Prevention of Cruelty to Animals (Amendment) Bill, 2022

Why in news?

A draft Prevention of Cruelty to Animals (Amendment) Bill, 2022, prepared by the Ministry of Fisheries, Animal Husbandry, and Dairying, has been opened for public comment.

What are the main changes proposed in the law?

- Through this amendment bill, the Centre has proposed to overhaul the Prevention of Cruelty to Animals Act, 1960, introducing 61 amendments in the law.

- Essentially, the law is proposed to be made tighter, with more stringent punishments.

  In 'AWBI vs A Nagaraja & Ors (2014)', the Supreme Court had said that the Parliament must make anamendment of the PCA Act to provide an effective deterrent for violation of Section 11, adequate penalties and punishments should be imposed".

- In the bill, several offences have been made cognizable, which means offenders can be arrested without an arrest warrant.

- **Gruesome cruelty** - The draft Bill has proposed to include "Bestiality" as a crime under the new category of "Gruesome cruelty."

- The proposed subsection describes "gruesome cruelty" as any act involving animals which leads to "extreme pain and suffering" and is "likely to leave the animal in life-long disability".

- The "gruesome cruelty" includes

  1. mutilation or killing of animal by the use of strychnine injection in the heart or

  2. any other cruel manner that can cause permanent physical damage to the animal or render animal useless or cause any injury which is likely to cause death including bestiality.

"Bestiality" means any kind of sexual intercourse between human being and animal.

- **Penalty** - For 'gruesome cruelty', the draft proposes fines from Rs 50,000 to 75,000 or the cost of the animal, whichever is more or with the imprisonment of one year to 3 years or with both.
- For killing an animal, the draft Bill proposes a maximum punishment of 5 years in jail.
- **Current penalty** - First-time offenders under the PCA Act are punished with a fine of Rs 10-50.
- If it is found that this is not the offender's first such crime in the past 3 years, the maximum punishment would be a fine between Rs 25 and Rs 100, a jail term of 3 months, or both.
- In short, the penalty is ridiculously light in the law as it exists now, and is incapable of acting as any deterrent for potential offenders.

What else is proposed?

- **Freedom** - The draft bill proposes the insertion of a new section that talks about the duty of every person having charge of an animal to ensure that the animal in his care or under his charge has freedom from:
    1. Thirst, hunger and malnutrition;
    2. Discomfort due to environment;
    3. Pain, injury and diseases;
    4. Fear and distress, and
    5. Freedom to express normal behaviour for the species
- **Community animal** - The draft Bill provides the definition for "community animal".
- A "community animal" is any animal born in a community for which no individual or

organization has claimed ownership, excluding wild animals defined under the wildlife Protection Act, 1972."

- Under the draft Bill, the local government (municipality or panchayats) shall be responsible for taking care of the community animals in a manner developed by

    1. the State Government or

    2. the Animal Welfare Board of India (AWBI).

Are there any concerns around tightening the law?

- Some experts have pointed out that simply increasing the quantum of punishment may not be enough to stop cruelty against animals.

- Some say that already marginalised communities like 'madaris' (who perform with animals) and 'saperas' (snake charmers) may be disproportionately affected.

- Others have argued that focusing on the individual act of 'cruelty', such as farmers putting up electric fences around their fields, is an incomplete approach.

- It is said that steps are needed to mitigate the larger issues of vanishing animal habitats and climate change exacerbating man-animal conflict.

References

1. Indian Express | Coming, a tough law to prevent cruelty to animals

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