IN THEIR OWN RIGHT
– Calling for Parity in Law for Animal Victims of Crimes

A CITIZENS’ REPORT DEMANDING RIGHTS FOR ANIMALS IN INDIA

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

[Signature]

Justice (Retd.) K.S.P. RADHAKRISHNAN
VI. Working Captive Animals

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

Abhinav Srihan, Fauna Police

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

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

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

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

Interview


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

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

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

We have documented 743 cases of working animals that include 215 cases of animals used in labour, 281 in traditional sports, fights and races like Kambala, Jallikattu etc, 100 cases of animals used in entertainment and over 120 cases of neglected and abandoned working animals, after their usefulness has come to an end.
This chapter will focus on the lives of working animals in captivity. An underlying presumption here is that all working animals lead lives of captivity. This is because they are often dislocated from their natural habitats or raised for purposes of commercial exploitation through selective breeding. Further, they lead lives of intense confinement and subordination, being deprived of liberty, companionship, the autonomy to engage in natural behaviour and so many cherished features that make their lives meaningful.

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

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

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

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

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

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

In both these cases, there is no positive consent on part of the animals to be used as ‘tools’ or even ‘personnel’ within the overall labour framework. The absence of consent on part of the animals makes their labour ‘coerced work’ - the moral and legal equivalent of slavery.\(^91\)

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

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

B. Legal Framework

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

\(^90\) The Animal Rights Debate: Abolition or Regulation?: Gary Francione and Robert Garner; New York: Columbia University Press; 2010
\(^91\) The Thirteenth Amendment to the US Constitution abolished slavery and involuntary servitude. Article 23 of the Indian Constitution prohibits forced labour.
\(^92\) Brick by Brick, Environment, Human Labour & Animal Welfare, Report by Brooke, The Donkey Sanctuary and ILO; 2017
\(^93\) End Circus Suffering – FIAPo; 2016
\(^94\) After four decades of slavery, circus elephant ‘Rhea’ to walk free; Times of India; April 17, 2016; https://timesofindia.indiatimes.com/city/agra/After-four-decades-of-slavery-circus-elephant-Rhea-to-walk-free/articleshow/51859046.cms

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

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

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

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

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

c) Performing Animals Rules, 1973

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

d) The Transport of Animals Rules, 1978

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

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

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

\(^{95}\) Animal Rahat, Mechanization Projects; https://www.animalrahat.com/our-work/mechanization-projects/

\(^{96}\) Facebook; https://www.facebook.com/photo.php?fbid=1403093599873005&set=a.330154593833583&type=3&theater
In November 2018, the central government issued draft rules called the Performing Animals (Registration) Amendment Rules, 2018, intending to ban all animals in circuses. As per the new rules, “No animals shall be used for any performances or exhibition at any circus or mobile entertainment facility.” The final notification is still pending and exploitation of circus animals still rampant.

f) The Performing Animals (Registration) Rules, 2001

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

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

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C. Use as Traditional Labour

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

97 AIR 2000 Ker 340
98 Supra note 8
99 Section 11(1) of the PCA Act prescribes a maximum penalty of Rs.50, in the first instance, for offences as serious as starving, mutilating or killing any animal.
a) Animals in weddings

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

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

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

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

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

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

100 Torture & Trauma Mark The Lives Of Wedding Horses; Shruti Pillai; ScoopWhoop; June 08, 2016; https://www.scoopwhoop.com/wedding-horses-live-tortured-lives/
101 Hold your horses! Ever wondered how much a wedding horse has to suffer?; Maneka Gandhi; Firstpost; June 6, 2016; https://www.firstpost.com/living/hold-your-horses-ever-wondered-how-much-a-wedding-horse-has-to-suffer-2818992.html
102 Ibid
103 PETA India, Pledge Never to Use Horses at Weddings; https://secure.petaindia.com/page/26246/data/1?locale=en-GB
104 Supra note 21
Another practice involves forcing a horse to climb and dance on a charpoy, while the groom sits atop the horse. In one case, while the horse was being coerced to dance on a charpoy (with the groom seated on the horse), another man climbed on the horse and stood on the horse’s back with his shoes on. This man then callously started jumping and dancing, causing immense distress and pain to the horse.

