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A Critical Study on Prevention of Cruelty to Animals Act 1960

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Abstract

The purpose of the Prevention of Cruelty to Animals Act 1960 was to stop animals from suffering needlessly. It is made very evident in Section 11 that injuring any animal while it is being transported is a crime. This Act prohibits tying up cattle in overcrowded vehicles. It is indeed against the law to inject harmful substances and serve food that is hazardous. Any such breach of Section 11 is punishable by a fine of Rs 100 or by up to three months in jail.

The Act was created with the understanding that animals have a right to life as well. Cruelty to animals is defined as any physical or psychological harm that causes them to suffer or experience pain.

Keywords: Prevention of Cruelty Act 1960, Animal cruelty, Right to Life.

Introduction:

When talking about cruelty towards animals, it's the humans who ill-treat animals in ways which inflicts upon them utmost pain. Cruelty can be done in various ways from slaughtering to teasing to torturing humans is considered to be a crime instantaneously, many amongst us perhaps pay mute witnesses to incidences of animal cruelty happening all around us. The fact

is that, laws do exist in our country for the protection of cruelty towards animals. The main laws are The Prevention of Cruelty to Animals Act, 1960 and The Wildlife Protection Act, 1972. Our main focus is the Prevention of Cruelty to Animals Act, 1960.

The act was brought after the independence with the view to help protect the animals. There is no definite definition of "Cruelty" given in the Prevention of Cruelty to Animals, Act, 1960 (herein after referred to as PCA, Act) but one may interpret it as any act or any neglect which may cause unnecessary pain or suffering to an animal. who is any living creature other than human being.

Animal cruelty can either be done on purpose or simply the failure to take care of an animals. Any kind of activity done on any non-human which causes pain and suffering leads to pain, suffering or any kind of harm unless done in self-protection will come under the preview of animal cruelty. From a small activity to a grave offence like killing, maiming of an animal, or rape of an animal that eventually leads to death of that animal falls under the ambit of animal cruelty. People are highly unaware that animals have rights too both domestic and wild, to help and give a better understanding various NGOs have come up to help and spread awareness among people.

Indian government took a step forward and made it the constitutional fundamental duty to have compassion for living creatures and the fundamental right to life

Literature Review:

The definition of animal cruelty is "any socially unacceptable behavior that intentionally causes an animal to suffer needlessly, die, or experience unnecessary pain, suffering, or distress." Animal abuse can take two main forms: neglect, which can involve depriving an animal of food, water, or shelter, and physical abuse, which includes hitting, kicking, burning, drowning, and tossing (Ascione, 1993, p. 83)

There are two types of animal abuse: active, which includes beatings, kicking, and stabbings, and passive, which includes abuses like as deprivation and neglect that are frequently not recorded (Vermeulen & Odendaal, 1993).

Every year, the Royal Society for the Prevention of Cruelty to Animals in Australia receives reports of about 60,000 cases of animal abuse. (RSPCA Australia, 2019). Nevertheless, given that only 9% of respondents in Australian research who were polled stated they had personally witnessed animal abuse, this number probably represents a tiny portion of the estimated total number of cases of animal abuse and understates the issue. (Glanville et al., 2019)

A UK university's student (Newberry 2018) sample revealed that 55% of the sample had committed at least one act of animal cruelty, with common reasons cited for such acts being control over an animal, envy, entertainment, or retaliation against an animal.

Human and animal cruelty are commonly linked, and there is a great deal of overlap between the two types of violence against animals. (DeGue & DiLillo, 2009).

The association between animal abuse and the possibility of both being an indicator and a precursor to interpersonal violence has been called the "Link." Among the various forms of violence, it has been shown that intimate partner violence (IPV) and animal abuse are frequently linked, with IPV-affected families reporting animal abuse at a higher rate than IPV-free homes. (Levitt et al. 2016) found a strong correlation between ongoing IPV and animal abuse, with 41% of pet abusers having at least one arrest for IPV.

(Gullone and Clarke, 2008) revealed that a criminal history of domestic violence accounted for 55% of those arrested for animal mistreatment. (Levitt et al., 2016) observed that in majority of the time, animal abuse instances stemmed from a fight between the perpetrator and their intimate partner, with the perpetrator assaulting pets as payback and to seize or hold onto control over their relationship.

Moreover, adult perpetrators of animal abuse were more likely to have been abused as children. (DeGue & DiLillo, 2009).

