

BESTIALITY: A PRACTICE OR A BEHAVIOURAL PROBLEM?

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ABSTRACT

Bestiality is a word so simple but complex in its concept. The term Bestiality is closely linked with animal abuse or animal cruelty. For decades animals have been brutally abused and mistreated. And among such abuses, Bestiality is one such kind of animal abuse. The term bestiality means carnal intercourse with humans and animals. In most cases, Bestiality is often mistaken as Zoophilia, which is popular among the masses. Zoophilia and Bestiality are words that are assumed to be synonymous with each other and are often used in a simultaneous manner. In order to understand bestiality, it is crucial to know the distinction between the former and the latter word. The term 'Zoophilia' means the feeling of sexual attraction towards animals. On the other hand, 'Bestiality' implies the act of sexual intercourse with an animal. In recent times there has been a trend in the sexual assault of animals. This article thus emphasizes the recent trend and enshrines the practice of bestiality, not only in India but also in other parts of the world; the negative aspects of it, and as a social issue. This article also sheds light on how the people of Indian society perceive it, whether in a positive or in negative manner.

INTRODUCTION

Bestiality is considered a crime in several countries while some places exclude it. The definition of Bestiality as per the Oxford Dictionary is Anal or vaginal intercourse by a man or a woman with an animal. In India, the act of Bestiality is punishable under section 377 of the Indian Penal Code, 1860. Bestiality as per societal norms is certainly considered unethical and is loathed by people. It falls under Sexual assault, rather it can be termed Animal Rape. Bestiality is against the order of nature and a form of perversity. many times Zoophilia is misunderstood as Bestiality. Zoophilia is the sexual feeling or attraction towards animals. And Bestiality is basically the act of having sexual intercourse with an animal. Therefore, one includes attraction whereas the other includes the act.

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Persons who are most likely to commit Bestiality:

- Persons who have suffered childhood abuse;
- Persons who have limited access to human partners;
- Mostly persons with a substance abuse disorder;
- Persons having cruelty toward animals;
- Teenagers Engaged in Bestiality Porn;
- Emotionally disturbed persons.

As per an Article published by the ¹Indian Journal of Community Medicine, people who have low educational levels and low emotional attachment are often engaged in sexually deviant behaviour.

ANIMALS PRONE TO SEXUAL ASSAULT

Cow: Farm animals like Cows and buffaloes are susceptible to sexual assaults and rape. One such incident occurred a few days back in ²Mahadevpura, where a man named Kishan, who hails from Jharkhand, was alleged to have raped a cow of his employer on 24th April 2022. He is detained by the police for investigation. In another case, ³a cow was raped by a 50-year-old drunk man, Sravan Vyas of Betul district, was charged with Section 377 of the IPC

Dogs: As per Dr. Hani Miletski, a sex therapist and writer, dogs are Domestic in Nature and are more prone to Bestiality. Most of the cases reported on Bestiality contains sexual assault levied on these innocent beings. A ⁴67-year-old was arrested for having raped a Female dog after luring him inside his house in Gurugram in India. **Horses:**

Horses are docile animals and primitive victims of sexual assault, and bestiality. Surveys have published that men are attracted to horses, resulting in intercourse with poor creatures.

¹Sujata Satapathy, Rajanikanta Swain, Vidhi Pandey, and Chittaranjan Behera 'An Adolescent with Bestiality Behaviour: Psychological Evaluation and Community Health Concerns' (2016) National Library of Medicine <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4746949/>>

² Man Held for Raping Cow
The Hindu (26 April 2022)

³ Drunk man rapes cow in Betul
The Times of India (29 March 2016)

⁴ Jha B, '67-Year-Old Man Held in Gurugram's Sohna for Bestiality'
The Times Of India (2 October 2021)

In a case in ⁵Louisiana, US, a teenager of 17 years was arrested for having intercourse with a horse.

Animals prone to bestiality other than the above-mentioned animals are given below

- goats,
- sheep,
- lizards,
- and snakes.

Recently in 2022, ⁶4 men gang-raped a Bengal monitor Lizard at Sahydari Tiger Reserve in Maharashtra. In Hosdurg a 37-year-old man was arrested for sexually assaulting and killing a pregnant goat at Kanhangad, a town in Kerala. In another case, ⁷a pregnant goat was gang raped and killed by 8 men in Haryana in 2018.

