



Ministry of Environment and Forests
GOVERNMENT OF INDIA

DRAFT ANIMAL WELFARE ACT 2011

The importance that India accords to the protection of animals and their rights is reflected in the fact that the Constitution of the nation recognizes the need for their protection. Article 51A (g) enshrines and casts upon every citizen of India, the duty to have compassion for all living creatures, as a Fundamental Duty. In keeping with this commitment, India was also one of the first countries to enact a law on the subject of animal cruelty being the Prevention of Cruelty to Animals Act, 1960.

However, over the last few decades there has been increasing concern that the legislation has not been as successful as its authors intended. This apparent lack of success can be attributed to the provision of relatively weak penalties for violation in addition to an absence of proactive and preemptive measures for the prevention of animal cruelty.

India has one of the most comprehensive laws on the subject of Wildlife Protection but unfortunately domesticated animals do not enjoy specific protections under the same. There is therefore a need for a comprehensive and holistic legislation to address this issue. Acknowledging this need, the Hon'ble Minister for Environment and Forests, gave a categorical assurance on the floor of the Lok Sabha on August 11th, 2010 that the Ministry would enact a law titled the Animal Welfare Act that would provide, among other things, for steeper penalties for animal cruelty.

This law intends to modify the approach of our authorities in dealing with animal protection by moving from a defensive position to a positive, welfare and wellbeing oriented approach through the Draft Animal Welfare Act, 2011. Some of the salient features of the draft enactment are:

- Augmenting animal welfare and wellbeing ;
- Strengthening animal welfare organizations, and conscientious citizens who wish to espouse the cause of animal welfare and wellbeing ;
- Enhancing penalties for animal abuse ;
- Altering and enlarging the definition of animal abuse, in keeping with the times, and in keeping with judicial pronouncements.

The Prevention of Cruelty to Animals Act, 1960, shall stand repealed when this Act comes into force, but all actions already taken under the same, and Rules and Regulations already framed, shall be saved to the extent and in the manner indicated in the Draft Animal Welfare Act, 2011.