Research Objective and Methodology.

Animal cruelty is an old concept and in the recent past the judiciary has taken stern steps to curb the menace but, the implementation of the law is not as strict as the other existing laws. The landmark cases that made a mark with regards to animal cruelty. Thus the objective of this research paper is also to find the loop holes in the existing Prevention of Cruelty to Animals act 1960. The methodology adopted in this paper is theoretical approach.

History of Animal Welfare Rights India

Animal cruelty is the deliberate or unintentional infliction of suffering or harm upon any non-human animal by humans, regardless of whether the conduct is prohibited by law. It is also referred to as animal maltreatment or animal neglect. More precisely, it might relate to the imposition of pain or suffering in order to accomplish a certain objective, such as the slaughter of animals for food or fur; opinions on the degree of cruelty associated with a specific method of slaughter differ. Similar to zoosadism, inflicting pain or suffering on animals for personal amusement is also considered cruelty to them.

The purpose of laws pertaining to animal abuse is to stop unnecessary cruelty. varied jurisdictions around the world have varied approaches to these laws. For instance, some laws control how animals are killed for food, clothes, or other products, while other regulations deal with maintaining animals as pets, research subjects, entertainment, or educational tools. Disrespect for animals does not equate to cruelty to them.

Three conceptual approaches, in general, address the problem of animal cruelty. According to the animal welfare viewpoint, utilizing animals for food, clothing, entertainment, and study is perfectly acceptable as long as it is done so in a way that avoids needless suffering—a practice known as "humane" treatment.

Advocates of utilitarianism make arguments based on benefits and costs, and they differ in what constitutes appropriate care for animals. While some utilitarians advocate for a stance more akin to animal rights, others argue for a softer approach that is more in line with the viewpoint of animal welfare. Critics of animal rights theory dispute these viewpoints, claiming that animals have fundamental rights and that the terms "unnecessary" and "humane" can be interpreted in a variety of ways. They contend that eliminating animals' position as property and making sure they are never treated as commodities are the only ways to guarantee their preservation.

The rights and welfare of animals in India pertain to the laws and treatment of non-human animals in India. It is not the same as conservation of animals in India. Since 1960, India has enacted several laws pertaining to animal welfare and is home to numerous religious systems that promote compassion and nonviolence toward animals. Additionally, India ranks among the top producers of animal products worldwide.

India's first national animal welfare law, **the Prevention of Cruelty to Animals Act, 1960**, forbids animal cruelty, with a few exceptions for the treatment of animals used in scientific research and for sustenance. In order to guarantee the enforcement of the anti-cruelty rules and advance the cause of animal welfare, the 1960 law also established the Animal Welfare Board of India. The employment of performing animals, animal transportation, animal slaughter, animal experimentation, and draught animals have all been subject to rules and limits imposed by later legislation.

General guidelines for raising and employing animals for research are outlined in the raising of and Experiments on Animals (Control and Supervision) Rules, 1998. A 2006 modification

mandates that researchers utilize the fewest number of animals for 95% statistical confidence, attempt to use species that are "lowest on the phylogenetic scale," and provide an explanation for not using non-animal alternatives. The use of live animal experiments in medical education is prohibited by a 2013 amendment.

India was the first nation in Asia to outlaw the use of animals in cosmetics testing and the importation of such products in 2014. India outlawed the use of captive dolphins for public entertainment in 2013.

In 1982, the Prevention of Cruelty to Animals Act of 1960 underwent an amendment. The recently updated Indian Animal Welfare Act of 2011 states that mistreating animals is illegal and carries a fine of at least ten thousand rupees, with a maximum fine of twenty-five thousand rupees, a maximum sentence of two years in jail, or both in the event of a first offense. If this is the second or subsequent offense, the punishment will be imprisonment for a minimum of one year and a maximum of three years, together with a fine of not less than fifty thousand Rupees but not less than one lakh Rupees.

Laws That Protect Animals in India

In India, the practice of abusing animals for human amusement, or "zoosadism," is not new. Urban India frequently witnesses scenes like a dog being assaulted by a group of urchins or a cat getting ran over by a car. Beyond these actions, though, there is much more animal cruelty. Some of the news reports that are often circulated include army troops cooking chinkara meat and celebrities from the Indian film industry shooting endangered animals and possessing tusks.