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

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

106 PETA India, Following PETA India Complaint, Delhi Police Seize Spiked Bits Used to Control Horses in Weddings; June 25, 2019; https://www.petaindia.com/blog/following-peta-india-complaint-deli-police-seize-spiked-bits-used-to-control-horses-in-weddings/
107 Facebook; https://www.facebook.com/groups/sgacc/permalink/1564140003651891/
108 Youtube; https://www.youtube.com/watch?v=iLZDmLCF_DM&t=4s
109 Youtube; https://www.youtube.com/watch?v=B4zQRoUtS-I
110 Supra note 26
111 Facebook;https://www.facebook.com/VermaSwati.SV/posts/10157928326726807?__tn__=-R
b) Load-bearing animals

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

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

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

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

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

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112 Top Six Abuses of India’s Working Animals; Animal Rahat; June 1, 2015; https://www.animalrahat.com/latest-news/top-six-abuses-indias-working-animals/
113 Supra, note 79.
114 https://drive.google.com/file/d/1lXb9Vd9swIFU_9gnC2YAXUvgIAVyuowB/view
115 Ibid.
116 PETA India; PETA India Files Petition in Delhi High Court Seeking Enforcement of Tonga Ban; Jan 17, 2020; https://www.petaindia.com/blog/peta-india-files-petition-in-delhi-high-court-seeking-enforcement-of-tonga-ban/
117 PETA India; PETA India Calls For Ban on All Animal-Drawn Carts Because of Pollution Crisis; Nov. 6, 2019; https://www.petaindia.com/blog/peta-india-calls-for-ban-on-all-animal-drawn-carts-because-of-pollution-crisis/
118 Youtube, https://www.youtube.com/watch?v=M6c4SEpDgmk&t=225s
In the case of Rama (a pony), the owner had allowed the tonga to deteriorate into such a state of disrepair that it was off balance, unsteady and extremely hard for Rama to pull - to the point that his harness was cutting into his flesh. Many of the tonga pulling animals are found with severe wounds on the body and yet made to labour to the point of exhaustion.

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

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

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

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

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120 https://drive.google.com/file/d/1vQ1lHtLNZ4VvmVpZMBi62GwrG46YT0M/view


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

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

125 Supra note 14
iv. Slate mines: High up in the slate mines of Khanayara, in Himachal Pradesh, the air is thin and the track is steep and covered in small rocks and slate. This is a difficult environment for both people and animals to navigate and yet the animals seem to disproportionately bear the brunt. For one of the owners, his three mules and three horses have to walk eight kilometers for over three hours each day, collect slate and then walk back to the village where the slate is sold to local construction companies. Thin air and long walks cause the equines to develop respiratory problems and lameness from the rough terrain. Another main cause of illness and disease comes from the dirty stables - an unsafe environment that can cause accidents and lameness.127

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

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

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

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

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

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

c) Joyrides

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

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

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

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

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135 Ibid
136 Social media; https://www.facebook.com/bluecrossofindia/posts/10157648759967170
137 Outrage over jumbo ordeal; The Telegraph; June 14, 2017; https://www.telegraphindia.com/states/north-east/outrage-over-jumbo-ordéal/cid/1433765
138 Milaap fund raiser; https://milaap.org/fundraisers/support-pfa-uttarakhand
139 PETA India; Pledge never to take elephant joyrides; https://secure.petaindia.com/page/32760/data/1?locale=en-GB
140 PETA India; 8 Reasons Why You Should Never Ride an Elephant in India or Elsewhere; https://www.peta.org/features/elephant-rides-india-amber-fort-jaipur/
On December 4, 2017, a gruesome video appeared where an elephant was tied to a tree as three men took turns to beat her with canes. The elephant dropped to her knees before collapsing to the ground as the beating continued. The men allegedly beat the animal so hard they broke one of her hind legs. She was subjected to this cruelty to tame her for the tourism trade.\footnote{Elephant ‘has leg broken’ as it is beaten for India’s tourist trade; Independent; December 5, 2017; \url{https://www.independent.co.uk/news/world/asia/elephant-leg-broken-india-tourist-trade-rides-a8093231.html}}

Lack of registration certificates: As per the Performing Animals Registration Rules 2001, any firm offering joyrides to tourists using captive elephants should register with the Animal Welfare Board of India and produce the registration certificate.\footnote{No more elephant joyrides in Idukki; The New Indian Express; August 2, 2019; \url{https://www.newindianexpress.com/states/kerala/2019/aug/02/no-more-elephant-joyrides-in-idukki-2012756.html}} However these rules are often flouted. In Idukki (Kerala), nine elephant safari firms — owning 43 captive elephants— did not possess any such registration certificates. They were, however, openly offering elephant joyrides, charging Rs. 400 per person for a 20-minute ride.\footnote{Ibid}

