

Sexual Abuse of Street Dogs in India*

**An analysis of the phenomenon, the law, 1st hand
accounts** & press reporting**



** poster put out requesting participation in the VoSD crowd sourced primary study

*Animal sexual abuse may also be referred to as zoophilia, bestiality, zooerasty, or sodomy in this paper.

The 1st ever look in India of sexual Abuse of defenseless street dogs

- **Prevalence of Sexual Abuse**
- **Scale of abuse**
- **Law(s) that provide protection for dogs**

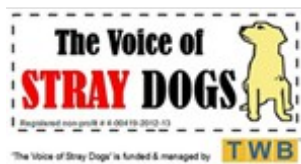


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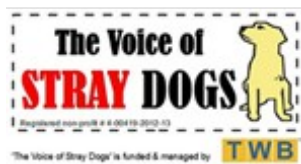


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Animal Sexual Abuse

Animal sexual abuse, often referred to as bestiality*, is the sexual molestation of an animal by a human. This kind of animal abuse includes a wide range of behaviors such as vaginal, anal, or oral penetration; fondling; oral-genital contact; penetration using an object; and killing or injuring an animal for sexual gratification. Animal sexual abuse may or may not include physical violence other than the sexual violation; and may or may not result in physical injury to the animal. Animal sexual abuse, like rape, is the eroticization of violence, control, and exploitation. ^[1]

Prevalence of Bestiality today

Worldwide there are no clear statistics to tell us how many animals currently are being sexually abused. This problem is difficult to quantify because most of the abuse occurs in secret and the victims can never tell.

Studies of the rate of human attempts to have forced sex with animals have variously estimated that the percentage of males who sexually abuse animals is between 1 and 65 % (Adams, 1995). Kinsey & Pomeroy's 1948 study of male sexual behavior found that 8% of the total U.S. male population admitted to having had sexual contact with animals.

Evidence that sexual abuse of animals still occurs is readily available. Almost any internet search engine will lead you to very graphic and disturbing material describing and promoting the sexual abuse of animals. Photographs of this abuse are easily accessed by anyone on the internet, even children. And for every photograph shown on the internet, a real animal was abused.

Consent & Coercion in Animal Sexual Abuse

Sexual molestation of animals by humans may physically injure or kill the animal victim. Cases of dogs with severe rectal tearing from anal sexual contact; cats killed by penetration by a human male; chickens decapitated to increase the abuser's sexual pleasure; animals beaten stabbed, or mutilated during or after sexual contact; and animals crushed for sexual gratification are commonly reported. Many animals are physically restrained during the abuse. Not all cases of animal sexual abuse will involve physical injury to the animal, but all sexual molestation of an animal by a human is abuse. ^[1]

- “Bestiality may be considered cruel even in cases when physical harm to an animal does not occur (this is similar to the case of adult sexual activity with a child where consent is presumed to be impossible). This is because animals are unable to be fully informed, communicate consent, or to speak out about their abuse” - Dr. Frank Ascione (1993)



- “For genuine consent to sexual relations to be present...both participants must be conscious, fully informed and positive in their desires. Bestiality is by nature sexual coercion because animals are incapable of genuinely saying ‘yes’ or ‘no’ to humans in forms we can readily understand. In human-animal relationships, the human has power and control over the animal, often in all aspects of the animal’s care and well-being. Thus, a sexual “relationship” between human and animal cannot be considered consensual.” Piers Beirne, Professor of Criminology at the University of Southern Maine (1997)

Is it a private Sexual choice?

No. Unlike sexual interactions between consenting adult humans, animal sexual abuse is not simply about an individual’s private sexual choice. As in the case of child sexual abuse and adult rape, animal sexual abuse is an activity in which one party has no choice and cannot consent or refuse. When he/she initiates a sexual activity in which the other partner has no choices and must participate, the sexual abuser of animals leaves the realm of private action. ^[1]

Who Sexually Abuses animals?

Although there has been little research to date on animal sexual abuse and its perpetrators, case reports and anecdotal accounts indicate that men are the primary abusers, although women and children may be forced or coerced into sexual acts with animals or may be abusers themselves. Reports indicate a wide age range of abusers. Abusers may feel isolated, insecure, and powerless. They may have difficulty in forming healthy interpersonal relationships with other adult humans and may have experienced neglect, physical abuse or sexual abuse as a child. Some may suffer from mental illness.

- Psychiatric patients exhibited a significantly higher prevalence rate (55%) of bestiality than control groups of medical inpatients (10%) and psychiatric staff members (15%) ^[2]

Why do people Sexually Abuse animals?

People sexually abuse animals for a variety of reasons. Many abusers fall into one or more of the categories below ^[3]:

1. **Opportunistic/Experimental:** This type of abuse is often viewed as the act of a curious youth or a lonely man. These individuals may seek out animals for sexual gratification because animals are accessible, vulnerable, and non-threatening. They may abuse an animal out of boredom, insecurity, curiosity or as a substitute for a human partner. This type of abuser becomes accustomed to the idea that it is acceptable to exploit and control others for his/her own sexual gratification.

