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## ANIMAL RIGHTS AND HUMAN WRONGS: THE JURIDICAL TOPOGRAPHY OF BESTIALITY

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### **ABSTRACT**

“The greatness of a nation and its moral progress can be judged by the way its animals are treated.”

- Mahatma Gandhi

Animal Rights refers to the notion that the non - human creatures reserve the same liability as that of a living human creature to live on their own terms, without being subjected to the dominance of men. In other words, it can be interpreted that animal rights are an autonomy where the sole discretion to how to live their lives depend upon them only and is not subjected to anyone's else opinion. In every second country, Human rights are always enshrined to protect their rights and freedoms, but when the question comes to the rights of an animal, all the voices are turned into silence. The animals are subjected to various type of grave cruelty by the homo sapiens.

As the disgraceful videos of the animal cruelty floats on the social media, still the modern public is silent on the offenders being brought to justice for their abhorrent and detestable acts of cruelty. There are a number of legislations made for the protection of rights of animal; still animal cruelty is prevalent in the global world. Majority of the members of human race have taken the concept of “animal abuse” as mythical, fabricated and made-up stories. The true aspects of animal abuse are hardly discussed and given the attention they deserve.

Most Distressing Stats of Animal Abuse are: <sup>2</sup>

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- 10 million Animals Are Abused to Death Annually in US
  - Asia Has the Highest Rate of Animal Cruelty
  - Thousands of Endangered Species Killed for Their Body Parts
  - About 1.8% of U.S. Adults Engage in Animal Cruelty
  - 115 million Animals Are Used for Laboratory Experiments
  - One Animal Suffers Abuse Every Minute
  - Dogs Make up 65% of All Abused Animals

In many countries, especially India, the animals are considered to be embodiment of God and there are various statutes that have been drafted to prevent the animals from the unnecessary pain or sufferings, such as The Prevention of Cruelty to Animals Act, 1960 but the report<sup>3</sup> cites 20,000 intentional and brutal crimes against animals in India which directly implies that the mission behind the drafting of the legislation is not fulfilled. The animals are not only subjected to cruelty by beating them to death, acid attacks, torture, kicking them but they are also sexually assaulted.

According to the 'In Their Own Right -Calling for Parity in Law for Animal Victims of Crimes'<sup>4</sup>, between 2010-2020, the authorities documented approximately 1,000 cases of brutal assault against animals, of which 82 were cases of sexual abuse performed by men against animals, often violent and fatal. Although there is no mention of the words “sexual abuse of animals” in the Indian legislature but there was another infamous legislation which is Section 377 of Indian Penal Code, 1860 which criminalised any carnal intercourse with animal but since this section has been

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<sup>2</sup> **Animal Cruelty Statistics 2024**, World Animal Foundation, <https://www.worldanimalfoundation.com/animal-cruelty-statistics-2024> (last visited Apr. 8, 2025)..

<sup>3</sup> **Fed'n of Indian Animal Prot. Orgs., Federation of Indian Animal Protection Organisation Report 2021** (2021)

<sup>4</sup> **Fed'n of Indian Animal Prot. Orgs., Federation of Indian Animal Protection Organisation Report 2021** (2021)

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repealed from the Bharatiya Nyaya Sanhita, 2023, the offence against sexually abusing of animals remain unpunishable in the new act and thus, the animals once again became a toy of harassment for the sadists.

Thus, this article tends to explore the prospects of animal welfare legislations that exists in our country and highlighting a growth towards the sexual abuse of animals and its impact on the environment. In addition to it, this article also tries to highlight the biggest weakness of Bharatiya Nyaya Sanhita, 2023, i.e. the complete elimination of Section 377 of Indian Penal Code, 1860, which was the only legislation in India that focussed on the sexual tormenting of animals i.e. bestiality. This Article has been prepared with a heuristic experience aimed at analysing the existing laws for animal rights in India.

