

Voiceless Victims: Animals Cruelty in India and the Call for Justice

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Abstract: *All are humans but only few have humanity. Humanity isn't about what we keep for ourselves; it's about what we share with those who have nothing. Treating animals with love & compassion is the moral duty of every individual. However often fail to fulfil this duty. Human become cruel towards animals for two reasons one to fulfil our needs and other for fun. There is equal Right as human have even the animals has on this earth ,so why difference on speechless voiceless are targeted and killed abounded. Different jurisdictions have varying laws, but many countries outlaw cruelty to animals. Animal's cruelty is a serious issue that affects millions of animals around the world. Today's one of the major problem in India is ill-treatment of Animals and their protection. In recent judgement of Supreme Court on Dog's stray in Delhi. Now a question arises whether animals stray is biggest problem in India. Law regulates prohibition hunting, abduction and killing of animals, aiming to protect animals. Article 21 of Indian Constitution speaks of Right to Life; 'Life' includes human being and all living creatures. This Research review shows that people that commit acts of assault, homicide and domestic abuse have history of violence towards animals is a punishable. Law should be strictly adopted for offence and cruelty.*

Keywords: Animal cruelty, Animal rights, and Protection

I. INTRODUCTION

India is a welfare state that seeks to promote the prosperity and well-being of its subjects, including animals (Utkarsh Seth, 2024). The treatment of animals and the laws that protect them have both developed through time in India (Insia Arora, 2023). Any person who has been hurt, lost, harmed, or killed as a result of a wrongdoing, mishap, or other specific episode or activity is alluded to as a casualty (Richa Gadiya, 2021). There has been an increase in recent years in both the interest in the enforcement of and the reformation of criminal animal cruelty laws (Chery Leahy, 2023). There are several reasons due to which animals are getting affected and one of the reasons is human's rapacious nature. Also how animals have been exploited for various purposes (Harsh Vardhan Singh & Khushi Singh, 2024). When you see a dog or cow being hit or stoned, be sure to inform the offender of the law and get him or her to stop (Animals Law in India). There is greater need for the recognition of the right of animals, as of men, to be exempt from any unnecessary suffering or serfdom, the right to live a natural life of "restricted freedom," subject to the real requirements of the community (Bhumika Sharma *et al.*, 2021). Societies that value civility and compassion extend these values to their animals in the same way that they do to their inhabitants (Aishwarya M R, 2022).

In India, animal cruelty has been a prevailing issue and has taken a major surge in recent years (Shashwat Suraj, 2021). Any person who overworks, tortures, torments, deprives of necessary food, drink or shelter, cruelly beats, mutilates or cruelly kills an animal is guilty of a misdemeanour or felony (Mogbo Tochukwu & Daniel Nwankwo, 2013). Beyond the concept of possessors of rights, the larger question revolves around the effectiveness of a rights-based approach towards animal protection (Jessamine Therese Mathew & Ira Chadha-Sridhar, 2014). The logical problem with expanding a rule of law conception to include protection for fundamental animal rights (M. B. Rodriguez Ferrere, 2022). Humans have been exploiting animals since the dawn of time. Because of their fragility and helplessness, animal resources have been exploited (Richa Gadiya, 2021). "Animals' current legal protections [in animal welfare legislation] may meet the minimal conceptual criteria for rights, but they do not perform the characteristic normative function of rights (M. B. Rodriguez Ferrere, 2022). Animal abuse is widely recognized as both a risk factor for and a potential consequence of interpersonal



violence (Daniel Mota-Rojas *et al.*, 2021). Animal welfare is the relationship between humans and animals as well as the duty that the animals under their care are treated humanely (Dr. R.S. Khillare & Dr. Muskan Kaushal, 2021).

The Silent Scream: Uncovering Animal Abuse:

Earth is the common heritage of man and animals. No one has the authority to exterminate or drive away the non-human beings from their territory or natural habitat, without any lawful justification (Utkarsh Seth, 2024). In India animals are not only used for the purpose of agriculture or other husbandry purposes but are considered as family members. We also worship them as god and goddesses. India has historically enacted good animal laws (Dr. R.S. Khillare & Dr. Muskan Kaushal, 2021). Neglecting to give fundamental clinical consideration, food, or water, or inability to go to any vital lengths that might cause the creature unnecessary torment or enduring, are only a couple of the various demonstrations of disregard (Richa Gadiya, 2021)