2. **Fixeded/Primary:** In this category of animal sexual abuse, animals are the primary or exclusive focus of a human's sexual desires. These abusers often refer to themselves as "zoophiles." The rationalizations used to justify their actions are the same as those used by pedophiles, and, as in the case of victims of pedophiles, the claimed motivations Just as pedophiles may seek out employment in child-related fields, this type of animal
3. **Domineering/Sadistic:** Batterers, rapists and pornographers may force women, children, and other vulnerable individuals to have sex with animals in order to humiliate, dominate, control, and exploit the human and animal victims. Children who have been sexually abused may act out their abuse on animals in an attempt to gain a sense of control. Some people may derive sexual gratification from the pain and suffering inflicted while sexually abusing animals. This type of sadistic sexual abuser will probably injure or kill the animal. Any type of animal sexual abuse can involve the use of force and physical violence and may result in the intentional or unintentional death of the animal.

Correlation between animal Sexual Abuse and other crimes

The sexual abuse of animals is often linked to the sexual abuse of women and children (Kowal, 1998). This form of domestic violence involves the use of animals for degradation and sexual exploitation of the battered partner. According to Lenore Walker (1979), bestiality may be a part of further tormenting and humiliating the victim. In Walker's (1984) interviews with battered women, bestiality was mentioned as one of the "unusual sex acts" desired by their partners. In a test group made up of women who had past relationships with battering and nonbattering partners, it was found that this experience occurred with 41% of the battering partners and 5% of the non-battering partners. Child sexual abusers may also sexually abuse animals to enhance, expand or extend the abuse of the genuinely powerless and unsuspecting victim (Adams, 1994).

Research also indicates a connection between animal sexual abuse and other types of violent crimes. According to a 1986 study, forty percent of the perpetrators of sexually motivated homicides who had been sexually abused as children also reported that they had sexually abused animals (Ressler, et al. 1986).

"I have heard and seen these cases across metros and in small towns. These incidents are very common. It is high time that the police and the administration woke up to this crime and took it seriously. It is well known that there is a high correlation between crimes against animals and those against women and children"

- Smita Joshi, who has been running an NGO in Delhi for stray dogs for 15 years

How prevalent is the sexual abuse of defenseless stray dogs in India?

We know that physical abuse of street dogs (and other stray/ street animals) is fairly common place since our street animals share the same space as people and traffic. A lot if this abuse is intentional – but not reported widely since these are stray or street animals.

There is however a more sinister extension of abuse. Sexual abuse. Forcing sex on animals is not something unheard of – the law and medical profession are both well aware of it and have reflected on it deeply. There is a lot of historical context for it too. However the historic context in the Indian society or a comparison with other countries where this activity of deemed legal or illegal is not the content of this analysis.

We examine more limited points –

1. Does abuse happen?
2. How much does it happen?
3. How is it seen in law?



Illustration 1: Blacky found in a Mumbai slum with multiple metal objects inserted into her private parts. Blacky after her rescue by Save Our Stray (SOS)

Of course there is the dimension of moral and physical depravity since the animal is in close proximity of humans that it otherwise trusts or is defenseless against. Most acts reported (in this article) are not just sexual they have a large element of brutalization of the animal involved.

Since no concrete study or data was available we decided to crowd-source the information of instances of abuse. Information was gathered through the request for data and form available on the VoSD website ***“Crime against dogs: VoSD Crowd-sourced Study on Sexual Assaults on Indian Street Dogs”***. A total of 33 responses were received and verified. In addition news reports were searched for the rarity/frequency of such reporting.

“3-4 sexually abused dogs come to our notice every year”

**- Shirley Menon,
Founder - Save Our
Strays (SoS), Mumbai**

While sexual offenses are themselves grossly under reported in India, the reporting of sexual offenses against animals is even less common. It can be easily seen that the incidents that do get reported are a fraction of the total such incidents that are observed by persons, and that in itself will be a small fraction of the cases actually occurring because the actual offense happens in relative privacy and unobserved by a passerby.

The best indicators of prevalence of abuse of dogs comes from those who work towards rescuing dogs and have 1st hand experience with dogs being abused. In this respect the testimonies of Shirley Menon & Rinky Karmakar in Mumbai and Amritika Phool & Smitha Joshi in Delhi are key pointers, both for cause of the repeated abuse they’ve seen and because they rescue stray

dogs.

Shirley Menon, Founder - Save Our Strays in Mumbai in her interview, says “3-4 sexually abused dogs a year come to our notice”. She narrates a series of incidents:

- “We have a particular spot in Andheri West from where we get repeat complaints. It is a spot where junkies hang out and even the police stay away from there. We had sent a few cops there one night when a late night feeder witnessed a man sexually abusing a dog and called me. The cops reached there, stopped the commotion, (a lady and her young daughter got into a fight with the junkies and were cornered by them) shouted at the lady and told her never to feed on the streets at that late hour, that too with a young 18 year old daughter. I wanted to file a complaint, but the lady backed out.”
- “Another was a complaint from Andheri East, exactly a year back. A man in the locality was repeatedly sexually assaulting a dog and the locals there complained. We rescued the dog which was in a very pathetic condition, and she subsequently died a week later. The locals did not come forward to assist in a police complaint, and this story died a natural death.”
- “5 years back I had rescued a fully torn up dog, brutally raped and flung out of a car in Andheri West. This dog died in 24 hours later and the perpetrator was never traced.”



**Illustration 2: Blacky found in a Mumbai slum with multiple metal object inserted into her private parts.
Blacky after her rescue by Save Our Stray (SOS)**

Statistical Modeling for stray dog bestiality based on female rape

There is little or no data available for rape against dogs. So we're attempting to create a model around the figures known for crime against women to see if the crime is commonplace or a rarity.