Amer Fort, Rajasthan: The Amer Fort in Jaipur has nearly 103 elephants regularly carrying tourists up and down a deep slope at the fort built by the erstwhile Kachwaha Rajput rulers. The Animal Welfare Board of India has conducted multiple investigations in the past, disclosing the conditions under which these elephants are tortured. They suffer from the blows of ankus, which is prohibited, and from beating, kicking and insufficient diet and inadequate medical care.\footnote{Court puts cruelty against elephants at Amber Fort under scanner; The Hindu; June 2, 2018; \url{https://www.thehindu.com/news/national/other-states/court-puts-cruelty-against-elephants-at-amber-fort-under-scanner/article24061528.ece}} Many of these elephants suffer from blindness and tuberculosis.\footnote{Ibid} Their controllers even mutilate their ears and tusks to break the elephant’s spirit. They are kept chained for long periods and are denied adequate space, the opportunity to engage in natural forms of behaviour, such as roaming freely and socialising.\footnote{PETA moves court seeking ban on elephant ‘joy rides’ at Jaipur’s Amer Fort; Times of India; July 12, 2018; \url{https://timesofindia.indiatimes.com/home/environment/flora-fauna/peta-moves-court-seeking-ban-on-elephant-joyrides-at-jaipurs-amer-fort/articleshow/64961043.cms}}

In June 2017, a group of American tourists visiting Jaipur witnessed two elephants trying to escape from their handlers while being made to give rides in extremely high temperatures. Subsequently, around eight men carrying sticks arrived and proceeded to hit one of the elephants for up to 10 minutes in order to force the animal to obey them.\footnote{PETA India; Shocked Tourists Contact PETA After Witnessing Elephant Abuse in Jaipur; June 26, 2017; \url{https://www.petaindia.com/blog/shocked-tourists-contact-peta-witnessing-elephant-abuse-jaipur/}}

In July 2018, PETA filed a petition before the Rajasthan High Court seeking a ban on the elephant joyrides at Amer Fort and the ‘Hathi Gaon’ (Elephant Village) in Jaipur. The petition pointed out that these rides are illegal as none of the elephants are registered with the Animal Welfare Board of India.\footnote{Ibid}
ii. Camels: In their native deserts, camels are social animals who live in close-knit herds. These naturally free-roaming animals fare poorly when forced to carry heavy loads in arduous conditions with little food or care. Joyride operators often ignore the animals’ most basic needs. Camels are housed with inadequate or no shelter at all and are not provided sufficient food. They are forced to carry riders all day long in the blazing sun with few breaks for rest and water. Many camels become emaciated, exhausted and ill.149

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

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

Taken to foreign climates: According to a news report published in The Times of India, the demand for camels who are transported from Rajasthan to Pune for giving joyrides “goes up during festivals”. These animals are suddenly subject to a humid climate, which has a detrimental effect on their health. Camels who are taken to foreign climates are susceptible to respiratory disorders and skin diseases. According to veterinarian Dr. Dhananjay Shinkar, who works with the sanctuary ‘Animal Rahat’, many camels used for joyrides suffer serious skin disorders and they typically do not survive for long. Further, camels’ feet are biologically adapted to walk on sand, but they are forced to walk on concrete roads instead.151 The camels transported to Juhu for joyrides on beaches are made to work in terrible conditions. The saline water makes their feet sore. They have numerous skin diseases and wounds. When they fall sick, they are tied up and left to drown in the sea.152

149 PETA; Camel Joyrides: Cruel Entertainment; http://action.petaindia.com/ea-action/ea.client.id=111&ea.campaign.id=2858
150 Ibid
151 Ibid
152 Supra note 70
153 Youtube; https://www.youtube.com/watch?v=NzFsUGlyzHQ
Chokhi Dhani: Chokhi Dhani in Rajasthan is famous for school picnics and is visited by 500 to 800 children on an average per day - with only two camels catering to this crowd. While a camel’s back can accommodate four people, the organisers overburden them with at least eight students. They are beaten up by their handlers and made to constantly carry people on their backs without a moment of respite, food or water. Their mouths froth as a result of exhaustion.153

