra	Donkey	Pregnant donkey in brick kiln made to carry more than 200 pounds of bricks at a time, with inadequate rest, food and water. Rescued under Animal Rahat's mechanisation programme. <sup>89</sup>
90.	Undated Report	Khanayara, Himachal Pradesh	Mules and horses	For one of the owners, his three mules and three horses have to walk eight kms for over three hours each day, collect slate and then walk back to the village where the slate is sold to local construction companies. Thin air and long walks cause the equines to develop respiratory problems and lameness from the rough terrain. Another main cause of illness and disease was the dirty stables - an unsafe environment that can cause accidents and lameness. <sup>90</sup>

### S. ANIMALS IN SPORTS

91.	15.07.2012	Madurai, Tamil Nadu	Goats	Goat fights are held at the outskirts of Madurai city. They are forced to undergo an unnatural and strenuous training regime which includes running, swimming and bumping their heads repeatedly against hard surfaces. In a normal goat fight, 75 smashes are fixed to select the winner goat. Some people in Madurai own up to 40 fighter goats. Owners paint and sharpen the horns to give them the look of a lion. Prize money shoots up to Rs. 25,000 for the winners of the tournament. <sup>91</sup>
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<sup>88</sup> <https://www.facebook.com/bluecrossofindia/posts/10157648759967170>

<sup>89</sup> Rescuing lucky Lavender; Animal Rahat; December 19, 2019; <https://www.animalrahat.com/latest-news/rescuing-lucky-lavender/>

<sup>90</sup> In the slate mines of India; <https://www.thebrooke.org/our-work/india/slate-mines-india>

<sup>91</sup> <https://timesofindia.indiatimes.com/Madurai-host-to-thrilling-goat-fights/articleshow/13741272.cms>



S No.	Date	Location	Animal	Practice/Incident
92.	14.01.2013	Mumbai, Maharashtra	Horses	Ten horses were rescued, that were being forced to race by their handlers on the busy Western Express Highway. Four persons were arrested under provisions of PCA Act and Motor Vehicles Act. <sup>92</sup>
93.	19.02.2015	Telangana	Bulls	As part of the annual Maha Shivaratri Jatara festival, eight pairs of bulls took part in competitions, including weightlifting where a pair of Ongole bulls were forced to pull over two tonnes of weight. <sup>93</sup>
94.	19.01.2017	Guntur, Andhra Pradesh	Bulls	The competition was inaugurated by Agriculture Minister P Pulla Rao. Bulls were forced to pull a stone weighing two tonnes back and forth across a length of 300 feet in the time fixed by the organisers. Galleries were set up for the audience to watch the competition. Around 40 bulls participated in the first two days of the six day event. <sup>94</sup>
95.	16.01.2019	Ahatguri, Boidyabori, Morigaon, Assam	Buffaloes	Forty pairs of buffaloes were made to fight. The locals believe that the buffaloes gain lots of energy during this period. They believe the buffalo fights are actually the traditional mechanisms adopted by the people to exhaust the buffaloes so that the animal does not attack the keepers or people in general. The fights are organised on the first day of Assamese calendar month of Magh. <sup>95</sup>

<sup>92</sup> Four arrested for racing horses on highway; The Times of India; January 14, 2013; <https://timesofindia.indiatimes.com/city/mumbai/Four-arrested-for-racing-horses-on-highway/articleshow/18011611.cms>

<sup>93</sup> When bulls proved to be a breed apart; The Hindu; February 19, 2015; <https://www.thehindu.com/news/national/telangana/when-bulls-proved-to-be-a-breed-apart/article6911231.ece>

<sup>94</sup> Bulls flex muscles in six-day competition in Guntur; The New Indian Express; January 19, 2017; <https://www.newindianexpress.com/states/andhra-pradesh/2017/jan/19/bulls-flex-muscles-in-six-day-competition-in-guntur-1561174.html>

<sup>95</sup> Despite ban, Assam district witnesses buffalo fights as part of Bihu celebrations; Business Standard; January 16, 2019; [https://www.business-standard.com/article/news-ians/despite-ban-assam-district-witnesses-buffalo-fights-as-part-of-bihu-celebrations-119011601237\\_1.html](https://www.business-standard.com/article/news-ians/despite-ban-assam-district-witnesses-buffalo-fights-as-part-of-bihu-celebrations-119011601237_1.html)

S No.	Date	Location	Animal	Practice/Incident
<b>T. JALLIKATU</b>				
96.	29.01.2012	Tirupati, Andhra Pradesh	Bulls	At a Jallikattu event, bulls were forcibly given country liquor and 18 persons were injured. <sup>96</sup>
97.	17.01.2015	Tirupati, Andhra Pradesh	Bulls	Despite police warnings, a Jallikattu event took place with over 1,000 bulls and local MLA Chevireddi Bhaskar Reddy inaugurated it. Bulls were forcibly administered country liquor, apart from being intoxicated with doses of ganja-mixed jaggery lumps. <sup>97</sup>
98.	22.01.2017	Pudukottai, Tamil Nadu	Bulls	Jallikattu was conducted at Rapoosal in Pudukottai and Manapparai in Tiruchirapalli. The event at Manapparai was witnessed by a crowd of thousands. Tamil Nadu Chief Minister O Panneerselvam, who was expected to inaugurate the Madurai Jallikattu event, decided to return to Chennai after protesters prevented him from entering the venue. The protesters expressed dissatisfaction with the ordinance promulgated by the government, dubbing it as a “stop gap arrangement” that's vulnerable to legal scrutiny. <sup>98</sup>

<sup>96</sup> Implement ban on jallikattu; The Indian Express; January 29, 2012; <https://indianexpress.com/article/cities/mumbai/implement-ban-on-jallikattu/>

<sup>97</sup> Rangampeta keeps date with Jallikattu; The Hindu; January 17, 2015; <https://www.thehindu.com/news/national/telegana/rangampeta-keeps-date-with-jallikattu/article6796202.ece>

<sup>98</sup> Jallikattu takes place in many parts of Tamil Nadu amidst protests for permanent solution, Hindustan Times; January 22, 2017; <https://www.hindustantimes.com/india-news/jallikattu-takes-place-in-many-parts-of-tamil-nadu-amid-protests-for-permanent-solution/story-lVPj0gXvgEQYYpacLBTn70.html>

S No.	Date	Location	Animal	Practice/Incident
99.	02.11.2018	Pudukottai, Tamil Nadu	Bull	A Jallikattu bull, owned by Tamil Nadu Health Minister C Vijaya Baskar, died after being injured when he hit a wall during the event. <sup>99</sup>
100	24.02.2020	Coimbatore, Tamil Nadu	Bulls	Jallikattu held with the participation of around 900 bulls and more than 800 tamers. It was inaugurated by Minister for Local Administration SP Velumani and Telangana Governor Tamsilaisai Soundararajan and Jaggi Vasudev, founder of Isha Foundation, witnessed the event. Successful tamers were rewarded with car, bike, household items and cash amounts. One person died and at least 12 persons suffered injuries. <sup>100</sup>

<sup>99</sup> Jallikattu bull owned by Tamil Nadu minister dies after hitting a wall; NDTV; February 11, 2018;  
<https://www.ndtv.com/tamil-nadu-news/jallikattu-bull-owned-by-tamil-nadu-minister-dies-after-hitting-a-wall-1811391>

<sup>100</sup> Youth killed while taming bull at jallikattu in Kovai; DT Next; February 24, 2020;  
<https://www.dtnext.in/News/TamilNadu/2020/02/24013855/1216730/Youth-killed-while-taming-bull-at-jallikattu-in-Kovai.vpf>

# Appendix 2

## Dog Killings of Kerala

In 2016 the entire focus of the dog case in the Supreme Court and across the country changed, after media reports of shocking street dog deaths emerged from Kerala: “Kerala politicians beat street dogs to death, hang them on a pole and take out a parade”.<sup>101</sup>

Activists and various estimates confirm that over a one year long culling drive from 2015 to 2016, over 6,000 dogs were killed across parts of Kerala via a campaign led by two individuals: Jose Mavelli and Chittapally. The Kerala dog culling stands out for the open manner in which the murders took place. Perpetrators publicly committed the crimes, instigated others to join in and even boasted about it.



