



Bestiality in India: Sexual Violence Against Animals and the Emerging Legal Vacuum

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Abstract. Bestiality is a sexual act between human and an animal. It is an immoral and illegal act. The legality of this act lies on the basis of consent as animals are incapable of giving consent. Bestiality in many countries is a punishable offence. India also considers it an illegal and criminal act. Earlier in Indian Penal Code this act was punishable under section 377 with 10 years imprisonment, but after the Bhartiya Nyaya Sanchita 2023 was introduced, this provision was repealed. The reason for the exclusion of this provision was decriminalization of homosexuality after the landmark judgement of Supreme Court in Navtej Singh Johar v. Union of India. However, the Supreme Court clarified Section 377 of Indian penal Code would remain in force for other offences and also for non-consensual homosexuality. Despite this the framers of this new law did not consider the sensitivity of this section and repealed it completely which has created a legal vacuum in the Criminal Justice system. Now the cases of bestiality are getting registered under Prevention of Cruelty to Animals (PCA) Act, 1960 which also did not specifically cover sexual act or bestiality in its ambit. This legal vacuum has created the big necessity to have a specialized law for the offence of Bestiality

Keywords: Bestiality, Repeal of Section 377, Legal Vacuum

1 Introduction

Consent plays an important role in any action. Many laws in India like Law of Contract, Law of Crimes, personal laws etc. have defined and mentioned the importance of consent in legal field. This consent has a pivotal role even in sexual offences. A sexual act without the actual consent turns into the offence of rape. This sexual offence is not limited to the Human beings only. In fact, animals are also not outside the ambit of this brutality. The sexual act of a human being with an animal is called Bestiality. Bestiality refers to sexual acts between a human being and an animal as animals cannot legally consent to, making such conduct a form of sexual violence and animal cruelty. It raises complex legal, ethical, and animal-welfare concerns across jurisdictions globally. In India we have this law deeply rooted from the colonial law, but now we are lacking in it. Now we are having a legal vacuum where no law specifically mentioned about the

act of bestiality. It was defined as sexual intercourse as “against the order of nature” was criminalised, and this included sexual acts with animals under the previous law. This gap came after the major amendments in laws. The repeal of unnatural lust in the name of decriminalization of homosexuality has created this blunder. Section 377 of IPC was wrongly interpreted as if only deals with homosexuality. The section had the scope to include any form of unnatural sexual act including bestiality. But at the time of drafting new laws the essence of this section was completely ignored and it was considered only for homosexuality.

However, the Supreme Court of India in *Navtej Singh Johar v. Union of India* [1] made a clarification that Section 377 of Indian penal Code would remain in force for other offences and also for non-consensual homosexuality. It also includes the consensual homosexuality with children. The court has greatly emphasized on consensual act in this case. Now if we relate it to section 377 of IPC, of which bestiality is a subject matter, we can very well decode that animals are incapable of giving consent. Thus, an act of bestiality is inherently included under section 377.

Thus, pre-2024, bestiality was prosecutable under Section 377 as an “unnatural offence.” Later in July 2024, India replaced the IPC with the *Bharatiya Nyaya Sanhita* (BNS). However, the BNS does not contain any specific provision on sexual violence against animals. The explicit criminalization of bestiality disappeared with the repeal of Section 377, creating a legal vacuum. Now the situation is Bestiality is persisting in society and an appropriate action of unnatural offence do not exist in society. This is a challenge to the legal system of how to deal with this situation.

2 Meaning and definitions of bestiality

Bestiality is referred to a sexual act between the human being and an animal. It is an immoral act which is against the norms of the society. This act is not only immoral but also Criminal in nature. It is placed in the category of cruelty and abuse because the act is done without the consent of a species, which is incapable of giving consent. The consent under this act can be related well with the consent of child. In almost all the laws of India and also globally, the consent of child is considered to be no consent. A child is not capable of giving consent, where it is about a contract or a sexual act. A child is called under seven years of age is called *doli incapax*, which means child is incapable of giving consent. That is why the penal laws do not consider consent specially in case of rape. If a man commits sexual intercourse with a child even with his/her consent, the consent here will be immaterial, and offender would be punished for the offence of rape. Similarly, animals are also not capable of giving consent thus any sexual act against them is an offence.