In India, cruelty towards animals has been a common issues, which lead to formation of various decree by the legislation (Harsh Vardhan Singh & Khushi Singh, 2024). Animal cruelty encompasses any act that causes a non-human animal unnecessary pain or suffering, including negligence, abandonment, abuse, torture, bestiality, and even theriocide (Daniel Mota-Rojas *et al.*, 2021). We then explore modern manifestations of animal abuse, including practices such as animal sacrifice, wildlife trafficking, the illegal pet trade, street abuse, and industrial farming practices (Bhanu Gupta, 2021). There is a proliferation of terms used to refer to “human-animal sexual relations”. Some commentators focus on the act of intercourse (which is called “bestiality”, “an unnatural offence”, “buggery”, “sodomy”, “Egyptian”, “animal love”, or “animal sexual abuse”), while others assign an identity on human practitioners (Bourke, Joanna, 2019). As with 99 per cent of films in this genre, it depicted a woman rather than a man engaging in sexual acts with an animal (Bourke & Joanna, 2019). 70% of people charged with cruelty to animals were known by police for other violent behavior-- including homicide (The Voice of Stray Dogs). Societal cultures like animism wherein practices like slaughtering animals or using them to fight or entertain people are widely practiced in many regions, social change can be very challenging (Pragnya Parmita, 2025). Despite of so much prevailing laws to protect and preserve the rights of animals, animal cruelty is still simultaneously prevalent in India. Many incidents of animal cruelty occur daily but in most cases they go unreported (Shashwat Suraj, 2021).

The primary issue is that animals' best interests are rarely considered, and even when they are, many cruel practices are nevertheless upheld (Insia Arora, 2023). Unlike sexual interactions between consenting adult humans, animal sexual abuse is not simply about an individual's private sexual choice (The Voice of Stray Dogs,). Many have decried the state's under enforcement of animal welfare legislation because of the direct negative effects on animal interests (M. B. Rodriguez Ferrere, 2022). Delivered on May 7, 2014, A. Nagaraja deals with the “rights of animals under the Constitution of India as well as Indian laws, culture, tradition, religion and ethology (Jessamine Therese Mathew & Ira Chadha-Sridhar, 2014).

Decoding Animal Law: What You Need to Know:

The focus of academic discussion should be on what rights animals are entitled to, rather than whether animals require welfare protections or rights (Jane Kotzmann & Nick Pendergrast, 2019). Animal welfare jurisprudence in India comprises the legal frameworks, court rulings, and legislative amendments that aim to prohibit cruelty, promote humane treatment, and ensure the welfare of animals without affecting any individual's rights (Utkarsh Seth, 2024). The animal welfare paradigm remains the dominant legal approach to animal protection in most countries (Jane Kotzmann & Nick Pendergrast, 2019). The law governing animal welfare is convoluted. Animals receive some protection from maltreatment through state anti-cruelty statutes (Craig A. Wenner, 2011). The legal animal rights, which are just becoming apparent, there is a need for more structured ideology of animal rights as legal rights at international as well as national level (Parul Anand, 2022). Protection of animals is embodied as a fundamental duty in the Constitution of India (Parul Anand, 2022). The Court, in its analysis, sought to bring animals under the protection of the rights discourse by stating that Article 21 of the Constitution of India could be applied to animal life (Jessamine Therese Mathew & Ira Chadha-Sridhar, 2014). The Directive Principles of State Policy Part IV- Article 48 and 48A talks about the duty of state to take steps for preserving and improving the breeds and prohibition of slaughter of animals and to safeguard and improve the environment and



wildlife of the country (Parul Anand, 2022). India's Constitution, through Article 51A(g), emphasizes the fundamental duty of citizens to show compassion towards animals (Harsh Vardhan Singh & Khushi Singh, 2024). In 2014, the Supreme Court declared that animals possess the same right to life and freedom as humans, emphasizing the need for humane treatment and consideration of their well-being (Insia Arora, 2023).