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

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

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

Living Conditions: The horses are housed in cramped stables, where they are consistently made to stand in their own dung for hours. A survey conducted by Animals and Birds Charitable Trust indicated that 87 per cent of the horses and ponies in three stables in Mumbai suffered from various ailments and abnormalities. Further, no horse or pony was registered under the Performing Animals (Registration) Rules, 2001.159

153 FIAPo’s letter to Director, India Tourism Jaipur; June 7, 2013; https://drive.google.com/file/d/1v5rduBtSuB58T-rRcegaZ25Ucb6vXMc/view
154 Victorias to become history soon; Deccan Herald; June 28, 2015; https://www.deccanherald.com/content/486200/victorias-become-history-soon.html
155 Ibid
157 Facebook; https://www.facebook.com/meetashar02/posts/1813340805343076
159 Animals and Birds Charitable Trust v. Municipal Corporation of Greater Mumbai; 2015 (4) BomCR1
Bombay HC judgment: In a landmark judgment delivered in June 2015, the Bombay High Court banned the plying of Victoria carriages, holding that the use of horse driven carriages in the city of Mumbai for joyrides was completely illegal. The Court ordered that all stables where these horses were kept must be closed down and directed the authorities to come up with a scheme to rehabilitate those involved in the trade.¹⁶⁰

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

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

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

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

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

¹⁶¹ Supra note 81
¹⁶³ PETA India; PETA India Awarded Custody of 17 Horses Used for Illegal Rides; November 23, 2018; https://www.petaindia.com/blog/peta-india-awarded-custody-of-17-horses-used-for-illegal-rides/
¹⁶⁵ To Kolaba fort, a cruel ride; Indian Express; February 23, 2012; https://indianexpress.com/article/cities/mumbai/to-kolaba-fort-a-cruel-ride/
d) Military/Police Animals

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

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

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

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

iii. Lethal spikes: In December 2018, beds of six-inch long iron spikes were put up in an army cantonment in Guwahati to keep wild elephants at bay. Days after, these deadly spikes claimed the life of a male elephant who was found near a stream from the Amchang Wildlife Sanctuary on March 4, 2019. The post-mortem report noted “externally there are various punctured wounds on right fore and hind legs.” The report said the wild elephant died of septicaemia.
“This Army base is bordering the wildlife sanctuary which is an elephant habitat and they do venture into it frequently searching for food,” said Kaushik Baruah, a conservationist who serves as the Honorary Wildlife Warden, Guwahati. These spikes have allegedly caused at least two elephant deaths, and left several injured. In her letter to then Army Chief Bipin Rawat, Maneka Gandhi strongly expressed her dismay, “Whoever in the Army has done this needs to be pulled up...The Army has no business of putting these lethal spikes in the middle of a forest.”

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

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

173 Maneka Gandhi tells Army to act against elephant deaths in Assam, remove ‘dreadful spikes’; The Print; March 16, 2019; https://theprint.in/india/maneka-gandhi-tells-army-to-act-against-elephant-deaths-in-assam-remove-dreadful-spikes/206413/
174 Supra note 88
175 https://drive.google.com/file/d/1wFb_pwNl3jMqk6M1-65Rqt4-ojgWx365/view
176 PETA India; Shocking: Horses Abused for Their Blood; November 23, 2016; https://www.petaindia.com/blog/shocking-horses-abused-blood/
Shaktiman - the Police Horse

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

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

Animal rights activist Gauri Maulekhi said, “Shaktiman died the same day when it was attacked and its leg broken. Horses with such weight have very little chance to live on three legs. We were mentally prepared for this but political parties are playing blame games.”\(^ {183}\)

Four days after his arrest, MLA Joshi was granted bail by the Dehradun district judge.\(^ {184}\) Next year, Joshi was re-elected as an MLA from the Mussoorie constituency.\(^ {185}\)