⁸Miletski has created a chart that showcases the percentage of men involved in the act of Bestiality:

ANIMALS	PERCENTAGE %
MALE DOGS	90%
FEMALE DOGS	72%
MALE HORSE	54%
FEMALE HORSE	52%

⁵ Police Arrest Juvenile in Horse Bestiality Case; Alleged Crime Caught on Tape ‘
WAFB (27 April 2006)

⁶ ‘Bengal monitor lizard allegedly gang-raped in Maharashtra forest; four held
A video of the alleged gang-rape also found in one of the accused’s phone’
The Hindu (14 April 2022)

⁷ Pregnant Goat Dies After Being Gangraped by 8 Men in Haryana
The Quint (30 July 2018)

⁸ Hani Miletski, *Bestiality and Zoophilia; Sexual Relations with Animals* (Anthony L. Podberscek, Andrea Beetz, Bloomsbury Publishing, 2005)

MALE CATTLE	18%
FEMALE CATTLE	40%

⁹The following table shows the sexual practices humans perform during bestiality:

Sexual Activity	Male	Female
Masturbating with Animal	38%	64%
Dog		
Horse		
Receiving Oral sex with	14%	23%
Dog		
Horse		
Performing oral sex	34%	42%
Dog		
Horse		

EFFECTS OF BESTIALITY ON ANIMALS

The animals are heavily affected due to bestiality. The effects on animals due to sexual assault and cruelty result in the following-

Emotional damage - Physical injury is not the only effect of animal assault and cruelty, it can result in emotional problems among the animals.

⁹ Hani Miletski, *Bestiality and Zoophilia; Sexual Relations with Animals* (Anthony L. Podberscek, Andrea Beetz, Bloomsbury Publishing, 2005)

Death - Death of the animal can take place while performing sexual intercourse with animals.

Physical Pain - sexual acts with animals like goats and sheep might give pleasure to men but it can cause physical pain or injury to the animals. Not only are persons having sexual relations with animals also prone to diseases. People who have sexual relations with animals are most likely to resort to causing child abuse.

STATUS OF BESTIALITY AROUND THE WORLD

USA: A survey conducted in 2014 reported that in 31 States of the US, bestiality was prohibited by the legal Statutes. 16 States criminalized the behaviour as a felony and the other 15 states condemned it on the ground of a misdemeanour. But at present all the States except New Mexico and West Virginia, have criminalised Bestiality. Out of the 51 states, 23 States impose a misdemeanor, 25 impose a felony and some other states impose a felony enhancement with special sexual acts.

Denmark: Till 2015 Bestiality in Denmark was legal as long as the animal was uninjured. The law on Bestiality changed after a Law was passed on April 2015, rendering bestiality a criminal offence. Penalising bestiality affected animal sex tourism in Denmark. Tourists flocked to Denmark to have sexual relations with animals, but after the enactment of the law criminalising Bestiality, animal sex tourism had a downfall.

Australia: In Australia, Bestiality is banned and considered Illegal. In this Country not only the act of Bestiality is illegal but also possessing and sharing of video containing acts of bestiality or animal assault is illicit.

Canada: The act of bestiality was considered illegal in Canada if the act consisted of penetration. The law had several loopholes that helped the accused escape criminal liability. Until a law was passed in 2019, rendering sexual acts with animals without penetration illegal.

Saudi Arabia: Most Arab Countries loathe bestiality and consider it as Zila under Muslim Law. Saudi Arabia being an Arab country is no different. Bestiality is also illegal in Saudi Arabia.

Germany: Bestiality is unlawful in Germany since 2013. A legal bid was made to decriminalize bestiality in 2016 but after the Court passed a ruling in 2016 rendering the act

still illegal. Before 2013 Bestiality was legal in Germany since 1969, except when the animal suffered significant harm.

PLACES WHERE BESTIALITY IS LEGAL

There are certain countries and states where the act of bestiality is considered legal and not against nature. The countries and states are mentioned below-

New Mexico: New Mexico is one such state in the USA where Bestiality is still legal. The act of bestiality is still prevalent in this state.

Colombia: Colombia a country in South America is infamous for men having sex with donkeys. Colombia is another country where bestiality is legal.

Hungary: Hungary is one such country where bestiality is legal. Hungary falls among some European nations in which sexual intercourse with animals remains legal.

Italy: In Italy, there is no such law on Bestiality. Thus, this country also falls under European countries where bestiality is legal.

Slovakia: Slovakia is another country where having sexual relations with animals is legal.

LEGAL STATUS OF BESTIALITY IN INDIA

Bestiality in India is illegal under Section 377 of the Indian Penal Code, 1860. Animals are heavily affected due to bestiality. Though they do not have minds of their own, they are still considered a person as per law, and as they cannot give consent, sexual act against them is termed rape or Bestiality.

Section 377 of the IPC, 1860 states –¹⁰‘Unnatural offences.—whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with ¹[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.’ Even though Section 377 has been outlawed in the case of homosexuality, but is still valid for sodomy, bestiality, and child abuse.

¹⁰ Indian Penal Code 1860, s 377

Bestiality is punishable under section 377, if the act fulfills certain ingredients. Under sec 377, Bestiality is a cognizable and non-bailable offence as it is of serious nature.

