

# Rights and Remedies of Non-humans

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**Abstract**—The author in this text will be discussing mainly about purpose of the research, scope and limitations of the research work. With the high growth rate of population and technology human beings want to conquer the eternal depths of ocean to Polar Regions to the unlimited horizon of space. But the total natural resource has been allotted to other organisms also. Superior human brain, negligently taking away the basic rights of other living organisms. We are in the race to replace other living organisms with machines and skyscrapers. Wildlife is comfortable in the density of forest while human beings had advanced themselves from early man's life to today's modern nuclear family life. Human beings have the utmost power to build their own kingdom on their own wish but this wish is affecting other living beings adversely thus affecting the whole ecosystem. Now as there is little chance to look back and reverse all the actions human beings need to think forward for the betterment of all. Therefore the concept of coexistence evolved. The author in the paper has discussed about the situations for which the term of coexistence of human beings and wildlife came. The consequential effects arising out of such conditions are also highlighted. The positives and negatives of conservation and coexistence have been discussed broadly. The successful implementation of the conservation plans has been elaborated in the paper. The point of conflicts, between development of human beings and the sustainability of wildlife has been put forth. The role of prevailing law has also been discussed. The infrastructural deficit in India is a major hurdle in the coexistence and conservation process. Apart from that the illegal animal trades and other inhuman activities are creating prevention to the coexistence and conservation. The author has also tried to come up with some new recommendations to alleviate the problems of both humans and non-humans

## Introduction

The mother earth is consisted of numerous living and non living things. As the years are rolling and advancement is taking place humans are more inclined towards material comfort. We overlook all other small mental reliefs which we can get from other things one of those things is animals and the second one is trees. But unfortunately day by day these living beings are tortured in a number of ways. Every day every moment, there is an enormous number of animals suffering pain worse than you or I could ever imagine, throughout the world at the hands of humans. We humans think that we are superior to all other organisms and we can do whatever we want to do. Another which is lateral reason for animal and plantation abuses is man's thirst to know the unknown to see the unseen. Today man is going under the

depths of ocean thus affecting the water life again in the dark forests of Amazon thus affecting that part's habitat.

Tigers and lions stay at forest, dolphins stay at oceans and seas, and penguins stay at polar region they have their boundary they don't encroach on other's area which can create turbulence. But humans are irresistible and they can go anywhere. This kind of intervention is creating havoc disbalance in the whole ecosystem. All other animals maintain a proper food chain but humans don't really care about any rule be it nature's rule.

All religions and laws of all countries mentioned to be considerate about animals because even they have right to live, they have right to breathe and even they right to live a healthy life.

As similar to human beings they can feel all the emotions. They feel happiness, they feel loved, they feel pain they feel the belongingness but somehow we are not able to feel these for them and thus thinking that they are just things and we can play with them and torture them for any reason or no reason.

In its contrast laws have been made to curb all kind of atrocities against animals but how fruitful they are? If it's adequate, then why all this cruelty increasing every moment?

Through this text we will try to reach a conclusion and will also try to figure about ways to minimise this never-ending animal cruelty.

## A Brief History

Animal abuse has been its traces in the pages of history. In the ancient time humans were mostly dependent on raw or half cooked meat. They also wore skins of animal as coverings. Animals were also killed for self defence. As time passed few animals were turned into 'domestic animal' and to tame them and to make them work according to man's directions there were lot of tortures and punishments. Donkeys, mules, horses were main victims.

Later in the times of kings and emperors animals were mainly used for warfare, apart from meat milk skin and weapons. Large number of elephants and horses were mainly trained to work in the war field. In addition to this there were other forms like a prisoner thrown in front of a starving

carnivore; the fighting between the two was an entertainment for the king and his subjects.

Last massive killing of animals was during World War I. Animals were used for fighting, as living bombs or for military testing.

Other religious or regional traditions also help in animal cruelty for example 'Jallikattu', Yulin Dog meat festival, Pamplona encierro Bull Run, Sonapur Animal fair.