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

\(^{179}\) I took on BJP MLA Ganesh Joshi over Shaktiman, claims Robert Vadra; India Today; August 28, 2016; https://www.indiatoday.in/india/story/robert-vadra-ganesh-joshi-shaktiman-dehradun-337680-2016-08-28
\(^ {182}\) Police horse 'Shaktiman' dies; The Hindu; April 20, 2016; https://www.thehindu.com/news/national/Police-horse-Shaktiman-dies/article14247725.ece
\(^ {183}\) Shaktiman, police horse injured at BJP rally in Dehradun, dead; The Indian Express; July 12, 2016; https://indianexpress.com/article/india-news-india/shaktiman-the-horse-dead-injured-at-bjp-rally-in-dehradun-2762414/
\(^ {185}\) Wikipedia; Ganesh Joshi; https://en.wikipedia.org/wiki/Ganesh_Joshi
\(^ {186}\) Shaktiman is a rare horse, and there is more than one reason for it; Indian Express; March 17, 2016; https://indIANexpress.com/article/explained/shaktiman-is-a-rare-horse-and-there-is-more-than-one-reason-for-it/
e) Animal Races and Fights

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

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

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

i. Tonga races are frequent in Ajmer, Rajasthan. During the 62-km-long race between Ajmer and Sarwar, there have been several incidents where the horses have died. There is massive betting during the event. While the race has been banned, it continues underground.188

ii. A traditional event called Gaider is celebrated annually in Bihar and Jharkhand on Bhai duj, where people tie the legs of piglet and throw it in front of bulls and buffaloes. The large animals are goaded, tugged at and made aggressive, so that they attack the pigs, who are killed eventually.189

iii. Pigs are carried upside down on a rod and taken for slaughter during annual celebrations of onset of rains in Goa.190

iv. Locals in Karnataka decorate cows with garlands and bells and then force them to walk over fire. They believe that this would ensure good fortune and protect them from harm.191

v. People across India attend the annual fair celebrating goddess Mayakka Devi in Karnataka. Approximately 2,500 bullocks, ponies and horses are forced to run for two days, for distances between 100 and 250 kilometers, hauling carts packed with large families.192

188 People used to bet on tongas in Ajmer; The Times of India; August 24, 2017; https://timesofindia.indiatimes.com/city/jaipur/people-used-to-bet-on-tongas-in-ajmer/articleshow/60198894.cms
189 Social Media Post by Hope and Animal Trust
190 Sausage-loving Goa wakes up to pigling torture; Deccan Herald; July 3, 2019; https://www.deccanherald.com/national/west/SAUSAGE-LOVING-GOA-WAKES-UP-TO-PIGLING-TORTURE-744554.html
191 Cows made to walk through fire in Karnataka. Where are the gau rakshaks?; India Today; January 16, 2019; https://www.indiatoday.in/india/story/cows-made-to-walk-through-fire-in-karnataka-where-are-the-gau-rakshaks-1432290-2019-01-16
192 Chinchali Fair: Sponsor a Bus, Spare a Bull; Animal Rahat; February 12, 2014;
We have documented 60 cases where animals have been subjected to violence that involved maiming a part of their body, paralysing them and killing them in some misguided form of worship linked to deep superstitious belief systems. For example, during the visit to the upcoming shelter of Prayaas, in Surat, while interviewing Darshan Desai, a volunteer walked in after rescuing a monitor lizard from a drum with all her limbs chopped off, as an act of voodoo magic to wish ill on an enemy.

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

vi. Though illegal, cock fights are held regularly in Pedapaka, 10 kms away from West Godavari district headquarters. Betting ranged up to Rs 3 lakh for each game that took place between the owners in the ground, whereas it crossed Rs 25 lakh in the galleries, involving the onlookers.²⁹³

vii. The annual Rama Laxmana Jodukere Kambala, bullock cart race, is held at night and goes on till the morning of the next day. Recent reports confirm the races took place as recently as January 2020 on the outskirts of Mangaluru.²⁹⁴

viii. A Rekla race (bull race) was organised in January 2020 as part of Velaan and Kaalnadai Thiruvizha, an event to celebrate agriculture and livestock in Tamil Nadu. The race was held in two categories - 200 meters for the younger bulls and 300 meters for the older bulls.²⁹⁵

D. Superstition

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

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

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


²⁹⁴ When Kudla celebrated the spirit of Kambala; The Times of India; January 31, 2020; https://timesofindia.indiatimes.com/city/mangaluru/when-kudla-celebrated-the-spirit-of-kambala/articleshow/73766933.cms

²⁹⁵ Bulls joust for top position at this race; The Times of India; January 9, 2020; https://timesofindia.indiatimes.com/city/coimbatore/bulls-joust-for-top-position-at-this-race/articleshow/73171900.cms
1. In 2016, villagers around Bhopal killed three tigers and three leopards in the Kanha-Pench jungle corridor, after four tantriks claimed to have supernatural powers to double the money in bank accounts by performing witchcraft on ATM cards and required body parts of the animals. Thirty three members of a poaching racket scorched the jungles for wild cats, electrocuting them, cutting off their vital parts and burying the carcass. Two witch doctors confessed to have lured villagers to kill tigers for their paws, saying they could cast magic spells to “rain money in new currency”.  

