



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

A Critical Analysis of Animal Cruelty in India

Debarun Das^a

^aAmity University, Kolkata, India

Received 07 July 2022; Accepted 25 July 2022; Published 29 July 2022

Various newspapers and online articles in recent times have brought to light the fact that animals continue to suffer in cruel and horrific ways such as the killing and thereafter cooking of a pet dog¹, numerous instances of animals being raped² consequently leading to death or severe health complications, a pregnant elephant in Kerala who died after consuming firecracker laden pineapple³, etc. Several recent incidents like the ones aforementioned, raise the question as to whether an amendment is required for the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the 'PCA Act'). If the criminal penalties and provisions for receiving bail, as per Section 11 of the PCA Act, are even adequate in the present scenario since the act was framed several decades prior and took into account the scenario of that period only. Should the use of animal testing for developing cosmetic products and other scientific experimentation purposes be banned? What shall be the solution if a domestic animal such as a dog or cat is subjected to neglect on a regular basis? This article will hope to provide an answer to the aforementioned questions and conclude with certain suggestions as to how reforms can be brought into the PCA Act, how increasing social awareness can hopefully solve the issues mentioned and consequently facilitate a reduction in the number of

¹ Santosh Kumar RB, '3 students held for killing, cooking pet dog' (*The Indian Express*, 9 May 2015) <<https://indianexpress.com/article/india/india-others/3-students-held-for-killing-cooking-pet-dog/>> accessed 04 July 2022

² Saurabh Vaktania, '68-year-old man arrested for raping dog in Mumbai' (*India Today*, 11 March 2021) <<https://www.indiatoday.in/cities/mumbai/story/vegetable-seller-arrested-raping-dog-mumbai-1778097-2021-03-11>> accessed 04 July 2022

³ 'Watch | Pregnant elephant dies after eating cracker-filled fruit' (*The Hindu*, 4 June 2020) <<https://www.thehindu.com/news/national/kerala/pregnant-wild-elephant-dies-in-kerala-after-cracker-filled-pineapple-explodes-in-her-mouth/article31736516.ece>> accessed 04 July 2022

animal abuse and cruelty cases, thus achieving the ultimate aim of protecting animals from acts of cruelty and promoting animal welfare.

Keywords: *animal cruelty, animal welfare, protection, prevention.*

INTRODUCTION

“For as long as men massacre animals, they will kill each other. Indeed, he who sows the seeds of murder and pain cannot reap the joy of love.”

– Pythagoras

This famous quote by Pythagoras tells us a lot about the psychology behind humans who commit acts of cruelty against animals. Most animals, from stray dogs and cats to cattle, and even wild animals like tigers, rhinoceros, and elephants are subject to all kinds of abuse and cruelty which a rational human being would be disturbed after hearing. What makes the plight of the voiceless and defenceless animals even more difficult is that the legislations that are in place for their protection and to uphold their rights are ineffective at deterring animal abusers from committing such heinous acts due to sufficient liability not being imposed. The main legislation in place for animal cruelty in India, the Prevention of Cruelty to Animals Act, 1960 in its current application, imposes a measly sum of rupees 50 as the highest criminal liability that can be charged to an offender.⁴

The purpose of this research paper is to present a critical legal analysis on the issue of animal cruelty in India. To accomplish this, the article first explores the primary piece of legislation dealing with animal cruelty in India – the PCA Act. A brief history of the Act is provided and the current scope and applicability of the Act are also scrutinized. The PCA Act and its connection with other laws implemented for the issue of animal cruelty are discussed next where the constitutional provisions are explored and concisely presented to the reader for ease of understanding. The Indian Penal Code is another Act that contains provisions for dealing with cases of animal cruelty. These sections are explained and the flaws are discussed.

