

Prevention of Cruelty to Animals Act, 1960

September 18, 2020

The Act provides for the prevention and protection of animal from cruelty, unnecessary pain, overwork, torture and abuse. It appoints as competent authority the Animal Welfare Board of India.

Features of the Act

- It provides for **punishment for causing unnecessary cruelty and suffering** to animals.
- It defines animals and different forms of animals.
- It enshrines the provisions relating to the **establishment of an animal welfare board**, its constitution, powers, and functions.
- The act 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 act provides the **guidelines relating to experimentation** on animals for scientific purposes.
- It enshrines the provisions relating to the exhibition of the performing animals, and offences committed against the performing animals.
- It provides for the **limitation period of 3 months beyond which no prosecution shall lie** for any offences under this Act.

Role of Animal Welfare Board

- to keep the law in force under constant study and advise the Government on the amendments to be undertaken in any such law from time to time
- to take all such steps as the Board may think fit for amelioration of animals, such as the construction of

sheds, water-troughs and providing for veterinary assistance to animals

- to give financial and other assistance to animal welfare organisations or to encourage the formation of animal welfare organisations

Reforms Needed

- Animals are protected under **Sections 428 and 429 of the IPC**. These provisions make killing, poisoning, maiming or rendering useless any animal, a punishable offence.
- In order to attract liability under Section 429 of the IPC, the **animal should have been either killed, poisoned, maimed or rendered useless**.
- In the case of the animal in question being safe, the offence is not constituted, but the accused will be held liable for torturing and subjecting the animal to unnecessary pain and suffering, which is punishable under **section 11(1)(a) of the Prevention of Cruelty against Animals Act, 1960**.
- The sad part here is the quantum of punishment prescribed under the antiquated law. All incidences of animal cruelty under Section 11 of the act are punishable in the case of a first offence, with **fine which shall not be less than ten rupees but which may extend to fifty rupees** and in the case of a second or subsequent offence committed within three years of the previous offence, with 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.
- The Animal Welfare Board of India had suggested amendments to the Prevention of Cruelty against Animals Act, 1860 by **increasing the amount of fine to 10,000 rupees and a minimum of three years imprisonment**.
- In 2014 (Animal Welfare Board of India v. Nagaraja and Others) the Supreme Court had also recommended an

overhaul of the penalties and punishments in the PCA Act, 1960 to effectively control the incidences of cruelty.