## **KEYWORDS**

Bestiality, Human Wrong, Animal Rights, Cruelty, Sexual Harassment

## **INTRODUCTION**

India, the oldest civilization in the world with a treasure trove and deep-rooted cultural history, the seventh largest country in the world with most biodiverse region, is home to a large variety of wildlife and contains four of the world's 36 biodiversity spot. Possessing a tremendous diversity of climate and physical conditions, India has great variety of fauna, numbering 92,037 species, of which insects alone include 61,375 species<sup>5</sup>. It is home to variety of animals ranging from the Royal Bengal Tigers to the Great Indian Rhinoceros, Asiatic Lions to the Indian Gharials, Great Indian Bustard to the Gangetic Dolphins and many more diverse species.

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<sup>5</sup> **National Portal of India**, Know India, <https://www.knowindia.gov.in> (last visited Apr. 8, 2025).

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Over the recent years, animal rights have gained a prominent position and the awareness regarding the sexual abuse faced by animals is also stealing the limelight. From, illegal wildlife trading to hunting and slaughtering of animals for religious purposes and trafficking of certain body parts of animals for money, indulging the animals for entertainment purpose, sexually assaulting the animals for man's own pleasure, tormenting and beating them, has all portrayed the epic bloody canvas of human wrongs to the wildlife.

A lot of provisions are enacted for the protection of animals. These provisions were specifically designed to recognize the rights of the animals with the rights which were guaranteed to the humans. Traditionally, the Indian religion valued the animals but the Shariah rule in North Region especially changed this perspective and the situation worsened on the arrival of the British Empire. British people were the ones who owned their first slaughterhouse of India in 1760 and thereon, the number just kept increasing. However, it was the British Raj only who passed the first legislation on the animal rights in 1860. After the decolonization, the India passed its first legislation on animal rights in 1960.

Animal Rights movement is a proponent for the protection and an ethical treatment of animals. This doesn't only include protecting animals from killing, maiming, poisoning, torturing them from the humans but also includes the protection from being used as a sexual partner for pleasure of man.

In the famous judicial pronouncement, *Animal Welfare Board of India vs A. Nagaraja and Ors.*<sup>6</sup>, it was held that animals have the right to live with dignity and without suffering from unnecessary pain. But how we as a general public is able to assure this that the non-human creatures are able to live their rights completely. The *homo sapiens* are completely neglecting their duties of providing the animals with a safe environment. On one side the people treat the cows as their

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<sup>6</sup> (2014) 7 SCC 547 (India).

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“mata” and on the other hand, the men are performing shameful sexual activities with these creatures.

The common practice of bestiality had prevailed from the time immemorial. The proofs lies in the ancient European rock art where the depictions of the humans and non-human creatures in the sexual context appeared infrequently. Cleopatra, an ancient queen of Egypt was known to have covered her breast by the honeybees, that provided the venereal excitement same as that of a vibrator in modern days. Although the biblical writings<sup>7</sup> strictly prohibited any human animal sexual interaction and even offered grave sanctions for this misdemeanour. They also prohibited the women from presenting herself to an animal for the sexual relation.

The best-known incident of same in the history of the Plymouth Colony was a case in 1642 of a young Thomas Graunger who was founded guilty for the offence of sodomy with a mare, cow, two goats and a turkey. Later on, he was hanged to death.<sup>8</sup>

According to Immanuel Kant’s concept of Nature’s Purposes and Unnatural Uses of a Person’s Sexual Capacities, Kant was not only against the animal nature and humans’ natural instincts, but it also degraded people below the level of animal and he argued that such people should be casted out of the human society and be deprived of all human rights.<sup>9</sup>

Majority of the case laws of bestiality are adjudged on the basis of the hurt suffered by the human beings if it has been performed by them in a coercive situation. One such case was *R vs Bourne (Sydney Joseph)*<sup>10</sup> where the litigant was sentenced for abetting his wife to commit anal intercourse with a dog. The wife was coerced for this pathetic act but the husband pleaded not guilty in front of the court by citing the reason that he wasn’t there at the moment of offence but since it was a crime of strict liability in UK, the court, thereby, convicted both the husband and wife establishing

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<sup>7</sup> **The Boundaries of Godly Sexuality** (Leviticus 18:6–29)

<sup>8</sup> Lisa M. Lauria, **Sexual Misconduct in Plymouth Community** (1998).