<sup>101</sup> Kerala politicians beat street dogs to death, hang them on a pole and take out a parade; The News Minute; September 27, 2016; <https://www.thenewsminute.com/article/kerala-politicians-beat-street-dogs-death-hang-them-pole-and-take-out-parade-50483>

The **Kerala Municipality Act 1994**, continuing the colonial policy which is uniformly followed across the country with some tweaks, in the same provision makes a life and death distinction between a pet versus street dogs and pigs.

Under the 'Mandatory Functions', item No.27, the Act provides for: "Issue licence to domestic dogs and destroy stray dogs". Under the Kerala Panchayat Raj (Licensing of Pigs and Dogs) Rules, 1998, rule 6:

- “(1) It shall be the inevitable function of every Village Panchayat to seize and destroy stray dogs and pigs;
- (2) The Village Panchayat may employ specially trained persons to seize and destroy stray dogs and pigs and he shall be paid remuneration as may be fixed by the Government from time to time.
- (3) Any person obstructing the person authorised by the Village Panchayat to destroy stray dogs and pigs shall, on conviction, be punished with fine which may extend up to five hundred rupees.”

The killing drives led by K. Chittapally and Jose Mavelli, made them local benevolent heroes, who were protecting the streets of Kerala from dogs. They hired a private contractor called Ranjan who had a team of over 50 people that would travel from village to village, district to district, killing street dogs. Brutal killings were recorded from Maneed, Mallapuram, Alwa-Binanipuram, Kannur Rijol Makutty, Chengamnadu, Kottayam, Kaladi, Kollam and many other sites. The methods used for killing were only more brutal.

Most dogs were caught using barbed wires and strangulated to death, some hacked to death, and many fed kanjira root and other forms of poison in meat or boiled eggs filled with metal pins and nails in them. The idea was to kill but also cause maximum suffering. The killings were both a symbol of cleaning the streets and of a protest against the humane and compassionate policies of ABC. Ashwini recounts a horrific experience:

“See killing was happening in the back hand, it was not directly stated. They said they will catch all the dogs, put them in cages, put them in a dog park. That was the idea. That's how they could promote it to the public. They can't tell it outrightly that we are going to kill. So, they put them in all these cages. Now, Chittapally, because he is a bigshot, he thought he could get away with. But finally the people in that area said no we don't want the dogs here because they pee, everything is here, poop is here, it is becoming dirty and we don't want the dogs here so remove them away. So we contacted them and we told them, give the dogs to us, we will release the dogs wherever you took it from. They did not give it to us. They released them on the highway. In the highway, they all got killed where I saw it with my own eyes because in the night, they released them and in the morning, I went in the car, me and two or three boys, we went together. In front of me, I saw the dogs running in traffic you know and a truck going over the body. So, there was one very badly injured girl, Penny. I named her Penny. She was in the middle of the road, hip fracture and spinal cord fracture so she was dragging her back, mouth fully swollen with blood. So, I took water and I gave her and the water turned red. So, I told my friend, Rohith and Arun were there, first we'll take these cases and put them in the hospital, rest we will rescue later, we will give priority”.

The Kerala High Court in November 2015 directed that ABC as a central law must be followed over the 1994 municipal and panchayat laws. The Court stated “there can be no trace of doubt that there has to be compassion for dogs and they should not be killed in an indiscriminate manner, but indubitably the lives of the human beings are to be saved and one should not suffer due to dog bite because of administrative lapse.”<sup>102</sup> The Supreme Court also in the ongoing dog case, in constantly striking a balance, called for better implementation of ABC. It is argued that killings as a public protest were retaliation to the court orders which were leaning towards the humane ABC alternative.

Jose Mavelli launched an organisation called the Stray Dogs Eradication Group, which encouraged young people to join the and distributed literature on how to kill street dogs. The Supreme Court reprimanded the state of Kerala and retired Justice led Sri Jagan Committee was set up to resolve the issue, which among other things recommended appropriate compensation for victims of dog bites. In an order of 2016, the Supreme Court declared:

“However, we really fail to fathom that when there is a law in place to deal with the stray dogs, how the associations and groups can be formed to train the children to kill the stray dogs or an association which can distribute subsidised airguns for people to kill stray dogs or publicly propagate that there must be war against stray dogs. Mr. Giri, learned senior counsel for the State, submits that this Court has already directed an enquiry to be conducted in that regard by Justice Sri Jagan Committee and the State shall also book the people involved under the relevant criminal law. Mr. Giri is of the indubitable opinion that the citizens cannot form such associations and take the law unto their own hands. In view of the aforesaid submission of the learned counsel for the State, we restrain such organisations to impart training to the children or to distribute subsidised airguns for people to kill stray dogs or to publicly propagate that there is war against the stray dogs or strangulate the stray dogs or for that matter offer prizes or incentives to those who kill the stray dogs. Needless to say, our directions are not exhaustive but illustrative.”

While we applaud the vigilance and reprimand of the Supreme Court above, the issue needs to be resolved finally and the confusion over whether dogs that are considered a nuisance can be put to rest.

<sup>102</sup> W.P(C) No.28255 of 2011

As part of this report, we interviewed a range of animal activists in Kerala. We had the chance to meet and speak with Dr. Prashant Prabhakar and Ushma Shah of Dhyan Foundation Cochin; Sally Varma, HIS Coordinator for Kerala; Ashwini from Oneness and Latha from PFA Trivandrum. All of these activists and many more were on the frontline during the dog killing drives of 2016. To summarise, they made three instructive points:

- i) That a dog bite may have genuinely been the initial cause of the outrage but the regional media exaggerated the issue and disproportionately represented the risks of street dogs. Animal activists need to acknowledge with empathy that sometimes dogs do and can bite and peaceful co-existence requires some form of humane management.
- ii) A poorly thought out national campaign to protect street dogs with slogans like 'Boycott Kerala' had a backlash and the reverse effect of more local people becoming anti-street dogs, making the work of local activists on the ground, that much more difficult.
- iii) Animal activists in Kerala have demonstrated that the only way to bring down killing of street dogs is a sustained, resilient, dialogue with people advocating it and demonstrable results of the effectiveness of ABC.

<sup>102</sup> W.P(C) No.28255 of 2011



# Appendix 3

## 100 Cases of Violent Crimes of Assault Against Animals (FIAPO Investigation)

100 CASES OF VIOLENT CRIMES OF ASSAULT, TORTURE, SEXUAL ABUSE AND MURDER OF ANIMALS			
S. No.	Date	City/State	Case Description
<b>A. Assault by beating</b>			
1	26.10.2016	Thiruvananthapuram, Kerala	27 dogs beaten to death by angry mob after man dies from street dog attack at his residence. FIR registered against identified suspects, but residents formed human shield around accused to stop arrest, threaten protests. <sup>103</sup>
			
2	26.01.2017	Hyderabad, Telangana	Puppy beaten to death with bricks and sticks by a man named Rajeev Choudhary. FIR lodged under section 11 of PCA Act and for violation of IPC 429. <sup>104</sup>
			

<sup>103</sup> <https://www.thenewsminute.com/article/kerala-man-dies-stray-dog-attack-residents-beat-27-dogs-death-retaliation-52023>

