

2023



**Prevention of Cruelty to
Animals (PCA) Act
Amendment Bill Suggestions**

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2023 - PCA Act Amendment Suggestions

Overall – for all offences

- All the offences need to be cognizable and non-bailable
- Even for cognizable offences, the police are not interested in filing an FIR, Animal volunteers are harassed for taking animal cases to the police stations. In this scenario, it is an absolute waste to have an offence as non-cognizable. It is NOT going to help animals in any way.
- The option of fine (or) jail term needs to be modified as **both** fine and jail term

Section 11

- The penalty for the very first offence should start from a minimum of Rs.5000.
- The penalty for the second offence needs to start from 15,000 and with imprisonment

Need sub-sections to ban these practices:

- **Begging animals:** There is nothing mentioned about animals used for begging (e.g. elephants, monkeys, bears). This should be banned.
- **Animal sacrifice and mass killing** of animals in the name of religion/tradition which is done in public places that do not have a license to slaughter should be banned totally.
- **Permanent caging (or) chaining of dogs** is a major cruelty that is prevailing on a large scale across the country. This should be completely banned and instead, a free movement (or) animal enclosure model should be implemented (Please see enclosure images in the **Attached** “Dog owner’s guidebook”)
- **Horse bits:** The use of bits in the mouth of horses, to control them, should be banned. Instead, bit-less bridles need to be made mandatory (**Attached:** Please see the video in the attachment to know how bits damage the oral cavity, tongue and teeth of horses and cause severe, unbearable pain to horses)
- **Live animal exhibits:** Ban on keeping live animal exhibits at public places such as resorts, restaurants, and parks to be implemented. (**Attached:** Investigation of live animal exhibits at a restaurant)
- **Permanently tethered cattle:** Cattle being tethered with a short rope and made to stand on the hard concrete floor, 24 hours a day is a normal practice all over the country. This needs to be banned. A cattle pen (no tethering) with free movement and with a soft soil floor needs to be made mandatory.
- **Pet shops:** Need to amend the law, to ensure that live animals are not exhibited in pet shops. Pet shops forcefully separate puppies, kittens etc. from their mother when they are not fully weaned and force them to live on hard metal mesh floor cages, in noisy, polluted roads. Nonstop cries of such separated puppies and kittens are ignored by these shops. Birds are kept in cramped conditions in tiny cages.

Section 11 A (Gruesome cruelty)

Sections 11A and 11B both have killed. For filing FIR, police will be confused about which crime falls under 11A and which falls under 11B. Since killing is covered in 11B, it should be removed from 11A

Wild elephants capture and taming

Several forest departments are regularly involved in capturing wild elephants and taming them by brutally attacking them inside a cage or by chaining them to trees. Such attacks happen for several months. In this process, many elephants are killed by forest staff. Incidents of elephants being wrongly tagged and captured are also evidenced.

PCA act should be amended to prohibit barbaric elephant taming and killing by forest staff.

The elephant needs to be euthanized (or) needs to be translocated (as per section 11 of the Wildlife Protection Act)

Attached: Investigation about wild elephant capture and taming

Keeping elephants in temples / private

Elephants are classified as Schedule 1 Animals in the Wildlife Protection Act. Elephants kept in temples and private custody are purchased illegally, as Wild Life Protection Act does not have any provision for selling elephants to private parties (or) temples. Despite this, forest departments / private people were involved in capturing wild elephants, taming them and selling them to temples and private people. This had led to elephants being subjected to enormous cruelty, physical & psychological damage. Removing elephants (classified as keystone and umbrella species) from the wild impacts biodiversity to a very large extent. Need an amendment to ban this practice of elephants being in the custody of private people (or) temples.

Attached: Temple, private elephant cruelty report.

Section 13: Destruction of suffering animals

There are too many cases in which due to lack of adoption homes, several dogs that are chained 24 hours a day, beaten regularly by the owner, are not having a chance to be rescued. To handle such a scenario, need to provide a clear description of the term "*cruel to keep the animal alive*". This term means both terminally ill animals and animals living in harsh, cruel conditions. The addition of this meaning in the Act will provide clarity and will bring a huge relief to suffering animals.

The term magistrate used does not clearly say if it is judicial magistrate (or) administrative magistrate (district collector). Need to mention this.

The power for ordering the destruction of animals is given only to three members 1. Magistrate, 2. Superintendent of Police and 3. Police commissioner. Practically public can't approach such senior officials for such animal cases. In such a scenario, the power for ordering of destruction of animals should be given to additional members of the police squad mentioned here: Assistant Commissioner, Deputy Commissioner, Joint Commissioner and DSP.

