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# Animal Cruelty: A Social Dilemma

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## ABSTRACT

*Animal Cruelty is a social and legal problem that has been prevalent in society for centuries. Animals have been subjected to inhumane treatment and abuse in various forms, including physical violence, neglect, and exploitation. Despite the widespread recognition of the issue, animal cruelty persists in different forms and contexts, leading to detrimental effects on the welfare of animals and human society. This research paper aims to comprehensively analyze animal cruelty as a social and legal problem. The paper will explore the different forms and contexts of animal cruelty, the societal and legal implications of the issue, and the measures that can be taken to prevent and combat animal cruelty. Strong evidence indicates that animal cruelty and violence commonly co-occur. Animal cruelty tends to occur excessively in the greater context of intimate partner violence, especially when it comes to home pets. One factor that could play a role in the connections between human violence and animal cruelty is a diminished ability for empathy. The current study focused on attitudes towards animals and sought to clarify empathy and its connection to violence.*

*Keywords: Animal, Cruelty, Abuse, Social, Violence, Human.*

## I. INTRODUCTION

Animals are an integral part of human society, serving as food, companionship, entertainment, and scientific research sources. However, the treatment of animals in various contexts has been a source of concern for centuries. Animals have been subjected to inhumane treatment and abuse, including physical violence, neglect, and exploitation. Such treatment not only harms animals physically but also leads to emotional distress and psychological trauma. Animal Cruelty is a social and legal problem that has significant implications for both animals and society. This research paper aims to provide a comprehensive analysis of animal cruelty as a social and legal problem, exploring the different forms and contexts, the societal and legal implications, and the measures that can be taken to prevent and combat animal cruelty.

Animals also experience pain and have sentiments. No matter how appealing and easy is to research or study them; Animals must have rights. As people, animals are also capable of sorrow and desire a good life. Slaughtering is typically the first act that thoughts turn to when discussing animal cruelty. However, it is legal to kill animals when done so in accordance with the correct

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procedures and laws; the idea of animal abuse or Cruelty is one of many terrible and cruel things done to animals, even though there is no accepted or precise definition of Cruelty to animals, a broad interpretation of the PCA Act, 1960<sup>2</sup> could be understood as, any act or leaving that hurt or harm an animal (who is defined as any living creature other than a human) and inflicting excessive suffering. A few examples of contempt include failing to provide basic medical care, food, or water or failing to take any required steps that might subject the creature to undue suffering. It's crucial to keep in mind that animal cruelty doesn't just involve physical injury; it can also involve causing an animal psychological discomfort, such as suffering, misery, or dread. Animal Cruelty can manifest as wilful mistreatment or a failure to concentrate fully on a thing. It might easily be defined as any human behaviour speculating on the hopelessness, suffering, or injury of any non-human species under the circumstances other than self-defence or endurance. From the smallest to the most serious, there had been various types of infractions in our nation. Due to government and public ignorance, no statistics are available on a national scale, which results in the majority of cases not being reported. Ignorance is also a key reason why these laws are not being implemented.

Examples of animal cruelty is the issue comes every day in news and headlines through the world, whether it's the person who beats the cat, the person who stone stray animals and dying animals because of car accidents, or a dog is tethered outside in the cold during the winter. These types of behaviours would be determined as animal cruelty under the common understanding of the term and any state's animal cruelty laws. People's understanding of "animal cruelty" differs significantly regarding animals besides cats and dogs. Most animal advocates would agree that conventional farming methods, including castration, debeaking, tail docking, and confinement in industrial farms, are harsh to animals.

## **II. CATEGORIZATION OF ANIMAL CRUELTY**

Various offences against non-human animals are collectively called "animal cruelty," which often includes deliberate and inadvertent neglect, abuse, torture, fighting, and abandonment. Animal Cruelty is classified into two basic categories by the American Society for Prevention of Cruelty to Animals (ASPCA): Active Cruelty and Passive Cruelty. Animal Cruelty is defined as inflicting unnecessary harm or death on an animal.

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<sup>2</sup> Prevention of Cruelty to Animals Act, 1960, No. 59, Acts of Parliament, 1960 (India).