<sup>9</sup> Denis Lara, Kant on the Wrongness of “Unnatural” Sex, 16(2) **Hist. Phil. Q.** (1999).

<sup>10</sup> (1952) 36 Cr. App. R. 125 (Eng.).

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that a person can aid and abet an offence even if they are not present at the place of crime and that duress cannot be a defence to strict liability offences.

A multitude of countries, especially the European nations, have embodied the offence of bestiality under the animal cruelty.

For example:

- Article 521-1 of French Penal Code of 1994, addresses animal cruelty. It specifically prohibits the serious acts of cruelty towards domestic animals, tamed animals or the animals held in captivity.
- Section 69 of the Sexual Offences Act, 2003 in UK, addresses the offence of bestiality making it illegal for the people to engage in any sexual activity with animals.
- Section 227 of Muluki Criminal Code, 2017 in Nepal, makes the offence of bestiality punishable with 2 years of imprisonment or fine of two thousand.
- Section 377 of Indian Penal Code, 1860 also criminalised any voluntarily carnal intercourse against the order of nature, punishable with imprisonment for life, or term may extend to ten years or punishable with fine. But since the Indian Penal Code, 1860 has been replaced with the Bharatiya Nyaya Sanhita, 2023, the abovementioned law has been repealed in the new act, thus leaving the animals at the mercy of the stone-hearted mankind.

## **SECTION 377 OF INDIAN PENAL CODE, 1860**

377. Unnatural offences — Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation— Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

The abovementioned section was recruited by Thomas Macaulay, an English lawyer, close to 1838 but was bought in effect only after 1857. This law was patterned after the Buggery Act 1533, legislated during the tenure of King Henry VIII. This law defined “buggery” as sexual abuse which is like defying the order of nature. The broader interpretation of this section implies the criminalization of bestiality, anal penetration and homosexuality.

Later in 1828, this Act was nullified and replaced by the Offences against the Person Act 1828. This Act focused on the broadening of the definition of carnal abuse, and even permitted for simple prosecution of rapists, but also homosexuals. This act is somehow regarded as the originator for Section 377 of the Indian Penal Code.

Finally, the abovementioned sectioned was decriminalized by the UK in Sexual Offences Act 1967. However, India continued to follow the archaic law enacted in 1860. This step had sparked a lot of controversies among the people of the nation and was also challenged in the High Court and Supreme Court of India in 2001.

In *Naz Foundation vs The Government of NCT of Delhi*<sup>11</sup>, a non-governmental organization challenged the constitutionality of this section in Delhi High Court under Article 14<sup>12</sup>, 15<sup>13</sup>, 19<sup>14</sup> and 21<sup>15</sup> of The Indian Constitution, urging the court to allow homosexual relations between the consenting individuals. However, the case was dismissed in 2003 by the Delhi High Court stating that the petitioner has no locus standi. However, in a later appeal to the Supreme Court, they ordered the High Court to review the case. Finally, in 2009, a historic judgement was given by the Chief Justice Ajit Prakash Shah and Justice S. Muralidhar, who decriminalized the sexual acts

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<sup>11</sup> (2009) DRJ 1 (Del.).

<sup>12</sup> India Const. art.14

<sup>13</sup> India Const. art. 15

<sup>14</sup> India Const. art. 19

<sup>15</sup> India Const. art. 21

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between adults. This judgement was binding until the Parliament decided to amend the Section 377 of IPC.

The decision of the Delhi High Court led to a lot of revolt among the nation and thus, various appeals were made to the Supreme Court of India challenging the authority of the Delhi High Court to change law and then, in a development that came to be a serious setback to the rights and freedom of LGBTQ Community, the Hon'ble Supreme Court in *Souresh Koushal vs Union of India*<sup>16</sup>, upheld that section 377 cannot be read down and it is on the Parliament to decide the decriminalization of the concerned section. Many review petitions were filed against this judgement but only to be struck down and dismissed.