<sup>104</sup> <https://pfahyd.org/animal-abuse-madhavarpuri-colony/>



S. No.	Date	City/State	Case Description
3	19.02.2019	Panchkula, Haryana	Street dog beaten to death, accused dumped the dog's mortal remains in some other locality, complaint lodged, police yet to take action. <sup>105</sup>
4	11.12.2019	Gujarat	Case under Section 429 IPC against five people for killing pet dog of a woman, by beating it with iron rods and knife. <sup>106</sup>
5	30.04.2020	Bhubaneswar, Orissa	Pregnant dog beaten to death by two women. <sup>107</sup>
<b>B. Throwing acid or boiling water or chemicals</b>			
6	31.08.2011	Mumbai, Maharashtra	Dog attacked by unknown person with some chemical or acid, suffered severe burns. Complaint filed u/ss 420, 421 IPC, s 11 PCA. Succumbed to injuries a week later. <sup>108</sup>
7	26.07.2014	Thrissur, Kerala	Acid thrown on calf, found with severe burns and maggot wounds, treated. <sup>109</sup>
			
8	07/08/16	Ahmedabad, Gujarat	7 year old dog was killed after man named Ketan Patel threw acid on it, who disliked the dog and often threatened to kill it either using acid or a vehicle. On July 28, he came with stock of acid and threw it on the sleeping dog, which suffered 50 per cent burns and succumbed to injuries. <sup>110</sup>

<sup>105</sup> <https://timesofindia.indiatimes.com/city/chandigarh/stray-dog-beaten-to-death-cops-yet-to-take-action/articleshow/68054899.cms>

<sup>106</sup> <https://www.dawn.com/news/1463057>

<sup>107</sup> <https://www.telegraphindia.com/india/pregnant-dog-beaten-to-death-in-bhubaneswar/cid/1768865>

<sup>108</sup> <https://timesofindia.indiatimes.com/city/mumbai/Lennon-the-dog-dies-of-burn-injuries/articleshow/9892048.cms>






<sup>109</sup> Social Media Post by PFA-Thrissur:

[https://www.facebook.com/permalink.php?story\\_fbid=1521853318054002&id=1479152498990751](https://www.facebook.com/permalink.php?story_fbid=1521853318054002&id=1479152498990751)

<sup>110</sup> <https://ahmedabadmirror.indiatimes.com/ahmedabad/crime/Acid-attack-on-dog-complaint-filed/articleshow/53576116.cms>

S. No.	Date	City/State	Case Description
9	12.01.2018	Jaipur, Rajasthan	Eleven langurs brutally killed, presumably beaten with sticks and then splashed with an abrasive chemical, dumped at highway near Jaipur. <sup>111</sup>
10	07.02.2019	Calangute, Goa	Caesar, an 11 year old lab-mix that lives with a family in Calangute, which was found (three days later) with severe burnt injuries from hot water thrown at him. <sup>112</sup>

### C. Decapitating or maiming or attacking an animal with a sharp knife

11	02.01.14	Chennai, Tamil Nadu	<p>Young monkeys had been captured by some gypsy children on Marina beach, and the children were looking for a pair of pliers with which to pull out the monkeys' teeth so they could be safely used as show-monkeys. The monkeys were rescued just in time.<sup>113</sup></p>     
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<sup>111</sup> <https://www.hindustantimes.com/jaipur/eleven-langurs-brutally-killed-dumped-near-highway-in-rajasthan/story-uNawGPBbQod9KMDtU4FLpL.html>

<sup>112</sup> Social Media Post by WVS, Goa <https://www.facebook.com/groups/goapetlife/permalink/1873263492773604/>

<sup>113</sup> Social Media Post by Blue Cross India

<https://www.facebook.com/bluecrossofindia/photos/a.421535982169/10152205604367170/?type=3>

S. No.	Date	City/State	Case Description
12	25.10.2016	Pune, Maharashtra	Puppy's torso found in slum, decapitated with no limbs. Growing pattern of similar cases where people tie the dog's limbs with metal wires until they fall off, to drive away bad luck from their homes. Body could not be located later to file FIR. <sup>114</sup>
13	12.08.2019	Bangalore, Karnataka	Primaries and secondaries of both wings clipped of a Falcon, to prevent it from flying and keep captive, either for black magic, superstition or just as a captive pet. <sup>115</sup>
14	14.07.2019	Puri, Odisha	A four feet long cobra, on being discovered inside a house, was attacked by the villagers who put a sharp spear through it, damaging the lungs. Rescued and treated. <sup>116</sup> [Video in report, needs to clipped.]
15	08.02.2020	Hasinpur, Odisha	A man cut the front legs of a dog and uploaded the video on Tiktok. <sup>117</sup>



#### D. Assault by superstition

16	29.10.2011	Latehar, Jharkhand	Video captures a traditional event called Gaider celebrated annually on Bhai duj, where people tie the legs of piglet and the animal is thrown in front of cows, bulls and buffaloes and is killed by these large animals. The animals are also goaded, tugged at, and made aggressive, so they attack the pig. Celebrated in Bihar and Jharkhand. <sup>118</sup> [Video in report, needs to clipped.]
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<sup>114</sup> <https://timesofindia.indiatimes.com/city/pune/man-throws-boiling-water-on-stray-booked/articleshow/55269757.cms>

<sup>115</sup> PFA Wildlife, Bangalore cases.

<sup>116</sup> <https://timesofindia.indiatimes.com/videos/news/odisha-snake-helpline-rescues-cobra-after-villagers-put-a-sharp-spear-through-it/videoshow/70207399.cms>

<sup>117</sup> <https://www.change.org/p/people-for-the-animal-welf-justice-for-gia-sanction-man-who-cut-dog-s-legs-off-for-tik-toke-video>

<sup>118</sup> <https://www.youtube.com/watch?v=UydEcLHF500&fbclid=IwAR0nruTmP6C044H0RyolZ-AQpCLu66UciBP5So8MoTOMp0FCUFeZz2JraA>



S. No.	Date	City/State	Case Description
17	26.06.2014	Jaisalmer, Rajasthan	The police caught three poachers and seized 38 half-dead spiny-tailed lizards from them; the lizards had their spines broken and were packed tightly in bags. Department officials state that the poachers cook and eat these lizards (considered a delicacy) after extracting oil (by burning their tails). The oil is sold as an 'aphrodisiac'. (sanda ka tel). <sup>119</sup> 
18	12.11.2015	Bangalore, Karnataka	2 adult rose ringed parakeets seized from fortune teller. One's lower beak was slightly blackish and her primary feathers were clipped. The other didn't have any primaries on either wing. A few secondary feathers present. <sup>120</sup>
19	11.11.2018	Delhi	40 year old married man Kanhaya, a truck driver, killed owl to perform black magic to attract woman, accused had cut the claws of the owl with a knife and inserted several needles into its liver and lungs, suggesting that he used the owl as a voodoo, owl died due to multiple puncture wounds. Arrested. <sup>121</sup>
20	25.02.2020	Kolkata, West Bengal	A tantrik couple tortured and killed a puppy while performing black magic. The puppy was found with two knives stabbed into his body and blooded nose. <sup>122</sup> 

<sup>119</sup> <https://www.conservationindia.org/gallery/spiny-tailed-lizard-poaching-desert-national-park>

<sup>120</sup> PFA-Wildlife Cases.