**(A) Passive Cruelty<sup>3</sup>**

The activities that put animals in danger, cause them to suffer, and/or cause their deaths by failing to provide their needs for food, water, shelter, and other essential environmental necessities are referred to as "passive cruelty". Without action, a non-human animal may suffer from severe and/or fatal effects, such as dehydration, starvation, parasitic infestations, a tight collar rubbing against the skin, insufficient shelter during harsh weather, and a lack of veterinary treatment. The bulk of cruelty complaints to authorities is based on these offences, which the Humane Society of the United States (HSUS) claims are often covered under state cruelty legislation. The most frequent sorts of animal cruelty are neglect (when someone fails to give animals under their care proper care) and abandonment. The fundamental causes in many, but not all, of these instances stem from the human caretaker's inexperience or lack of resources. The hoarding of huge numbers of animals, which can result in incredibly unclean circumstances and frequently result in the death of the animals, is one type of neglect of animals that has recently attracted a lot of attention. Animals have detrimental effects on human health for those who coexist with them. Ironically, by trying to preserve too many animals, many animal hoarders unwittingly cause harm to non-human creatures.

**(B) Active Cruelty<sup>4</sup>**

Active Cruelty, also called acts of conviction or non-accidental harm, is committed with malice. Active cruelty can have a wide range of manifestations and reasons. There are several examples of animal abuse, including punching, kicking, choking, stabbing, burning, torturing, mutilating, and sexual assault. The mental and developmental foundations of human sadism were the source of the issue, according to early studies on the reasons for animal cruelty, which concentrated on dogs, cats, and other pets. Parental grief and rejection were considered predictors of juvenile animal cruelty. Despite having limited scope, this early research helped pave the way for subsequent studies that expanded on analyzing the causes of the social contexts around animal cruelty. Stephen R. Kellert and Alan R. Felthous conducted significant research on the additional motives of the desire to take revenge against another person, entertainment or shock value, displaced violence, desire to regulate an animal, retaliation against an animal, prejudice against a particular breed or species, the enhancing of one's power, the display of aggression through an animal, and sadism. Their research also focused on the social and cultural aspects of

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<sup>3</sup> T. (2021, May 18). ANIMAL CRUELTY: WHAT IT IS AND HOW TO REPORT IT. Retrieved from <https://thehumaneleague.org/article/animal-cruelty>

<sup>4</sup> Lancaster, T. (2011, May 27). The two kinds of Cruelty & How Can You Stop Animal Abuse? Retrieved from [https://scienceleadership.org/blog/the\\_two\\_kinds\\_of\\_cruelty-how\\_can\\_you\\_stop\\_animal\\_abuse](https://scienceleadership.org/blog/the_two_kinds_of_cruelty-how_can_you_stop_animal_abuse)

animal abuse, highlighting the close link between youngsters who mistreat animals and those who conduct violent crimes against people as adults. Since then, several social scientists have empirically shown that various types of crime may be predicted by animal cruelty.

### **III. THE NEED OF PUBLIC POLICY AND ANALYSIS**

No matter how bad a problem may be, government authorities only take whatever steps are necessary to solve it when it is of crucial public concern. Only with the assistance of the general populace could creature remorselessness be prevented. Additionally, to do this, people must be aware of the gravity of issues related to animal cruelty and incidents that they may come across regularly but are unaware of. A few broad regulations ought to come naturally to them. For instance, a person has to be aware of any legal violations they may frequently encounter. For example, a person should be informed when an animal is being delivered unlawfully and in situations that might subject him to lethal anguish and suffocation since it is an evident and inescapable action. No goods vehicle may carry more than six animals, according to Rule 56(c) of the Transport of Animals Rules, 1978<sup>5</sup>. Rule 56 requires protection against dangerous items along the sides of the truck, as well as one chaperon for every six animals.

People should be aware of some of the concepts that courts have established in various decisions to expand their thinking, such as how courts have determined that birds can fly. With the public's assistance, it is possible to prevent creature remorselessness. Government officials may go to any lengths to handle this problem, regardless of how serious the problem is, given that the public is interested. People need to be aware of both the seriousness of animal remorselessness concerns and of any instances they may unknowingly encounter while going about their daily lives. They should be aware of a few general rules. For instance, a person should be aware of any valid violation they may encounter.

For example, a person should be aware when an animal is being sent illegally and in circumstances that might subject him to lethal torture and languishing because it is a commonly accepted and obvious practice. No goods vehicle may transport more than six cows, as stated specifically in aforesaid Rule. Accordingly, Rule 56(c) specifies that one chaperon and padding around the sides and hostile to harmful items must accompany every six steers. To broaden their perspectives, people should be aware of some of the criteria that courts have set in some of their decisions. For example, they should be aware about the Delhi High court's judgement on the bird's Right to fly should be respected and adhered by the citizens.

