

Beauty Without Cruelty

I N D I A

An International Educational Charitable Trust for Animal Rights

4 Prince of Wales Drive, Wanowrie, Pune 411 040. Tel: +91 20 2686 1166. WhatsApp: +91 74101 26541.
Email: admin@bwcindia.org Website: www.bwcindia.org



From: Diana Ratnagar <chairperson@bwcindia.org>

Sent: 05 December 2022 12:38 PM

To: jspf-dadf@nic.in; jspfdadf@gmail.com

Cc: sk.dutta@nic.in; animalwelfareboard@gmail.com

Subject: Comments regarding Draft Prevention of Cruelty to Animals (Amendment) Bill, 2022

Dr O P Chaudhary

Jt Secretary (Animal Welfare)

Department of Animal Husbandry & Dairying

Room No 245, Krishi Bhawan

Dr Rajendra Prasad Road

New Delhi 110 001

jspf-dadf@nic.in

Dear Dr Chaudhary,

This is with reference to the Public Notice dated 21 November 2022 issued by Dr S K Dutta, Joint Commissioner (AH) inviting comments on the Draft Prevention of Cruelty to Animals (Amendment) Bill, 2022 latest by 07.12.2022, 5.30 pm via e-mail or post. Printed copy of this e-mail will also be sent via speed post today, 05.12.2022.

On behalf of BWC, an organisation working for animal rights since 1974, and myself as former Hon Consultant to the Government of India on Animal Welfare, I am submitting the attached comments and suggestions for your consideration and incorporation.

In view of it having taken decades to bring forward amendments to the PCA Act, 1960 (as amended in 1982), one would have expected a better pro-animal overhaul of the Bill.

Increasing penalties is good, but without "unnecessary" pain or suffering... implies pain and suffering is necessary. This is a serious lapse that needs to be definitely rectified.

Beauty Without Cruelty

It is also stressed that the same persons who are exploiting animals cannot be in charge of protecting them. There needs to be firm safeguard on who is appointed to the AWBI. In 1989 the Chairman of the Expert Committee for the Promotion of the Meat Industry was made the Chairman of the Animal Welfare Board of India. It was likened to the absurdity of a brewery expert heading a prohibition committee; and rightly so because it resulted in massive objections and protests by animal welfare organisations, following which the person was forced to resign.

Please acknowledge receipt and let me know if any clarification is required.

Thank you and with good wishes,

Yours sincerely,

Diana Ratnagar

Former Hon Consultant to the Government of India on Animal Welfare
and Chairperson, Beauty Without Cruelty chairperson@bwcindia.org

Beauty Without Cruelty - India
4 Prince of Wales Drive, Wanowrie,
Pune 411 040.
Office Telephone: +91 20268 61166
Office Mobile & WhatsApp: +91 74101 26541
Website: www.bwcindia.org

Beauty Without Cruelty is a way of life which causes no creature of land, sea or air terror, torture or death

Beauty Without Cruelty

I N D I A

An International Educational Charitable Trust for Animal Rights

4 Prince of Wales Drive, Wanowrie, Pune 411 040. Tel: +91 20 2686 1166. WhatsApp: +91 74101 26541.
Email: admin@bwcindia.org Website: www.bwcindia.org



Comments regarding Draft Prevention of Cruelty to Animals Act (Amendment) Bill, 2022

Chapter I Preliminary

Insertion of sub section (j) of section 2 “Bestiality”: Human biting animal to death must be added.

Insertion of sub section (k) of section 2 “Gruesome cruelty”: Human biting animal must be added.

Insertion of sub section (p) of section 2 “Poultry facilities” should not have been added because it involves cruelty of breeding, raising and killing of birds for commercial gain.

Insertion of sub section (q) of section 2 “Livestock farm” should not have been added because it involves cruelty of breeding, raising and killing of animals for commercial gain.

Both (p) and (q) are inappropriate to include in the PCA (Amendment) Bill, 2022.

Chapter II Animal Welfare Board of India

In the principal Act, section 5 (3) The Central Government shall nominate one of the members of the Board to be its Chairman and another member of the Board to be its Vice-Chairman.

Nevertheless, it is very important that the Chairman and Vice Chairman should only be chosen from among representatives of organisations working for welfare of animals. It is necessary therefore to add that no one connected with animal exploitation or products like meat, leather, training, animal lab, etc. can be appointed as a Board Member of the AWBI or any SAWB.