<sup>121</sup> <https://www.indiatoday.in/india/story/married-man-kills-owl-to-perform-black-magic-for-attracting-woman-in-delhi-1387286-2018-11-13>

<sup>122</sup> <https://www.facebook.com/groups/1382277738753927/permalink/2526283481020008/>

S. No.	Date	City/State	Case Description
<b>E. Assault by confinement of wild birds and animals</b>			
21	07.01.2013	Thirupur, Tamil Nadu	Two peahens and one peacock, both adult, were being held captive—as religious attractions— in the Kandaswamy Murugan temple in Thirupur, Kanchipuram District. <sup>123</sup>
22	19.12.2014	Chandigarh, Punjab	Despite ban on the same, langurs are being used to scare away monkeys. Post Graduate Institute of Medical Education and Research (PGIMER) has been using two langurs. They are kept hidden from public gaze as they are tied to trees behind the new eye OPD block. The langurs remain there 24 hours. Another langur is forcefully kept by Sector 26 showrooms on Madhya Marg. He is tied to a tree bang opposite the main gate of the Sector 26 police station. (police inaction) <sup>124</sup>
			
23	06.02.2016	Mumbai, Maharashtra	A monkey was caught , its arms tied tightly behind its back, sat crouched over in a Mumbai residential colony trying with its teeth to untie the cord bound around its ankles. The wild monkey was caged after locals said it had been causing a nuisance for over six months, including stealing food and tearing up pillows that were on sale in one of the colony's shops. <sup>125</sup>
			

<sup>123</sup> FIAPO cases

<sup>124</sup> <https://www.hindustantimes.com/chandigarh/banned-langurs-continue-for-monkey-business/story-GcalHVh2rJseJL0tGCj0QM.html>

<sup>125</sup> <https://www.ndtv.com/mumbai-news/monkey-thief-in-mumbai-caught-handcuffed-and-jailed-1274255?amp=1&akamai-rum=off>

S. No.	Date	City/State	Case Description
24	09.05.18	Bangalore, Karnataka	Adult black kite with a metal ring on the right leg. Keel bone very prominent –dehydrated, ruffled feathers. <sup>126</sup>
25	05.08.2019	Bangalore, Karnataka	Adult female bonnet macaque kept in captivity - 2 years. Exhibiting stereotypical captive behaviour - rocking and jumping in one place. <sup>127</sup>
<b>F. Poisoning animals</b>			
26.	21.11.2015	Goa	Dog given poisoned food by neighbour who considered him a 'problem dog', died. <sup>128</sup> 
27.	30.05.2016	Pench Tiger Reserve, MP	Tigress named Baghinnala dead and 2 cubs poisoned. <sup>129</sup>
28.	13.10.2017	Chennai, Tamil Nadu	A pet dog named Max was poisoned by the relatives of his owner's family in Tambaram. <sup>130</sup> 


<sup>126</sup> PFA-Wildlife Bangalore cases.

<sup>127</sup> PFA-Wildlife Bangalore cases.

<sup>128</sup> Social Media Post by Welfare for Animals, Goa: <https://www.facebook.com/wag.india/posts/487481798101547:0>

<sup>129</sup> <https://www.ndtv.com/india-news/tigress-2-cubs-found-dead-in-madhya-pradeshs-pench-tiger-reserve-1292513>

<sup>130</sup> Social Media Post: <https://www.facebook.com/475635559190497/posts/1514606371960072?sfn=mo>

S. No.	Date	City/State	Case Description
29.	30.12.2017	Pune, Maharashtra	12 cats fatally poisoned by housing society in Wakad, Pune. Awaiting post mortem report before filing FIR under IPC. <sup>131</sup>
30.	23.09.2019	Siliguri, West Bengal	7 dogs were poisoned by some unidentified persons. 6 out of the 7 dogs died. Among the 6 dead animals, 2 were pregnant females. <sup>132</sup>
			
<b>G. Animal sexual assault</b>			
31.	13.11.11	Coimbatore, Tamil Nadu	Man hears his calf crying, finds her with four semi-clad drunk men, who were sexually assaulting her. Her mouth was bleeding and tongue had been smashed in an attempt to silence her. <sup>133</sup>
32.	22.12.15	Delhi	18 year old admitted to psychiatric dept in AIIMS for raping a calf. <sup>134</sup>
33.	18.03.17	Jaipur, Rajasthan	27 year old arrested for raping a calf, witnessed by calf's owner who lodged the complaint. Case booked u/s 377 IPC, PCA. Calf's health deteriorating. <sup>135</sup>

<sup>131</sup> <https://punemirror.indiatimes.com/pune/civic/12-cats-fatally-poisoned-at-wakad-bungalow-soc/articleshow/61327070.cms>

<sup>132</sup> <https://siliguritimes.com/case-of-animal-cruelty-surfaces-from-siliguri/>

<sup>133</sup> Sept 13, 2011, Express News Service. The case was also recorded in the VSOD report on Animal Sexual Assault.

<sup>134</sup> <https://www.india.com/news/india/delhi-teenager-admitted-in-aiims-after-having-sex-with-baby-cow-804891/>

<sup>135</sup> <https://timesofindia.indiatimes.com/city/jaipur/27-year-old-held-for-bestiality/articleshow/57697027.cms>

S. No.	Date	City/State	Case Description
34.	16.08.18	Mumbai, Maharashtra	Security guard raped street dog, Bindu, by inserting a rod in her vagina, pulling out her intestines. This was an act of retribution after he was scared by her bark. Bindu died of trauma and her new born puppies did not survive after she died. Security guard arrested, booked u/ s 11(1) (a), (l) PCA, 429 IPC and granted bail on bond of Rs. 3k. Public outcry over the incident, with demands to charge him u/377 as well. <sup>136</sup>
35.	21.05.19	Ayodhya, Uttar Pradesh	CCTV showed man raping 7 cows at a shelter. Caught when he returned to repeat the offense. Case booked u/s 377, 511 IPC. <sup>137</sup>

#### H. Murder of animals (Total cases: 300)

36.	26.04.14	Aldona, Goa	A street dog, mother of four pups, stoned to death. <sup>138</sup> 
37.	30.06.15	Delhi	Person stabbed a dog named Rocky who was involved in a fight with his pet dog, case registered. <sup>139</sup>
38.	19.12.17	Vadalur, Tamil Nadu	Men catch birds (eagles, storks, etc), hold them up by beaks, wings while alive, for selfies, then kill them. Seems to be some kind of business. Posted several photos. Arrested. <sup>140</sup>

<sup>136</sup> <https://www.firstpost.com/india/security-guard-rapes-stray-dog-in-mumbais-kandivali-india-must-strengthen-pca-act-to-deter-sexual-crimes-against-animals-5086991.html>

<sup>137</sup> <https://www.indiatoday.in/india/story/man-held-for-raping-cows-at-shelter-in-ayodhya-up-1531300-2019-05-21>

<sup>138</sup> Social Media Post by Welfare for Animals, Goa:

<https://www.facebook.com/wag.india/photos/a.112347678948296/267532840096445/?type=3&theater>

<sup>139</sup> <https://www.indiatoday.in/mail-today/story/delhi-pets-dogs-abducted-killed-dogs-260316-2015-06-30>

<sup>140</sup> <https://www.facebook.com/FaunaPolice/posts/2088348434532627>



S. No.	Date	City/State	Case Description
39.	16.12.18	Delhi	Female dog brutally killed by woman named Saroj Bala by hitting the dog with rods on her head, her 6 puppies first separated from the mother and relocated and then killed by poisoning them. <sup>141</sup>
40.	13.06.2020	Kolkata, West Bengal	A dog's head was chopped off by corporation workers in Kolkata. <sup>142</sup>



### I. Assault on working animals

41.	09.01.2012	Mumbai, Maharashtra	A horse pulling a Victoria carriage collapsed and got injured. The horse driver yanked hard to pull the horse up, but both times the horse slammed back down with a thud against the pavement. The horse had clearly visible cuts and was bleeding from three of his legs, and frothing at the mouth perpetually. One observer, Tammy Khajotia, who is a passionate horse rider herself said, "I could tell how the horse survived in complete fear of the drivers, so much so that just them touching the horse would have him on edge, and burying his head in my arms." Police have registered a complaint under section 11 of PCA Act. <sup>143</sup>
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<sup>142</sup> [https://www.change.org/p/make-delhi-canine-rabies-free-not-by-killing-dogs-but-by-participating-in-the-abc-programme/u/26975593?cs\\_tk=AiJagunBugylO68p6V4AAXicyvNyQEABF8BvENM\\_d3xjFylQvmdjaDLp0c%3D&utm\\_campaign=beb8275c991943339a68cbbab3350e33&utm\\_content=](https://www.change.org/p/make-delhi-canine-rabies-free-not-by-killing-dogs-but-by-participating-in-the-abc-programme/u/26975593?cs_tk=AiJagunBugylO68p6V4AAXicyvNyQEABF8BvENM_d3xjFylQvmdjaDLp0c%3D&utm_campaign=beb8275c991943339a68cbbab3350e33&utm_content=)