The prevalence of rape against women in India:

- Adjusted for population growth over time, the annual rape rate in India is at 2.0 per 100,000 people over 2008-2012 period. According to National Crime Records Bureau of India, 24,923 rape cases were reported across India in 2012, while the 5 year average over 2007-2011 was 22,000 rapes a year. ^[4]
- Among major cities, Delhi reported the highest number of rapes in 2012, followed by Mumbai. ^[4]

Unreported rape against women in India :

- 54% of rape crimes are unreported In India Madiha Kark estimates ^[4]
- 90% of rapes go unreported in India n India: Mihir Srivastava estimates ^[4]
- Few states in India have tried to estimate or survey unreported cases sexual assault. The Government of Odisha estimates 60% of sexual assaults go unreported in its state. ^[4]

The spread of unreported cases can therefore easily be taken to be between 50% - 90%

Unreported rape against women in US & UK:

- In the United States, official estimates claim between 65% to 73% of rape cases go unreported every year. ^[4]
- In the UK, A University of Surrey study estimates 70% to 90% of rapes go unreported in the United Kingdom ^[4]

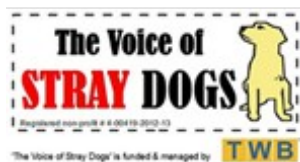
Unreported rape against women worldwide:

- Worldwide a UN study of 57 countries estimates 89% of sexual assault cases worldwide are unreported. ^[4]

The rape rate in India (per 100,000) people

It may be safe to assume that the spread in India of total unreported rape case would be between 50% to 90% and that is in line with the world trend as well. Therefore the real rape rate in India would be

- At 50% [unreported] would be 4.0 per 100,000 people
- At 90% [unreported] would be 20.0 per 100,000 people
- This compares to 8.1 rapes per 100,000 people in Western Europe, 14.7 per 100,000 in Latin America, 40.2 per 100,000 in Southern African region and 28.6 in the United States



Connection between abuse of animals & abuse of women

There is a clear correlation as seen in these studies

- Within the US criminal justice settings individuals convicted of sexual offences involving animals were found to be the most deviant and indiscriminate of sex offenders ^[5]
- These individuals demonstrated the greatest degree of “cross-over” among sexual offenders, e.g. having committed a sexual offense with one particular target group they reported other illegal sexual activities/interests extending beyond the index offense. Cross-over is identified when an individual moves from a specific pattern of offending into other areas: for example, from abuse within the family to abuse outside of the family; from abuse of children to abuse of adults; from non-contact offenses to contact offenses; and when individuals demonstrate other sexual behaviors that are distinctly different from their index offense, including for example, fetish behaviors, sadomasochism or sexual activity with animals. Abel strongly advises that professionals should be mindful of the potential level of dangerousness in individuals convicted of zoophilic offenses ^[6]
- While true clinical zoophilia (or preferential bestiality) likely to be quite rare ^[7] the US research of 1948 reported a 8% sexual contact with animals. ^{[8] [8a]}
- Like in the case of rape against women and children, most people had been involved in a planning process prior to abusing the animals. Many targeted certain animals and created the opportunity to offend just as they had done separately with human victims. ^[9]

Creating a broad estimate for dog abuse

While little or no data is available a closed limit to number of dogs and no of reported cases is, as is the number of abuse cases against women. If these numbers converge even partially it should show that abuse of dogs is indeed not uncommon.

Please note that this is only a very high level of modeling and does not have primary statistical data gathered from the field as there are no primary respondents. Also does not have data points from across India. Nevertheless it is possible to create a broad envelope of such crime based on the fact that broad statistical outliers will cancel each other.

Dogs in Mumbai (statistical estimate)	SOS impact area @ 10% of Mumbai	SOS impact area @ 20% of Mumbai	SOS impact area @ 25% of Mumbai	SOS impact area @ 30% of Mumbai	Reported Rape Rate @ 3 reported cases	Reported Rape Rate @ 3 reported cases	Reported Rape Rate @ 3 reported cases	Reported Rape Rate @ 3 reported cases
500000	50000	100000	125000	150000	6.0	3.0	2.4	2.0
400000	40000	80000	100000	120000	7.5	3.8	3.0	2.5
300000	30000	60000	75000	90000	10.0	5.0	4.0	3.3
200000	20000	40000	50000	60000	15.0	7.5	6.0	5.0
Heat map >	The impact area may be estimated at 50,000 – 100,000 dogs				Reported Rape Rate could be 4-6 dogs/ 100,000 dogs			

In this model the following ranges are created/ made (based on knowledge/ empirical evidence)

- The population of dogs in Mumbai is in a range of 200,000 to 500,000 dogs. This is based in some markers including a population of dogs in Bangalore ascertained to be ~ 300,000 – 350,000 and where density is considered high.

