

Animal Rights and the Law: A Penological Critique of the PCA, 1960

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Abstract:

The Prevention of Cruelty to Animals Act, 1960, stands as a pivotal legal framework in India aimed at safeguarding animal welfare. This paper examines the Act from a penological perspective, analyzing its effectiveness in deterring cruelty towards animals and promoting their humane treatment. By evaluating the Act's provisions, enforcement mechanisms, and the role of punishment in shaping societal behavior, the paper investigates whether the current legal provisions align with penological principles such as deterrence, rehabilitation, and retribution. Additionally, it explores the challenges in the implementation of the law, including issues of enforcement, public awareness, and the adequacy of penalties. The study emphasizes the need for reform in the context of evolving societal attitudes toward animal rights and the development of more robust legal and penological frameworks to address animal cruelty in India. Ultimately, the paper seeks to provide a comprehensive understanding of how the law can be strengthened to foster a more compassionate society while ensuring Justice for animals.

Keywords: *Animal Cruelty, Punishments, Judiciary, Protection, Animal Welfare, Penalty etc.,*

Introduction:

"Duties of a person having charge of animals: It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animals and to prevent the infliction upon such animal of unnecessary pain or suffering."

-Sec 3 in Prevention of Animal Cruelty Act, 1960

The word 'Cruelty' is derived from a Latin term 'crudelem' which means "morally rough" thus, Cruelty against animals means "it is a deliberate infliction of physical or psychological pain on a living creature; and its most offensive and confusing feature is that it is frequently obvious delight of the committers¹.

India, the seventh largest country in the world, is one of the most bio-diverse regions of the world containing four of the world's 36 biodiversity hotspots. It is home to animals ranging from the Bengal Tigers to the Great Indian Rhinoceros and animal protection and welfare in the country has taken a prominent position over the recent years. Protection of animals is enshrined as a fundamental duty in the Indian Constitution and there exist several animal welfare legislations in India such as the Prevention of Cruelty to Animals Act 1960 and the Wildlife Protection Act 1972 at the Central level and cattle protection and cow slaughter prohibition legislations at the State levels.

The Bharatiya Nyaya Sanhita, 2023 is the official criminal code of India which covers all substantive aspects of criminal law. Section of the BNS provides for punishment of all acts of cruelty such as killing, poisoning, maiming or rendering useless of animals. The aforementioned legislations have been enacted to obviate unnecessary pain and suffering of animals and similar legislations continue to be enacted according to changing circumstances. Notwithstanding specific statutes, further protections for animals lie under general concepts such as tort law, constitutional law, etc².

Animals in India occupy a non-human status, wherein they are treated as a commodity or property³. The property status is indicative of a lower position occupied by animals as a result of which sufficient liability is not imposed in instances involving harm and infliction of cruelty upon them. This is reflected in the penal sanctions available under the Prevention of Cruelty to Animals Act, 1960, which deals with cases of animal cruelty. However, the PCA only imposes a maximum criminal liability of fifty rupees on the perpetrators based on its current application⁴.

¹ Victor Nell, "Cruelty 's rewards: The gratifications of perpetrators and spectators", Behavioral and Brain Science, 2006, available https://www.researchgate.net/publication/232014643_Animal_cruelty_Definitions_and_sociology

² Taruni Kavuri, "Overview of Animal Laws in India", Animal Legal and Historical Centre, 2020 available at <https://www.animallaw.info/article/overview-animal-laws-india>

³ 3 David Favre, "Living Property: A New status for Animal's Within the Legal System", Marq Law Journal, 2010.

⁴ The Prevention of Animal Cruelty Act, 19060, Sec 11(1)

Application Of PCA with Current Scenario

The PCA was enacted with the aim to prevent the infliction of unnecessary pain or suffering on animals. It came into force in 1960 and its penal provisions have not been amended since. 7 As the official law states, Prevention of Cruelty to Animals Act is an act to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals that extends to the whole nation except the state of Jammu and Kashmir. The Act consists of six chapters and forty-one sections, addressing crucial points, such as cruelty to animals, their training and experimentation.

The PCA has been heavily criticized for being inadequate and for lacking the necessary force to prevent atrocities towards animals. However, considering the fact that the PCA is the primary legislation in India dealing with animal welfare, it is important, while discussing why and how the PCA is ineffective, that we delve firstly into what it actually entails in terms of its provisions, in its current form. To review the PCA in its current form, first, the history of the Act is discussed. Thereupon, the scope and application of the PCA is analyzed. This paper also gives an overview of the proposed amendments to the PCA, which are in line with recent judicial interpretations of the PCA and which propose to make the PCA more suited to achieve its aims and objective.