The silver lining was however that the mobilization of the community was really high and despite the judgement, the movement was gaining unmatched momentum. This does not contribute to much progress for the transgender person who were continuously harassed and tortured by the police and the local community.

However, these atrocities changed through the 2014 judgement by the Supreme Court in *National Legal Authority Service vs Union of India*<sup>17</sup> from the bench comprising of Justices K.S. Radhakrishnan and A.K. Sikri, holding that the third gender has the constitutional right to self-determination of gender, right to choose one's gender identity as male, female or transgender without any medical verification and they do have a right to choose their gender identity. It was in NALSA only where the Hon'ble Supreme Court held that the rights to life, dignity and autonomy would also merge with the right to one's gender identity and sexual orientation

The NALSA judgment gave birth to new basis and indeed new hope to revisit the Section 377 challenge. But again in 2016, two fresh petitions were filed under Article 32 of the constitution. The first petition was filed by Navtej Johar and the second was by Dr Akkai Padmashali, Umi and

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<sup>16</sup> (2014) SCC 1 (India)

<sup>17</sup> (2014) 5 SCC 438 (India)



Sana, three transgender activists from Karnataka. Subsequently many more petitions were filed by the third gender. All these petitions pleaded the Hon'ble Supreme Court to re-assess the constitutionality of Section 377. Therefore, in the case of *Navtej Singh Johar vs Union of India*<sup>18</sup>, the supreme court decriminalised all the consensual adult sex and even homosexual sex.

Further in 2018 came another big judgement by the Supreme Court in *Puttuswamy vs Union of India*<sup>19</sup> where it was held that right to privacy includes the right to sexual autonomy of one's choice and the right to sexual orientation and gender equality. This move signified the entering into a dawn of recognition transgender right in India. This judgment in addition, also left a window for prosecuting the offence of bestiality.

However, this section has been repealed completely from the new act leaving no alternative provision for the charge of a person in the offence of bestiality which is a clear loophole of the legislation. Vamika Singh, a senior legal consultant in the Federation of Indian Animal Protection Organisation said that the weakness of the new bill lies in the complete vanish of section 377 without referring the sexual abuses against animals and the provisions for the animals victims of crime.<sup>20</sup> It could be very well observed that when the section was active, the reporting of the crime with animal was fairly low and now the complete abolition of this section has opened the door for such crimes to proliferate. It is considered to create a serious legal loophole that might be exploited by the individuals engaging in such heinous crimes.

## THE THEORY OF CONSENT

Adams (1995 cited in Beirne 2000) has stated that bestiality always involves forced sex in majority of cases, by citing the reason that the consent obtained in this act is either by physical, economic,

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<sup>18</sup> 2018 INSC 790 (India)

<sup>19</sup> (2017)10 SCC 1 (India)

<sup>20</sup> The Hindu, Sept. 9, 2023.

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psychological or emotional coercion, and that in such cases, it is impossible to obtain consent. However, the factor that one of the involved parties is not capable of giving or communicating the genuine consent to the sexual relation is the decisive criterion.

It might be assumed that either lack of resistance or silence could be implied as a consent, but that doesn't lead us to the interpretation that the genuine consent is present, unlike in Section 375 of Indian Penal Code, 1860.<sup>21</sup> It is very well established that in order to give a genuine consent, both the parties involved must be fully conscious, informed and affirmative in their desires. It is the need of the law that if this criterion is applied to human-human sexual relation, then it should also be applied to human sexual advances to the animals, provided that animals are sentient beings. Even if the animal is assumed to communicate his protest by scratching, biting, or making sounds, still the animal won't be able to effectively resist (Beirne 2000). However, the issue should not be the poor resistivity of the animal rather the concern should be the unwillingness or the inability of the human to understand and react to the resistance.

