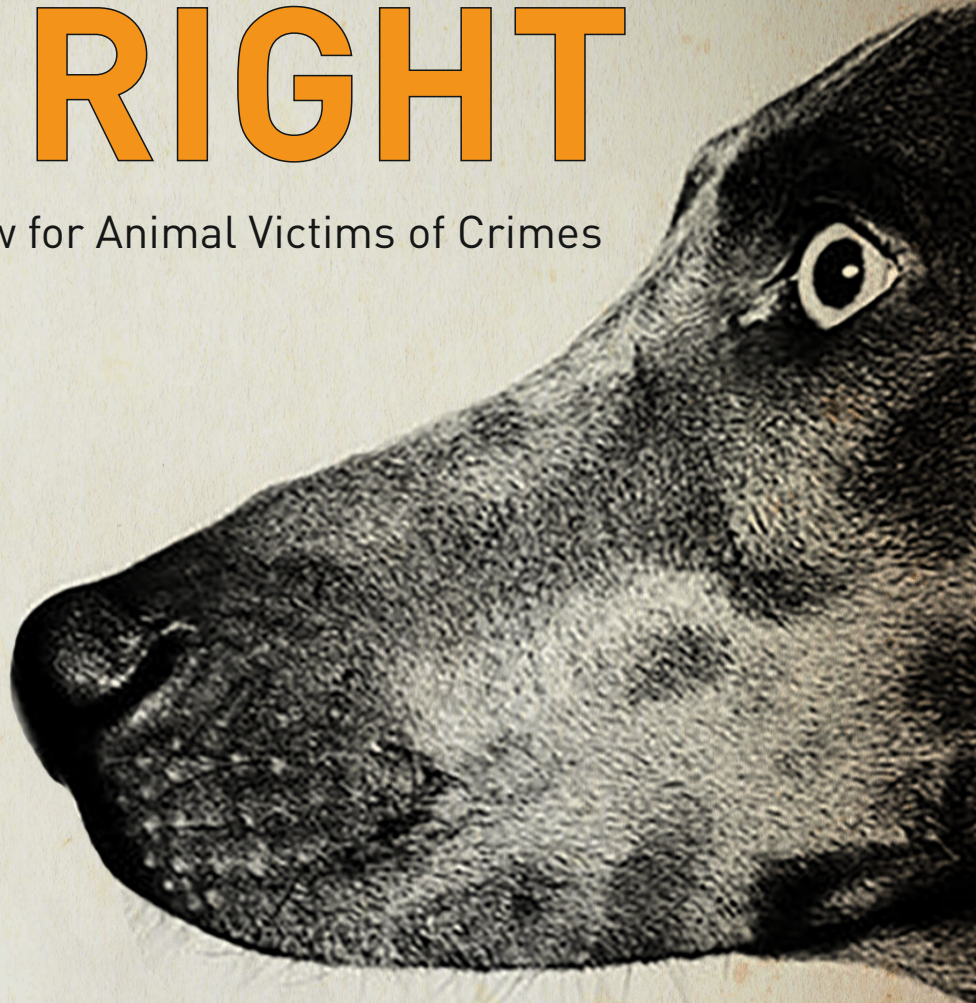


# IN THEIR OWN RIGHT

– 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





# 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**

# 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/>

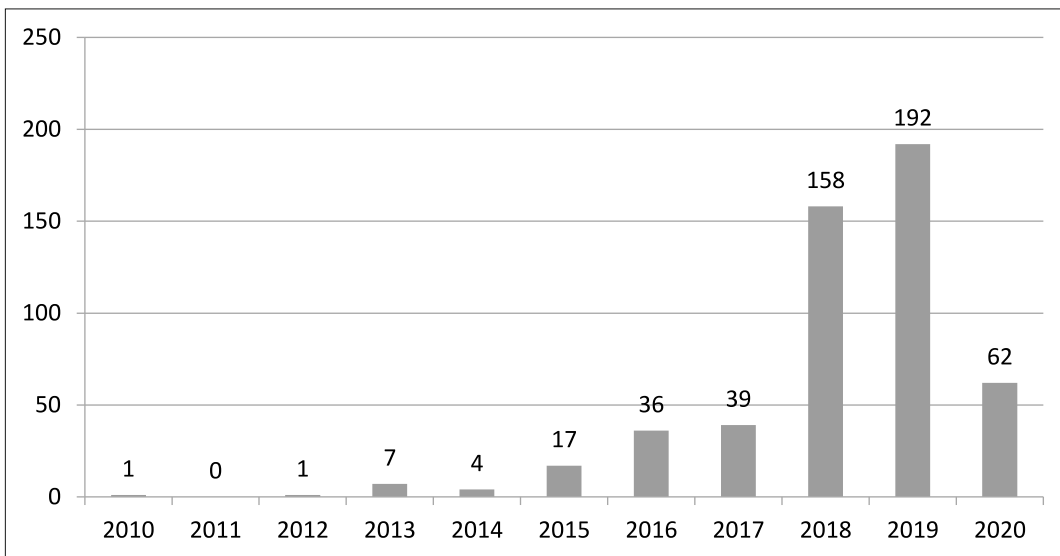
<sup>34</sup> After Movies, Unwanted Dalmatians; *The New York Times*; September 14, 1997; <https://www.nytimes.com/1997/09/14/us/after-movies-unwanted-dalmatians.html>

