



Draft Prevention of Cruelty to Animal (Amendment) Bill-2022

For Prelims: Prevention of Cruelty to Animal Act, Wildlife Protection Act, 1972

For Mains: Prevention of Cruelty to Animal (Amendment) Bill-2022 and related issues

Why in News?

Recently, the Government has introduced the **draft Prevention of Cruelty to Animal (Amendment) Bill-2022** to amend the six-decade-old law **Prevention of Cruelty to Animal Act, 1960**.

- The draft has been prepared by the Ministry of Fisheries, Animal Husbandry and Dairying.

What are the Proposed Amendments?

- **Bestiality as a Crime:**
 - The draft includes **'bestiality' as a crime under the new category of 'gruesome cruelty'**.
 - "Bestiality" means any kind of sexual activity or **intercourse between human being and animal**.
 - Gruesome cruelty has been defined as **"an act that leads to extreme pain and suffering to the animals** which may cause lifelong disability or death".
- **Punishment for Gruesome Cruelty:**
 - A **minimum fine of Rs 50,000 may be imposed and may be increased to Rs 75,000** by a judicial magistrate in consultation with the jurisdictional veterinarians, or the cost may be determined by the judicial magistrate whichever is more, or a maximum fine of one year that may be extended to three years.
- **Punishment for killing an Animal:**
 - A maximum 5-year imprisonment, along with a fine.
- **Freedoms to Animals:**
 - The draft also proposes insertion of a new Section 3A, which provides '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
 - Freedom from discomfort due to environment
 - Freedom from pain, injury and diseases
 - Freedom to express normal behaviour for the species
 - Freedom from fear and distress
- **Community Animals:**
 - In the case of community animals, the local government shall be responsible for their care.
 - The draft proposals introduce the **community animal as "any animal born in a community for which no ownership** has been claimed excluding wild animals as defined under the [Wildlife Protection Act, 1972](#).

What does the Prevention of Cruelty to Animals Act, 1960 say?

▪ About:

- It discusses **different forms of cruelty, exceptions, and killing of a suffering animal** in case any cruelty has been committed against it, so as to relieve it from further suffering.
- The legislative intent of the Act is to **“prevent the infliction of unnecessary pain or suffering on animals”**.
- The **Animal Welfare Board of India (AWBI)** was established in 1962 under Section 4 of the Act.
- This Act provides for **punishment for causing unnecessary cruelty and suffering to animals**. The Act defines animals and different forms of animals.
 - In the case of a first offence, **fine which shall not be less than ten rupees but which may extend to fifty rupees**.
 - In the case of a second or subsequent offence committed within three years of the previous offence, **fine which shall not be less than twenty-five rupees** but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both.
- **It provides the guidelines relating to experimentation on animals for scientific purposes**.
- The Act **enshrines the provisions relating to the exhibition of the performing animals**, and offences committed against the performing animals.

▪ Criticism:

- The Act has been **criticised for being ‘speciesist’** (put very simply, the assumption that humans are a superior species deserving more rights), for its quantum of punishment being negligible, for not defining ‘cruelty’ adequately, and for slapping a flat punishment without any gradation of crimes.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. Consider the following statements: (2014)

1. Animal Welfare Board of India is established under the Environment (Protection) Act, 1986.
2. National Tiger Conservation Authority is a statutory body.
3. National Ganga River Basin Authority is chaired by the Prime Minister.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3 only
- (c) 2 only
- (d) 1, 2 and 3

Ans: (b)

Exp:

- The **Animal Welfare Board of India** was established in 1962 under **Section 4 of the Prevention of Cruelty to Animals Act, 1960**. Hence, **statement 1 is not correct**.
- The National Tiger Conservation Authority is a statutory body under the Ministry of Environment, Forests and Climate Change constituted under the Wildlife (Protection) Act, 1972. Hence, statement 2 is correct.
- **National Ganga River Basin Authority (NGRBA)** was established in 2009 under the **Environment Protection Act, 1986**, which declared Ganges as the “National River” of India. It is a financing, planning, implementing, monitoring and coordinating authority for the river Ganges. It functions under the erstwhile Ministry of Water Resources, River Development and Ganga Rejuvenation (now Ministry of Jal Shakti). It is chaired by the Prime Minister of India. Hence, statement 3 is correct.
- **Therefore, option (b) is the correct answer.**

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