Zoophiles had themselves question the inability of the animals to refuse to the sexual advances that can be perceived by the humans, only if the humans are willing and sensitive enough to recognize the signs correctly and act accordingly (Beetz 2002). As evident, it is not a consent as defined law, neither it is a conscious consent by the fauna that is fully informed. It is more difficult to establish the consciousness of the animals and their resistivity. But it should also be noted that many zoophiles do not interpret the non-resistance as sufficient evidence for consent. Instead, they also gave a great importance to the positive reaction of the animals, e.g. approaching a person, cuddling, rubbing against the person, displaying the sexual excitement (Beetz 2002). Some zoophiles even claim that humans carefully react to the nonverbal signs of the animals and some try to communicate with the animals, as described by Masters (1966). However, to provide a

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<sup>21</sup> **Indian Penal Code** § 375 (1860).

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perspective to this discussion of consent in relation to bestiality, other situations need to be considered where an animal's consent is unmistakably viewed as less paramount.

It has never been questioned that most animal owners are cognizant of the likes and dislikes of their own pets, and that they can conclude this from their animal's behaviour. Having said that, one should agree that this rounded up, rather than equals, a clear communication of consent. It has to be built on, to this discussion of consent (in a legal or non-legal sense) that unquestionably many people engaging in sexual contact with animals either do not have the potentiality to understand the nonverbal communication of the animal or just do not care bother about the animal's welfare. They may even on purpose inflict pain and sufferings. Contentions about consent in regard to bestiality, be that as it may, seem to be influenced much more by psychic and ethical attitudes than opinions about other non-sexual issues involving animals. Consent is also not considered predominant for most of the codification on bestiality. Yet, the main logic for its criminalization seems to be considerate with morals, altogether with the feasible jeopardy to society due to a consortium of bestiality with other intimate deviant behaviour, in particular sex sicken.

Bestiality, for sure, must be condemned because animals cannot give consent in a way human can gladly understand, or cannot counter humans in any notable way owing to their occasionally-docile nature or contrasting human-bred attribute.

## **BESTIALITY AND MENTAL HEALTH DISORDER**

There are a variety of reasons for being involved in sexual activities with animals that are directly concluded from variety of analysis. One such research is Miletski's (2002) sample<sup>22</sup>, which discovered that 91%, was the "sexual attraction," followed by the desire to intimate fondness and

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<sup>22</sup> H. Miletski, *Understanding Bestiality and Zoophilia* (East West Publishing LLC 2002).

devotion to the animals and that animals are adapting and uncomplicated to please, mitigating sexual tension, and distinct rationale. Animal abuse is enumerated as one of the warnings for the disorder in the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV).<sup>23</sup> The testimony includes being infuriated with living beings, demolition of property, and serious infraction of rules. A remarkable segment among young people with these conditions are suspected to carry on to show such conducts as adults, acknowledging for a diagnosis of antisocial personality disorder, also referred to as psychopathy or sociopathy (APA 1994). Both of these are intimately interconnected to criminal behaviour. A number of psychiatrists also associate bestiality to paraphilia and impulse control disorders.<sup>24</sup> Furthermore, bestiality has also been correlated with primitive symptoms of other psychiatric disorders including psychosis. In primary phases, a psychosis disorder is defined as an individual having a disturbance in his conscious thoughts, that makes it difficult for the individual to identify what is genuine and what is imaginary.<sup>25</sup>

## CASE REPORTS

1. A 67 year old man was arrested from the Mumbai's suburban Andheri West for investigation of rape of more than 30 stray dogs while they were eating food. However, the accused argued that it wasn't a crime since the animals didn't object to his act. After being produced in a original court, he was kept for two days in police custody, and then was reserved under Sections 377 (unnatural sex) and 429 (harming animals) of the Prevention of Cruelty to Animals 1960.<sup>26</sup>

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<sup>23</sup>Am. Psychiatric Ass'n, *Diagnostic and Statistical Manual of Mental Disorders* (APA 1994).