- The area that SOS impacts or operates in given in a range of between 10% - 30% of this population to determine the likely range of dog population which is the sample on which reporting is happening
- It can be determined that the highest confidence is for range of dogs being reported on as between 50,000 and 100,000
- At 3-4 dogs being reported per year, the highest confidence of reported rape rate is for the interval 4-6 per 100,000 dogs
- Compensating for under-reporting even in the human under reporting range (which is truly pessimistic since the actual under-reporting could easily be 10x) this is:
 - At 50% under-reporting the Dog Rape Rate would be = 8 – 12 per 100,000 dogs
 - At 75% under-reporting the Dog Rape Rate would be = 12 – 16 per 100,000 dogs
 - At 90% under-reporting the Dog Rape Rate would be = 30 – 40 per 100,000 dogs

It can be concluded that dog rape rate would be in the same range as the human rape rate (of 20 per 100,000) in India!***

percentage of human female population

- Even at the very low end of the confidence ranges the Dog Rape Rate would be very similar or higher than to the human rape rate of 6-20 rapes per 100,000. ***Of course we need to remember that the distribution of males and females is roughly equal (the sex ratio) but the human to dog ratio in an urban city would be 50:1 i.e. the number of perpetrators of such crime would be much less - actually in reverse proportion of 1:50. However the percentage of dogs affected would be roughly the same as the

Sexual abuse of dogs (and other animals) quoted in the India press

Man rapes calf in Chennai

- City: Chennai
- Date: March 10, 2012
- Reported by Pratiksha Ramkumar, The Times of India on Apr 10, 2013
- A group of IT professionals saw a man abusing a calf in Kottivakkam. They reported the incident to Blue Cross which ensured that the man was arrested. The Neelankarai police filed a first information report (FIR) the same night and the accused was identified as Srinivasan, 26, from Tirunelveli, working in a petty shop in Kottivakkam. A case was registered under Section 377 of IPC. The Madras Veterinary College, which did a medical examination of the calf the next day, reported traces of human semen in the vulva of the calf. "Getting the medical report was important to make a strong case of bestiality," said Neelankarai sub-inspector Charles. "This medical examination report from the college reached the police only on October 28, after much pressure from the NGO." The calf is now being brought up at a 'goshala' in the city. The man is out on bail

52-year-old man rapes female dog in Pune

- City: Pune
- Date: November 27, 2013
- Reported by DNA news networks 27 November 2013
- Vishrambaug police arrested a 52 year old man for performing unnatural sex with a female dog, at his residence at Narayan Peth. The accused, Hanumant Datta Mane was reported by Sandeep Namdev Raut. Senior inspector Arjun Sakunde said, "Raut and his sister run a vendor stall at Mandai. While leaving the house at Raut Wada, he saw Mane dragging a white female dog inside his house. Out of curiosity, Raut peeped into Mane's rented room only to find the latter was in a disrobed state and engaging in the inhuman act. Disgusted, Raut informed other residents.

Mumbai taxi driver booked for 'raping' dog

- City: Mumbai
- Date: Aug 30, 2009
- Report: Kartikeya, Times News Network
- A man called Mahesh Kamat was arrested from Tardeo on August 30 and booked under section 377 of the Indian Penal Code (IPC). Mahesh Kamat pleaded that the PCA was not applicable to him as the dog he was charged of having intercourse with, was a "stray" and not a "pet dog". He also said that he had been falsely implicated in the case. The court turned down the plea since there was enough evidence against him and also since the act amounted to cruelty to animals.
- In the first case in India in which a crime against an animal is being treated on par with a crime against humans, the prosecution is going to tenuous lengths to prove the rape of a dog. They are collecting semen, going to laboratories to prove force (injury marks on the private parts of the animal and animal hair in the nails of the accused; marks on private parts), used in patently non-consensual sex.
- The stray dog in Tardeo, which was allegedly raped by a taxi driver, exhibits how the authorities are still unclear how to handle bestiality. Eyewitnesses and medical reports of the bitch and the accused are the only evidence on which the Tardeo police will have to base their case against rape accused Mahesh Kamath. The victim's testimony is crucial, but there is naturally no chance of recording the dog's statement. The police and law experts, who have never heard or represented such a case, say the case will be based on eyewitnesses who have seen the act. The other most important evidence will be the medical reports. The police have asked for medical expert Lt Col (Dr) J C Khanna, secretary of Society of Prevention Cruelty to Animals, to prove the crime.
- Anuradha Sawhney, head of PETA India: "He [the accused] needs to be taken to a psychiatrist. People who commit such a crime are mentally ill. They should be severely punished. Vikram Doctor, gay activist: "It's simply wrong because of the issue of consent. Animals can't give consent to what people do to them.



Illustration 3: The female dog allegedly raped by Mahesh Kamath in Mumbai

Man rapes cow in Indore

- Date - June 29, 2013
- Location - Indore
- Reported by - Times News Network
- A man in Aerodrome area was allegedly caught for beating and indulging in a sexual act with his neighbor's cow on Friday noon. The accused, 40-year-old Gulab Singh has been arrested in the case, said Aerodrome police station in charge Akhilesh Divedi. "The accused is a labourer in the area and was taken to the police station by the neighbours," Divedi told TOI. Divedi reported that he untied it and took the cow inside his house and tied the legs and snout before sexually assaulting the animal. Jaiswal said that the cops were initially hesitant to lodge a complaint but under pressure from the crowd, they eventually registered one under section 377 (sexual activity against the order of nature) of IPC. When asked whether the accused was inebriated, police said that prima facie the accused looked normal.