Bestiality is also refereed as Zoophilia or zoosexuality. The term was coined by a German Psychiatrist Richard Freiherr von Krafft-Ebing in 1886. He is popularly known as Krafft-Ebing. He introduced this term in his Research work ‘*Psychopathia Sexualis*’ [2]. In his book he mentioned the act of zoophilia is sexual attraction towards animal’s skin or fur. The term zoophilia is derived from Greek. It is the combination of two

words ‘zoion means animal and philia means love. In general term zoophilia is referred to sexual activity between animal and human [3].

Later in 1962 the term zoosexual was introduced by Hani Miletski who was a sexologist in Maryland. She considered zoosexual as a valid neutral term. From her perspectives it is a better term as it clearly mentions the sexual act between an animal and a human [4].

Even after this, some researchers in the field of zoophiles were not satisfied with the terms like zoophilia and zoosexual and introduced a new term ‘Bestiality’. The reason for this new terminology was- zoophilia describes the desire to have sexual relationship with animal and Bestiality describes the sexual act with animal. Presently all three terms are used as synonyms for sexual act between human and animals [5]. Under the legal terminology, we have taken Bestiality to define sexual act with human and animals. followings are some definitions of Bestiality given under different legal system:

Merriam Dictionary defines- bestiality as sexual relations between a human being and an animal [6]. Criminal Code of Canada defines- bestiality means any contact, for a sexual purpose, with an animal [7]

3 Historical Background

Bestiality is not a new concept rather it is evidently visible in prehistoric era. The European rock art has depictions of bestiality. There are number of evidences available which given the proof of bestiality in the history. Several cave painting in India and Swaden clearly shows bestiality.

Although bestiality was existing in the history, but it was not supported by many cultures and religions. The Hebrew Bible old testament very strictly prohibits the act bestiality. It is punishable with death [8]. Another book of old testament says You shall not lie with any animal and defile yourself with it [9]. Also Leviticus 20:15- 20:16 prescribes the death penalty for both, the offender and the animals. The Islamic law also condemns bestiality. Sexual relation with any one out of wed lock is zina, which is strictly prohibited in Islam. Also, the reference can be taken from Hadith which states ‘Whoever has intercourse with an animal, kill him and kill the animal’[10] Ancient Hindu Law also condemn the act of bestiality. Manusmriti is the earliest law of Hindu code. It prescribes the rituals and penalties for the sexual acts with an animal. Manusmriti requires penance and purification for individuals committing sexual acts with animals [11]. It was not only the religious texts or scriptures which used to prohibit bestiality, but the legal system of that time also prohibits the offence of bestiality.

4 Legality of Bestiality in India

Talking about the legality of this act is in grey area. Though it is a sin, very clearly appears to be an immoral act, yet it is not defined as a crime in many countries including India. However, under the Indian Penal code of 1860 it was an illegal act, punishable with 10 years of imprisonment. It used to come under Section 377 of IPC as an

unnatural intercourse. Though this section covered a lot of other categories of natural intercourse like homosexuality, necrophilia etc. Later in 2023 the three major criminal law statutes got transformed and the new laws as New Criminal Laws were introduced in India. Out of these three new laws one of them is Bhartiya Nyaya Sanhita BNS. The provisions of old law (IPC) provided in Section 377 was expelled from Indian Penal Code. This has created a legal vacuum in the legal system. Now Bestiality is not a crime under the Indian Legal system but we have cases on such sensitive issues. This is a matter of concern.

In India we have witnessed cases like in 2018 a very shocking new took the attention of social media. The incident took place in Haryan where a pregnant goat died after being gangraped. Later after a lot of hue and cry an FIR was registered against all the eight accused. It was the PETA India who worked so hard to get this case registered under Section 377 and 429 of Indian Penal Code. The sections [12] of PCA Act, 1960 were also framed against all the accused [13].