<sup>143</sup> <https://timesofindia.indiatimes.com/city/mumbai/Victoria-horse-collapses-near-Gateway/articleshow/11430413.cms>

S. No.	Date	City/State	Case Description
42.	07.10.2013	Mumbai, Maharashtra	Bijlee, a 58 year old ailing elephant collapsed on the road. She had been forced to work for 50 years by begging on the streets of Mumbai and standing at weddings; with no attention paid to her health or diet. She had even sustained injuries in an accident. Bijlee suffered from obesity due to bad diet, degenerative joints and osteoporosis. <sup>144</sup>
43.	11.04.2016	Hyderabad, Telangana	Sikander, 10 year old mule, forced to carry a load of fruit racks beyond his capacity. He has an injured leg, and the owner further makes three people sit on the cart as Sikander struggles to barely stand. He's neither given horseshoes nor enough water to drink as he struggles in the hot sun. Rescued by PFA Hyderabad. <sup>145</sup>
44.	02.02.2018	Katra, Jammu and Kashmir	Detailed Facebook post by Shivam Rai, accompanied by photos and videos of animal cruelty at the pilgrimage. The animals are hit with sticks when they deny carrying more load or are unable to walk. Horses and mules are forced to continuously give rides on the steep slope of around 24 km up-and-down, with an average weight of 90-100 kg on their back. Rai also spotted a horse limping and shivering; whose front right leg was broken. Even after trying for two and a half hours, Rai didn't receive any help from the shrine board. He claims there was not a single veterinary officer to look after the condition of those horses. <sup>146</sup>



<sup>144</sup> <https://timesofindia.indiatimes.com/city/mumbai/Bijlee-dies-activists-call-for-end-to-elephant-cruelty/articleshow/20850394.cms>

<sup>145</sup> [https://pfahyd.org/wp-content/uploads/2017/01/PFA\\_Qtly\\_Hlts\\_Oct\\_Dec\\_2016.pdf](https://pfahyd.org/wp-content/uploads/2017/01/PFA_Qtly_Hlts_Oct_Dec_2016.pdf)

<sup>146</sup> <https://indianexpress.com/article/trending/trending-in-india/facebook-post-about-deplorable-state-of-animals-in-vaishno-devi-creates-huge-outcry-official-refute-claims-5048143/>

S. No.	Date	City/State	Case Description
45.	05.05.2020	Udaipur, Rajasthan	<p>Angelo, a bull, was found in excruciating pain with multiple ropes digging through the flesh of his front leg clear to the bone. The wound was a result of someone having tightly tied his leg to his horns - a devastating technique used by ignorant farmers to keep cows from escaping and to prevent bulls from mating because they cannot lift their heads.<sup>147</sup></p> 

#### J. Assault on animals for entertainment

46.	27.05.2011	Karnataka	<p>Lily's mother, a sloth bear, was killed when she was a cub. Then she was snatched from the wild by a violent gang to join their pitiful troupe of dancing bears. Like all the other animals in this troupe, her nose was pierced with a red hot needle and a rope fed through the hole. She was forced to 'dance' on a burning plate and, if she refused, she was clubbed over the head.</p> <p>As she grew, her ability to fight back was curtailed: the gang snapped off her claws with pliers and smashed in her teeth with iron chisels. Tied to a post at night, she was fed swill devoid of nutrition.</p> <p>Lily developed severe cataracts. By the age of five, she was almost totally blind.<sup>148</sup></p>
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<sup>147</sup> Social Media Post by Animal Aid on Instagram dated May 9th, 2020.

<sup>148</sup> <https://www.dailymail.co.uk/news/article-1391313/The-bear-repair-squad-The-remarkable-British-women-restoring-sight-Indias-blind-dancing-bears-.html?ito=feeds-newsxml>

S. No.	Date	City/State	Case Description
47.	15.07.2012		Goat fights are held at the outskirts of Madurai city. They are forced to undergo an unnatural and strenuous training regime which includes running, swimming and bumping their heads repeatedly against hard surfaces. In a normal goat fight, 75 smashes are fixed to select the winner goat. Some people in Madurai own up to 40 fighter goats. Owners paint and sharpen the horns to give them a look of a lion. Prize money shoots up to Rs. 25,000 for the winners of the tournament. <sup>149</sup>
48.	19.02.2015	Telangana	As part of the annual Maha Shivaratri Jatara festival, eight pairs of bulls took part in competitions; including a weight lifting competition where a pair of Ongole bulls was forced to pull over two tonnes of weight. <sup>150</sup>
49.	29.06.2015	Haryana	In a farmhouse in Haryana, people gather to watch dog fights. It's the new pass time for suburban elites, and lakhs of rupees are bet on these fights. Apart from Gurgaon, dog fights are held in farmhouses of Bhatinda (Punjab), Jhajhar (Rajasthan), Wazirabad (Delhi), Noida (Uttar Pradesh) and Faridabad (Haryana). The police have made a few arrests, but the dog fighting racket continues unabated. These fights are publicised on Facebook pages as "dog shows". The losing dog is either shot on the spot or they tie their legs with ropes and throw them into a canal—where they drown because they can't swim with tied legs. <sup>151</sup>
50.	17.08.2019	Ahmedabad, Gujarat	The sight of haggard, fatigued dogs sprawled out on the floor as humans strive to attract their attention at this petting centre, the dogs there are chased, and quite often manhandled, by small and big humans for around eight hours, it indulges in exploitation of the animals which is in gross violation of animal rights. <sup>152</sup>

<sup>149</sup> <https://timesofindia.indiatimes.com/Madurai-host-to-thrilling-goat-fights/articleshow/13741272.cms>

<sup>150</sup> <https://www.thehindu.com/news/national/telangana/when-bulls-proved-to-be-a-breed-apart/article6911231.ece>

<sup>151</sup> [https://www.youtube.com/watch?time\\_continue=7&v=QipG7bFJgmo&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=7&v=QipG7bFJgmo&feature=emb_logo)

<sup>152</sup> <https://ahmedabadmirror.indiatimes.com/ahmedabad/cover-story/stop-this-cruelty-now/articleshow/70707759.cms>

S. No.	Date	City/State	Case Description
<b>K. Assault by children</b>			
51.	22.07.11	Delhi	A bunch of boys aged 7-10 hit a dog with a fat piece of wood which was their weapon. The next day the same boy (accompanied by his friends) came up with a stick and hit the poor 15 year old, harmless bitch who was innocently eating biscuits. <sup>153</sup>
52.	13.11.12	Karnataka	Pregnant donkey with improperly healed foot fracture targeted by school children, hit with stones since she couldn't run away. Rescued, but sustained permanent injuries. <sup>154</sup>
53.	02/05/14	Tamil Nadu	Young boy cut the Achilles tendon of a cow's leg with a sickle, and then slashed the cow in several places for sifting through their trash. FIR registered. "Ajith maintained that he attacked the cow because she had sifted through the garbage that had been thrown outside their house. When the problem is created by uncaring humans that are willing to anti-socially discard garbage on the roadside rather than use garbage bins, how does attacking a cow that would naturally be inclined to rummage in that garbage serve any purpose at all?" <sup>155</sup>
54.	24/02/20	Kolkata, West Bengal	A young girl kicked a dog into a pond. On being asked she said the men of her house have done a lot more. <sup>156</sup>
55.	22.05.2020	Ujjain, Madhya Pradesh	A video on Tiktok came up where a dog is tied with rope and is flung into a lake by two teenage boys, thereby drowning it. <sup>157</sup>
<b>L. Assault by tying and dragging an animal</b>			
56.	26.05.2013	Mumbai, Maharashtra	3 men kill dog for barking. They tied its neck using a rope, dragged it and attacked it with knife and a stone, caught on CCTV. Attempted to attack a pet dog as well. Booked u/s 429, 34 IPC, s 11 PCA. <sup>158</sup>