BACKGROUND OF THE PCA, 1960 ACT

The Prevention of Cruelty to Animals Act, 1960, largely owes its existence to the tireless efforts of Rukmini Devi Arundale. In 1952, she introduced a private member's bill in the Rajya Sabha to replace the existing Prevention of Cruelty to Animals Act, 1890, due to its limitations⁵. It was after her impassioned speech in the Rajya Sabha in 1954, emphasizing the critical need to protect animals, that Prime Minister Nehru set up a committee to review the issue and draft comprehensive legislation. Nehru requested Rukmini Devi to withdraw her bill, assuring her that his government would take responsibility for creating a more robust law to protect animals and their rights. This led to the eventual enactment of the 1960 Act, which replaced the older law.

The 1890 Act was limited in its scope, applying only to urban areas within municipal limits and defining 'animal' as any domestic or captured animal. This exclusion meant that stray animals, which often endure the most cruelty, as well as non-domesticated animals like birds, were not covered. Furthermore, the earlier law addressed only a few specific forms of animal cruelty, and the penalties for violations were inadequate. In contrast, the 1960 Act aimed to overcome these shortcomings. It expanded the definition of 'animal' to include a broader range of creatures and made provisions for the protection of animals in research and experimentation. The Act also introduced regulations for the welfare and treatment of performing animals.

Additionally, the 1960 Act established the Animal Welfare Board of India, a statutory body tasked with overseeing animal welfare, promoting their well-being, and advising the Central Government on relevant issues. The PCA, 1960, therefore, stands as the most comprehensive and widely applicable legal framework for animal rights in India.

Scope and Applicability of the PCA, 1960:

1. Offences:

The PCA lists several offences and prescribes penalties for the same. Sec11 of the PCA is the main section which punishes instances of cruelty by listing specific offences. It renders "beating, kicking, over-riding, over-driving, over loading, torturing, which causes unnecessary pain or suffering to any animal punishable⁶. The Orissa High Court interpreted this section in *Bali Parida v. Nira Parida*⁷ to mean that beating an animal as such is not punishable under Sec 11(1) of the Act and does not constitute an offence under this sub-section, unless the beating is such as to subject the animal to "unnecessary pain or suffering". Thus, according to this case, Sec 11 requires a nexus between the action of cruelty and unnecessary pain or suffering, with main emphasis being on the latter. There is general consensus on the principle that animals should not be made to suffer unnecessarily⁸. This principle has been used as the basis for most animal welfare legislations in several countries. However, we are yet to demarcate between necessary and unnecessary suffering⁹.

Opinions of famous scholars of in the field of animal welfare and rights have given a classic differentiation between the necessary and unnecessary pain as follows:

A well-known scholar in the field of animal rights 'David Favre', also talks about how the interest of animals have to be balanced alongside those of humans, and how sometimes human interests may be allowed to take precedence over the interests of animals, in being free from torture and suffering¹⁰. He gives two examples of such a situation, where human

⁵ Chinny Krishna & Maneka Gandhi, Rukmini devi and animal welfare in rukmini devi arundale, 1904-1986: A Visionary Architect Of Indian Culture And The Performing Arts 67-70 (2005).

⁶ The Prevention of Cruelty to Animals Act, 1960, Sec 11(1)(a).

⁷ *Bali Parida v. Nira Parida*, 1969 SCC Online Orissa 129.

⁸ F. Hurnik & H. Lehman, Unnecessary suffering: Definition and evidence, 3(2) International Journal for The Study of Animal Problems 131-137 (1982).

⁹ Robert Garner, *The Political Theory Of Animal Rights* (2005).

¹⁰ David S. Favre, *Judicial Recognition of the Interest of Animals- A New Tort*, Mich. St. L. Rev. 333, 346 (2005)

interests supersede those of animals: “Thus, if a horse has to be hit to make him start pulling the wagon, or if an animal has to be killed to be eaten, such actions do not violate the law”.

Cass Sunstein, another renowned scholar also believes that animals must not be subjected to more suffering than is absolutely necessary. According to Sunstein any practice where the suffering of the animal far outweighs the benefit to mankind, and where not much can be done to minimize such suffering, should be abolished. But if decent treatment can be given to animals, even those who for instance are going to be used for food, animals may then justifiably be used for food. However, if an activity calls for unacceptably high levels of suffering, then it should be prohibited¹¹.