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<sup>5</sup> The transport of animals rules, 1978 - indiankanoon.org. (n.d.). Retrieved from <https://indiankanoon.org/doc/168423045/>

The need for a collective step of the people to stop animal cruelty is something that is required. Animal abuse is wrong because it is an offence against everyone. However, the majority of such offences are ignored by us, either because the laws are harsh or because those who commit them and general society are unaware of them, which is cruel of us and dangerous for the civility of our populace.

For example, the overstacking of dairy cattle and other animals during transportation is an incredibly common offence, but it frequently goes unnoticed by the public because they are unaware of the preventative laws for such offences and the horrifying effects on the animals. Animal abuse undermines the value of a civilized society, equality, and relevance of the right to life guaranteed by Article 21<sup>6</sup>, pushing us closer to savagery.

It is also important to combine attention to it since people who are cruel to animals often become cruel to people. Many people all throughout the world have supported this relationship. There would be yet another crucial way to address and prevent the terrible abuses against women and children currently afflicting the nation of India, where it is a Constitutional requirement of every citizen to "have sympathy for residing animals," began give as much importance to animal cruelty we should take it as a serious concern.

“A person who has come to view the activity of any experiencing animal as meaningless is at risk of doing the same with the idea of pointless sentient souls, according to physician Dr. Albert Schweitzer. Robert K. Ressler, who created profiles of repeat murderers for the US National Bureau of Investigation (FBI), asserts that killers always begin by torturing and killing objects when they are children. Studies have now persuaded sociologists, political representatives, and the legal system that animal cruelty requires our attention. They could be the first indication of a sickness that compromises individuals and is harmful. Instead of being the product of a minor weakness in the victimizer's character, abuse of animals is a manifestation of a fundamentally troubling mental effect.”<sup>7</sup> According to brain research and criminal studies, many people who harm animals without remorse frequently harm their own relatives in a similar way.

#### **IV. LEGAL DISCREPANCIES AND IMPLEMENTATIONS**

Generally speaking, Hinduism has viewed animals as friends and companions of humans and Gods. As being related to divine beings, these animals were represented as needing care and control since they had demonstrated the ability to reason clearly, pointing the Gods and men in

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<sup>6</sup> Constitution of India. art. 21 (1950)

<sup>7</sup> Schweitzer, D., & Ressler, R. K. (n.d.). *Partners in crime: Animal abuse & human*. Retrieved from <https://www.wilbargerhumanesocietyvernontx.org/partners-in-crime-animal-abuse--human->

the direction of honour.

The WP Act of 1972<sup>8</sup> established a number of legal safeguards for animals, but unlawful hunting, poaching, and trading still occur in India, mainly to satisfy the needs of foreign activists who cite it as an example of organised transnational crime. For instance, less than 200 rhinos were reportedly slaughtered in Assam's Kaziranga National Park during the years of 2006 and 2015. Through international information and leaks in a few South Asian nations, India used to do these illegal trades of various animal products, such as mongoose hair, snake skins, rhino horn, tiger and panther hooks, Elephant's teeth, tiger and panther shells, turtle shells, musk units, bear bile, and meat, plumes, and nails of birds African macaques's, Eagles are used to showcase as an entertainment in Arabian countries and sparrows etc. These actions have put the species in danger, but they have also altered the morphology of some topographical regions.

Because it was either captured or pursued, the native wildlife in the northeastern Indian states of Nagaland, Mizoram, and Manipur, including parts of the moist, delectable rainforest, has significantly declined. One of the major obstacles to putting a halt to this unlawful hunting, poaching, and sale has been noted by agents because of variance in the legal standing of wild animals in various nations. As was already said, a few nations routinely provide licences for the legal trade in a significant quantity of wild animals. However, certain trafficked species are also not included by the CITES<sup>9</sup>. As a result, animals continue to suffer unfairly and unevenly throughout the areas where the biological disease is present. The PCA Act, 1960<sup>10</sup>, was revised in 1982. The Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998<sup>11</sup>, were revised in 2001 and 2006. The Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) arranged rules. The Indian National Science Academy (INSA), the Indian Council of Medical Research, and also developed regulations.