⁴ Prevention of Cruelties to Animals Act, 1960

Understanding the various types of abuse that exist against animals is also crucial for the reader's understanding. Therefore, 5 major types of abuse are discussed in order of severity of the acts and for each type of abuse, there are recent real-life cases added to further enhance the understanding of the reader. Additionally, the provisions and penalties that an offender attracts when committing the various types of abuses are discussed and the link between cases of animal cruelty and the case of abuse, rape, and murder of humans is also explored briefly. Some landmark judgements concerning animal cruelty and animal rights over the years are also explained to understand the efforts of the judiciary to take cognizance of this issue, and how with the help of their rulings they have been able to set the right precedent to be followed by the citizens towards the protection and preservation of animals and to uphold their rights.

Lastly, a conclusion is drawn on the effectiveness of the legislation in place, and the need for an amendment to the main legislation – the PCA Act – is deemed indispensable. What changes may be included in the amendment are included and the importance of raising awareness and our duty as citizens towards animals as stated in the Constitution is also discussed. These changes should hopefully lead to a decline in cases of animal abuse and cruelty in India and allow for a greater number of humans to develop compassion and empathy for their animal friends.

THE PCA ACT

The PCA Act⁵ has been enacted to prevent the infliction of unnecessary pain or suffering on animals. It is one of the major legislations that is dealing with the issue of animal cruelty and animal welfare in India. The PCA Act has received its fair share of criticism for not being adequate in the present scenario because of the lack of stringency to prevent the ever-growing cases of cruelty against animals. However, before discussing how the PCA Act is ineffective, it is important to learn about the history of the Act first.

A. HISTORY OF PCA ACT

The PCA Act was brought in to replace the former Act i.e., the Prevention of Cruelty to Animals Act, 1890. One of the main issues with the former Act was that the definition of

⁵ Prevention of Cruelties to Animals Act, 1960, Statement of Object and Reasons

'animal' was limited to domestic and captured animals only⁶. This rather limited definition excluded stray animals who happen to face the lion's share of cruel and sadistic behaviour. Other major issues with the PCA Act, 1890 included the fact that penalties prescribed for offenders and repeat offenders were inadequate and the Act only covered very particular acts of cruelty and had no provisions against the willful administration of injurious drugs to animals⁷, and failure of the owner of an animal to provide sufficient food, drink, and shelter to the animal⁸. The PCA Act, 1960 was enacted due to the efforts of Rukmini Devi Arundale, Padma Bhushan awardee, the first woman in Indian history to be nominated as a member of the Rajya Sabha and an activist for animal welfare. She introduced a private member bill in the Rajya Sabha and her speech inspired the then Prime Minister of India, Jawahar Lal Nehru, to agree with the fact that the existing laws needed reformation and he proposed that a committee be set up to examine it. As a result, the PCA Act came into force.⁹

B. SCOPE AND APPLICABILITY OF THE PCA ACT

The PCA Act lays down several offences and accordingly stipulates penalties for the same. Section 11 of the PCA Act lists the main offences that distinctly amount to animal cruelty. These offences are all punishable by law. For a first-time offence committed by a person, a fine of not less than 10 rupees is imposed which may extend to 50 rupees, and in the case of second or subsequent offences committed within 3 years of the previous offence, following which a fine of not less than 25 rupees but which may extend to 100 rupees or, with imprisonment for a period which may extend to 3 months, or both¹⁰. The PCA Act also observes that there are a particular set of duties that humans owe to animals¹¹. They may be classified into positive and negative duties. Positive duties are those that are prescribed by law to suggest performing positive actions. For example, section 11(1)(h) makes it an offence if the owner of an animal fails to provide the animal with sufficient food, water, and shelter. Therefore, it can be said

⁶ Prevention of Cruelties to Animals Act, 1890, s 2(i)

⁷ Prevention of Cruelties to Animals Act, 1960, s 11(c)

⁸ Prevention of Cruelties to Animals Act, 1960, s 11(h)

⁹ Mihir Samson, 'Evolution of Animal Cruelty in India' (*National Judicial Academy*, 17 August 2018)

https://nja.gov.in/Concluded_Programmes/2018-19/P-1102_PPTs/2.Evolution%20of%20Animal%20Cruelty%20Law%20in%20India.pdf accessed 04 July 2022