These scholars do not advocate for halting the use of animals for food or labor in agricultural work. Instead, they argue that when animals are used, humans should minimize their suffering to the greatest extent possible. In this context, Sunstein points out that the vast majority of animals bred and used for food are not covered by anti-cruelty laws, leaving most modern farming practices unregulated. He calls for stricter regulations in areas where significant exceptions and exemptions exist in anti-cruelty legislation, such as in scientific research, entertainment, and agriculture. Consequently, any suffering inflicted on animals should be thoroughly justified to prevent causing unnecessary harm to their interests. Sec 11, has also been discussed by the Supreme Court in the case of Animal Welfare Board of India v. A. Nagaraja¹² in which, the Court recognized that acts of cruelty towards animals, enumerated under the said provision of the PCA, when allowed, is unconstitutional. In this case, it banned the sport of Jallikatu,²⁸ as, in the opinion of the Court, the sport violated Sec 3, Sec 11(1)(a), Sec 11(1)(m), Sec 11(1)(n) and S. 22 of the PCA (which relate to competitions or matches between animals, wherein animals are made to fight or perform), and Art. 51-A (g) and (h) of the Constitution (which are Fundamental duties under the Constitution).

The Court, in Compassion Unlimited Plus Action v. Union of India, also held that any action, which causes unnecessary pain and suffering to animals, is an offence, for such action, is in contravention of the statutory rights under Sec 11 and Sec 3 of the PCA that are granted to animals. Moreover, under Sec 11(1) (c), unreasonably or willfully administering any injurious substances or drugs to animals is a punishable offence¹³.

In consonance with these provisions of the PCA, the Bombay High Court held, in “Krushi Guseva Sangh v. State of Maharashtra¹⁴”, that the transport of cattle, in cages not proportionate to their size is an offence under the PCA. Non-abidance of the rule even for transportation of animals for slaughter amounts to an offence under this section, since, in Bharat Amratlal Kothari v. Dosukhan Samadkhan Sindhi¹⁵, where the issue was regarding transportation of animals for slaughter via truck, in which they had been filled in a cruel manner, the Supreme Court not only imputed liability for the offence on the drivers and the cleaners but also on owners of the trucks.

Duties towards animals under PCA:

The PCA also contemplates certain duties that humans owe to animals.³⁷ Failure to discharge these duties amount to offences and thereby invites penalties. Duties may be positive or negative¹⁶. “Positive duties” imply positive actions that are prescribed by law, while negative duties are “negative injunctions” that prohibit certain actions.³⁹ The PCA includes both negative and positive duties that humans owe to non-humans. For example,

- Sec11(1)(a) makes it an offence to beat, kick, over-ride, over-drive, over-load, torture or otherwise treat any animal so as to subject it to unnecessary pain or suffering. This is a negative duty imposed upon humans by the PCA, such that they are obligated under law to refrain from causing any animal unnecessary pain or suffering.
- Sec11(1)(g) makes it an offence if the owner of a dog that is habitually chained up or kept in close confinement, neglects to exercise or cause to be exercised reasonably.
- Sec11(1)(h) also makes it an offence if the owner of any animal fails to provide it with sufficient food, drink or shelter. These are positive duties imposed upon humans to exercise their dogs, and to provide animals with food, drink and shelter. Thus, owners of animals are obliged under law to perform the said duties.

2. PENALTY:

Under Section 11(1)(a) to (o) of the Act, subjecting an animal to any of the specified acts makes the offender liable to a fine of up to fifty rupees for a first offense. For a second or subsequent offense committed within three years of the previous one, the offender faces a fine of at least twenty-five rupees, which may go up to one hundred rupees, or imprisonment for up to three months, or both. Additionally, in the case of a second offense, the offender’s vehicle may be confiscated, and they may be prohibited from owning animals in the future. However, the laws in India intended to protect

¹¹ Cass R. Sunstein, “The Rights of Animals”, 70 Univ. of Chicago L. Rev. 387, 390-395 (2003).

¹² Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547

¹³ Compassion Unlimited Plus Action v. Union of India, (2016) 3 SCC 53

¹⁴ Krushi Goseva Sangh v. State of Maharashtra, 1987 SCC.

¹⁵ Bharat Amratlal Kothari v. Dosukhan Samadkhan Sindhi, (2010) 1 SCC 234.