In addition to this animal sacrifice in name of religion is another major form of animal cruelty which is being continuing from ages.

From Stone Age to 21<sup>st</sup> century the story of animal cruelty has just evolved and modified but never came to end.

**Why there is need to stop now:** To me animal cruelty is much more heinous than human cruelty because animals are helpless, voiceless and unaware of their rights. So it's our moral duty to take care of non-humans. It's our responsibility to give them their right and provide them with their necessary remedies whenever required. Hurting an animal will cause other animals to be ferocious to innocent animals and people. Just like humans, they deserve to have a healthy home, clean water, good food, and be treated just like us. Many people abuse their animals because they don't realize what they're doing. Others have fun hurting or abusing animals. Some people don't even know what is cruel to the animals so they keep doing it. Some people just abuse their animals for discipline to calm their animals down. Even though they might not know that it is cruel. Size of an animal doesn't matter, from a chicken to elephant or whale it still can be abused. According to Jeremy Bentham, is not "can they reason?" nor, "can they talk?" but rather, "can they suffer?"<sup>1</sup> We need to stop considering non-humans as commodities and performers for our entertainment. These things needed to stop. "The basis of all animal rights should be the Golden Rule: we should treat them as we would wish them to treat us, were any other species in our dominant position" -C. Stevens.<sup>2</sup> Animal cruelty is a common trait in serial murderers and rapists. If we won't stop today's child from teasing animals, beating or throwing stone on them we are probably paving the way for tomorrow's murderer or rapist. So we need to stop animal cruelty to have a sustainable animal as well as human kingdom.

### Psychological trait behind animal cruelty

Animal cruelty can be inflicted in two major ways one is intentional and another is unintentional. There are many types of intentional animal torture and cruelty (IATC) including individuals that do it: as a religious ritual sacrifice; as an 'artistic' sacrifice because of psychological disorders such as anti-social/psychopathic personality disorders and engage in

deliberate acts of zoosadism, and/or because of sexually paraphilic disorders (such as crush fetishism in which small animals are crushed for sexual pleasure). Additionally, there is some research showing that in some circumstances, IATC is sometimes used to coerce, control and intimidate women and/or children to be silent about domestic abuse within the home.<sup>3</sup>

FBI profiling unit has reported that childhood IATC is the most common trait among serial murderers and rapists characterized by impulsiveness, selfishness and repentance. Many notorious serial killers – such as Jeffrey Dahmer – began by torturing and killing animals in their childhood. Animal torture and cruelty is one of the three adolescent behaviours in what is often referred to the 'Homicidal Triad'. Research has shown that the behaviours in the 'Homicidal Triad' (including IATC) are often associated with parental abuse, parental brutality (and witnessing domestic violence), and/or parental neglect. Children learn by adopting things from the surroundings. When they observe that elders are teasing animals on roads or zoo they tend to think that act is right and it's natural to abuse animals. On the other hand it has also been observed that children or adolescents treat animals cruelly to discharge their own rage or frustrations. Sometimes it has also been seen that people are abusing animals just to come in limelight just to achieve popularity as a stud.

### Major Forms of Animal Cruelty

We all need to know more about animal cruelty and methods to stop them and punish the culprits. A major section of animal lovers are not aware of the atrocities towards animals because they bury their head in the sand, saying "I don't want to know". Sadly, this inaction actually helps animal abusers continue their cruelty unhindered. Cruelty against animals is a worldwide disease. In many countries, horrific animal cruelty is perfectly legal, and some countries actually encourage it! There is far more animal cruelty happening all over the world than most people realise.