<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>



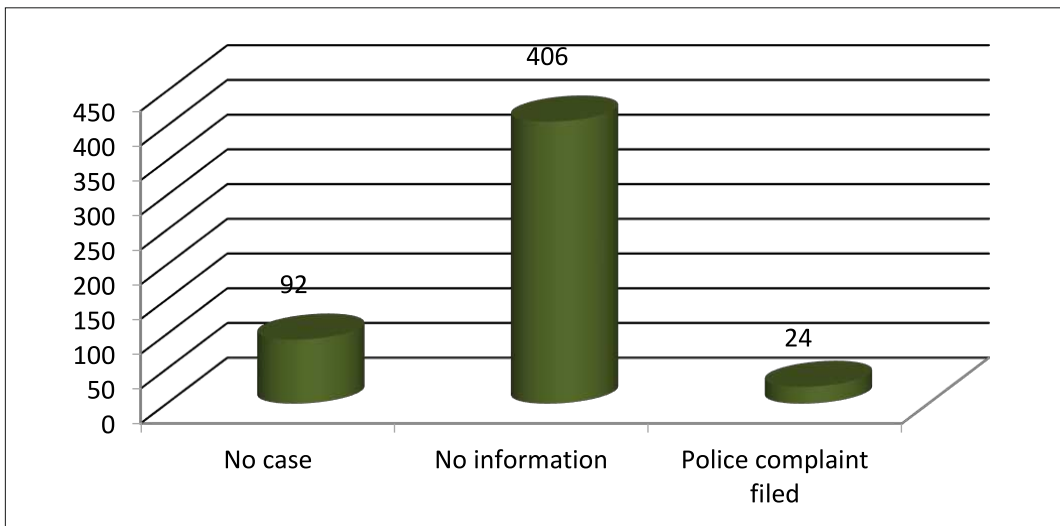
For others, animals serve some utility even if they are afforded a higher status than other animals. Dogs kept as guard dogs would fall within this category. Their owners will maintain a bond with them, but they are still expected to fulfil this purpose. This blurs the lines between companion and working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

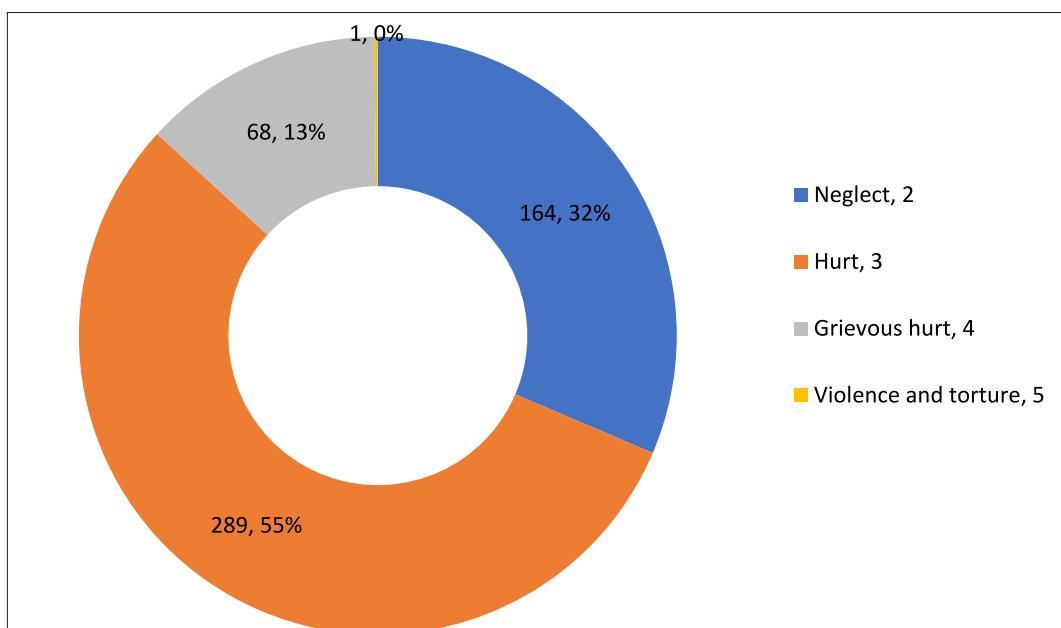
The above graph indicates that the maximum number of cases against companion animals was reported in 2019 – a total of 192 cases. The reporting and documentation has increased in recent years.



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)



“ 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