¹⁰ Prevention of Cruelties to Animals Act, 1960, s 11(1)

¹¹ Prevention of Cruelties to Animals Act, 1960, s 3

that the owner of an animal is duty-bound as per the law to perform the said duties. Negative duties on the other hand are those prescribed laws that forbid certain negative actions. For example, section 11(1) says that it is an offence to subject an animal to immense pain, suffering, agony, and discomfort by beating, kicking, torturing, or overriding the animal. Hence, it can be understood from this example that negative duties are imposed upon human beings by the PCA Act to refrain from causing any unnecessary pain or suffering to an animal. However, on a brief reading of sections 3 and 11 of the PCA Act, one may notice that the Act gives a rather large weightage to the negative duties owed by humans to animals, but the positive duties that may allow for animals to live a better and more dignified life are few and clearly not given enough importance¹².

OTHER LAWS ON ANIMAL CRUELTY

A. Constitutional Provisions

Article 48 deals with the improvement of agriculture and animal husbandry¹³. Guidelines are laid down for the state to adopt modern and scientific methods and replace traditional ones. It is to protect the various breeds and impose a complete ban on the slaughtering of cows, calves, and other milch and draught animals. This is because cattle slaughter, especially cow slaughter, is a deeply contentious issue in India because of the sacred values held by cows by sects of Hindus, Jains, Zoroastrians, and Buddhists¹⁴.

Article 48A declares that there is a need for the protection of the environment and wildlife. The duty falls upon the state to make the effort in protecting and safeguarding the wildlife of the country and also protecting the environment¹⁵.

Article 51A declares 11 fundamental duties of every citizen in India, imposing a duty on the citizens under Article 51A(g) to protect and preserve the natural environment which includes

¹² Abha Nadkarni & Adrija Ghosh, 'Broadening the Scope of Liabilities for Cruelty against Animals: Gauging the Legal Adequacy of Penal Sanctions Imposed' (2017) 10 (3) NUJS L. REV

<<http://nujlawreview.org/2017/08/16/broadening-the-scope-of-liabilities-for-cruelty-against-animals-gauging-the-legal-adequacy-of-penal-sanctions-imposed/>> accessed 04 July 2022

¹³ Constitution of India, 1950, art.48

¹⁴ Taruni Kavuri, 'The Constitutional Scheme of Animal Rights in India' (Animal Legal & Historical Center, 2020) <<https://www.animallaw.info/article/constitutional-scheme-animal-rights-india>> accessed 04 July 2022

¹⁵ Constitution of India, 1950, art.48(a)

wildlife, forests, lakes, etc. It is also required as per Article 51A that citizens must possess a sense of love and compassion towards animals¹⁶.

B. INDIAN PENAL CODE, 1860

Section 428 and **429** of the IPC provide that a person who commits an act of mischief on animals or cattle by killing, poisoning, maiming, or rendering useless will be punished by fining a sum of rupees 50 or upwards, or imprisonment up to 5 years, or both¹⁷.

Section 377¹⁸ of the IPC lays down that sexual intercourse between man and animal can be termed an unnatural offence, and it is a cognizable and non-bailable offence. Whoever commits such an unnatural act shall be liable to face the punishment of imprisonment for life, or imprisonment which may extend for a term up to 10 years and a fine.

C. THE WILDLIFE PROTECTION ACT, 1972

The Wildlife Protection Act, 1972 has been enacted with the purpose of protection and preservation of various wildlife, especially those which are endangered such as Tigers, Asiatic Lions, Nilgiri, Blackbuck, etc.¹⁹ The Govt. of India has undertaken several initiatives in an attempt toward conservation of wildlife and protection of biodiversity. For example, to conserve its national animal, the Tiger, the Govt. launched "Project Tiger" in 1973. From 9 Tiger reserves since its formative years, there has been a significant increase in coverage to 51 reserves presently. A report from 2019 revealed that the number of tigers had jumped 33% from 2014 to touch 2,967 in 2018²⁰. This data speaks volumes about the success of the government's initiative.