Similarly, the AWBI should not recognise or support any organisations connected with animal exploitation, experimentation, etc. in any way whatsoever, even *pinjrapoles* that run daives claiming to be *gaushalas*.

Amendment to sub section (2) of section 7 Appointment of Officers and Employees of the Board: It should be added that education, environment, welfare, etc. should be Secretary's background which should not be mistaken as falling under agriculture and animal husbandry. Same should apply to other employees of AWBI and SAWBs.

Insertion of new section 7A Committee of the Board: It should be added that no Members or Co-opted Members should be chosen from among persons who have been or are involved in exploitation of animals, e.g. livestock, poultry, fisheries, leather, etc.

In the principal Act, section 9 (e) it is inappropriate for the AWBI to advise with regard to design of slaughter-houses and maintain or teach how to kill animals in a so-called humane manner. If done, it is not animal welfare, but farewell for animals.

Amendments to Section 9 (h), (k) and (o): the word "unnecessary" before the words pain and suffering is totally inappropriate. No pain, no suffering, no cruelty, no killing, etc. can ever be considered necessary.

The word "unnecessary" in such context must be deleted throughout the draft bill including in the principal Act like under Chapter III section 11 (a) and (d), and under Chapter V section 24.

Chapter III Cruelty to Animals Generally

In the principal Act, section 11 (1) (i) and (k) states "without reasonable cause" which must be deleted because abandoning an animal cannot be justified, nor can there possibly be any reasonable cause for subjecting an animal to suffering, etc.

Sub clauses (m)(i) of sub section (1) of section 11 which read as below, should not be omitted because live bait or canned hunting should never be allowed, not only objected to if providing entertainment:

- (m) solely with a view of providing entertainment
- (i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it as object or prey for any other animal;

Insertion of new section 11(A) Gruesome Cruelty should include under (iii) for Dogs amputation for aesthetic purposes, tail docking, cropping ears (cutting and stitching to make them stand up), de-barking (surgically reducing or removing vocal cord tissues), filing teeth, removing dewclaw (cutting off the toe higher up on the inside of the forepaw used to facilitate gripping), subjecting pups to continuous confinement in pens (to stunt growth), being tattooed, and such tortuous practices inflicted upon animals.

Insertion of new section 11(A) Gruesome Cruelty (iv) birds should be included in addition to animals, and race should be inserted in addition to fight or bait.

Insertion of new section 11(A) Gruesome Cruelty (v) birds should be included in addition to animals.

Insertion of this new section 11(A) Gruesome Cruelty should also include a sub-section covering intense cruelties inflicted upon Dairy Cattle for procuring milk, like unnatural semen collection and artificial insemination, followed by starvation or fattening of calves for slaughter.

Insertion of new section 11(B) Killing of an Animal: birds should be included and biting by human inserted.

Section 11 (3) in the principal Act reads: 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,
These procedures are extremely cruel and should not be condoned.

Section 11 C, Offence by Poultry Farm or Livestock Industries: This section condones poultry and animal breeding, and raising them with the sole purpose of killing them for their flesh/meat which is inappropriate to include in the PCA (Amendment) Bill, 2022.

Section 12 in the principal Act, Penalty for practising *Phooka* or *Doom Dev*: The hormone drug Oxytocin (generic name) Pitocin and Syntocinon (brand names) known as *doodh ki dawa* that is misused to increase milk yield in milch cattle, should be specifically stated as being banned.

Section 13 in the principal Act, Destruction of Suffering Animals: they should not be destroyed but medically treated with utmost care and compassion. The wording should be changed here and at other places such as Chapter VI, amendment of sub section (2) of section 35.

Chapter IV Experimentation of Animals

Section 19 in the principal Act, should include that the results of all research experiments must be put in the public domain so that no other institution repeats the same experiment, and in case they do, even with minor differences, they should be totally prohibited for carrying on or undertaking any experiments involving any living creatures.

Chapter V Performing Animals

Section 26 in the principal Act, Offences must include subjecting animals, birds and fish to fear, hunger and torture in order to train them.

Section 27 in the principal Act, Exemptions can not overlook cruelty in training to perform or to be exhibited because cruelty in training can never be educational or scientific.

Chapter VI Miscellaneous

Amendment of sub-section (2) of section 35, animals should be sent to an animal shelters and not destroyed, but medically treated with utmost care and compassion.