<sup>153</sup>

<sup>154</sup>

<sup>155</sup> Blue Cross FaceBook Page: Social media

<sup>156</sup> Social Media24/02/20

<sup>157</sup> <https://www.news18.com/news/buzz/mp-teenagers-who-went-viral-on-tiktok-for-drowning-a-dog-in-a-pool-have-been-arrested-2637343.html>

<sup>158</sup> <http://archive.indianexpress.com/news/-irritated--by-its-constant-barking-three-kill-Street-dog/1121054/>

S. No.	Date	City/State	Case Description
57.	03.11.2016	Pune, Maharashtra	5 men tie nylon rope to street dog's neck, tie it to bike, drag him for 2 km. They first attacked the dog with sticks and beat him unconscious. Complaint booked against unknown persons u/PCA, Bombay Police Act. <sup>159</sup>
58.	10.03.2017	Gurugram, Haryana	Staff of a security agency arrested on charges of animal cruelty for tying a dog to a jeep and dragging it. <sup>160</sup>
59.	02.04.2018	Hyderabad, Telangana	Pet dog tied to back of lorry and dragged to death. FIR filed u/s 11(1) PCA <sup>161</sup>
60.	06.02.2020	Ludhiana, Punjab	Street dog tied up with an electric wire, thrashed with iron rods for hours till he was nearly unconscious, thrown from a rooftop and then dragged on the road after being tied to an autorickshaw. The plan was to dump him near a canal by dragging him till there but before that local residents heard the cries of the dog and came to rescue him. He was dragged for some 200 metres before being rescued. Dog was bleeding with a broken jaw, fractured limbs and other injuries. 3 people arrested. <sup>162</sup>

#### M. Assault by throwing animals from rooftops

61.	24.01.2017	Mumbai, Maharashtra	Puppy thrown off terrace, died on the spot. FIR filed against unknown persons. <sup>163</sup>
62.	2016	Chennai, Tamil Nadu	Medical Students throw a puppy off the roof, record a video and share it widely. Later case is registered and they are fined Rs. 2 lacs. <sup>164</sup>
63.	04.11.2017	Vellore, Tamil Nadu	Engineering student throws puppy off terrace for urinating on his clothes. Previously killed another puppy in the same manner for the same reason. Boasted about it to his friends on a WhatsApp group. Case registered. <sup>165</sup>

<sup>159</sup> <https://timesofindia.indiatimes.com/city/pune/5-youths-on-bikes-drag-dog-to-death-cops-hunt-for-them/articleshow/55256185.cms>

<sup>160</sup> <https://www.hindustantimes.com/gurgaon/gurgaon-when-dogs-put-residents-and-activists-at-odds/story-AUqDJFLK1BrKBwCuEldr4N.html>


<sup>161</sup> Case internally documented and shared by PFA-Hyderabad.

<sup>162</sup> <https://www.tribuneindia.com/news/ludhiana/stray-dog-thrown-from-rooftop-three-arrested-36043>

<sup>163</sup> <https://www.dnaindia.com/mumbai/report-3-month-old-pup-flung-from-terrace-in-mumbai-dies-2299463>

<sup>164</sup> <https://www.ndtv.com/chennai-news/medical-students-who-threw-dog-from-terrace-fined-rs-2-lakh-1452914#:~:text=After%20horror%20video%2C%20Chennai%20dog,by%20the%20Madras%20High%20Court.a>

<sup>165</sup> <https://www.india.com/news/india/tamil-nadu-engineering-student-kills-puppy-by-throwing-it-off-terrace-says-it-peed-on-my-clothes-2595520/>

S. No.	Date	City/State	Case Description
64.	13.11.2018	Kollam, Kerala	3 new born kittens thrown over a 10 ft wall, two died, one survived and was rescued. <sup>166</sup>
65.	16.12.2018	Thane, Maharashtra	A man throws a cat from a 14th floor flat. <sup>167</sup>
<b>N. Burning animals alive</b>			
66.	24.11.2012	Shopian, Jammu and Kashmir	Inquiry ordered into an attempt by a jeering crowd to set a terrified bear, which steered into a village, on fire. Video shows the bear trying to climb a tree in desperation as a crowd gathered around. The villagers are seen tying a burning cloth to a pole, raising it towards the bear and poking the animal. The bear tries to perch itself further up on the tree's branches until it's unable to go up any further. Soon engulfed in flames, the bear eventually climbed down and managed to escape. <sup>168</sup>
67.	03.12.2018	Mumbai, Maharashtra	A stray cat was burned alive in Oshiwara, Andheri. <sup>169</sup> 
68.	30.12.2018	Hyderabad, Telangana	A puppy is burnt alive in a neighbourhood of Hyderabad. <sup>170</sup>


<sup>166</sup> Social Media Post by PFA Kerala <https://www.facebook.com/watch/?v=1133975376750479>

<sup>167</sup> <https://timesofindia.indiatimes.com/city/thane/thane-man-kills-cat-by-throwing-it-from-his-highrise-flat-held/articleshow/67119419.cms>

<sup>168</sup> <https://www.ndtv.com/india-news/mob-tries-to-set-helpless-bear-ablaze-in-kashmir-probe-ordered-505444>

<sup>169</sup> <https://timesofindia.indiatimes.com/city/mumbai/stray-cat-tied-up-starved-and-burnt-to-death-in-oshiwara/articleshow/66928613.cms>

<sup>170</sup> <https://timesofindia.indiatimes.com/city/hyderabad/residents-set-ablaze-puppy-in-tolichowki/articleshow/67307782.cms>

S. No.	Date	City/State	Case Description
69.	03.11.2019	Burdwan, West Bengal	<p>Dog delivering puppies on a street. After two of her puppies were delivered, an unidentified woman put kerosene oil on the dog and her new born puppies and set them on fire for eating her hen. Two puppies died and the dog was critically burnt, she succumbed to her injuries the next day, along with the 3 unborn puppies in the womb. Complaint filed.<sup>171</sup></p> <p></p> <p></p>
70.	16.01.20	Maharashtra	A street dog who entered a house looking for food was attacked by its residents with boiling water. The animal has serious burn injuries near his forelimbs and hind limbs. <sup>172</sup>
<b>O. Shooting animals with a gun</b>			
71.	17.04.2011	Delhi	Mr. Amit, pilot of Jet Airways, tortured and shot at a colony dog and killed it inhumanly for no reason at all. <sup>173</sup>
72.	02.12.2018	Hyderabad, Telangana	An angry bank employee shot dead his neighbour's pet dog. Saroornagar police seized the weapon, took the accused into custody and registered a case under section 336 and 429 of IPC besides relevant sections of the PCA Act. <sup>174</sup>

<sup>171</sup> <https://www.oneindia.com/india/wb-pregnant-dog-burnt-alive-along-with-her-2-puppies-in-burdwan-2973186.html>

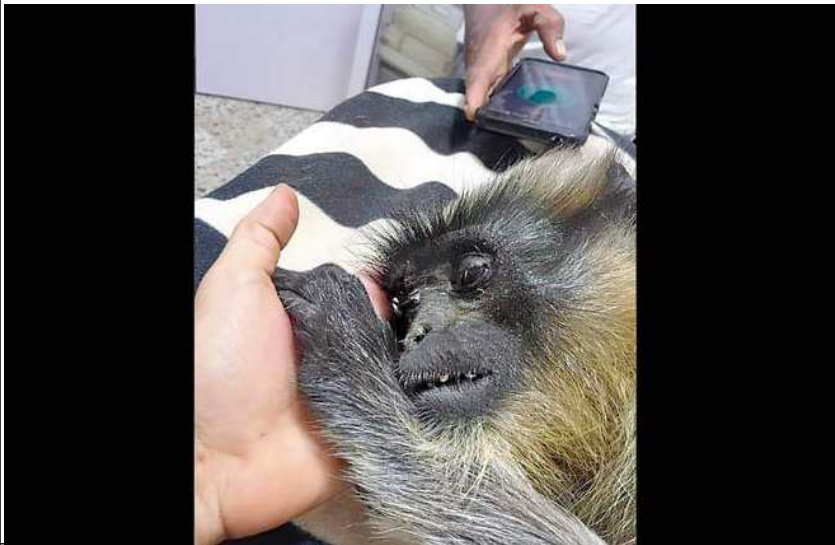
<sup>172</sup> <https://www.facebook.com/groups/PALThane/permalink/2760809470634747/>

<sup>173</sup> FIAP0 archive of cases.