Another case of Assam from village Nabeti Morigaon also shook the nation. Where a man named Narayan Das's shocking footage of CCTV got viral. In the footage he was found having sexual acts with pet dogs. The video got viral and people showed their anger and condemnation. Several organizations came up and went to file an FIR against the accused. The charges in this case we filed under the PCA Act, 1960 and under the general provisions of Bharatiya Nyaya Sanhita.

One more case came in light when a man from Lucknow, Uttar Pradesh was arrested for his sexual Act with a street dog. The incident of Bestiality got reported against this man by a non-governmental organisation Aasra on 7th August 2025. The accused Sonu Vishwakarma aged 24 years lured a dog with food and then committed the sexual act with the dog. His friend was also involved in this brutal act as while he was manhandling the dog his friend was making the video. The video got viral and people showed their anger on such activity. It created a widespread outrage on internet [14].

October 13 2025 again shook the nation when Bellandur Police traced a female dog allegedly raped by a group of men. Here again the case is file under PCA Act, 1960 and also under section 325 [15] of Bharatiya Nyaya Sanhita. The complainant of this case is an animal activist. She used to feed the dog named Mili on regular basis. After she found the missing Dog for three days, she noticed swelling on dog's private parts. The complainant approached the Police and also took the dog for medical examination.

The case from New Delhi came up in April 2025 where the Delhi Police apprehended a man in Kailash Nagar. Here the accused Naushad was allegedly raping multiple dogs. The complaint in this case was filed by an animal NGO. The police during investigation made a video which later went viral [16].

In the above mentioned cases we can see that these cases are from different states of India. That clearly shows bestiality is not something prevailing in one particular region, rather it is a Pan India issue. If fact I would say it's a global issue. Now one thing to be noticed about is, the cases happened before 2023 were filed with a specific provision of Bestiality used to come under Indian Penal Code. Section 377 of Indian Penal Code used to deal with Unnatural lust and bestiality was one of its components. The other components like necrophilia, homosexuality and other forms of unnatural lust (sexual acts) also used to come under the ambit of this section.

The Supreme Court of India in the historic judgements like Suresh Kumar Koushal case [17], Navtej Singh Johar v. Union of India, has clearly mentioned Bestiality as an illegal act. Specially in case of Navtej Singh Johar v. Union of India in 2018 while declaring ‘depenalisation of homosexuality’ clarified the followings about the scope and ambit of section 377 of IPC:

- Non consensual sexual acts would remain in force
- Bestiality will be included
- Other forms of unnatural sexual acts like necrophilia would remain in force

Another important judgement to mention here is Nimeshbhai Bharatbhai Desai v. State of Gujarat [18]. In 2018 the High Court of Gujarat discussed the ambit of Section 377 as “carnal intercourse against the order of nature with a man, a woman or animal. Bestiality is not something acknowledged very recently. In fact, in 1925 the Sindh Chief court which was part of India before independence, interpreted section 377 of Indian Penal Code in case of Khanu v. Emperor [19]. The court broadly explained that the penetration under this section includes the acts involving animals, it is Carnal intercourse against the order of nature.

Also, the Gujrat High Court in 1968 in the case of Lohana Vasantlal Devchand v. State [20] clarified the scope of section 377. The court held this section applies to the acts involving sexual acts which are against the order of nature, including acts involving animals. Thus, from a long time the offence of bestiality comes under the legal protection of section 377 of Indian Penal Code. Now after the arrival of new Criminal laws 2023, the Bharatiya Nyaya Sanhita has taken the place of Indian Penal Code. Unfortunately, this Code (BNS) has expelled this provision. The contention of expelling this provision was homosexuality. Since Supreme Court of India has decriminalized homosexuality, thus section 377 shall also be removed. Very sadly, I must mention here that the drafters of these new laws did completely ignore the other very important aspects of section 377.