¹⁶ Marcus G. Singer, Negative and Positive Duties, 15(59) The Philosophical Quarterly 97 (1972).

animals are ineffective and lack teeth, given the minimal penalties imposed. These penalties are not proportionate to the severity of the offenses committed and do little to deter such acts of cruelty. A fine of fifty rupees is hardly a sufficient punishment for offenses that could result in the death or serious injury of an animal. As a result, offenders often face no substantial consequences for their actions. Section 11 outlines several serious offenses that can cause immense suffering or even death to animals, yet the minor penalties for such grave acts contribute to the ongoing problem of animal abuse¹⁷.

Inadequate Nature of the Criminal Sanctions in the Act

PCA occupies the status of the principal legislation that protects animals from acts of cruelty. Other delegated legislations on specific matters of animal cruelty are made by keeping the PCA as a benchmark. However, the PCA as discussed above is largely inadequate and ineffective. The inadequacy and ineffectiveness of anti-cruelty laws can be attributed to a 'species bias' or the concept of 'Speciesism', which is the idea that humans are superior to animals¹⁸. The following are the few species bias in the Act:

1. MEAGER PENALTY

The criminal penalties for offences must be imposed depending on the intensity and the objective of punishing the offence. Thus, the threshold for imposition of penalty must be measured based on the proportionality between these factors, in light of deterrence and monetary value. The doctrine of proportionality, particularly in the context of punishment, serves two key purposes: fairness to the offender and fairness to society. The penalty should not exceed the severity of the crime committed, yet a fine of fifty rupees is clearly not harsh enough to serve as an effective deterrent. From the offender's perspective, the punishment may not seem unfair, but in the broader societal context, the penalty should align with the law's objectives. The purpose of the Prevention of Cruelty to Animals Act (PCA) is to prevent unnecessary suffering of animals, as outlined in its Statement of Objects and the constitutional mandates under Article 48A and Article 51A(g), which emphasize the state's duty to protect animal welfare. Subsequently, a plethora of judgments¹⁹ pronounced by the Indian judiciary have revealed that humans by virtue of the Constitutional mandates are required to ensure the wellbeing of animals. To achieve these goals, the penalties under the PCA must be substantial enough to prevent cruelty effectively, ensuring they match the severity of the harm caused. Jeremy Bentham an advocate of Deterrence theory argues that "punishments should have a utilitarian function and so must be proportional to the gravity of the crime in order to maximize efficiency in public resource allocation because the greater an offence is, the greater reason there is to hazard a severe punishment for the chance of preventing it". The monetary value (or damages) of a penalty for a crime has to be of such a nature that, there is equivalency between the cost and burden of imposing the penalty and the benefit of retributive effect²⁰. Applying the Anglo-Saxon rule, if a ten-rupee fine is equivalent to twenty-four hours of imprisonment under a criminal legislation, then a fifty-rupee fine should also be accompanied with at least some term of imprisonment. This means that, due to the lack of any form of retributive punishment for Sec11 offences of the PCA, equivalence with the penalty imposed is not achieved. Hence, taking into account the purpose of penal sanctions, by measuring them against the offences committed and the aims of the legislations; in light of doctrine of proportionality, the deterrence theory, and the rationale for monetary value of criminal penalties, it can be concluded that the Sec11 offences of the PCA do not impose an adequate enough penalty.

2. Non-Cognizability of Offences:

A complaint can be made to the police by anyone who has knowledge of an offence committed under the Prevention of Cruelty to Animals Act (PCA). However, it is important to note that only offences under Sections 11(1)(l), (n), and (o), and Section 12 of the PCA are considered cognizable, while the rest of the offences under Section 11 are non-cognizable. For non-cognizable offences, the police must first obtain a warrant from the Magistrate to make an arrest. Cognizable offences are typically those that are more serious and require immediate attention from law enforcement. Due to the classification of most PCA offences as non-cognizable, along with the procedural barriers this status creates, effective action against offenders becomes difficult. This classification hampers the achievement of the PCA's objectives, which aim to prevent unnecessary harm to animals. The non-cognizable status of most Section 11 offences has made it challenging for animal rights activists to bring offenders to justice. For example, when animal cruelty cases are reported to the police, actions are often not taken due to the non-cognizability of the offences. Meanwhile, other less severe offences in Indian law, such as making or selling false weights and measures or spreading false rumors, are classified as cognizable. It is therefore crucial to reconsider the cognizability status of certain Section 11 offences, based on the severity of the harm caused.

