



Welfare of Animals in India



Context:

- Over the past year, there have been reports of animals being subjected to sexual abuse, acid attacks, being thrown off rooftops, and being burnt alive.

What are the laws in legal framework?

The Prevention of Cruelty to Animals (PCA) Act, 1960:

- The law punishes the most serious forms of animal violence with a paltry fine of Rs. 50.
- Section 11 lists a series of offences, which vary from abandoning an animal to kicking it, mutilating it or killing it, and prescribes the same punishment for all these offences. Severe offences are treated on a par with less severe ones.

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- At present, a majority of the offences under the Act are non-cognisable, which means the police cannot investigate the offence or arrest the accused without the permission of a Magistrate. This facilitates police inaction.
- The PCA Act creates a plethora of exceptions which significantly dilute the protections available to animals. Section 11(3) provides exceptions for animal husbandry procedures such as dehorning, castration, nose-roping, and branding.
- The law does not provide any guidelines for these procedures. This allows individuals to resort to cruel methods.
- Ambiguity in definition: The law was enacted to “prevent the infliction of unnecessary pain or suffering on animals”. However, this phrase is not defined anywhere in the Act. This is crucial because what constitutes “unnecessary” is entirely a matter of subjective assessment.

Way forward:

- An amendment is required to grade the offences according to their severity, and specify punishments accordingly. Further, the more severe offences must be made cognisable and non-bailable.
- Proper regulations of animal husbandry procedures: A petition from PETA’s (People for the Ethical Treatment of Animals) suggests mandating the use of anesthetics prior to castration, replacing nose-roping with face halters and branding with radio frequency identification. As opposed to dehorning cattle, it recommended that farmers breed hornless cattle.

Conclusion:

- The Constitution requires all citizens to “have compassion for living creatures”. We must seek to protect the most vulnerable among us. Our animal welfare laws need an overhaul.