<sup>174</sup> Social Media Post:

<https://www.facebook.com/296911701128564/photos/a.296913297795071/590213841798347/?type=3&theater>



S. No.	Date	City/State	Case Description
73.	17.01.2019	Raigad, Maharashtra	Grey langur fatally shot with air rifle. 3 bullets found in his body. <sup>175</sup>
			
74.	07.03.2020	Bandipur, Karnataka	An elephant shot by a forest department staffer in Bandipur National Park. <sup>176</sup>
75.	14.03.2019	Bikaner, Rajasthan	More than 50 street dogs shot dead by angry villagers with airgun, video surfaced, no official complaint lodged. <sup>177</sup>
<b>P. Transportation of animals for illegal slaughter</b>			
76.	08.10.2014	Tamil Nadu and Kerala	To make sure that the animal do not sprawl on the floor and die inside cramped lorries, traffickers use chilli paste to make them wince. Sometimes pieces of hot chillies are inserted under their eyelids, while taking them to the slaughterhouses. On Oct 8, 2014, we stopped yet another truck transporting cattle for slaughter. We have stopped so many trucks overloaded with cattle for slaughter but nothing has changed. When we found this truck it had 20 cattle stuffed in. Worse they were using the same old nasty 'green chillies', which are stocked to rub into the eyes of the cattle that fall from fatigue. We called the police and got the vehicle to be taken to the station. <sup>178</sup>

<sup>175</sup> <https://www.mid-day.com/articles/hanuman-langur-shot-with-an-air-rifle-in-raigad/405532>

<sup>176</sup> <https://www.indiatoday.in/trending-news/story/karnataka-forest-department-staffer-shoots-elephant-in-bandipur-national-park-sacked-1654808-2020-03-12>

<sup>177</sup> <https://timesofindia.indiatimes.com/city/jaipur/over-50-stray-dogs-shot-dead-in-bikaner-village/articleshow/68402464.cms>

<sup>178</sup> <https://www.facebook.com/511683712/posts/10158191389563713?sfns=mo>

S. No.	Date	City/State	Case Description
77.	05.12.2016	Bihar	61 Indian desert camels were transported from Rajasthan to Bihar for being illegally traded to Bangladesh. Complaint registered in Kishangarh police station. Case fought in High Court. One camel died during the course of legal hearings. <sup>179</sup>
78.	01.05.2017	Gurgaon, Haryana	Man stole a pet dog, killed and served meat to friends. Case made, no arrests. <sup>180</sup>
79.	01.01.2019	Garo Hills, Meghalaya	Man killed, burned, cooked and ate a rhesus macaque, posted on social media. Booked u/WPA. <sup>181</sup>
80.	29.01.2020	Bareilly, Uttar Pradesh	Carcasses of 7 birds and suspected Nilgai meat seized from a vehicle by police. Two men arrested, booked u/WPA. <sup>182</sup>

### Q. Abandonment

81.	30.09.2010	Mumbai, Maharashtra	Great Dane stud dog used for breeding, abandoned at old age in an emaciated condition with kidney and lung issues. Rescued. Did not survive. <sup>183</sup>
82.	09.06.2017	Kolkata, West Bengal	A 2 years old cow was abandoned by her owner as her leg was broken. The owner also threatened to sell the animal to the butcher. <sup>184</sup>



<sup>179</sup> <https://www.indiatoday.in/fyi/story/women-fight-illegal-camel-trade-bangladesh-border-358633-2016-12-20>

<sup>180</sup> <https://www.hindustantimes.com/gurgaon/gurgaon-missing-dog-case-suspect-tells-cops-he-ate-dog-meat-but-not-brownie/story-XlB9MBP3C6GN2mUsCxNDGJ.html>

<sup>181</sup> <https://www.timesnownews.com/mirror-now/crime/article/meghalaya-west-garo-hills-sengkud-sangma-protected-species-rhesus-macaque-monkey-peta/340114>

<sup>182</sup> <https://timesofindia.indiatimes.com/city/bareilly/two-arrested-for-killing-birds/articleshow/73709397.cms>

<sup>183</sup> Social Media Post by Animals Matter to Me.

<sup>184</sup> Social Media Post by Animals Come First: <https://www.facebook.com/515559508482249/posts/1449947158376808/?d=n>

S. No.	Date	City/State	Case Description
83.	22.12.2017	Udaipur, Rajasthan	Merry, a new born calf, abandoned by the owner and left to die on the side of the road, severely dehydrated and on the verge of dying, rescued. <sup>185</sup>
84.	24.07.2019	Surat, Gujarat	Abandoned male calf, helplessly lying down on a road in sweltering heat, suffering from Ruminal Tympany (Bloat's Disease) and had severe breathing problems. His temperature had soared to around 105°F. He was not getting any food and had to eat plastic bags/trash found on roadside. Rescued. <sup>186</sup>
85.	07.02.2020	Bhubaneswar , Odisha	A male calf was found abandoned. Denied of nutrition the calf was found with injuries and hypothermia. <sup>187</sup>

### R. Torture of animals

86.	22.11.2016	Vellore, Tamil Nadu	In a horrific incident of torture to an animal, medical college students from Vellore brutally killed a female monkey after she entered their hostel room. They tied up the monkey's hands, legs and neck with a phone wire, took her to the hostel terrace and thrashed her brutally in front of 30 other students. They also stabbed her back with a sharp object and raped her with an iron rod. "The monkey was abused by the worst means," said Antony Robin, one of the activists involved in exhuming the body. "Her hand was tied in the rear side and a telephone wire was tied to her neck. We observed fractures in the knee, ankle, neck and other places. We also noticed a sharp object was inserted from behind and came in front. This is by far the worst case [of animal cruelty] we have seen." A police complaint and criminal case under provisions of the Indian Penal Code Section 429 for assaulting an animal and the Wildlife Protection Act continues with no convictions. <sup>188</sup>
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<sup>185</sup> Social Media Post by Animal Aid, Udaipur: <https://www.facebook.com/watch/?v=10156023271018259>

<sup>186</sup> Social Media Post by Prayaas: [https://www.facebook.com/PrayasINDIA/posts/2455310397866940?\\_\\_tn\\_\\_=-R](https://www.facebook.com/PrayasINDIA/posts/2455310397866940?__tn__=-R)

<sup>187</sup> Social Media Post by Speak for Animals: [https://www.facebook.com/sfabbsr/posts/1199091700284049?\\_\\_tn\\_\\_=-R](https://www.facebook.com/sfabbsr/posts/1199091700284049?__tn__=-R)

<sup>188</sup> [https://www.indiatoday.in/india/story/monkey-vellore-christian-medical-college-tamil-nadu-students-fir-wildlife-protection-act-353624-2016-11-](https://www.indiatoday.in/india/story/monkey-vellore-christian-medical-college-tamil-nadu-students-fir-wildlife-protection-act-353624-2016-11-23#:~:text=A%20monkey%20was%20tortured%20and,monkey%20with%20its%20limbs%20tied.)

23#:~:text=A%20monkey%20was%20tortured%20and,monkey%20with%20its%20limbs%20tied.