What clauses are there in the Indian Constitution to prevent people from murdering animals? What kinds of punishments are available for persons who commit these kinds of crimes?

The Prevention of Cruelty to Animals Act of 1960:

The Prevention of Cruelty to Animals Act of 1960 was passed with the intention of shielding animals from needless suffering. It is made very evident in Section 11 that injuring any animal while it is being transported is a crime. This Act prohibits tying up livestock in vehicles that are too small. It is indeed against the law to inject harmful substances and serve food that is hazardous. Any such infraction of Section 11 is punishable by a fine of Rs. 100 and/or a maximum of three months in jail.

Indian Wildlife Protection:

Hunting is defined as "capturing, killing, poisoning, snaring, or trapping any wild animal" by the Wildlife Protection Act of 1972, which was enacted in order to conserve wild animals, birds, and plants. Hunting actually includes harming, destroying, or taking an animal's body part. "Disturbing or damaging the eggs or nests" is equivalent to hunting for wild birds and reptiles. January 2003 saw the implementation of the Act's revision, which increased the severity of the penalties for infractions.

Indian Penal Code: The Indian Penal Code's sections 428 and 429 state that it is forbidden to maim or hurt any animals. Injuries to street dogs and cats, as well as acts such as hurling acid on cows, are punishable, which should act as a warning to many careless drivers. Additionally, the Code forbids autos from killing or seriously hurting cows, dogs, or cats on public roads. Offenders are turned over to a police station or the local animal rescue organization. A criminal case is also brought against them. The guilty face a minimum sentence of Rs. 2000 and/or a maximum sentence of five years in prison.

Indian Constitution:

PART IV: Directive Principles of State Policy: Article 48: Organisation of Agriculture and Animal Husbandry and Article 48A: Protection and improvement of environment and safeguarding of forests and wildlife

As per Article 48, the Constitution requires the State to "take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves in other milch and draught cattle."

As per Article 48A, the Constitution places a duty on the State to "endeavor to protect and improve the environment and to safeguard the forests and wild life of the country."

As per List III, Both Parliament and the legislature have the authority to make laws on the following: "prevention of cruelty to animals." "protection of wild animals and birds." "prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants."

PART IVA: Fundamental Duties: Article 51A (g): Fundamental Duties, the Constitution places a duty on every citizen to "protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures."

Seventh Schedule: (Article 246), List II: State List and List III: Concurrent List Per List II, the Legislative Assembly is given the authority to make laws on the following: "preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice..."

Eleventh Schedule (Article 243G) As Per the Eleventh Schedule, the Constitution provides that Panchayat (local self-government) may make laws on the following: "animal husbandry, dairying and poultry", and fisheries.

5 Steps an Ordinary Citizen Can Take If They Come Across an Instance Of Animal Cruelty

Step 1: Notify any local NGOs or animal lovers: However, don't count on them to take care of everything. They are always very resource-constrained, but they will undoubtedly provide some guidance. You must act and not put them through unnecessary hardship. That being said, it's fantastic if they can assist. In any event, you should let them know in case you require assistance and support.

Step 2: Address the offenders: Inform them that what they are doing is unlawful and that if they don't stop right away, you will file a police report. Keep in mind that they are going to get into big problems if what they are doing involves wildlife. Except for a few domestic animals like dogs, cats, cows, buffalos, and farm birds like chickens, monkeys, snakes, elephants, and bears, wildlife includes everything. The majority of birds, including parrots, are considered wildlife, and hurting or capturing them is a serious offense that carries a jail sentence. Even though there is only a very little fee associated with it, it is nevertheless illegal for domestic animals to be harmed in an unreasonable or unnecessary manner.

Step 3: Take a phone recording of any proof of their misconduct if they refuse to listen. It will make them uneasy. Additionally, let them know that you want to post the recording on social media.

Step 4: Go to the police station and file a report with the recording, if not of the actual wrongdoing, then of the damaged or injured animal, etc. Notify the wildlife department as well if there is any wildlife involved. Police can act callously and decline to file a report. Inform them that you will send it straight to the SP via registered mail if they decline to accept it.

Inform them that if they do not file a complaint, a large number of representatives from animal rights organizations will visit and make demands.

Step 5: Notify animal rights NGOs to provide the injured animal with medical attention if needed.