<sup>24</sup>Weizmann Inst. of Sci., 1996

<sup>25</sup>Nat'l Inst. of Mental Health, 2020

<sup>26</sup>IndiaTodayNE, Mar. 19, 2021

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2. Three men allegedly gang raped and murdered a heavily pregnant goat in Kerala's Kasaragod district. The Kasaragod police registered an FIR and the indicted were charged under applicable sections of the Indian Penal Code in relation to animal atrocity.<sup>27</sup>
  3. In a horrifying incident of bestiality, a 55-year-old man was arrested for violiting a cow at a dairy in Sundar Nagar in Bhopal.<sup>28</sup>
  4. A 18-year-old boy attempted bestiality on a calf in Najafgarh in South Delhi. Upon learning about the opprobrious act by the parents, they admitted that the child is being treated in All India Institute of Medical Sciences<sup>29</sup>
  5. A 22-year-old man was detained for assassinating and raping a female dog in Hyderabad in 2016. Reportedly, the dog was brutally raped and murdered. The possessors of the dog found the accused occupied in unnatural sexual intercourse with their pet and the guilty attempted to flee the crime scene but was nabbed by the natives and turned in to the police.<sup>30</sup>
  6. A man was grabbed with one's pants down raping a street dog inside his residence in Kolkata. Duo of men saw the tipsy accused luring the canine into his house and followed him after smelling something was not correct. They trapped the man raping the dog whose mouth was tied. The man was seized, while the animal was sent to a veterinary hospital.<sup>31</sup>
  7. Four people were arrested in Maharashtra for raping a Bengal monitor lizard in the Sahyadri Tiger Reserve. The incident came into light after the official authority checked the phones of the accused where they found the recording of the whole incident of gang raping the monitor lizard, after tracing the CCTV footages.<sup>32</sup>

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<sup>27</sup> ZeeNews, Mar. 31, 2022

<sup>28</sup> India.com, July 8, 2020

<sup>29</sup> India.com, Dec. 22, 2015.

<sup>30</sup> Daily Bite, Oct. 25, 2016

<sup>31</sup> News Bytes, July 17, 2018

<sup>32</sup> India Today, Apr. 14, 2022

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## INADEQUATE LEGAL PROTECTION OF SEXUALLY EXPLOITED ANIMALS

Distinct surveys had derived us to an observation that not only the sexual practices with animals are much more customary than the standard assumption but also deduce that such practices are not penalized in some countries. However, it has been seen that such operations are not acceptable when the animals be racked with pain, injury or distress. Thus, the cruel practices are actionable on the foundation of the principle “just and equitable”. It has also been noticed that the lack of restrictions on zoophilic practices is normally defended with a reasoning that animals are well protected by existing laws. However, this argument can be countered on the following reasons: -

1. As we have previously seen that the legislations only defend those animals to whom it is shown that they have suffered endless agony, injury or distress while the humans remain exempted until the animals do not endure any of the aforementioned problems. However, there are numerous surveys which have observed differently. It can be easily interpreted that since there are large variety of unrecorded cases of zoophilia, the number of acts which involve injuries are much higher. It was observed that approximately 70% of all zoophilic acts were carried out in a violent and gruesome manner<sup>33</sup>. There might be some instances where it can be depicted that a particular animal didn't suffer any psychological damage or is genuinely cared by its owner. But, just how similarly a mature children remain unharmed by sexual interaction, these arguments are not adequate to claim that the offender should not be punished.

2. Further, the prosecution of accused for cruelty to animals is quite challenging as the necessary evidence is not easily available. It has also been studied that proving, an animal has died as a result of an excessive strain due to sexual act also became a hurdle to investigating authorities to prove as to when the cause of death cannot be established.

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<sup>33</sup> Weidner (1972)

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3. It has been also observed that the provisos are not sanctioned for the well-being and honourableness of the animals, but are designed by presuming them as chattels of their owner. Moreover, the execution for destruction of the property can be initiated only when the aggrieved party lodges a complaint. This implies that no enquiry can be initiated until the owner himself consents.

4. It has also been observed that the public and private representation of animal pornography and the acts like producing, importing, distributing the animal pornography is generally banned but the zoophilic act itself. Therefore, a person can be easily secured if he incarcerates himself to the boundaries set up by the legislations of cruelty to animals.

5. A performance of piercing is obligatory in the offence of bestiality. It doesn't comprise the acts like genital touching.