Men rape & killed a cow in Tamilnadu

- Express News Service
- Published: 22nd January 2014



- In a shocking incident of bestiality, a cow was raped and killed at a farm located in Valaiyapatti. The farmer, Alaguduai realised his cow was missing when he was approached by a villager for milk. He searched for the cow with his relatives and was shocked to find the animal dead with a blood clot in its rectum and two of its teats cut off. A post-mortem revealed that the cow was raped. Dr S V Sivaseelan, Associate Professor, Department of Pathology, Veterinary College explained that the cow's uterus and vagina were ruptured and its rectum had been removed from its intestinal cavity. Mohanur police registered an FIR under section 429 of the IPC. They also quizzed the laborers employed in the agro products firm. The police officers said the laborers denied having committed any such offense.

Four youth attempt to rape calf in Coimbatore

- Location - Coimbatore
- Date - September 13 2011
- Reported by - Express News Service
- Four young migrant workers from Orissa were on Sunday night arrested for allegedly trying to indulge in "unnatural sex" with a calf at Chettipalayam, a rural hamlet. The youth P Nisdhar (18), E Binoth (19), A David (20) and D Pedohar (22) were semi clad and in an inebriated condition when they were arrested, on a complaint from a farmer D Dhandapani. The complainant said that he had rushed out of his house on Perumal Kovil Street in Chettipalayam on hearing the cries of his one and a half year old calf. He found the calf bleeding from its tongue because the youth had beaten it and smashed its tongue in a bid to silence it.

Man Rapes injured cow in Tamilnadu

- Location - Tamil Nadu (Unspecified)
- Date - September 30, 2013
- Reported by - Vasudevan Sridharan
- Muthu, aged between 50 and 55, was seen raping the animal, which was lying injured on a railway track in southern India. The incident took place in the south Indian state of Tamil Nadu. The ghastly rape was seen by representatives of Blue Cross of India (BCI), an NGO working for animal welfare. The four-year old cow met with an accident and was lying unconscious alongside a railway track. Officials at the NGO received a complaint about the injured mammal and approached the scene. Dawn Williams of the BCI told **IBTimes UK**: "We were initially unsure of what the man was doing to the cow. When we went further and took a closer look, we realised this man was inserting his penis into cow's vagina. There was a bottle of coconut oil kept beside him, which he used as a lubricant." The cow was sent to medical examination and the veterinary hospital has confirmed the animal was raped. The animal has died in the hospital due to injuries caused in the accident.

Two men tie up cow, rape, stab it.

- Location - New Delhi
- Date - December 8 2004
- Reported by - Rohit for Indiatimes News Network

- In a bizarre incident that smacks of sheer desperation and sadism, two men in south Delhi's Tughlaqabad area allegedly raped a cow. The two also repeatedly stabbed the cow after the assault. The incident occurred at about 4 am, when the two accused, in inebriated state, were walking back home. The two reportedly tied the cow's legs to a tractor and also tied up its snout and after sexually assaulting the animal, stabbed it repeatedly. The owner, Amar Singh went to the police station, but he says the police were hesitant initially to lodge a complaint. It was only when there was a public backlash that they registered a complaint.

Eyewitness & First hand accounts on record

These are accounts of dogs found sexually abused with people on record for this study:

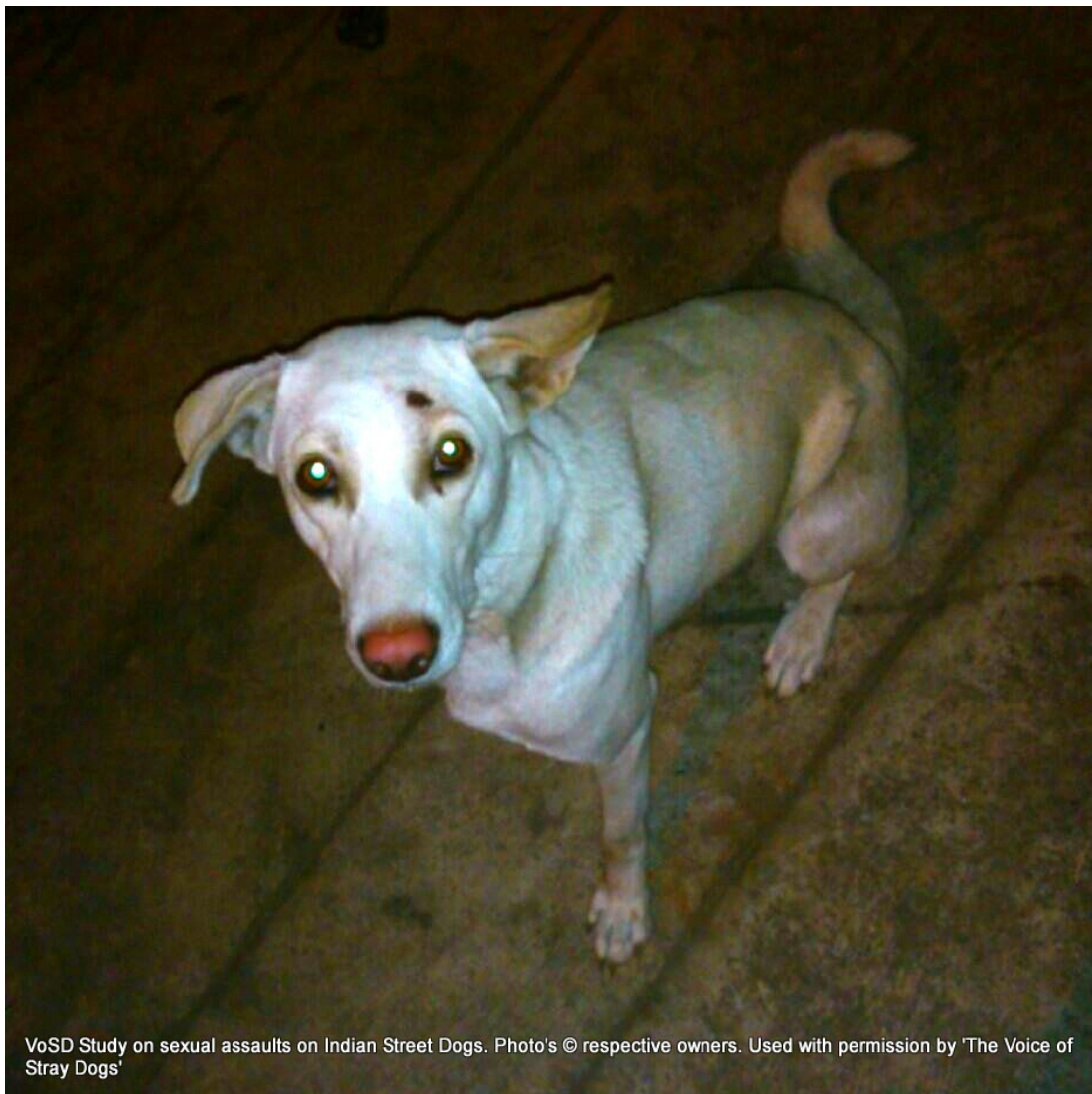


Illustration 4: Indian community dog probably* abused and found killed in Hyderabad (Slide 1, when dog was alive)



VoSD Study on sexual assaults on Indian Street Dogs. Photo's © respective owners. Used with permission by 'The Voice of Stray Dogs'

Illustration 5: Indian community dog probably* abused and found killed in Hyderabad (Slide 3, dog found dead with legs tied and massive bleeding from its private parts)

1. "My neighbor was informed by the security person of one gentleman who was suspected to indulge in sexual acts with strays, forcibly. Cries were often heard at late night which were ignored by neighbors as no one knew what was going on. One day however, he was caught by the neighbor trying to lure/catch a street dog who was cornered and yelping in fear. He was warned to stop else his wife would be told of what is going on" - Sarabshree Kaur, January 2013
2. "In March 2013 an ex-colleague found the body of her community dog in an appalling condition one morning. Hind legs were tied, she'd been probably abused and had died during the night some time in that condition" - Sarabshree Kaur, February 2014.
3. Siddharth Vishwanathan Iyer from Vasai Road (Thane district), says I know of such an assault from social/ traditional media but I have been on the crime scene and I have first hand knowledge of such an assault from January 2013. He describes "My grandfather died due to old age and I had travelled from Nagpur to Mumbai to attend the funeral. Right next to the cemetery was an ABC Center. I went in. There were about 15-20 dogs were locked in a small cage and the huge cage was filled with their urine and excreta. But there was a dog which was tied to a nearby pole and had its right eye swollen. I suspected had been attacked by the caretaker. I felt really sorry and asked the official present who replied in most arrogant and rudest possible manner, that the 'municipality had given them orders'. I couldn't rule out sexual assaults. It was sad and tragic and I felt helpless."



Illustration 6: Indian community dog probably* abused and found killed in Hyderabad (Slide 3, dog found dead with legs tied and massive bleeding from its private parts)

4. Arathi S Unni, Mumbai refers to what she has read locally but has no first hand knowledge “The first time I heard about such an incident was about 5 yrs back, where a female dog was raped by a sick pervert in one of the slums in Mumbai. The news became big because the slum dwellers decided to get animal activists involved. Had that not been the case, this incident might also have gone unnoticed and the dog would have suffered longer. In this case, I think there was a case against the rapist and I am hoping he got prosecuted for the same.”
5. Amritika Phool, an activist and rescuer of stray dogs based in New Delhi, has first hand knowledge of multiple sexual assaults on dogs. About an incident from Jan 2012, she describes “A drunk man grabbed hold of a female dog in the park in Kalkaji. He was spotted by passersby who threatened him. He left the dog and ran away leaving his scooter behind. With the help of the cops he was tracked down and the dog and he were both sent for a medical check up. An FIR was lodged in Kalkaji police station.”
6. Amritika Phool describes another incident of which she has first hand knowledge “A rag picker pulled a dog into the garbage dump and was sexually assaulting the dog. On hearing the screams an activist went to check and caught the culprit. The assaulter was a minor so no case was filed but he was sent to a rehabilitation home”

7. Mili Gandhi has a first hand account of an assault on a dog. She describes it as follows, "This happened a year ago in Mumbai near Chandan Cinema in Juhu, by an open storm water drain. My friend Chander feeds all the community dogs and looks after their medical treatment etc in Juhu. He heard one of the dogs crying in pain on his night round and ran towards the sound. Near the drain, he saw this man with his pants down copulating with a female dog that was tied up. His initial response was to free the dog. He then proceeded to physically beat up the individual before the slum people turned up and said that the guy is perpetually drunk and killing him or filing a complaint wouldn't make any difference."
8. Karthik Parthasarathy from Delhi, narrates the following incident: "An autorickshaw driver was raping a dog in an auto at around 2 am in Vasant Kunj, New Delhi. I shook the auto violently to disturb him as I couldn't clearly see inside. Thankfully, the dog escaped. After this, the driver argued that there was no option other than raping a dog to satisfy his sexual urge. I ran back 30 odd feet to pick up the colony guard's stick. In that time, he escaped. The cops happened to be on the night beat at that time and reached there. I recounted what happened. Another guy turned up from the direction in which the guy ran. I asked him if he saw anything. He looked at the cops and said no. Without a word, the cops just left saying something about me having wasted their time."