The Constitutional Fundamental Duty to Have compassion for Living Creatures and The Fundamental Right to Life

We could say that we live in a society that strives to be civil, or more accurately, that we live in a civil society. However, we are moving farther and farther away from this goal or this necessity as a result of these activities or treatments. Not only is it morally and practically our responsibility to protect and care for animals, but the Indian constitution imposes a fundamental duty on us to show compassion and care for all creatures.

"It shall be the duty of every citizens of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures." The Indian Supreme Court has ruled that one of the goals of Parliament in creating Article 51A(g) and elevating it to the rank of a basic responsibility is to guarantee that the spirit and meaning of Articles 48 and 48-A be respected as an essential obligation of each and every citizen. Therefore, Article 51A (8) mandates that every citizen "have compassion for living creatures," which encompasses empathy, kindness, and other related emotions.

Since we are human, it is essential that we adopt humanistic traits, such as compassion for all people, the desire to spare no living thing needless pain or suffering, and the care and protection of our environment and biodiversity. "Every citizen shall develop the scientific temper, humanism, and the spirit of inquiry and reform," states Article 51A(h) of the Indian Constitution, according to the Supreme Court of India's analysis of the meaning of the term "humanism" in the Indian Constitution. The term "humanism," which has several connotations but is increasingly used to refer to an inclusive sensibility for our species, has received special attention. Humanism also entails understanding kindness, mercy, and other virtues. As a result, citizens ought to cultivate a humanistic and compassionate mindset. The duties of caring for the health and wellbeing of animals as well as the obligation to stop animals from suffering emphasize the humanist ideals found in Article 51A (h). It is necessary to interpret Articles 51A (g) and (h) into PCA Act 70. Animals have rights in addition to people's basic obligations to them.

"Of all the fundamental rights, Article 21" has had the biggest impact on how India's human rights environment has developed. To determine what constitutes "life" under Article 21, the court lists all the prerequisites necessary to provide a human being's right to a dignified life as part of the celebrated provision of the Constitution and made it integral part of the rights framework. By establishing "negative" as well as "positive obligation on the state which covers only duty to restrain" but also duty to enable entitlements, a new dimension has been introduced to the understanding of right to life and personal liberty.

The "right to life and personal liberty" is a Fundamental Right guaranteed by the Indian Constitution. This fundamental right should be understood to grant animals the right to life as well, as it is not necessary to limit it to people alone. This is a vital right that is an integral part of the fundamental framework of the constitution, and its significance, legitimacy, and supremacy are beyond dispute.

While defending human rights, Article 21 of the Constitution also protects life. The term "life" has been defined broadly, and anything that interferes with the basic environment—which encompasses all life, including animal life—which is essential to human survival, is covered by this provision (emphasis supplied). Regarding animals, "life" in our understanding refers to leading a life that possesses inherent value, honor, and dignity rather than just existing or

servicing a utilitarian purpose for humans. Therefore, animals also have the right to fair treatment and respect, not just humans. Animals have the right to be free from torture and to oppose human rights violations.

Recommended Solutions for Better Implementation of The Laws For Animal Welfare

The Need for More Effective Penalties: The insignificant fines of the PCA Act and several other animal welfare statutes are seriously impeding the effective implementation of these laws' goals, as has previously addressed. The consequences for violating those rights are negligible because laws are created by people. The Act's very goal and purpose are defeated by the punishment specified in Section 11(1), which is not proportionate to the seriousness of the offense. For this reason, disciplinary action against officers who neglect to carry out their responsibilities to protect the statutory rights of animals under the PCA Act.

Awareness Among General Public: The public must be on board in order to avoid animal abuse; legislators will only take appropriate action in cases where the public has a strong interest in a subject, regardless of how bad the abuse may be. And in order to achieve this, people need to be aware of the seriousness of animal cruelty issues as well as incidents that they may come across in their daily lives but are aware of. They ought to be familiar with a few general laws.

For instance, as it's a widespread and obvious activity, one should be aware of when an animal is being transported unlawfully and under circumstances that could cause it to suffer to death. No goods vehicle shall carry more than six cattle, according to Rule 56(c) of the Transport of Animals Rules, 1978, which have been discussed. Consequently, Rule 56 stipulates that certain safety measures must be taken, such as having one attendant for every six animals and using anti-slip material and cushioning around the edges. There are several guidelines established by the courts that people ought to be aware of.

CONCLUSION.