TYPES OF ANIMAL ABUSE

A. Simple Neglect and Animal Hoarding

¹⁶ Constitution of India, 1950, art.51(A)

¹⁷ Indian Penal Code, 1860, ss 428 and 429

¹⁸ Indian Penal Code, 1860, s 377

¹⁹ 'National Endangered Species Day 2020: Here are 7 endangered animal species in India' (*India Today*, 15 May 2020) <<https://www.indiatoday.in/education-today/gk-current-affairs/story/national-endangered-species-day-2020-here-are-7-endangered-animal-species-in-india-1678339-2020-05-15>> accessed 05 July 2022

²⁰ Vijayta Lalwani, 'As tiger numbers rise in India, here are five critically endangered species that need protection' (*Scroll*, 31 July 2019) <<https://scroll.in/article/932306/as-tiger-numbers-rise-in-india-here-are-five-critically-endangered-species-that-need-protection>> accessed 05 July 2022

The term neglect in the context of animal abuse refers to the situation where an animal's caretaker or owner fails to provide adequate food, water, and shelter. It may be deliberate or unintentional, but whatever the reason may be, the animal suffers due to this. If animals continuously suffer from extended periods of neglect, their health will seriously deteriorate and cause immense suffering for the animal. Animal neglect cases are amongst the most common cases when it comes to animal abuse. Animal hoarding on the other hand refers to the act of housing more animals than one can adequately care for. Animal hoarders tend to subject these animals to severe neglect. It is a rather complex issue as it encompasses mental health, animal welfare, and public safety concerns. Individuals who hoard animals are more often than not suffering from anxiety or depression and who believe that it is their 'mission' to save animals and often go out in search of animals whom they perceive to need rescue. They tend to be in extreme denial of the fact that they subject the animals under their care to long durations without food and water, lack of veterinary care, being chained for extended periods, etc.

B. Physical Domestic Abuse

It refers to the act of inflicting serious pain, injuries, and mental trauma to domestic animals by beating, kicking, stabbing, burning, etc. This type of abuse is quite evidently intentional on the part of the persons who perform such grotesque acts of cruelty. Domestic abuse in the general sense is so common in India with various cases of domestic abuse being filed by spouses against their husbands. The study of criminology and psychology also says that there is a connection between women who were victims of domestic abuse and animals who were also subjected to domestic abuse. 60% of women who have been victims have confessed that their husbands had a history of causing harm to animals and in some instances, even killing²¹.

A case from 2016 where a mechanical engineering student from a reputed college in Vellore threw a month-old puppy from the terrace of his house, which consequently led to the death of the animal, is one of the many examples of domestic abuse in India and also a testament to the fact that it is intentional. The student in question here had bragged about killing the puppy

²¹ Joshita Mohanty, 'Animal Abuse: Study on Inhumanity and Cruelty' (Ipleaders, 13 June 2020) <<https://blog.ipleaders.in/animal-abuse-a-study-on-inhumanity-and-animal-cruelty/>> accessed 05 July 2022

in a WhatsApp group with his friends. He even showed a desire to continue committing such acts as was made out from the messages sent by him to the group.²²

C. Organized Animal Abuse

This is a type of abuse that takes place for making money out of making two or more animals fight as a form of entertainment. For example, cock fighting, bullfighting, etc. Such fights happen very much under the radar to prevent getting caught by the authorities. This is achieved by making the identification of the location of such fights very difficult to determine. The reason for being so secretive is that vast sums of money are involved in the form of gambling, and money laundering which carry relatively more stringent penalties and consequences than the act of animal abuse. Despite organized animal abuse in the form of cock fighting, bullfighting, etc. being declared illegal in India as per the PCA Act, 1960, and the decision also being upheld in two cases from 2015 and 2018 by the Supreme Court of India, it is still very much prevalent in states like Andhra Pradesh.²³