The term 'destruction' is to be replaced by "Humanly euthanised by a veterinary doctor"

State law cannot overrule central law

In the Tamil Nadu Jallikattu case, Karnataka Kambala case and Maharashtra Rekla race case, the state governments amended the PCA act and continued to do the cruel events. Need to create a section that mentions that state governments cannot amend the PCA act and overrule the central act. If this is not done, then all the state politicians will amend the law according to their convenience aiming at the vote bank.

Need a dedicated and elaborate section for Zoo animals

There is no legal protection for zoo animals, even in Wildlife Protection Act. A zoo is a place where maximum cruelty happens. The animals are not allowed to die (or) live a happy life. They are somewhere in between. They are forced to live in appalling conditions for several years. Apart from the living conditions, zoo animals are fed low quantity, and quality of food and the record books show higher quantity, and quality (This unpurchased food goes as money into the pockets of people involved in managing the zoos.)

Medium, small and mini zoos are maintained by municipalities that have zero experience in managing wild animals in captivity. Any organized and professional captive wild animal facility has these three full-time staff 1. Wildlife vet 2. Wildlife biologist 3. Wild animal diet and nutrition expert. Municipality zoos without any of these human resources (or) space, run the zoos in a miserable conditions subjecting the animal to enormous cruelty.

A complete ban on running such medium, small and mini zoos needs to be imposed thru the law.

Need to have a dedicated elaborate section for zoo animals in the PCA act.

Attached: A sample report of problems faced by zoo animals and enormous cruelty happening in zoos.

Draught and pack animal's pulling weight to be reduced:

The loads (as mentioned in the rules) that the draught and pack animals have to pull are very high. The loads mentioned in all categories much be drastically reduced.

Ban exotic species of animals

Exotic animals are not protected by the wildlife protection act. This loop whole is misused by several smugglers and thousands of exotic animals are traded. These animals are subjected to unimaginable cruelty. Many of them die during transportation. Having possession of exotic animals needs to be completely banned

Attached: Report on exotic bird trade and cruelty involved.

Alternate to the SPCA model

SPCA model has miserably failed, as unlike other government departments, the employees of SPCA are not on the government payroll and does not have a full-time job. Their salary depends on the grants given by the collector (or) donations collected by the collector. This is practically not possible and this has led to the serious failure of this model

Alternate model: Create a uniformed force (animal cops) similar to a fire and rescue / cyber-crime cell for every district and empower them with the necessary knowledge of handling animal cruelty cases. Any issues related to animals, or any permissions related to the usage of animals need to be directed to this dedicated animal cops team

Attached: Animal cops' proposal submitted to DGP of Tamil Nadu.

Problems in implementation and the need for a blanket ban

Animal law enforcement is done only by the tiring efforts of volunteers who are harassed and made to run from pillar to post for even making minuscule progress in implementing the laws.

Police do not take animal cases, as they think “this is not their business”. If the laws are not amended appropriately (e.g. live animals exhibit in pet shops, begging elephants etc.), then there would be several lakh violations across the country.

There is no one to monitor such violations. Please do not expect police / State AWB members to monitor such violations. It will never happen.

The only way to address such uncontrollable violations is a blanket ban and severe punishment for any such offences.

State animal welfare board

Having the members only on an honorary basis is the biggest drawback, as the government officers holding other posts, feel animal welfare is an additional burden, so they are not lending their efforts to animal welfare work. This has a huge negative impact on making even small levels of progress.

Need to have a dedicated team of officers (in full-time government pay rolls) similar to AWBI. This will impose a responsibility on them and also their 100% focus and efforts will be given to animal welfare activities and enforcement of the laws.

At present state animal welfare boards do not do any field-level work, such as inspecting slaughterhouses, inspecting a zoo, inspecting pet shops, inspecting a pig farms holding live animals for meat, attending to animal cruelty cases etc. As suggested above a dedicated team of full-time officers need to carry out such fieldwork.

Powers for NGOs for inspection

Very few officers in the state animal welfare board (or) police who are overloaded with other human-related crimes cannot do regular inspections of premises holding animals and attend to cruelty cases.

To solve this problem, NGOs in every district need to be given authorization by the AWBI / State AWB to do such inspections. This will bring a huge positive impact in implementing the law.

Military, Police & Forest department dog squad

Dog squads are used by the military, police and forest departments. We have seen dogs abused in such facilities, in the name of training. Such establishments that use working dogs, need to come under the purview of the law. Surprise inspection is to be done in such facilities. Provisions are to be provided in the law for such inspections and further actions.

Link to see the supporting reports

Please click the below link in your browser to see the supporting reports.

<https://drive.google.com/drive/folders/1tOR0KpnT4le8KKibSYMi211dtJNadNss?usp=sharing>

Website: www.elsafoundationcharity.org



PCA
AMENDMENT
BILL 2023
SUGGESTIONS



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