Amongst the most common form of cruelty is *Slaughter*. The Food Standards Agency (FSA) have launched an inquiry based on the footage, which was recorded at a slaughterhouse owned by Malik Food Group which claims to be 'the UK's leading processor of Premium Halal Mutton, Lamb and Beef'. The campaign group Animal Aid claim 70 hours of undercover footage at Dunnockshaw Farm, near Burnley, reveals 'barbaric and deliberate cruelty'. They say animals were not all killed instantly, but instead were seen fitting and jumping as they passed on a belt. But while advocates of halal say animals lose consciousness quickly and do not suffer, animal welfare groups and the British Veterinary Association argue this is not the case.<sup>4</sup> There isn't any doubt that law

<sup>1</sup> <https://www.theodysseyonline.com/animal-abuse-stop>

<sup>2</sup> <https://www.theodysseyonline.com/animal-abuse-stop>

<sup>3</sup> <http://www.independent.co.uk/life-style/health-and-families/features/what-drives-people-to-torture-animals-9844721.html>

<sup>4</sup> <http://metro.co.uk/2017/04/08/major-halal-slaughterhouse-investigated-for-animal-cruelty-6561756/>

breaking continues to be an inherent problem in abattoirs.' Animals were subjected to brutal conditions and horrifying deaths in more than 4,000 cases in the last two years, an investigation has uncovered.

The report found there were thousands of serious breaches of animal welfare regulations, including chickens and pigs being boiled alive and cattle freezing to death on Lorries.

Breakdowns on production lines and problems with equipment can lead to livestock suffering needlessly painful deaths were revealed by the Bureau of Investigative Journalism. The FSA figures detailed a total of 9,511 animal welfare breaches between July 2014 and June 2016 of which 4,445 were the most serious. These cases - within category four - involve episodes where animals were subjected to 'avoidable pain, distress or suffering'.<sup>5</sup>

It's just the beginning much more yet to come. Another form of common animal cruelty is Fur Farming. The fur trade is one of the cruellest on earth. Animals are skinned alive for their fur after being crushed in to tiny cages for months to await their fate. They are injured while roughly treated in transit, but left to suffer with broken bones. According to reports from PETA an animal welfare organisation "more than half the fur in the U.S. comes from China, where millions of dogs and cats are bludgeoned, hanged, bled to death, and often skinned alive for their fur. Animals who are trapped in the wild can suffer for days from blood loss, shock, dehydration, frostbite, gangrene, and attacks by predators. They may be caught in steel-jaw traps that slam down on their legs, often cutting to the bone; conibear traps, which crush their necks with 90 pounds of pressure per square inch; or water-set traps, which leave beavers, muskrats, and other animals struggling for more than nine agonizing minutes before drowning. During the annual Canadian seal slaughter, tens of thousands of baby harp seals are shot or repeatedly bludgeoned with clubs tipped with metal hooks. Also in Canada, hundreds of black bears are shot at point-blank range or caught in traps and left to suffer for days so that their skins can be used to make the ceremonial hats worn by Queen Elizabeth II's Five Guards' Regiments. Other forms of animal cruelty are Trophy Hunting; the opposition from PETA is on the basis of the moral justification of hunting for sport. The pain that the animals suffer is not justified by the enjoyment that the hunters receive.

Animal Testing, poor conditions of Zoos, use of animal for entertainment purpose and warfare also counts under animal cruelty. Apart from that poaching of animals for specific purposes like medicines, for example tiger's nail is considered as auspicious on certain culture, medicines are made from horns of rhino, ivory items from elephants, even musk deers are hunted for their scent gland which is used to

make perfumes, coyotes for fur, snakes are captivated for their venom which is taken as a drug in many countries etc etc etc. This list is never ending. On the other hand abuse of domestic animals by their owners or neighbours is a very common instance in today's world.

The most recent massive abuse is Animal Rape. This is the most disgusting form of animal abuse. The American Psychiatric Association classifies sex with animals (bestiality/zoophilia) as "Other Disorders of Sexual Preference" and "Paraphilia Not Otherwise Specified" An article in the Digital Journal states that "sexual contact with animals has been legal in [Denmark] since 1933, and has apparently given birth to "barnyard brothels" in the country. Those establishments are reported to charge anywhere from \$85 to \$170 for an encounter with an animal! (a whole new meaning to a "petting" farm).<sup>6</sup> Bestiality is legal in many European countries. Developed countries like Germany recently made sex with animals as illegal. Man who is raping an innocent, helpless, voiceless, harmless animal just to satisfy his hunger mental and physical cannot be termed as a human.