6. A ridiculous situation has been observed in the INDIAN PENAL CODE, where a person cannot be set at liberty for acts done in private defence of an animal. Thus, a person who observes the committal of bestiality in front of him cannot lawfully act against the offender.

7. It has been advised numerous times that the sex with animals should be treated same as a sex with a minor. Since, in India the sexual act with a minor shall be made illegal nevertheless of the consent of the minor. Thus, giving the similar legal protection like a minor to animals would give enough protection to innocent animals who don't have the abilities to understand the consequences of the act.

8. Many of the activists had attacked the defence of "consent". Since, no one is there to ask the animal for its consent while killing or maiming it for meat consumption, it's quite absurd to take into account the consent of animals in such acts. It's not transparent that whether the consent of animal's matter or not in this sadistic society.

9. The jurisprudence of rape in humans is dependent on the principle that the will cannot be thrust on another's body. The jurisprudence is absorbed in the cases of sexual practices with animals. Animals cannot convey their consent and therefore, bestiality ought to be criminalized.

## KEY RECOMMENDATIONS

1. The Parliament should revisit the newly enacted law i.e. Bharatiya Nyaya Sanhita, 2023 and must re-enact the repealed provision, Section 377 of Indian Penal Code, 1860, or make any equitable legislation for the protection of animals from the heinous crime of bestiality.
2. As noticed in the case law *Animal Welfare Board of India vs A. Nagaraja and Ors*<sup>34</sup> by the Supreme Court that the animals also have a Right to Life, it must be given a legislative protection by providing effective deterrent for the crimes against animals.
3. Compassion towards the animals should be cultivated and nurtured in the young generation through a systematic education facility and then only it is possible that the substantive rights of the animals are protected.
4. There must be an invention of the new ministry in the Government of India where the concerned authority only tackles the aspects relating to animal protection, welfare and rights.<sup>35</sup>
5. There must be a permanent keeping of records pertaining to the crimes against animals and should be published regularly to create a greater understanding and empathy for the animals in people.
6. The government must try to dig deeper in the causes of bestiality and take relevant measures in order to curb the issues, take representations from all the stakeholders before generating a new law relating to animal protection.

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<sup>34</sup> (2014) 7 SCC 547 (India)

<sup>35</sup> Fed'n of Indian Animal Prot. Orgs., Federation of Indian Animal Protection Organisation Report 2021 (2021)



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7. On ground deep surveys should be conducted of the pet owners to understand the nature of animals and the people associated with them and to know more about the reasons of sexual excitement among the people against animals.
  8. All the offenders of bestiality should mandatorily go through the psychological counselling and rehabilitation programs in order to address the underlying problem.
  9. The government should try to establish easily accessible and anonymous reporting mechanisms for people to report cases. They can include online portals, emergency number dial.
  10. There should be a special training of law enforcement officials as to how to handle the cases of bestiality with sensitivity by ensuring proper investigation and prosecution of the accused.<sup>36</sup>
  11. There should be more stringent punishments for the offence of bestiality rather than the fines.

## CONCLUSION

There are various empirical data to conclude that the human involved in animal abuse had an old and scary history of interpersonal abuse. Bestiality is still not well known to the people and is triggering the emotional quotient of many people. There is a lot of information lacking on the part of the common public that is required to be spread among them to protect the ecological sphere of the global environment. There is an ardent need of spreading the awareness and effective psycho-education of the community youth living in that would help to minimize the rates of these crimes by majorly giving importance to the health-related issues and impact on the environment.

Making bestiality an offence provides grounds for rotating aside the sexual agony of animals and sustaining ethical standards. It is crucial to hold wrongdoers chargeable for the actions of bestiality along with maltreating the self-worth of humanity. Tailored rehabilitation and psychosocial

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<sup>36</sup>Animal Attraction: A Guide to Understanding Bestiality, Oct. 13, 2023

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approach should be embodied into the judicial system to operate these cases. Last but not the least, criminalizing bestiality serves a purpose to protect both animals and human beings, confirming ethical and moral standards while guarding the well-being of community as a whole. It is requisite for efforts to be made to obstruct any further harm to animals and probable escalation to more critical offences.