Laws provide an agreed set of rules through which conduct is regulated. When the law grants rights, it validates claims based on those rights (Jane Kotzmann & Nick Pendergrast, 2019). These animals' rights are managed by the government or non-government organization (Harsh Vardhan Singh & Khushi Singh, 2024). The welfare of an animal includes its better physical and mental state and good animal welfare indicates both fitness and a sense of well-being of animals (Dr. R.S. Khillare & Dr. Muskan Kaushal, 2021). The "Animal Welfare Board of India" was founded in 1962 under "Section 4 of the Prevention of Cruelty to Animals Act" of 1960 and was instituted under the patronage of "Late Smt Rukmini Devi Arundale" who was a humanitarian. The board is presently being managed by the "Ministry of Fisheries, Animal Husbandry, and Dairying" (Pragnya Parmita, 2025). Animal rights organizations actively engage in legal advocacy and lobbying to strengthen animal welfare laws and policies (Bhanu Gupta, 2021).

The Prevention of Cruelty to Animals Act, 1960 was introduced and the purpose of the Act is to restrict the use of animals in performances that are cruel or inhumane, to establish animal welfare boards, and to regulate animal markets (Insia Arora, 2023). It is necessary that the PCA is efficient and effective in all aspects of its application, especially imposition of liabilities, considering it is the prime anti-cruelty legislation in India (Abha Nadkarni & Adrija Ghosh, 2017). Under this Act 'animal' is referred to as 'the living being other than human being' (Harsh Vardhan Singh & Khushi Singh, 2024). The definitions of animal cruelty have created a dilemma which has existed since the very beginning of the animal-protection movement. While much progress has been made for animals in our society (Mogbo, T. C *et al.*, 2013). Section 11 read with Section 3 of the PCA Act. Animals have also a right against the human beings not to be tortured and against infliction of unnecessary pain or suffering (Bhumika Sharma *et al.*, 2021). The punishment meted out in most of the cases of animal cruelty is merely a petty fine; consequently, animal abusers are not discouraged from the moderate repercussions of hurting animals (Shashwat Suraj, 2021).

The Courtroom Ark: Protecting India's Animals through Law:

The true nature of laws can only be understood by going through the judgments of the Courts (Bhumika Sharma *et al.*, 2021). Courts review administrative actions or decisions under the authority of either an agency's enabling statute or the relevant legislature's administrative procedure act (Craig A. Wenner, 2011).

The Apex Court, as well as the various High Courts across India, have interpreted legal provisions in such a way so as to extend legal and even fundamental rights to non-human animals (Aishwarya M R, 2022). The Apex Court, in the Jalikattu Judgment, at one point asserted that "when collection yards were not present or not used, injured, exhausted bulls were tormented by spectators as they exited, This confirms that the police officials themselves are part of the crowd that exploits and not among those who protect. In fact, this conduct has been called out by the Court itself by observing that "We are sorry to note, in spite of the various directions issued by this Court, in the conduct of Jallikattu, bullock cart race, etc., the regulatory provisions of the TNRJ Act and the restrictions in the State of Maharashtra, the situation is the same and no action is being taken by the District Collectors, police officials and others, who are in-charge to control the same, to see that those directions are properly and effectively complied with and the animals are not being subjected to torture and cruelty (Kushal Choudhary & Ayushi Sinha, 2020). Proper animal welfare is a human duty and responsibility that includes all the aspects of animal comfort and their safety (Dr. R.S. Khillare & Dr. Muskan Kaushal, 2021).

The Supreme Court in Ramlila Maidan v. Home Secretary, Union of India, & Ors. held that The protection of human rights is not the only purpose of the Constitution. The catena of judgement also emphasizes the need to preserve and safeguard all living things, including humans, animals, plants, rivers, hills, and the environment (Parul Anand, 2022). In 2000, the Kerala High Court, in N.R. Nair v. Union of India³ ('N.R. Nair'), considered the question of extending fundamental rights to animals and emphasised that legal rights should not be "the exclusive preserve of humans which has to be extended beyond people thereby dismantling the thick legal wall with humans all on one side and all non-human animals on the other side" (Jessamine Therese Mathew & Ira Chadha-Sridhar, 2014).



II. CONCLUSION

In India animals are treated as non-human status and they are treated as commodity or property. Indian Constitution as equal rights to human being and animals. Animal Cruelty has increased in India. There are different type of animal cruelty physical abuse, neglect, psychological abuse and abandonment. There are many laws like The Prevention of Cruelty to Animals Act 1960. Animals' rights are managed by the government or non-government organization. Proper animal welfare is a human duty and responsibility that includes all the aspects of animal comfort and their safety. The causes often stem from a perception of human superiority and a disregard for animal sentience. Combating animal cruelty requires a societal shift towards greater compassion, stricter enforcement of animal welfare laws and widespread education to foster a collective responsibility for protecting animals.

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