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Coming, a tough law to prevent cruelty to animals. Why is it needed?

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 comments until December 7.

By: **Explained Desk**

New Delhi | Updated: November 24, 2022 3:50:16 pm

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Once the draft is final, the Bill could be brought either in the Winter Session or the Budget Session of Parliament. (Representational/PTI)

The Centre has proposed to overhaul The Prevention of Cruelty to Animals Act, 1960, introducing 61 amendments in the law, which includes three years' imprisonment for committing "gruesome cruelty" including "bestiality" with animals.

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 comments until December 7. Once the draft is final, the Bill could be brought either in the Winter Session or the Budget Session of Parliament.

What are the main changes proposed in the law?

Essentially, the law is proposed to be made tighter, with more stringent punishments. Several offences have been made cognizable, which means offenders can be arrested without an arrest warrant. The

"Bestiality" as a crime under the new category

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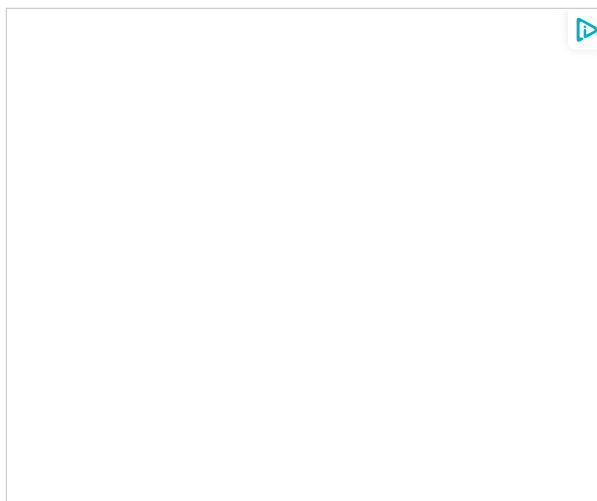
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The proposed subsection describes “gruesome cruelty” as any act involving animals which leads to “extreme pain and suffering” and is “likely to leave the animal in life-long disability”. It includes “mutilation or killing of animal by the use of strychnine injection in the heart or any other cruel manner that is known to cause permanent physical damage to the animal or render animal useless or cause any injury which is likely to cause death including bestiality...”.

The draft proposes fines from Rs 50,000 to Rs 75,000 “or the cost of the animal... whichever is more or with the imprisonment of one year which may extend up to three years or with both” for the offence of gruesome cruelty. For killing an animal, the draft Bill proposes a maximum punishment of five years in jail.

What is the argument for strengthening the

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In September, a doctor in Rajasthan’s Jodhpur :
dragged it across the city. The dog had a fractur



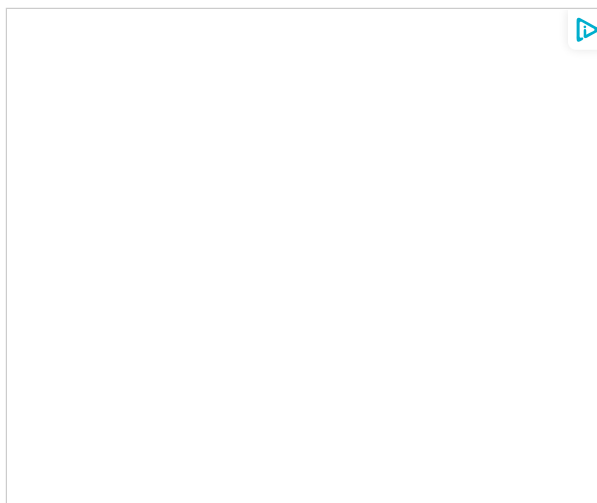
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are the implications for India?

offence such as this — fairly common in India — would currently attract charges under Section 428 (mischief by killing or maiming animal) IPC and Section 11 (treating animals cruelly) of The PCA Act, 1960.

Cattle stray on road

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 three years, the maximum punishment would be a fine between Rs 25 and Rs 100, a jail term of three months, or both.

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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.

Who has called for amendments and on what grounds?

Along with animal welfare organisations, several political leaders have in the past called for the law to be amended.

In 2014, the Supreme Court, in 'Animal Welfare Board of India vs A Nagaraja & Others', had said that "Parliament is expected to make proper amendment of the PCA Act to provide an effective deterrent" and that "for violation of Section 11, adequate penalties and punishments should be imposed".

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In September 2020, [Kishanganj](#) MP Mohammad Jawed brought a Bill in Parliament saying that the maximum punishment be hiked to a “fine which shall not be less than ten thousand rupees but which may extend to twenty five thousand rupees or with imprisonment for a term which may extend upto one year or with both, and in the case of a second or subsequent offence, with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees and with imprisonment for a term which shall not be less than one year but which may extend to two years.”

In 2021, Kendrapara MP Anubhav Mohanty also proposed a Bill, expanding the definition of cruelty to include events where “animals are subjected to cruelty either during the sport or activity itself”, and anyone who “skins, roasts or kills for superstition or extracts parts of any live animals through a procedure which causes pain and suffering, for the purpose of getting skins, oils or other animal products; dynamites streams, rivers or other water bodies for the purpose of fishing or harming aquatic animals; or electrifies a fence, without the authority of law, whereby pain and suffering is caused to any animals.”

In 2020, a group of MPs cutting across party lines wrote to then Animal Husbandry Minister Giriraj Singh, urging that the punishment in the 1960 Act be increased.

And what has the government said on this so far?

In April 2021, the Centre had proposed changes to the 1960 Act, increasing the fine to 75,000 per animal or three times the cost of the animal as determined by the jurisdictional veterinarian, whichever is more, and imprisonment of three years which may extend to five years or both.”

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Chief Minister for Animal Husbandry & Fisheries K. Jayashankar Reddy told PTI, "We are ready with the draft amendment Bill. We are in the process of getting the Cabinet approval."

The government has finally moved in this direction.

Apart from increasing penalties, what else is proposed?

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The draft bill proposes the insertion of a new section providing five freedoms to animals.

"It shall be 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:

- * Thirst, hunger and malnutrition;
- * Discomfort due to environment;
- * Pain, injury and diseases;
- * Fear and distress, and the
- * Freedom to express normal behaviour for the

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The proposed law also says that “in case of a community animal, the local government such as municipality or panchayats shall be responsible for taking care of the community animals in a manner developed by the State Government or by the Board”.

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The draft defines “community animal” as “any animal born in a community for which no ownership has been claimed by any individual or an organization, excluding wild animals as defined under the wildlife Protection Act, 1972 (53 of 1972).”

How frequent are acts of atrocities against animals?

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- * In April this year, four people were arrested for carrying out unnatural sexual acts on a monitor lizard in Maharashtra.
- * In July 2021, the Kerala High Court took suo motu cognizance after a dog was beaten to death by three people in Adimalathura beach in Thiruvananthapuram
- * In 2020, the death of a pregnant elephant that bit an explosives-filled fruit had provoked nationwide outrage.
- * In February that same year, three men were arrested in [Ludhiana](#) for allegedly beating a stray dog with iron rods, throwing it from a rooftop and then dragging it on the road tied to an auto-rickshaw.

Are there any concerns around tightening the law?

While comments have been invited to the draft Bill, some experts have in the past pointed out that simply increasing the quantum of punishment may not be enough to stop cruelty against animals, and some 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, and steps are needed to mitigate the larger issues of vanishing animal habitats and climate change exacerbating man-animal conflict.

First published on: 24-11-2022 at 03:46:45 pm



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