D. Bestiality (Sexual Abuse)

The term 'bestiality' refers to the act of sexual intercourse between man and animal. It is quite disturbing to know that such acts do take place, and instead of being an uncommon occurrence like one would like to think, it is appearing in the headlines of our newspapers and online articles quite often. In 2018, there was a case reported where a pregnant goat was gang-raped by eight men in Haryana²⁴. Another case took place in West Bengal where a man dragged a stray dog into his house and raped it²⁵. Section 377 of the Indian Penal Code (IPC) is the section that deals with this issue. It states that whoever voluntarily has carnal intercourse

²² KC Archana, 'It's just a Dog, not a Human.' Chennai Student Throws Puppy Off Roof, Plans Yet Another Kill' (*India Times*, 2 November 2017) <<https://www.indiatimes.com/news/india/it-s-just-a-dog-not-a-human-chennai-student-throws-puppy-off-roof-plans-yet-another-kill-332901.html>> accessed 05 July 2022

²³ 'Rooster Kills Owner with Blade During Cockfight in Telangana. But is the Sport Legal in India?' (*News18*, 1 March 2021) <<https://www.news18.com/news/buzz/rooster-kills-owner-with-blade-during-cockfight-in-telangana-but-is-the-sport-legal-in-india-3485234.html>> accessed 05 July 2022

²⁴ 'Animal abuse must stop, now' (*The Free Press Journal*, 3 June 2019) <<https://www.freepressjournal.in/featured-blog/animal-abuse-must-stop-now>> accessed 05 July 2022

²⁵ Manilal Valliyate, 'Criminalising bestiality safeguards society' (*Down To Earth*, 20 August 2020) <<https://www.downtoearth.org.in/blog/wildlife-biodiversity/criminalising-bestiality-safeguards-society-61415>> accessed 05 July 2022

“against the order of nature” shall be punished with imprisonment for life, or imprisonment which may extend up to a term of 10 years, and shall also have to pay a fine.²⁶

There is certainly a connection when it comes to the abuse of animals by humans who later go on to perform disturbing acts on other humans. Many cases over the years are proof of this connection. For example, Ameerul Islam – the man who was accused in the infamous Jisha rape and murder case in Kerala in the year 2016, initially raped dogs and goats and later killed them after performing the act of bestiality²⁷. Deranged individuals such as him often commit such acts on animals only to get the courage to later commit similar or worse acts on humans. Robert K. Ressler, a profiler for the Federal Bureau of Investigation (FBI), who developed profiles for serial killers, had once said, “Murderers... very often start out by killing and torturing animals as kids.”²⁸

E. Laboratory Testing and Product Experimentation

This is possibly the worst kind of animal abuse possible where animals are the subjects of various tests and experiments in laboratories with the objective of evaluating the hazards of consumer products and their ingredients. Animals such as mice, guinea pigs, and rabbits are forced to swallow or inhale very high quantities of a test substance. The good news is that India, the European Union, Israel, and a few other countries have banned the sale of cosmetics or cosmetic ingredients that were tested on animals. However, it has not yet been banned in major nations such as the US and China.

LANDMARK JUDGEMENTS

1. Animal Welfare Board of India v A. Nagaraja and Ors.

Jallikattu, a competitive rural sport that takes place annually in Tamil Nadu during the Tamil harvest festival Pongal, is a rather violent sport where the individuals participating must tame the enraged bulls as a display of supremacy of the human-male over the animal-male. This is a

²⁶ Indian Penal Code, 1860, s 377

²⁷ Animal abuse must stop, now (n 24)

²⁸ *Ibid*

tradition that dates back to 2000 years, however, in recent times animal rights activists have been fighting for the bulls who are subjected to abuse and made to fight on purpose²⁹.