VoSD Study on sexual assaults on Indian Street Dogs. Photo's © respective owners. Photo used with permission by 'The Voice of Stray Dogs'

Illustration 7: Dog with his penis tied with cord at the Mahalakshmi Race Course. FIR lodged by PETA.

a horse trainer from Mahalaxmi Race Course Mumbai, PETA India learnt that a stray dog was found inside Mahalaxmi Race Course with a plastic bag on its penis. Following the same, Hon. Animal Welfare Officer Abhishek Raje who was working with PETA lodged a FIR with the Tardeo Police Station and the same was received by Tardeo Police Station's Sub-Inspector, Mr. Chandugade. A monetary cash prize was announced for any information on the culprit who tortured the dog. But no information came to light and no arrest was made."

9. Rinky Karmakar, from Save Our Strays, wrote about a dog named Blacky: "Blacky was rescued from Bimbisar nagar, Goreagoan East. What happened to her is really shocking. She was sexually abused & tortured by an old man from the same locality. She was examined by a vet who took an x-ray to find out what and how many metal objects have been inserted into her and and to retrieve them. The man still stays in the same locality. Blacky, a victim of Human Sexual Abuse has been shifted to a private kennel."
10. Smita Joshi, who has been running an NGO in Delhi for stray dogs for 15 years, says: "There have been cases where objects were inserted into the female dog who was then left helpless and in extreme pain until some kind person alerted some NGO or animal activist to provide help to the animal. I have heard and seen these cases across metros and in small towns. It is a known fact that anyone who abuses animals is a sociopath and is likely to be attacking children and women as well. It is high time that the police and the administration woke up to this crime and took it seriously. These incidents are very common."

11. PETA India has a documented incident of assault against an animal that amounts to torture. Excerpts: "Following a complaint from

Bestiality in Indian law and why IPC 377 still stands

Section 377 mentions bestiality and its punishment, its also referred to in the grounds of divorce

- Section 377 was introduced by Lord Macaulay in 1860 as a part of the Indian Penal Code. A plain reading of the section makes it clear that it punishes 'carnal intercourse against the order of nature' with either imprisonment of 10 years or life imprisonment and fine. The provision reads, "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."
- Additional Grounds for Divorce for wife: Under s. 13(2)(ii) of the Act a wife is entitled to petition for divorce on the ground of rape, sodomy or bestiality committed on her by the husband.

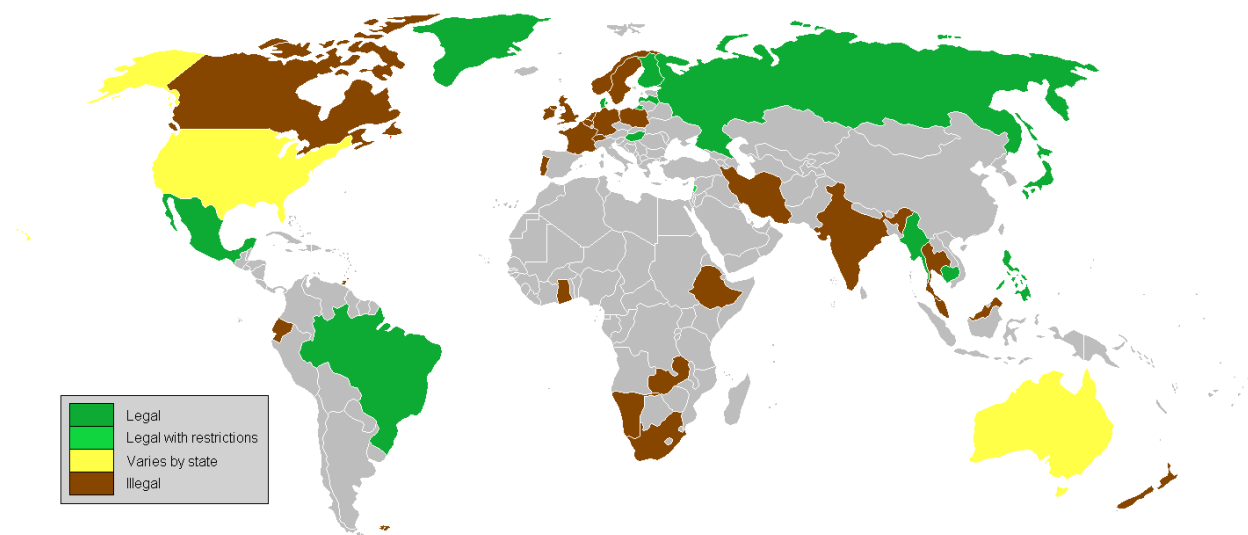


Illustration 8: Legality of bestiality across the world - legal, illegal, varies by state, legal in some circumstances

Delhi High Court on IPC 377

A discussion on Delhi High Court ruling on IPC 377 is pertinent since it impacted bestiality as well. In its judgment (WP(C) No.7455/2001 on JULY 2, 2009 the Delhi High Court had ordered that:

"We declare that Section 377 IPC, insofar it criminalizes consensual sexual acts of adults in private, is violative of Articles 21, 14 and 15 of the Constitution. The provisions of Section 377 IPC will continue to govern non-consensual penile non-vaginal sex and penile non-vaginal sex involving minors. By 'adult' we mean everyone who is 18 years of age and above. A person below 18 would be presumed not to be able to consent to a sexual act. This clarification will hold till, of course, Parliament chooses to amend the law to effectuate the recommendation of the Law Commission of India in its 172nd Report which we believe removes a great deal of confusion."