This is true despite the nation's numerous legal boycotts and restrictions. Animal cruelty laws are still difficult to police, and many incidents go unreported and unpunished. Animal cruelty is not only sustained by this lack of regulation but also communicates the message that such treatment is acceptable, normalising it in society.

## V. CONCLUSION

Animal Cruelty is a complex issue that affects not only animals but also humans, as it reflects

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<sup>8</sup> Wildlife Protection Act, 1972. (1972). Government of India.

<sup>9</sup> CITES : Convention on International Trade in Endangered Species of Wild Fauna and Flora

<sup>10</sup> Prevention of Cruelty to Animals Act, 1960, No. 59, Acts of Parliament, 1960 (India).

<sup>11</sup> Ministry of Environment and Forests. (1998). Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998. Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i).

our values and ethics as a society. This research paper has highlighted the various forms of animal cruelty, the social and legal implications of such acts, and the challenges in addressing this problem. It is evident that animal cruelty is not only a moral dilemma but also a legal one, as laws and policies play a crucial role in preventing and punishing these acts. However, more must be done to raise awareness about this issue and strengthen animal welfare laws and their enforcement. Ultimately, we all are responsible for preventing animal cruelty and promoting a more humane society where animals are treated with compassion and respect. This research primarily focuses on the various rules and regulation on animal protections in India and notes that even with the security of these guarantees, animals are continue to run out of unjustified and dishonourable medication. According to the study, utilising imaginative stupidity as the justification for these improper and uncalled for treatments, defending animals' and giving freedoms to basic requirements and necessities to is a basic and solitary vision for imparting moral and plain behaviours towards creatures. The study bases its recommendations for protecting animals in India at the arrangement level and the collective step to curb such menaces.

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## VI. REFERENCES

- Alan R. Felthous, S. R. (2008). *Childhood Cruelty to Animals and Later Aggression Against People: A Review (From Cruelty to Animals and Interpersonal Violence: Readings in Research and Application)*. Retrieved from US Department Of Justice: Office of Justice Programs: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/childhood-cruelty-animals-and-later-aggression-against-people>
- D., D. (2000). Violence Prevention and Intervention: A directory of animal related programs. The Humane Society of the United States. *International Journal For the Study of Animals Problem* .
- Dr Albert Schweitzer, R. K. (2020). *People Who Are Violent Towards Animals Rarely Stop There*. [petaindia.com](https://www.petaindia.com/issues/companion-animals/link/): <https://www.petaindia.com/issues/companion-animals/link/>
- Gadiya, R. (2021, November). *A Review Paper on Animal Cruelty in India*. Retrieved from International Journal of Innovative Research in Engineering & Management : [https://www.ijirem.org/view\\_abstract.php?title=A-Review-Paper-on-Animal-Cruelty-in-India-&year=2021&vol=8&primary=QVJULTQ3Nw==](https://www.ijirem.org/view_abstract.php?title=A-Review-Paper-on-Animal-Cruelty-in-India-&year=2021&vol=8&primary=QVJULTQ3Nw==)
- India, P. T. (2015, May 17). *Birds Have Fundamental Right to 'Live with Dignity', Rules Delhi High Court*. Retrieved from [ndtv.com](https://www.ndtv.com/india-news/birds-have-fundamental-right-to-live-with-dignity-rules-delhi-high-court-763721): <https://www.ndtv.com/india-news/birds-have-fundamental-right-to-live-with-dignity-rules-delhi-high-court-763721>
- PETA. (2014, September 5). *Pharmacy Council Bans Animal Experimentation in Pharmacy Courses*. [petaindia.com](https://www.petaindia.com/blog/pharmacy-council-bans-animal-experimentation-pharmacy-courses/): <https://www.petaindia.com/blog/pharmacy-council-bans-animal-experimentation-pharmacy-courses/>
- Richard Lee-Kelland, F. F. (2018, July 17). *Children who abuse animals: when should you be concerned about child abuse? A review of the literature*. Retrieved from National Library of Medicine: <https://pubmed.ncbi.nlm.nih.gov/30018068/>
- *SURVEY REPORT ON ANIMAL ABUSE*. (n.d.). Retrieved from SK Children Foundation: <https://skchildrenfoundation.org/animal-abuse/>
- Wisch, R. F. (2023). *Table of State Animal Sexual Assault Laws*. Retrieved from [animallaw.info](https://www.animallaw.info/topic/table-state-animal-sexual-assault-laws): <https://www.animallaw.info/topic/table-state-animal-sexual-assault-laws>

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