In 2014, in the **Animal Welfare Board of India v A. Nagaraja and Ors.**³⁰ case, the Supreme Court of India held that the practice of Jallikattu in Tamil Nadu was to be banned. The Tamil Nadu govt. had passed the Tamil Nadu Registration of Jallikattu Act in 2009 that made it legal for the sport to continue to be held as long as certain guidelines were being adhered to, however, the Animal Welfare Board of India (AWBI), decided to move an appeal to ban the sport because of the abuse and cruelty that the bulls were subjected to during the sport. There have been various reports in fact of bulls being chained and beaten to enrage them and make them more violent for the purpose of achieving a more 'entertaining show'. All this amounts to cruelty as per the PCA Act and various sections such as Section 3, Section 11 1(a), Section 21, and Section 22 are violated. The Apex Court has also said in their judgement that Jallikattu may be an old custom and tradition in Tamil Nadu, but it is still a clear depiction of animal cruelty and inhumanity. Also, according to Articles 51 A(g) and 51 A(h) of the Constitution, it is the duty of citizens to treat animals humanely and with compassion. Lastly, it was held by the Apex Court that all animal-incited fights are to be considered illegal and hence should be discontinued as a way of preventing further abuse and cruelty towards animals.³¹

2. *N.R. Nair and Ors. v Union of India and Ors.*³²

The main argument the learned counsel of the appellants wanted to put forward, in this case, was the validity of Section 22(i) of the PCA Act. Section 22(i) of the Act states that "*a performing animal, or any animal which the Central Government may, by notification in the Official Gazette, specify as an animal which shall not be exhibited or trained as a performing animal.*"³³ However, the Kerala High Court held that section 22 is an absolute necessity in the prevention of cruelty to animals. Circus animals are kept in cages and confined to chains and that causes the infliction

²⁹ Arun Janardhan, 'Jallikattu in Tamil Nadu: pride & politics' (*The Indian Express*, 18 January 2021) <<https://indianexpress.com/article/explained/jallikattu-tamil-nadu-assembly-election-bjp-congress-7148150/>> accessed 05 July 2022

³⁰ *AWBI v A. Nagaraja and Ors.*, (2014) 7 SCC 547

³¹ Joshita Mohanty (n 21)

³² *N. R. Nair and Ors. v Union of India and Ors.*, (2001) 6 SCC 84

³³ Prevention of Cruelties to Animals Act, 1890, s 22(i)

of unnecessary pain and suffering on the animals, hence if the government is satisfied that there is indeed the infliction of said unnecessary pain and suffering, then the prohibition is a must.³⁴

3. *People for Ethical Treatment of Animals v Union of India and Ors.*³⁵

People for Ethical Treatment of Animals (PETA) moved the Bombay High Court against the granting of a censorship certificate to a film titled “Taj Mahal”, by filing a writ petition under the Cinematography Act, 1952. PETA alleged that there was a violation of the provision of the PCA Act, 1960, and the Performing Animals Registration Rules, 2001. These violations were allegedly made by the makers of the film during the shooting of the film³⁶. The Honourable Court held that the makers would need to obtain a certificate from the Animal Welfare Board of India (AWBI) that would certify the provision of the Performing Animals Registration Rules, 2001, has been complied with. There also must be a declaration that there was no cruelty caused to animals during the shooting of a film. After this landmark ruling, makers of films have become exceedingly cautious in how they treat animals during the shooting of their films. Adequate food, water, and shelter are provided and it is made sure that they feel comfortable on the film set even if the shooting extends to long hours.