S. No.	Date	City/State	Case Description
87.	20.08.2019	Barbaspur, Chhattisgarh	Ten cows died from asphyxiation in a cow shelter run by village panchayat. The cows were locked inside a small room during heavy rains. The sarpanch and secretary of the panchayat have been served notices, seeking their replies. <sup>189</sup>
88.	02.09.2019	Vaishali, Bihar	Video catches earthmover being used to bury alive an injured Nilgai antelope. FIR filed against driver, forest guard suspended. <sup>190</sup>
89.	29.06.2020	Khammam, Telangana	A few youths in Khammam district cruelly killed a monkey by hanging it from a tree and releasing dogs to attack it. <sup>191</sup>
90.	25.02.2020	Kolkata, West Bengal	A tantrik couple tortured and killed a puppy while performing black magic. The puppy was found with two knives stabbed into his body and blooded nose. <sup>192</sup>
<b>S. Attack and violent crimes against wild animals</b>			
91.	09/07/05	Jhargam, West Bengal	Two elephants (one calf and one adult) were attacked with flaming balls of tar and firecrackers by a frenzied mob in Jhargram district. The event came to light when a photograph of the incident, clicked by Biplab Hazra, won him the Sanctuary Wildlife Photography Award 2017. The photo shows the mother's leg burning and the calf's rear engulfed in flames. The calf somehow survived, as per the photographer. <sup>193</sup>
92.	27.02.2015	Jammu and Kashmir	Leopard first suffocated, and then killed, dragged and paraded through the village. <sup>194</sup>
93.	07.03.2020	Bandipur, Karnataka	An elephant shot by a forest department staffer in Bandipur National Park. <sup>195</sup>

<sup>189</sup> <https://www.indiatoday.in/india/story/ten-cows-die-chhattisgarh-shelter-suffocation-1582946-2019-08-20>

<sup>190</sup> <https://www.newindianexpress.com/nation/2019/sep/08/fir-filed-after-nilgai-buried-alive-in-bihar-2030478.html>


<sup>191</sup> <https://mumbaimirror.indiatimes.com/news/india/animal-cruelty-horrific-case-shocking-monkey-hanged-to-death-in-hyderabad/articleshow/76677911.cms>

<sup>192</sup> <https://www.facebook.com/groups/1382277738753927/permalink/2526283481020008/>

<sup>193</sup> <https://www.washingtonpost.com/news/animalia/wp/2017/11/08/the-horror-elephants-face-in-india-in-one-heartbreaking-photo/>

<sup>194</sup> <https://www.indiatoday.in/india/video/leopard-killed-jammu-and-kashmir-pulwama-animal-rights-427946-2015-02-27>

<sup>195</sup> <https://www.indiatoday.in/trending-news/story/karnataka-forest-department-staffer-shoots-elephant-in-bandipur-national-park-sacked-1654808-2020-03-12>

S. No.	Date	City/State	Case Description
94.	08.06.2020	Guwahati, Assam	<p>An eight year old male leopard was lynched, its teeth removed, and subsequently paraded by a group of people in the Katahbari Pahar area of Guwahati. It had been initially caught with a rope trap by the locals. In a video, three-four men can be seen parading the carcass of the animal to the hoots and cheers by the surrounding crowd. Six people have been arrested. Since the animal's teeth were removed, they will also be charged with a case of poaching.<sup>196</sup></p> 
95.	27.05.2020	Palakkad, Kerala	<p>An elephant that was pregnant died in Kerala, standing in water after she ate a pineapple filled with firecrackers, allegedly left by some locals. The fruit exploded in her mouth, leading to the inevitable tragedy.<sup>197</sup></p>
<b>T. Assault on animals in political campaigning</b>			
96.	01.01.2012	Delhi	<p>A “Black Day” political demonstration was held against the ruling party in New Delhi which included parading a buffalo and subjecting it to ear-splitting flutes.<sup>198</sup></p>

<sup>196</sup> <https://indianexpress.com/article/north-east-india/assam/assam-leopard-killed-teeth-removed-subsequently-paraded-by-locals-in-guwahati-6447344/>

<sup>197</sup> <https://www.ndtv.com/india-news/pregnant-elephant-ate-pineapple-stuffed-with-crackers-in-kerala-she-died-standing-in-river-2239497>

<sup>198</sup> <http://bwc-india.org/Web/Awareness/LearnAbout/AnimalsinEntertainment.ht ml>

S. No.	Date	City/State	Case Description
97.	14.04.2015	Jabalpur, Madhya Pradesh	Animal rights activists criticised Congress for using donkeys in their protest against price rise in the markets. The donkeys were made to lead the protest march. The use of donkeys in a political rally or protest march was violation of the provisions of the PCA Act. Forcing donkeys in any sort of demonstration is an unnatural behaviour with the animal. The animal is generally tied with a rope or forced to move in a particular direction. Besides the pitch of slogans or loudspeakers is higher than 20 decibel, which is harmful for the health of the animals. However, Congress city president Dinesh Yadav told, "Neither any placards or posters were put on the donkeys nor were they beaten to walk in a particular direction during the rally. So there was no violation of any animal cruelty act." <sup>199</sup>
98.	28.11.2016	Vishakhapatnam, Andhra Pradesh	Panchayat Raj minister Ch Ayyanapatrudu and MLA Peela Govinda Satyanarayana rode a bullock cart during the Jana Chaitanya Yatra. The cart was overloaded (with over 8 people). Further the bull was distressed by the huge gathering and the shouting crowds, and tried to run amok. Due to overloading, the wooden log of the cart broke and the people fell down. <sup>200</sup>
99.	25.05.2018	Mumbai, Maharashtra	Kherwadi police station in Bandra East seized two young horses being abused at an INC political rally, organised against the Central government's decision to increase fuel prices. With the help of PETA, FIR filed u/s. 3 and 11 of PCA for treating the weak and exhausted animals cruelly, including by repeatedly kicking them to force them to walk under the scorching hot sun for hours without food, water, or shade, carrying person after person. <sup>201</sup>

<sup>199</sup> <https://www.hindustantimes.com/bhopal/animal-rights-activists-flay-cong-for-using-donkeys-during-protest-in-jabalpur/story-U5VALJz14vhOpSMa2uu5WK.html>

<sup>200</sup> <https://www.newindianexpress.com/states/andhra-pradesh/2016/nov/28/panchayat-raj-minister-falls-off-bullock-cart-during-yatra-in-andhra-pradesh-1543403.html>

<sup>201</sup> <https://www.thehindu.com/news/cities/mumbai/two-held-for-abusing-horses-at-cong-protest/article23994759.ece>

S. No.	Date	City/State	Case Description
100.	02.05.2020	Agra, Uttar Pradesh	Traders of Sanjay Place Market took out a procession of donkeys named after Mayor Naveen Jain as protest against Agra Municipal Corporation's levy of parking fee at the market. The donkeys were paraded amidst sloganeering and loud performance by a musical band. Senior leaders of Pragatisheel Samajwadi Party (PSP), including Manisha Singh and Nitin Kohli attended the protest to extend their party's support to the trader's cause. <sup>202</sup>

<sup>202</sup> <https://timesofindia.indiatimes.com/city/agra/traders-take-out-baraat-of-donkeys-to-protest-amcs-parking-charges/articleshow/73943576.cms>

“ India must set a great example to all countries in the world. We must set the example not because I think we are superior, but because we have spoken about ahimsa far more than any other country. The very word ahimsa comes from India; it belongs to us; we have that tradition. We have had examples, great examples in history of ahimsa, and kings like Asoka have practised these things. So, the more we talk about it, the greater is the responsibility to put it into practice and that is why I believe that such a Bill as this is absolutely necessary. ”

- Rukmini Arundale, 1954 Rajya Sabha,  
while introducing the Prevention of Cruelty to Animals  
Bill 1953.

in collaboration with