2. In Meerut, members of the Baheliya community deal with owls brought in by the trappers and poachers from Uttarakhand. The birds are subjected to brutal death through black magic rituals and sacrificed in tantrik rituals during Diwali. There are at least 16 tribes involved in the trade across Pilibhit, Meerut, Moradabad, Agra, Dehradun and Ambala. Live owls are buried during Diwali outside the door of the house to bring prosperity. Birds are even blinded before being slowly killed over days. They are trapped with the ‘latex and bamboo’ and ‘takkva’ method.

3. Police intercepted two men on a motorbike in Ghaziabad who were smuggling five rare owls cramped in a plastic bucket worth around Rs One crore. The owls were being delivered to an occultist for sacrifice during Diwali, in a rite to ward off bad luck and bring prosperity.

4. During a jatra performance (a popular traditional theatre form) in Odisha, a performer ate raw pig after killing it on stage.

5. Hundreds of buffaloes, sheep, goats, hens and birds are sacrificed during Sulia Yatra in Odisha, annually.

E. Begging Animals

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

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


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

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

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

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

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

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201 Tortured, malnourished: Tale of monkeys used for begging; The Times of India; June 14, 2015; https://timesofindia.indiatimes.com/city/chennai/Tortured-malnourished-Tale-of-monkeys-used-for-begging/articleshow/47660480.cms  
202 Ibid  
203 Ibid  
204 Ibid  
205 Supra note 109  
206 Monkeys rescued from Marina begging racket; The Times of India; August 23, 2018; https://timesofindia.indiatimes.com/city/chennai/monkeys-rescued-from-marina-begging-racket/articleshow/65507635.cms  
ii. Elephants: Elephants used for begging lead lives filled with mental and physical trauma. Many of them are forced to work for film shoots or at weddings. 208 Raju spent 50 years being forced to beg through the streets of UP. A chain and spiked shackle continuously cut into his leg to keep him from running away. His body bore multiple scars and chronic abscesses that are believed to be evidence of repeated jabs with a bull-hook. His only food was scraps thrown to him by passersby. 209 “Raju was in chains 24 hours a day, an act of intolerable cruelty. The team was astounded to see tears roll down his face during the rescue,” said Pooja Binepal, a spokesperson for Wildlife SOS. 210

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

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

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

208 Bijlee dies, activists call for end to elephant cruelty; The Times of India; July 1, 2013; http://timesofindia.indiatimes.com/articleshow/20850394.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
209 Elephant Who Spent 50 Years Begging Always Hoped Life Would Get Better; The Dodo; June 7, 2018; https://www.thedodo.com/in-the-wild/elephant-begging-surprise-party
210 Raju The Elephant Cries After Being Rescued Following 50 Years Of Abuse, Chains; The HuffPost; July 8, 2014; https://www.huffingtonpost.in/entry/raju-elephant-cries-rescue_n_5564543?ri18n=true
212 World’s ‘Unluckiest Elephant’ Freed After 50 Years In Chains; The Dodo; September 26, 2016; https://www.thedodo.com/mohan-elephant-freedom-wildlife-sos-2017717692.html
213 Facebook; Welfare For Animals In Goa; April 20, 2017; https://www.facebook.com/wag.india/posts/720607108122347:0
214 Facebook; Blue Cross of India; February 6, 2015; https://www.facebook.com/bluecrossofindia/photos/a.421535982169/101530525772777170/?type=3
Among the 743 cases documented of instances of cruelty against working animals, the highest 692 cases were under Grievous Hurt (4) of the Severity Index, followed by 41 cases of violence and torture (5).

As indicated in the graph above, of the 743 cases documented in most instances (605 incidents) there was no case filed or no information regarding the legal recourse. Police complaint was filed in 138 cases, with 24 under PCA and nine under PCA and IPC.
Please see a representative, mini-Working Animals table of 100 cases from the larger investigation to get an overview of the kinds of cases of abuse and cruelty that commonly get reported with reference to Working Animals as Appendix 1.
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.