CONCLUSION

In the course of this paper, an attempt has been made to make the reader understand the existing and rather rampant issue of animal cruelty in India. Our nation has various legislations in place to protect the rights of animals, but on the analysis done of the PCA Act previously in this paper, where the scope and applicability were discussed, it has been made clear that despite being the primary legislation for animal rights in the country, the Act does not successfully deter those who commit such despicable and inhumane acts on animals. The various flaws have been pointed out and I can say that the provisions are nothing but toothless, not up-to-date and the penalties do not offer adequate protection nor deter acts of cruelty. In other words, an amendment to the PCA Act is indispensable. Lawmakers of the

³⁴ Joshita Mohanty (n 21)

³⁵ *People for Ethical Treatment of Animals v Union of India and Ors.*, (2009) Writ Petition (Civil) No. 23480/2005

³⁶ Dev Tejnani, ‘15 Landmark Judgement of Indian Judiciary on Animal Rights’ (*Legal Desire*, 16 July 2020)

<<https://legaldesire.com/15-landmark-judgement-of-indian-judiciary-on-animal-rights/>> accessed 25 June 2022

country need to give importance to animal rights and pass the amendment as soon as possible. The amendment should ideally contain updated provisions and penalties that are relevant to the present scenario and stringent to deter cruel acts against animals and not let off those who commit such horrendous acts easily like how the scenario is at the moment in India, where a meagre amount of 50 rupees is enough to secure bail. Nearly all offences against animals that are stated in Section 11 of the PCA Act are categorized as bailable offences.

Therefore, the fact that the offences are predominantly bailable, and the amount for bail can be considered 'pocket-change', defeats the entire purpose of bail. Bail is reserved for those criminal acts that are considered to not be grave or severe. The acts of cruelty that take place against animals on a daily basis are nothing but grave criminal acts in my eyes and speak largely about the issue of mental health, as such acts are committed by individuals that are clearly not in the right state of mind. However, the topic of mental health is still largely considered taboo in India and most people fail to recognize that the individuals behind such inhumane acts require help. Unless they understand that the acts that they are committing are cruel and should not be done, no piece of legislation or its penalties is going to deter them from committing such acts again after getting out on bail or after a term of imprisonment, or from resorting to domestic abuse, rape, murder as discussed earlier in the paper.

Having appreciated the need for making the PCA Act more stringent through an amendment, and in light of the high number of animal abuse cases still taking place, it makes sense that we explore other avenues for dealing with this issue. A research article by AbhaNadkarni and Adrija Ghosh for the NUJS Law Review (2017)³⁷ suggested the imposition of civil liability. Imposing civil liability alongside criminal liability in cases of animal cruelty will be able to broaden the scope of liability for cruelty against animals. It will mean that state authorities such as the Animal Welfare Board of India (AWBI) would be able to take action against those who violate the animal welfare legislation in place. The filing of civil suits on behalf of animals would lead to greater enforcement of law and would certainly help to mitigate the effects of species bias that is very much present in the country.

³⁷Abha Nadkarni & Adrija Ghosh (n 12)

The positive news in this issue is that the judiciary is taking cognizance of the rampant cases of animal cruelty taking place in the country and are working towards imposing the duty upon citizens to protect and preserve the rights of animals and the judiciary has also made attempts towards granting rights to the animals as under the Constitution which can be observed in the landmark judgements by them in cases such as the Jallikattu³⁸ case.

Lastly, I would like to conclude by saying that the reasons for passing an amendment to the PCA Act urgently have been discussed, such as the meagre penalties, non-cognizable nature of offences, easy grant of bail, etc. My suggestion includes tackling these 3 main flaws with the utmost care, keeping in mind the present scenario, the proportionality of punishments, and successfully deterring acts of abuse and cruelty. The need to understand the importance of the topic of mental health is also required as psychology and criminology go hand-in-hand and is one of the ways to understand and prevent humans from committing future acts of cruelty against not just animals but also against other humans. It also happens to be our duty as citizens to protect and preserve the rights of animals as laid down in Article 51 A(g) of the Constitution of India³⁹. We must fulfill this duty and pass this on to our friends, family, and future generations to bring about a change in society and achieve the ultimate goal of protecting animals from acts of cruelty and promoting animal welfare. This is why we as humans must develop empathy for these voiceless animals and learn how to co-exist in peace.

³⁸ AWBI (n 30)

³⁹ Constitution of India, 1950, art.51(A)g