### Prevailing Laws in India and Other Countries

John Austin said law is "A rule laid down for the guidance of an intelligent being by an intelligent being having power over him."

But does anyone really think that animal abusers are intelligent and if they are not intelligent then law is not for them. Which simply means law couldn't reach that position where it can intervene with all the wrongs.

Lets' see the laws in India first. Though there are thousands of laws for protection of animals in India but the prime ones are i) Prevention of Cruelty to Animals Act 1960 (PCA) and ii) Wildlife Protection Act 1972. *What amounts to cruelty on animals?* Section 11 (1) (a) to (o) of The Prevention of Cruelty to Animals Act, 1960 prescribes and enumerates the forms of cruelty.

Moreover it is a fundamental duty of every Indian Citizen to have compassion for all living creatures secured under Article 51A(g) of the Indian Constitution. To kill or maim any animal, including stray animals is a punishable offence under section 428 and 429 of Indian Penal Code. No animals can be slaughtered in any other place than slaughterhouse. Sick or pregnant animals cannot be slaughtered according to Rule 3 of PCA rules 2001.<sup>7</sup>

ABC(dogs) rules 2001 states that stray dogs that have been sprayed cannot be captured or relocated under any authority. Neglecting animals by not giving food, water or by keeping him chained for long hours is punishable under by fine or imprisonment under PCA act 1960. Monkeys are

<sup>5</sup> <http://www.dailymail.co.uk/news/article-3763589/Report-reveals-shocking-levels-animal-cruelty-slaughterhouses.html>

<sup>6</sup> <http://www.occupyforanimals.net/animal-rape-and-animal-brothel.html>

<sup>7</sup> <http://www.thebetterindia.com/46721/humane-society-india-animal-laws-prevention-of-cruelty-act/>

protected under Wildlife Protection Act 1972 and cannot be owned or displayed. Use of animals for entertainment purposes is prohibited under section 22(ii) of the PCA act 1960. Animal sacrifice is illegal in every part of country- Rule 3 of Slaughterhouse Rules, 2001. Organising or participating in any animal fight is a cognizable offence. Cosmetics tested on animals and import of cosmetics tested on animals is banned in India under Drugs and Cosmetics rules, 1945. Teasing or feeding animals in zoo is punishable offence under Wildlife Protection Act, 1972. Capturing, trapping, poisoning, baiting of wild animals is a punishable offence under Wildlife Protection Act. Disturbing or destroying eggs or nest of birds and reptiles by any means is punishable under Wildlife Protection Act. Even improper carrying of animals can be termed as offence under PCA act and Motor Vehicles Act.

These are few of the highlights from the laws in India to safeguard animals from gruesome atrocities. But we all can see that how much of it is actually implemented for example to kill animals other than a slaughterhouse is prohibited but if you go to a local market you will see that flocks of animals are hanging, chicken are being killed in front of the customers. So where is the law and where is the prohibition? Animal sacrifice, animal testing, hunting or sacrifice is still in full fledge. We need to think that what we are missing and to be done to make this world a better place to live for all.

Firstly we need to recognize animal cruelty. According to reports of Legal Services India most of the citizens are not aware of what consists of animal cruelty and what are the remedies even policemen are not aware of the law to safeguard the rights of non humans.<sup>8</sup> If we witness any case of animal cruelty we should report that case on the appropriate forum. Tell people to be compassionate towards them if they cannot love animals at least don't hate or harm them. We live in society so we can influence others by our own good deeds. Animal care should be imbibed in school curricula to make children understand the need of love and care. In the terms of law, punishments should be more severe, there should be exemplary punishments for the animal abusers so that prospective abusers get a warning. We want a better life a better world for tomorrow for everybody.

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