Thus, carnal intercourse against the order of nature is the life force of this section. To the best of my understanding in the light of Supreme Court judgements, against the order of nature may be any Act which apparently seems to be a wrong or an act which appears to be immoral or illicit in nature. So, this section covers following aspects:

- i. Non consensual act in case of homosexuality
- ii. Consensual act of homosexuality between minors
- iii. Consensual act of homosexuality between an adult and minor
- iv. Sexual acts with a woman or man through unnatural ways (Anal Sex)
- v. Sexual act with dead bodies (Necrophilia)
- vi. Sexual act with animals (zoophilia or bestiality)

Even the judgements of many cases [21] including the landmark judgement Navtej Singh Johar v. Union of India of Supreme Court have also clarified the scope and ambit of section 377. It is well mentioned by the Supreme Court that, Supreme Court is decriminalizing homosexuality on to the extent of Consensual sex between adults, and all the other aspects of this section including bestiality would remain intact. Despite this the new law removed this section and now we don't have any specific provision for Unnatural lust. This has created a legal Vacuum.

5 Legal Vacuum

As mentioned above, we still have many reported cases on bestiality. That means offences of bestiality are still happening in the society. Now the problem is we don't have any specific law to deal with the offence of bestiality. Now the cases are being reported under the Prevention of Cruelty to Animals (PCA) Act, 1960 and also under general sections of Bharatiya Nyaya Sanhita like mischief by killing, poisoning, maiming, or rendering useless any animal.

The Prevention of Cruelty to Animals (PCA) Act, 1960 do not contain any specific provision against the sexual act. This act only

Prevent unnecessary pain or suffering to animals.

Promote animal welfare and humane treatment.

Establish institutions for monitoring animal protection.

Regulate the treatment, transport, experimentation, and use of animals for entertainment.

Thus, this Act deals on general suffering and pain to the animals, it promotes the welfare etc but nothing in this Act is mentioned specifically for the offence of sexuality. This act is suitable for the offence where explicit pain is given to the animals in the name of sports. The leading case worth mentioning here is *Animal Welfare Board of India v. A. Nagaraja* [22] where the Supreme Court ban the practice of Jallikattu and bull taming. The Supreme Court mentioned even if it's not a sexual act it is a cruel and inhuman practice.

6 International Legal Framework

6.1 Universal Declaration of Animal Rights (1978)

Universal Declaration of Animal rights is one of the earliest initiatives of animal global protection. It was adopted at the headquarter of UNESCO in 1978. The declaration is based on the following principles:

- i. Animals possess inherent right to life
- ii. Animals deserve respect
- iii. Animals should not be subjected to cruelty and torture
- iv. Wild animals have the right to natural environment and to live freely in their habitat
- v. Domestic animals deserve and must get care and good treatment

However, this declaration is not legally binding yet it spreads a very strong, moral and ethical global message.

6.2 European Convention for the Protection of Animals

The European Convention for the protection of Pet Animals protects the domestic/ companion animals. It deals with the responsibility of owners for their pet animals. Several regional treaties are included in this Convention. They deals in Protection of

animals raised for agriculture, for scientific experimentation and for other welfare of animals.

6.3 Convention on Biological Diversity (CBD)

This is a very important Convention for protecting the animal species and ecosystem. As animals are crucial part of biodiversity conservation. This convention also promotes the sustainable use of biological resources. Through this convention we also secure Sustainable Development goals adopted in 2015 by United Nations. SDG Goal 14 and 15 deals with 'life below Water' and 'Life on earth' respectively.

6.4 WOA Animal Welfare Standards

Apart of the treaties and conventions we also have international standards for animal welfare. These standards are developed by World Organisations. The aim for creating such standards is to formulate certain global guidelines which can be adopted by the countries for the betterment of their domestic welfare policies. The major areas on which this organization works on are: transportation of animals, standards for slaughter of animals, humane handling and control over animal diseases.

In the light of all the above-mentioned conventions, treaties and general standards, we can observe that all the conventions are made for the welfare of animals. But none of the above mentioned declarations, convention have any provision related to sexual abuse. Some of the given conventions have mentioned about cruel treatment of inhumane dealing with animals. It is really surprising that none of the above international framework has mentioned about bestiality.

