

Bill No. 217 of 2024

THE PREVENTION OF CRUELTY TO ANIMALS
(AMENDMENT) BILL, 2024

By

SHRIMATI SHAMBHAVI, M.P.

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BILL

further to amend the Prevention of Cruelty to Animals Act, 1960.

BE it enacted by Parliament in the Seventy-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called The Prevention of Cruelty to Animals (Amendment) Act, 2024.

Short title and
commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 11.	2. In section 11 of the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the principal Act), —	59 of 1960.
	(a) in sub-section (1) —	
	(i) for the words, “fifty rupees”, the words “fifty thousand” shall be substituted;	
	(ii) for the words “one hundred”, the words “one lakh” shall be substituted; and	5
	(b) in sub section (3), clause (a) and (b) shall be omitted.	
Amendment of section 12.	3. In section 12 of the principal Act, for the words “one thousand rupees”, the words “fifty thousand rupees” shall be substituted.	
Insertion of new section 13A.	4. After section 13 of the principal Act, the following section shall be inserted, namely: —	10
Penalty for sexual offences.	“13A. (1) Whoever voluntarily has carnal intercourse against the order of nature with any animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.	
	<i>Explanation:—</i> For the purposes of this section penetration shall be deemed to be sufficient to constitute the carnal intercourse necessary to the offence described in this section.”.	15
Amendment of section 20.	5. In section 20 principal Act, for the words “two hundred rupees”, the word “one lakh rupees” shall be substituted.	
Amendment of section 29.	6. In section 29 principal Act, in sub-section (5), for the words “one hundred rupees”, the word “one lakh rupees” shall be substituted.	20
Amendment of section 38.	7. In section 38 principal Act, in sub-section (3), for the words “one hundred rupees”, the words “one lakh rupees” shall be substituted.	

STATEMENT OF OBJECTS AND REASONS

India has a long-standing tradition of compassion and respect towards animals, enshrined in both cultural values and legal frameworks. The Prevention of Cruelty to Animals Act, 1960, was established to prohibit the infliction of unnecessary pain or suffering on animals and to promote their welfare. However, since the enactment of this legislation, over six decades have passed, during which the dynamics of animal welfare, the complexity of issues and the scope of cruelty have evolved significantly. Additionally, the penalties specified under the 1960 Act have become outdated and insufficient to address or deter the increasing incidents of animal cruelty effectively.

Recent data and reports indicate a rise in incidents of animal cruelty across the country, highlighting the urgent need for legislative reform. These include cases of physical abuse, neglect, intentional harm, and even heinous offenses such as sexual assault on animals. The current fines and penalties, often amounting to a mere ₹50 or ₹100, are inadequate in addressing the severity of these crimes, often allowing offenders to escape with minimal consequences. Consequently, there is an immediate need to strengthen the punitive measures under the Act to align with modern-day sensibilities and to act as a robust deterrent against cruelty towards animals.

The primary objective of this Amendment Bill is to enhance the penalties for offenses committed against animals and to introduce specific provisions for particularly grave offenses. This includes amendments to Section 11, 12, and other key sections of the Act, increasing fines significantly—from a nominal ₹50 to ₹50,000 and up to ₹1 lakh, depending on the nature and severity of the offense. The Bill also proposes the introduction of Section 13A, which explicitly addresses sexual offenses against animals, mandating imprisonment for life or a term extending up to ten years for such heinous acts. This inclusion underscores the seriousness with which these acts are viewed and aims to protect animals from severe exploitation and harm.

The current penalties under the 1960 Act are no longer proportionate to the offense and fail to reflect society's evolving understanding of animal welfare and rights. Penalties such as ₹50 or ₹100, which were set decades ago, have lost their deterrent effect in today's socio-economic context. Studies and recommendations from animal welfare organizations emphasize that stronger financial penalties and stringent prison terms are essential to instill a sense of accountability among offenders. By increasing fines to amounts such as ₹50,000 and ₹1 lakh, this Bill aims to provide a more impactful deterrent, discouraging individuals from engaging in or condoning acts of cruelty towards animals.

Moreover, the Amendment seeks to standardize penalties across different sections, thus creating a uniform approach towards addressing cruelty. With the increase in the amount of fines and prison terms, the Bill aligns with global practices where penalties for animal cruelty are set at levels that reflect the seriousness of these offenses. For instance, countries such as Germany, the United Kingdom, and the United States impose substantial fines and prison terms, reinforcing the view that cruelty against animals is unacceptable and punishable by law.

Enhancing penalties and introducing stricter provisions in the Prevention of Cruelty to Animals Act will have a far-reaching impact on both animal welfare and societal behavior. With stricter financial and custodial penalties, this Amendment aims to deter potential offenders and to create a safer and more humane environment for animals across India. This will foster a culture where animals are treated with compassion, respect, and dignity, aligning with India's cultural ethos and the principles of "Ahimsa" (non-violence). Furthermore, increased penalties will empower enforcement agencies to take meaningful action against violators, ensuring that justice is served in cases of animal abuse.

The Bill's provision under Section 13A addressing sexual offenses against animals is a vital inclusion, given the deeply disturbing nature of such acts. This specific provision is intended to curb such heinous crimes by enforcing strict punishment, including life imprisonment, to signify that these offenses will be met with the highest degree of legal severity. This clause reflects the growing recognition of the need to protect animals from sexual exploitation and to provide them with a safe, dignified existence.

In conclusion, this Bill is an essential reform aimed at strengthening the legal framework for animal welfare in India. The proposed increase in fines and the addition of custodial sentences for serious offenses will create a robust deterrent effect, contributing to a substantial reduction in instances of cruelty towards animals. By aligning with current societal values and providing stringent punishments for grave offenses, this Bill will support the ongoing efforts to promote animal welfare and make India a global example in compassion and care towards all living beings.

Hence this Bill.

NEW DELHI;
November 13, 2024.

SHAMBHAVI

ANNEXURE

[EXTRACT FROM THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960]

(ACT No. 59 OF 1960)

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11. (1) If any person—

Treating animals
cruelly.

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(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;

he shall be 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.

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(3) Nothing in this section shall apply to—

(a) the dehorning of cattle, or the castration or branding or nose-roping of any animal, in the prescribed manner; or

(b) the destruction of stray dogs in lethal chambers or by such other methods as may be prescribed; or

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12. If any person upon any cow or other milch animal the operation called practising phooka or doom dev. or any other operation (including injection of any or doom dev. substance) to improve lactation which is injurious to the health of the animal or permits such operation being performed upon any such animal in his possession or under his control, he shall be punishable with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to two years, or with both, and the animal on which the operation was performed shall be forfeited to the Government.

Penalty for
practising
phooka or doom
dev.

* * * * *

20. If any person—

Penalties.

(a) contravenes any order made by the Committee under section 19; or

(b) commits a breach of any condition imposed by the Committee under that section;

he shall be punishable with fine which may extend to two hundred rupees and when the contravention or breach of condition has taken place in any institution, the person in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

29. (1) * * * * *

Power of court
to deprive
person convicted
of ownership of
animal.

(5) Notwithstanding anything to the contrary contained in any law for the time being in force, any person in respect of whom an order is made under sub-section (3) shall have no right to the custody of any animal contrary to the provisions of the order, and if he contravenes the provisions of any order, he shall be punishable with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months or with both.

38. (1) * * * * *

Power to make
rules.

(3) If any person contravenes, or abets the contravention of, any rules made under this section, he shall be punishable with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to three months or with both.

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further to amend the Prevention of Cruelty to Animals Act, 1960.

(Shrimati Shambhavi, M.P.)