Obviously the prescription of Delhi High Court did not cover the case of sex with animals. The parliament did subsequently amend (Criminal Law Amendment Act 2013) the Rape Law (in light of Law Commission Report as also Justice JS Verma Committee Report after Nirbhaya Case) but chose not to touch Section 377 IPC.



Supreme Court of India on IPC 377

^[10] The issue of Criminality associated with the Carnal Intercourse came up after the decision of Supreme Court of India (CIVIL APPEAL NO.10972 OF 2013) in Naz Foundation Case. Earlier in Delhi High Court, Naz Foundation claimed that the existence of Section 377 prevented the LGBT (Lesbian, Gay, bisexual and Transgender) community in coming out in open about their sexual orientations and this affected their work of HIV/AIDS prevention efforts. Thus they carved out a case under the scheme of Public Interest Litigation. It wanted the Section 377 IPC to be struck down on the issue of Constitutionality. The Supreme Court held that:

1. Constitutionality of Section 377 IPC was well established. Once the constitutionality was established, the need for continued labeling of a particular activity as an offense was to be revisited by legislature only.
2. Courts cannot carve out a meaning of the words which the legislature never intended.
3. Every time this Section was earlier tested it was a case where there was no valid consent or the act was forced on the victim.

Presence or absence of consent is important element of the offense of Rape. The issue of valid consent is therefore covered in detail under the definition of Rape. On the other hand the Section 377 IPC is not concerned with Consent. Act per-se is punishable, consent or no consent. As regards animals are concerned we may broadly presume that question of consent does not arise. Firstly because it is very difficult to assess if they have consented. Secondly the Human beings in any case carry out their plans of killing them for food, maiming and poisoning them for laboratory experiments, confining them and keeping them hungry to train them for specific tasks and even making them mate as per their requirements. We don't ask their wish. So even if we wish to keep out consenting Adults out of the mischief of section 377 IPC, the issue of consent is immaterial in case of Carnal Intercourse with Animals.

"The court can resort to reading down a law in order to save it from being rendered unconstitutional. But while doing so, it cannot change the essence of the law and create a new law which in its opinion is more desirable..."

"After the adoption of the IPC in 1950, around 30 amendments have been made to the statute, the most recent being in 2013 which specifically deals with sexual offences, a category to which Section 377 IPC belongs. The 172nd Law Commission Report specifically recommended deletion of that section and the issue has repeatedly come up for debate. However, the Legislature has chosen not to amend the law or revisit it. This shows that Parliament, which is undisputedly the representative body of the people of India, has not thought it proper to delete the provision. Such a conclusion is further strengthened by the fact that despite the decision of the Union of India to not challenge in appeal the order of the Delhi High Court, the Parliament has not made any amendment in the law."

Challenges in Amendment of Section 377 IPC

The 172nd Law Commission recommended deletion of Section 377 IPC, not because they found the provisions unconstitutional or unnecessary. They suggested inclusion of major portions of this section in their new definition of Rape which they renamed as Sexual Assault. They made the offense of sexual assault Gender neutral and included Carnal intercourse among humans within the definition of Sexual Assault. The Carnal intercourse with animal did not find place in their elaborate definition of sexual assault.

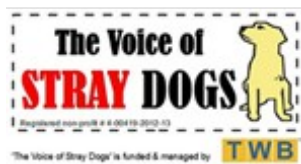
Now the issue before the Law-makers is two-fold^[10]



1. Take a call on various permutations and combinations possible for replacing the words, " against the order of nature", as with passage of time they no longer convey legally sound reasoning for prohibiting the act of carnal intercourse.
2. In support of this cause it is argued that such orientation is inherent at Birth itself and is immutable. On the other hand if this ground is conceded, the chances are that another class the so-called Zoophile will lay their claim to the decriminalization of the act of Bestiality which also is covered by Section 377 IPC. This class of persons, it is claimed are born with inherent inclination to have sex with animals in preference to human beings. Do we leave the matter as suggested by the 172nd Report of Law Commission".

In case we agree with the ruling given in the Naz Foundation case by Delhi High Court, then the best course would be to reformulate the Section 377 so that it takes out the act of Sodomy between two consenting Adults but retains the criminality for other act of Carnal intercourse including Bestiality. It would not be proper to leave the matter of crime of bestiality, unattended as opined by the 172nd Report of Law Commission of India.^[10]

Because we must ask this question of ourselves are we ready for a scenario where the acts of Carnal Intercourse with animals are committed with impunity, may be even in public, because while deleting Section 377 from the Statute book, we have forgotten to retain the punishment for Bestiality? This has already exactly happened in few countries while deleting the offense of Sodomy or Unnatural Offence and in most of them, the criminality was quickly restored with respect to the offense of Bestiality. ^[10]



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