¹⁷ The Time of India, Paltry fine of Rs 50 allows abusers to get away with animal cruelty, March 18, 2016, available at <https://timesofindia.indiatimes.com/india/Paltry-fine-of-Rs-50-allows-abusers-to-get-away-with-animal-cruelty/articleshow/51450261.cms>

¹⁸ Peter Singer, Speciesism and Moral Status, 40 (3-4) Meta Philosophy 567 (2009).

¹⁹ Animals and Birds Charitable Trust v. Municipal Corporation of Greater Mumbai, 2015 SCC Online Bom 3351.

²⁰ People for Animals v. Md. Mohazzim, 2015 SCC Online Del 9508

3. Easy Grant of Bail

The offences under Section 11 of the Prevention of Cruelty to Animals Act (PCA) are primarily classified as bailable offences. Due to the low penalties, it is relatively easy for offenders to obtain bail, undermining the very purpose of bail, which is to ensure that the accused appears for trial. The concept of bail, introduced by Anglo-Saxon law, was intended as a remedy to avoid pre-trial imprisonment, with the amount pledged reflecting the seriousness of the crime. If the accused failed to appear at trial, the money pledged would serve as the fine, ensuring that the State would not lose resources due to their absence. Bail, therefore, is meant to prevent the waste of public resources and should be proportionate to the seriousness of the offence committed.

As the criminal justice system has evolved, it is now understood that bail should be reserved for less serious offences. However, because there is no clear distinction between the different offences under Section 11 of the PCA, it is difficult to determine which offences are considered grave or minor. This results in bail being granted for all offences under the PCA, effectively undermining the deterrence factor. Ideally, bail should only be granted for less serious offences under Section 11, while more serious crimes should be treated differently. Therefore, there is a need to differentiate between the various offences in Section 11, not only to address the cognizability issue but also to ensure that bail is granted appropriately. India follows a similar standard of granting bail only to those offences, which are classified as severe in nature²¹. The current penalties and liabilities under the PCA do little to improve the treatment of animals or deter individuals from committing acts of cruelty. The paper also discusses various amendment proposals that have been put forward in Parliament. Although these proposals have not yet been passed, their potential enactment could lead to a significant improvement in society's treatment of animals.

Attempts to Propose Amendment Bills:

All the animal's welfare activists and those working towards the causes of animal welfare have always had an urgent need to raise general awareness about the rights of animals and to increase the disgrace that is attached to animals' cruelty acts and striving to make such practices socially unacceptable. The punishments that act of animal cruelty attract, should cause significant detriment to the perpetrators so as to deter them and also to pose a threat to their reputation in society. Moreover, we need to reformulate statutory provisions to bring them in line with judicial interpretation of the rights of animals under statute as well as the constitution. There have, in fact, been several failed attempts at introducing amendments to the PCA, to make it more comprehensive and to bring its provisions, more in line with its aims and objectives. It is however, surprising how the attempts to amend the PCA have fallen through considering the fact that the Indian judiciary has time and again reiterated the importance of preserving and protecting animal rights.

• ANIMAL WELFARE ACT 2011

In 2011, a draft bill titled the Animal Welfare Act 2011 ('Draft Act, 2011') was introduced by The Animal Welfare Board of India (AWBI) in the Parliament to replace the present PCA. The Draft Act sought to bring a shift from a defensive position to a positive, welfare-driven and well-being-oriented approach, by strengthening animal welfare organizations and enlarging the definition of animal abuse, in keeping with the times and in consonance with judicial pronouncements²². This bill proposed to add few more categories of offences and also increased the penalties for cruelty by multiplying the old fines, under the PCA, by a factor of a thousand. For the first offence, it provided that the offender would have to pay a fine of not less than ten thousand rupees but which may extend to twenty-five thousand rupees, or be imprisoned for up to 2 years, or both. Further, in the case of a second or subsequent offence the offender would be punished with a fine, not less than fifty thousand rupees but which may extend to one lakh rupees, and with imprisonment for a term that shall not be less than one year but may extend to three years. Unfortunately, while such strict penalties are the need of the hour, the bill, has not yet been passed.

• Animal Welfare Bill, 2014

Post-Nagaraja, the AWBI drew up a fresh draft, the Animal Welfare Bill, 2014. It incorporated substantially higher penalties for animal abuse, but is yet to be passed by the Parliament, despite massive furor among animal rights activists and organizations regarding the inconsequential and pitifully scant punishments that the current PCA Act provides for²³. With a rise in incidents of animal abuse recently, such as the assault on the police horse Shaktiman²⁴, murder of puppies

²¹ Prahlad Singh Bhati v. NCT, Delhi, (2001) 4 SCC 280.