INGREDIENTS OF SECTION 377

For an act to be punishable under section 377 it requires the fulfillment of the following ingredients:

- The act must be against the order of nature
- The accused must have carnal intercourse with a man, woman, or animal
- The act must be done voluntarily
- There must be proof of penetration

The Supreme Court has defined the term carnal intercourse which is one of the ingredients of section 377, which in term deals with Bestiality. As per SC, carnal intercourse includes penetration. Here penetration can be oral, anal sex, penetration into artificial orifices like folded palms, or between thighs. Section 377 is levied in order to protect the animals from abuse. Bestiality is also a ground for Divorce. As per the Family law in India, a wife can file for divorce if the husband has committed the act of bestiality. Bestiality is a punishable offence. A person who has committed the act shall be punished with imprisonment of life or imprisonment for a term that may extend to 10 years along with a fine. The number of cases of Bestiality has increased in the past few years.

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CASE REFERENCES

Some of the Cases of Bestiality are mentioned below-

¹¹In 2021, a 67-year-old vegetable vendor Ahmad Shah was arrested in Mumbai's Juhu area for sexually abusing a dog. An NGO volunteer caught the senior citizen raping a stray dog and also submitted a video of the shocking incident to the police. Reportedly, the police suspected that the man had raped over 30 dogs over a long period of time. Moreover, the accused claimed that since he fed the animals and the animals "did not object," his act wasn't a crime.

In another horrid case of 2018 in Kolkata, a man was arrested for raping a street dog inside his house, few men saw the drunk men luring him inside his residential home and after

¹¹Senior citizen arrested for rape of street dog *The Indian Express*(11 March 2021)

following him, thereafter they caught the men raping the dog with the poor animal's mouth being tied with rope.

AFTERMATH OF BESTIALITY:

The following are the side effects of bestiality - A person committing bestiality is prone to zoonotic disease. A zoonotic disease is found in animals which are easily transmitted through sexual intercourse. There are more than 200 kinds or classes of zoonoses that can be identified and are caused due to various factors like viruses, fungi, parasites, and bacteria.

Some of the deadliest zoonoses caused due to bestiality are mentioned below-

¹²Leptospirosis- Leptospirosis is a type of zoonose that is transmitted while having contact with the private parts of sheep, pigs, dogs, and goats. In 10% of cases, people affected with Leptospirosis are likely to die.

Rabies- Rabies is a known disease among men. Rabies is one of the deadliest diseases among zoonose, found in the saliva of animals like horses, cats, and dogs. It affects the central nervous system.

Echinococcosis- zoonose found in the excretions of animals like sheep, dogs, and horses. They can cause cysts in the lungs, liver, spleen, heart, kidney and etc. Not only that having sex with animals can cause cancer in the penis and Vagina, but it can also result in severe damage in private parts if there is continuous sexual intercourse with animals, which can also cause death.

PERSPECTIVE OF SOCIETY ON BESTIALITY

Our society is among the societies where sex education is taboo. People are afraid to talk about sex. They are unaware of menstruation, bodily changes during puberty, healthy sex practice, teenage pregnancy, and diseases that can be transmitted due to unprotected sex. Similarly, the topic of bestiality is also a taboo and a much avoidable subject among the masses. Bestiality is detested by most people in Indian society. Though Bestiality is mentioned in certain ancient Indian scriptures and showcased in sculptures engraved on the walls of some temples. Yet, many people are afraid to talk about it and have the slightest

¹² Health Effects of Sexual Intercourse With Animals ‘ (Public Health, Nigeria, 1 August, 2019)
<www.publichealth.com.ng/health-effects-of-sexual-intercourse-with-animals> accessed 11 May,2023

knowledge of laws pertaining to this detestable topic. As people are afraid of speaking on this topic, children are unable to develop themselves and most of the time commit these acts out of sheer curiosity.

CONCLUSION

Bestiality is a social as well as a legal issue that is harming animals. Bestiality is a crime that can only be curbed through awareness, knowledge, and through campaigning. This article is also to make the readers fully aware of the facts of bestiality, its ingredients, punishment levied upon the convicts, and the harmfulness of the act of having sexual intercourse with animals so that more and more people understand that the topic is not a taboo and brief their upcoming generations on the negatives of Bestiality.

Though the law in India is strict regarding bestiality, still this heinous crime has taken a toll and is increasing at an alarming rate. Causing the poor, helpless animal to suffer, and in some cases causing their untimely death. The Prevention of Cruelty to Animals Act, of 1960, The Wildlife Protection Act, 1972 are some statutory laws that oversee the rights and welfare of animals. But still, they are unable to curb the rising crime of bestiality. In order to restrain the rise in bestiality the laws must be made stricter. The stereotypical concept of animals as property must change among people, they must be made to acknowledge that animals are also legal persons and have rights of their own.

Bestiality is a psychological concept and should be dealt with similarly. Persons liable must be punished and also should be given psychological therapies. The government should increase resources for reporting animal cruelty and should provide support and care to the animals who were victims of such brutality. Overall, it may be said that 'Bestiality' is a social and moral stigma, and requires more attention in order to curb the problem.