7 Comparative Analysis with other Countries

7.1 India

As already mentioned, that in India now the primary legislation to deal with the offence of Bestiality is Prevention of Cruelty to Animals Act, 1960. Section 11 of this Act deals with the prohibition of cruelty to animals such as beating, overloading on animals, any torture to animals and also abandonment of animal. This Act does not explicitly provide any provision regarding bestiality. However, before 2024 we had a primary provision under Indian Penal Code to deal with bestiality explicitly. Now in India we are having a legal vacuum

7.2 United Kingdom

The legal framework of United Kingdom provides protection to the animals against the offence of bestiality. Section 69 of Animal Welfare Act of 2006 criminalizes Bestiality with up to 5 years of imprisonment, fine and also ban on owning an animal. This Act

emphasizes largely on ‘duty of care’ towards animals. This is one of the strongest animal protection laws in the world.

7.3 United States of America

The United States have state based law system. The animals in USA are protected through the Acts like Animal Welfare Act 1966 and the Florida Statute. The key principles of these Acts are to provide good and fair treatment to animals in experiments for research, at the time of transportation or exhibition and protection against Bestiality. The offence of Bestiality in USA is also punishable with imprisonment and also with fine.

7.4 Canada

Section 160 of Criminal Code of Canada, RSC 1985 deals with Bestiality in Canada. This Law was amended in through Bill C-84 [23] in June 2019. The amendment took place after the landmark judgement of *R v DLW* [24]. The Supreme Court of Canada exposed the loopholes in the provision of bestiality. The previous definition required the penetration for the offence of bestiality. After this case an amendment mentioned above was introduced which defined the act of bestiality as any contact, for a sexual purpose, between a person and an animal is bestiality.

7.5 Germany

Germany recognizes animals as fellow creatures. The legal system of Germany has a strong approach towards animals. Section 13 of the German Welfare Act prohibits bestiality as performing any sexual act with animal/s. It also clarifies the prohibition on use of animals for any sexual activities. The provision was introduced in Germany through 2013 amendment. The prescribed punishment for the same is fine up to €25,000 and also the confiscation of that animal.

In one case [25] the Court affirmed that the animal welfare is constituted with Constitutional values. After this judgement in 2002 the German Basic law, basically its constitution's Article 20a was amended to include animal protection as state subject matter. The amendment turned to be very effective to make later changes in legislations for prohibiting bestiality.

7.6 Australia

Australia also has state based legal system. Here the criminalization of bestiality differs from state to state, but bestiality is prohibited in all the jurisdictions. Like Section 79 of Crimes Act 1900 of New South Wales prohibits Bestiality as, committing any sexual act with animals as well as its attempt. This Act provides very severe punishment for this offence. The prescribed punishment is 14 years imprisonment. It is the most severe punishment for bestiality among all common-law jurisdictions.

8 Conclusion and Recommendations

In the end, I would like to conclude Bestiality is an immoral and illegal act. Despite we have many registered and unregistered cases and adding on, we are lacking with a specific and expressive law to deal with this matter. However, this was not the case earlier. Under Indian Penal Code 1860, we had Section 377 which used to criminalise Bestiality. In 2023 the new Criminal Laws were introduced and Indian Penal code was replaced by Bhartiya Nyaya Sanhita. The new Law excluded section 377, and the cases of bestiality are getting registered under Prevention of Cruelty to Animals which has no provision related to sexual act. This has created a gap in justice delivery system and rights of the victim. The primary victims under this case are the innocents who could not even speak for themselves. Many organizations working for the welfare of animal rights have raised this issue before the authorities but nothing could happen as of now.

If we compare it from the other countries law, most of the common law countries do have strict law against bestiality, but the sad thing is there not even a singly international convention or treaty which protects the animals from bestiality. It is the high time for the inclusion of provision talk about bestiality. It is an immoral act and an offence and it must be punished

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