²² The Hindu, Massive Hike proposed in animal cruelty fines in Draft Act, February 21, 2011, available at <https://www.thehindu.com/news/national/Massive-hike-in-animal-cruelty-fines-proposed-in-draft-Act/article15452618.ece>

²³ The Hindu, Centre urged to enact Animal Welfare Bill, March 13, 2016, available at <https://www.thehindu.com/news/national/centre-urged-to-enact-animal-welfare-bill/article8414140.ece>

²⁴ The Hindu, Police horse 'Shaktiman' dies, April 20, 2016, <https://www.thehindu.com/news/national/Police-horse-Shaktiman-dies/article14247725.ece>

in Delhi²⁵ and Bengaluru²⁶ as well as the acid attack on a pony in Hyderabad²⁷, the AWBI as well as other animal rights activists along with several NGOs such as the Humane Society International, appealed to the Ministry of Environment, Forest and Climate Change to consider the bill and get it enacted by the Parliament. However, the bill still remains in cold storage.

• The Private Member Bill of 2016:

Recently, on August 5, 2016, BJP MP Poonam Mahajan, moved a private member's bill in the Parliament seeking an amendment to the PCA, incorporating stringent penalties and making all offences under Sec11 of the PCA, cognizable offences²⁸. However, the chances of this Bill being passed also seem bleak, considering the fact that it is a private member bill. Over the years, a large number of private member bills have been introduced in parliament. However, till date only 15 private member bills have been passed. This is because only half a day is reserved in a week for private member business, and thus, a majority of private member bills do not even get debated in parliament.

Conclusion:

A failure to improve the animal welfare legislation will mean that greater atrocities towards animals will continue to take place and those concerned will walk away scot-free. However, public outrage against animal cruelty is palpable at this juncture. This paper has attempted to critique and point out the existing deficiency in the animal welfare act and provisions which are currently operating in the country in order to prevent animal cruelty. This paper discusses about the background of the act and concluded that the provisions of the primate animal welfare legislations in India is beyond hopeless and penalties neither offers adequate protection for animals against cruelty neither does deter humans from committing such acts.

However, it has also been identified that the judiciary is increasingly attempting to accord rights to animals under the Constitution and also impose duties upon citizens to protect such rights. This recognition of animal's rights and our corresponding duty to not only prevent any infringement of such rights but also to protect their rights, paves the way for recognizing a legal duty to base civil liability upon.

Thereafter, the reasons for revamping the PCA have been discussed, in light of defects such as meager penalties, non-cognisability of offences, statutory limitations, and easy grant of bail. Based on the flaws highlighted, possible amendments have been proposed, so that the defects identified may be removed. These changes include imposing higher penalties, and ensuring differential treatment of offences, so as to ensure proportionality of punishments and effective deterrence.

Due to the inadequacy of the legislations, which seek to protect animals' rights and the Parliament's inefficacy to recognize the rights of animals and prescribe any effective measures to protect basic rights; change in the law is necessary. Three amendments to the PCA have already been proposed. However, they are yet to be passed by the parliament. Every day, there are new cases of animal cruelty being written about and spoken of. In light of the situation, solutions to mitigate the suffering of animals have to be found. Therefore, proposed changes are required to the PCA, such as civil liability being imposed on those who violate the rights of animals, for their failure to perform their duty of protecting the rights of animals. The provision for imposing civil liability can be included in the PCA, because of the intrinsic worth of animals and their ability to feel pain as sentient beings. Animals do not merely exist for human benefit. Thus, we must stop denigrating them to an inferior position and must offer them adequate safeguards and rights, since it is our duty to do so.

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²⁶ The Times of India, Bengaluru woman kill 8 puppies to teach their mother a lesson, March 22, 2016, available at <https://timesofindia.indiatimes.com/city/bengaluru/Bengaluru-woman-kills-8-puppies-to-teach-their-mother-a-lesson/articleshow/51513219.cms>

²⁷ The Hans India, 50,000 reward for info on pony attackers, May 15, 2017, available at <https://www.thehansindia.com/posts/index/Telangana/2016-03-25/50000-reward-for-info-on-pony-attackers/216169>

²⁸ Humane Society International/India, Mumbai MP Poonam Mahajan Introduces Private Member Bill to Amend The Prevention of Cruelty To Animals Act, 1960, August 5, 2016, available at <https://www.hsi.org/world/india/news/releases/2016/08/private-member-bill-introduced-to-increase-animal-cruelty-penalties-080516.html?referrer=https://www.google.co.in/>



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