To stop animals from being cruel to one another or from enduring needless pain or suffering The 1960 Prevention of Cruelty to Animals Act was presented. Animals are all living things, with the exception of humans. Although this act does not define cruelty, it does characterize it as causing pain or suffering to another person.

The central government created this Act in order to protect animals from needless suffering and to advance animal welfare. The Indian Welfare Board's chairman, vice-chairman, secretary, and other members serve the following roles:

- Provide recommendations to the central government about regulations to avoid needless suffering during transportation, experimentation, or confinement
- Make design recommendations for transportation vehicles
- Implement measures to improve animal conditions, such as providing shelter, water troughs, and other amenities, in conjunction with veterinary support.
- Fostering financial support, establishing rescue homes and shelters for elderly animals, collaborating with associations for the same, advising the government on medical care and attention given in animal hospitals, educating the public about the treatment of animals by humans through lectures, books, posters, and other means, and advising the government on matters pertaining to animal welfare.

Role of Committee

- a. The person conducting the experiment, both inside and outside the building, is accountable to the head of the institution. Anesthetics should be used during experimentation whenever possible.
- b. Animals hurt beyond repair should not be used in experiments.
- c. Avoid using animals in experiments if books, models, and movies suffice in college hospitals.
- d. Avoid using large animals if smaller animals can produce the same results. Animal experiments are not conducted just for practice.
- e. The animals involved in the tests are cared for both before and after the experiment.
- f. Appropriate documentation of animal testing should be kept.

Offences and Penalties

- a) Cruel animal treatment is illegal and carries a fine of up to Rs. 50 on a first offense, with a fine of up to Rs. 10
- b) A subsequent conviction within three years of the prior offense carries a fine of NLT Rs. 25, which is subject to an upper limit of Rs. 100, or a three-month jail sentence, or both.
- c) Undertaking Phooka or any other lactation-enhancing procedure that harms the health of the animal is penalized by a fine of up to Rs. 1000, two years in jail, or both. The government may confiscate an animal.
- d) Violation of any committee orders or legal restrictions imposed by the committee is subject to a fine of up to Rs. 200.

SUGGESTIONS.

I have explained the various aspects of Prevention of Cruelty to Animals Act, 1960 with required elaboration and detail under different chapters in accordance with the plan of this week. In this last chapter I have concluded the topic and after having done it is imperative to lay down some suggestions which will enhanced the efficiency and effectiveness of Prevention of Cruelty to Animals Act 1960, these are as follows:

- Awareness building to save wildlife in India. A lot of damage is done to wild animals due to negligence. Efforts are being made through e-petition which are going online and in the world of technology and social media people with one click could save millions of animals around the world. In India most of the internet penetration is happening through mobile phones.
- Films to raise awareness: Short films are making their come back and making a lot of awareness and helps raise voice for the voiceless animals. Films are documents which can be showed and understood even by the illiterate. These films gain worldwide praises and thus helps in resolving the issues related to that case. Even taking celebrity to promote animals' welfare to generate awareness among people and urge them to prevent and save animals from being tortured.
- Financial Contribution. Financial contribution not only helps save the animals but also preserve them and gives a better life to them. Even though government does makes efforts a set aside a certain amount of money for the animals and to protect them but there are many people who give money from their own pockets to help save these animals.
- Education on animal care and protection. Teaching children to love and care for others and animals too should be inculcated in them through elementary schools. There are people who find immense joy and pleasure in teasing and bulling animals thus, being

elders it is the responsibility of each parent and elders to teach the right value to children from a very young age and to teach them to be considerate and caring towards animals too.

- Work of an NGO: The work of an NGO to help the voiceless. There are many NGO who work free of cost to provide for a better life to animals and prevent them from cruelty. Many animals fall a trap of the breeders and hunters who kill them for their skin, meat, fur, leather and other valuable things.
- Even though various laws are made, the loop hole lies in the implementation of those laws. Thus, a strict implementation of these laws is highly recommended on the part of the executive and for strict punishment to those who are found guilty of it.
- The role of practicing lawyers to help and file PIL to help prevent animals' cruelty and make the court and judiciary aware of the cruelty done to the animals.

Lastly, the international summits that are organized occasionally where, countries are mend to sign and ratify their norms to a standard is equally important. This shows that many countries have taken their role seriously and are coming up with various ways to prevent cruelty of animals.

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